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Yugoslavia, Federal Republic of

Country Reports on Human Rights Practices - 2002

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(Note: The report on The Federal Republic of Yugoslavia (FRY) is divided in three separate sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, discussion of FRY activities and institutions affecting human rights will be included in the Serbia section.)

The Federal Republic of Yugoslavia (Yugoslavia or FRY) is a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro. On February 4, 2003, the Yugoslav parliament adopted the Constitutional Charter and Implementation Law, marking the end of the Federal Republic of Yugoslavia and the beginning of the state union of "Serbia and Montenegro." Yugoslavia has a president and a parliamentary system of government based on free and fair multiparty elections. Vojislav Kostunica was elected President of the Federation in September 24, 2000. Following governmental attempts to tamper with the results of that election, a peaceful revolution forced FRY President Slobodan Milosevic from power on October 6, 2000. In Serbian Presidential elections in September, Kostunica led all candidates but did not capture a majority of votes cast. Both the October runoff and the new elections in December failed because less than 50 percent of registered voters turned out to vote; a significant portion of the electorate deliberately chose not to vote in order to prevent Kostunica from winning under flawed election laws. Serbian Parliament Speaker Natasa Micić became acting Serbian President on December 30, pending presidential elections in 2003. Under the current constitutional framework, the Federation encompasses the relatively large Republic of Serbia (7.5 million people without Kosovo) and the much smaller Montenegro (650,000). However in March, with the mediation of the European Union (EU), Serbia and Montenegro negotiated the Belgrade Agreement by which the two republics agreed to redefine and recreate the joint state. This agreement established the guidelines for creating a joint state of "Serbia and Montenegro." The Constitutional Commission adopted the final text of the Constitutional Charter for the Union of Serbia and Montenegro on December 29, but by year's end had not agreed on necessary implementing legislation. The Montenegrin Government has refused to participate in many of the functions of the Federal Government and has acted unilaterally in several areas. The Federal Government presides over a weakened structure, with responsibilities essentially limited to the Foreign Ministry, the Yugoslav Military (VJ), the Customs Administration (in Serbia), civil aviation control, and foreign economic and commercial relations. Although President Kostunica enjoyed wide popular support, significant power was concentrated at the republic level. In Serbia Prime Minister Zoran Djindjic exercised executive authority. Djindjic also has represented Serbia in discussions and negotiations with the international community. The Constitution provides for an independent judiciary, but both the federal and the republic judiciaries were often ineffective and subject to political influence.

While civilian authorities generally maintained effective control of the security forces, there were some instances in which the security forces acted independently of government authority. The VJ is formally under the control of the Supreme Defense Council, made up of the Presidents of

Yugoslavia, Serbia, and Montenegro. However, in practice the VJ Chief of Staff reported directly to the President of Yugoslavia, and was subject to only symbolic parliamentary oversight. The Federal Government also controlled a small police force for security of federal buildings, officials, and some border enforcement. The Interior Ministry of the Republic of Serbia controlled the Serbian police, a force of approximately 25,000 officers responsible for internal security, border checkpoints, and fire department services. The Ministry of Interior also controlled a 400-member gendarmerie and a 100-member anti-organized crime unit. In April the Law on Security Services transferred control of the State Security (RDB) secret police from the Serbian Ministry of Interior to the Serbian Government as a whole—in effect to the control of the Prime Minister. Although the police leadership changed after the October 2000 revolution, most police personnel, including some high-level officials, also served under former President Milosevic. Some members of the security forces committed human rights abuses.

Economic performance remained weak due to structural deficiencies, general inefficiency, and deterioration of capital and trade ties following a decade of isolation, economic sanctions, and war. According to the 2002 census, Serbia's population (without Kosovo) was 7,478,820 and per capita gross domestic product (GDP) was approximately \$1,020. GDP was expected to grow by 4 percent, fueled by a slight recovery of industrial production. Lack of purchasing power, high unemployment and underemployment restricted consumption. Unemployment was estimated at approximately 30 percent. The general level of corruption in society remained high and impacted economic efficiency. The government's economic reform program helped improve the health of the banking sector and maintained a fragile macroeconomic stability. Inflation declined sharply from 38 percent in 2001 to an expected 15 percent at year's end. The private sector was widely evident throughout the country. The privatization of socially owned capital moved forward through accelerated auction privatization of 300 companies. The Government made \$160 million in revenues through recent tender privatization. Foreign aid was an important source of government revenue, and the Government used it to repair infrastructure and to care for a large population of refugees and internally displaced persons (IDPs).

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat detainees and harassed citizens, particularly Roma; however, police behavior improved somewhat following the December passage of the new Law on Criminal Procedure and its implementation in March. Police produced no results in investigations of many high-level killings committed during and after the Milosevic era. Arbitrary arrest and detention was a problem, although no longer a systemic problem.

The judiciary continued to be susceptible to political influence; poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms. Courts remained administratively paralyzed; corruption and incompetent judges remained a problem, and lengthy trials persisted. Direct police pressure on the media ceased, but libel suits from private individuals and indirect political manipulation contributed to self-censorship among journalists. The April Law on ICTY Cooperation resulted in some voluntary surrenders of indictees and the arrest and transfer of one indictee to The Hague. The Government transferred some documents to the ICTY and gave waivers for witnesses to testify on Senate matters. However, the ICTY remained dissatisfied with overall Yugoslav cooperation.

There were several incidents of societal violence or discrimination against religious minorities. Violence and discrimination against women, Roma and other ethnic minorities were problems. Trafficking in women and children remained a problem, which the Government took steps to address. Yugoslavia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The overall human rights record demonstrated that direct and systematic government oppression of citizens gradually came to an end during the consolidation of Yugoslav democracy that has occurred since 2001. The Government found solutions to several significant problems inherited from the former regime. All ethnic Albanian political prisoners were transferred from Serbian jails to Kosovo, where they were freed. The Government established a multiethnic police force in areas of significant tension and, for the first time, conducted free and fair elections in majority Albanian parts

of southern Serbia. Courts issued indictments and conducted trials against Serbs for war crimes committed in Kosovo and Bosnia. By year's end, five war criminals had been convicted and sentenced, two were still on trial, and four were under indictment. Passage of the Minorities Law protecting the rights of Yugoslavia's numerous ethnic groups fulfilled a major human rights requirement of the Council of Europe (COE), which on September 24 voted overwhelmingly to admit Yugoslavia following the ratification of the Constitutional Charter.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings committed by the Government or its agents.

The region of southern Serbia that borders Kosovo and encompasses the municipalities of Presevo, Bujanovac and Medvedja has the largest concentration of ethnic Albanians in Serbia proper. Following violent clashes between security forces and ethnic Albanian rebels of the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB), a peace plan agreed in May 2001 between the Government and rebels continued to hold. Since the peace plan was signed, Serbian security forces have moved freely within the Ground Safety Zone (GSZ) along the Kosovo boundary. Unlike in previous years, the GSZ was not a haven for armed ethnic Albanian extremists. Security forces killed one ethnic Albanian, Agim Agusi, a known smuggler. A VJ patrol spotted Agusi on June 9 while he was attempting an illegal border crossing near the village of Miratovac and fatally shot him after he refused VJ calls to stop. The Government issued a statement regretting the loss of life, and announcing an inquest into the shooting. Upon investigation, no charges were filed against the soldiers involved in the shooting.

In Belgrade suspicious circumstances surrounded the January death of Dejan Petrovic in police custody. Police officers claimed that Petrovic, allegedly a heroin user, jumped to his death from a high window of the station even though Petrovic's hands were cuffed at the time. The Belgrade Deputy Prosecutor had not decided whether to file charges against the police by year's end.

There were no developments in police investigations of numerous cases of political killings from previous years. These cases include: the August 2001 killing of former State Security officer Momir Gavrilovic; the November 2000 killing of Nebojsa Simeunovic, a former criminal judge; the April 2000 killing of Zivorad Zika Petrovic, the former Director of Yugoslav Airlines; the February 2000 killing of Pavle Bulatovic, the former Yugoslav Minister of Defense; the April 1999 killing of independent journalist and publisher Slavko Curuvija; and the 1997 killing of Radovan Stojicic, former head of Serbian public security.

In southern Serbia, ethnic Albanian extremists made several attacks on police installations, including attacks with hand grenades, automatic weapons and a land mine in which two Yugoslav soldiers were injured. Ethnic Albanians were purportedly involved in several other violent attacks. Police prevented attempts to place bombs in front of the Bujanovac post office and in the Bujanovac sewer system and arrested four ethnic Albanian youths in connection to the incident. On March 15, the last Serb house in the ethnic Albanian village of Lucane, Bujanovac Municipality, was destroyed by an explosion. In addition, security forces seized several caches of buried rebel arms. There were several attacks on family members of ethnic Albanian participants in the Multi-Ethnic Police Force (MEPF). In the most serious of these attacks, on April 4, Xhemaili and Ramize Rexhepi of Dobrosin (Bujanovac Municipality) were gravely injured when a hand grenade was lobbed into the bedroom window of their home.

On June 10, assailants killed former Belgrade police chief Bosko Buha. On October 29, police arrested three individuals in connection with the killing.

The trial of former State Security Service head Rade Markovic for the October 1999 attempted killing of opposition leader Vuk Draskovic that resulted in the deaths of four persons was still

ongoing at year's end.

Government authorities made substantial progress in exhuming bodies and establishing procedures for identifying missing persons. In 2001 the Federal and Serbian Governments revealed the existence of mass graves containing bodies presumed to be those of ethnic Albanians killed in Kosovo and transferred to mass graves in Serbia in 1999. During 2001 the Government also cooperated with international organizations and the International Commission on Missing Persons (ICMP) in exhuming approximately 450 bodies. During the year, the Government and ICMP exhumed 408 bodies from 7 different grave sites, including bodies of war victims that had floated down the Danube and Drina rivers (see Section 1.b.).

Former FRY and Serbian President Slobodan Milosevic went on trial at the ICTY (see Section 4).

Domestic war crimes indictments and trials began in Serbia during the year. On October 23, the Belgrade District Prosecutor charged four former members of the Bosnian Serb "Avengers" paramilitary for abducting, torturing, and killing 16 Muslims from the Serbian town of Sjeverin in October 1992. Police took two of those indicted, Dragutin Dragicevic and Djordje Sevic, into custody pending trial; two other indictees, ICTY indictee Milan Lukic and Oliver Krsmanovic, remained at large, possibly in the Republika Srpska. On October 9, former Serbian Police Special Anti-Terrorist Unit (SAJ) squad member Sasa Cvjetan went on trial in Prokuplje District Court for killing 19 ethnic Albanians in Podujevo, Kosovo, in March 1999. The Prokuplje Court also tried in absentia an unapprehended SAJ squad member, Dejan Demirovic, for committing the killings along with Cvjetan. On November 9, citing concerns about security, fairness of proceedings, and access to ethnic Albanian witnesses, the Serbian Supreme Court transferred the trial from Prokuplje to Belgrade District Court, where proceedings were scheduled to resume in January 2003.

On October 11, the Nis Military Court sentenced four VJ personnel to a total of 19 years in prison for killing two ethnic Albanian civilians in the Kosovo village of Kusnin in April 1999. The military court convicted VJ privates Danilo Tesic and Misel Seregi of physically committing the killings; Lt. Colonel Zlatko Mancic and Captain Rade Radojevic were convicted for having authorized the killings. On July 1, the Prokuplje District Court sentenced VJ reservist Ivan Nikolic to 8 years in jail for killing two ethnic Albanian civilians in the Kosovo village of Penduh in May 1999.

On May 10, the Serbian Republic Government provided important documents to the District Court of Bjelo Polje, Montenegro, in the war crimes trial of former "Avengers" squad member Nebojsa Ranisavljevic for participating in the killing of 19 mostly Muslim Yugoslav citizens kidnaped from a train at the Strpci station in February 1993. On September 9, Ranisavljevic was sentenced to 15 years in prison. The Serbian Government released long-sought secret documents showing that high-level officials in the Serbian railway and the Serbian Interior and Justice Ministries at the least had foreknowledge of the danger faced by the Muslim passengers and did nothing to protect them. On September 9, the Bjelo Polje court sentenced Ranisavljevic to 15 years in jail for participating in the killings (see Montenegro, Section 1.a.).

b. Disappearance

There were no reports of politically motivated disappearances.

In August the media reported that, during the last 15 years, midwives and doctors conspired to kidnap numerous babies at the time of their birth, telling the parents that the babies were stillborn or died during birth. Criminal rings then sold the kidnapped babies to families who believed they were legitimately adopting children. The criminal rings allegedly favored stealing individual babies from sets of twins, since the parents of twins were supposedly more willing to accept the loss. The media reports were sparked by instances in Kragujevac, Belgrade, and Novi Sad of parents recognizing children they believed to have been dead for years. Approximately 100 mothers who believe their babies may have been stolen have formed an association to demand police action.

There were no developments in the 2000 disappearance of former Serbian President Ivan Stambolic.

During the year, Federal and Serbian government authorities intensified cooperation with neighboring countries and international organizations seeking to identify missing persons and investigating mass graves discovered in Serbia (see Section 1.a.).

The Government also took a series of official steps to establish region-wide identification procedures for the remains of missing persons. In January the Serbian Health Ministry granted ICMP permission to collect blood samples from families of missing persons in Serbia. In February the federal Government signed protocols with UNMIK establishing procedures for exchanging forensic data and expertise, verifying that no hidden prisons existed in either Serbia or Kosovo, and authorizing the cross-border repatriation of all Serb and Albanian remains. In June the FRY Government authorized the transfer of blood and DNA samples from Yugoslavia to the ICMP regional database in Tuzla, Bosnia; this allowed the immediate transfer of all blood samples collected in 2001 to Tuzla for bar-coding and testing. In August the FRY hosted the first regional meeting of governmental Missing Persons committees from Croatia, Bosnia, and the Republika Srpska to agree on a joint monitoring process in Sremska Mitrovica. On September 10, the FRY and Serbian Governments officially opened an ICMP-donated, Serb-operated DNA identification lab at the University of Belgrade.

There were no developments in police investigations of the transfers and reburials of the bodies buried at Batanjica and other grave sites. At year's end, the Government had not yet begun searching for bodies thought to be located at the bottom of Lake Perucac and under a highway near Vranje.

In October 2001, Serbian police positively identified the remains of Agron, Ylli, and Mehmet Bytyci, Americans of Kosovo Albanian ethnicity who disappeared in 1999 after being delivered from a Serbian prison into the hands of unidentified Serbian police officers. Forensic examination confirmed that the three brothers were shot in the heads while their hands were bound with wire. The Serbian government transferred the remains to family members for burial on February 26. Despite a strong chain of evidence, there were no developments in the police investigation at year's end.

c. Torture, and Other Cruel, Inhuman or Degrading

Treatment or Punishment

Yugoslav and Serb laws prohibit torture and other cruel forms of punishment, and there were no reports of systematic abuse; however, police at times beat citizens and detainees, particularly Roma (see Section 5).

Instances of police harassment of ethnic Albanian in southern Serbia continued to decline dramatically. The improvement can be credited largely to the deployment of the 400-member Multi-Ethnic Police Force throughout Southern Serbia (see Section 5).

On October 27 in separate incidents, unidentified men thought to be police illegally detained and beat Nikola Majkovic and Dragan Ilic before delivering them into regular police custody. Majkovic and Ilic had been identified as suspects in the Bosko Buha killing (see Section 1.a.); both were hospitalized following the beatings. On August 18, in Vranje, police severely beat Nenad Tasic, who sustained broken ribs, a punctured lung, and severe brain damage. The Humanitarian Law Center filed suit and the Vranje Public Prosecutor has taken up the case. On March 16, Belgrade police beat several students while shutting down a late night party, then drove Milan Milovanovic to another location, where they beat him before releasing him. On March 5, Leskovac police reportedly clubbed a handcuffed Roma man, Nebojsa Majlic, causing him to lose consciousness; afterwards, the police filed criminal charges against Majlic for interfering with police performance of duty. The Majlic case was one of more than 100 cases of alleged police abuse in Leskovac reported by the Leskovac-based Committee for Human Rights.

There were no effective institutional means of overseeing and controlling police behavior, and the government offered no assistance other than the courts for citizens with complaints about police

behavior. However, defense attorneys and human rights workers reported some improvement during the year in the willingness of the police and the courts to take action in cases of police abuse. According to figures provided by the Serbian Ministry of Interior (MUP), the MUP initiated 649 disciplinary proceedings during the year, resulting in 27 arrests of policemen, 122 criminal complaints, 73 resignations, and 93 suspensions. Typically there were long delays in opening investigations and filing formal charges. Punishment for police officers rarely exceeded 6 months' imprisonment, meaning that police officers found guilty of abusing human rights were usually able to rejoin the police force after convictions. On November 1, a Novi Sad municipal court ordered the Republic of Serbia to pay compensation to Stevan Dimic, a Roma man unlawfully arrested and tortured by Novi Sad police in July 1998. On July 8, a Belgrade municipal court sentenced two police officers to three months in jail each for severely torturing a Roma man, Krsta Kalinovic, in 1998. On June 13, the Vrsac Municipal Court convicted two police officers of beating and torturing Georg Tani in 2000.

Some police and local border guards facilitated trafficking in persons. No police or border police personnel were arrested during the year for facilitating trafficking in persons (see Section 6.f.).

In August members of the Serbian nationalist group Obraz assaulted two organizers of a photographic exhibition displayed in Cacak. The exhibition, "Blood and Honey," featured photographs documenting abuses committed by Serb forces during the Bosnian war. Following this episode, the exhibition was cancelled in several cities, including Nis and Kragujevac. Cacak police charged Obraz leader Igor Ivanovic with assault; the trial began in Cacak municipal court on September 10. Later in September, "Blood and Honey" opened in Novi Sad under heavy police protection.

Prison conditions generally met international standards. Prison conditions have improved following a decade of Milosevic-era neglect that culminated in widespread prison riots in November 2000. The Council of Europe (COE) judged that Yugoslav prisons either met minimum standards for COE membership or, in those areas that were deficient, would meet COE standards within one year. However, conditions varied greatly from one facility to another because of dilapidated buildings and lack of Government funds for repairs. The Helsinki Committee for Human Rights noted that some prisons offered clean, secure environments for inmates; however, in some prisons--most notably, the Belgrade Reformatory Hospital housing psychiatric prisoners--inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable. Health care was often inadequate. Basic educational and vocational training programs were in place at most prisons, but they were limited by lack of resources. The level of training for guards was inadequate, and guards received extremely low pay.

There were no reports of deaths due to official negligence, and no reports of physical abuse, torture, or beatings of prisoners by guards, although some prisoners complained that individual guards often gave preferential treatment to favored prisoners. Some inmates complained that other inmates subjected them to intimidation and occasional assaults. There were no internationally recognized political prisoners remaining in Serbian jails following the March transfer of all Kosovo Albanian prisoners (see Section 1.e.), including political prisoners and common criminals, to UNMIK custody in Kosovo. Men and women were held separately, and conditions in women's prisons were the same as in men's prisons. Juveniles were supposed to be held separately from adults, although this did not always happen in practice. Pretrial detainees were held separately from convicted prisoners. Prisoners were not allowed to vote in the Serbian presidential elections in September and October.

The Government permitted visits by the International Committee of the Red Cross, the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe. The Government also allowed local independent human rights monitors, including the Humanitarian Law Center (HLC) and the Helsinki Committee, to visit prisons throughout the country and to speak with prisoners without the presence of a prison warden.

Some witnesses and potential witnesses at ICTY experienced threats and intimidation in Serbia. In October Belgrade journalist Jovan Dulovic's family received threatening phone calls while Dulovic testified against Slobodan Milosevic. ICTY subsequently closed the hearings after the FRY

Government expressed its concern. In August a former police officer who had offered to testify at ITCY about atrocities he witnessed in Kosovo was forced to flee the country after repeated telephone threats against him and his family.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The new federal Criminal Procedure Code that took effect in March created strong regulations protecting the rights of detained and accused persons (see Section 1.e.), including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations.

A new federal Criminal Procedure Code (ZKP) enacted in December 2001 entered into effect in March. According to the Belgrade Center for Human Rights, the ZKP provided better human rights guarantees to suspects and defendants in criminal proceedings than the previous criminal code. In October both HLC and the Yugoslav Lawyers' Committee for Human Rights (YUCOM) reported that, in spite of occasional abuses, police generally acted in accordance with the regulations introduced by the new ZKP. The ZKP mandates that a citizen can be arrested only with a judge-authorized warrant. Police must refer an arrested suspect immediately to an investigating judge, who must approve any detention of more than 48 hours. Arrested persons must be informed immediately of their rights, including the right to confidential conferences with a lawyer. No suspect can be detained for more than 3 months without the decision of a judge, and no one can be detained for more than a total of 6 months. The ZKP prohibits the use of force, threats, deception, coercion, and prohibits courts from using evidence acquired by those means. A suspect may make a statement only in the presence of counsel. The ZKP restricts the time from indictment to the conclusion of first instance trial to two years; appeals to second instance courts must be completed within one further year. Only the competent court can take a person into custody, and only in the cases it specifies. A person wrongfully detained can demand rehabilitation and compensation from the State. Bail was available. Due to the inefficiency of the courts, cases often took excessively long to come to trial; and, once started, trials often took excessively long to conclude.

On February 24, Belgrade police illegally detained Miroslav Gajic overnight in a solitary confinement cell. The next morning a magistrate apologized to Gajic and said that he had been unlawfully detained.

Unlike in previous years, there were no reports of police detaining journalists or NGO members for "informative talks."

The Government released all remaining political prisoners on March 26. No internationally recognized political prisoners or political detainees remained in Serbian jails (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, although to a far lesser degree than under the former Milosevic government. The courts were highly inefficient—cases could take years to resolve—and there were no official channels for alternative dispute resolution. The Serbian government and judiciary made little progress in implementing the extensive organizational reforms mandated in the November 2001 laws on courts, judges, public prosecution, and High Judicial Counsel. With international help, the Serbian Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs like HLC and the Belgrade Center for Human Rights (BCHR) also conducted training for judges during the year. In August the Government raised regular judges' salaries to a base salary of approximately \$500 per month (30,000 dinars).

The court system is made up of local, district, and Supreme Courts at the republic level. The 2001 Law on Courts mandates the establishment of an administrative appeals court and a second

instance appeals court to lighten the burden of the Supreme Court; however, due to lack of funds and bureaucratic inertia, no new courts were established by year's end. On the federal side, there is a Federal Court and a Federal Constitutional Court to which Republic Supreme Court decisions, depending on the subject, may be appealed.

The military court system inherited from the Tito era presents little transparency in its operations. Under the terms of the federal Constitutional Charter approved by the Federal Constitutional Commission on December 29, military courts are scheduled to be taken over by the civilian judiciary in the first half of 2003. However, at year's end the legislation needed for implementing the charter had not yet been passed. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the republics' authorities to enforce its rulings. The Constitutional Court remained staffed by some judges appointed during the Milosevic regime. A majority of judges on the Serbian Supreme Court were Milosevic appointees.

The Law on Judges mandates that judges have lifetime tenure with mandatory retirement at age 65. The Law on Courts establishes a Supreme Court-dominated High Judicial Council to appoint judges and public prosecutors; the law also creates another primarily judicial body, the High Personnel Council, which acts to discipline and dismiss judges. However, these self-governing judicial bodies did not begin functioning during the year, and the Serbian judiciary remained at a standstill in regard to appointments and discipline of judges.

In November and December, the Serbian Public Prosecutor submitted all public prosecutors, deputy prosecutors, and staff to review for general competency and previous conduct, including during the Milosevic era. The result was that approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into retirement by the end of the year.

Although the Government dismissed all court presidents following the October 2000 revolution, most Serbian judges were Milosevic-regime appointees. During the year, the Government exerted intense pressure on the courts for dismissal of judges who profited illegally or subverted legal order under Milosevic. In June Serbian Justice Minister Vladan Batic attacked leading judges in the press and brought television crews unannounced into courthouses to dramatize his claim that many judges ignored their duties. However, the reformist leadership of the judiciary resisted government pressure, arguing that the principles of judicial independence and due process were more important than getting rid of the judges with speed, even if they were guilty of abuses under Milosevic. In July the Serbian parliament passed amendments to the judicial laws giving a parliamentary judicial committee the power to bypass the judicial branch in nominating, appointing, and dismissing judges and court presidents; however, the Constitutional Court struck down the amendments because they violated the independence of the judiciary. There were no trials of former court presidents or judges who committed abuses during the Milosevic regime.

Under Federal law, defendants have the right to be present at their trials and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. Both the defense and the prosecution have the right to appeal a verdict. Defendants are presumed innocent.

In July the Serbian parliament passed the Law on Suppression of Organized Crime, creating a semi-independent Special Prosecutor, a special police investigative unit, specialized court chambers, and a dedicated detention unit. The Special Prosecutor's competencies include war crimes as well as organized crime. Some human rights activists have expressed concern that the special police force's expanded powers to investigate and detain suspects could lead to abuse. Changes to the federal Law on Criminal Procedure allowing for implementation of the Special Prosecutor law were passed in December.

The Federal Criminal Code was still in effect, although it was amended several times since 2000.

In April the VJ reported that military courts had tried 188 active duty VJ members and had filed charges against an additional 42 for crimes committed in Kosovo. According to the VJ, 15 cases were still under investigation. The VJ also reported that it had ceded cases against 137 former VJ members to civilian courts. These were criminal indictments rather than war crimes indictments that included: Murder, rape, and armed robbery.

All internationally recognized political prisoners held in Serbian jails were released during the year, bringing to an end the controversy following the transfer of approximately 2,000 ethnic Albanian prisoners to Serbia during NATO's bombardment of Kosovo in 1999. Following the terms of the November 2001 "Common Document" on Kosovo cooperation signed by the FRY Government and UNMIK, international panels of judges examined the cases of all ethnic Albanian prisoners held in Serbian jails and all Serbian prisoners held in UNMIK jails. Serbian prisoners in UNMIK custody were given the option of transferring to prisons in Serbia. On March 26, the FRY Government authorized the Serbian government to transfer 146 ethnic Albanian prisoners from Serbian jails to UNMIK custody. Those released included 89 common criminals and 57 "political prisoners" who were convicted of terrorism and anti-government activities in flawed trials from 1998 to 1999. UNMIK authorities immediately freed all political prisoners and a majority of the common criminals. Two Kosovo Albanian common criminals elected to remain incarcerated in Serbia at their own request due to fears for their safety among other ethnic Albanians in UNMIK prisons; UNMIK interviewed the two and verified that they made their decisions voluntarily.

On July 14, Serbian police arrested Taljif Aljetic, an ethnic Albanian traveling through Serbia from northern Europe to Kosovo. Aljetic was charged with "hostility to the state." According to the agreement between UNMIK and the FRY, Aljetic and any other Kosovo Albanian prisoners held in Serbia had the option of transferring to UNMIK custody. The Serbian Justice Ministry was excessively slow in processing Aljetic's transfer, which took place in December. Two other ethnic Albanians convicted of common crimes--Saban Mujovic and Gezi Hotovic--were also transferred to UNMIK custody in December.

Amnesty for former members of the UCPMB, an integral part of the Covic Plan for peace and ethnic re-integration in Southern Serbia, has been respected in practice since the plan's adoption in May 2001. In June this amnesty was given the status of Federal Law.

There were no developments in the case of 24 Bosniak Muslims whose 1993 political convictions of crimes against the state were returned for review by the Supreme Court in 1996. The accused all lived freely, but while waiting for the charges to be cleared they were forced to live under the stigma of their earlier conviction, unable to exercise some basic rights of citizenship such as possession of a passport.

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

The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice. Federal law gives the Federal Ministry of the Interior control over the decision to monitor potential criminal activities; Republic-level laws give the Republic Ministries of the Interior the same control. The Federal Constitution includes restrictions on searches of persons and of premises; similarly, under the Serbian Constitution, police must enter a premise with a warrant, or if no warrant is obtained, they may only enter in order to "save people and property." Both the Federal and Republic Governments generally respected these provisions in practice, with occasional exceptions.

Although there was no direct evidence, some observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Members of political factions, with no direct evidence, accused other factions of using secret police and intelligence units to eavesdrop on them to gain political advantage. Although illegal under provisions of Federal and Serbian law, the Serbian post office also was believed by some to register and track suspicious mail from abroad.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to individuals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals.

The Government did not use forced resettlement; nor did it interfere in the spheres of family, appearance, or religious practice. The federal law requiring military service was not enforced during the year, and there were no forced conscriptions.

During the year, the authorities forcibly evicted a number of Roma, including children, from squatter settlements without offering them any alternative accommodations (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

Federal law provides for freedom of speech and of the press; however, political pressure from various factions, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other individuals associated with the media.

In October 2000, the Government abolished the Law on Public Information, which former President Milosevic used to silence the independent media during the Kosovo crisis. In July the Serbian Parliament passed the Law on Broadcasting, creating a regulatory framework designed to foster free and independent media; however, the law had been only partially implemented by year's end.

Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Media independence remained a problem. Political parties continued to compete for position and influence in the media; and some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are adopted. Some media outlets practiced self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at ICTY tended to be sketchy or defensive, with the notable exception of Radio/TV B-92, which broadcast the proceedings live.

Selective privatization of media during the Milosevic era has left the country with a mixture of privately owned and Government-owned media outlets. Tanjug was the state-owned news agency. The Government also owned Borba, which controlled one of the most important printing houses in the country, and published the dailies Borba, Sport, and Večernje Novosti. The oldest nationwide daily, Politika, was run by several state-run companies and was influenced by the Government. The independent daily Danas and the weeklies Vreme and Nin supplemented the high-circulation tabloids Blic and Glas Javnosti for readership.

Two major independent TV stations, BK and TV Pink, which received advantageous treatment, including frequencies, under the Milosevic regime, had widespread coverage; TV Pink expanded into Montenegro during the year. The Government granted Radio/TV B-92 a temporary license to broadcast nationally pending the final allocation of frequencies. B-92 set up new transmitters to make itself a national channel that could compete with TV Pink and BK. Anticipating competition from B-92 in upcoming bids for national frequencies, TV Pink and the Montenegrin weekly Publika launched a brief but intense smear campaign against B-92's directors in October. TV Pink, the most widely watched station in the country, has shown editorial bias in favor of the Government since 2000.

State-controlled Serbian Television and Radio (RTS) was a major presence in television and radio. Aside from the three RTS channels, the State had considerable influence, although not formal control, over the major television stations: TV Politika, TV Novi Sad, and YU INFO, as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, it occasionally demonstrated some biases in favor of certain political parties. Management personnel could be politically influenced, since editors-in-chief were Government-appointed. The Government funded a Hungarian language newspaper, and RTS provided some Hungarian language programming.

Libel remained a criminal offense. Though the Government itself did not use libel laws to suppress free expression in the media, the low threshold defining libel enabled former members of the Milosevic regime and government officials to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment. However, there were no reports of "conditional sentences" being issued to

journalists. On May 14, Kikindske Novine editor-in-chief Zeljko Bodrozic was convicted of libel for reporting on the business deals of former Milosevic associate Dmtar Segrt. On September 25, the Kragujevac municipal court convicted journalist Gordana Bozic of libel for investigative reporting on shady deals involving political parties and youth organizations. In September businessman Dragan Tomic began libel proceedings against RTS reporter Dragana Vasiljevic for the offense of reading on the air Tomic's official bank statements. On October 14, Democratic Party member Radisava Ljubisaljovic initiated libel proceedings against B-92 for broadcasting public statements made by various political parties about Ljubisaljovic.

The Government did not censor the media directly during the year. There were no reports of police stopping journalists for "informative talks." There was debate among some journalists about whether the ICTY infringed upon confidentiality rights in requiring selected journalists to testify at The Hague.

Journalists commonly practiced self-censorship. According to the HLC and BCHR, journalists censored themselves not for fear of offending the Government, but because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

Local authorities occasionally harassed journalists and sometimes had the power to dismiss journalists from posts in publicly owned media outlets. On October 12, Cacak mayor Velimir Ilic, enraged by critical reports broadcast on TV Cacak, telephoned insults to the anchorwoman and other reporters; Ilic and his bodyguards then appeared at the station and he continued the tirade, which included misogynist slurs against the anchorwoman. The director of TV Cacak resigned after the incident. On September 23, the Pirot Municipal Council announced that it would fire the editor and reporters of the local Sloboda Media Company for criticizing the actions of local authorities. In Leskovac the state-appointed editor-in-chief of the newspaper Nasa Rec threatened to dismiss three reporters for failing to sign a labor contract that expanded the editor's control of the paper. In October Vojvodina Assembly President Nenad Canak called a journalist at regionally owned Novi Sad Radio 021 and threatened to fire the editor for remarks made on the air.

There were no reports of extremist groups targeting journalists during the year. Blic News editor Zeljko Cvijanovic received numerous telephone threats in May after publishing articles on the Surcin organized crime clan's control of certain Serbian roadwork contracts. According to Belgrade's Association of Independent Electronic Media (ANEM), police did not attempt to find the source of the threats.

The Government did not restrict publishing or import of published materials; however, some religious groups complained that they were prevented from importing proselytizing literature beyond a Government-set threshold (see Section 2.c.).

The Government did not restrict access to the Internet; however, there were reports that it selectively monitored e-mail correspondence (see Section 1.f.).

The Government did not restrict academic freedom. In April the Serbian parliament passed a new Law on Universities designed to protect universities from political interference. The law restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. The Education Council, a republic-level expert body or board of regents answerable to the parliament, sets general university policy, makes some administrative decisions, and determines general curricular goals. According to the law, university rectors and faculty deans will be selected by an academic body, the Scientific-Educational Council (Naucno-Nastavno Vece), without interference from the Ministry of Education. The law also provides for participation of student organizations in determining certain aspects of university policy.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government required private organizations to register;

however, no problems with registration were reported during the year. Demonstrating groups were required to notify the police at least 24 hours in advance of the demonstration.

c. Freedom of Religion

Federal and Republic laws provide for freedom of religion and Federal and Serbian Governments generally respected these right in practice. There was no state religion; however, long-established religions, including the majority Serbian Orthodox Church, received some preferential consideration. The Government did not interfere in the public or private practice of religion.

Religious groups are required to apply to the Federal Ministry of Religious Affairs for registration. A new Federal Law on Religious Freedom that would require that religious groups register with the Federal Secretariat for Religious Affairs or the Federal Ministry of Interior had not passed by year's end.

The Jehovah's Witnesses reported that Serbian authorities limited the amount of literature they were allowed to import into the country; they claimed the amount they were permitted to import was insufficient for the missionary activities of the 8,000 members and friends of the community. The Jehovah's Witnesses also reported difficulties in acquiring land and approval for church construction and in obtaining visas for missionaries. Representatives of the Church of Christ claimed that Protestants had experienced difficulty in purchasing a building to be used for a soup kitchen. The Church of Jesus Christ of Latter-Day Saints complained that the Government did not grant special visas to missionaries, who had to leave the country every three months to renew their visas.

According to the Law on Religious Freedom, primary and secondary school students are required to attend classes on one of seven "traditional religious communities." As an alternative to this requirement, students were allowed to substitute a class in civic education.

In 2001 the VJ announced its intention to introduce Orthodox, Catholic and Muslim religious leaders into military units. At year's end, only Serbian Orthodox clerics had been introduced.

Representatives of Belgrade's Islamic Community reported difficulty in acquiring land and government approval for an Islamic cemetery near the city.

The attitudes of ethnic groups in the region historically have been influenced strongly by religion, and most instances of ethnic discrimination have had at least some religious roots. There were instances of harassment and societal discrimination against some religious minorities, including the Catholic minority in Vojvodina.

Novi Sad police failed to respond to repeated complaints by members of the Muslim Gujak family, that over a period of three years they had been threatened, insulted, and on one occasion assaulted by their Serb neighbor, Momir Vujic. The HLC filed a criminal complaint against Vujic for abusing the Gujaks on ethnic grounds.

The Serbian Orthodox Church took action against the anti-Semitic claims made by one of its defrocked ex-members, Dr. Zarko Gavrilovic. Gavrilovic's statements were "energetically rejected and condemned" by the highest body of the Serbian Orthodox Church, the Holy Synod.

Minority religious communities, including Jews, Roman Catholics, Jehovah's Witnesses, and the Church of Christ report occasional incidences of vandalism, like the throwing of rocks at places of worship and spray-painting of nationalist or anti-Semitic slogans in Belgrade, Novi Sad, Sremska Mitrovica and other cities in Serbia. A Catholic Church in the Vojvodina town of Sremska Mitrovica was pelted with stones and spray painted with nationalist slogans and swastikas. Church of Christ leaders reported that acts of vandalism took place soon after television programs describing the work of "sects," where minority Protestant faiths are often grouped together with satanic cults.

On December 24, approximately fifty demonstrators prevented an Anglican Church Christmas Eve service from taking place at the Chapel of the Serbian Orthodox Patriarch's residence in Belgrade.

The demonstrators refused to allow Anglican Priest Phillip Warner and more than two dozen worshippers access to the chapel. Patriarch Pavle, Metropolitan Amfilohije and President Kostunica, among others, condemned the protest. Belgrade Police announced December 29 that they had brought criminal charges against ten individuals involved in the blockade.

Serbia's Jehovah's Witness Community reported that one of its members, Sahiti Mirsad, served a five-month jail sentence because of his conscientious objection to serving in any part of the military, including non-lethal sections. Conscientious objection was an option in Yugoslavia, but conscientious objectors still were required to serve in the VJ, albeit in non-lethal capacities. There was no civilian option.

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, there were reports of Muslims being singled out for unusually long searches at Serbia's border with Bosnia.

Under the previous government, many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship. To address this problem, in February 2001 the Government amended the 1997 Citizenship Law to allow dual citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that the benefits of refugee status are greater than those they would receive as citizens.

On October 29, the Governments of FRY and Bosnia and Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence. Bosnian Muslims crossing into Serbia from Bosnia were often subjected to lengthy searches by border police, while Bosnian Serbs were often allowed to pass quickly through border checkpoints.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 204,000 internally displaced persons (IDPs) from Kosovo, mainly Serbs, Roma, and Bosniaks. Most Serb IDPs from Kosovo rented inadequate lodging or were housed with host families or relatives; however, approximately 10,000 remained in collective centers. Visits by foreign diplomats to collective centers found them to be inadequate for other than emergency shelter. Collective centers were a drain on Serbian government resources. It was impossible to estimate unemployment figures among IDPs. Most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them were employed either fully or part-time in informal sector enterprises, such as working in one of the many "gray economy" firms manufacturing clothes, furniture and other products. The Serbian government, with UNHCR support, started to close 62 collective center housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications to remain housed in collective centers and seeking alternate housing for others.

The great majority of the approximately 10,000 IDPs who fled into Kosovo during the 2001 crisis in southern Serbia returned to their homes in Bujanovac, Presevo, and Medvedja municipalities following the implementation of the May 2001 Covic plan for resolving the crisis.

There were an estimated 40,000 to 45,000 displaced Roma living in the country. Roma faced a dilemma during the Kosovo conflict, as many Kosovo Roma were perceived as Serb collaborators. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would

not remain in the community (see Section 5). If they did settle, it was most often in official collective centers with a minimum of amenities or, more often, in makeshift camps on the periphery of major cities or towns. The U.N. High Commissioner for Refugees (UNHCR) was in the process of identifying municipalities willing to cooperate in a program for resettling the Roma in more adequate living quarters.

The Constitution provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees. There were approximately 336,000 refugees from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these refugees most (225,000) were from Croatia. The great majority of the several thousand ethnic Albanians who fled into Serbia in 2001 to escape the conflict in Macedonia have returned to their homes in Macedonia. The Government provides first asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Federal Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The FRY and the Serbian Republic each have a president and a parliamentary system of government. There were no Federal elections since September 2000.

In the Serbian presidential elections held on September 29, the primary vote-getters were FRY President Kostunica and FRY Deputy Prime Minister Miroljub Labus. Radical Party leader Vojislav Seselj came in third with a high number of votes. Although Kostunica received a plurality of votes, he did not receive a majority of votes cast. Kostunica also prevailed in the October 18 runoff election, but since less than 50 percent of the registered voters participated, the Republic Election Commission judged the election to have failed. In November the Serbian Parliament abolished the 50 percent threshold for runoff elections; however, the 50 percent threshold remained a requirement for first rounds of elections. When new Serbian presidential elections were held on December 8, once again Kostunica prevailed but the election failed because less than 50 percent of registered voters turned out to vote. In both the October 13 runoff and the December 8 new elections, a significant portion of Serbian voters deliberately stayed home to prevent Kostunica's victory by depressing the voter turnout. International monitors judged the elections to have been free and fair.

Incumbent Serbian President Milan Milutinovic's term of office expired on December 30. Milutinovic, an ICTY indictee, was succeeded as acting Serbian President by Serbian Parliament Speaker Natasa Micić.

During and after this year's Serbian presidential elections, Kostunica and some international observers complained that inaccuracies in the official lists of registered voters resulted in an inordinately high numeration of the 50 percent threshold. The voters' lists also contained the names of a substantial number of voters who lived outside the country with no means of casting their votes. However, those inaccuracies could not have accounted for the shortfall in voter turnout. For several years prior to this year's elections, OSCE made strong recommendations for improving Serbian election laws, including eliminating the 50 percent turnout requirement. However, no Serbian political party worked to change the election law. The flawed process in the presidential elections was the consequence.

On July 28, free elections were held for the first time in the majority ethnic Albanian municipalities of Bujanovac and Presevo, as well as the mixed Serb and Albanian municipality of Medvedja. Serb parties had previously maintained power in these municipalities through gerrymandering and vote-stealing. Two new Serbian Republic laws, the Law on Local Self-Government and the Law on Local Elections, allowed direct election of mayors and a proportional system of voting guaranteeing multi-ethnic representation in government. Ethnic Albanian mayors were elected in Bujanovac and Presevo; and Albanian-led multi-ethnic municipal assemblies were elected in the two municipalities. Two re-run elections were held at certain polling stations in response to complaints by Serb parties about procedural irregularities. International monitors declared the elections to be free and fair.

In February the Serbian parliament passed a new Law on Local Self-Government instituting direct election of mayors and enlarged competencies to municipal and city governments, including greater flexibility in recapturing tax revenue for local needs. The law also increased citizens' ability to participate directly in local government by giving them the right to undertake civil initiatives and organize local referendums.

Following the end of Serbian parliamentary session in mid-June, the governing DOS coalition responded to Kostunica's Democratic Party of Serbia's (DSS) boycott of both the DOS Presidency and Parliament by expelling DSS from the DOS coalition. Subsequently, the Parliament's Administrative Committee voted to strip DSS of its 45 parliamentary mandates, maintaining that mandates belonged to the coalition rather than to the political parties in the coalition. In the fall, before the Federal Constitutional Court could rule definitively on the mandates controversy, DSS reached a political agreement with DOS enabling DSS to continue participating in the Serbian Parliament. Since the struggle over mandates took place in the interval between parliamentary sessions, parliamentary activity was not directly affected. DSS parliamentarians participated normally when the next parliamentary session began in November.

There were 10 women in the 178-seat Federal Parliament and 27 women in the 250-seat Serbian Parliament. There were four women in the Serbian Cabinet. Women were active in political organizations; however, they only held approximately 10 percent of ministerial-level and Parliamentary positions in the Serbian and Federal Governments. Prominent positions held by women included: Speaker of the Serbian Parliament, Commissioner for Refugees, Minister for Social Welfare, the Minister for Transportation and Telecommunication, and President of the Serbian Supreme Court.

There were no legal restrictions on minority participation in political life. There were 20 minorities in the 250-seat Serbian Parliament. There was one minority in the Serbian cabinet and one minority in the Federal cabinet. Ethnic Serbs and, to a certain extent, Montenegrins, dominated the country's political leadership. In Vojvodina, where the Hungarian minority constituted about 15 percent of the population, many regional political offices were held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, was Serbian Deputy Prime Minister. Few members of other ethnic groups were involved at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in November 2000. Roma have the right to vote, and there were two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac was a Rom. Ethnic Albanians, who took control of local government in two southern Serbian municipalities and partial control in a third, were underrepresented in the federal and republic governments. Ethnic Hungarians led municipal governments in Subotica and six other municipalities in northern Vojvodina. In the Sandzak, Bosniak Muslims controlled the municipal governments of Novi Pazar, Tutin, and Sjenica.

Some minorities, such as Hungarians and Bosniak Muslims, turned out to vote in percentages roughly equal to or greater than the general population's percentage of turnout. Roma continued their historical pattern of voting in extremely low numbers. Ethnic Albanians boycotted the September Serbian presidential election; however, they turned out in high numbers in the July municipal elections in southern Serbia.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Some NGOs, such as G-17, Otpor, and the Center for Free and Democratic Elections (CeSID) contributed to the Government's reform strategies at the highest level. Others, such as the HLC, Yugoslav Lawyer's Committee for Human Rights (YUCOM), and Helsinki Committee for Human Rights in Serbia (HCS), frequently offered citizens the only chance for redress when Government institutions fail to protect basic human rights. There were no reported cases of government harassment of human rights NGOs, which were highly independent in their assessments of Government actions. HLC, YUCOM, Belgrade Center for Human Rights (BCHR), the Leskovac Council on Human Rights, and

the Center for Antiwar Action researched human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. HCS and BCHR published annual surveys on human rights issues in Yugoslavia; HCB also cooperated with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitored abuses against the local Muslim population and produced comprehensive reports. Most of these organizations offered advice and help to victims of abuse.

The Government worked in partnership with international and local NGOs in a number of areas affecting human rights during the year, including monitoring of elections (CeSID), monitoring of official corruption (Otpor), legal and judicial reform (YUCOM, HLC), the drafting of the new criminal code (BCHR), judicial education (HLC, Belgrade Center for Human Rights), refugee return (Serbian Democratic Forum, HCB), identification of missing persons (ICMP), and the fight against human trafficking (ASTRA, Counseling against Family Violence).

The Yugoslav and Serbian Governments made some progress in cooperating with the ICTY, particularly in the field of developing an improved legislative framework for complying with ICTY requests. In April the Federal Parliament adopted a Law on Cooperation with ICTY and formed a National Council for ICTY Cooperation chaired by Foreign Minister Goran Svilanovic. However, the Law on Cooperation only authorizes transfer of those already indicted at the time the law entered into force; it does not apply to potential future ICTY indictees. Upon adoption of the law, the Government made a public call for ICTY indictees to surrender for transfer to The Hague. A number of indictees surrendered in response to this call, including former Chief of General Staff of the Yugoslav Armed Forces Dragoljub Ojdanic, former Deputy Federal Premier Nikola Sainovic, Major General Mile Mrksic, former President of the self-styled Republic of Serbian Krajina Milan Martić, and Momcilo Gruban. Indictee Ranko Cesic was arrested and transferred to ICTY representatives in June. Following the suicide of former Serbian Minister of Interior Vlatko Stojiljkovic, seventeen ICTY indictee-citizens of the FRY remained at large. Former President Milan Milutinovic left office on December 30 and, as an ICTY indictee, lost his immunity from prosecution. Belgrade's Regional Court began the legal process that should lead to Milutinovic's transfer to the ICTY by requesting the Serbian Government's confirmation of the ICTY indictment against him. While the Federal and Serbian Republic Governments contended that they had no information confirming the presence of these indictees on Yugoslav territory, these contentions were vigorously challenged by ICTY's Chief Prosecutor Carla Del Ponte.

In addition to the transfer of indictees, the Yugoslav and Serbian governments cooperated with the ICTY through the transfer of some documents and through enabling the testimony of witnesses. During the year, the Yugoslav National Council for ICTY cooperation provided access to documents on crimes against ethnic Serbs and furnished the ICTY with documents including records from 17 sessions of the Supreme Defense Council, Yugoslav National Bank records related to an alleged arms trader, and files from investigations and judicial proceedings against Serb Ministry of Interior forces for crimes committed in Kosovo. The National Council requested the declassification of an additional 172 documents, a first step towards the transfer of documents to ICTY prosecutors. In addition to answering numerous requests for information on the whereabouts of possible witnesses, the National Council enabled the testimony of over thirty witnesses by coordinating waivers from legal obligations to protect state and military secrets. ICTY continued to maintain that progress on these fronts was unacceptably slow.

During the year, domestic war crimes indictments and trials began in Serbia (see Section 1.a.).

Some witnesses and potential witnesses at ICTY experienced threats and intimidation in Serbia (see Section 1.c.).

There was no autonomous human rights ombudsman at either the Federal or the Republic level.

The Truth and Reconciliation Commission (TRC) founded by President Kostunica in 2001 continued to flounder because of a lack of shared purpose among its members and a lack of funds from the Government. The TRC held a roundtable in May, and in June hosted a presentation by the Netherlands Institute for War Documentation. In September the TRC sponsored public testimony by Bosnian Muslim and Serb family members of victims of the Srebrenica killings.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Federal and Republic-level laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, in practice the legal system provided little protection for such groups.

Women

Violence against women was a problem and traditionally high levels of domestic violence persisted. The few official agencies dedicated to coping with family violence had inadequate resources and were limited in their activity by social pressure to keep families together at all costs. In March the federal Criminal Code was amended to make spousal rape as a criminal offense. Few victims of spousal abuse filed complaints with the authorities. There was no trained police unit to provide protection or assistance to female victims of sexual or other violence. 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 Center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women for the purpose of sexual exploitation (see Section 6.f.).

Women did not enjoy social status equal to that of men, and relatively few women obtained upper level positions in government and commerce. Since changing regulations to allow women to serve as police officers in 2001, the Serbian police hired increasing numbers of women officers. Traditional patriarchal ideas of gender roles, especially in rural areas, subjected women to discrimination in many homes. In some more remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives. Women legally were entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than the average wage of men. Women were granted maternity leave for 1 year, with an additional 6 months available. In urban areas such as Belgrade and Novi Sad, women were represented widely in many professions including law, academics, and medicine. Women were also active in political and human rights organizations.

Children

The Government attempted to meet the health and educational needs of children. The educational system provided 8 years of free, mandatory schooling. However, economic distress affected children adversely in both the education and health care systems, particularly Roma children, who rarely attended kindergartens. Many Roma children never attend primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian, and there was no instruction available in the Romani language. Some Roma children were mistakenly placed in schools for children with emotional disabilities because Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. Many Roma children were trafficked within the Roma community in Serbia and to other Roma abroad to be used in begging and theft rings.

Traditionally there has been no societal pattern of abuse of children, but child abuse occasionally took place in the country.

The country was a transit country and, to a lesser extent, a country of origin and destination country for trafficking in girls for the purpose of sexual exploitation (see Section 6.f.). In August the media reported that, in the 1980s and 1990s, some newborn babies had been kidnaped by midwives and doctors and sold through criminal rings to adoptive parents (see Section 1.b.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice facilities for persons with disabilities--mental and physical--were inadequate, and the Government did not make addressing this problem a priority. However, the law mandates access for persons with disabilities to new official buildings, and the Government sometimes enforced these provisions in practice. The Government did not provide mobile voting for handicapped or ill voters incapable of coming to polling stations. Persons with disabilities were excluded from the category of eligible voters in the September-October Serbian presidential elections.

National/Racial/Ethnic Minorities

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

The heavy police presence remaining in southern Serbia is in part due to credible threats of violent acts by radical elements of the ethnic-Albanian community. Incidents of police harassment against the ethnic Albanian population continued to decline dramatically. According to reports from local ethnic Albanian human rights organizations, VJ troops were responsible for most incidents of harassment in southern Serbia. Harassment by the VJ ranged from verbal abuse to confiscation of money to temporary detention from one to three hours. There were no reports of physical abuse or brutality. Due to the deployment of the MEPF throughout Southern Serbia, by year's end, training had been completed and MEPF cadets were on patrol. The OSCE's Mission to The Federal Republic of Yugoslavia trained cadets in modern police tactics at an international police training center in Mitrovo Polje.

Although some problems persisted, the Government's policy toward minorities has improved greatly since Milosevic's removal from office. In February the Government passed three laws benefitting Serbia's minorities. The federal Law on the Protection of the Rights and Liberties of National Minorities banned discrimination on national, racial, ethnic, and religious grounds and affirmed the right of significant minority communities to self-government and education in their own language. The Minorities Law stipulated the creation of a representative Federal Council of Minorities. The Serbian Republic's Law on Local Self-Government increased the political power and responsibility of municipalities, including greater power to recapture tax revenue for local uses. This law provided the basis for the municipal elections that brought ethnic Albanians to power for the first time in southern Serbia (see Section 3). The Serbian Republic's Omnibus Bill on Vojvodina granted increased powers of self-government to the historically distinct Vojvodina region of Serbia, although the law stopped far short of restoring the full autonomy that Vojvodina enjoyed until 1989. On November 4, the FRY and Romania signed a bilateral agreement designed to protect national minorities on both sides of the border. Federal Minister for Minorities Rasim Ljajic led a public education campaign for ethnic tolerance, instituting an annual national award for the promotion of tolerance.

Ethnic Albanian leaders of the Southern Serbian municipalities of Presevo, Bujanovac and Medvedja continued to complain of the underrepresentation of ethnic Albanians in state structures. Implementation of the Covic plan for peace and ethnic re-integration in the region, including the conclusion of the deployment of the Multi-Ethnic Police Force (MEPF) and free and fair democratic elections held in July and August, gave Southern Serbia's ethnic Albanians proportional representation in the police and control of local governments in municipalities where they made up a majority (See Section 3).

In mid-September, caravans of about 100 cars carrying Serbs from neighboring municipalities paraded through the heavily Muslim center of Novi Pazar on three nights following Yugoslav basketball victories, brandishing Chetnik regalia and chanting Serb nationalist slogans. On one of these occasions, several hundred Muslim youths gathered to confront the caravan; three Serbs and several policemen were lightly injured in the fight that followed. The Serbian Government reacted quickly to defuse the situation, dispatching extra police and enlisting as mediator Federal Minister for Minorities Rasim Ljajic, himself a Bosniak Muslim from Novi Pazar. The October indictments for the 1992 Sjeverin killings marked the beginning of the first trial concerning past Government abuses

of Muslim citizens of the Sandzak (see Section 1.e.).

There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year. Some members of the Vlach community in Bor complained about the Serbian Orthodox Church's refusal to conduct religious services in the Vlach language rather than in Serbian.

Roma continued to be targets of numerous incidents of police violence (see section 1.c.), societal discrimination, and verbal and physical harassment from ordinary citizens. Police often did not investigate cases of societal violence against Roma. The HLC reported that, on July 9 in the village of Americ, police searching without a warrant for weapons at the home of Elizabeta Djuric insulted and brutalized three children in their mother's absence, forcing a 16 year-old boy with mental disabilities to dig holes in the garden for two hours.

In February the federal Minorities Law recognized the Roma in Serbia and Montenegro as a national minority, explicitly banning discrimination and calling for government measures to improve their condition. Many Roma lived illegally in squatter settlements that lacked basic services such as schools, doctors, clean water, and sewage facilities. During the year, the authorities forcibly evicted a number of Roma, including children, from such settlements without offering them any alternative accommodations (see Section 1.f.). On November 13, the Vozdovac district of Belgrade evicted 50 Roma IDPs from Kosovo, including 32 children, from their settlement. In September the New Belgrade city government served eviction orders to 717 residents of a Romani settlement, many of whom were IDPs from Kosovo. After protests by local human rights organizations, the city promised to find alternative accommodations; however, on October 21 demolition of the settlement began without any alternative housing being provided. In April 27 Romani IDPs from Kosovo, including 17 children younger than 15, were forced out of a settlement in Vozdovac. Again in April, 67 Roma, including 27 children under the age of six, were displaced from a squatter settlement in New Belgrade because the city had sold the land to a private interest.

In Leskovac and the town of Pozega, Roma reportedly have been refused social welfare services for arbitrary reasons. The HLC reported that the Nis municipal garbage service never visited the Romani settlement Crvena Zvezda, a community of about 50 houses sharing only two running water taps, which often froze in the winter, leaving the entire community without running water. Roma IDPs from Kosovo were especially subject to discrimination and abuse. Most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care. The Roma Educational Center reported that some Roma IDPs in Nis were mistaken for Kosovo Albanians and subjected to discrimination on that basis.

Some non-Roma refugees and IDPs suffered from discrimination. The HLC reported that the Serbian Government did not allow some Kosovo IDPs to relocate their official places of residence to Kragujevac; in other words, the IDPs could not "check out" from their former residences in Kosovo. This deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from "quiet discrimination" in areas such as housing and employment.

Roma education remained a problem, and lack of official documents hindered their ability to receive services available to all other citizens. The UNHCR, with Serbian government support, has begun health education programs for Roma, and catch-up and head-start programs for Roma children.

There were some judicial actions in favor of Roma during the year. The HLC reported that in July the Sabac municipal court ruled in a Rom's favor in a lawsuit claiming discrimination against Roma at a public swimming pool at Sabac. This was the first time that existing law had been used to prove discrimination against Roma. The municipal prosecutor in Bajina Basta dismissed charges by police against Roma citizen Stanisa Simic, who was detained by police and then indicted after he defended himself from Serb attackers in 2000. In January the HLC filed a lawsuit against a Belgrade disco club that repeatedly refused admission to Romani citizens.

The Bosniak Federal Minister for Minorities, Rasim Ljajic, was one of the more visible and influential members of the Government during the year. A Bosniak federal parliamentarian was appointed a member of the subcommittee responsible for drafting the federal charter, but in November he

boycotted the committee protesting that the Sandzak would not receive sufficient autonomy under the new charter. Bosniaks led local governments in the three majority-Muslim municipalities in the Sandzak region. In Novi Pazar, the municipal government gave the Bosnian dialect official status as allowed under the new Serbian Law on Local Self-Government. All seven Sandzak municipalities--Novi Pazar, Tutin, Sjenica, Pribor, Prijepolje, and Nova Varos--had multi-ethnic municipal assemblies

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association; all workers except military and police personnel have the legal right to join or form unions and workers did so in practice. There were approximately 1.8 million employees in the socially-owned state sector and 361,000 persons in privately-owned companies. An additional 500,000 persons worked in the unofficial economy and were not registered employees. In the socially-owned state sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 percent were unionized and in agriculture, 2 to 3 percent. The Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS), formally affiliated with the Socialist Party of Serbia, whose President remained Slobodan Milosevic, claimed 1.8 million members, although this number was estimated to be closer to 800,000 in practice. The largest independent union was the United Branch Independent Labor Unions (Nezavisnost), which had approximately 600,000 members. The third largest union was the Association of Free and Independent Trade Unions (AFITU), which had approximately 200,000 members. Most other independent unions were sector specific, and had approximately 130,000 members. Due to the poor state of the economy, one-third of union workers, or 600,000 persons, were on long-term mandatory leave from their firms pending improvement of the economy. The largely splintered approach of the independent unions resulted in few achievements in terms of increased wages or improved working conditions.

In December 2001, a Serbian Government labor law that had been approved by the International Labor Organization (ILO) entered into force. The law significantly differed from the previous Socialist law by giving more power to employers and diminishing the rights of employees. For example, the law makes it easier for management to fire workers; collective bargaining is obligatory, but signing a collective agreement is not obligatory and employees may sign individual work contracts; and public job announcements are no longer obligatory. The Serbian Parliament accepted thirty-three of approximately fifty union-proposed amendments on the Labor Law, but failed to adopt the key demand for a mandatory requirement for signing collective agreement with employees.

Antiunion discrimination was not a problem.

Unions can affiliate internationally; however, only Nezavisnost was recognized by the international community as completely independent from the Government. Nezavisnost was a member of the ICFTU and other international unions.

b. The Right to Organize and Bargain Collectively

The signing of collective agreements is not mandatory for employers, although it was allowed. Unions have complained that without this provision, their role in the system was diminished. A union must have 15 percent of employees as members in order to be eligible to negotiate with an employer, or 10 percent of all employees in order to negotiate with the Serbian Government or the local government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be narrow in their aims and were unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety

standards, or universal workers' benefits) on which to negotiate. The overall result was a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. In April the agreement on improving the activities of Serbia's Social and Economic Council and improving social dialog was signed by the Serbian Government, representatives of the three largest trade unions and the Association of Employers.

Security forces did not disrupt any strikes or arrest union leaders during the year.

The law provides for the right to strike; however, the Law on Strikes restricted the right for employees in "essential service production enterprises," such as education, electric power, and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure that a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. The independent unions, while active in recruiting new members, have not reached the size needed to mount countrywide strikes; however, unions held several strikes during the year. In January 7,000 employees of the four biggest state-owned banks unsuccessfully protested the closure of their banks. On January 23, 8,000 workers at one of the biggest textile factories, Yumko Vranje, went on strike for higher wages and replacement of management. In March workers at Yumko Vranje repeated the strike, which resulted in the resignation of the General Manager. On March 18, railway unions launched a general strike demanding new employment contracts and higher wages. After 11 days the unions accepted a 4 percent wage increase. In June taxis blocked roads throughout the country to protest the Government's policy on taxi drivers. Public workers, including teachers, health workers, students, and policemen, held strikes during the year. These strikes were for job security, higher pay and the regular payment of wages. In general job security fears, which stemmed from the high rate of unemployment, limited workers' willingness to strike.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, Roma children were often forced into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, although in villages and farming communities it was common to find younger children at work assisting their families. Children--particularly Roma--also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or newspapers. In recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. The unemployment rate throughout Serbia was approximately 30 percent, but there were pockets, particularly in areas with large refugee populations or where industries have closed, where unemployment was much higher. It was estimated that almost one million people were engaged in the "gray economy," while as much as 60 percent of all gray market employees also had official jobs.

The law prohibits forced and bonded labor including by children; however, Roma children were often forced into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 1.c.).

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks and industrial and trading companies generally observed the minimum wage standard. The monthly minimum wage was approximately \$50 (3,000 dinars); however, this figure was roughly comparable to unemployment benefits and (at least theoretically) was paid to workers who had been placed in a mandatory leave status. The actual minimum wage was at the low end of the range of average net salaries, which was \$160 (9,900 dinars) per month. The minimum wage was insufficient to provide a decent standard of living

for a worker and family. For example, the cost of only food and utilities for a family of four was estimated to be \$180 (11,600 dinars) per month. Private enterprises used the minimum wage as a guide but tended to pay slightly higher average wages.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. In certain areas of the country, such as the Sandzak and the town of Cacak, there were many prosperous small businesses dealing in unlicensed items for export. For example, one furniture manufacturer employed 800 workers but, aside from their salaries, the factory workers received no other benefits. The official workweek, listed as 40 hours, was not respected because of massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. Because of the competition for employment and the high degree of government control over the economy, workers were not free to leave hazardous work situations without risking the loss of their employment.

i. Trafficking in Persons

The law does not prohibit trafficking in persons; although there are laws that could be used to prosecute traffickers. Trafficking was a problem.

Serbian authorities have used pre-existing laws against kidnaping, slavery, smuggling, and prostitution to apprehend some traffickers. The penalties carried by such laws range from 1 to 10 years in jail. During the year, the Serbian police took 355 foreign women into custody, 60 of whom were identified as victims of trafficking and referred to the Belgrade shelter for trafficking victims. Federal and Serbian police have assisted in international investigations of human trafficking. Federal law prohibits extradition of Yugoslav citizens to other countries. By year's end 30 criminal charges had been submitted to the office of the prosecutor for 62 offenses, resulting in three convictions.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Bosnia, and points in Western Europe. The International Organization for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia. Serbia was a destination for trafficked women, with brothels and nude dancing venues located along major transportation routes. No reliable estimate existed on numbers of women controlled by human traffickers in the country. Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers. Trafficking in children for use in begging or in theft rings was a problem among Roma. Moldova, Romania, Ukraine, Russia, and Bulgaria were the primary source countries for women trafficked through Serbia.

Recruitment devices included advertisements for escort services, marriage offers, and offers for employment. Often women knowingly went to work as prostitutes, and later, once they left their country of origin in the hands of traffickers, discovered that they were prisoners. The women were recruited, transported, sold, and controlled by international organized crime networks. The central point in Serbia for holding and transferring trafficked women was Belgrade.

There were no confirmed reports of government officials condoning or participating in trafficking, but trafficking in Serbia could not take place without the cooperation of at least some police, border guards, and minor officials.

During the year, the Government's inter-ministerial task force on human trafficking, Yugoslav Team for Combating Trafficking in Persons, worked with the OSCE and IOM to put together a basic program for assisting trafficking victims. In February a victims' shelter, along with a 24-hour hotline, was established in Belgrade. A Belgrade NGO, Counseling Against Family Violence, operated the shelter and hotline. The Serbian Ministry of Social Welfare established on its premises a National Coordinating and Counseling Center to receive potential trafficking victims from police and NGOs.

for screening, medical examination, and counseling before referring the women to the shelter or other appropriate venue. The International IOM managed repatriation of victims and repatriated approximately 80 women determined to be victims of trafficking during the year. IOM also opened a Regional Clearing Point in Government-donated offices in Belgrade to collect information on trafficking from all the Balkan countries. The Serbian Interior Ministry reported that it began systematically distinguishing trafficking victims from prostitutes and illegal migrants during the year. To reach Serbian women and children vulnerable to becoming victims of trafficking, the Serbian NGO ASTRA completed the extensive public awareness campaign begun in 2001. Serbian Border Police reported that a well-established Beijing to Belgrade trafficking route was closed down when Yugoslav authorities imposed strict visa requirements and direct air links between Belgrade and Beijing were cancelled.

KOSOVO

Kosovo continued to be administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution called for "substantial autonomy and meaningful self-administration" for the persons of Kosovo "within the Federal Republic of Yugoslavia." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serbian forces from the province. Since that time, the SRSG and UNMIK, with the assistance of the international community, have worked with local leaders to build the institutions and expertise necessary for self-government.

In May 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the "Constitutional Framework"), which defined the Provisional Institutions of Self-Government (PISG). The PISG replaced the UNMIK-imposed Joint Interim Administrative Structure. In accordance with the Constitutional Framework, certain areas of governance, including that of foreign affairs and justice, were retained by the SRSG. The November 2001 general election created a 120-member Assembly with 100 seats filled by elected officials of all ethnicities and 20 reserved specifically for minorities. On December 10, 2001, the Central, or Kosovo Assembly held its inaugural session, with Nexat Daci heading the Assembly Presidency. On March 4, the Assembly, under Daci's leadership, selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister. On October 26, municipal elections were held in all 30 municipalities, although Serbs living in Mitrovica effectively boycotted. International and local election observers concluded that the election was well organized, peaceful, and met international standards.

UNMIK Regulation 1999/24 established that applicable law in Kosovo included UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the date Slobodan Milosevic abolished Kosovo's political autonomy. This created a complex, and in some cases, incomplete set of codes. Since its establishment, UNMIK periodically has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be highly inefficient. As a result, defendants were often detained for lengthy periods pending trial.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. KFOR operations included the physical prohibition of the flow of personnel and materials from Kosovo to the Presevo Valley in southern Serbia and the Former Yugoslav Republic of Macedonia (Macedonia). KFOR increasingly transferred responsibilities for civilian law enforcement to UNMIK's multinational police corps (CIVPOL); CIVPOL continued to transfer basic police authority and functions to the Kosovo Police Service (KPS), while maintaining oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, while also undertaking humanitarian projects throughout Kosovo. Some members of security forces committed human rights abuses.

Economic underdevelopment, in terms of employment, investment, manufacturing capabilities, and

markets for goods, continued to plague Kosovo, which has approximately 2 million inhabitants. The post-conflict period has seen a dual struggle to repair the massive war damage to infrastructure and enterprises while facilitating the transition from a centrally directed economy to a market-based one. Construction became the strongest economic sector in the post-conflict period; the agrarian sector improved but did not reach prewar levels. Major industries had not reopened and the economy remained stagnant. Unemployment estimates for the predominantly ethnic Albanian population ranged between 40 and 60 percent. Unemployment among Kosovo Serb and other ethnic communities was higher, although some Kosovo Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. Significant criminal economic activity took place, particularly in the fuel sector, and smuggling was widespread.

UNMIK and the PISG generally respected the human rights of Kosovo's citizens; however, there were serious problems in many areas. In the course of official duties, one CIVPOL officer killed two persons. There were no killings by KFOR or KPS. A few killings resulted from attacks that appeared to be politically motivated. There were some deaths and injuries resulting from landmines. There were some kidnappings and disappearances. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains were ineffective and slow. There were some reports that KFOR and CIVPOL used excessive force during arrests and one case of sexual assault by a member of CIVPOL. Some KPC members were accused of intimidation and extortion; however, KPC discipline improved. Some KPC members reportedly were directly involved in or materially supported political violence in the Presevo Valley and Macedonia, although less so than in 2001.

KFOR and CIVPOL used their powers of detention and arrest as provided under UNMIK regulation 1999/24. No abuses of these powers were reported during the year. Lengthy pretrial detention remained a problem, although the length of pretrial detention decreased during the year. In some cases with security implications, the Commander of KFOR (COMKFOR) issued extrajudicial executive detention orders, sometimes for lengthy periods. The SRSG also had this authority but did not exercise it during the year. The judiciary was at times subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process.

There were some restrictions on privacy rights. Local media and some international media organizations criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence as an infringement on freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some violent demonstrations. Religious tension and violence persisted, but at significantly diminished levels. Freedom of movement for ethnic minorities, most of whom were Kosovo Serbs, continued to be a serious problem; however, there were improvements in some areas. Efforts to promote refugee returns moved slowly, but there were some improvements during the year. Of the more than 200,000 members of ethnic communities (including approximately 170,000 Kosovo Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to concerns about security, freedom of movement, and lack of employment opportunities. Despite this, some international agencies and nongovernmental organizations (NGOs) initiated small-scale organized returns projects and overall returns rose dramatically during the year to approximately twice the amount compared with 2001.

Violence and discrimination against women remained serious problems. The approximately 100,000 Kosovo Serbs who remained in Kosovo continued to live primarily in the north or in enclaves under the protection of KFOR. Societal violence against ethnic minorities continued to decline, but serious incidents still occurred. Trafficking in women continued to be a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by UNMIK, the PISG, or their agents. KFOR forces did not kill any individuals during security operations.

The trial of Sali Veseli, a former KLA officer, and four other suspects for the May 2000 murder of Ekrem Rexha (known as "Commander Drini"), also a former KLA commander, was postponed until the courts could locate a key witness, known as Hazer N, who they believed to be living abroad. In February authorities arrested eight suspects in the August 2000 killing in Istok of Democratic League of Kosovo (LDK) activist Shaban Manaj; several of those detained were former members of the KLA. All eight suspects were acquitted this year. In October several suspects were arrested for the October 2001 killing of Bekim Kastrati, a journalist with the LDK-linked newspaper, Bota Sot, and LDK bodyguard Besim Dajaku.

On December 17, the UNMIK-administered court convicted five former senior members of the KLA, Idriz Balaj, Daut Haradinaj, Bekim Zekaj, Ahmet Elshani, and Ramush Ahmetaj of the June 1999 killings of Kosovar Albanians Bashkim Balaj, Rexhe Osaj, Sinan Musaj, and Idriz Peja.

There were a small number of killings that may have been politically motivated; however, these cases significantly decreased from 2001. In these cases, the victims were either political party officials or members, or connected with high-profile political activity; however, there was no clear evidence of political motivation. On January 17, unknown assailants killed Smajl Hajdaraj, an LDK member of the Kosovo Assembly. No arrests had been made at year's end. On October 27, Uke Bytyci, Mayor of Suhareke/Suva Reka municipality and the LDK local branch leader, as well as his two bodyguards, were killed in a confrontation with a family of local Democratic Party of Kosovo (PDK) activists during a victory celebration following his re-election. Two arrests were made and the two suspects remained in detention at year's end.

There were no developments in several murders from previous years, including the following from 2001: The case of the LDK branch president and the President of Kline/Klina Municipal Assembly, Ismet Rraci, killed in April; the July killing of Ahmet Balaj, an LDK committee member in Mitrovica; the August killing of Qerim Ismaili of the Kosovo Democratic Initiative; and the shooting of two brothers, one of whom was a bodyguard of the mayor of Istog/Istok municipality, in December. Unresolved cases of politically-motivated killings from 2000 included the following: LDK politician All Dreshaj; cofounder of the LDK and President Rugova's press advisor, Xhemil Mustafa; former KLA officer Besim Mala; a KPC officer and former KLA commander, Skendar Gashi; journalist Shefki Popova; and Pristina's Director of Urban Planning, Rexhep Luci.

There were 68 killings of citizens in Kosovo during the year, compared with 136 in 2001. According to available figures, assailants killed 60 Kosovar Albanians, 6 Kosovo Serbs, and 2 persons of unknown ethnicity. Most killings of Kosovo Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Kosovar Albanians apparently were connected to family and economic rivalries and criminal activities. CIVPOL, working with the KPS, somewhat improved its case resolution and arrest rate during this year. Police reported 47 arrests for murder during the year: 43 other suspects were Albanians, 2 were Serbs, and 2 were of other ethnicities.

There were a number of assaults and six killings of ethnic Serbs during the year, including those perpetrated by other Serbs; however, attacks on Serbs and other ethnic minorities decreased (see Section 5). On October 15, one Kosovo Serb woman was killed by a landmine (see Section 1.c.). On February 22, an unknown gunman killed Kosovo Serb Lubica Kovacevic as she was walking home with her spouse, who was uninjured. On December 23, two Kosovar Albanians were arrested for killing Kosovo Serb Trajan Trifunovic that same day.

On February 21, CIVPOL arrested two Kosovo Serbs, Zoran Zigic and Sergej Zaporosac, for the February 2000 killing by a grenade attack on Kosovar Albanian, Muharrem Sokoli (see Section 2.b.).

Retaliatory violence, including killings, against Kosovar Albanians also continued (see Section 5). Some Kosovo Serbs continued efforts begun in 1999 to expel Kosovar Albanians and other ethnic groups from the northern part of Mitrovica; in some cases this resulted in the killing of ethnic Albanians (see Section 5). On July 6, CIVPOL and KFOR troops arrested eight Kosovar Albanians accused of the August 2001 killing of a Kosovar Albanian family of five, including three children. The motivation for the killing was believed to be the retribution for the father's alleged cooperation with Serb authorities during the 1999 war. Several of the suspects were members of the KPC and

Kosovo Police Service.

As a result of the 1999 conflict, landmines and unexploded ordnance remained a problem, particularly in rural areas. During the year, eight persons were killed by landmines, compared with nine in 2001. These devices have killed 103 persons and injured 372 since June 1999. On July 31, six explosions took place in Klokot and one in Balance, predominately Kosovo Serb villages in the U.S. KFOR sector. In December two Albanian citizens were killed by unexploded ordnance just after they crossed the border near Gjakove/Djakovica. The U.N. Mine Action Coordination Center (MACC) completed its mission in Kosovo in December 2001 and transferred mine action activities to local institutions and UNMIK. International organizations and NGOs continued a widespread mine awareness campaign. KFOR patrols continued to find unexploded ordnance on an almost daily basis.

Kosovo's investigative, judicial, and penal systems, in addition to the International Criminal Tribunal for the Former Yugoslavia (ICTY), continued to work to ensure that perpetrators of the violence and ethnic cleansing in the 1998-99 conflict were identified and punished, but most of the perpetrators of killings and other brutal acts remained unpunished. Proceedings continued in Kosovo courts to adjudicate approximately 30 cases of alleged war crimes and genocide arising from the conflict, as well as killings dating from the period starting in June 1999. In September the Organization for Security and Cooperation in Europe's (OSCE) Legal System Monitoring Section issued a report on war crimes trials in Kosovo, which were being tried by majority international panels, that included statistics from November 1999 to July 2002. According to the report, as of July, there were four cases of war crimes under investigation. There were 10 pending indictments for genocide, 17 for war crimes and 6 for inter-ethnic murders. Two indictments for genocide had been dismissed.

Out of three prior convictions for genocide, two cases were reversed and retried; both defendants were acquitted. Out of 12 trials for war crimes since 1999, 5 concluded with a conviction and 7 with acquittal. However, of these 12, 11 were appealed to Supreme Court panels with international judges, and 8 decisions were reversed on appeal.

From 1999 to 2000, five prisoners convicted for genocide and four convicted of war crimes escaped from the UNMIK controlled detention center in Mitrovica. In 2000 trial proceedings for war crimes were suspended in the cases of eleven Kosovo Serb defendants who escaped detention. UNMIK Regulations prohibit trials in absentia; however, the charges remained outstanding at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

In November all charges against Gani Imeri, a KPC officer and former KLA commander, were dropped. Imeri was arrested for the 1999 kidnaping and disappearance of five Kosovo Serbs.

There was no information on the case of Marjan Melonasi, a journalist for Radio-Television Kosova who disappeared in Pristina in September 2000.

During the year, the reorganized Office of Missing Persons (OMFP) identified 141 persons: 56 through traditional methods and 85 through DNA testing. The Office has received 109 DNA results: 85 positive matches, 17 negative, 7 duplicates. As many as 4,233 persons remained missing and unaccounted for as a result of the armed conflict in 1999, including approximately 3,324 Kosovar Albanians, and 909 Kosovo Serbs and members of other ethnic groups. Of those missing, 164 were considered dead.

When ICTY closed its forensic operations, UNMIK appointed the CIVPOL Missing Persons Unit (MPU) as the focal point for identification of remains and for exhumation of additional gravesites as they were identified, the UNMIK Bureau of Missing Persons and Detainees coordinated political efforts. The initiative made slow progress on both fronts. According to the OMFP, since 1999 the ICTY exhumed 4,019 remains of individuals, of which 2,212 were identified and 1,807 were still unidentified. During the year, 339 sets of remains were exhumed, compared to 59 sets of remains

exhumed in 2001—a significant increase which may be attributable to the OMFP reorganization during the year.

During the year, UNMIK reorganized the resources involved in the effort to resolve the large number of outstanding cases of missing persons from the 1999 conflict; this effort required the identification of recovered human remains. One central problem had been the frequent change of mandate, personnel and resources for the various offices that had been charged with dealing with these cases. Since its establishment, UNMIK reorganized the offices handling missing persons four times, changing lines of authority, competence, and scope of work. This resulted in delayed processing and, in some cases, a failure to appropriately preserve evidence, including human remains, for future investigations. In June UNMIK appointed a new chief of the Office of Missing Persons and Forensics (OMPF) with authority to address all issues related to these cases, issues that had previously been divided among different offices. The new OMPF now includes the UNMIK CIVPOL Missing Persons Unit and the Office of the Medical Examiner, as well as an outreach office.

During the year, OMPF tackled some of the most pressing needs, including designing a program to train local experts to perform autopsies and identifications, meeting with the International Committee for Missing Persons to explore possible use of ICMP's DNA-led procedures and to discuss dealing with family members of the missing. The new Office of the Medical Examiner is slated to include an autopsy site and laboratory and teaching resources, and is expected to be staffed by ethnic Albanian and Serbian examiners. The OMPF was in the process of issuing death certificates for 910 bodies that were identified by ICTY in 1999 (203 certificates have been issued to date). According to OMPF, in some cases this process has been slowed by family members' desire to have an individual named as perpetrator of the cause of death.

Several demonstrations were held to protest against UNMIK and the international community for not doing enough to locate missing persons. On March 8, in Gjakove, a group of women staged a protest to call attention to the missing. On June 7, several hundred Serb members of the Association of Families of Missing and Kidnapped persons from Kosovo held a 1-hour protest in Gracanica over the alleged lack of activity by the international administrators in finding kidnapped Serbs and other non-Albanians. On June 13, more than 100 Kosovar Albanian mothers of missing persons began a 24-hour hunger strike in front of the Kosovo Assembly, demanding information on the fates of their children. On September 26, 40 parents, wives, and sisters of the missing gathered from different parts of Kosovo and went on a hunger strike in front of the Kosovo Assembly requesting information on more than 3,500 missing Kosovar Albanians.

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

The law prohibits such practices; although the Constitutional Framework omits the U.N. Convention on Torture from its list of conventions incorporated by reference. There were no confirmed reports of the use of excessive force by KFOR and CIVPOL during arrests. One CIVPOL officer was charged with sexual assault. In February an Austrian CIVPOL officer was arrested for violating the civil rights of a Kosovar Albanian suspect. According to the complaint, after arresting a suspect, the CIVPOL officer, together with three Kosovo Police Service (KPS) officers, tried to force a confession by asking the suspect to dig his own grave and making him walk in a Kosovo Serb enclave wearing a sign that read "I hate Serbs." UNMIK police arrested all four officers but later released the three KPS officers. The U.N. reportedly suspended the CIVPOL officer's immunity, but he fled Kosovo and had not returned for trial at year's end. In March a child was injured when a KFOR soldier accidentally fired his gun as he was trying to disperse a group of children playing near the monastery in Decan/Decani.

Some credible reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. However, in general KPC discipline improved and reports of intimidation were less common. A number of KPC members were arrested, mainly for accusations of crimes against their fellow Kosovar Albanians, sparking charges that former KLA members were being targeted. On June 18 and 19, UNMIK police arrested the already suspended regional commander, Daut Haradinaj when he surrendered to police, and four other KPC members, in what was known as the "Dukagjini trial," and on August 10, they arrested suspended KPC commander Rustem

Mustafa, known as "Commander Remi." On December 17, the five suspects in the Dukagjini trial were convicted and given a sentence of several years each.

There were a number of reports of attacks on and threats against Kosovar Albanian political figures. In most cases, no suspects were identified; however, local observers often blamed these attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases. On August 3, unknown assailants attempted to kill Tahir Zmaj, a former Armed Forces of Republic of Kosovo (FARK) commander and LDK activist. Zmaj publicly accused Ramush Haradinaj, the head of the Alliance for the Future of Kosovo (AAK) political party, of being behind the attack. On October 18, the house of an LDK activist in Kacaniku/Kacanik came under attack from grenades and firearms; there were no injuries. At year's end, no charges had been filed.

On August 29, Kosovar Albanians fired on Kosovo Serbs, apparently in a dispute concerning wood-gathering. When KFOR and CIVPOL responded, there was a 2-hour firefight involving the use of multiple automatic weapons; one CIVPOL officer received slight wounds and one Kosovar suspect was captured.

There were some reports of intimidation of UNMIK, OSCE, and KFOR officials, but no reports of attacks; however, there were reports of attacks on CIVPOL, KPS, and KPC officers. According to UNMIK CIVPOL, there were 656 arrests made for crimes committed against CIVPOL and KPS officers. These included offenses such as threats, burglaries, civil disorders, and resisting arrest. On May 17, a Kosovo Serb was arrested for the April 27 beating of KSP Officer Rahman Kelmendi. In November a CIVPOL officer was hit in the head with a rock during a demonstration against a Serb go-and-see visit in Grmovo, Viti/Vitina municipality. On November 2, the Kosovo press reported that a group of 20 Kosovo Serbs from the village Priluzje attacked an UNMIK police patrol, badly injuring one policeman and slightly wounding several others. The incident apparently broke out after a cafe owner was asked to close his establishment after midnight. There were no arrests. On November 11, unknown suspects fired shots at KFOR troops on patrol. No injuries were reported and no arrests were made.

Twice in September and once in October, CIVPOL reported that the home of a Kosovo Serb KPS officer in Viti was attacked. CIVPOL began an investigation in October, which was ongoing at year's end.

UNMIK police charged two of its officers with patronizing prostitutes in Kosovo.

On July 31, six explosions took place in Klokot and one in Balance, injuring two KFOR soldiers. The investigations into both incidents were ongoing at year's end. On January 20, Kosovar Albanians Idriz Balaj and Teuta Balaj and their 2-year-old son were injured when an explosive detonated as they entered the front door of their home in Gjakove/Djakovica. The adults were active KPC members. On December 13, a car bomb exploded outside a restaurant in Pristina injuring at least 20 people.

A Kosovo Serb paramilitary group known as the "Bridgewatchers" continued to operate on and around the boundary between north and south Mitrovica. During the year, UNMIK CIVPOL attempts to arrest armed Bridgwatcher members resulted in aggressive demonstrations and rock-throwing by large groups of Kosovo Serb bystanders (see Section 2.b.). On April 8, Kosovo Serbs threw rocks and hand grenades at UNMIK and CIVPOL officers during a violent demonstration; 22 CIVPOL personnel were injured. Occasionally, UNMIK and CIVPOL attempts to enforce the rule of law among Kosovo Serb civilians in the area such as traffic stops and arrests met with similar aggression.

Prison conditions generally met international standards; however, overcrowding and the need for repairs remained problems. There were five low and medium security prisons administered by UNMIK in Kosovo: Pristina, Prizren, Mitrovica, Peja, and Gjilan. In August international observers visited the one maximum-security prison, Dubrova, in Istog and noted significant improvements over previously reported conditions. The facility was enlarged and a medical clinic was improved by the donation of equipment and medicine. Male and female prisoners were held separately. Prisoners at

Dubrova rioted twice during the year, both times in protest for better prison conditions. Conditions at Dubrova were indicative of conditions at prisons throughout Kosovo.

Dubrova prison housed older youth offenders between the ages of 17 and 21. As of August 29, 60 of the 598 inmates of Dubrova were between the ages of 17 and 21, 50 percent of whom had been convicted of murder. Inmates ages 17 to 21 were held separately from adult inmates. There was one medium security prison referred to as a "correctional and educational institution" that held juveniles under the age of 18, and women.

Pretrial detainees were held separately from convicted criminals; although they may be held in the same facility due to overcrowding, they were kept in separate cells. There was at least one hunger strike during the year, which was resolved through the involvement of the OSCE Ombudsperson.

Prison officials consistently permitted visits by independent human rights observers. KFOR maintained a detention facility at Camp Bondsteel for persons accused of war crimes, serious ethnic offenses and political violence, including armed extremism. A total of 179 persons were detained at Bondsteel this year; as of mid-November, there were no detainees being held (see Section 1.d.). Prisons and detention centers, including Camp Bondsteel, permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees. In the absence of a formal agreement but pursuant to the OSCE's mandate for human rights monitoring, they also offered access on an ad hoc basis to the OSCE human rights observers. Only OSCE and ICRC observers were allowed to visit prisoners on a regular basis. In May the OSCE Ombudsperson attempted to visit a prison unannounced, but was denied access, and told that 24-hour notice was required. The Ombudsperson raised the issue with the head of UNMIK Pillar I (Police/Justice), who supported the requirement of prior notice. The SRSG overruled Pillar I, and confirmed in writing the Ombudsperson's right to unimpeded, unannounced access.

d. Arbitrary Arrest, Detention, or Exile

Under UNMIK regulation 1999/24, police may detain criminal suspects for up to 72 hours without charging them; however, sources reported that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they intended to charge them and such cases were dismissed. Arrest warrants were issued and executed in an open manner by civilian authorities. The former Republic of Yugoslavia's criminal procedure, Article 197, permits pretrial investigative detention for up to 6 months, but UNMIK has decreed by Regulation 1999/26 that this period may be extended by up to an additional 6 months in cases where the suspected crimes are punishable by a sentence of over 5 years. In June the high-profile case involving the exceptionally lengthy detention of Afrim Zeqiri, a Kosovar Albanian accused of shooting three Kosovo Serbs in May 2000, was resolved when he was acquitted after being held for 2 years under an SRSG "executive order."

KFOR does not require arrest warrants to implement a safe and secure environment under UNSCR 1244; however, the detention process by KFOR is transparent. In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons not charged with a crime or ordered released by the courts, but deemed an ongoing security threat. COMKFOR may extend the period of detention in increments of 30 days. No abuses of this power were reported. There were complaints from police and judicial personnel that when KFOR detained persons suspected of crimes in connection with cases under KFOR's mandate to maintain a safe and secure environment, it sometimes did not deliver such detainees in a timely fashion (see Section 1.c.). During the year, KFOR detained 179 suspects, most for 72 hours or less. As of mid-November, there were no prisoners being held in KFOR's Bondsteel Detention Facility. By year's end, all detainees had been released or transferred to civilian facilities.

Lengthy pretrial detention continued to be a problem in cases of serious crimes; some detainees allegedly involved in ethnically based crimes were held on the basis of weak evidence. As of November 24, approximately 1,122 persons remained in pretrial detention in civilian prisons and detention facilities; 555 of whom had been sentenced.

Some observers and detainees claimed that there was an ethnic bias in the amount of time it took to bring some cases to trial.

In 1999 withdrawing Yugoslav forces took 2,000 Kosovar Albanian detainees into Serbia during the NATO bombing; by the end of March, Serbian and Yugoslav authorities had released all of them.

There were no reports of political detainees, although some Kosovo Serb defendants in war crimes cases and some former KLA members asserted that they were being held for political reasons.

The law prohibits forced exile, and there were no reported instances of its use.

a. Denial of Fair Public Trial

The Constitutional Framework provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression remained an obstacle to judicial independence. Some judges and prosecutors reportedly were subject to outside pressure, including threats and intimidation, particularly in cases involving ethnic disputes. Some local judges also lacked basic legal skills needed to conduct investigations or trials. Courts suffered from lack of supplies, equipment, and administrative management. Additionally, prosecutors and defense counsel often lacked advocacy skills. Foreign governments and the OSCE organized numerous training programs for prosecutors and defense counsel during the year.

Supported by an Advisory Judicial Commission, in 1999 UNMIK re-established a court system in Kosovo that included a Supreme Court, 5 District Courts, 22 Municipal Courts, a Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. The Judicial Corps included 310 judges and 44 prosecutors, as well as over 456 "lay judges" (jurors) to assess the facts of the cases. There were 17 active Kosovo Serbs, 12 Gorani or Bosniak, and 2 Roma in the Kosovo Judicial Corps.

UNMIK concluded an agreement with the Government of Serbia that established a program for Kosovo Serbs who wished to apply for 1 of 40 vacant judge and prosecutor positions in the local Kosovo justice system. Kosovo Serbs applicants were given incentives, including help resolving housing claims, threat assessments, and appropriate protection. The Serbian Government agreed to continue applicants' pension and health care rights under the Serbian regime. In filling the positions, Serbs and all other ethnic minorities were to be given preference if otherwise equally qualified. The candidates were recommended by the Kosovo Judicial and Prosecutorial Council (KJPC) and the list was submitted to the Central Assembly, which wanted additional information on the candidates before it would endorse the list and submit it to the SRSG. The SRSG subsequently bypassed the Assembly and appointed the candidates from the KJPC recommended list. Offers were made in December and appointments continued at year's end.

UNMIK, working through the OSCE, also established several entities, which are expected to become local institutions, to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) opened in February 2000 to train judges and prosecutors. The Department of Judicial Affairs established the Judicial Inspection Unit (JIU) to monitor judicial performance and make recommendations on both discipline and training. Since 2001 the KJPC has heard cases of judicial misconduct; in September 2001 the KJPC decided its first cases.

One court was comprised of international judges and prosecutors who were appointed by the U.N. to handle inter-ethnic and other sensitive cases. The international judiciary reported to and was managed by the UNMIK Department of Justice, which was under the authority of the SRSG. The local judiciary reported to the local Supreme Court and Chief Prosecutor of Kosovo. However, the international prosecutors could hear any case they deemed appropriate. UNMIK regulations did not explicitly provide for an independent judiciary.

Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts parallel to local judges in ethnically or otherwise sensitive cases. However, UNMIK did not make public the criteria for which cases were to be assigned to

international personnel and practice was far from transparent. In some instances, local judges refused to sit on panels with a majority of international judges for fear the community would hold them accountable for unpopular verdicts. Some international judges and prosecutors were not always familiar with applicable law in Kosovo.

The lack of a tracking mechanism to identify cases from arrest through closure reportedly has created an opportunity for corruption among prosecutors, court personnel, and defense counsel, although there was no specific information that corrupt practices have occurred. The lack of a tracking mechanism was also an obstacle to determining which police investigations are being pursued by the District Prosecutor.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary. However, as a result of the 10-year period of resistance to Yugoslav oppression during the 1990s and the consequent refusal of Kosovar Albanians to participate in Yugoslav structures, Kosovo only had 186 licensed attorneys to handle all legal work. More than 1,000 students were trained in law under a parallel academic system during the 1990s, but had no access to a Kosovo bar examination and were not licensed. The local Chamber of Advocates and UNMIK reached agreement on the substance of and modalities for a bar examination for Kosovo. The first examination in more than 10 years was held in December 2001. From December 2001 to December 2002, the bar exam was held five times; out of the 360 candidates who took the exam, 218 passed.

The defense bar, The Kosovo Chamber of Advocates, remained weak and disorganized, and was rooted in a passive approach to defense due to years of practice under socialist and authoritarian codes. The OSCE established a local NGO, the Criminal Defense Resource Center, to assist in addressing these problems and to serve the defense bar in capacity-building. NGOs and international donors conducted training for the defense bar in advocacy, practical skills and international human rights law. The Kosovo Chamber of Advocates, funded by the European Agency for Reconstruction, conducted a legal aid program throughout Kosovo. Legal aid was provided to all the citizens of Kosovo, mainly on civil and administrative law matters.

Some Kosovo Serb lawyers participated in the judicial system established by UNMIK in order to provide representation to Kosovo Serb defendants; however, many Kosovo Serb defendants were denied adequate representation when Kosovo Serb lawyers were unavailable or lacked sufficient freedom of movement to travel to their potential clients (see Section 1.d.). The situation improved during the year. The Serbian Justice Ministry has a unit within the Serbian Defense Bar that works exclusively representing Serb defendants in Kosovo. Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts reportedly were paid by the Serbian Justice Ministry. A July agreement between UNMIK and the Serbian Government was supposed to end this practice of receiving two salaries, but had not done so by year's end.

When they began hearing cases in early 2000, the courts faced a high backlog of criminal cases. International judges completed 33 criminal cases. By June local courts had tried 3,148 criminal cases, the vast majority were petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. Higher courts heard 302 appeals. Legal experts and human rights observers continued to fear that a fair trial would be unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovar Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel. The judicial system also faces the problem of a lack of staff. The Pristina district prosecutor's office only had 2 prosecutors for more than 500,000 individuals.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined first to apply the Kosovo code in effect in 1989, then to proceed to the Yugoslav and Serbian codes to the extent that the first code was incomplete. Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although initially they largely were

unacquainted with these laws. International organizations and NGOs have implemented programs to increase the judiciary's awareness and application of international human rights laws and conventions.

Although the compilation of criminal law generally met accepted international standards, it was considered unwieldy and incomplete. The SRSG-appointed Joint Advisory Committee on Legislation, comprised of Kosovar and international legal experts, completed a new draft Criminal Code and a new draft Criminal Procedure Code; however, UNMIK had not approved them by year's end.

There were no confirmed reports of political prisoners; however, some Serbs and former KLA members convicted by the courts of war crimes asserted that they were political prisoners.

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

The law prohibits these actions and UNMIK authorities generally respected these prohibitions in practice; however, a few individuals and local NGOs accused KFOR of using excessive force in executing arrests or weapons searches in private homes resulting in property damage.

On March 18, UNMIK issued a regulation on Covert and Technical Measures of Surveillance and Investigation. This regulation permitted police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor.

Respect for private property rights continued to be problematic and interethnic property disputes stemming from the displacement of the 1999 conflict continued to be among the most serious obstacles to ethnic reconciliation. Withdrawing Yugoslav forces removed or destroyed most existing property records and this, combined with the disruption caused by 10 years of Serbian authoritarianism and massive property destruction, complicated property rights issues. It was particularly difficult to know how occupants of vacated properties could remain where they were living, how owners could rightfully reclaim their property, where returnees and internally displaced persons (IDPs) could live and build, and how potential investors could gain title to land before investing significant sums.

In Mitrovica Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovar Albanian properties, while Kosovar Albanians in the southern part of Mitrovica also refused Kosovo Serbs access to their property. A local initiative to allow access to property on both sides of the Ibar River in Mitrovica resulted in little progress. There were some evictions of illegal occupants in the southern or Albanian side, but none so far in the northern or Serbian side.

Civilians were also responsible for the destruction of private property, of which 523 cases of arson and 22 cases of looting were reported (see Section 5). There was evidence that Kosovar Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Kosovo Serb neighborhoods through strategically targeted property purchases. A number of the cases of violence against Serbs may have been attempts to force persons to sell their property (see Section 5).

In August 2001, UNMIK enacted a regulation to prevent the wholesale buy-out of Kosovar Serbian communities and to combat the intimidation of minority property owners in certain geographic areas. The regulation mandated that Municipal Administrators approve every proposed sale of property (excluding agricultural land) between Kosovo Serbs, and other minority groups, to Kosovar Albanians. UNMIK did not implement this law effectively during the year, in part because of limited resources. The evaluation of each case was time consuming and many Kosovo Serb owners were unable or unwilling to cooperate. The OSCE Ombudsperson and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

A recently reorganized Housing and Property Directorate (HPD) has given greater confidence to Kosovars and the international community that it will be able to achieve its goal of receiving the majority of outstanding property claims from 1999, by its final deadline for submissions in June

2003. Since the arrival of a new director in October, HPD has significantly bolstered its ability to process claims, and was producing approximately 125 decisions on claims per week, as well as up to 30 evictions of illegal occupants per week. At year's end, HPD had collected 24,000 of an estimated 70,000 claims, had resolved 1,425 claims, and had evicted illegal occupants from 395 homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

UNMIK regulations provide a framework for recognition of the rights to freedom of speech and of the press, and UNMIK generally respected these rights in practice. In 2000 UNMIK issued a regulation prohibiting newspaper articles that might encourage criminal activity or violence. Some local and international media observers criticized this as an infringement of freedom of the press.

UNMIK Regulation 2000/4 prohibits hate speech and speech that incites ethnic violence. Otherwise, individuals were not prevented from publicly or privately criticizing the UNMIK administration or the PISG.

Most print and electronic media in Kosovo were independent, but regulated by UNMIK. One Kosovar Albanian electronic media outlet, RTK television, remained publicly funded. Additionally, a foreign government funded two independent broadcast stations and several publications for Kosovo's minority communities. Neither UNMIK nor donor countries exercised editorial control over these media outlets.

Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. There were six daily newspapers in Albanian, all published regularly and locally. An economic-themed Albanian weekly started, but was published in Switzerland. The monthly magazine *Glas Juga* was the only Serbian language publication. It was published in the Kosovo Serb enclave of Gracanica and printed in Greece. The Bosniak weekly *Alem* was printed in Kosovo. Most of the main dailies were aligned with different political parties, although there were two independent daily newspapers.

At year's end, there were 79 radio and 24 television stations available in Kosovo. Of these 47 radio and 15 television stations broadcast only in Albanian, 20 radio and 7 television stations broadcast in Serbian only, 2 radio stations broadcast in Turkish, 3 radio stations broadcast in Bosniak, and 1 radio station broadcast in Gorani. Multi-ethnic stations broadcasting in Albanian, Serbian, Romani, Turkish, Bosniak, and Gorani included 16 radio and 2 television stations. Of these four radio and three television stations broadcast Kosovo-wide.

Libel laws were not used to stifle criticism of UNMIK or the PISG. UNMIK regulations 2000/36 and 2000/37 prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise. Complaints of libel were addressed by the Temporary Media Commissioner (TMC). During the year, the TMC sanctioned newspapers *Bota Sot* and *24 Ore* with fines after subjects of articles complained that reporting about them had been untrue and malicious.

Through its regulation establishing the Department of Post and Telecommunications, UNMIK controlled the broadcasting infrastructure while the OSCE oversees the Department of Media Affairs. In 2000 UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the TMC and the Media Appeals Board. The TMC was responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct. The Constitutional Framework provides for an Independent Media Commission and a Board of the Public Broadcaster, both to be independent of the PISG. UNMIK was actively working to establish both boards. In the interim, appointments to the TMC Media Appeals Board continued. In October the Kosovo Assembly announced the formation of a

"Committee on the Media," the responsibilities of which remained unclear.

According to the Temporary Media Commission, there were no reports of physical attacks on journalists during the year.

The Government did not restrict or monitor access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited the right to assemble based on security concerns. No written permit is needed to hold a demonstration, but for police coordination purposes, organizers must notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person for the demonstration. In granting permits for organized demonstrations, regional UNMIK civilian police chiefs made a determination based on the potential for violence and the current security situation.

Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. The police occasionally responded inappropriately. However, in most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries.

On February 8, a protest organized by KLA-affiliated associations against the arrest of three former KLA members became violent when several hundred aggressive protesters attacked a small contingent of UNMIK and Kosovar police. In February the arrest of two Kosovo Serbs sparked fierce, but brief, street demonstrations in north Mitrovica by local ethnic Serbs (see Section 1.a.). On April 8, UNMIK police were subject to a violent protest by Bridgewatchers and their supporters, after a Bridgewatcher member wanted by police was arrested at a traffic checkpoint in north Mitrovica. A riot ensued, injuring 23 persons, including 19 UNMIK personnel. Special Police who were hit by hand grenade fragments from two devices thrown by Bridgewatchers. One arrest was made (see Section 1.c.).

On August 15, a demonstration in Decan turned violent and police officers reportedly responded with excessive force. Ultimately over 20 persons were arrested and several persons, both demonstrators and CIVPOL, were injured. A regional CIVPOL commander was suspended and disciplined for mishandling the situation.

On October 10, violence erupted in Peje when a group of Kosovo Serbs entered the town by bus to apply for pension payments. A mob of local Kosovar Albanians threw gasoline bombs and chunks of concrete at the bus, over the ranks of KFOR special police units and UNMIK municipal police. Police officers blockaded all major roads into and out of the town and dispersed the violent individuals using tear gas and plastic bullets. Safe passage out of the municipality for the Kosovo Serbs was quickly established, and there were no reports of injuries on either side. Within days police arrested five persons suspected of inciting the violence.

UNMIK regulations provided for freedom of association, and the Government generally respected this right in practice; however, during the municipal election campaign in September and October, UNMIK, following a PISG decision, barred political parties from using public school buildings for political meetings and rallies. This was a serious obstacle to campaigning in many areas since often the only indoor sites suitable for a large gathering were local schools. Two weeks prior to the election, UNMIK and the PISG suspended the policy, allowing civilian police to issue permits for peaceable assembly of political organizations in public school buildings after hours.

In its regulations governing the definitions of and registration requirements for both political parties and NGOs, UNMIK stated specifically that such regulations did not affect the right to association.

c. Freedom of Religion

The Constitutional Framework provides for freedom of religion, and UNMIK and the newly established provisional Kosovo Government generally respected this right in practice. Kosovo is a secular society with no state religion. There are no specific registration or licensing regulations for religious groups; however, the requirement that NGOs must register affected some religiously-based organizations, although it was not regularly enforced.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics. Religion and ethnicity were intertwined so closely that it was difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. However, the political identities of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have had religious roots. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which defined not only their religious but also their cultural and historical perspectives. Muslim and Catholic communities tended to cooperate along ethnic lines, as both groups were ethnic Albanians. Significant parts of the Kosovar Albanian community continued to view the Serbian Orthodox church with hostility and suspicion based on the high-profile political role often played by Serbian Orthodox clergy both in the past and present, as well as the frequent use of Serbian Orthodox symbols by Serbian extremists.

Societal violence against Serbs in Kosovo continued to decrease during the year, although this trend was marred periodically by incidents of ethnically motivated violence, harassment, and intimidation. Serbian Orthodox clergy sometimes have encountered rock-throwing while traveling and in the vicinity of some religious sites. Monks and nuns at some monasteries also reportedly were unable to use parts of the monasteries' properties due to safety concerns. Security concerns had a chilling effect on the Kosovo Serb community and their freedom of movement, which also affected their freedom to worship. Serb families with relatives living in both Kosovo and Serbia were restricted by security concerns from traveling to join their relatives for religious holidays or ceremonies, including weddings and funerals. UNMIK police and KFOR have designed several mechanisms to provide security to improve mobility.

Protestants also suffered some violence and discrimination in Kosovo. Some Protestant leaders were threatened and even attacked; in one incident in south Mitrovica, a Protestant leader left Kosovo after unknown perpetrators fired shots at his house. Some Protestants suggested that non-Kosovar Muslims either were responsible or incited the attack. In another incident, masked persons held an ethnic Albanian Protestant pastor at gunpoint and robbed him before releasing him.

There were attacks on Serbian Orthodox churches and cemeteries during the year, presumably by ethnic Albanian extremists, although the number of such attacks decreased. The Prime Minister and Kosovar Albanian political leaders made a public effort to visit damaged and destroyed churches and expressed a commitment to assist in the reconstruction of some of the destroyed churches.

In June following a serious outcry in the Serbian-language press over vandalism perpetrated against Orthodox cemeteries in Kosovo, UNMIK police undertook a survey of cemeteries in Rahovec/Orahovac and in the towns of Livadica and Milosevo. They established that most of the damage was not recent. In July a fire was set in the remains of the Zociste Monastery of Saints Cosmas and Damian, near Rahovec. The monastery had been destroyed immediately after the war. In November two Orthodox Churches in Istog were seriously damaged by explosive devices; the perpetrators have not yet been identified. Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije Radosavljevic, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in the Serbian enclave of Gracanica, near Pristina, rather than at his diocesan seat in Prizren.

In light of post-conflict societal violence against properties owned by the Serbian Orthodox Church and Serbian Orthodox religious symbols, UNMIK authorities took steps to protect religious sites and to ensure that members of all religious groups could worship safely. KFOR continued to guard many Serbian Orthodox patrimonial sites, but began a gradual hand-over of such responsibility to the Kosovo Police Service (KPS) working with UNMIK CIVPOL. KFOR transferred protection of 47 religious sites to KPS and CIVPOL, and planned to transfer another 10 sites to police control before the end of the year. However, two November 16 attacks on Serbian Orthodox churches in the Istog municipality, which were not under KFOR guard, might have altered the transfer timetable. There

were no injuries when bombs were detonated at 12 a.m. and 5 a.m., since the churches were empty and it had not yet been determined who was responsible for the attacks.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Applicable law provides for freedom of movement and no special documents were required for internal movement; however, interethnic hostilities were such that security concerns widely restricted freedom of movement in practice. Kosovo Serbs and, to a lesser extent, other minority communities found it difficult to move about safely without an international security escort. The level of freedom of movement for Kosovo Serbs varied greatly depending on location, but there was a marked increase in freedom of movement in many areas for Serbs and other minority communities during the year. In some areas, Kosovo Serbs moved about Albanian-majority communities without incident; in others, they required a KFOR or CIVPOL escort to avoid incidents, possibly involving physical violence. There were two incidents when groups of Kosovo Serbs attempting to visit Albanian-majority areas were attacked. In October a bus of Kosovo Serb pensioners was attacked when visiting Peje to apply for their pension payments (see Section 2.b.). In November a convoy of prospective Kosovo Serb returnees was stoned in Grmovo village during an NGO-facilitated "go and see" visit. In Mitrovica there were restrictions on freedom of movement for both Albanians and Serbs due to ethnically based harassment (see Section 5).

In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK offered Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia. UNMIK set up mobile registration points for these license plates in Serbian enclaves and in several of the Serbian majority municipalities. Other minorities have asked that UNMIK issue them free Kosovo plates as well. There were a few problems with the exchange program. The Government of Serbia did not endorse the program and did not sign the memorandum of understanding. Kosovo Serbs reported that they did not feel secure travelling to municipal centers to register for the program, and UNMIK provided very few mobile registration teams for outreach to enclaves.

During the 1999 war, Serb and Yugoslav forces conducted a deliberate campaign of "identity cleansing" in which they confiscated and destroyed citizen identification documents, and destroyed the central and municipal archives and civil registers. Many Kosovar Albanians were left with no documents of identity. Even those Kosovo residents with Yugoslav passports continued to find their passports invalid for travel to some neighboring countries.

In 2000 UNMIK published a regulation that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued more than 1.3 million identity documents and over 310,000 travel documents. These documents were printed in Kosovo, which has reduced waiting time significantly. Some 29 countries have recognized UNMIK travel documents, primarily the European Union, the U.S., and Balkan nations; however, negotiations were ongoing with Eastern European and Middle Eastern countries. The SRSG issued individual travel letters in limited cases, but such documents were not widely recognized. Kosovo Serbs often qualified for and received Serbian identity and travel documents, in addition to UNMIK issued Kosovo identity documents.

UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.

While precise figures were unavailable, substantial numbers of Kosovo Serbs and Roma fled Kosovo following the conflict. Many displaced persons did not register with international agencies. UNHCR estimated that more than 233,000 IDPs remained in Serbia and Montenegro, including Kosovo Serbs, Roma, Ashkali, Egyptians, and Montenegrin Muslims. UNHCR's registration of IDPs listed 152,000 displaced Kosovo Serbs remaining in Serbia, 29,000 in Montenegro, and 3,305 in Macedonia. The number of displaced Roma was difficult to estimate, although some sources reported that as many as 25,000 Roma fled in the aftermath of the conflict. Following the establishment of a civil administration by UNMIK, several countries that had offered temporary

refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo.

After the 1999 withdrawal of Yugoslav troops from Kosovo, the U.N. High Commissioner for Refugees (UNHCR) oversaw the immediate return of 882,000 ethnic Albanian refugees and IDPs from surrounding regions and other countries. An additional 150,000 IDPs have returned since that time, many through the International Organization for Migration (IOM) repatriation programs. Spontaneous repatriation of Kosovar Albanians continued but was difficult to track.

On July 4, the Central Assembly approved a resolution on the return of IDPs and refugees. This resolution declared that "all citizens of Kosovo, regardless of race, gender, religion, and ethnic background have the legal right to enjoy their property" and "have the right of unrestricted freedom of movement." It called for the Government to create the preconditions for successful returns and reintegration of IDPs.

UNMIK and the international community were able to address many of the most pressing problems of returnees from all ethnic groupings, yet difficulties remained in obtaining sufficient housing, social services, property records, civil services, and education. In addition to UNMIK programs, a significant number of NGOs provided assistance in resettlement and repatriation efforts.

Most of the Kosovo Serbs and approximately 25,000 Roma who fled when Yugoslav forces withdrew had not returned by year's end. Their concerns centered on physical safety, lack of freedom of movement, and lack of employment opportunities. Many IDPs and refugees outside Kosovo also did not have accurate information on conditions in Kosovo or on the constitutional framework or civil structure. Many Kosovo Serbs who were previously employed in the public sector or in social enterprises continued to receive at least a portion of their salaries from the Serbian government and feared a return would risk cut-off of this and other Serbian government benefits and protections. UNMIK, the UNHCR, and the international community continued a minority stabilization program to address some of the assistance needs of prospective returnees.

UNMIK's Office for Returns and Communities developed a rights-based policy for returns and created an operational framework for the returns process. The UNHCR and OSCE reported that the outflow of Serbs to Serbia tapered off. Recent UNMIK data suggests that the numbers of Serbs returning to Kosovo, while small, exceeded those departing. While firm return numbers were difficult to confirm, UNHCR estimated that more than 5,500 persons from non-majority ethnic communities have returned since 2000. UNHCR estimated that 3,358 of these returnees were ethnic Serbs and that 2,228 came from other minority groups.

Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be a serious problem for minorities (see Section 5). Several villages that previously were ethnically mixed had become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK continued to provide security as necessary to some enclaves and minority settlements, including escorts for family visits, shopping, school attendance, and medical care. KFOR also regularly escorted convoys of private vehicles. In August KFOR again changed security measures by removing many fixed check points, stopping a majority of minority escorts (transportation security), and removing tight security from many enclaves. KFOR based these decisions on the improved security environment in Kosovo, and on the belief that a more dynamic and flexible environment would build confidence among Kosovo Serbs. KFOR has adopted a policy of random, intermittent escort. There were no direct attacks on KFOR escorts; there were incidents in October in Peje and November in Grmova that involved interethnic violence when Kosovo Serbs visited the town with indirect KFOR assistance.

Some minorities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, lived alongside ethnic Albanians and reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo. Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. Bosniak leaders have complained that many thousands of their community have left the

province both because of discrimination and a lack of economic opportunity. The Turkish community was more closely integrated with Albanians and was less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid (see Section 5).

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Kosovar Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative inter-ethnic relations, thus encouraging a climate conducive to the return of those who fled Kosovo earlier. Although some progress was made, resettlement of Roma, Ashkali, and Egyptians continued to be very limited.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from south Mitrovica into the northern part of the town.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Kosovo does not provide first asylum; however, refugees from the conflict in Macedonia were assisted in Kosovo by UNHCR. Of the 12,000 refugees who arrived in Kosovo in 2001, 4,000 remained at year's end. UNMIK cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The country continued to be administered under the civil authority of UNMIK, but as noted in UNSC Resolution 1244, UNMIK seeks to provide "substantial autonomy and meaningful self-administration" to the persons of Kosovo. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors organized a series of elections to provide locally elected leadership: The October 2000 municipal elections, the November 2001 Kosovo-wide, or general elections, and the October municipal elections.

All UNMIK-registered citizens of Kosovo over the age of 18 were eligible to vote in the elections. One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.). Throughout the year, UNMIK and OSCE continued to refine the civil registration system, upon which voter registration is based, and ethnic minorities resident in Kosovo registered with UNMIK in more significant numbers than in the previous years. Approximately 1.3 million voters were registered for the October municipal elections. These included more than 120,000 voters, largely Serb and Roma, residing outside Kosovo.

Created as a result of the general election in November 2001, the 120-member multi-party, multi-ethnic Central Assembly elected Ibrahim Rugova as President of Kosovo, approved Bajram Rexhepi as Prime Minister, and 10 Ministers of Government on March 4. Under the Constitutional Framework and its implementing regulations, the departments of the UNMIK-created Joint Interim Administrative Structure (JIAS) were consolidated and reorganized to become 10 Kosovar Ministries under the new PISG. Although a number of powers were still reserved to the SRSG, including those regarding foreign affairs and justice, broad areas of responsibility were increasingly vested with Kosovo's elected representatives who coordinated their efforts with those of the SRSG.

The UNMIK-established Central Election Commission (CEC) and 30 municipal election commissions (MECs) continued to establish electoral rules and organized the operational details of the municipal elections; these were substantially the same for the October 26 municipal elections as for the election in 2001. However, the municipal election commissions took a larger role in election preparations than they had in the previous elections as part of UNMIK's long-range plan to increasingly transfer responsibility for elections from international to local officials. In July an Election Working Group (EWG) was established by the OSCE to serve as an advisory body to the

SRSB and to discuss the basic guidelines and principles underpinning future electoral processes, including the regulatory framework. However, the EWG was largely inactive from its creation through the end of the year.

In August the CEC certified a total of 68 political entities for the October municipal elections, compared to the 26 certified for the 2001 general election. There were 28 political parties, one coalition, 28 citizens' initiatives, and 11 independent candidates. Most of the 68 entities were minority-based, including 30 Kosovar Serb, six Kosovo Bosniac and Gorani, five Kosovo Roma-Ashkali-Egyptian (RAE), one Kosovo Turkish and one Kosovo Croatian organization. There were five requirements for certification and they were consistently applied to all applicants: 100 signatures of local voters, a statement of conduct, the name of the political entity, a policy statement, and a certification fee. Several political parties were denied certification in various municipalities--most frequently for invalid signature lists, but also for deadline violations. The CEC applied the rules regarding certification fairly and consistently to all parties. Unlike 2001 when three persons were banned from participation by the SRSB due to reported association with political violence, no candidates were banned for political violence from participation in the municipal elections, although 20 candidates from various parties were removed from the lists for financial disclosure and other violations.

Many Kosovar Albanians continued to object to the UNMIK-imposed requirement that potential voters must have resided in Kosovo as of January 1998 in order to vote. They argued that this requirement disenfranchises the Kosovar Albanian diaspora who fled the area during the Milosevic regime in the nineties. The electorate also expressed concern over the organization for the October election, particularly with regard to the voters list. Many Kosovar Albanian political party officials, primarily from municipalities with significant numbers of out-of-Kosovo voters, challenged the eligibility to vote of individuals they claimed had never lived in the municipality, were dead or otherwise did not meet residency requirements. OSCE defended the out-of-Kosovo registration process and challengers failed to produce evidence that any out of country voters were ineligible.

The Democratic League of Kosovo (LDK) continued to be the most popular political party in Kosovo, garnering more than 45 percent of total votes cast in the October municipal elections. All major parties and many of the smaller ones have youth wings.

On October 23, the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) randomly selected 20 candidates by lottery and removed them from the lists of 5 political entities because the entities had violated the agreed code of conduct. The most common violation leading to this action was the failure of an entity to provide financial disclosure. The leading party, LDK, was the most flagrant violator in this area and lost 11 candidates to the penalty.

The September and October electoral campaign period saw little tension and almost no violence, although there were minor clashes at rallies. There were far fewer reports of politically inspired violence or intimidation during this campaign than during the same period in 2001 and there were no credible reports of Albanian intimidation of minority voters. On October 17, an LDK activist's house was attacked with two grenades and small arms fire, but there were no injuries. On October 27, following the election, Uke Bytyci, mayor of Suhareke/Suva Reka and leader of the local LDK branch, was shot and killed when he attempted to intervene in a confrontation between LDK and PDK supporters. Two PDK supporters were arrested for the murder and were awaiting trial at year's end.

International and domestic observers, including the Council of Europe, determined that the October 26 municipal elections were well-organized, efficient, and generally met international standards. Although these observers reported fewer irregularities than in previous years, they did identify some irregularities and logistical flaws. Voter registration data available at the polling stations improved significantly, but remained sometimes incomplete. Some voters, especially in rural areas, tried to insist on voting in family groups rather than individually, with the patriarch deciding for whom they would all vote. The presence of community or national flags at polling centers continued to be a point of contention, sometimes resulting in delayed openings at polling centers. However, election officials were able to address most problems.

The October 26 municipal elections attracted participation by all ethnic communities, although Serb participation varied significantly by municipality. The Kosovar Serb community in north Mitrovica, constituting over half of the Serb population resident in Kosovo, virtually boycotted the election. However, in other Serb majority areas, and municipalities with significant Kosovar Serb communities, participation was comparable to Kosovo-wide turnout. According to the OSCE, overall voter turnout was 53.8 percent, while outside of Kosovo (voters from Serbia and Montenegro) turnout was estimated around 14 percent. Of the 68 political entities that participated, 40 won at least one local assembly seat. Through a majority of seats or coalitions with other parties, LDK gained control of 18 municipalities, PDK gained 6, AAK gained 1 and various Kosovar Serb party coalitions won a combined total of 5. Unlike in the previous municipal election, no seats were designated or set aside for minorities.

The November post-election period saw an unprecedented level of coalition building in Kosovo. Since in half of the municipalities no single party or entity achieved a majority of assembly seats, the leading parties needed to bring smaller parties in as coalition partners.

There were 34 women in the 120-seat Kosovo legislature. There were none in the Cabinet. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. There were no reliable figures on voter participation by women, but international election observers reported it was roughly comparable to that of men with similar variations by ethnic group. UNMIK electoral regulations since 2001 required that at least one of every three candidates on a political entity's list be female. The lists were also "closed," which meant that the entity provided a list of candidates; any assembly seats subsequently won by the entity were then filled from the list in rank order. In response to previous elections when women resigned their seats post-election, UNMIK required that any seat vacated by a woman be filled by a female replacement. Following October's election, women represented 28 percent of the elected municipal representatives. In November 2001, women won 34 of the Central Assembly seats, 28 percent of the total. An effort by women parliamentarians across party lines to create a women's caucus has so far foundered on the inability of some members, particularly LDK representatives, to look beyond party considerations.

There were 35 ethnic minorities in the 120-seat legislature. There were two ethnic minority PISG ministers and one minority inter-ministerial coordinator. No legal restrictions existed on participation by ethnic minorities in government and politics. While ethnic minorities were underrepresented at the municipal level in some parts of Kosovo, the Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities, in addition to the twelve seats Serbs won and the 3 seats other ethnic minorities won in the November 2001 elections.

Serbian authorities organized polling sites inside Kosovo for those who wished to vote in Serbian presidential elections on September 29. Given Kosovo's status as a U.N. protectorate, both UNMIK and the OSCE Mission in Kosovo maintained distance from these elections, neither assisting nor supporting them; international observers reported that turnout was very low. According to observers, the subsequent Serbian presidential run-off election on October 13 resulted in even lower turnout in Kosovo, approximately 27 percent. Another run-off on December 8 resulted in still lower participation. While the Serbian election sites within Kosovo were peaceful, there were credible reports of politically-motivated voter intimidation during the run-off election, reportedly by supporters of unsuccessful Serbian hard-line nationalist candidates, in an effort to keep participation below 50 percent, thus invalidating the results.

On November 7, the Kosovo Serb parliamentary caucus, Povratak, began a boycott of the Kosovo Central Assembly. Kosovo Serb parliamentarians cited perceived insults at the hands of Assembly President Daci and lack of access to documents in Serbian as reasons for the boycott. UNMIK later appointed an OSCE advisor to monitor plenary sessions and committee hearings for any evidence of inappropriate behavior or language.

Section 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 restriction, investigating and publishing findings on human rights cases. UNMIK was cooperative and responsive to their views. UNMIK and the OSCE continued to encourage the development of civil society, including domestically based NGOs.

In 1999 UNMIK issued a regulation on NGO registration; more than 1,700 domestic and 380 international NGOs were registered with UNMIK. More than 180 NGOs have been suspended since 1999, largely due to their failure to provide annual reports, including financial information. A broad range of international organizations continued operations to assist with administration and to provide post-conflict relief, but the number of international NGOs active in Kosovo declined during the year.

NGO efforts included assistance to hundreds of thousands of returning refugees, support for the search for the missing and social services to ameliorate the effects of post-war trauma (see Sections 1.b. and 2.d.). The IOM coordinated training and projects for the Kosovo Protection Corps, often in collaboration with NGOs. Human rights observers, including those of the OSCE as well as some associated with domestically based NGOs, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). Observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE and other observers generally were allowed access on an ad hoc basis to most courts and, with prior 24-hour notice, to prisons; however, the OSCE Ombudsman does not require 24-hour notice (see Section 1.c.).

In 2000 UNMIK authorized the establishment of the Institution of the Ombudsperson (the OI) to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses by governmental entities. Since then, Ombudsperson Marek Nowicki has received more than 700 complaints, of which approximately 25 percent were made by Kosovo Serbs, and approximately 7 percent by other minorities. The largest number of cases (almost half) involved property rights, with employment, fair hearing, and civil rights applications also pursued in significant numbers. While the OI had no authority to intervene in cases against KFOR and while UNMIK extended broad immunities to its employees, the OI nonetheless exercised an important advisory role both in individual cases and through special reports and general opinions.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women and ethnic minorities persisted.

Women

Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. There were no governmental agencies dedicated to coping with family violence. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse and rape. In the traditionally male-dominated society, domestic abuse of women was not uncommon, but it is illegal and applicable penalties include incarceration for periods of 6 months to 5 years. Formal complaints to authorities alleging domestic violence increased significantly this year as did prosecutions; however, few victims of spousal abuse filed complaints with the authorities. The Kosovo Police Service School, charged with training the KPS, included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape is not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonoring the entire family. The frequent incidence of rape by Yugoslav and Serbian forces in 1999, as well as reports of subsequent revenge-based rape by members of the KLA, heightened the profile of rape as a form of war crime, but few individual women came forward publicly. During

the year, police registered over 131 rapes, rape attempts and sexual assaults, an increase in the number of reported cases over the previous year.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

Women have the same legal rights as men, but traditionally did not share societal status equal to men which affects their treatment within the legal system. Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There is no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While legally women and men have equal rights to inherit property, it is customary that family property passes to men only. Women who are widowed risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land and custody of the children, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas, and for facilitating consultation among UNMIK, the newly-formed Ministries of the provisional self-government, and women's organizations. An UNMIK regulation binds government officials to abide by the provisions of international human rights law and conventions, but that requirement has not yet significantly benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international organizations opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the Kosovo Police Service (they make up 15.1 percent of the force). Women were increasingly active in political and human rights organizations and several women served as heads of domestic NGOs. The Women's NGOs focused on a variety of issues, including domestic violence and the establishment of a shelter for abused women in Pristina. Approximately 200 out of 3,000 KPC members were women.

Children

In March the Ministry of Education, Science, and Technology and the Ministry of Health assumed responsibility for issues related to children's education and health from the previous JIAS Departments of Education and Science, and Health and Social Welfare. A 2000 UNMIK regulation made enrollment in public school mandatory for children between the ages of 6 and 15; however, there were some exceptions. The regulation made no provision for a waiver of school attendance based on safety concerns, but authorities did not enforce it where ethnically based security concerns existed. Primary education was compulsory, free, and universal. The vast majority of school-aged children under 15 attended school. Most children completed secondary or high school education. There was no difference in the treatment of girls and boys. Following Kosovo's loss of autonomy in 1989, Kosovar Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In July the Kosovo Assembly passed a new law on education which included provisions to ensure equal conditions for schoolchildren of all communities. The law on primary and secondary education was promulgated in October; the law on higher (university) education was awaiting promulgation by the SRSG at year's end.

In July the elected Central Assembly accommodated minority populations by providing for the right of all Kosovar children to native-language public education through the secondary level through an amendment to the Law on Primary and Secondary Education; schools teaching Serbian, Bosnian, and Turkish language operated during the year. However, the Central Assembly was not willing to license publicly-funded higher education institutions designed to operate parallel to the University of Pristina system.

Although several public schools run by UNMIK and the Ministry of Education, Science, and Technology were reopened, extensive damage to many school buildings, a lack of educational materials and persistent electrical power outages continued to hinder the full functioning of the education system. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based curriculum, Kosovo Serb children frequently attended neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. During the year, international organizations continued to rebuild and equip schools; the numbers of students enrolled increased. According to a World Bank Poverty Assessment issued in September, enrollment for both Serb and Albanian children at the primary level was almost universal. However, at the secondary level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovar Albanian girls than for Kosovar Albanian boys or girls from the Kosovo Serb community. In rural areas, lack of transportation led families to prioritize sending boys to school, because of cultural norms and the presumption that the prospect of future employment for girls was slim. Roma, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children; however, Roma children reportedly faced intimidation in some majority Albanian areas. Roma children tended to be disadvantaged by their community's poverty and many had to start working at an early age to contribute to the family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry of Education introduced the Catch-Up program for minority children, mainly Roma-Ashkali-Egyptians, who often missed schooling due to frequent moves in the post-conflict environment. The Ministry also provided an expedited registration process for displaced minority children at the secondary level and at the higher education level.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believed that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead and other chemicals at the Trepca industrial complex, contributed to poor health conditions as well.

There was no societal pattern of abuse of children. High unemployment and family dislocation after the conflict resulted in a higher rate of abandonment of children. As the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were increasingly housed in group homes with few caretakers. During the year, a private initiative succeeded in shifting many of the institutionalized children from a local hospital to five children's homes of 10 to 12 children each.

Kosovo served as a destination and transit point for trafficking in children for the purpose of prostitution (see Section 6.f.).

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the high level of unemployment posed obstacles to the employment of persons with disabilities. The law mandates access to new official buildings; however, it was not enforced in practice. Progress was made in the area of education for persons with disabilities during the year. Each municipality was charged with creating separate classes for these children, while the Ministries of Education and Health initiated an effort, in collaboration with international NGOs such as Handikos, to identify children with special needs.

In August the NGO Mental Disability Rights International published a report based on a two-year investigation of the treatment of persons with mental disabilities in Kosovo under the UNMIK mandate. The report found extensive and credible evidence of neglect, physical violence, sexual assault and arbitrary detention at the main mental health care facilities in Kosovo. At year's end, there had been no improvement in treatment options and physical protection of residential patients was still inadequate.

National/Racial/Ethnic Minorities

The Milosevic regime used ethnic differences as a basis for discrimination and abuse, specifically targeting ethnic Albanians and exacerbating traditional interethnic divisions. Although the high level of revenge-based violence that followed Yugoslavia's 1999 withdrawal continued to decline significantly, ethnically motivated violence and crime continued to affect minorities. Kosovo Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, particularly arson. Observers attributed the drop in ethnically-motivated violent crime to a variety of factors, including: Increased CIVPOL and KPS efficiency, the lessening of tensions with the passage of time, the participation of minorities in the provisional government structures at both the central and the municipal levels, and the fact that Kosovo Serbs and Roma drastically restricted their movements (see Section 2.d.). Kosovo Serbs and Roma continued to report that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians (see Section 2.d.).

There were a number of attacks on, and killings of, ethnic Serbs during the year. On February 22, a Kosovo Serb woman was shot and killed in Lipjan. On June 28, a hand grenade exploded in a Kosovo Serb home near Kamenica, and another grenade was found nearby. On July 31, a series of six explosions took place in the Kosovar Serb village of Klokot and one in the village of Balance. Several uninhabited houses were damaged and one was destroyed. Two KFOR soldiers who responded to the first explosion were injured by a later explosion. On August 29, an unknown assailant shot at a group of Kosovo Serbs in a field in the village of Gorazdevac, near Peje. In Viti the home of a Kosovo Serb KPS Officer was subjected to grenade attacks on three separate occasions in October and November. On October 15, a Kosovo Serb woman was killed by a landmine in the village of Klokot while working in a cornfield. While the investigation was not conclusive, the device may have been rigged as a booby trap. On November 7, in Viti, the vehicles carrying a group of Kosovo Serbs were stoned by a small mob. The Kosovo Serbs, displaced to Serbia since the war, were on a "go and see" visit to persuade them to return to the area.

There were several instances of Serb violence against Albanians. During a 3-day period in September in Bosnjacka Mahala in northern Mitrovica, three explosions occurred. There was significant property damage but no casualties. On October 10, after a basketball game in Lipjan, a group of Kosovo Serbs reportedly broke several Kosovar Albanian store windows. On October 19, a Kosovo Serb criminal gang reportedly planted a landmine in the field of their Kosovar Albanian neighbor. The mine was discovered before it detonated. On November 15, a group of Kosovar Albanian vehicles were stoned while passing through the Kosovo Serb village of Callavica. On December 13, a group of Kosovo Serbs reportedly beat an Albanian resident of Suhodoll in north Mitrovica. No arrests were made in any of these cases.

Many non-Serb minorities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, lived alongside Kosovar Albanians and reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo (see Section 2.d.). During the year, six Croat-Kosovar houses were burglarized and in March a Croat-Kosovar family was attacked in the ethnically mixed town of Janjeve. Also in March, three Bosniak-Kosovar were attacked in two separate incidents in Banja. On September 24 in Gjilan, the Roma community lodged a complaint with the international community, claiming lack of security specifically on Abdullah Presheva street. Bosniak leaders continued to complain that many thousands of their community had left because of discrimination and a lack of economic opportunity. The Turkish community was more closely integrated with Kosovar Albanians and felt the impact of societal discrimination less than other minorities. The remaining Roma in Kosovo continued to reside largely in enclaves and settlements and were dependent almost wholly on humanitarian aid.

Civilians were responsible for the destruction, often through arson, of private property. There were 200 cases of arson recorded through August, at least 23 of them directed against Kosovo Serb properties and another 22 against other minorities. The reported phenomenon of "strategic sales" persisted and grew: violence, intimidation, and attractive price offers were used to convince Kosovo Serbs to sell properties at key locations, leading to the erosion of Kosovo Serb neighborhoods and a consequent increase in isolation of those remaining (see Section 1.f.). Non-Albanian minorities, especially Serbs, suffered from widespread societal discrimination, most notably in the areas of physical security, property protection and freedom of movement. Societal discrimination also affected ethnic minorities in the areas of employment, education, and health services.

Property disputes and illegal occupation of homes continued to be a source of inter-ethnic friction (see Section 1.f.). These disputes were rooted in the forced migration and displacement resulting from the 1999 conflict. In early 1999, large numbers of Kosovar Albanians fled their homes, many of which were subsequently destroyed, escaping Yugoslav and Serbian forces. After Serbian forces withdrew, many ethnic Serbs fled to north Mitrovica and other majority Serb areas. Kosovo Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Kosovo Serbs in the north of Kosovo, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR transferred responsibility to UNMIK for providing buses to transport Kosovo Serbs in larger numbers between enclaves and into Serbia to take care of personal business (see Section 1.f.).

In Mitrovica ethnic Serbs and Albanians harassed each other and restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Kosovar Albanians who sought to return to their homes in north Mitrovica were subject to violence and intimidation, and approximately 1,500 who live in the northern section of town reported repeated harassment. In south Mitrovica, which is predominately ethnic Albanian, Serb-owned properties were illegally occupied by Kosovar Albanians and Kosovo Serbs were unable to move freely without harassment. In late November, UNMIK, in consultation and collaboration with Yugoslav authorities, extended its authority to north Mitrovica. Shortly thereafter, the Government of Serbia established a branch office of the "Kosovo Coordination Center" for the Kosovo Serb population of the city, where Kosovo Serbs can apply for Yugoslav documents, which were processed in Serbia. While there was some concern over other parallel structures in the area including the North Mitrovica Hospital, which was funded and controlled by the Serbian Ministry of Health, many of the employees of the former Serbian-funded municipal administration have been employed by UNMIK. As Kosovo Serbs in north Mitrovica largely boycotted the October municipal elections at the direction of local Serbian political entities, UNMIK said that it would appoint a seven-member Advisory Board for north Mitrovica to represent residents of the northern sector of the municipality. Although not yet appointed by year's end, the board is expected to consist of four Kosovo Serbs, two non-Serb representatives and one international member and govern in coordination with the Mitrovica Municipal President and Assembly based in south Mitrovica.

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Kosovar Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative interethnic relations, thus encouraging a climate conducive to the return of those who fled the Kosovo earlier. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted (see Section 2.d.).

Section 6 Worker Rights

a. The Right of Association

The SRSG regulation on the Essential Labor Law for Kosovo provides for fundamental rights at work, including the employment relationship, terms of employment, and, without specifically mentioning a right of association, the right to form and belong to organizations including unions without employer interference; workers exercised this right in practice. The Confederation of Independent Trade Unions of Kosovo (BSPK), the largest of the few unions active in Kosovo, reported that the regulation was respected by only a small number of firms. UNMIK created the JIAS Department of Labor and Employment, the responsibilities of which have now been transferred to the PISG Ministry of Labour and Social Welfare, to designate responsibility for policy recommendations on labor practices and workers rights. UNMIK also recognized labor as one element of an eventual tripartite commission, but did not include a specific right of association.

After the war, labor organizations redirected their focus from members' welfare to traditional labor issues. The dominant union organization, BSPK, was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990s. BSPK's membership was approximately 100,600 persons, of which approximately half were unemployed. During the year, the president of BSPK was appointed to the board of the Kosovo Trust Agency (KTA), which managed the privatization process, and, following public demonstrations in June, BSPK had a member on each committee in the Kosovo Assembly. The BSPK continued to work with international entities, including the International Labor Organization (ILO) and gained full membership to the International Confederation of Free Trade Unions (ICFTU), and observer status to the European Trade Union Confederation (ETUC). Other active trade union organizations included the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosovo; the latter is registered as an NGO.

Antiunion discrimination is prohibited.

The ability of unions to affiliate internationally remained constrained in practice, although there are no legal impediments to their doing so, and the legislation expressly permits such affiliation.

b. The Right to Organize and Bargain Collectively

The labor law adopted in October 2001 provides for the right to organize and bargain collectively; however, collective bargaining was at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, there was limited possibility for negotiation by labor organizations, even though wages, other than those paid by international employers and NGOs, were sometimes not paid on time, usually due to bank administrative delays.

The right to strike is not recognized in the law; however, strikes were not prohibited. BSPK believes the right to strike was recognized indirectly when it forwarded its statutes for registration, which contain this right. Nothing in the law addressed labor disputes. In October 2001, UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement, which may be used for agreements on labor disputes. There were some strikes within a few sectors, including health, mining and education. In October the teachers' union engaged in a 15-day strike, in which they were ultimately joined by health care workers. The strike action forced the Government to agree to a one-off granting of additional wages, disbursed over a 4-month period.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

Under labor law dating from before 1989, the minimum age for employment was 16. The labor law set the minimum age at 18 for any work likely to jeopardize the health, safety or morals of a young person, but permits children to work at 15, provided such work is not harmful to the child nor prejudicial to school attendance; however, in villages and farming communities, younger children worked to assist their families. In addition, children were found in a variety of unofficial retail jobs, typically washing car windows or selling newspapers and small items such as cigarettes and phone cards. Real employment opportunities for children in the formal sector were nonexistent.

e. Acceptable Conditions of Work

After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate in Kosovo, because ethnic Albanians refused to recognize the Yugoslav-Serbian legal code. The Kosovo Office of Statistics estimated that the unemployment rate was 60 percent (although rigorous statistical studies had not been conducted). The average wage paid to those who were employed full-time was insufficient to provide a decent standard of living for a worker and family. The 2001 labor legislation provided for a minimum wage, but did not set its level.

While many international agencies and NGOs paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of Kosovo's own governmental structure, even if funded by the international community, should be set at a level estimated to be supportable by the consolidated budget, but salaries under that budget were barely sufficient to support a worker and a family. This situation precipitated the October teachers' strike.

Reports of sweatshops were rare, although some privately owned textile factories operated under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards. The law does not safeguard the jobs of employees who remove themselves from dangerous situations. However, in December 2001, UNMIK adopted an administrative instruction on labor inspection, and labor inspectors began their work at the end of 2001; BSPK argued that the inspectors were ineffective. The Kosovo Assembly is expected to pass the Law on Labor Inspectorate in 2003.

f. Trafficking in Persons

Regulation 2001/4 specifically prohibits trafficking in persons; however, trafficking remained a serious problem. Kosovo was mainly a destination point, but also served as a transit point for women and children trafficked for the purpose of prostitution.

Since nothing in the applicable law provided an effective legal framework under which to address trafficking, in January 2001, UNMIK promulgated Regulation 2001/4, making trafficking in persons a crime punishable by 2 to 20 years in prison, and provided for victim assistance. A client engaging in sex with a victim of trafficking may be convicted for up to 5 years imprisonment, while such activity with a minor who has been trafficked (a child under the age of 18 for these purposes) is a criminal offense carrying heavier penalties (up to 10 years imprisonment). During the year, there were 92 charges of trafficking in persons, 34 convictions, 28 releases, and 30 cases still pending. According to CIVPOL Trafficking and Prostitution Investigation Unit (TPIU), there were 10 domestic victims trafficked from the Kosovo to other countries in Europe.

On August 29, UNMIK border police arrested Afrim Bushi, an Albanian national at the Pristina Airport, for suspicion of international trafficking in children with the intent to prostitute them or trade in human organs. Bushi was arrested with a 14-year-old boy that he claimed to be his son. He was found guilty of using false documents and was sentenced to 2½ months, but was not charged with trafficking because of insufficient evidence.

UNMIK actively investigated cases of trafficking during the year and police raided several brothels and nightclubs; suspicious bars were raided on almost a weekly basis. Out of 170 total operations, 120 were considered large-scale. The TPIU has registered more than 1,000 foreign women who have been questioned at least once by police. According to the TPIU, 60 persons were arrested under charges of trafficking, of which 49 were convicted during the year. However, a number of factors resulted in few cases being pursued to prosecution, including the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures. Corruption and bribery, lack of a witness protection program, and inadequate training for judicial personnel resulted in only a few convictions under the regulation.

Since prostitution is punishable under provincial law and many of the trafficked women were in the country without documentation, victims were often afraid to report their traffickers due to fear of

arrest. However, for victims of trafficking, UNMIK Regulation 2001/4, Section 8 provides a defense against criminal charges of prostitution and illegal entry, while Regulation 2001/4, Section 11 provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK Regulation 2001/4 also provides for official residency status under certain circumstances. Trafficking victims who did not accept assistance were released, but if they were subsequently detained for prostitution, they were potentially subject to jail sentences and possible deportation.

Ninety-eight percent of trafficked women in Kosovo were from Eastern Europe (Moldova, Ukraine, Bulgaria, Romania, Albania, Belarus, and Kazakhstan), while only two percent were indigenous Kosovars. Security authorities reported that women and girls were smuggled through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. There were several kidnappings and disappearances of young women who were never located. Some local sources believed that some of these women were the victims of traffickers although there was no clear evidence. Traffickers into Kosovo were reportedly linked to organized crime, rather than to employment agencies or marriage brokers. Evidence suggested that trafficking in women was often the result of a coordinated effort between Kosovo Serb and Kosovar Albanian organized crime elements. Sixty-two percent of IOM-assisted victims reported crossing official border points into Serbia before traveling to Kosovo.

Many victims were recruited to work in restaurants or cleaning jobs, and approximately 80 percent were offered non-existent jobs in Italy. Trafficked victims work in the sex industry, primarily in brothels and nightclubs. Less than five percent reported that they were aware that they would be working in the sex industry when they accepted employment offers, but did not expect to be imprisoned, abused and forced to serve as unpaid prostitutes. Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their passports.

According to IOM, the presence of a large international community in Kosovo contributed to the increase in the number of brothels that were involved in trafficking, but women rescued from the brothels often reported that the majority of their clientele was local.

In order to assist and protect victims of trafficking in Kosovo at the institutional level, a referral system was established and was operational through the coordination of the main agencies active in the field of counter-trafficking: UNMIK CIVPOL, OSCE, IOM, and the international NGO UMCOR. These organizations worked closely together to provide protection and assistance services to victims according to established standard operating procedures. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system. During the year, the VAAU provided training for judges and prosecutors in dealing with victims.

Since 2000 IOM has assisted a total of 325 trafficking victims, approximately 100 women this year. Thirteen percent of the victims were under 18 years of age. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from IOM generally were released, but if they continued to work as prostitutes, they were subject to rearrest, short jail sentences, and deportation. Some women who were trafficked and re-trafficked have been jailed or made the subject of deportation orders by local judges. According to the police, when a woman was picked up in a raid, she was assumed to be a victim and was offered shelter and repatriation assistance. If she accepted, she was transferred to IOM. If she refused, she was generally released if this was a first contact. Prostitutes who were not trafficking victims were also allowed to go with a warning if it was their first contact with the police. Prostitution is a misdemeanor (subject to a 30-day sentence), and local judges have sentenced women, including those who were trafficked but refused repatriation, to jail. Moreover, judges have issued deportation orders against some women for lack of proper documentation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to Regulation 2001/4 which provides for their partial immunity. Moreover, judges issued deportation orders

against some women for lack of proper documentation, notwithstanding the fact that Kosovo has no mechanism for carrying out the order.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, OSCE, and IOM did not directly provide shelter for victims, local NGOs, such as the Center for the Protection of Women and Children (CPWC), have filled the vacuum. The CPWC operated a shelter in Pristina, and was planning to open another in the predominantly Serb village of Gracanica; CPCW cared for 139 women during the year. In addition, CPCW conducted awareness programs in schools and communities. The IOM also offered free office skills courses at their employment assistance office to former victims of trafficking.

During the year, IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM launched an awareness campaign directed at Kosovar NGOs involved in human rights and women's issues. IOM also launched a public campaign to discourage the use of commercial sex services by Kosovar men and international staff consisting of print advertising placed in the Albanian, Serbian, and English language media as well as posters and billboards in public spaces and UNMIK and PISG buildings throughout Kosovo.

MONTENEGRO

Montenegro is constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia. Like Serbia Montenegro has a president and a parliamentary system of government based on free and fair multiparty elections. The constitution provides for an independent judiciary; however, courts often were ineffective and subject to political influence. Montenegro's economic and political progress has been impeded by systemic deficiencies, including the legacy of a socialist economy, years of war, economic sanctions, and economic stagnation. Since 1997 the Montenegrin Government has acted independently from Belgrade on most issues, including foreign affairs and defense. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the Euro rather than the Yugoslav dinar as its currency. This period of exceptional autonomy coincided with growing pressure for independence from some political parties, including President Milo Djukanovic's Democratic Party of Socialists (DPS). With pro- and anti-independence sentiment dividing the electorate almost evenly, EU High Representative Javier Solana brokered the March Belgrade Agreement by which Montenegro and Serbia agreed to redefine and recreate Yugoslavia as the joint state of Serbia and Montenegro. On December 29, the Federal Constitutional Commission, which included representatives from both republics, approved the final text of the Constitutional Charter. At year's end, the Commission was still debating over the content of the implementing legislation.

The Montenegrin political scene was dominated by two major coalitions, one led by President Milo Djukanovic of the Democratic Party of Socialists (DPS), and another by opposition leader Predrag Bulatovic of the Socialist People's Party (SNP). The pro-independence Liberal Alliance of Montenegro (LSCG) was first allied with Djukanovic, but then abandoned his coalition after Djukanovic signed the Belgrade Agreement. From July to October, the DPS led a minority government; but in parliamentary elections held on October 20, a Djukanovic-led coalition won an absolute majority, taking 39 out of the total of 75 parliamentary seats. Djukanovic resigned on November 25 to become the republic's prime minister. The speaker of Parliament Filip Vujanovic became acting president.

While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces failed to respect basic human rights. The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. The State Security Service, located within the Ministry of the Interior, has authority to conduct surveillance of citizens, including electronic surveillance. A greatly reduced detachment of the Yugoslav Second Army, which was under the control of the federal Government, remained in the Republic and cooperated with Montenegrin police to arrest smugglers. It cooperated well with

the Montenegrin Ministry of Interior. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-oriented economy continued to suffer from delay. Montenegro's strategy for privatization has been to put a regulatory framework in place before going ahead in a piecemeal fashion. A privatization council, headed by the Prime Minister, oversaw the process of privatization. The issuance of privatization vouchers to the public was a first step towards implementing privatization; however, the voucher program itself was subject to abuse. Sixty percent of socially owned capital in Montenegro was privatized through mass voucher privatization, and this process was officially completed in February. The small industrial sector, consisting of a few large state-owned plants and smaller private enterprises was inefficient and noncompetitive. The country's population was approximately 650,000. Official unemployment was estimated at approximately 40 percent, although a large and flourishing unofficial economy brought that figure down to approximately 22 percent. The economy was dependent upon large amounts of foreign aid, technical assistance, and personnel.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused citizens, although human rights groups noted that there were fewer reports of police abuse than during previous years. Police arbitrarily arrested and detained civilians. The judiciary was susceptible to corruption, inefficiency, and political influence; Parliament passed a new Law on Courts designed to make the judiciary more independent and efficient. Pressure from politicians sometimes resulted in distorted coverage of events, particularly by the state media; however, the Government exercised less influence over the media than in previous years. Domestic violence and discrimination against women continued to be problems. Societal discrimination against religious and ethnic minorities continued to be problems, particularly with the Roma. Trafficking in women for sexual exploitation continued to be a problem, despite some government efforts to combat it. Yugoslavia was invited as a participant to the second Ministerial Meeting of the Community of Democracies in Seoul, Republic of Korea, in November.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On September 9, the Bjelo Polje District Court sentenced former "Avengers" paramilitary unit member Nebojsa Ranisavljevic to 15 years for war crimes committed in Serbia and Bosnia during the Bosnian war participating in the killing of 19 mostly Muslim men kidnapped from a train at the Strpci station in 1993. Ranisavljevic's trial lasted six years (see Section 1.e. and Serbia, Section 1.a.).

There were no developments in the following investigations: the 2001 killing of Darko Raspopovic, chief of the Montenegrin police anti-terrorism unit; the 2000 killing of Djukanovic security advisor Goran Zugic; the 2000 killing of Milenko Vujevic.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, the police reportedly at times beat and otherwise abused persons.

Yugoslavia, Federal Republic of

The Helsinki Committee for Human Rights in Montenegro (HCM) noted that there were fewer reports of police violence and abuse than in previous years. However, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On November 8, Niksic police took two Roma IDP boys to the police station and beat them on the body and soles of the feet with nightsticks in an attempt to extract confessions from them. According to HCM, on October 13, Danilovgrad police severely beat two truck drivers who were involved in an altercation with locals; later the Danilovgrad police brought charges against the truck drivers. On August 5, police from Berane beat five Muslim men from the town of Petnjica--Feriz, Esad, and Ramiz Skrijelj, Faiz Adrovic, and Saudin Babacic--following the men's involvement in an altercation over a traffic accident. According to the HCM, police continued to beat the men after they were handcuffed. A lawyer for the victims lodged a complaint in Berane Municipal Court against six Berane policemen. The Montenegrin Orthodox Church reported that on July 10, members of a special police squad beat IDPs while evicting them from a settlement near Budva. The Center for Democracy and Human Rights (CEDEM) reported that on January 1, Bjelo Polje policemen Mevludin Hasanovic and Vladimir Sijak beat student Darko Knezevic and held him several hours without medical attention; an internal police disciplinary action continued at year's end.

There were no incidences of police brutality at political rallies.

On October 14, the day of a rally of the pro-independence Liberal Alliance (LS) party, men dressed in paramilitary uniforms and claiming to belong to the "Liberation Army of Cetinje" assaulted passerby Predrag Ivanovic during an LS rally in Niksic.

Criminal procedures and sentences against police were rare; when initiated, criminal procedures against police were often of long duration with convictions resulting in only minor penalties.

Police were involved in trafficking and took bribes at border checkpoints (see Section 6.f.).

Prison conditions generally met international standards; however, problems remained and prison facilities were antiquated. There were no reports of brutality from guards. Women were held separately from men. Juveniles were held separately from adults, as were pre-trial detainees from convicted criminals.

The Government permitted prison visits by human rights observers, including the ICRC, OSCE, and local NGOs, all of whom conducted visits during the year. In October convicted killer Savo Radovanovic broke out of the Bijelo Polje jail and went on his own accord to the Spuz prison near Podgorica, where he pleaded with warders to allow him to transfer there because conditions were unacceptable at Bjelo Polje.

d. Arbitrary Arrest, Detention or Exile

The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.

The law requires arrest warrants; however, arrest may also take place without probable cause. Under the law a suspect may be held in detention for up to 72 hours; it is within that period that most abuses occurred (see Section 1.c.). There have been few publicized incidences of abuse. CEDEM reported that police sometimes violated the 24-hour limit on detention, applying the previous Criminal Procedure Code's provision for a 72-hour period of detention. Access to attorneys is allowed, and there is a system of bail; however, there is no legal requirement to provide access to a lawyer within the detention period. Statements made to the police during the detention period are not to be considered if charges are pressed and the case goes to trial. If the case goes to trial for a crime with a possible sentence greater than five years, a lawyer will be appointed if needed.

A lack of female police at police stations caused long delays in searching female suspects and in restraining violent female detainees.

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

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government sometimes manipulated courts for political reasons. Poorly paid judges and courtroom staff, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. Although judges were poorly paid, they received free housing, which to some extent offset their low salaries. There was a lack of harmonization between Montenegrin Republic law and Yugoslav federal law; and there was a general lack of clarity about whether Yugoslav federal law holds sway in Montenegro.

The court system consists of municipal, high (or district), and supreme courts at the republic level. The federal constitutional court has little authority in Montenegro. The military court system was under the control of Yugoslav Federal authorities; civilians were not tried in these courts. In January Parliament passed a new Law on Courts, which introduced objective criteria to be used by court presidents in distributing cases. Previously, court presidents could assign cases to judges. The new law provides for a Court Council that will nominate and initiate dismissal procedures against judges and court presidents. The Supreme Court President will head the Court Council, which will include judges and lawyers but not Government members. The Law on Courts also institutes an appeals court and an administrative court with the aim of reducing the burden on the Republic Supreme Court. The first of the Law on Court's provisions was implemented in December with the formation of the High Judicial Council.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal; however, the judiciary was not independent in practice.

In September the Bjelo Polje High Court completed the first major war crimes trial conducted in Yugoslavia when it sentenced Nebojsa Ranisavljevic to 15 years in jail for participating in the 1993 Strpci killings (see Section 1.a.). The trial, which began in 1996, was marked by extremely lengthy delays in trial process, procedural irregularities, and possible political manipulation. Over the years, the judge blamed the slow pace of the trial proceedings on the difficulty of obtaining evidence requested from Serbia and the Republika Srpska; however, the trial, a highly sensitive matter with Muslim Montenegrins, recommenced with remarkable regularity every time an election approached. This pattern held through Ranisavljevic's conviction, which took place shortly before the October 20 parliamentary elections. Trial procedure was irregular, with several family members' lawyers allowed to sit with the prosecution and interrogate witnesses, and with family members themselves allowed to interrupt court proceedings to interrogate witnesses and make spontaneous statements. Matters of general political interest but irrelevant to the defendant's guilt or innocence, such as the question of whether Serbian authorities had forewarning of the kidnaping, consumed much courtroom time. The court convicted Ranisavljevic on the basis of the highly detailed confession he gave at the time of his arrest. Ranisavljevic later claimed that police tortured him into giving the confession, but the court found no evidence to support his claim.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, there were some minor restrictions. Although there was no direct evidence, some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were or could be placed, under surveillance. The law allows the Montenegrin State Security Service (RDB) to eavesdrop on citizens, especially opposition groups, and no court authorization is required. Some observers believed that the VJ also eavesdropped on the Montenegrin Government.

Citizens could inspect secret files kept on them by the State Security Service from the years 1945 to 1989, but not files kept after 1989.

Yugoslavia, Federal Republic of

There were reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Unlike previous years, the Government did not engage in harassment or reprisals against journalists critical of government policies. Media and information laws do not protect freedom of the press, and libel laws, which carry criminal penalties, discourage a free press. The state media was controlled by the governing coalition, which also controlled state television and several print newspapers and magazines.

Before the change in government, the dailies Dan and Glas Crnogorica were the only major papers that consistently criticized the Djukanovic government. Articles and opinions from the opposition frequently were printed in special supplements or not printed at all by media controlled by the governing coalition. Opposition groups credibly charged that President Djukanovic used the media to promote independence sentiment while not permitting anti-independence parties to make the case for remaining in a democratic Yugoslavia.

The print media consisted of a mixture of state-owned and private news outlets. Foreign periodicals were available. State-owned print media dominated the news scene. The State also controlled the public broadcasting station, Radio/TV Montenegro, but under the new Media Law adopted in September, the State will no longer have direct editorial control. News and television stations need licenses from the Government to broadcast. A wide variety of articles and programs were available, including Belgrade's B-92, Croatian State Television (HRT), Italian television (RAI), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE), and other broadcasts in Serbian or other languages. Federal law delegates to each republic the responsibility for allocating broadcast frequencies.

The Yugoslav military stationed in Montenegro rebroadcast YU-INFO TV news from Serbia from transmitters located at military facilities in Montenegro. Since the end of the Milosevic regime, these broadcasts have not contained anti-Montenegrin propaganda; nonetheless, the station broadcasts in violation of Montenegrin law.

During the short interlude when Djukanovic's coalition lost its majority, the Coalition for Yugoslavia/Liberal Alliance government appointed its own lead editors in state-owned media outlets. Politically appointed editors included State Television's Channel 2 editor-in-chief Slavisa Djordjevic, who became prominent as a nationalist propagandist during the war in Croatia. In spite of politically appointed editors-in-chief, the Podgorica Union of Independent Electronic Media of Montenegro (UNEM) reported more politically balanced coverage in both state-owned and private media during the year. UNEM attributed the improvement to increased international pressure for fair media reporting in the country.

In September Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe. The law creates regulatory structures designed to insulate state-owned media from direct party control. Implementation of the Media Law began in November.

Unlike previous years, the government did not subject journalists to harassing libel suits. However, the threshold remained low for what qualifies as libel; and the fear of being sued for libel, which carries criminal penalties, continued to inhibit free expression in the press. In November following libel charges filed in 2001 by Prime Minister Milo Djukanovic and alleged businessman Stanko "Cane" Subotic, Podgorica District Court issued a 1-month prison sentence to former editor-in-chief of the opposition newspaper "Dan" for reprinting articles from Croatian journals alleging corruption on the parts of Djukanovic and Subotic. At year's end, Asanin was free pending appeal. In October Milos Tula, a pro-Milosevic journalist during the 1990s, brought private libel charges against the editor-in-chief of the weekly Monitor, Branko Vojcic; but a court quickly dismissed the case. In July

the Montenegrin Parliament amended the libel law to limit the ability of government officials to file libel charges.

Partly as a result of intense international attention on Montenegrin political events, instances of direct government interference in media dropped during the year.

There were occasions in which Government-appointed editors directly censored the content of state-owned media presentations, despite improvements from previous years. In October the new government-appointed editor of State TV Channel 1, Natasa Novic, postponed the broadcasting of a documentary film on Montenegrin emigrants in New York because the Serbian Orthodox Church had protested its positive treatment of the Montenegrin Orthodox Church.

Journalists exercised self-censorship because of the history of government reprisals in prior years and because of fear of libel suits.

In contrast to previous years, there were few instances of harassment or intimidation of journalists. However, on August 21, plainclothes police confiscated T-shirts and pamphlets from UNEM activists who were protesting the delayed implementation of the Media Law. Vladimir Jovanovic, a reporter for the weekly *Publika*, received a series of threatening telephone calls after publishing an article about Masonic practices.

Access to the Internet was unlimited.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice. The Constitution specifically recognizes the existence of the Serbian Orthodox Church but does not mention other faiths.

Tensions continued between the Serbian Orthodox Church and the Montenegrin Orthodox Church. Pro-Serbian political parties strongly supported moves for the establishment of an official state religion, while pro-independence parties have pushed for the recognition of the Montenegrin Orthodox Church.

Tensions between the Serbian Orthodox Church and the Montenegrin Orthodox Church led to several incidents in winter, one of which involved violence when Serbian Orthodox Church followers interfered with Montenegrin Orthodox Church followers at the latter's Yule Log ceremony on Orthodox Christmas, January 6, in Berane. Several persons were arrested after police clashed with Serbian Orthodox followers. On January 11, a bomb went off in front of the home of the Berane police chief, who had been responsible for quelling the New Year's disorder. At another Yule Log ceremony in Niksic, Serbian Orthodox celebrators prevented Montenegrin Orthodox celebrators from holding their ceremony in the main town square. While the two churches contended for adherents and made conflicting property claims, there was less violence than in previous years. However, NGO representatives reported concern at the level of religion-influenced nationalism and hate speech that they encountered in Montenegro.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.

The Republic Constitution provides for these rights, and the Government generally respected this right in practice. Unlike in previous years, the VJ did not restrict freedom of movement.

The Government refused to issue an ICTY witness's passport (see Section 4).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum.

There were 14,418 refugees from the former Yugoslavia (10,600 from Bosnia, 3,798 from Croatia, 300 Romas and 20 Slovenes) in the Republic. In addition, there were approximately 29,435 internally displaced persons (IDPs) from Kosovo; the majority were Serbs, but approximately 7,500 Roma were also displaced. While citizens were routinely issued travel documents, among refugees, only refugees who were leaving the country permanently were issued travel documents. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. However, many Roma refugees lived in collective centers, with only limited access to health care and education. One of the major problems for Roma children was their lack of knowledge of the Serbian language, and there were no schools teaching in the Roma language (see Section 5).

There was a well-established pattern of legal and illegal migration from Montenegro to the U.S. Economic migrants paid smuggling rings \$10-15,000 (587,959 to 881,938 dinars) for fraudulent documents and cover stories designed to elicit political asylum. Migrants and their families who did not pay the smugglers sometimes faced violent reprisals from the criminal gangs who ran the smuggling networks. The authorities arrested several smugglers, but others remained active.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: the Right of Citizens to Change their Government

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

On May 15, municipal elections produced no clear winners, compelling political parties to enter coalitions in 18 of 19 municipalities. International monitors judged the election to be free and fair. On May 14, the eve of local elections, a hand grenade was thrown at the office of the pro-federation Socialist People's Party (SNP). In June the Government's participation in the Belgrade agreement triggered a no-confidence vote in parliament. DPS subsequently failed to form a new parliamentary majority; and LS abandoned the Djukanovic coalition to form a new majority coalition with the "Together for Yugoslavia" faction, which was led by SNP. On October 20, parliamentary elections gave President Djukanovic's "Democratic List for a European Montenegro" coalition an absolute majority of parliamentary seats. The Republic Election Commission reported that 77.48 percent of Montenegro's 455,791 registered voters turned out to vote. International monitors judged the election to be free and fair. Due to insufficient voter turnout (less than 50 percent plus one registered voter), the December 22 presidential elections were unsuccessful. Opposition parties boycotted the elections claiming that conditions for a free and fair election did not exist. However, the OSCE/ODIHR office announced that in general, the elections were held according to international standards of conduct.

On November 25, Djukanovic resigned to become the republic's Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. Vujanovic won 83.7 percent of the votes cast in the December 22 presidential election, but voter turnout, at 45.9 percent, fell short of the 50 percent required to elect a president. Factors contributing to the low voter turnout included an active boycott by the mainstream opposition parties and disillusionment over rumors of a government cover up in a human trafficking case (see Section 6.f.). A boycott by the mainstream opposition parties

contributed to the low voter turnout.

There were 7 women in the 77-seat legislature as of November 1. There were no women in the cabinet, and there were two female mayors in the 21 municipalities. The Speaker of the Montenegrin Parliament, Vesna Perovic, was a woman. There were no legal restrictions on women's participation and women voted in large numbers in Montenegro.

There were 12 minorities in the 77-seat legislature, and two minorities in the Cabinet. There were no legal restrictions on their participation and ethnic Montenegrins and Serbs dominated the Republic's political leadership. Ethnic Albanians and Bosniak Muslims participated in the political process, and their parties, candidates, and voters participated in all elections. Approximately 52 polling stations were designated to serve the Albanian minority in the May elections. Four parliamentary seats--down from five in the previous year--were allocated to ethnic Albanians. The Government-owned Albanian language radio and television stations broadcast in Rozaje and Ulcinj. Approximately 65 percent of minorities in the country voted in the May municipal elections.

Ethnic-Albanian Montenegrins continued to have guaranteed representation in the Parliament and on the Constitutional Commission; however, changes in the law reduced the numbers of parliamentary seats dedicated to majority Albanian districts from 5 to 4. In the October 20 parliamentary elections, two of those seats went to DPS and two went to a coalition of Albanian parties while two others went to national parties. On the whole, ethnic Albanians had a good relationship with the Djukanovic government, and, like most Bosniak voters, voted for the Djukanovic coalition while at the same time maintaining their own political parties.

The Croat minority, which made up 1 percent of the population, formed a political party for the first time, "Croatian Civic Initiative," and won four seats in the Tivat municipal assembly.

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

A number of domestic and international human rights groups generally operated without restriction. Government officials were somewhat cooperative and responsive to their views. The 1999 Law on Non-Governmental Organizations supplied a satisfactory legal framework for NGO operation in Montenegro. There were a substantial number of NGOs investigating and publishing their findings on human rights cases. These included the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and the National Democratic Institute. NGOs have been credited with helping to bring about, by their presence and activities, an overall decline in police brutality and incidents of abuse against citizens.

There was a committee on human rights in the parliament; however, human rights NGOs stated that the committee was ineffective.

The Government cooperated with the ICTY in allowing access to witnesses and in responding quickly to any reports that indictees might have been on Montenegrin soil. However, in September the Government refused to issue a passport to one ICTY witness, who was compelled to testify instead through a live audio link from Banja Luka, in the Republika Srpska, to The Hague. When the witness's life was threatened following his testimony, the Government continued refusing the passport, saying that it had already issued its quota of passports for the year.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group or social status, or gender; however, in practice the Government provided little protection for such groups.

Women

A traditionally high level of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence had inadequate resources and were limited by social pressure to keep families together. Victims of spousal abuse rarely filed complaints with the authorities.

Trafficking in women for prostitution was a problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women did not enjoy a status equal to that of men and few women held upper level management positions in government or commerce. However, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Women legally were entitled to equal pay for equal work; however, in practice they did not always receive it. Women were allowed 12 to 18 months of maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. In rural areas, particularly among minority communities, women did not always have the ability to exercise their right to control property. In rural areas, particularly among minority communities, it was common for husbands to direct wives' voting. Divorce occurred, but infrequently. Women were active in human rights organizations.

Children

The Government attempted to meet the health and educational needs of children, but insufficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level.

There was no societal pattern of abuse against children. However, according to a Council of Europe report, the law does not allow a juvenile to make an allegation of a crime without a parent or guardian present. Consequently, there was almost no reporting of child abuse or incest.

There is no requirement for a juvenile suspect to have an adult present during interrogation. However, if a juvenile faces a sentence of 5 years or more, an attorney must be present during the interrogation.

Trafficking in girls for the purpose of prostitution was a growing problem (see Section 6.f.).

Persons with Disabilities

The law forbids discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations. Mobile voting existed for handicapped or ill voters who could not come to polling stations. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Romani population, prejudice against them was widespread. Local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, many of whom were IDPs from Kosovo. Romani IDPs, who lived in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.).

A sizable percentage of the police force was made up of Bosniaks; many of them were deployed in a predominantly Muslim area in the north commonly referred to as the Sandzak area. Although some Sandzak Muslims--or Bosniaks, as they prefer to be called--complained that the division of the Sandzak region between Montenegro and Serbia created some problems for residents, the majority of Montenegrin Bosniaks supported the Djukanovic government and were integrated into national political parties. There were no Montenegrin Bosniaks represented on the Constitutional Commission drafting the Serbia-Montenegro federal charter (Serbia had two Bosniak Muslim representatives on the committee).

Section 6 Worker Rights

a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions, and most if not all of the workforce in the official economy was organized. Both official, government-affiliated unions and independent unions existed. Because the independent labor movement largely was fragmented, there were few tangible results in the form of improved working conditions or higher wages. A general lack of resources within the economy also acted as a restraint.

Antiunion discrimination was not a problem.

Unions may affiliate with international labor organizations; however, access to international labor unions was limited.

b. The Right to Organize and Bargain Collectively

The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally centered on advancing the needs of a specific group of workers. Job security fears prevailed as a result of the high unemployment rate, and these fears limited the unions' willingness to take action. Another factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for relatively few existing jobs.

Strikes were frequent during the year, primarily caused by the economic situation, unpaid salaries, manipulation and fraud in the privatization process, and denial of union rights. Workers of Trebjesa brewery from Niksic, whose majority owner (73 percent of shares) was the Belgian company Interbrew, were on strike from May 20 until October 2. The union's main demand was a salary increase from an average wage of \$400-\$600 (23,518 to 35,278 dinars) per month, and better working conditions. The Montenegrin government did not support the strike, which was resolved following intensive negotiations. Brewery management claimed that the judicial branch failed to respond to its request for intervention when some strikers illegally prevented other workers from coming to work.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, some children worked in the "gray zone" between voluntary and forced labor (see Section 6.d.). There were no reports that such practices occurred systematically.

d. Status of Child Labor Practices and Minimum Age for Employment

The official minimum age for employment was 16 years, although in farming communities, it was common to find younger children assisting their families. Children also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or

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newspapers. The high unemployment rate ensured that there was little demand for child labor in the formal sector.

e. Acceptable Conditions of Work

The minimum wage was \$50 (2,940 dinars) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observed this wage. The minimum wage was comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage was approximately \$212 (12,465 dinars) per month, with a disposable average wage (after social contributions and payroll taxes) of approximately \$108 (6,350 dinars) per month. This amount was insufficient to provide a decent standard of living for a worker and family. The increase in prices occurred much faster than the increase in wages. The change in the cost of living from December 2001 to May 2002 was 7.2 percent, while wages increased by only 3.3 percent in the same period. Since April 2001, nominal wage and price developments have translated into a 13.3 percent fall in real wages. The latest available data suggest that households spent almost all of their resources on basic needs, such as food, clothing, and housing. The official workweek was 40 hours.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, workers were not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons

The Montenegrin Criminal Code was amended in July to make trafficking in persons a crime; however, trafficking was a growing problem. There were reports that some members of the Montenegrin authorities facilitated trafficking.

Authorities made a number of arrests and interceptions of traffickers during the year. On November 30, Montenegrin Police arrested Deputy State Prosecutor Zoran Piperovic on suspicion of involvement in trafficking in persons and prostitution. Minister of Interior Andrija Jovicevic said that reported Piperovic was directly involved in the purchase, sale, rape and torture of a Moldovan victim, identified by the initials S.C. Piperovic remained in prison at year's end. On November 25, police arrested Irfan Kurpejevic and Ekrem Jasavic on charges of trafficking and forced prostitution of the same victim, S.C. On December 1, Bajram Orahovac was arrested on the same charges. The Ministry announced that the arrests were made in connection with an international ring of human trafficking and forced prostitution, the destination of which was Montenegro. The list of clients might include other high-ranking politicians and public figures. At year's end, no list of government officials had been produced by the courts, prosecutors or police. Prime Minister-designate Djukanovic removed Jovicevic for authorizing the arrest of Piperovic without prior consultation, provoking a government crisis and sparking rumors of a government cover-up. Djukanovic has pledged to pursue the case "to the end;" however, little progress had been made by year's end.

The country primarily was a transit point for trafficked women and children; to a more limited extent, it was a destination, with brothels and nude dancing venues located on the outskirts of cities and along major transportation routes. Women were trafficked from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued to Italy and other western European countries. Trafficking steadily has increased since the 1999 NATO campaign; however, precise figures on the number of women and children trafficked through Montenegro were not available.

Trafficked women often responded to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may have been aware that they were going to work in the sex industry, they often were unaware of the slavery-like conditions they might face. Many women were sold several times in different countries to different nightclub owners. Their passports often were confiscated. Women have reported being beaten and raped by their traffickers. There have been allegations, denied by the Montenegrin Government, that some Montenegrin authorities have

colluded in trafficking by taking bribes.

Since 2001 a National Coordinator appointed by the Interior Ministry has chaired an anti-trafficking board composed of relevant government ministries, social services, international organizations, and NGOs. A law enforcement task force was developed that investigated and prosecuted trafficking cases. Under the board's direction, a shelter for trafficking victims and a 24-hour hotline were established in Podgorica. The Interior Ministry reported that the shelter has housed approximately 45 women since it opened in 2001. In October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims; this distinguished possible victims of trafficking from prostitutes and illegal migrants and referred possible victims to appropriate social services. However, in some cases potential victims were still being detained, fined and deported for illegal border crossing and prostitution. The Government, as a rule, repatriated victims; a number of international donors have funded repatriation through IOM. The Federal and Serbian governments provided in-kind support to NGOs and other international organizations in the form of shelter and school space, shelter security, and public television and radio time. International organizations sponsored police training in methods of dealing with human trafficking. General awareness of the problem has improved following internationally sponsored public awareness campaigns conducted throughout the country, but action has been slow.

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