



# Amnesty International Report 2015/16 - Serbia

Publisher [Amnesty International](#)

Publication Date 24 February 2016

## **Republic of Serbia, including Kosovo**

Head of state: **Tomislav Nikolić**

Head of government: **Aleksandar Vučić**

**Over 600,000 refugees and migrants travelled through Serbia on their way to the EU. Prosecutions of war crimes continued to be slow. In Kosovo, opposition parties delayed the establishment of a Special War Crimes Court and the implementation of an EU-brokered agreement with Serbia.**

## **BACKGROUND**

Although Serbia's formal recognition of Kosovo was not explicitly required by the European Commission for accession to the EU, the opening of negotiations was delayed by slow progress in the implementation of the EU-facilitated "normalization agreement" between Serbia and Kosovo. Accession talks formally opened in December with chapter 35, on the formalization of relations with Kosovo.

## **CRIMES UNDER INTERNATIONAL LAW**

Few proceedings were concluded at the Special War Crimes Court in Belgrade, the capital. Seven defendants were acquitted of rape as a war crime in Bijelina (one defendant) and Skočić (six defendants), in Bosnia and Herzegovina, following appeals. The Office of the War Crimes Prosecutor issued only three indictments; in September, eight former Bosnian Serb police officers were indicted for war crimes (rather than genocide) for their part in the murder of over 1,000 Bosniak civilians in Kravica, Srebrenica, in July 1995. Another 23 cases – involving over 200 suspects – remained under investigation. A draft war crimes strategy to address the backlog of cases was published in December.

On 16 December, proceedings were reopened against former Serbian state security officers Jovica Stanišić and Franko Simatović, after the Appeals Chamber of the International Criminal Tribunal

for the former Yugoslavia had overturned their 2013 acquittal. They were both accused of being part of a criminal enterprise which aimed to forcibly and permanently remove non-Serbs from areas of Croatia and Bosnia and Herzegovina in 1991-1995.

## **ENFORCED DISAPPEARANCES**

In February, the UN Committee on Enforced Disappearances urged Serbia to bring to justice all those – including senior officials – suspected of criminal responsibility for enforced disappearances during the 1990s armed conflicts, and to guarantee reparation and legal status to relatives of the disappeared. In November, a proposed bill on the rights of war veterans and civilian victims of war failed to recognize the right to reparation for victims of enforced disappearance and war crimes of sexual violence; a December amendment was not made public.

In March, five suspects were indicted for the abduction of 20 passengers from a train at Štrpci station in 1993; proceedings against 10 other suspects continued in Bosnia and Herzegovina. Those suspected of the disappearance of the Bytyqi brothers in 1999 remained at large, despite promises made to their relatives by the War Crimes Prosecutor and the Prime Minister.

## **REFUGEES, ASYLUM-SEEKERS AND MIGRANTS**

Over 600,000 refugees and migrants travelled through Serbia, the majority of whom aimed to seek asylum in the EU. Despite some improvements in implementing the Asylum Law, the authorities failed to provide effective access to international protection. Of 485,169 registrations, only 656 applications for asylum were submitted, and mostly discontinued; of 81 refugees interviewed by the end of November, 16 were granted refugee status and 14 subsidiary protection. In July, as thousands of refugees entered the country daily, a registration centre was opened at Preševo, near the Macedonian border. Reception conditions were inadequate for the numbers arriving, and insufficient care was provided to vulnerable individuals. Most refugees travelled directly to the Hungarian border until September, when Hungary introduced restrictions on asylum for those entering from Serbia, which it considered a safe country of transit. Refugees then headed for the EU through Croatia. Police continued to ill-treat and financially exploit refugees and migrants. In November, the authorities allowed only Afghan, Iraqi and Syrian nationals to enter the country; others arbitrarily identified as economic migrants were denied entry.

## **FREEDOM OF EXPRESSION**

Thirty-four independent journalists were attacked or received threats which were not effectively investigated. The government interfered in media freedom through selective media subsidies and advertising. In November, the Prime Minister accused three investigative media outlets of working for foreign governments to destabilize the country.

Proceedings continued against Radomir Marković, former head of state security, and three former security service officers for the murder in April 1999 of journalist Slavko Ćuruvija.

Ljubiša Diković, Chief of Military Staff, sued Natasa Kandić, former executive director of the NGO Humanitarian Law Center, for defamation after the NGO published evidence in 2012 of war crimes in Kosovo, allegedly committed by personnel under Ljubiša Diković's command.

## **FREEDOM OF ASSEMBLY**

A new Law on Public Gatherings had not been adopted by October, when an April decision by the Constitutional Court that the previous Law was unconstitutional entered into force. Consequently, assemblies could not take place, nor could they be prohibited.

## **DISCRIMINATION – ROMA**

In July, the forced eviction of Roma from the Grmeč settlement in Belgrade was stopped after an application for interim measures was made to the European Court of Human Rights. A draft law prohibiting forced evictions from informal settlements, which broadly met international standards, was proposed in November.

Roma households that were forcibly evicted from Belvil and other informal settlements in 2012 were resettled in new apartments in January, July and September. Twenty-seven apartments were funded by the European Commission and 50 by the European Investment Bank; one resettlement location was racially segregated. Two families were resettled to village houses. Concerns remained about access to employment. No housing solutions were identified for the resettlement of 51 families, who mostly continued to live in containers.

In July, the German government announced plans for the deportation of 90,000 Serbian people whose asylum application had been rejected or who had an irregular status, 90% of whom were Roma.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE**

The Belgrade Pride took place without incident in September; the first Trans Pride was held on the same day. A week later, three members of a lesbian football team and a campaigner against homophobia in sport were violently assaulted by men believed to be football fans. Hate crimes against LGBTI people were seldom effectively investigated, and legislation on hate crime was not implemented.

## **>KOSOVO**

EU-brokered talks between Isa Mustafa, Prime Minister of Kosovo, and the Serbian Prime Minister concluded in August with agreements, including on the creation of an Association of Serbian Municipalities, providing some autonomy for Kosovo Serbs. After vociferous opposition led by the Vetëvendosje party, including the discharge of tear gas in the Assembly, the government suspended the agreement in October. Following a request by Kosovo President Atifete Jahjag, the Constitutional Court ruled in December that the agreement was constitutional. In the interim, opposition MPs continued to disrupt the Assembly. Mass protests followed the first arrest of an opposition MP for using tear gas. In November, at least 50 activists were injured when Kosovo police used excessive force upon entering the Vetëvendosje offices to arrest party leader Albin Kurti.

Inter-ethnic tensions were also heightened by Kosovo's unsuccessful application for UNESCO membership (and thus the custody of Serbian cultural monuments).

A Stabilization and Association Agreement signed with the European Commission in October paved the way for Kosovo's EU membership, but Kosovo was again denied visa liberalization.

### *Crimes under international law*

Measures to establish a special court to prosecute former members of the Kosovo Liberation Army (KLA) were repeatedly delayed in the Kosovo Assembly. The measures followed an EU-led investigation into the abduction and transfer of Kosovo Serbs and other prisoners to Albania in 1999, where they were subsequently tortured and murdered. Under international pressure, legislation establishing the special court was finally approved in August. Kosovo as well as the host country, the Netherlands, had yet to complete the remaining agreements for the practical establishment of the court.

In May, two former members of the KLA "Drenica group" were convicted of war crimes against the civilian population, including murder and torture respectively. Three other members were convicted of torture, and six of beating prisoners at the Likovc/Likovac detention centre in 1998-1999.

Proceedings continued against a Kosovo Serb politician, Oliver Ivanović, indicted for ordering the murder of ethnic Albanians in Mitrovica/Mitrovicë in April 1999 and inciting unrest in February 2000, when 10 Albanians were killed.

The National Council for Survivors of Wartime Sexual Violence, led by President Jahjaga, made progress towards establishing a verification commission to process reparation claims. In November, an action plan to ensure their access to justice was finalized; in December, a regulation on victims of sexual violence in conflict was adopted.

### *Enforced disappearances*

1,650 people remained missing in the aftermath of the armed conflict; no further grave sites were identified in Serbia or Kosovo despite exhumations at potential mass graves. In Krushe e Vogel, where 68 men were missing, the EU Rule of Law Mission in Kosovo exhumed bodies – believed to have been misidentified – from the cemetery, without adequately notifying the men's relatives.

The UN Interim Administration Mission in Kosovo (UNMIK) failed to provide reparation to the families of missing Kosovo Serbs, whose abductions had not been effectively investigated by UNMIK police. The EU-led police and justice mission, having failed to investigate these and other cases, proposed to transfer them to the Kosovo authorities.

### *Inter-ethnic violence*

In January, 80 people, including 50 police officers, were injured in protests calling for the dismissal of Aleksandar Jablanović, Minister of Labour and Social Welfare. He had called ethnic Albanians "savages" for stopping a bus carrying Kosovo Serbs to a monastery on Orthodox Christmas.

Kosovo Serbs were subject to threats, robberies and attacks, including attempted arson, in Goraždevac/Gorazhdec and Klina/Klinë in May and in July, when the vehicles of Serbian families were shot at. In December, the property of two families in Goraždevac/Gorazhdec was damaged by gunfire.

### *Refugees and internally displaced people*

Between January and March, at least 48,900 Kosovo citizens applied for asylum in the EU. In Hungary, over 99% of applicants were refused asylum in accelerated procedures and deported. In 29,801 asylum decisions in Germany, which deemed Kosovo a safe country of origin, only 0.4% of Kosovo citizens were granted asylum. Reintegration measures for those deported to Kosovo remained grossly inadequate.

By the end of November, 16,867 people – predominantly Albanians and Kosovo Serbs – remained displaced after the armed conflict, and only 741 members of minority communities had voluntarily returned to Kosovo.

### *Discrimination*

Roma, Ashkali and Egyptians continued to suffer institutional discrimination, including in access to social and economic rights. An estimated 7,500-10,000 Roma, Ashkali and Egyptians made up a disproportionate share of those who left Kosovo to seek asylum in the EU. The authorities failed to investigate hate crimes, including physical attacks against LGBTI individuals.

### *Freedom of expression*

Government interference in freedom of the media continued. By September, 22 journalists had been threatened or attacked. The Association of Journalists of Kosovo, supported by the OSCE, established a confidential free hotline for journalists to report attacks.

Copyright notice: © Copyright Amnesty International