

Serbien og Montenegro (31)

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**SERBIA AND MONTENEGRO
(INCLUDING KOSOVO)
COUNTRY REPORT
APRIL 2004**

**Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1a SCOPE OF DOCUMENT

I.1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

I.1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

I.1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

I.1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

I.1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

I.1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

I.1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

1b EXPLANATORY NOTE ON THE STRUCTURE OF THE SERBIA AND MONTENEGRO COUNTRY REPORT

1.1.8 Serbia and Montenegro (SaM) is comprised of Serbia (including Kosovo) and Montenegro. Although currently administered by the UN, Kosovo remains a province of Serbia. For reasons of clarity, it has been simplest to deal with Serbia, Montenegro and Kosovo separately. This should not be taken to imply any comment upon the legal or political status of these territories. Thus, following general sections on geography, the history of the region until July 1999 and the SaM Constitutional Charter, the remainder of the document is divided into three discrete sections, covering Serbia, Montenegro and Kosovo respectively.

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2 GEOGRAPHY

1.2.1 Serbia and Montenegro (SaM), which comprises the two republics Serbia and Montenegro, lies in south-eastern Europe. SaM is bordered to the north by Hungary to the east, by Romania and Bulgaria; and to the south by the Former Yugoslav Republic of Macedonia and Albania. Montenegro, to the south-west, has a coastline on the Adriatic Sea and SaM's inland western border is with Bosnia and Herzegovina and with Croatia. The province of Kosovo occupies the south-west portion of the Republic of Serbia and Vojvodina occupies the northern part. Belgrade is the capital of SaM, as well as being the capital of the Republic of Serbia. Podgorica, formerly known as Titograd, is the capital of the Republic of Montenegro. [1a](p521-522)

Population, Language & Religion

1.2.2 The territory of SaM has an area of approximately 102,173 square kilometres (approx. 39,449 sq. miles). Official estimates (based on the last official census on 31 March 1991) indicate a total population of about 10.5 million, with over 9.7 million living in Serbia. Of the total population 63% are Serbs and 17% are ethnic Albanians, most of whom live in Kosovo, where they account for the overwhelming majority of the province's population of about 1.8 million. The remaining 20% are made up of various minority groups including Bosniak Muslims, Croats, Hungarians and Roma. The principal language is Serbian (sometimes known as "Montenegrin" in Montenegro, and formerly known as Serbo-Croat). It is usually written in a Cyrillic script. Other languages, most notably Albanian and Hungarian, are also spoken in SaM. [1a](521)

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3 ECONOMY

1.3.1 This is dealt with in the individual sections on Serbia, Montenegro and Kosovo.

4 HISTORY

1.4.1 Until 4 February 2003, when the state union of Serbia and Montenegro came into being, the two republics formed the Federal Republic of Yugoslavia (FRY). FRY was the rump state left following the dissolution of the former Socialist Federal Republic

of Yugoslavia in 1992.

1.4.2 Although Yugoslavia had existed in some shape or form since the nineteenth century, the complex history of the country before the Second World War has not been attempted here. These details may be found in Europa Central and South Eastern Europe Survey if required. However, some historical context is provided in the following brief history of the region from 1945 onwards.

1.4.3 The Federal People's Republic of Yugoslavia was created on 29 November 1945 under President Josip Broz "Tito" and in 1946, a Soviet style constitution was adopted, establishing a federation of six republics: Serbia, Croatia, Slovenia, Bosnia, Macedonia, Montenegro; and two autonomous provinces, Vojvodina and Kosovo. After Tito's death in 1980, his responsibilities were transferred to the collective State Presidency. The position of head of state rotated annually between the Presidency's eight republican and provincial members. [1a] (p.533)

1.4.4 After Slobodan Milosevic became President of Serbia in 1987, relations between Serbia and the other republics and provinces began to deteriorate. In 1990, Milosevic moved to consolidate Serbia's power and his own by abolishing the autonomy of Kosovo and Vojvodina. In 1991, after political relations with Serbia had broken down, the Republics of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina all declared their independence and by the end of the year Federal President Stipe Mesic had declared the old Socialist Federal Republic of Yugoslavia (SFRY) non-existent. In April 1992 The Federal Republic of Yugoslavia (FRY) was declared, consisting of the only republics now remaining from the SFRY, Serbia and Montenegro, and a new constitution was adopted. [1a] (p.533-534)

1.4.5 Throughout its first eight years FRY was dragged into a series of conflicts by Milosevic, first as President of Serbia, then as President of FRY. Wars in Slovenia and Croatia were followed by a three-year conflict in Bosnia-Herzegovina in which over 200,000 people died. In November 1995, the Dayton Peace Accord brought peace to the region. [11m]

1.4.6 Milosevic continued in power, with the opposition in Serbia remaining divided and ineffectual. However unrest continued within the Serbian province of Kosovo, where Milosevic had pursued a policy of severe oppression of the majority ethnic Albanian population. Ethnic Albanians were subjected to routine harassment by the police and dismissed them from official positions. All Albanian language schools were closed. Any resistance was brutally suppressed. [1a] (p.535)

1.4.7 Increasingly, the ethnic Albanians began to fight back and a military group, the Kosova Liberation Army (KLA) / Ushtria Clirimtare e Kosoves (UCK), emerged with the declared intention of gaining independence for Kosovo. Milosevic responded by massively escalating the repression and carried out a policy of ethnic cleansing against the ethnic Albanian population. Serb forces systematically destroyed villages and drove out the ethnic Albanian inhabitants, forcing an exodus of over 600,000 800,000 people from the province by mid-May 1999. [1a] (p.571)

1.4.8 In March 1999, NATO intervened to protect the Kosovo Albanian population and

in June 1999, the Serb forces surrendered and withdrew from Kosovo. Since then, the UN has administered Kosovo, with security provided by the NATO – led security force KFOR. [11n](p.1)

I.4.9 Milosevic's regime came to an abrupt end on 5 October 2000. Following large-scale demonstrations over a period of several months, the political opposition united to form the Democratic Opposition of Serbia (DOS) and put forward Vojislav Kostunica as candidate in the Yugoslav Presidential elections. Milosevic refused to accept Kostunica's first round victory, but he had miscalculated. Hundreds of thousands of people took to the streets, storming government buildings and forcing Milosevic from power. The uprising of October 2000 was consolidated in December 2000, when DOS swept to power in Serbia, following the Assembly elections. [11n](p.2)

I.4.10 On 14 March 2002, the Belgrade Agreement was signed, by which the Federal Republic of Yugoslavia would become the state union of Serbia and Montenegro through the adoption of a new Constitutional Charter. On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. [11n](p.2)

I.4.11 The rights and responsibilities of the FRY were transferred to the state union of Serbia and Montenegro (SaM). Under a looser arrangement than FRY, the republics share common policies for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights. They also have a shared court, but retain individual responsibility for all other matters. The EU supports the state union. However, local opinion remains divided, with some favouring a closer bond between the republics and others preferring complete independence. The Charter contains the provision that after three years, the republics have the right to withdraw from the union following a referendum. [11n](p.3)

I.4.12 In March 2003, the union parliament of SaM chose Svetozar Marovic, a Montenegrin, as the country's first president. He is deputy chairman of the Democratic Party of Socialists (DPS) led by Montenegrin Prime Minister Milo Djukanovic. [3m]

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5 STATE STRUCTURES

Constitutional Charter

I.5.1 As mentioned above, the rights and responsibilities of the FRY have been transferred to Serbia & Montenegro (SaM). The Constitutional Charter is based on the equality of the two constituent republics, Serbia and Montenegro: Article One of the Constitutional Charter reads 'The name of the State union shall be Serbia and Montenegro' and Article Two, 'Serbia and Montenegro shall be based on the equality of the two member states, the state of Serbia and the state of Montenegro'. [74a](p.1) A citizen of one constituent republic is also a citizen of SaM and citizens have the same rights and duties in the other republic as its own citizens, except for the right to vote. (Article 7) [74a](p.2)

I.5.2 A Charter of Human and Minority Rights and Civil Liberties was adopted on 26

February 2003. (Article 8) [74a](p.2) Provisions of international treaties in this regard apply directly to the territory of SaM. (Article 10) [74a](p.3) SaM became a member of the Council of Europe on 3 April 2003, (as reported on the FCO website). [11a](p.1) Freedom of movement of people, goods, services and capital is guaranteed. (Articles 11 – 13) [74a](p.3)

1.5.3 SaM is responsible for matters relating to foreign affairs, defence, internal economic affairs, foreign economic affairs and human / minority rights. The Court of SaM may rule on any disputes between the constituent republics concerning their competencies and on whether republic-level laws are in conformity with the legislation or constitutions of the republics or with the SaM Constitutional Charter. The Court of SaM may also rule on petitions of citizens in the event that the institutions of Serbia or Montenegro have violated their rights or freedoms as guaranteed by the Constitutional Charter. (Articles 46 - 50) [74a](p.10-11)

1.5.4. The EU stabilisation and Association report for 2004 stated:-

'There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. On the other hand, the state of emergency in Serbia has affected the respect for human rights. There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro" international obligations.' [75b](p.11.)

Citizenship

1.5.5. FRY provisions relating to citizenship continue under SaM. [74b] Under the Milosevic regime, many inhabitants of FRY who were born in other parts of the former Yugoslavia, were not able to establish their citizenship in the FRY, leaving them in a stateless limbo. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible. To address this problem, in February 2001, the Government amended the 1997 Citizenship Law to allow dual citizenship. Also, any foreigner is able to apply for dual citizenship after 3 years of marriage to a Yugoslav (now SaM) citizen. [2b] [4a] [5a]

1.5.6. Under the 1997 Citizenship Law, 123,000 persons classified as refugees under the 1992 Law on Refugees were granted Yugoslav citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav ID cards. [2b]

1.5.7. On 29 October 2002, 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. [26]

Political system

1.5.8. The Parliament of Serbia & Montenegro is unicameral, consisting of 126 members of whom 91 come from Serbia and 35 from Montenegro. In the first elections, Members of Parliament were elected from among Deputies of the National Assembly of Serbia and the National Assembly of Montenegro. But within two years, MPs will be elected directly. The Speaker and Deputy Speaker of Parliament are elected from among its members but should not come from the same member state. The President is proposed by the Speaker and Deputy Speaker and elected by the MPs. The President may not come from the same member state twice in succession. [74a] The first President was Svetozar Marovic of the DPS party in Montenegro. [11n](p.3) The Parliament, Council of Ministers and administrative centre of SaM is in Belgrade, while the Court of SaM is in Podgorica. [74a]

1.5.9 The Serbian province of Vojvodina has an elected assembly with some autonomous powers. The Serbian province of Kosovo also has an elected assembly; though UNMIK work in conjunction with Kosovan Assembly, supreme power rests with the Head of UNMIK, The Special Representative of the (UN) Secretary General (the SRSG). An example of co-operation is the recommendation of candidates by the Kosovan Assembly for the position of judges and prosecutors, but the appointment rests with the SRSG. [1a](p.574)

1.5.10 The political system in SaM is discussed in greater detail under the individual sections dealing with each constituent republic.

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S.2 GEOGRAPHY

S.2.1 The Republic of Serbia is a land-locked territory forming the largest part of SaM. The Republic includes the provinces of Kosovo and Vojvodina. Kosovo is under the administrative control of the United Nations Mission in Kosovo (UNMIK). Excluding Kosovo, the population of Serbia is estimated at about 7.5 million, a drop of one percent from the last census in 1991. [58a] The official population estimates of mid-2001 are of 9,993,000 people in Serbia and the provinces of Kosovo and Vojvodina. [1a](p.522) The capital of Serbia is Belgrade. [1a](p.522)

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S.3 ECONOMY

S.3.1 The Socialist Federal Republic of Yugoslavia's (SFRY) economy was based chiefly on industry (including mining), agriculture and tourism. Following a period of serious economic decline during the 1980s and the highly destructive break up of SFRY in 1991, all sectors of the economy were in a state of crisis from the inception of FRY in 1992, leading to hyperinflation in 1993. [1a] (p.540,541)

S.3.2 With its reconstituted borders, FRY lost access to most tourist areas, and so depriving it of much needed foreign currency from tourism. The economy also suffered severely as a result of its involvement in wars during the 1990's, international sanctions and its exclusion from international financial institutions. The NATO bombing during the Kosovo war also impacted upon the economy. [1a](p.541)(4b) [11a](p.3)

S.3.3 Since the ousting of Milosevic, SaM has been welcomed back into all the major international economic institutions and much of its international debt has been rescheduled. However, economic performance remains weak due to general inefficiency in the economy and corruption. [34] [2b] Unemployment is approximately 30%, with GDP approximately \$1020 per capita. [2b]

S.3.4 The EC stabilisation and Association report for 2004, regarding the economy, comments, 'Economic stability has been preserved. However, the pace of structural reforms has slowed considerably, mainly due to the political disputes that have hampered the functioning of the institutions.' [75b](p.1)

S.3.5 Following Djindjic's assassination in March 2003 (see below), it has become apparent how far the Serbian economy had been influenced by organised crime. To quote a BBC news report, "What (is) clear are the overlapping links between organised crime, parts of the Serbian secret police, its former elite police unit, the now disbanded Red Berets, extreme nationalist groups and those connected to war crimes." [81]

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S.4 HISTORY

S.4.1 Slobodan Milosevic dominated Serbia from the late 1980s until he was overthrown in October 2000 and replaced as FRY President by Vojislav Kostunica. The Democratic Opposition of Serbia (DOS) won a landslide victory in the Serbian Assembly elections and Zoran Djindjic was appointed Prime Minister of Serbia.

[11n](p.4) Following the election, there was a purge of Milosevic's allies in senior positions in the administration, military and diplomatic service, leaving the ex-president increasingly isolated. [1a] (p.538) After US pressure, Milosevic was arrested on 1 April 2001 and extradited to The Hague on 28 June 2001. [1a] (p.538) Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia and Bosnia were later added. [1a] (p.539)

S.4.2. From March 2002, US pressure led to further powers facilitating further extraditions to The Hague. The law applied to 23 suspects, including the then incumbent President of Serbia, Milan Milutinovic. [8j]

S.4.3. The antagonism between the Kostunica and Djindjic factions was again exposed when the DOS coalition expelled 50 MPs from parliament for inadequate attendance, later overturned in by the Constitutional Court. 23 of the MPs were from Kostunica's DSS party and all 45 of the party's MPs walked out of parliament in protest, and have since distanced themselves from the DOS coalition. [8j] [54b] [59]

S.4.4. Rather than seeking to become President of the new state, Serbia and Montenegro, Kostunica stood in the election for President of Serbia. Kostunica won the first round of the election, held on 29 September 2002, defeating his rival from the Djindjic camp, Miroljub Labus. He also won the second round on 13 October 2002, but the turnout was below the 50% required for the result to be valid. [8j] The elections were re-run in December 2002, with Kostunica winning 58% of the vote, but again the 50% turnout threshold was not reached. [11n](p.4)

S.4.5. The term of the incumbent President, Milan Milutinovic ended on 29 December 2002 and until a new President is elected, the Serbian Parliamentary Speaker appoints temporary presidents. Natasa Micic initially acted as President. [11n](p.4) The Acting President (and Parliamentary Speaker) is currently (April 2004) Predrag Markovic; and Serbian Presidential elections are set for June 2004.

S.4.6. Milutinovic, who had been indicted by the ICTY but could not be extradited while in office, subsequently surrendered himself to The Hague in January 2003.[56c] In February 2003, ultra nationalist leader Vojislav Seselj also handed himself over to the war crimes tribunal. [55a]

S.4.7. On 12 March 2003 Prime Minister Djindjic was assassinated outside a government building in Belgrade. A previous attempt had been made on his life on 21 February 2003. A State of Emergency was immediately declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party was appointed Prime Minister. [16n] Under the State of Emergency the Government had powers to ban political gatherings and imposed controls on the media. The Government also took powers to arrest suspects without a warrant and hold them for 30 days without charges. [8c]

S.4.8. In the account on the UK Foreign and Commonwealth's website, 'The Serbian Government has blamed organised crime networks, in particular a group known as the "Zemun clan" for Djindjic's assassination'. [11n](p.5) The organised crime networks and corruption permeate many aspects of Serbian society, including the security forces and have close links with the Milosevic regime. The Government used the emergency powers to hold over 2,000 suspects with links to Zemun and other criminal groups, including several senior security officers and the Deputy Public Prosecutor. It has also removed 35 judges from office and disbanded the former paramilitary special service force, the JSO or Red Berets, which was implicated in several political killings, including that of former President of Serbia Ivan Stambolic. [8p] News reports from Belgrade in July 2003 report that senior officials are keen that the April 2003 arrests are seen as the beginning of a concerted effort against organised crime, rather than an occasional response. [43am]

S.4.9. EU governments including the UK supported the crackdown on organised crime, which was seen as a necessary cleansing before Serbia could make further progress as a democratic country. [76a] The measures also enjoyed considerable public support. [43a] The State of Emergency was lifted on 22 April 2003. [43ab]

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S.5 STATE STRUCTURES

Political system

S.5.1 Within the federal state, Serbia has its own government headed by a directly elected president, its own legislature and sovereignty over matters not specifically assigned to the state union. The president serves a five-year term and nominates the Prime Minister in consultation with the 250 strong national assembly. The national assembly approves the Prime Minister and the council of ministers. Deputies are directly elected for four-year terms. [43b]

S.5.2 The Democratic Opposition of Serbia (DOS) won a majority at the Serbian National Assembly in the December 2000 elections. DOS is a coalition of a number of parties, originally led by the late Serbia PM Zoran Djindjic of the Democratic Party (DS). Ex-FRY President Kostunica's Democratic Party of Serbia (DSS) were key members of the coalition but left it following disagreements with Djindjic. [55a] [4c] Vojislav Seselj's Socialist Party of Serbia (SPS) attracted right wing nationalist support, but Seselj surrendered himself to the ICTY at The Hague in February 2003. [11n](p.6)

S.5.3. The December 2003 elections ran as planned on 28 December 2003. According to the OSCE Parliamentary Assembly report on the 2003 elections: 'The 28 December 2003 parliamentary elections in the Republic of Serbia (Serbia and Montenegro) were conducted generally in line with OSCE commitments and Council of Europe standards for democratic elections.' [31](p.1.) The OSCE identified some shortcomings: on the question of mandates, party's choice of candidate after voting; lack of minority representatives because of the electoral threshold of 5 percent; and lack of a postal

vote system. [31](p.3-4.)

S.5.4. The full results of the 2003 elections can be found in the ElectionWorld report, at www.electionworld.org. [32a] The Serbian Radical Party – Srpska Radikalna Stranka (SRP) secured the largest proportion of votes cast, ensuring 82 seats (out of a possible 250), but insufficient on which to form a government. [32a] According to the International Crisis Group report of 26 March 2004, the election results led to a political impasse, as parties attempted to form coalitions. [69b](p.11.)

S.5.5. The political crisis moved towards a partial resolution with the appointment of a new speaker, as reported by the BBC on 4 February 2003. [81] Dragan Marsicanin, of the Democratic Party of Serbia (DSS) took up the post of speaker, having obtained 128 votes from the 245 deputies, with 36 abstentions. [81]

S.5.6. BBC reports announced on 20 February 2004 the final agreement regarding a political solution to the Serbian Government impasse. [86] A minority government would be formed of a coalition headed by Vojislav Kostunica of the Democratic Party of Serbia (DSS): the main concern of the report was the possible reliance of the coalition upon the political prop of the Socialist Party of Serbia (SPS) whose president is Slobodan Milosevic, currently indicted for war crimes in The Hague. [86] The BBC in a separate report of 16 February, reported that Javier Solana expressed the concerns of the European Union over the dependence of the coalition upon the SPS's support. [86d]

S.5.7. The BBC reported on 2 March 2004 that Kostunica had announced his cabinet, having assumed the position of Prime Minister. [8a] The cabinet included representatives labelled by the BBC report as of centre-right groups, and indicates that Kostunica will be following a conservative agenda with moderate nationalist emphases. [8a]

S.5.8. The BBC reported that the Serbian Parliament abolished the threshold turnout requirement of 50 percent of the electorate in presidential elections on 26 February 2004. [8ac] Presidents in the Republic of Serbia will in future be voted in on a simple majority basis. [8ac] Serbian Media relayed [43d] (and international agencies subsequently picked up) [72a] a Government announcement of 4 March 2004, that presidential elections would be held on 13 June 2004; the Serbian source speculated that the ultra-nationalist SRS might take advantage of a split within the democratic hegemony, and their candidate, Tomislav Nikolic, might win. [43d](p.1)

Judiciary

S.5.9. The Constitution provides for an independent judiciary. The court system comprises local, district and supreme courts at republic level. Republic supreme court decisions may be appealed to the Court of Serbia and Montenegro (Articles 46-50 of the Constitutional Charter). [74a](p.13) There were concerns in 2002 that the judiciary remained susceptible to corruption and political influence, though to a much lesser degree than under the Milosevic regime. [2c] However, the EC Stabilisation and Association Report 2003 comments that 'On the positive side, however, the judiciary seem to be resuming their independent role'. [75a](p.11) The EC Stabilisation and Association Report 2004 again adds a note of caution, reporting 'In Serbia, the situation of the judiciary was affected by the introduction of the state of emergency. While it enabled the Government to investigate individual cases of misconduct or

corruption of judges and prosecutors, the state of emergency also led to wider, more structural measures including legislative and personnel changes, based on irregular procedures.' [75b](p.8)

S.5.10. The Government has made efforts to improve judicial infrastructure and court inefficiency that has led to a high backlog of cases. It has increased salaries for judges and improved judicial training in co-operation with international organisations and NGOs. [2b] [3f] According to the EC Stabilisation and Association report, 2003, the new Serbian Council for the Reform of the Judiciary has drafted a comprehensive strategy for judicial reform. [75a](p.11.)

S.5.11. The Government has also initiated trials for war crimes since 2002 within the regular court system. [2c] [3f] [9e] [75a](p.20-21) The military court system was in the process of being dismantled in 2003, in line with Constitutional Charter requirements: one case, according to the US State Department Report for 2003, has been retained for investigation but not yet (as of end 2003) been brought to trial. [2c] (p.6) The Truth and Reconciliation Commission, established in 2001, had not held any hearings on war crimes by the end of 2002, and was disbanded in February 2003. [9e] [83a] The BBC reported in February 2004 that the UN prosecutor Carla Del Ponte accused the Serbian authorities of permitting the indicted war criminal Radovan Karadzic (along with 15 other indicted war criminals) to live in Belgrade. [8ae]

S.5.12. The Human Rights Watch expressed concern in December 2003 that the Serbian authorities were not providing, in their opinion, sufficient protection to Goran Stoparic, a former member of Serbian security forces 'who gave astonishing eyewitness testimony about the killings of 19 Albanians in the 1999 Kosovo war.' [9f] The report continues: 'The presiding judge issued a formal order of protection for Stoparic, but as Human Rights Watch's monitoring has found, other war crimes trials in Serbia and Montenegro lack a systematic, properly funded witness protection program.' [9f]

S.5.13. The Serbian Parliament passed the Law on Suppression of Organised Crime in July 2002, which created a semi-independent Special Prosecutor, a special police investigative unit, specialised court chambers, and a dedicated detention unit. [2b] The Special Prosecutor's competencies include war crimes as well as organised crime. Some human rights groups 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 2002. [2b]

S.5.14. Steps to enhance judicial independence and reform organisation structures of the legal process were proposed in new judicial laws in November 2001, according to the EC Stabilisation and Association report, 2003 and the US State Department report for 2002. [2b] [75a] However, these were undermined by amendments made in July 2002, giving a parliamentary judicial committee the power to bypass the judicial branch in nominating, appointing, and dismissing judges and court presidents. However, the reformed leadership of the judiciary resisted the changes, 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. The Serbian Constitutional Court suspended the amendments pending a

final ruling on their constitutionality. [2b]

S.5.15. However, dismissals of compromised judges on the grounds of corruption, political bias and under-performance did take place during 2002 according to the EC Stabilisation and Association report, 2003. [75a](p.11) and approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into early retirement during the year. [2b] The May 2003 Helsinki Committee of Serbia report however conversely criticised the slow reform of the independence of the judiciary, referring to "retrograde trends" in terms of a renewed interference of the executive upon the judiciary. It alleged that the Society of Judges, the judicial professional body, had been ineffective in terms of questioning which judges were forced to resign. [7m] (p.146)

S.5.16. The government strongly criticised the judiciary after judges freed the suspect arrested for the alleged failed assassination attempt on PM Djindjic in February 2003. During the state of emergency declared after Djindjic was assassinated on 12 March 2003, the government removed 35 judges from office and arrested the deputy public prosecutor Milan Sarajlic because of alleged links with the criminal group Zemun. [8a] [56d]

S.5.17. The BBC News Website has been following the trial of the suspects of Prime Minister Djindjic's murder. On 19 March 2003, it was reported that the deputy public prosecutor Milan Sarajlic was arrested in connection with the Djindjic murder. [8a] This was followed by reports on 7 April 2003 that further high-profile arrests had been made - namely, of Milorad Bracanovic, a former deputy head of the secret police, and of Mira Markovic, wife of Slobodan Milosevic; and that members of the Red Berets - the Special Operations Unit (JSO) - arrested on the charge of murder had "confessed" to the killing. [8p] The BBC also reported in March 2003 (on the 20 March 2003) that over 1,000 suspects were arrested in connection with the assassination. [8a] According to the US State Department report for 2003, two suspects were killed resisting arrest on 27 March 2003. The report continues, 'However, there were allegations that police executed the two after they were already in custody.' [2c](p.2)

S.5.18. By December 2003, the trial of the suspects of Djindjic's assassination was arranged. The BBC reported on 24 December 2003 that the trial process for the 36 defendants was halted after the 40 defence lawyers walked out en masse after claiming that the panel of three judges was incapable of handling the case. [8aq] In response to these difficulties, the case was split into two parts, according to BBC reporting of 17 February 2004; the trial resumed of 13 suspects allegedly directly involved in the Djindjic assassination on 17 February 2004. [8ap] On 1 March 2004, Kujo Krijestorac, referred to by the BBC report as a key eye-witness, was shot: the report continues:-

'It was not immediately clear whether the killing was related to the trial... A lawyer for Mr Djindjic's family, Rajko Danilovic, told AP news agency that Mr Krijestorac had received a number of death threats before being gunned down. "The defence has obtained nothing because his deposition will be read before the tribunal," he said. "Perhaps they wanted to threaten the other witnesses." [8ao]

S.5.19. On 28 March 2003, the remains of Ivan Stambolic were found. [12a] Charges were filed in September 2003 by the Special Prosecutor for Organized Crime. [2c](p.2)

S.5.20. The former head of the RDB, Radomir Markovic received a sentence of seven years' imprisonment for his part in the attempted murder of Vuk Draskovic in 2000. [2c](p.3)

S.5.21. There were two developments reported by international news media in March and April 2004. Firstly, the Serbian parliament passed a law that granted pensions and other payments to politicians and public figures including indictees. Another report, in April 2004, stated that Nebojsa Pavkovic, Milosevic's chief-of-staff of the armed forces, would not surrender himself to be indicted in The Hague. [4a]

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Legal rights / detention

S.5.22. The Constitution prohibits arbitrary arrest and detention, and the Government generally observed this. The Federal Criminal Procedure Code, introduced in March 2002, protects the rights of detained and accused persons including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations. [2b] [9c] The Code obliges the police to provide an arrested person with immediate access to a lawyer and the investigating judge must authorise any detention of more than 48 hours. Suspects can not be detained for more than 3 months without the decision of a judge, or for a total exceeding 6 months. The Code prohibits and makes punishable the use of any kind of violence on a detainee [3f] and a suspect may only make a statement in the presence of legal counsel. A person wrongfully detained is entitled to compensation from the state. [2b]

S.5.23. In March 2002 the Government released all remaining internationally recognised political prisoners and political detainees. [2b] On 26 February 2002, the death penalty was abolished and replaced with a maximum sentence of 40 years imprisonment. [9a] The Constitution prohibits forced exile, and the Government did not employ it. [2b]

State of Emergency, 12 March – 22 April 2003

S.5.24. Under the state of emergency introduced on 12 March 2003, following the assassination of PM Djindjic, police were able to detain anyone who "endangers the security of other citizens of the Republic" for up to thirty days, without access to a lawyer, family members, or judicial review of the detention order. [8p] [9f] According to the US State Department report for 2003, over 10,000 individuals were detained during the State of Emergency, with 4,500 still in custody upon the lifting of the State of Emergency on 22 April 2003; and 2,000 in custody at the end of 2003. [2c](p.2)

S.5.25. Human Rights Watch (HRW) expressed concern in a report dated 7 April 2003, that those held under the emergency powers were unnecessarily being kept in isolation without access to legal representation. [9f] The US State Department report for 2003 reiterated that most of the detainees were held incommunicado, without recourse to legal representation or judicial review. [2c](p.2) The HRW later, in June 2003, expressed concern that the emergency powers weakened the rule of law in Serbia, expressing concern that the conduct of the state of emergency veered from international standards governing such measures. [9h] The EC Stabilisation and

Association Report 2003 commented 'In the light of the wide powers given to organisations which have not been adequately reformed, the State of Emergency introduced in Serbia on 12 March should be as limited as possible.' [75a] (p.13) The State of Emergency was lifted on 22 April 2003. [43ab]

S.5.26. After the State of Emergency was lifted, there were, according to the US State Department report for 2003, "numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions." [2c] (p.2) The report refers to a number of practices used by the police to extract statements that contravened the Federal Criminal Procedure Code. [2c] (p.5)

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Internal Security

S.5.27. The Interior Minister of the Republic of Serbia controls the Serbian police, who, in turn are responsible for internal security, border checkpoints and fire department services. The Ministry of Interior (MUP) also controlled a 400-member gendarmerie and a 100 member anti-organised crime unit. In April 2002, the Law on Security Services transferred control of the State Security (then RDB, now BIA) from MUP to the control of the Prime Minister. [2b] (p1-2.) [2c] (p.1)

S.5.28. The authorities have not used police violence against political opposition [9e] but there were several cases of police abuse against ordinary citizens, particularly Roma. (see [Roma section](#)) Human rights groups including Amnesty International registered 12 serious cases of police torture between December 2001 and October 2002, many of which occurred in police stations. Injuries suffered by the victims included, a head injury requiring brain surgery, a ruptured eardrum and bruised ribs. [2b] [3f] [3g] [9e]

S.5.29. The US State Department report for 2002 noted that police behaviour improved following the introduction of the new Code on Criminal Procedure in March 2002. [2b] (p.6.) Likewise, in October 2002, both the Humanitarian Legal Centre and the Yugoslav Lawyers' Committee for Human rights reported that, despite occasional abuses, police generally acted in accordance with the regulations introduced by the new code. [2b] (p.6.) The US State Department report for 2003 states 'SaM and Serbian laws prohibit such practices [torture and other cruel, inhuman or degrading treatment / practices] however, police at times abused citizens and detainees, particularly during the State of Emergency from 12 March 2003 to 22 April 2003.' [2c] (p.3)

S.5.30. The US State Department report for 2003 outlines the following regarding the regulatory discipline of the police:-

'There were only limited institutional means of overseeing and controlling police behaviour... The Serbian Government offered no other forms of assistance [than phone hotlines] for citizens with complaints about police behavior; however, citizens could seek redress through the courts.' [2b] (p.5)

S.5.31. However, defence attorneys and human rights workers reported some

improvement during the year in the willingness of the police and courts to take action in cases of police abuse, again as stated in the US State Department report for 2003. [25] (p.5) According to the Ministry of the 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. [25] (p.5) Comparable figures for January to June 2003, were 762 disciplinary proceedings initiated by MUP, resulting in 17 arrests of police officers, 271 criminal complaints filed, and 123 suspensions. (MUP Statistics reported in the US State Department reports for 2002 and 2003 respectively.) [25] (p.5) However, Human Rights Watch notes that the MUP often ignored complaints or denied knowledge of alleged incidents. [90]

S.5.32. Police officers convicted of torture or ill treatment have tended to receive sentences of less than eight months in prison, so that the officers concerned were usually able to continue in police service. In an exception to this practice a sentence of 18 months was imposed in August 2002 [25] [31] [90] Amnesty International (AI) noted that cases of police abuse taken up by major Belgrade based human rights organisations such as the Humanitarian Law Centre (HLC) were more likely to be successful than those pursued at a local level. AI particularly noted compensation was awarded in a number of cases brought by HLC on behalf of members of the student group OTPOR. [31]

S.5.33. The state of emergency following Djindjic's assassination on 12 March 2003 gave impetus to moves to reform the security forces. [80] [81] In particular, the Red Berets or JSO, a special operations unit with close links to organised crime and the Milosevic regime were disbanded, according to reports of the BBC and Radio Netherlands. A number of senior security service figures associated with the Red Berets have been arrested or killed when resisting arrest. [80] [77a] [81]

S.5.34. The Red Berets were a powerful force, totally independent of the regular army (VJ), which posed a significant threat to security and the new government. They exemplified the cooperation of government agencies and organised crime under Milosevic and were responsible for the murder of opposition figures such as former President Ivan Stambolic. [80] [77a]

S.5.35. The Serbia and Montenegro armed forces (SMAF or VSCG, formerly known as the VJ) are formally under the control of the Supreme Defence Council, made up of the SaM President and the Presidents of Serbia and Montenegro. [43p] [74a]

S.5.36. The creation of the new state union of Serbia and Montenegro has provided an opportunity for reform of the armed forces. The army allegedly contains elements of the Milosevic regime, who are opposed to reform and have been accused of supporting the ICTY indictee General Mladic. Corruption is also widespread within the army on all levels. Senior army staff are thought to oppose civilian control over the forces and the reduction of its numbers, now set at 70,000, which some believe are only maintained to justify the abnormally large number of 53 generals. [43p] In August 2003, the BBC reported that the Government of Serbia and Montenegro dismissed 16 of its most senior generals, plus an unspecified number of lesser officers. [86]

S.5.37. The Chief of Staff of the armed forces Nebojsa Pavkovic was sacked in March 2002, according to BBC reports of April 2003. [87] The removal of Pavkovic, one of the

last remnants of the Milosevic regime, was seen as essential in the process of reforming the armed forces. He was detained in April 2003 for alleged collusion in crimes committed during the Milosevic era. [26] A purge of Milosevic loyalists in the armed forces has been also initiated by the military courts, with an investigation into generals suspected of abusing their positions and powers. [43q](p.1)

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Prisons

S.5.38. Prison conditions generally meet international standards and prison conditions improved following a decade of Milosevic-era neglect. There were no reports of deaths due to official negligence, or of physical abuse of prisoners by guards. [26] The Helsinki Committee for Human Rights reported that, while conditions were not ideal, there has been an overall improvement since the prison riots that occurred in November 2000. [79] (An extensive survey of prison conditions is set out in the Helsinki Committee for Human Rights in Serbia's Prison Monitoring Report 2001.) [71]

S.5.39. The Council of Europe (COE) concluded that Yugoslav prisons either met minimum standards for COE membership or would do within one year. [26] (p.5) The conditions in the prisons varied greatly from one establishment to another mainly due to a lack of government funds to repair dilapidated buildings and their facilities. The Helsinki Committee for Human Rights in Serbia noted that some prisons offered clean, secure environments for inmates; however, in some prisons, particularly 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. [26] (p.5)

S.5.40. Men and women are held separately, and conditions in women's prisons are the same as in men's prisons, according to the US State Department report for 2002. [26] (p.6) Juveniles were supposed to be held separately from adults, although this did not always happen in practice. Pre-trial detainees were held separately from convicted prisoners. Prisoners were not allowed to vote in the Serbian presidential elections in September and October 2002. [26] (p.6)

S.5.41. According to the US State Department report for 2003, the Government permitted visits by independent human rights monitors in 2003. With the exception of during the State of Emergency (for 42 days from March to April 2003), both the Humanitarian Law Centre and the Helsinki Committee for Human Rights obtained permission to visit all of the prisons in Serbia during 2002. [26] (p.4) Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden. [26] (p.4.) The Government also permitted visits by the International Committee of the Red Cross, the Organisation for Security and Co-operation in Europe (OSCE), and the Council of Europe. [26] In May 2003, the Human Rights Watch organisation attempted follow up visits after a visit by UNHCHR- OSCE to detainees in April 2003, but were rebuffed by the Serbian authorities. [99]

S.5.42. The Lancet and OSCE reported in 2003 that conditions in the only prison hospital in Belgrade were appalling, with cells lacking heating and insulation, no new medical equipment in 15 years, poor sanitary facilities and widespread incidence of tuberculosis. Conditions in the hospital are considered much worse than in any prison, largely due to under-funding. [78a]

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Military Service

S.5.43. Military service is compulsory for men between the ages of 18 and 27 and has recently been reduced to 9 months. [3e] [7g] Military service for women was introduced in 1993. During peace-time, those who obtain valid conscientious objector status are required to fulfil 13 months' service, but in unarmed or civilian roles. [3e] The provisions for conscientious objection continue under the new state union of Serbia and Montenegro (Article 58 of the Constitutional Charter). [3f] [74a] [p.13]

S.5.44. Human Rights Watch and Amnesty International reported that the army rejected requests by conscientious objectors for service in civil institutions. [9e] [3f]

A Jehovah's Witness, Sahiti Mirsad, served a five-month jail sentence because of his conscientious objection to serving in any part of the military. However, the US State Department Report for 2003 notes that the federal law requiring military service was not enforced during 2002 and there was no forced conscription. [2b]

S.5.45 The FRY Government passed an Amnesty Act in February 2001 which granted amnesty to all draft evaders / deserters. The Act applies to all offences before 7 October 2000 and it is estimated that 24,000 people benefited from the amnesty. [3b] [11a] [12a]

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Medical Services

S.5.46. Serb citizens are legally entitled to free health treatment, but years of neglect and corruption under the Milosevic regime have seriously damaged the health service. [7g] A comprehensive survey of Serbia's health service in 2001 was undertaken by the Helsinki Committee for Human Rights in Serbia. The report observed that in hospitals, as well as paying for the bed and food, patients usually have to pay for everything else they need for their treatment. Most hospitals are very old, some lacking running hot water and heating. The ratio of hospital beds to patients is very low (1 bed for 184 patients) and yet they are under-utilised (70%) because of inefficiency. [7g] [48b] [48c]

S.5.47. When the new government took over in October 2000, it found widespread abuses and misappropriation of funds, describing the situation in the health service as "critical". In late 2000, the entire health system subsisted on foreign aid in kind. The health services in 2001 remained characterised by: an extreme lack of resources at all levels and spheres of work; an urgent need for restructuring; poor organisation and chronic inefficiency. There is a heavy reliance upon foreign donor support to enable the system to function even at its existing low level. The pay of health workers has been very low and the quality of services suffered because some employees were reduced to

moonlighting to earn a minimum subsistence. [7g]

S.5.48. The state of the health service in Serbia is paralleled by the deterioration in the health of its population. As well as inadequate treatment, likely causes are stress, poverty and poor living conditions. The 1999 statistics indicate the highest death rate, the highest suicide rate (among the highest in the world) and the lowest birth rate since 1945. [48b] Infant mortality is up by 3% in the last ten years. Cases of tuberculosis, heart disease and cancer have also increased in recent years, with numbers of cancer cases in 2000 up by 63% from 1991. [48b]

S.5.49. The mental health of the population has also deteriorated. Massive consumption of Bensadine, Bromazepam and Diazepam, suggests that one in every two people in Serbia are reliant upon sedatives. [7a][33a] Treatment for mental health disorders is available, though numbers of psychiatric staff and bed spaces are limited. [48c]

S.5.50. The government has established the Republic National AIDS Committee which is formulating a strategy to deal with AIDS in co-operation with UNDP acting as funding agents. Treatment for HIV / AIDS is available in Serbia. [21n]

S.5.51. The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study, announced in a press release dated 27 March 2002, concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment of human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

S.5.52. The Europa Regional Survey: Central and South Eastern Europe 2003 gives basic indicators of health and welfare, covering total fertility (1.6 children per woman); HIV/AIDS (0.19 percent of the 15-49 years population); physicians per 1,000 (2.04 – 1998 figure) and health expenditure per head (US \$ 237 in 2000). [1a] (p.545.)

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Education system – (see also Children para)

S.5.53. The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children for nine years. [2c] (p.15) Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance. There are 142 institutions of higher education. [1a] (p.549)

S.5.54. The Government did not restrict academic freedom during 2002. Education reform is required, particularly in relation to history teaching and the revision of textbooks. [75a] (p.17.) A new Law on Universities aiming to protect universities from political interference was passed in April 2002, which restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. [2c] (p.10) The law provides that an

academic body without interference from the Ministry of Education should select university rectors and faculty deans. It also provides for participation of student organisations in determining certain aspects of university policy. [2c](p.10) However, although the new law is in place, the necessary comprehensive reform is still being prepared and bodies created defining their policy role. [75a(p.10)] [2c](p.10)

S.5.55. The education system is in a very poor state, largely because under the Milosevic regime, funding for the armed forces took priority over education and health. [7a] Lack of funds, obsolete courses, poor lecturers and outdated and badly equipped facilities are typical. Students spend an average of 7-8 years studying at university, with faculties viewed as "parking lots" for young people who cannot get jobs. [7a]

S.5.56. There are news reports from Global Information Network in 2000 that NATO air strikes damaged many schools and the year 2000 ended without the curriculum have been completed. Illiteracy was held to be growing, with 9.5% who had never been to school and 25% dropping out of elementary school. Only 5.5% of the population were university graduates. It was held that it may take 20-30 years to restore the country's school and university system, although the (then) new Government promised in 2000 to make the payment of teachers' wages a priority. [24a]

S.5.57. In May 2002, the World Bank approved a Credit of US\$10 million for a project to support the Serbian government's reform agenda in education and make supplemental funding available directly to schools. [79a]

S.5.58. Religious education has been introduced in primary and secondary schools as an optional course by republican decree at a cost of over one million Euros. The Helsinki Committee for Human Rights in Serbia saw this move as a blatant violation of democratic procedure as it was not approved by the Education Ministry. [7a] The Helsinki Committee also stated that, and was concerned about, the nationalist fascist Obraz movement being very active in Belgrade University. [7a] The US State Department report for 2003 reports that 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. [2b](p.10)

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S.6 HUMAN RIGHTS

Overview

S.6.1. The US State Department Report published 2004, commenting on events in 2003:-

'The Government generally respected the human rights of its citizens; however, there were problems in some areas, which were aggravated by the March assassination of Prime Minister Djindjic and subsequent 42-day State of Emergency.' [2c] (p.1)

The areas then mentioned range over police; judiciary and courts; media

independence; societal violence and discrimination against religious and ethnic minorities, and women; and trafficking of people issues. [2c] (p.1-2)

S.6.2. In its Stabilisation and Association Report 2003, the EC notes 'Although problems persist, progress has continued on human rights and fundamental freedoms, both in terms of legislation and implementation.' [75a](p.14) This however is with the proviso that the reform process should be on-going and sustained, not just for consideration of EU accession. [75a](p.14) Further, the EC acknowledged that the effect of the State of Emergency had not been incorporated into its assessment. [75a](p.14)

S.6.3. The EU report continues:-

'Progress is clear especially in the area of minority rights, with the new, highly praised Federal Act. This, however, has yet to be followed by adoption of implementing legislation, most of which falls under republican competencies. To ensure human and minority rights protection in the future State Union, clear safeguards and instruments must be provided for full enforcement of international standards, which the state, as a signatory, must guarantee. Particularly as regards the still outstanding establishment of the Ombudsman, clear division of competencies and co-ordination between the different levels must be ensured.

[75a](p.14)

According to the Amnesty International report of September 2002, the draft law on the creation of an Ombudsperson was pending before the Serbian parliament; Amnesty International had concerns that the law contained a number of serious defects. [37](p.14,15.)

S.6.4. Serbia and Montenegro (as reported on the FCO website on 3 April 2003) acceded to the Council of Europe on 3 April 2003 [11a] and has since adopted the Charter of Human and Minority Rights and Civil Freedoms. [90a] (according to a statement on the Serbian Government website, dated 26 February 2003)

S.6.5. The Human Rights Watch, in their report dated 24 June 2003, however has criticised the Serbian Government's co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) as being generally insufficient: [91](p.2,3.) 'The past year [June 2002 to June 2003] has seen continued stutter-step progress toward cooperation with the ICTY and accountability for war-time atrocities. Still missing is the clear political leadership to ensure that all those responsible for war crimes are held responsible.' [91](p.1)

S.6a Human Rights Issues

Freedom of Speech and the Media

S.6.6. The US State Department report for 2003 summarises these issues as follows: 'SaM and Serbian law provide 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 media.' [2c](p.8.)

S.6.7. According to the EU Stabilisation and Association Report 2003, Milosevic's 1998 oppressive media laws have now been repealed, but criminal defamation laws (embodied within the Criminal Code) remain which can be used to restrict the media. [75a](p.15) Though the Government itself did not use libel laws to suppress free expression in the media, former members of the Milosevic regime and government officials proved successful in private cases against media outlets that criticised them because of the low threshold defining libel, according to the US State Department report for 2003. [2c](p.9.) In 2003, the US State Department report continued that this was apparent in the case of Government communications director Vladimir "Beba" Popovic's libel actions against five media outlets. [2c](p.9.) The US State Department report for 2003 also mentions that 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 offence will lead to immediate imprisonment. [2c](p.9.)

S.6.8. As reported in the US State Department report for 2003, the Government has begun to reform Radio Television of Serbia (RTS), the main propaganda tool of the former regime, into a public broadcasting service. [2c](p.8) The reform process was started in the summer of 2001 when a new Board of Governors was appointed, made up of professionals from various sectors of society. [2c](p.8)

S.6.9. In July 2002, the Serbian Parliament adopted a new broadcasting law, moving responsibility for broadcasting regulation to the newly formed Agency for Broadcasting. The adoption of the law marked the end of state control over electronic media and allows greater freedom in the establishment of commercial radio and television stations. [42b] The law, according to a Balkan Crisis Report (Number 410 of 28 February 2003) established in September 2002, an eight member Broadcasting Council which regulates the 504 radio stations and 253 TV channels in Serbia. [43f](p.2) The BBC Monitoring Service picked up from Tanjug news agency, Belgrade on 9 September 2003 that the president of the Broadcasting Agency Council has since reported back, in an open letter dated 3 September 2003, to the Serbian parliament the scope of reform envisaged and its obstacles, concluding that the Broadcasting Law was still not adhered to by broadcasters. [83c]

S.6.10. The EU Stabilisation and Association Report 2003 states 'Political interference continues in Serbia, with several cases of direct pressure and intimidation by some leaders of the ruling coalition (mostly on local media).' [75a](p.15) This claim is echoed in the US State Department report for 2003. [2c](p.8) The Human Rights Watch, in their report of 2002 activities in Serbia, claimed that the Government effectively shaped the editorial policy of the two main private television stations in Serbia and Montenegro, Television BK and Television Pink, through behind the scenes pressures. [9e](p.2-3) In 2002, some media outlets practised 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 superficial or defensive, with the notable exception of Radio/TV B-92, which broadcast the proceedings live. [2c](p.8)

S.6.11. Of the publications, the daily Danas and weekly Vreme are critical of the government and the weekly NIN and B92 remain confrontational, according to the BBC country overview of March 2003. [8m] Reports from the Institute for War and Peace Reporting posted to Balkan Crisis Report in October 2002 suggested that the Government might be seeking to discredit B92, the country's leading independent radio and television station, by criticising its recent privatisation process. [43c]

S.6.12. The US State Department report for 2003 stated that local authorities occasionally harassed journalists and on occasions dismissed journalists from posts in publicly owned media outlets during 2002. [2c](p.10) Also in the US State Department report for 2003, the Government did not restrict access to the Internet, though there were reports that it selectively monitored e-mail correspondence. [2c](p.10)

S.6.13. The US State Department report for 2003 states that the Government directly censored some of the media in 2003, especially during and using the powers of the State of Emergency. [2c](p.8) A Reuters news report of 17 April 2003 mentions that media watchdog organisations, Reporters Without Borders and the Committee to Protect Journalists criticised the government's ban on reporting, quoting reportedly from the text of the ban: - 'The government order bans reporting "on the reasons for the state of emergency and its implementation, excluding carrying the official statements of competent government bodies."' [4e](p.1) The Reuters report further states 'Media violating the rules face temporary closure and fines up to 500,000 dinars (\$8,637)'. [4e](p.1) Also, according to the US State Department report for 2003, the daily newspapers Nacional and Dan and the weekly Identitet were banned, allegedly for hindering the police investigation into the assassination of Serbian PM Djindjic. [2c](p.8) The State of Emergency was lifted on 22 April 2003, as reported by the Institute for War and Peace Reporting, in a report filed 23 April 2003. [43ab]

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Freedom of Religion

S.6.14. The law, according to the US State Department Report for 2003, in both SaM and Serbia provides for freedom of religion. [2c] (p.10) The religion of the ethnic Serbs majority is Orthodox Christianity, which is represented by the Serbian Orthodox Church. The Serbian Orthodox Church is held to benefit from some preferential treatment from the Government, according to the US State Department Report for 2003. [2c] (p.10)

S.6.15. Although in the past the Milosevic regime was closely associated with the Serbian Orthodox Church, according to the US State Department Report for 2002, a rift developed during the Kosovo conflict that widened further during the year 2000. [2b](p.11) However, the Church continues to have close links with the current administration and enjoys some preferential treatment compared to other religious groups. [2b](p.11) In 2001, Jehovah's Witnesses, Protestants and Muslims have reported difficulties in acquiring land for religious purposes, again as relayed in the US State Department report for 2002. [2b](p.11) The US State Department report for 2002 continued, that the Serbian Orthodox Church condemned anti-Semitic statements made by a defrocked former member Dr Gavrilovic. [2b](p.11)

S.6.16. According to the Helsinki Committee of Belgrade, in their publication *Human*

Rights in Transition – Serbia 2001, (also identified as the Helsinki Committee of Belgrade's Annual Report for 2001) published 2002, the Orthodox Church has enjoyed unprecedented publicity owing to support from President Kostunica: the Church is seen as a prime force behind the conservative nationalist movements emerging in the country. [7g](section 14: Revival of conservative ideas, p.1) In 2001 the Serbian government passed a decree introducing religious instruction in state institutions and schools in spite of considerable public opposition, especially in Belgrade and Vojvodina, as reported by the Helsinki Committee of Belgrade in their Annual Report 2001. [7g](section 15: Church and freedom of religion, p.1-4) The US State Department report for 2003 noted that the Law on Religious Freedom stated that primary and secondary school children are required to learn one of seven "traditional religious communities". [2c](p.11) According to the (Belgrade) Humanitarian Law Center's Shadow Report, it can be seen as discriminating against minority religions. [63b](p.22) The EU stabilisation and Association report for 2003 held that the Law is viewed by some as a violation of the principle of separation of church and state and is currently under appeal at the Constitutional Court.[75a](p.17) The US State Department report for 2002 stated that although there was an intention to introduce Orthodox, Catholic and Muslim religious leaders into military units, only Serbian Orthodox clerics have been introduced to date. [2b](p.10)

S.6.17. The US State Department report for 2003 outlines incidents of societal discrimination and harassment against members of minority religions such as Jews, Jehovah's Witnesses, Catholics and Protestants: Jewish leaders have reported an increase in anti-Semitic activity, typically begun by small-circulation anti-Semitic publications. [2c](p.10)

S.6.18. The US State Department report for 2003 stated that the Government has rescinded the registration of one religious group, the Sanatan Society for Spiritual Science, claiming that the group's documents promoted criminality. [2c](p.10)

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Freedom of Assembly and Association

S.6.19. The following information is from the US State Department report for 2003: 'The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency.' [2c](p.10)

S.6.20. According to a report from B92 News, a Serbian news agency, in February 2001, the Yugoslav Constitutional Court ruled as unconstitutional several decrees issued by the Milosevic regime. [5c] The B92 report continues that these included a decree authorising the police to remand citizens in custody for 24 hours in certain circumstances; a decree authorising the Interior minister to ban movement in public places; and a decree which permitted the restriction of the inviolability of citizens' correspondence. [5c]

S.6.21. As reported in the (UK) Foreign and Commonwealth Office Country Profile of Serbia and Montenegro, not dated but accessed 18 April 2003, the State of Emergency imposed on 12 March 2003 gave the Government increased powers to ban political demonstrations and gatherings. [11n](p.4)

Political Activists

S.6.22. The US State Department report for 2003 stated: 'There were no reports of political killings committed by the Government or its agents; however, security forces killed nine individuals.' [2c](p.2) The BBC reported on 7 April 2003 that there were no developments in police investigations of numerous cases of political killings from previous years, apart from the case of Ivan Stambolic the former President of Serbia, whose remains were found in March 2003. [1p] The US State Department report for 2003 reports:-

* The Special Prosecutor for Organized Crime filed charges in September with the new Belgrade Special Court for Fighting Organized Crime in this case and in the 2000 attempted murder of Serbian Renewal Movement leader Vuk Draskovic. Indictees include Milorad "Legija" Lukovic, Slobodan Milosevic, former RDB chief Radomir Markovic, former VJ Chief of Staff Nebojsa Pavkovic, and former Deputy RDB Chief Milorad Bracanovic.' [2c](p.2,3)

S.6.23. According to the US State Department report for 2002, on 26 March 2002, the FRY government authorised the transfer of 146 ethnic Albanian prisoners from Serbian jails to UNMIK custody, the majority of who were then released. [2b](p.7)

S.6.24. Amnesty for former members of the UCPMB in Southern Serbia, as stated by the US State Department report for 2002, has been respected in practice since the plan's adoption in May 2001 and in June 2002 was given the status of Federal Law. (See section on ethnic Albanians.) [2b](p.8)

S.6.25. During the State of Emergency, according to Associated Press syndicated news reports of April 2003, former FRY President Kostunica and other opposition leaders suggested that the emergency powers may be being used to target political opponents. In mid April 2003, about 2000 people alleged to have links with organised crime were being held under the emergency powers. [58a] The State of Emergency was supported by the EU, as reported Southeast European Times [76a] and was lifted on 22 April 2003. [43ab]

Employment Rights

S.6.26. According to the US State Department report for 2003: 'The law provides for the right of association and all workers except military and police personnel have the legal right to join or form unions.' [2c](p.18) The US State Department report further adds that of approximately 1.8 million employees in the socially owned sector, around 60 to 70 percent belong to unions. Approximately 361,000 people work in the private sector but only 4 percent are unionised. Additional 500,000 persons worked in the unofficial economy and were not registered employees. Due to the poor state of the economy, one-third of union workers, or around 600,000 persons were on long-term mandatory leave from their firms during 2001, pending improvement of the economy. The largely

splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. [2c](p.18)

S.6.27. According to the US State Department report of 2003, usually, the law provides for the right to strike. However, the Law on Strikes restricts the right from 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 a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. [2c](p.18)

S.6.28. The US State Department report for 2003 continues: 'During the State of Emergency, all strikes, protests, and public gatherings were forbidden.' [2c](p.18) After the State of Emergency was lifted there were a number of major protests in various employment sectors, but, in the opinion of the US State Department, 'The independent unions, while active in recruiting new members, did not reach the size needed to mount Republic-wide strikes.' [2c](p.18) The US State Department report continued, 'In general, job security fears due to high unemployment, along with disorganization of private sector trade unions, limited workers' willingness to strike.' [2c](p.18)

S.6.29. According to the US State Department report for 2003, the minimum wage is about \$75 per month, which is insufficient to provide a decent standard of living for a worker and family: the cost of food and utilities for a family of four is about \$200. [2c](p.19)

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People trafficking

S.6.30. Serbia is a transit and (to a lesser extent) both a destination point for women trafficked from Eastern Europe, especially Romania, Moldova, Ukraine and Russia, so states the US State Department report for 2003. [2c] (p.20) The report continues that the central point in Serbia for the transit trade is Belgrade, where organised crime is most entrenched. The International Organisation for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia in 2002. The IOM reported seeing far fewer trafficked women in Serbia in 2003, but was unsure whether there was an actual decrease or less detection. [2c] (p.20)

S.6.31. Again from the US State Department report of 2003, as of 11 April 2003, the Criminal Code prohibits the trafficking in persons. It also prohibits the recruiting, inducing, inciting or luring of females into prostitution. New penalties range from 1 to 10 years for a single offence, 3 to 40 years for multiple offences, and 5 to 40 years if minors or deaths are involved. [2c] (p.20)

S.6.32. During 2001, the authorities began to take action against trafficking, according to the US State Department report: headed by the Anti-Trafficking Coordinator, the multidisciplinary team spans many Serbian Government departments, two NGOs and the IOM and the OSCE. [2c] (p.20) Within the SaM and Serbian governments, there are four working groups on victims' protection, prevention, data collection and law enforcement, staffed by the Government and co-ordinated by the OSCE. [41a]

S.6.33. During 2002, states the US State Department report for 2003, the 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 2002 a victims' shelter and 24-hour hotline, was established in Belgrade. The National Co-ordinating and Counselling Centre was established by the Serbian Ministry of Social Welfare to receive potential trafficking victims from police and NGO's for screening, medical examination, and counselling before referring the women to the shelter or other appropriate venue. The IOM repatriated approximately 80 women determined to be victims of trafficking during 2002. IOM also opened a Regional Clearing Point in Belgrade to collect information on trafficking from all the Balkan countries. [2c](p.20)

S.6.34. The US State Department report for 2002 mentions an extensive public awareness campaign, which was begun in 2001, aimed at women and children vulnerable to becoming victims of trafficking. Serbian Border Police reported that a well-established Beijing to Belgrade trafficking route was closed down in 2002 when Yugoslav authorities imposed strict visa requirements and direct air links between Belgrade and Beijing were cancelled. [2b](p.19)

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Freedom of movement

S.6.35. The Constitution provides for freedom of movement – as the US State Department report for 2003 states: 'The Constitution provides for these rights, and the Government generally respected them in practice.' [2c](p.12). The US State Department report for 2002 noted, that in 2001, ethnic Albanians and Sandzak Bosniaks sometimes encountered harassment at borders when re-entering the country, but to a much lesser degree than in the past. However, in 2002, the report continues, there were reports of Muslims being singled out for unusually long searches at Serbia's border with Bosnia. [2b](p.11). The US State Department report for 2003 stated that these problems were no longer being encountered in 2003. [2c](p.12)

S.6.36. The US State Department report for 2002 states that many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia, under the previous government. [2b](p.11) The report continues that, refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship and in an attempt to rectify this problem, the Government amended the 1997 Citizenship Law to allow dual citizenship in February 2001. However, many people granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards. [2b](p.11) The report also suggests 'presumably in the belief that that the benefits of refugee status are greater than those they would receive as citizens.' [2b](p.11)

S.6.37. On 29 October 2002, (as reported in the US State Department report for 2002), 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. [2b](p.11.)

S.6.38. According to the EC stabilization and Association report 2003, of the 231,000 IDPs in Serbia practically all are from Kosovo, and mostly Serbs, Roma and Bosniaks. [75a](p.19.) Most live in various types of private accommodation but about 7% live in collective centres where living conditions can be extremely poor. [61a]

S.6.39. According to the US State Department report for 2002, in 2002, the Serbian government, with UNHCR support, started to close 62 collective centres housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications for people to remain housed in collective centres and seeking alternate housing for others. [2b](p.11) By June 2003, the BBC reported in June 2003, the collective centres had a population of 22,000 people. [9a] Access to employment, schooling and health services is often limited for such people, according to the UN Office of Coordination of Humanitarian Affairs's Humanitarian Risk Analysis Report no. 18 of April 2002, particularly if they are not registered with the authorities or do not have identity documents. [61a](p.16) Further details about the situation for Roma are provided under Ethnic Minorities.

S.6.40. According to the EC stabilization and Association report 2003, the Serbian Government adopted a "National Strategy for Resolving the Problems of Refugees and Displaced Persons" in May 2002, focusing on return or local integration of refugees from Croatia and Bosnia, though the status of IDPs has not yet been regulated. [75a](p. 19)

S.6.41. The Constitution, according to the US State Department report for 2003, provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. [2c](p.12.) The report continues that the Government co-operates with UNHCR and other humanitarian organisations assisting refugees: there are approximately 317,000 refugees in Serbia from other former Yugoslavian countries, the majority from Croatia (212,000) [2c](p.12.). The US State Department report for 2002 adds: 'There were no reports of the forced return of persons to a country where they feared persecution'. [2b](p.12)

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S.6b Human Rights – Specific Groups

Ethnic Groups

S.6.42. The US State Department report for 2003 states 'Minorities constitute 25 to 30 percent of the population of Serbia and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.' [2c](p.16) Various commentators, namely the US State Department in the report for 2003, the Balkan Crisis Group in a news report of April 2004, and the EU stabilisation and Association report for 2003, report the opinion that equal rights are provided in law for all citizens, regardless of ethnic group, religion, language, or social status, but ethnic minority groups were severely oppressed under the Milosevic regime. [2c](p.16) [43e] [75a](p.14)

S.6.43. The EC Stabilisation and Association Report of 2003 notes that "although

some problems persist (e.g. Sporadic discrimination against some ethnic groups) the authorities have continued to demonstrate a strong reform commitment." [75a](p.18) In February 2002, major legislative changes were introduced with the federal Law on the Protection of the Rights and Liberties of National Minorities, which 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 law was approved by the Council of Europe and gives legal protection to minorities equal to that in other European countries. [2b](p.15-16) The EC Stabilisation and Association Report for 2003 (April 2003) noted however that "it is worrying that none of the implementing acts has been adopted, except the Law on the Use of National Symbols." [75a](p.19.)

S.6.44. According to the US State Department report for 2002, 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. [2b](p.16)

S.6.45. According to the US State Department report for 2002, in 2002, the Federal Minister for National and Ethnic Minorities, Rasnik Ljajic (a Bosniak) initiated a public education campaign promoting ethnic tolerance which instituted an annual national award for the promotion of tolerance. [2b] (p.16) Ljajic continued his work, as the SaM minister for Human and Minority Rights, instituting a public education campaign, seminars for youths, and a ministry hotline for calls from the general public. [2c](p.16.) A new website and news service in minority languages was launched in February 2003, as announced by the Serbian Government in February 2003. [300b] With help from OSCE and the international community, Serbian Republic Deputy Prime Minister Covic continued to implement a range of measures to improve the position of ethnic Albanians in Southern Serbia, according to the US State Department report for 2003, and the OSCE Activies report for 2001. [2b](p.16) [31f]

S.6.46. The Human Rights Watch Report for 2003 notes that treatment of Hungarians, Croats, Bosniaks, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but that serious concerns remain regarding the treatment of Roma. [9e]

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Hungarians and Croats in Vojvodina

S.6.47. According to Europa yearbook 2003, of the 26 different ethnic groups in Vojvodina, Hungarians constitute the largest minority, accounting for approximately 17% of a total population of 2.4 million, while the Croats represent approximately 3.7%. Vojvodina had enjoyed autonomous status within the old SFRY, but this was removed under the 1992 constitution of FRY. Nevertheless, Vojvodina retained its provincial assembly and their own political parties and organisations represent all the various ethnic minorities. The largest of these is the Democratic Community of Vojvodina Hungarians (DCVH). [1a] (p.572 – 573.) The Omnibus Act on Vojvodina granted increased powers of self-government to Vojvodina in 2002, but stopped far short of restoring full autonomy, according to the US State Department report for 2002, [2b](p.16) and the EC Stabilisation and Association Report, 2003. [75a](p.9)

S.6.48. The Balkan Crisis Report, in report 411 of March 2003, states that Vojvodina is a multi-cultural society with few signs of ethnic tension. [43ac](p2.) Any "ethnic problems" in Vojvodina have always been relatively low key, partly because the Serb group is in the comfortable majority (65%) and partly because the multi-ethnic character of the population is long established in the region. Also Vojvodina has rich agricultural land which is productive enough to feed all its inhabitants and export food products and an industrial base to provide employment for the non agri-based population. [11a] [54a]

S.6.49. According to the US State department report for 2002, in the past, both the Hungarian and the Croat communities in Vojvodina have been subjected to some discrimination, in terms of access to employment in certain official and public capacities, and low level harassment. The situation in Vojvodina became tense during the mid-1990s, following the influx of large numbers of ethnic Serb refugees to the FRY, 150,000 of whom were from the Krajina region of Croatia. Since the change in government in 2000, these groups have received police protection from the undisciplined element of Serb refugees. There were no reports of harassment towards Hungarian and the Croat communities during 2002. [2b](p.16)

S.6.50. According to the US State Department report of 2002, ethnic Hungarians enjoy considerable autonomy. In eight majority-Hungarian municipalities, all of the police chiefs are ethnic Hungarians. The Hungarian language is taught in schools. The Federal Ministry of National and Ethnic Communities has proposed a new curriculum, that would include studies on Hungarian art, history and music. The Government funded a Hungarian language newspaper, and RTS provided some Hungarian language programming. [2b](p.16) In May 2002, the Speaker of the Vojvodina Parliament, Nenad Cenak announced that Croatian would also become one of the official languages of Vojvodina, along with Hungarian, Slovakian, Romanian and Ruthenian. [62a]

S.6.51. In April 2003, the Helsinki Committee for Human Rights in Serbia reported back on an EU funded project monitoring the "small" minorities of Vojvodina – namely, Macedonians, Ashkaelia, Germans, and Ukrainians. [71a] The Helsinki Committee for Human Rights' findings indicated that these groups were numerically in decline as members moved away, perceived as a result of lacking a significant presence in Vojvodina political life: the Serbian authorities' designations of "national minorities" were held to have contributed to this situation. [71a]

S.6.52. According to BBC reports of January 2002 and the World Socialist Web Site (article of March 2002), many in Vojvodina would wish to see the province's autonomy restored or for it to be given full republic status. This is partly because the province is the most productive in Serbia, generating 40% of its wealth, yet most of this revenue goes towards subsidising other parts of the Republic. There is particular concern that Vojvodina will suffer under the current privatisation programme, with the province's assets being sold off to fill central coffers. [8e] [54a](p.3.)

S.6.53. According to the World Socialist Website news report of 22 March 2002, although former Prime Minister Zoran Djindjic expressed support for greater autonomy

for Vojvodina, the Government has concerns that substantial autonomy for Vojvodina could lead to further fragmentation within Serbia and Montenegro. The Omnibus Law passed in February 2002 by the Serbian parliament to restore some of the province's autonomous powers fell far short of expectations, leaving many in Vojvodina disgruntled. [54a](p.1-3) According to the World Socialist Website news report of 22 March 2002, under the new law, Vojvodina should gain greater control over areas such as privatisation, health, social security, the use of languages, agriculture and tourism. [54a](p.2) But implementation depends upon the Serbian parliament transferring the requisite funds. [7g] [30c] [53a] [54a]

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Muslims in the Sandzak

S.6.54. The Sandzak is an area that straddles the Serbia/Montenegro border. Of its 11 municipalities, 6 are in Serbia and 5 in Montenegro. It has a population of about 400,000, of which Bosniak Muslims make up 54% and Serbs and Montenegrins the remainder (according to the Helsinki Committee Group, Belgrade in an 1999 news report) [14a]

S.6.55. Bosniaks are Muslims who speak a dialect of Serbian and are related to Bosniak communities in Kosovo, Bosnia and Turkey, notes a Radio Free Europe news article of 2002. [30e] The Bosniak population was subjected to repression by the Serb minority during the 1990s, according to the Humanitarian Law Center. [63b](p.1) The repression was backed by a state-sponsored propaganda campaign, which, in an effort to destroy it as the legitimate voice of the Sandzak Muslims, portrayed the main Muslim political party, the Party for Democratic Action (SDA), as an anti-Serb and separatist organisation. [14a](p.2) The Helsinki Committee of Belgrade noted in their 2000 report that the (Milosevic-era) Serb authorities limited the teaching of non-Serb culture and history, and blatantly removed Muslims from official duties and public institutions. [7a](Part 8, p.5) Attempts by the FRY authorities to ethnically cleanse the Sandzak of its 200,000 Muslims at the height of the Bosnian conflict in 1992 resulted in large numbers fleeing the area. According to the US State Department report for 2002, during the NATO intervention about 20,000 Bosniaks from Sandzak left for Bosnia and on their return about 2,000 were sacked from their jobs for malingering. [2b] [7a]

S.6.56. Since the fall of Milosevic, the situation in Sandzak has improved considerably. OSCE noted in January 2002 that "Despite the mixed ethnic composition of the area and a difficult recent history, inter-ethnic relations in Sandzak appear harmonious" [31f](p.10) In 2003, the Helsinki Committee for Human Rights in Serbia commented "Long-standing predictions of some politicians and experts about an imminent break-out of crisis in Sandzak never materialised. 2002 was by and large a tranquil year in that region, barring several incidents, notably the brawl between Serb and Bosniak hooligans after victory of the Yugoslav team at the World Basketball Championship." (See below) [7m] (p. 337) In particular, school history textbooks deal with events of the Balkan wars of the 1990s in a way that portrays Muslims in a very negative light, according to the Helsinki Committee in their 2001 activities report. [7g](section 11, p.3)

S.6.57. According to the Helsinki Committee in their report on activities in 2001, immediately following the events of 11 September 2001, there have been attempts by right wing politicians and media to prove a connection between the Taliban, Mujahidin etc and the region's Muslim community. A corollary of this has been that Muslim

extremists have become more active and are being supported by certain Islamic countries. Increasing numbers of nurseries and schools are offering free places to Muslim children. [7g](section 11, p.3) Orthodox Serbs are also becoming more radical. [7g](section 11, p.3)

S.6.58. According to the US State Department report for 2002, in September 2002, caravans of about 100 cars carrying Serbs from neighbouring areas paraded through the heavily Muslim centre of Novi Pazar on three nights following Yugoslav basketball victories, brandishing Chetnik regalia and chanting Serb nationalist slogans. The Government reacted quickly to defuse situations that verged on violence, sending extra police and enlisting the Minister for Ethnic and National Minorities, Rasim Ljajic, a Bosniak from Novi Pazar to mediate in the situation. [2b] (p.16)

S.6.59. According to the Balkan Crisis Report (no 353 of July 2002) since the year 2000, Serbs have been leaving the Sandzak area, some of them having lost their public sector jobs. The exodus may have been partly prompted by the actions of the Muslim Party of Democratic Action (SDA) which has dismissed Serb managers in state companies and local authorities since coming to power two years ago. Local news reports claim Sulejman Ugljin, the main Sandjak leader, has installed a number of his family and associates in senior local government posts. Serb departures may also be economically motivated because property values in Novi Pazar (the largest town in the region) are considerably higher than elsewhere in Serbia. [43f]

S.6.60. Bosniaks lead local governments in the three Muslim majority municipalities in the Sandzak region. According to the US State Department for 2003, in Novi Pazar, the municipal government gave the Bosnian dialect official status, as allowed under the 2002 Law on Local Elections [2c] (p.13) All seven Sandzak municipalities have multi-ethnic municipal assemblies. [2c] (p.13) Under-representation of ethnic minorities in the assemblies is still an issue in 2003, according to the US State Department report for 2003. [2c] (p.13)

S.6.61. In the Sandzak there are political tensions between ethnic Serbs and Bosniaks, but news reports of radio Free Europe suggested that in November 2002 [30e](p. 2-3) The situation is being encouraged by the Community Revitalization through Democratic Action (CRDA) program, a five-year US Government initiative implemented by USAID. [42e] However, there is a clear divide when it comes to politics. Most Bosniaks vote for "Sandzak – Dr Sulejman Ugljanin list", whereas most Serbs have tended to vote for Milosevic's party the SPS, according to radio Free Europe news reports. [30e] No parties attract the support of both groups. Sandzak parties have called for a referendum on the status of Sandzak, according to news reports from Radio Free Europe dated November 2002. [30e](p.1) But is clear that the Sandzak leaders favour some form of regional autonomy for the area, especially as the area could be divided if the union of Serbia and Montenegro unravelled. [2b] [7a] [7e] [14]

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Ethnic Albanians in Serbia

S.6.62. According to Helsinki Committee reports of 2000 and 2001, there are no up-

to-date figures on the numbers of ethnic Albanians living in Serbia. But estimates suggest that there are likely to be about 70,000 – 100,000 ethnic Albanians living in Southern Serbia and a further 5,000 in Belgrade and other much smaller communities throughout the Republic. Under Milosevic, ethnic Albanians were generally subject to harassment and discrimination, which escalated during the war in 1999, when shops owned by ethnic Albanians were destroyed and employees of public utilities and large companies were dismissed on spurious grounds. [76] Until the change of regime, about 2,000 ethnic Albanian prisoners from Kosovo were being held in poor conditions in Serbian prisons. All have now been released, according to the US State Department report for 2002. [26] (p.7)

The Presevo Valley

S.6.63. The Presevo Valley is an area in southern Serbia close to the border with Kosovo, which comprises the municipalities of Presevo, Bujanovac and Medvedje. It is estimated that there are up to 100,000 ethnic Albanians living in the area, where they form the majority of the population, according to Humanitarian Law Center (Belgrade). [63c](p.2) The International Crisis Group in their December 2003 report, Southern Serbia's Fragile Peace, give figures of the various ethnic populations from the 2002 Serbian Census of the area: Presevo – 31,098 Albanians, 2,984 Serbs, and 322 Roma; Bujanovac – 23,681 Albanians, 14,782 Serbs, 3,867 Roma; Medvedja – 7,163 Serbs, 2,816 Albanians and 109 Roma. [69d](p.3)

S.6.64. The Europa yearbook gives the following background information regarding the Presevo valley ethnic Albanian community: although disadvantaged in social, political and economic terms, ethnic Albanians showed a high degree of integration and co-operation with the Serb population and authorities until late 1999. [1a] (p.539) From December 1999, a growing number of violent attacks on Serb police targets started occurring in the area, causing considerable unrest. [1a] (p.539) The attacks were carried out by an ethnic Albanian military group called the UCPMB (Ushtria Clirimtare e Medvedja, Presheve Bujanovac - Liberation Army of Presheve, Medvedje and Bujanovac). [1a] (p.539) The group is thought to have been an offshoot of the KLA/UCK and its aim appears to have been to gain greater autonomy for ethnic Albanians in the Presevo area. During the year 2000, attacks by the UCPMB on Serb forces escalated, with over 30 Serb police officers killed. Fearing an escalation of the fighting, several thousand ethnic Albanians fled the area for Kosovo. [1a] (p.539)

S.6.65. A variety of sources relate the background to the Covic Plan. [17c] [19d] [21a] [30a] [31a] [63c](p.3.) In the months following the change of regime in October 2000, Serb forces were widely praised by the international community for their restraint in the face of regular attacks from the UCPMB; Mary Robinson, the (then) UN High Commissioner for Human Rights praised all sides in May 2001, saying "All parties deserve great credit for the enormous efforts, political skill and personal courage that it has taken to reach this stage." [17c] . The Deputy Prime Minister of Serbia, Mr Covic, acknowledged that ethnic Albanians in the Presevo area had some genuine grievances in relation to the discrimination they suffered and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan, which was welcomed by UN Security Council member states and ultimately formed the basis of a negotiated settlement with the ethnic Albanian

leaders in the area. [17c] [19d] [21a] [39a] [31a] [[63c](p.3.)

S.6.66. According to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, in May 2001, the UCPMB accepted an amnesty from the Serb authorities.[111] Continuing, the report states, the organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area.[111] Also according to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, on 3 June 2002, the FRY assembly formerly passed the amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001.[111] The Humanitarian Law Center confirmed later in 2002 that the amnesty has been implemented correctly. [63c](p.26.)

S.6.67. Following the Covic plan, the Serb authorities undertook to implement a series of "confidence building measures" in Southern Serbia. A Radio Free Europe news article of 15 February 2001 outlined the following measures, including:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.
- Guaranteeing ethnic Albanians "an appropriate level of representation" in municipal councils and assemblies, as well as Serbia's parliament.
- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.
- Economic regeneration of the area, including the repair of all Albanian houses to accommodate displaced Albanians who wish to return to the area. [30a](p.2)

S.6.68. UNHCR undertook a detailed assessment of implementation of the Covic plan in January 2002. [21b] Significant progress had been made in many areas. In particular, a multi-ethnic police force had been established with training provided by the OSCE. By the end of 2002 the Multi-Ethnic Police Force (MEPF) had been deployed throughout Southern Serbia, according to the US State Department report for 2002, [2b](p.16) and were trained in modern police tactics, according to an OSCE news report of April 2002. [31b]

S.6.69. In addition to the multi-ethnic police initiative, OSCE, as reported through their website, has also set up a multi-ethnic media programme to improve professional standards and encourage cooperation between the Serbian and Albanian language media outlets. [31f] [31g] According to the UN in its situation report on Southern Serbia, January 2002, a number of other international organisations including UNICEF, OCHA, ICRC, WFP and UNDP are also working in the area. Over \$13 million was committed to projects in the Presevo area in 2001, with over \$24million committed to the wider region of Southern Serbia, according to. [21b](p.1) The International Crisis Group's assessment (in their December 2003 report) of the implementation of the Covic Plan is critical:-

'Many non-governmental and multilateral organisations have

played important supporting roles in reconstruction, refugee return, democratisation and media training. In short, the international community has been the oil that greases the wheels of the peace process. Nevertheless, there is a sense among Albanians of the Presevo Valley that the Covic Plan is not delivering the promised end to tensions with Serbian security forces and prosperity.' [69d](p.18)

S.6.70. According to the UN in its situation report on Southern Serbia, January 2002, most ethnic Albanians who fled to Kosovo have now returned to their homes, assisted by UNHCR, who organised "go and see" visits for those considering return. [21b](p.4)

S.6.71. Previously boycotted by the ethnic Albanian community, local elections were held in the three municipalities on 28 July 2002, for the first time in 10 years, according to the EC Stabilisation and Association report, 2003. [75a](p.5) (The work of USAID and the running of the 28 July 2002 elections is outlined in an USAID news report of 31 July 2002.) [42b]

S.6.72. The Balkan Crisis Report has been following the political hopes of the ethnic Albanians of the south Serbian region, with information following from the BCR's news reports. Many ethnic Albanians continue to hope that the Presevo Valley region will one day be transferred to Kosovo in exchange for Serb enclaves on the Kosovo side of the border. Accordingly, some 65,000 ethnic Albanians refused to vote in the Serbia Republic level elections in October 2002. [43a] Ethnic Albanian leaders have also indicated that they will refuse to undertake national service with the Serbian forces. [43i] In August 2003, it was reported that South Serbia's Albanian political parties had created a unilateral association, the National Council of Albanians. [43a] Most South Albanians have reportedly welcomed the NCA as a pan-Albanian front, seeing it as their voice whilst being wary of the outcome of dialogue between the Serbian authorities and ethnic Albanian politicians from Kosovo, representing the interests of Kosovo ethnic Albanians over those of Presevo. [43a] [43ah]

S.6.73. According to a UN interagency progress report of January 2002, incidents of police harassment of ethnic Albanians in southern Serbia decreased significantly over 2001. [21b](p.3) The US State Department report for 2003 notes that there were no reports of physical abuse or brutality during 2003. [2c](p.16) However, Humanitarian Law Center reported an incident in June 2002 when an ethnic Albanian man was shot by a VJ soldier, who has since been suspended. [63c](p.28,29.) It is with a degree of apprehension on the part of the local population, according to a Balkan Crisis report article (no. 441, July 2003) that the VJ are continuing with plans to build a VJ base at Cepotin, with an official cornerstone laying ceremony held in June 2003. [43ak]

S.6.74. The Human Rights Watch stated in their 2003 annual report, 'While Southern Serbia remains a relative success story on minority rights, the tensions that emerged in February 2003 highlight the importance of progress on the Albanian minority's longstanding grievances with respect to employment and educational opportunities.' [9b](p.5) The report continues that there have been sporadic incidents of violence from ethnic Albanian extremists, including attacks on police stations and various bomb

incidents. [94](p.4) The International Crisis Group's conclusion in December 2003 continues this conclusion, stating, 'Southern Serbia is dependent in part on the continued good will of both the Serbs and Albanians, as well as on the continued engagement of the international community.' [69d](p.26)

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Roma

S.6.75. The Republic constitution prohibits discrimination on ethnic or racial grounds. However, discrimination against Roma is widespread in all fields including housing, education, social and health care and employment. Intimidation and harassment is common and violent attacks by skinheads and police has not always adequately dealt with similar groups. There have also been cases of police brutality towards Roma during 2002. [2b] [3f] [8d] [9e] [63a](Section 1) [63b] [75a]

S.6.76. The Humanitarian Law centre, a Serbian NGO and advocacy group, investigated 241 cases of attacks on Roma in the period 2000 - 2002, by individuals and groups, and by the police. [63a](Introduction) 'The most serious and typical incidents' are outlined in the HLC report *Roma in Serbia*, published December 2003. [63a] There were examples of violent attacks on Roma during 2003.

S.6.77. Amnesty International has reported (in its September 2002 report) that frequent attacks with little apparent protection provided by the authorities have led to many Roma feeling too scared to go out in the evening. [97](p.17) The Humanitarian Law Center (HLC) reported that judicial proceedings are unduly prolonged when Roma appear as plaintiffs and the police response when Roma are assaulted by private citizens is often inadequate. [63b] However, as reported in the Amnesty International report of September 2002, in May 2001, two skinheads were convicted for an attack on a Roma couple that was accepted by the court as being motivated by ethnic hatred. [37](p.17)

S.6.78. Incidents of police brutality against Roma continued in 2002 and 2003. HLC investigated several cases of police abuse, including beatings both at police stations and in the street. [63a] Complaints reported by the Humanitarian Law Center include as follows: 'the investigated cases show that during routine procedures such as identity checks police officers regularly maltreated and physically abused Roma. Cases of physical abuse, even of children, were registered in connection with other police work such as execution of court orders.' [63a](sect.1.1) Complaints alleging use of excessive force by police officers have not been properly investigated, according to the HLC in its shadow report of January 2003. [63b](p.16) The report continues, though courts have started sentencing officers for subjecting Roma to acts of torture, sentences are usually light. [63b](p.16)

S.6.79. Societal discrimination against Roma is widespread, ranging from non-admittance to restaurants, nightclubs, and sports centres. [63a](Introduction) Only rarely have Roma been successful in gaining legal remedy for having been denied access to public places, according to the HLC in January 2003. [63b](p.16) In July 2002, the municipal court in Sabac ruled in favour of Roma who were barred from using a public swimming pool: this was the first time that existing law had been used to prove

discrimination against Roma. [37](p.18) In January 2002 HLC filed a lawsuit against the Trezor disco in Belgrade for denying admission to Roma. [63b](p.17) No reports could be found to date (April 2004) as to whether the Trezor case has been resolved.

S.6.80. The US State Department report for 2003 and Amnesty International (AI) (in *Concerns in Europe: January – June 2002*) state that estimates vary but there are probably about 45,000 Roma Internally Displaced Persons (IDPs) in SaM, mostly from Kosovo. [3d](p.78) [2c](p.12) AI continues that local municipalities are often reluctant to accept them and IDPs have been deprived of humanitarian assistance because "as a nomadic people" they allegedly do not require it. [3d](p.78) In Belgrade and other towns in Serbia and Montenegro, many Roma IDPs live in squalid illegal settlements, without access to electricity, running water or sanitation, according to the US State Department report for 2003. [2c](p.12) There is a higher incidence of ill-health and infant mortality than among the general population, according to the Humanitarian Legal Center Shadow report of January 2003. [63b](p.19)

S.6.81. Local authorities are inadequate in their rehousing of Roma, according to the US State Department report for 2003, and have evicted Roma from tenancies arbitrarily, leading to great individual difficulty, such as, in July 2003, the Roma family of eight who were left homeless. [2c](p.17)

S.6.82. The problems for Roma IDPs are exacerbated by difficulties regarding registration and acquiring identity cards. Most who fled from Kosovo do not have adequate documentation or evidence of citizenship and are regularly denied access to health, social welfare and education for their children. [2b][3d][3e] For the most part Roma have no prospect of finding employment, according to the UN Humanitarian Risk analysis report 18, of July 2002. [61a](p.23)

S.6.83. Information from the Humanitarian Law Center's shadow report of 2002 and the US State Department report for 2002 concludes that Roma children have poor access to education, owing partly to language difficulties and to entrance tests that have not been adapted to their circumstances:-

'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.' [2b](p.15)

In Vojvodina, over 70% of Roma children are either semi-literate or illiterate. [63b](p.28) Some schools have refused to accept Roma children or they have been taught in separate, all Roma classes. [63b](p.28) However, additional lessons have been organised for Roma children by NGOs and there has been an expansion in extra mural education for Roma children. [63b](p.28) UNHCR, with support from the Serbian government, has begun head - start education programmes, to help Roma to achieve better results at school. [63b](p.28)

S.6.84. For several years, Roma organisations have been demanding recognition of their minority status, as is enjoyed by Roma in Romania and Hungary. This demand has been met with the 2003 Framework Convention on the Protection of Rights and Freedoms of National Minorities which specifically designates the Roma community as a national minority in Serbia. [9c] [63b](p.6f.) Under Article 4 (2) of the law, the authorities have an obligation to adopt legislation and measures to "improve the position of persons belonging to the Roma national minority". [63b](p.8.) The new law has led to positive discussions between Roma leaders, government representatives and the OSCE on ways in which the situation for Roma might be improved. [31d]

S.6.85. Also, an inter-ministerial group on Roma rights has been established to draw up a programme of affirmative action measures for Roma, coordinated by the Federal Ministry for National and Ethnic Communities. In mid September 2002, the Ministry signed an agreement with international organisations in Serbia & Montenegro to set up a group of experts to formulate a strategy for the integration of the Roma community. [63b] (p.12) (though no report has been found of such a group being set up to date (September 2003)). There has been an increase in the number of Romani language programmes on radio and TV. [9c]

S.6.86. The BBC followed a Roma family returned to Belgrade from Germany in January 2004. The report noted the family felt they were harassed by their neighbours, including the bullying of the children at school, and faced economic hardship. [81](p.1) The report continued in general terms about Roma returns from Germany, quoting comments by the Council of Europe on returned Roma likely to face poverty upon return. [81](p.2) The report continues, reporting that the cases of mixed-marriages are a concern to German human rights activists. [81](p.2-3) The Serbian Government's response is reported as "Legally speaking, it's not formal discrimination, but a social problem. Their rights are fully recognised, but not fully implemented." (Vladimir Djuric, Roma Rights Secretariat) [81](p.3) The report ends with the returned Roma family complaining of the Serbian Government's incapacity to assist in their particular plight. [81](p.3-4)

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Jews

S.6.87. There has been an increase in the expression of anti-Semitic feeling in Serbia, manifested in graffiti, vandalism, leaflets, statements in the media and harassment of the small Jewish community. The Helsinki Committee for Human Rights in Serbia attributes this in part to the growing influence of a newly created right wing nationalist group called Obraz. [7g][section 14: Revival of Conservative Idea, p.2-3.] Obraz was alleged to have carried out attacks on ethnic minorities. The organisation, whose website contains anti-Semitic and racist material, was founded in 1997 and has an estimated membership of 30,000 in SaM. The HLC has asked the public prosecutor to take action against Obraz under Article 134 of the FRY Criminal Code, which prohibits incitement of ethnic and religious hatred, though to Amnesty International's knowledge none has been taken (as of September 2002) [31](p.3)

S.6.88. According to the Helsinki Committee, Belgrade, early in the year 2001, there were reports of anti-Semitic leaflets being circulated in Kikinda. On 1 February 2001,

Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were vandalised and a synagogue was painted with swastikas. The incident was reported to the police but the perpetrators were not found. On 13 and 14 February 2001, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish Community Centre of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. [7g][section 14: Revival of Conservative Idea, p.2] [7]

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Women

S.6.89. There are no legal restrictions on the participation of women in government and politics. According to the EC Stabilisation and Association report, 2003, Women are active in political and human rights organisations, but are under-represented in the higher levels of politics, administration and business. [75a](p. 18) Women hold less than 10% of ministerial-level positions in the Serbian and federal governments. The Federal Parliament ratified the Optional Protocol to the Convention of Elimination of all Forms of Discrimination against Women (CEDAW) in December 2002 and women's rights groups operate, but with little or no official acknowledgement, according to the US State department report for 2003. [2c](p.15)

S.6.90. According to the US State Department report for 2003, the traditionally high level of domestic violence still persists. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. [2b] [75a](p. Few victims of spousal abuse ever file complaints with the authorities and spousal rape is not recognised as an offence. The Centre for Autonomous Women's Rights in Belgrade offers a hotline for victims of rape and spousal abuse and sponsors a number of self-help groups. The Centre also offers help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia. [2c](p.15)

S.6.91. The Women's Commission for Refugee Women and Children, in their September 2001 report on the Serbian situation state that women refugees and internally displaced people - especially households headed by single females and widows - face particular problems, including difficulties in obtaining documentation of their husbands' deaths that would entitle them to pensions. [35a](p.2.)

S.6.92. Women do not enjoy status equal to men and relatively few women obtain upper level management positions in commerce, according to the US State Department report for 2002. 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, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, particularly among minority communities, women are often unable to exercise their rights to control property and children. In rural areas and some minority communities, it was common for husbands to direct the voting of wives. However, women are legally entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. [2b](p.15)

Children

S.6.93. 'The state attempts to meet the health and educational needs of children' according to the US State Department report of 2003. [2c](p.15) (see also sections on medical services and education).

S.6.94. The country served as a source, transit and destination point for trafficking of girls for forced prostitution. Roma children are particularly at risk, according to the US State Department report for 2003: 'Trafficking in children for use in begging or in theft rings was a problem among Roma.' [2c](p.20) (See trafficking). In August 2002 the media reported that, in the 1980s and 1990s, some newborn babies had been kidnapped by midwives and doctors and sold through criminal rings to adoptive parents. [2b](p.15)

Child Care

S.6.95. According to information contained in a letter from the (UK) Foreign and Commonwealth Office, dated 18 October 2002:-

'There are many homes / orphanages for children under 18 in Serbia and Montenegro and these are state run. They take both boys and girls. As they are state run the conditions are not up to European standards and there are no other alternative child care arrangements that can be made apart from adoption (normally babies are adopted.)' [11]

Homosexuals

S.6.96. Homosexuality is not mentioned in any law or in the constitution of Serbia except where the age of consent is concerned (18 for homosexuals and 14 for heterosexuals). Despite this, there was widespread discrimination under the previous regime. There is no clear evidence of this continuing under the current administration, though a 1998 survey reported by the International Lesbian and Gay Association indicated that there is a high level of homophobia in Serbian society. [25a]

S.6.97. According to accounts of the Helsinki Committee group of Belgrade (report not dated) [71](headed, 'Media in Serbia: Gay rights and freedoms') and Amnesty International (report of September 2002) [37](p.16), gay and lesbian activists, taking part in a march through Belgrade on 30 June 2001, were attacked by skinheads and right wing nationalists. Although police eventually intervened, human rights organisations considered their action inadequate. The Belgrade police chief justified his failure to deploy adequate numbers of police by claiming that he had not expected such violent anti-gay protests. [71](headed, 'Media in Serbia: Gay rights and freedoms') (p.3) The Helsinki Committee, according to BBC reports of 30 June 2001, has called for amendments to the Constitutions of Serbia and SAM to guarantee rights for sexual minorities. [77] [8a]

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MONTENEGRO

M.2 GEOGRAPHY

M.2.1 The Republic of Montenegro lies in the south west of SaM on the Adriatic Sea. It has an area of nearly 14,000 sq. km and a population of 670,000. (2003 Census, from the UK Foreign and Commonwealth website). [111] The capital is Podgorica, with a population of 152,025, according to the Government of Montenegro's website, as of April 2004. The ethnic make-up of the population is approximately as follows: Montenegrins 61.9% Bosniak Muslims 14.6%, Serbs 9.3%, Albanians 6.6%, Others 7.6% [81]

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M.3 ECONOMY

M.3.1 The Montenegrin economy is in transition from a Communist system to a market-based system. The industrial sector, consisting of a few state owned plants and smaller private enterprises, was inefficient and uncompetitive. [26] Although Montenegro was largely unscathed by the Balkans conflicts in the 1990s, tourist activity fell sharply. The government estimated that the economy contracted by 13.8%, tourism fell by \$60m and industry declined by \$75m. However Montenegro was exempted from most of the sanctions applied to FRY during the Milosevic era. [2a]

M.3.2 Unemployment is officially estimated at 40% but many work in the black economy, so that the true figure is likely to be about 22%. Large government enterprises, including all the major banks industrial and trading companies, generally observe the minimum wage standard, which is \$62.50 per month. This figure is comparable to unemployment benefits. The gross average wage for 2002 was \$231 (185 Euros) per month; insufficient to provide a decent standard of living for a family [2c] (p.52) According to the Montenegrin Red Cross, more than half the population lives below the poverty line, with nine per cent dependent upon outside assistance. [65a]

M.3.3 In November 1999 the Deutschmark was introduced as a parallel currency; a year later the dinar was dropped altogether. [1a] (p.541, 542) The Euro replaced the Deutschmark in 2002. There are plans to privatise a number of state businesses, including telecommunications and electrical companies. [2b] Western governments continue to provide substantial financial backing and technical assistance to Montenegro. [2b]

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M.4 HISTORY

M.4.1 Montenegro is the smaller of the two republics that make up Serbia and Montenegro (the population of Serbia is more than ten times that of Montenegro). The issue of possible independence for Montenegro has dominated the political agenda in recent years. [2b] Unlike other former Yugoslav republics, Serbia and Montenegro have previously existed as independent states (1878 - 1918). [1a] (p.532) [8a]

M.4.2. In the years before his downfall in 2000, Milosevic sought to exploit the relative size of Serbia's population and economy compared to that of Montenegro. Following the war in Kosovo, the Montenegrin government began to demand more control and to move away from the federal control of the Milosevic regime. In August 1999, Djukanovic called for the federation structure to be revised into a confederation, and for the federal governing bodies to be dissolved. He also asserted the Montenegro authorities' right to control the army on its soil and to establish its own currency. When Montenegro introduced the German Deutschmark as a parallel currency to the Dinar, Milosevic responded with a partial economic embargo, which later became a full economic blockade. [1a] (p.564) This was followed in December 1999 by a standoff between the Federal army and the Montenegrin police at Podgorica airport. [1a] (p.564) Although this ended quickly and peacefully, the situation remained tense until Milosevic's fall in October 2000. [1a] (p.564-5) [2b]

M.4.3. Seeking to consolidate the move away from Milosevic's Federal control, Djukanovic chose to boycott the elections held on 24 September 2000. With the opposition securing control of the Federal Presidency, this tactic backfired, leaving Montenegro represented in the Federal Parliament only by Milosevic's Socialist allies. Kostunica was therefore obliged to enter coalition with Milosevic's allies in Montenegro for the Federal Government. [1a] (p.565)

M.4.4. Djukanovic called an election for 22 April 2001, seeking a mandate for his party (the Democratic Party of Socialists (DPS), to proceed with a referendum on independence for Montenegro in late June/early July 2001. His electoral platform was based on independence for Montenegro followed by a new negotiated federation with Serbia on equal terms. [1a] (p.564)

M.4.5. During 1999 and 2000, EU states and the US provided considerable financial support to Montenegro and encouraged its resistance to the Milosevic regime. Although such support has continued, Western leaders have made it clear that they are opposed to independence for Montenegro, largely because of fears that this could precipitate similar moves in relation to Kosovo and Bosnia and destabilise the region. [56a]

M.4.6. Independence has continued to be the key issue in Montenegrin politics. In order to maintain his position Djukanovic has had to balance the need to satisfy pro-independence elements within the ruling coalition whilst trying to maintain approval of the international community who are firmly against independence. [56a]

M.4.7. On 14 March 2002 a compromise solution was agreed. An EU brokered deal saw Serbia and Montenegro sign "the Belgrade Agreement", whereby the republics would continue as one state, changing its name to Serbia and Montenegro (SaM). SaM would retain some federal institutions, including the Presidency and the defence and foreign ministries. Republic level governments would deal with most other affairs. Provision was made, within the agreement, for a referendum to take place in either republic on the issue of independence, but only after three years. [1a] (p.565.) [11a](p.3)

M.4.8. This development infuriated the strongly pro-independence parties within the Montenegrin government, who felt betrayed by Djukanovic. In April 2002, Prime Minister Vujanovic resigned in a government crisis over the Belgrade Agreement.

Several ministers from the pro-independence Liberal Alliance (LS) resigned from the coalition in protest at the deal, leaving the government without a parliamentary majority. [45] The results of the May 2002 local elections showed that opinion on the independence issue remained evenly divided. [304]

M.4.9. In June 2002, the FRY parliament ratified the Belgrade Agreement, clearing the way for legal experts to work up a constitution from the framework arrangement agreed. In July 2002, the LS formed an unlikely alliance with the opposition coalition "Together for Yugoslavia", solely for the purpose of unseating the government, leaving Djukanovic with no option but to call an election. [439]

M.4.10. Djukanovic's coalition, the Democratic List for a European Montenegro, won an absolute majority in the elections, held on 20 October 2002. The coalition, made up of Djukanovic's DPS party and the SDP, won 39 of the 75 seats of parliament. The pro-Yugoslav Together for Changes coalition, made up of the SNP, SNS and NS won 30 seats. Having precipitated the election, the LS party stood on its own and gained only 4 seats. A coalition of Albanian parties won 2 seats. [66]

M.4.11. The result was a clear vote of confidence for Djukanovic and a mandate to proceed with adoption of the Constitutional Charter for Serbia & Montenegro. Djukanovic resigned as President on 25 November 2002 in order to become the republic's Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. [26]

M.4.12. Presidential elections were held in Montenegro on 22 December 2002. Although Vujanovic won 84% of the vote, the result was declared invalid as the turnout was less than the 50% of the electorate required to elect a president. [11n](p.5) Opposition parties declined to nominate a candidate in 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. [26]

M.4.13. The Presidential Election was repeated on 9 February 2003, but although Vujanovic again won a clear majority of votes, once more the turnout failed to meet the 50% threshold. [11n](p.5) On the third poll, on 11 May 2003, Mr Vujanovic won, with 63.3 per cent of votes cast. [8y][152] A new Law on Elections has been introduced which no longer requires a turnout of 50%; rather, the candidate who wins more than half the votes cast will be elected president. [11n](p.5)

M.4.14. On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. [11n](p.5)

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M.5 STATE STRUCTURES

Constitution

M.5.1 Montenegro is constitutionally a constituent republic of SaM. In recent years it has developed into a multiparty, multiethnic parliamentary democracy. The SaM Council of Ministers has responsibility for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights, but all other matters are dealt with at the republic level. [2b]

M.5.2 The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. [2b]

Citizenship

M.5.3 A new citizenship law was passed in 1999. The law provides a mechanism for acquiring Montenegrin citizenship, though it is stringent in its requirements. [2b]

Political system

M.5.4 The Montenegrin parliament is unicameral, with 75 seats. Deputies serve a four year term and elect the Prime Minister and the cabinet, which is then directly answerable to the parliament. The cabinet is responsible for the internal and external affairs of the public. [43b]

M.5.5 In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. [1a](p.564) The Montenegrin political scene is dominated by two major coalitions: one led by Milo Djukanovic of the Democratic Party of Socialists (DPS); the other led by Predrag Bulatovic of the Socialist People's Party (SNP) The pro-independence Liberal Alliance of Montenegro (LS) was first allied to Djukanovic but left his coalition when the Belgrade Agreement was signed. [2b] Djukanovic subsequently resigned to become Prime Minister. [11n](p.5)

M.5.6 Parliamentary elections for the 75-member Montenegrin Republican Assembly took place on 20 October 2002. Djukanovic's coalition made up of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP), won an overall majority. [11n](p.5)

M.5.7 Presidential elections were held on 22 December 2002 and repeated in February 2003, but failed to elect a President because the 50% turnout threshold was not reached. [11n](p.5) At the third poll on 11 May 2003, Mr Filip Vujanovic, the Democratic Party of Socialists's candidate, won with 63.3 per cent of the vote cast. [8y] International observers were strongly critical of the pressure placed on state employees to vote in the presidential elections. Although there was no pressure as to how votes should be cast, the government was keen to ensure a sufficient turnout to make the elections valid. The opposition tried to encourage people not to vote. [43u][75a]

M.5.8. The opposition has boycotted parliament since 27 May 2003, and as a result constitutional legislation cannot be passed to date (April 2004).

Further information about the political situation is provided in section 4 above.

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Judiciary

M.5.9. The constitution provides for an independent judiciary, the right to fair trial, the presumption of innocence, access to a lawyer and the right to appeal. However the US State Department reported in 2003 that the courts were ineffective and sometimes manipulated by the government for political reasons. The US State Department Report concludes that in 2003 the judiciary was not independent in practice, in that it was susceptible to political pressure. [2c](p.46) Such political pressure was held by commentators to be seen in the Avala hotel scandal, which involved Djukanovic and his sister.

M.5.10. According to the US State Department report for 2003, the court system consists of municipal, high (or district), and supreme courts at the republic level. The FRY federal constitutional court has had little authority in Montenegro. There also is a military court system under the control of Federal authorities: civilians are not tried in these courts. [2c](p.46)

M.5.11. The EC Stabilisation and Association report 2003 commented that:-

'The inherited problem of low legal awareness, the failure to remove political appointees, the legacy of the non-respect of judicial independence was reflected in further attempts by the executive to interfere in the functioning of the judiciary. Some members of the judiciary showed serious professional commitment and independence, but the maintenance of law and order suffers from the lack of co-operation between different services.' [75a] (p.13)

M.5.12. A backlog of cases, a lack of resources, lack of co-operation between police and prosecutors and corruption remain problems. Although judges are poorly paid, they receive free housing, which to some extent offsets their low salaries. [2b] There was a lack of harmonisation between Montenegrin Republic law and Yugoslav federal law and the US State Department holds, in the US State Department report for 2002, that there was a general lack of clarity about the extent to which Yugoslav federal law operates in Montenegro. [2b]

M.5.13. A new Law on Judges came into force in February 2002. This introduced wider guarantees of independence, clear criteria for appointing and dismissing judges and organisational changes, according to the EC Stabilisation and Association report, 2003. [75a] The Law provides for a Court Council that nominates and initiates dismissal procedures against judges and court presidents. The Supreme Court president will head the Court Council, which will include lawyers and judges 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 2002 with the formation of the High Judicial Council. [2b]

M.5.14. According to the US State Department report 2003, there are no reports of political prisoners. [2c](p.46)

Legal Rights / Detention

M.5.15. The US State Department report for 2003 provides the following information. 'The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.' [2c](p.45) The law requires arrest warrants. [2c](p.46) CEDEM reported police occasionally disregarded the 24-hour limit on detention, applying the previous Criminal Procedure Code's provision for a 72-hour period of detention. The suspect may have access to an attorney, 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. [2b]

M.5.16. According to the US State Department for 2003, the law prohibits forced exile, and the government did not employ it. [2c](p.46) In June 2002, Montenegro abolished the death penalty. [3a]

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Internal Security

M.5.17. Civilian authorities generally maintain effective controls of the security services. Nevertheless there are some instances in which elements of the security forces fail to respect basic human rights. The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. A greatly reduced detachment of the Yugoslav Second Army, which is under the control of the Federal Government, remains in the Republic and co-operates with Montenegrin police to arrest smugglers. It co-operates well with the Montenegrin Ministry of Interior. [2b]

M.5.18. The Helsinki Committee for Human Rights in Montenegro (HCM) reported that there were fewer reports of police violence and abuse in 2002 than in previous years. However, the US State Department reports that police occasionally beat suspects during arrest or while suspects were detained for questioning. There were no reported incidents of police brutality at political rallies during 2002. [2b]

M.5.19. Criminal proceedings against police are rare, tend to be of long duration and convictions often result in minor penalties. [2b] The EC Stabilisation and Association Report for 2003 notes that efforts have been made to implement stricter internal control of the police (including setting up hot lines for citizens' complaints), but comments that the issue of internal accountability needs to be comprehensively addressed through clear legislative provisions. The report also expresses concern that the Federal Criminal Procedure Code has not been implemented. [75a]

M.5.20. The EC Stabilisation and Association report for 2004, published April 2004, noted:-

'The Montenegrin parliament adopted the Criminal Code and Criminal Procedure Code in December 2003. The Codes were prepared with wide public consultation and international expertise.' [75b](p.12)

M.5.21. There were reports that police were involved in trafficking and took bribes at border checkpoints in 2002. [25] [return to contents](#)

Prisons

M.5.22. According to the US State Department report for 2003, 'Prison conditions generally meet international standards; however some problems remain.' [2c](p.45) There were no reports of police brutality from guards. Women are held separately from men. Juveniles are held separately from adults, as are pre-trial detainees from convicted criminals. [2b]

M.5.23. The EC Stabilisation and Association Report for 2004 notes the following regarding Montenegrin prison conditions:-

'The situation in Montenegrin penal institutions is difficult, due to the lack of adequate resources and infrastructure. However, the treatment of prisoners is improving, and there are ongoing prison staff training projects. Nevertheless, special attention should be paid to further improving prison conditions of vulnerable groups, such as juveniles, but also drug addicts.' [75b](p.10)

M.5.24. The Government permits prison visits by human rights monitors, including the International Committee for the Red Cross (ICRC), Organisation for Security and Co-operation in Europe (OSCE) and other local NGO's, and they conducted visits during the year. [2c](p.45) [47] 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. [2b]

Military service

M.5.25. Military service is compulsory for men between the ages of 18 and 27 and has recently been reduced to 9 months. [3e] [7g] Military service for women was introduced in 1993. However, a citizen who does not wish to participate in military service (on the basis of religious or other valid conscientious objection) may participate in civilian national service or in the army without the use of weapons, though this does not apply during a state of war. Those granted conscientious objector status are entitled to do unarmed military or civilian service and are required to serve for 13 months. [3e] The provisions for conscientious objection continue under the new state union of Serbia and Montenegro (Article 58 of the Constitutional Charter). [3f] [74a](p.13)

M.5.26. Human Rights Watch and Amnesty International reported that the army rejected requests by conscientious objectors for service in civil institutions. [31] [96]
A Jehovah's Witness, Sahiti Mirsad, served a five month jail sentence because of his conscientious objection to serving in any part of the military. [26] However, the US State Department Report for 2003 notes that the federal law requiring military service was not enforced during 2002 and there were no forced conscriptions. [26]
Some 14,000 received amnesty as a result of the FRY Amnesty Law, passed in February 2001(described in the [Serbia section](#)) and which also applies to Montenegro. [2a]

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Medical Services

M.5.27. Generally health facilities in Montenegro (21 Primary Health Care facilities, 8 hospitals, 3 special hospitals and 2 special institutions) are functioning and in reasonable condition. However, age and lack of funds for maintenance, mainly in the Northern part, has affected both buildings and equipment, with a need to update obsolete machinery. [48a]

M.5.28. The EU is implementing a DM 4 million programme for the development of the primary health care sector in Montenegro. 120 primary health centres and hospitals are undergoing rehabilitation and modernisation under the programme. The project is also organising training for medical staff across the country. [49a]

M.5.29. State health care remains largely free, but patients often have to bring their own consumables and drugs, which severely affects access to services for the vulnerable. Refugees and internally displaced people receive health care largely through the national network, although some large camps have their own outreach supported by international organisations and staffed by Ministry of Health medical personnel. [48a] If treatment for a particular condition is not available in Montenegro, patients are able to make use of facilities in Serbia. [74a]

M.5.30. From World Health Organization (WHO) data posted on WHO's website accessed October 2002, treatment for mental health disorders is available, though there is a shortage of psychiatric staff and bed spaces. Most drugs for treatment of mental illness are available. There is no national mental health policy or national program. [48c]

M.5.31. Data from 1990s show no negative impact on epidemiological and health service indicators. However, the influx of refugees in the past decade has put severe strains on the health service. In general, the service is heavily dependent upon foreign donor support. [48a]

M.5.32. The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment or human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

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Education

M.5.33. The government does not restrict academic freedom. [2b] The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children between the ages of 7 and 15, when children attend the "nine year school". Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance. There are 142 institutions of higher education. [1a] (p.549)

M.5.34. The US State Department holds that schools suffer from under-funding. Ethnic Albanians have access to instruction in their native language but some have criticised the government for not developing a curriculum covering Albanian ethnic culture and history. Most Roma children received little or no education beyond primary school level. [2c] (p51.)

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M.6 HUMAN RIGHTS

Overview

M.6.1. The US State Department report for 2003 summarised the human rights record for Montenegro for 2003 as follows:-

'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. Media independence was a problem; however, the Government exercised slightly less influence over the media than in previous years. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Some discrimination persisted, particularly with regard to Roma. Trafficking in women and children for sexual exploitation continued to be a problem. [2c](p.44.)

M.6.2. The EC stabilisation and accesssion report for 2004 puts the Montenegrin republic's human rights structure into the state-union perspective, stating:-

'There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields,

affecting compliance with some of Serbia and Montenegro" international obligations.' [75b](p.11.)

M.6.3. Delays with drafting the Constitutional Charter put on hold the draft federal bill for an Ombudsperson, but Montenegro has since proceeded with legislation on its own Ombudsman body, endorsing the bill in parliament in July 2003. [83d] The first Ombudsman was appointed by the Montenegrin Assembly on 21 October 2003.[2c](p.50) Protection of human and minority rights is a competence of the state union and is provided for in the Constitutional Charter, according to the EU Stabilisation and Association Report for 2003. [74a] [75a]

M.6a Human Rights - Issues

Freedom of speech and the Media

M.6.4. According to the US State Department report for 2003:-

'The Constitution and laws provide for freedom of speech and the press, and the Government generally respected these rights in practice; however, officials brought or threatened libel suits when accused of wrongdoing. Despite some steps to move away from state control of the media, certain private media, such as the daily *Publika*, retained close ties to the Government.' [2c](p.47)

M.6.5. Until 2002, according to the US State Department report for 2002, the State media was effectively controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. [2b](p.9) However, in September 2002, Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe, which creates regulatory structures designed to insulate state-owned media from direct party control. [2b](p.9) Implementation of the Media Law began in November 2002, according to the EC stabilisation and Association report of 2003, [75a](p.15) Though the same report opined 'In Montenegro, the media remains divided on the independence issue and operate under political interference.' [75a](p.15) The Balkan Crisis report, no. 383 of November 2002 enlarges that the Law creates a Council for Radio and TV that will run them as a public service, with Council members drawn from NGO fields. Members cannot be politicians, councillors, government officials or anyone whose membership might present a conflict of interest. [43v] The EC stabilisation and Association report of 2003 is sceptical of such councils as framed in the Law: 'There are also questions about the understanding of the provisions designed to prevent government interference, as evidenced by the rushed introduction of Media Councils, an attempt to remove editors installed under the previous government.' [75a](p.15)

M.6.6. The EC stabilisation and Association report for 2004 states the following regarding media reform in 2003:-

'In Montenegro, the implementation of the 2002 set of media laws has continued, albeit with difficulties. Notably, the cancellation of previous live broadcasts of parliamentary sessions triggered a parliamentary crisis involving a long-term opposition boycott.' [75b](p.14)

'The provisions on prison sentences for slander and libel were removed from the Criminal Code in December 2003. Fines now replace prison sentences. A draft law on free access to public information has been prepared and should be adopted in line with the recommendations of the Council of Europe.' [75b](p.14)

M.6.7. According to the US State Department report for 2003, in addition to local media, a wide variety of international output is available, including Belgrade's B-92, Italian Television (RAI), Croatian State Television (HRT), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE) and other foreign broadcast services in Serbian or other languages on other broadcast media. Foreign publications from abroad are available. [2c](p.47) Access to the Internet is unrestricted and academic freedom is respected. [2c](p.48)

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Freedom of Religion

M.6.8. According to the US State Department report for 2003, the law provides for freedom of religion and the Government generally respects this right in practice. [2c] (p.48) The Ministry of Religion was abolished in early 2003, according to the US State Department report for 2003. [2c] (p.48) According to the EC Stabilisation and Association report, 2004, 'There have been no developments in the adoption of new legislation, although drafts were prepared earlier (at the then federal level). Generally, the situation in this field is positive.' [75b](p.15) The Montenegrin Government stated through its website (accessed April 2003) that 69% of the population are Orthodox Christian, though these are divided between the Serbian Orthodox Church and the Montenegrin Orthodox Church; 19% are Muslim; and 4% Catholic. [81a] ("population") According to the US State Department Report for 2003, the Montenegrin Constitution equates the Orthodox Church, Islamic Religious Community, and Roman Catholic Church, and declares them separate from the State, but acknowledges that in practice, the Serbian Orthodox Church receives preferential treatment. [2c] (p.48.)

M.6.9. According to the US State Department report for 2003, 'Tensions continued between the canonically unrecognised Montenegrin Orthodox Church and the Serbian Orthodox Church, but these tensions were largely political.' [2c](p.48) According to BBC news reports of August 2000, there have been several incidents reported in which the religious practices of members of the Montenegrin Orthodox Church were interfered with. [8c] However, the US State Department report for 2002 continues, such incidents appear to have occurred less frequently than in the previous year and no violent incidents were reported during 2001. [2b](p.10)

M.6.10. Throughout 2002, according to the US State Department for 2002, Jehovah's Witnesses and the Church of Jesus Christ of Latter Day Saints (Mormons) reported difficulties in obtaining long-term visas for missionaries. Jehovah's Witnesses reported that authorities were limiting the amount of literature that they were allowed to import

into the country. They argued that the amount that they were permitted to import was insufficient for the needs of 8,000 members and friends of the community. [2b](p.10) In 2003, according to the US State Department for 2003, there was a complaint by an NGO that a member of the Jehovah's Witnesses received a prison sentence in circumstances that suggested the court discriminated against the accused on the basis of his membership of the group. [2c](p.48.)

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Freedom of assembly and association

M.6.11. The Constitution provides for freedom of peaceful assembly and association and the Government generally respects this right, according to the US State Department for 2003. [2c](p.48)

Employment rights

M.6.12. According to the US State Department report for 2003:-

'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. The high unemployment rate limited unions' bargaining power and willingness to take action.' [2c](p.51)

M.6.13. The US State Department report for 2003 continued: strikes were frequent throughout the year, mainly caused by the economic situation, unpaid salaries, manipulation and fraud in the privatisation process, and denial of union rights. The minimum wage of about \$50 per month was generally respected by larger enterprises in 2002 and was equivalent to unemployment benefits. The gross average wage was about \$231 per month, which was insufficient to provide a decent standard of living for a family. [2c](p.52)

M.6.14. The 2002 Law on Employment came into force in May 2003, and refugees were so deprived of registration with the Montenegrin Employment Bureau (IDPs were already prevented from registering), as mentioned in the US State Department report for 2003. [2c](p.49.)

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People trafficking

M.6.15. According to the US State Department report for 2002, the Montenegrin Criminal Code was amended in July 2002 to make trafficking in persons a crime; however, the report holds that trafficking was at that time a growing problem. [2b](p.19) 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. [2b](p.19)

M.6.16. According to the US State Department report for 2003, Montenegro is primarily used as a transit point for trafficked women, however is also a settlement point with brothels and nude-dancing venues located on the outskirts of cities and along major transportation routes. Women are trafficked from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continue to Italy and other western European countries. Trafficking has steadily increased in recent years. [2c](p.53)

M.6.17. According to the US State Department report for 2003, an anti-trafficking board composed of relevant government ministries, social services, international organisations, and NGOs was introduced in 2001 and is chaired by a National Co-ordinator appointed by the Interior Ministry. A law enforcement task force investigates and prosecutes 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 49 women since it opened in 2001. [2c](p.53)

M.6.18. In October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims, according to the US State Department report for 2003. This is to enable the distinguishing of possible victims of trafficking from prostitutes and illegal migrants and referred possible victims to appropriate social services. [2c](p.53) However, the US State Department report for 2003 continues, in some cases potential victims are still being detained, fined and deported for illegal border crossing and prostitution. The Government generally returns victims to their own country; a number of international donors have funded repatriation through IOM. [2c](p.53)

M.6.19. According to the US State Department report for 2003, the Federal and Serbian governments provide support to NGOs and other international organisations in the form of shelter and school space, shelter security, and public television and radio time. International organisations sponsor police training in methods of dealing with human trafficking. [2c](p.53.) In the previous US State Department report, for 2002, it is stated that general awareness of the problem has improved following internationally sponsored public awareness campaigns conducted throughout the country, but action has been slow. [2b](p.19)

M.6.20. OSCE and the Council of Europe published a report on 27 November 2003 that criticized the Montenegrin police / judicial system in relation to its anti-trafficking efforts.[57a]

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Freedom of movement

M.6.21. According to the US State Department report for 2003, the Republic's Constitution provides for freedom of movement and the government generally respects this right in practice. [2c](p.48)

M.6.22. The US State Department report for 2003 relates the following regarding

Montenegro's treatment of refugees and asylum seekers:-

'The law provides for the granting of refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. There is no law that provides for asylum. In practice, the Government provided some protection against refoulement and granted refugee status. Such cases were referred to the office of the UN High Commissioner for Refugees (UNHCR) in Belgrade for determination.' [2c](p.48)

M.6.23. Figures from the US State Department report for 2003 are as follows: 'According to the UNHCR, there were 13,299 refugees from the former Yugoslavia in the Republic (9,716 from Bosnia and Herzegovina, 3,560 from Croatia).' [2c](p.49) The World Health Organisation estimates that refugees make up 12% of the population of Montenegro [46a]. While citizens are routinely issued travel documents, only those refugees who are leaving the country permanently are issued with travel documents. [2c](p.49.) It is likely that most of the refugee population wish to remain in Montenegro, according to the Women's Commission for Refugee Women and Children in September 2001. [35a] (p.25.)

M.6.24. The Women's Commission's report continues, that conditions for refugees and IDPs vary. Some of those with relatives or property in the country have been able to find housing and, in some cases, employment. The situation for others is bleak. Although international relief agencies and local NGOs are providing valuable support, government health, education and social sectors are underfunded. It is also notable that UNHCR's budget for the region in 2002 was nearly halved compared to that for 2000. [35a] (p.2.)

M.6.25. Many Roma refugees and IDPs live in large collective centers, with only limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language, and there are no schools teaching in the Roma language. [2b] [61] Thus according to the US State Department report for 2003, 'most Roma children received little or no education beyond the primary school level.' [2c](p.51) ([see Roma](#))

M.6.26. There were no reports during the year of the forced return of persons to a country where they feared persecution. [2b]

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M.6b Human Rights - Specific Groups

Ethnic groups

M.6.27. According to European Center for Minority Issues, in Brief no. 8 of March 2002, written by Florian Bieber, Montenegro's record is better than other former Yugoslavian states: 'Inter-ethnic relations in Montenegro have been considerably better throughout the process of Yugoslavia's disintegration than in most other republics.' [46a](p.2) A

ReliefWeb article of 26 September 2002 continues that Montenegro accepted Internally Displaced Persons (IDPs) from Kosovo of every ethnicity (Serbs, Bosniaks, Albanians, Roma and others) as well as from other parts of the region. [55a](p.1) In 1998, refugees and IDPs made up 20% of the population of Montenegro, though this proportion dropped by 2002 to 10 - 12% (50-60,000). [55a](p.1) The US State Department report for 2003 states that societal discrimination against ethnic minorities persists. [2c] (p.51)

M.6.28. According to the Government of Montenegro, from the Government website accessed April 2003, the ethnic breakdown of the population is as follows: Montenegrins 62%, Bosniaks 15%, Serbs 9%, Albanians 7% with some others, including Roma. [81a]

M.6.29. Ethnic Albanians number 50,000 and make up about 7% of the population, according to the Helsinki Committee's report for 2001. [7e](p.1) The (UK) Foreign and Commonwealth Office's opinion, stated in a letter dated 2 January 2001, is as follows:-

The Montenegrin authorities, unlike the former Milosevic regime, have for some time pursued a policy of inclusion towards ethnic minorities. Ethnic relations are traditionally good by regional standards: many ethnic Albanians support the mainstream (i.e. non-ethnic) political parties; there are some Albanians in the Government. [11b]

M.6.30. According to the US State Department report of 2003, 34% of the police force is made up of Bosniak Muslims and many of the Muslim police officers are deployed in the predominantly Muslim Sandzak area in the north of the Republic. [2c](p.45) ([See Serbia section on Bosniaks](#)) According to the US State Department report for 2003, 'Some Bosniaks 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.' [2c](p.51)

M.6.31. Albanian language elementary and secondary school education is provided in several municipalities. According to the shadow report presented to the European Commission in January 2003 by the Humanitarian Legal Center, the Government established an Albanian language chair at the faculty of humanities in Niksic in 2002, though this has not been popular because it was not established in an Albanian majority area. [63b](p.30) On 7 January 2004, it was announced that the chair had been moved to Podgorica.

M.6.32. Overall, the US State Department report for 2003 states:-

'Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Roma population, prejudice against them was widespread.' [2c](p.51)

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Roma

M.6.33. While there is no official discrimination against Roma population, prejudice is

widespread. According to the US State Department report for 2003, societal and racial discrimination, as well as the aspects of traditional Roma practices and customs, limits their access to education, health centres and employment. Local authorities often ignore or condone societal intimidation and ill treatment of members of the Roma community, many of whom were IDPs from Kosovo. [2c](p.51.)

M.6.34. The Humanitarian Law Center (HLC) notes that the housing situation for Roma in Montenegro is sometimes better than in Serbia. Local authorities in some municipalities have allowed Roma to build settlements on city owned land or provided alternative housing. In some cases, Roma squatters have moved into abandoned buildings and local authorities have accepted this. However, many Roma live in slums without even basic amenities. [63b](p.19).

M.6.35. A Refugees International report of September 2002 states that Roma refugees and IDPs, mostly from Kosovo, tend to fare worse than those from other ethnic backgrounds, about 50% of them living in large collective centres, often in very poor conditions with no electricity, running water or sanitation. [67a](p.1) The report continues that the IDPs are heavily dependent upon support from international NGOs that is gradually being reduced as aid budgets are cut. [67a](p.1) Other Relief Web documents of September 2002 express concern that many Roma have little or no access to health care or education. [65a]

M.6.36. According to the Humanitarian Law Center (in the HLC shadow report of January 2003), as in Serbia, Roma experience difficulties in relation to gaining access to public amenities and this is sometimes compounded by violence against them by private citizens. [63b](p.18). The report continues: 'Roma do not always enjoy full protection of the law: judicial proceedings are often unduly prolonged when Roma appear as plaintiffs, and the police response when they are physically assaulted by private citizens is often inadequate.' [63b](p.18)

M.6.37. One of the main problems for Roma children is their lack of knowledge of the Serbian language. Roma girls in particular, according to the Women's Commission report of September 2001, have less access to education, vocational training and employment than any other group. [35a](p.3.4.) The Shadow Report (on the Implementation of the framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo) produced by the (Belgrade) Humanitarian Law Center and presented to the European Commission in January 2003 reported that some schools have refused to accept Roma children or they have been taught in separate, all Roma classes. [63b](p.28) It contuned that additional lessons have been organised for Roma children by NGOs, with an expansion in extra mural education for Roma children. [63b](p.28) The Deputy of the Montenegrin Ministry for Refugees commented to the Women's Centre for Refugee Women and Children in September 2001, " We estimate there are 1,500 primary school children who are not in school. Most of them are Roma children. Our intention is to integrate the children into the local school system, but the impediments are serious. They include social discrimination, language and cultural barriers, poverty and hygiene." [35a] (p.23.)

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Women

M.6.38. According to the US State Department report for 2003, the traditionally high level of domestic violence still persists. [2c](p.50) It continues that the few official agencies dedicated to coping with family violence have inadequate resources [2c](p.50) and few victims of spousal abuse ever file complaints with the authorities. [2c](p.18) A lack of female police officers at police stations resulted in long delays in investigating rapes, assaults and offences against women. [2c](p.18) According to the EU stabilisation and Association report for 2003, changes in 2002 to the Montenegrin Criminal Code introduced wider protection from domestic violence. [75a](p.18)

M.6.39. Women do not enjoy a status equal to that of men and few women hold upper level management positions in government or commerce (according to the US State Department report for 2003 and the EU stabilisation and Association report for 2003. [2c](p.50) [75a](p.18) However, increasing numbers of women are serving in professional fields such as law, science, medicine and human rights organisations. Women are legally entitled to equal pay for equal work, though in practice they do not always receive it. [2c](p.18) Women are allowed 12 to 18 months maternity leave. [2c](p.50) 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. [2c](p.50) The Federal Parliament ratified the Optional Protocol (to the Convention of Elimination of all forms of Discrimination against Women (CEDAW)) in December 2002, according to the EU stabilisation and Association report for 2003. [75a](p.18)

M.6.40. Montenegro, according to the US State Department report for 2003, is primarily a transit point for trafficked women and children, and a to lesser extent a destination; with no mention as to whether it is a significant source country. [2c] (p.53)

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Children

M.6.41. 'The Government attempts to meet the health and educational needs of children, but insufficient resources at times impede this goal,' states the US State Department report for 2003. [2c](p.50) Education relies upon foreign funding support, according to regional news sources: since 2000 UNICEF has contributed \$1.6m. [49b]

M.6.42. The education system provides 8 years of mandatory schooling, according to the US State Department report for 2003. [2c](p.50) Although ethnic Albanian children have access to instruction in their native tongue, the government was criticised for not developing a curriculum in which they could learn about their own culture and history. The Women's Commission report of September 2001 contends that children of refugees may have problems in accessing adequate health care and education, and often live in unhealthy conditions. [35a](p.15.) In particular, the US State Department report for 2003 adds, most Roma children receive little or no education beyond the primary school level – see section on [ethnic minorities](#). [2c] (p.51)

M.6.43. There is no societal pattern of abuse against children. However, according to

the Women's Commission report of September 2001, domestic violence is a particular problem among refugees. [35a] (p.2.) Also, according to the US State Department report for 2003, the law does not allow a juvenile allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. [2c] (p.51)

M.6.44. According to the US State Department report for 2003, the official minimum age for employment is 15 years, although in farming communities it is common to find younger children assisting their families. [2c](p.52.)

M.6.45. The country served as a transit point for trafficking of girls for forced prostitution, according to the US State Department report for 2003. [2c](p.51)

Child care

M.6.46. Information received via the FCO in October 2002: there are six state run institutions accommodating children in Montenegro. Only one of these is for children under 18 without parental care, the remaining five catering for children with special needs. UNICEF is in discussion with the government about the conditions in these establishments, which have suffered from under-funding in recent years, and some may be closed. Apart from the adoption of babies, there are no alternative arrangements for children under 18 without parental care. [11]

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K.2 GEOGRAPHY

K.2.1 The province of Kosovo lies in south-west Serbia. The population of 1.956 million people comprises of 92 percent ethnic Albanians, and an ethnic minority population including Serbs, Roma, Muslim Slavs, Turks and Croats. The largest town and provincial capital is Pristina (population 155,499). (All figures from the 1991 census) [1a] (p.522)

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K.3 HISTORY

K.3.1 Although a province of Serbia, and therefore part of the old FRY, Kosovo has been administered on an interim basis by the UN since June 1999. On 9 June 1999, FRY signed an agreement requiring the withdrawal of all their forces from Kosovo. On 10 June 1999, the United Nations adopted Security Council Resolution 1244 [20a], which brought Kosovo under UN mandate and allowed the establishment of an international security presence. [1a] (p.528, 537) The UN Interim Administration Mission in Kosovo (UNMIK) was mandated to run Kosovo. [1a] (p.528) [2b] On 27 August 2003, the Serbian parliament passed a declaration stating that Kosovo was held by the Serbian authorities to be an "indivisible" part of Serbia. [30g]

K.3.2 Within weeks, over 800,000 ethnic Albanians who left Kosovo during the conflict had returned. Urgent work began to help hundreds of thousands of people to rebuild their homes and gain access to food, water and electricity before the onset of the harsh winter. Fearing revenge attacks, about 200,000 Serbs and Roma left the province in the following months. [1a] (p.537) [2b]

K.3.3 In the aftermath of the conflict, the main challenge for UNMIK was the containment of inter-ethnic violence. There were very high levels of violence, harassment and discrimination directed at non-Albanians, with Serbs the main victims. The incidence of violent crime has reduced considerably over the years since the conflict ended. However, inter-ethnic tension remains, particularly in the northern city of Mitrovica, where the Serb and ethnic Albanian communities are almost completely divided. [15a] [17a] [17b] [18a]

K.3.4 UNMIK has supervised the creation of Kosovo as a functioning province. As well as supporting the reconstruction of domestic accommodation (mostly rebuilt by the people of Kosovo) UNMIK has established civic structures (police, judiciary, legal system etc) and much has been done to rebuild the physical infrastructure of the province. Water, electricity and heating supplies have improved greatly but are still not wholly reliable. Much progress has been made and the focus is shifting from physical reconstruction to institution building. [15a] [15d] [17a] [17b] [18a] [18b] [19e] [68a]

K.3.5 UNMIK has transferred much of the responsibility for governing the province to its people. However, UNMIK still retain responsibility for security and foreign policy. Following municipal elections in October 2000, local politicians assumed a greater role in the administration of the municipalities. Elections for a Kosovo Assembly were held in November 2001 and, after some delay, Ibrahim Rugova was appointed as President of Kosovo in March 2002. Further municipal elections were held in October 2002. [8f] The next Assembly elections are set for October 2004.

K.3.6. The BBC reported that the UN Security Council has agreed that the future status of Kosovo (and therefore the eventual relationship between Kosovo and Serbia) must be resolved in due course through dialogue between representatives of the Government in Belgrade and elected leaders of all the communities, Pristina. [8]

K.3.7. Talks between the Serbian Government in Belgrade and Kosovan politicians resumed for the first time since the 1999 war in October 2003, in Vienna. [8a] Though the initial talks were inconclusive, according to BBC reports, talks were continued in Pristina on 4 March 2004. [8ab] The talks were on issues of mutual interest; they expressly did not cover the final status of Kosovo. [8ag]

K.3.8. Reuters reported on 22 March 2004: 'Western procrastination over the future of Kosovo must share the blame for an explosion of violence in the U.N. protectorate, according to former senior envoys to the Balkans.' [4] The article outlines the problems of a declared future for Kosovo of either an independent country or under a series of ethnic cantons. [4] Christian Aid reiterated the call for a political solution: 'Last week's violence between Albanians and Serbians shows why the need to address the future of Kosovo is more pressing than ever.' [13a]

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4 Economy (and infrastructure)

K.4.1 Kosovo remains one of the poorest regions in Europe. [21e] The economy inherited by UNMIK had been reduced to near collapse by 10 years of deliberate neglect from Belgrade and there was no administrative structure to build upon. The economy before the conflict had a substantial agrarian sector, which continues to support a large percentage of the population. Key industries were mining, metallurgy and related manufacturing enterprises, particularly centred around the Trepca mine complex which is currently inactive. Remittances from relatives abroad were and continue to be an important source of income. [2b] [15e]

K.4.2 The economy of Kosovo remains dominated by the presence of the NGOs and other international organisations and their relatively highly paid staff. For Kosovo Albanians, of whom over 55% are of working age, unemployment runs at about 57% and salaries are low by European standards (the average public service employee earns about £90 per month). GDP is approximately €1,200 per capita. [15] 50% of the population were considered by UNDP, in January 2002, to be living in poverty. [21c] [p.5.]

K.4.3 UNMIK believes that the emergency reconstruction needs of Kosovo have been met, with the emphasis shifting to economic sustainability and capacity building. The economy grew in real terms by 8% in 2002. [15] Reliance on donor support has decreased as regulated and revenue generating commercial economy has begun to take root. As the need has diminished, donor support from EU has been reduced from €320m in 2001 and €134m in 2002, to only €50m in 2003. [8a] However, the balance of payments deficit of €2.06billion actually exceeds GDP by 5%. [15]

K.4.4 Policies that encourage the development of a market-oriented business environment have been pursued and progress has been made to establish an appropriate legal environment to support newly emerging enterprises. Over 70% of

private small and medium businesses have now restarted. The agricultural sector is also recovering: although about 50% of Kosovo's farm assets were destroyed as a result of the conflict, thanks to NGO project support, recent wheat harvests have been higher than recent pre-conflict harvests. [15b] [15e]

K.4.5 The newly created banking sector is expanding and there are now 117 commercial bank branches throughout the province. [15i] UNMIK worked with the banks to resolve logistical issues involved in switching from the Deutschmark to the Euro in January 2002. [15b] The process of conversion led to about 100,000 customers opening new accounts. [15e]

K.4.6 Most of the damaged housing stock has now been rebuilt. But UNMIK continues to provide temporary community shelters for those with no alternative accommodation. [27c]

K.4.7 A regulated social assistance system has been introduced, targeted at families from vulnerable groups. Centres for Social Work, located in almost all municipalities, are responsible for selection of the remaining beneficiaries of food aid. [27d] However, the UN agency World Food Programme has ended its operation in Kosovo because of the fundamental change in the socio-economic situation in the province since 1999. [21c] Pensions are provided for people of over 70 years old, though these amount to only about £10 per month. [15a] [15b]

K.4.8 Most schools and hospitals have been reopened, though facilities are sometimes basic and access for ethnic minority groups can be problematic. Significant improvements have been made in the civic and administrative infrastructure, as demonstrated by the successful completion of the municipal and assembly elections. UNMIK has issued, according to the US State Department report for 2003, 1.3 million identity cards. [2c] (p.31) As reported by the UNHCR in January 2003, UNMIK passports and driving licences are available and vehicle registration is continuing with over 185,000 vehicles registered so far. [15j] (p.9-10)

K.4.9 With extensive reconstruction works, there have been considerable improvements in the physical infrastructure of the province. The basic utilities of power and water are continuing to improve, although unscheduled power cuts continue. [15j] (p.12) Over 80% of the population now have a chlorinated water supply. Communications have been improved: an international postal service operates with computerised functions and the telephone network (including mobile telephones) has been expanded. [15a] [15b]

K.4.10 Transport links are improving and a plan to overhaul and reorganise the public transport system is being prepared. A freight railway system became operational in March 2001 and this is expected to alleviate congestion on the main road routes. Pristina airport has been upgraded, transferring to UNMIK's control from KFOR on 1 April 2003, and has remained operational throughout the winter seasons apart from minor disruption for severe weather. [2b] [15a] [15b] [19a]

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K.5 STATE STRUCTURES

Constitution

K.5.1 Under UN Security Council Resolution 1244 [26a], UNMIK, is responsible for performing basic civilian administrative functions and promoting the establishment of provisional self-government. UNMIK is led by the fourth Special Representative of the UN Secretary General (SRSG), Harri Holkeri, who was appointed 25 July 2003 (taking over as SRSG on 25 August 2003). [50a] [83b] The previous incumbents were Bernard Kouchner, Hans Haekerrup, and Michael Steiner. The organisational structure of the administration is arranged in four distinct "pillars", run by the following organisations respectively: Law and Order – UN; Civilian Administration - UN; Institution Building - the Organisation for Security and Co-operation in Europe (OSCE); and Reconstruction – EU. [11m]

K.5.2 Until the municipal elections in October 2000, the involvement of the local population in the official administration was limited to their participation in various advisory bodies, the highest being the Joint Interim Administrative Structure (JIAS). However, a 120 seat Assembly, following the province's first Assembly elections in November 2001. [2c] (p.21.) On 4 March 2002 the Assembly approved the Provisional Institutions of Self-Government (PISG). [15b]

K.5.3 The Constitutional Framework for Provisional Self Government established the legal structure for the PISG, including the Assembly. Chapter 5 competencies from the Constitutional Framework were transferred to the PISG after the general elections of 17 November 2001. [21d] (p.1) However, UNMIK retains control of the Chapter 8 competencies, i.e. foreign affairs, monetary policy, justice and public order. UNMIK also retains a veto over any measures that appear to violate UNSCR 1244 and the assembly is not permitted to discuss the future status of Kosovo. [8g] [12b]

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Political System

K.5.4 The three main ethnic Albanian political parties in Kosovo are the Democratic League of Kosovo (LDK), the Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo. The LDK predated the existence of the Kosovo Liberation Army (KLA/UCK) and they formed the main focus for resistance to the Serb regime in the years before the conflict. Led by Ibrahim Rugova, the LDK always advocated the achievement of their aims by peaceful means. They were critical of the violence against ethnic minorities following the conflict, much of which was alleged to have been perpetrated by extremists associated with the KLA. [1a] (p.571)

K.5.5 The PDK evolved from the political arm of the KLA and is headed by former KLA commander, Hashim Thaqi. The KLA was officially disbanded on 20 September 1999, with many former members being absorbed into the newly formed Kosovo Protection Corps (KPC/TMK) a civil emergency service led by former KLA commander Agim Ceku. Both parties, (as well as the third most popular ethnic Albanian party, the Alliance for the Future of Kosovo (AAK)) have independence for Kosovo as their principal policy. [1a]

5.6 There has been considerable tension between the LDK and PDK and this was manifested in violence in the run up to the municipal elections in 2000. However, the election for the Assembly in 2001 passed off largely without violence and was considered to be free and fair. [150] The LDK won the elections with about 46% of the vote, taking 47 seats. But it failed to secure an overall majority and needed to enter a coalition with the other main political parties. Following the election it took three months of political wrangling before the appointment of Ibrahim Rugova as President of Kosovo was agreed, with Bajram Rexhepi of the PDK taking the post of Prime Minister, and Nexhat Daci as Speaker of the Assembly. [151]

5.7 The Kosovo Serbs boycotted the municipal elections because they saw them as part of a process that would lead to the eventual independence of Kosovo from Serbia. However, the Serb Coalition "Povratak" agreed to take part in the Assembly elections and the Serb community participated in the voting following intensive negotiations between UNMIK and the FRY authorities, which led to the signing of a "Common Document". The Common Document addressed Serb concerns, including those about security, justice and returns issues. [152]

5.8 Ethnic minorities are guaranteed representation in the Assembly with 20 seats reserved, of which 10 are for Serbs and 10 for non-Albanian communities. The Serb coalition has 22 seats in the Assembly, including those won through direct voting. [153] as well as the Serb Coalition Povratak, which includes 21 Serb parties, others representing Roma, Ashkali, Egyptians, Bosniaks and Turks also took part in the elections. Ethnic minorities are guaranteed two ministerial positions; one of which was assigned to the Serb coalition, the other to the Bosniak / Gorani Vatan coalition. [154] The Bosniak Minister was replaced on 5 March 2003 by a representative of the Turkish party.

5.9 Working relations between the different ethnic groups within the Assembly have been reasonably good, though there has been some friction with Serb members in relation to external border and boundary issues. The Head of UNMIK has had to intervene on several occasions when the Assembly has passed resolutions on issues beyond their remit, largely in the area of the status for the province and international relations. [155] According to the EC Stabilisation and Association report, 2003, the EUCE are monitoring the workings of the Assembly to ensure that ethnic minority members are able to fulfil their function within it. [156] (p.7)

5.10 Kosovo's second municipal elections were held on 26 October 2002 and were again won by the LDK. The elections passed off reasonably calmly and were judged to be within "European standards" by monitors, though turnout was lower than in previous elections. However, the murder of the LDK mayor in Suhareke / Suva Reka and several attacks senior LDK members (some of which were related to the trial of some KLA members) have given rise to fears that politically motivated violence may be on the increase. [157]

5.11 Kosovo Serbs only voted in the five municipalities where they constitute the majority; elsewhere participation was minimal, with a virtual boycott by Serbs in Pristina. The low Serb turnout was largely because of fears that about a gradual drift towards independence for Kosovo and mixed messages from Belgrade. Where Serbs did part in large numbers, Povratak lost out to the Democratic Party of Serbia or the

Serb National Council of Mitrovica. [15] [43w]

K.5.12 On 25 February 2003, Kosovo Serb leaders formed an association of Serbian Municipalities, which comprises the 220 Serb representatives who won seats in the municipal elections. They have called for federalisation of Kosovo into two separate ethnic entities. The move has been condemned by the international community and has been seen as a political tactic in relation to any possible moves towards independence for Kosovo. [43aa]

K.5.13 The unresolved final status of Kosovo has been a key issue in Kosovo politics, with Kosovo Albanians calling for independence and Kosovo Serbs opposing this. In 2002, Michael Steiner responded to calls from ethnic Albanian politicians for an early decision on independence for Kosovo by stressing the need for "standards before status," meaning that the Assembly and PISG would have to achieve the 8 benchmark standards of governance can be achieved before any such steps could be taken. [9a] [15b] [15i] The "standards" he was referring to relate to democracy, the rule of law and human rights, and a multi-ethnic society. [82a] They included freedom of movement for all in Kosovo and the return of over 100,000 displaced Serbs and other minorities. [30f]

K.5.14. On 31 March 2004, UNMIK published a 120-page documents setting out a plan towards the fulfilment of eight key "standards". [43a] [p.1] The article in the Balkan Crisis Report, which reported the publication, contends that both ethnic Albanian and ethnic Serb communities will find the document's demands a challenge. [43a] [p.2,3.]

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Judiciary

K.5.15. The applicable law provides for an independent judiciary. UNMIK re-established a court system that included a Supreme Court, 5 District Courts, a Commercial Court, 13 offices of the Public Prosecutor and a number of courts for minor offences. The compilation of criminal law is based on that in force in Kosovo in 1989 combined with regulations issued by UNMIK and is somewhat complicated and unwieldy. UNMIK has completed a new Criminal Code and Criminal Procedure Code, but these are not yet in force. [2b] [82a]

K.5.16. It has taken UNMIK time to establish an effectively functioning independent judicial system. The climate of revenge made it difficult to recruit impartial judicial personnel, but the numbers are now up to target levels. There have also been concerns that members of the judiciary are subject to intimidation and harassment, according to the International Crisis Group. [2b] [69a]

K.5.17. It has been difficult achieve and maintain an ethnic balance in the judiciary, though the Department of Justice recently created the Judicial Integration Section to coordinate a minority recruitment strategy in the judiciary. [15b] UNMIK reported in March 2003 that in 2002 UNMIK managed to employ a significant number of judicial staff from ethnic minority communities. [18d] [p.29] The indigenous justice system comprises 373 local judges, including 16 Kosovo Serbs and 17 from other minority communities. [15i] UNMIK has been working with the Serbian Government to

encourage Serbs to apply for vacant judge and prosecutor positions. [2b] [82a]

K.5.18. UNMIK has introduced international judicial support, which is taking the lead in processing the large number of war/ethnic/organised crimes as well as other cases that may affect the security situation. By the end of 2003, there were 27 international judges and prosecutors in place. [2c][p.26] [82a] [15]

K.5.19. Although the Kosovo Judicial Institute was established in 2000 to train judges and prosecutors, there have been concerns about the level of skills of the local judges. It has also been suggested that inefficiency by both the international and local judiciary has led to unnecessarily long periods of pretrial detention. [2b] [82a]

K.5.20. As part of the drive to raise the quality of the domestic judicial system, the first disciplinary hearings against local judges and prosecutors, resulting from investigations conducted by the Department of Justice's Judicial Inspection Unit began in mid September 2001. Most cases arose from complaints against Kosovo Albanian judges by other Kosovo Albanian judges. [2b]

K.5.21. The law provides for the right to legal representation at public expense if necessary but as a result of oppression under the Milosevic regime there are insufficient lawyers working in Kosovo. Bar associations are poorly organised. Ethnic Serbs may face practical difficulties in accessing adequate representation because of the small numbers of Serb lawyers available. [2b]

K.5.22. A working group has been set up to expand the availability of legal aid and to guarantee access for minorities. Also, the institution of the Ombudsman has been established to investigate cases pertaining to employment disputes, property rights, social rights, access to public services and discriminatory practices. [2b]

K.5.23. Amnesty International noted in 2002 that UNMIK failed to guarantee detainees the assistance of legal counsel, including during interrogation. [3a][p.4] They also noted that the failure to establish a comprehensive witness and victim protection programme compromised the ability of UNMIK police to investigate and prosecute those suspected of trafficking in women. [3a][p.4]

K.5.24. Towards the end of 2002 a number of Kosovo Albanians were indicted, in Kosovo, for war crimes and in a separate trial, five members were convicted of various offences including murder and given prison sentences. These trials took place in a politically high charged atmosphere, particularly as ethnic Serbs accused of committing crimes against ethnic Albanians were acquitted in trials during the same period. There is some concern that there are insufficient resources to provide adequate witness protection in such cases. [15b][15][9a]

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Legal rights /detention

K.5.25. Under UNMIK regulation 1999/24 police may detain criminal suspects for up to 72 hours without charging them or granting access to a lawyer. However, there were reports of this procedure being used as a minor punishment without any

intention of bringing charges. Applicable rules permit pre trial detention for up to 6 months, but UNMIK decreed that this period may be extended by up to an additional 6 months in cases of crimes punishable by a sentence of over 5 years. [2b]

K.5.26. Lengthy pre trial detention is a problem in cases of serious crimes. Some detainees allegedly involved in ethnically based crimes have been held on the basis of weak evidence. Approximately 1,120 people are currently held in pre trial detention in civilian prisons and detention facilities. There have been claims that there is ethnic bias in the amount of time it takes to bring some cases to trial, with Serb cases taking longer. [2b]

K.5.27. Under UNSCR 1244, KFOR is able to detain persons without charge or bringing them before a judge. An OSCE report noted that neither international law nor the security situation on the ground supported such practices.

[2b] [9e] [82a] There have been some complaints of ill - treatment while in police custody and some allegations of corruption. [82a]

K.5.28. On 7 April 2004, the United Nations reported that Harri Holkeri, the SRSG, announced the introduction of two new Codes, the Provisional Criminal Code and the Provisional Criminal Procedure Code. In Mr Holkeri's words "The enforcement of these new Codes now provides us with a wider range of criminal offences to prosecute and a greater range of punishments to go with it." [21f]

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Internal security

K.5.29. Internal security in Kosovo is being undertaken by a combination of KFOR troops, UNMIK civilian police and local Kosovo Police Service (KPS) officers. [11m][15g] There is also a residual semi-official force, the Kosovo Protection Corps (KPC) that is under UNMIK scrutiny, is monitored, and in the process of administrative transformation into a civil defence organisation, in 2003 encouraged to develop a demining capability. [15k] (p.13) The leader of the KPC, Agim Ceku, was previously a commander of the (now disbanded) Kosovo Liberation Army (KLA): in October 2003, the BBC reported that he was temporarily detained by the Slovenian authorities on the basis of a Serbian arrest warrant. [8a]

K.5.30. UNMIK police have assumed full responsibility for criminal investigations throughout the province, though they still rely upon KFOR support [15f] As reported to the UN Security Council by the Special Representative of the (UN) Secretary General, of March 2003, 5247 KPS officers were in service, [15j] (p.17) with continuing efforts being made to increase the level of representation from ethnic minority communities, currently 15.91% (9.24% Serbs and 6.67% from other ethnic minority groups). [15j] (p.17)

K.5.31. Until late 2003, the figures for violent crime had dropped significantly since the 1999 war. The overall crime pattern that began to emerge in Kosovo before late 2003 was considered by UNMIK police to be becoming more akin to the kind of crime pattern seen in other countries. [19b] Until late 2003, there was a continued reduction in ethnically motivated crime. [2b][9c][18d]

K.5.32. While the security position improved in the period 2000 to mid-2003, KFOR undertook a process of "unfixing" its static checkpoints. By the beginning of 2003, KFOR had only 30 fixed checkpoints remaining throughout Kosovo. Also, since February 2002, the number of KFOR escorts was halved.[15] The situation after the ethnic violence of March 2004 has been reversed. [4d][9a][12f]

K.5.33. UNMIK and KFOR force, through the ethnic violence clashes of March 2004, have lost capacity. In the summary as part of the UNHCR position paper of 30 March 2004, UNHCR states:-

'As far as violence against UN infrastructure and personnel is concerned, protesters stoned several UNMIK buildings, systematically destroyed UN vehicles and burned the UN flag. Concern for the safety of staff was such that evacuation was necessitated in various locations. The killing of two police officers (an UNMIK and a KPS officer) during an attack on a patrol in Podujevo on the night of 23 March 2004 has served to underline the continuing threat to UNMIK personnel.' [12n](p.2)

K.5.34. During the year 2002, a total of 68 civilians were killed, compared to 136 in 2001 and 245 in 2000. Of the 68 fatalities, 60 were ethnic Albanians, 6 were ethnic Serbs and 2 were of unknown ethnicity. [2b] In 2003, there were 72 murders, 17 from ethnic minorities, 13 of whom were Serb, and 7 of the Serb murders held to be ethnically motivated. 4 murders were of unknown ethnicity. [2c] (p.38) The US State Department report was written before the disturbances in March 2004 and its attendant death toll. Most high-level attacks on Serbs and other minorities were held to be ethnically motivated. [2c] (p.38) The majority of the attacks on Albanians were connected to family and economic rivalries, criminal activities or politics. [2b]

K.5.35. According to the US State Department report for 2003, a key difficulty in relation to allegedly ethnically-based murder and violence cases is the low arrest, prosecution and conviction rate. [2c] (p.38) The Ombudsman for Kosovo reiterates the point in his third annual report (published July 2003):-

'As noted in previous Reports, the responsible UNMIK authorities have also failed to investigate other serious crimes that were committed since their arrival, in particular cases involving interethnic violence against non-Albanian communities. In part this failure appears to have stemmed from the constant turnover of the investigative staff of UNMIK Police. In this regard, the spring 2003 establishment by the UNMIK Police of a "cold crimes" unit, for the purpose of re-examining unsolved murders can be seen as a positive development.' [6a] (p.6)

K.5.36. Further details of ethnically motivated violence, generally and as suffered by ethnic group, are provided in the section on ethnic minorities.

K.5.37. During 2002, UNMIK arrested several high profile former members of the KLA on charges relating to crimes committed during 1998 and 1999. Some of these arrests, including that of Rustrem Mustafa ("Remi") in August 2002 provoked outcry from ethnic Albanian politicians and large scale demonstrations. [15b] In some incidents, UNMIK police and the KPS were targeted for violent attack. [50b] In February 2003 three ex KLA members were arrested and were indicted for war crimes at The Hague. [8a] In July 2003, the four former KLA members known as the Llap Group were convicted of five murders and violent crimes against nine other victims. [43aa] The sentencing of the group on 16 July unleashed a backlash of violent incidents over the rest of July 2003. [43ag]

Ethnic Violence, 17 – 19 March 2004

K.5.38. The violence that erupted on Wednesday 17 March 2004 and essentially ceased on Friday 19 March 2004 left (at an initial count) 28 people dead and over 6000 people injured. [72b] The death toll was later revised down to 19 people. [8an] When the UNHCR wrote on 30 March 2004, the verification of the death toll was not yet complete. However, the UNHCR report of deaths, injury and damage should be noted:-

'The civil unrest resulted in more than 20 persons killed, 888 civilians, 63 KFOR, 17 UNMIK-Police officers and KPS officers injured, 561 houses burnt down, 218 houses damaged, 22 churches burnt down, 11 churches and monasteries damaged, 77 UN vehicles burnt and destroyed, 61 UN vehicles vandalized or overturned, 11 KPS vehicles damaged and 32 civilian vehicles damaged. More than 4,000 individuals from various ethnic minorities, but primarily Kosovo Serbs, were forcibly displaced within Kosovo. Others reportedly left for Serbia/Montenegro and other destinations. Among the IDPs in Kosovo, more than 1,000 found temporary refuge in various KFOR bases, while the remainder has been accommodated in public premises or private host families.' [17n](p.2)

K.5.39. In response to the temporary breakdown of order, KFOR troop numbers have been increased by the international community. [4d][8a][12g] The BBC reported that the German Government pledged an additional 600 troops to Kosovo, bringing the German contingent up to 3,800 troops. [4d] On Thursday 18 March 2004, NATO announced that the NATO Operational Reserve Force (ORF) would supplement KFOR:- "A spokeswoman for Kosovo's prime minister said the reinforcements will number about 1,000 and will include 500 British troops, 150 British and US troops from neighbouring Bosnia, and up to 300 other troops," according to CNN. [12g] "The first group of an extra 750 UK soldiers being sent by the Ministry of Defence to Kosovo for peacekeeping duties have arrived" announced a BBC report, marked 09:19 GMT 19 March 2004. [8aj]

K.5.40. As the UNHCR position paper of 30 March 2004 points out, 'The UN system

and OSCE have only just started to evaluate the impact and consequences of recent events and what this will mean for Kosovo's ethnic minorities in particular. Detailed reports are likely to be published as of April 2004.' [17n](p.3) The considered opinion of the Balkans Crisis Report (No 491 of 8 April 2004) was "Both the international administration in Kosovo and local Albanian politicians are equally to blame for minorities not being accepted as equal inhabitants there." [43e]

K.5.41. The Humanitarian Law Center of Belgrade produced a statement on 19 March 2004 that stated:-

'Violence towards religious and ethnic minorities, general endangerment of security and violations of the elementary human rights of minorities and all other citizens of Serbia is the picture of society in Kosovo and Serbia since March 17, 2004. Responsibility for this lies on the Ministry of Internal Affairs and the Government of Serbia, and UNMIK and KFOR in Kosovo. The international community in Kosovo has, by its inaction, given a sign to Albanian extremists that it agrees that there is no place for Serbs in Kosovo, while the representatives of new institutions in Serbia have, without a doubt, demonstrated that they are interested in Kosovo solely as a territory.' [63d]

K.5.42. The comment of the EC Stabilisation and Association Report 2004 ran:-

'Just at the time when the direct dialogue between Pristina and Belgrade seemed to be finally on track and the Kosovo standards implementation plan was about to be finalised, the ethnically motivated violent incidents that occurred in March 2004 marked a serious setback to the establishment of a secure, democratic and multi-ethnic Kosovo.' [75b](p.51)

Mitrovica

K.5.43. The US State Department report for 2002 notes Mitrovica as the area of greatest ethnic tension and hostility in Kosovo is the city of Mitrovica. [2b] Divided by the river Ibar, the city had, until March 2004, about 9,000 Serbs controlling the north bank and more than 90,000 ethnic Albanians living on the south side. The presence of 2,000 Albanians in the north, up and until March 2004, living under great pressure to leave from extremist Serbs, added to the tension. [2b] The US State Department report for 2003 records on-going property disputes in 2003: 'In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property.' [2c](p.28)

K.5.44. Between 17 and 19 March 2004, ethnic unrest broke out in northern Mitrovica, described by the BBC as 'the worst ethnic violence since 1999'. [8a] Initial reports from the BBC and CNN (and other news agencies) indicated that three Albanian children were run into the river Ibar by Serbian youths, and two bodies were recovered on Wednesday morning, 17 March 2004. [8ak][12d] Later reports, such as the Washington Post account, note that four children were involved, with two children drowned one

missing and one survivor, and that the only account available is from the survivor. [29a] The funeral of the two dead children was held on Sunday 21 March 2004, with seven thousand mourners, and tight security that ensured it proceeded peacefully, according to an Agence Presse report. [72d]

K.5.45. In Mitrovica, the BBC reported that there were confrontations between the Serb and Albanian populations at key border points, particularly the bridges over the Ibar and in northern Mitrovica. [8am] As UNMIK CIVPOL (the UN Police) and the KPS (the Kosovan Police Service) intervened, disorder extended to the ethnic groups clashing with the police, again as reported by the BBC and CNN. [8am][12d] By 11:30 pm Wednesday 17 March 2004, it was reported by the BBC that UN Staff had been withdrawn from Mitrovica. [8a]

K.5.46. From Mitrovica, other flashpoints developed during 17 March 2004 and on until 19 March 2004. By Wednesday noon, 17 March 2004, various acts of disorder were mentioned in BBC reports, mainly perpetrated against the Serb minority and typically being acts of arson throughout Kosovo, including in Pristina. [8a] By Thursday 18 March 2004, Serb churches were being targeted for arson by Albanian rioters, again according to BBC news reports. [8a] The UNMIK webpage carried that UN Secretary General, Kofi Annan, condemned the practice of deliberately targeting homes and religious properties. [19g] By the end of Wednesday 17 March 2004, 7 people were killed and over 200 people had been injured, according to the BBC. [8a] CCN carried a report that KFOR announced and enforced a curfew at 19:00hrs local time. [12e]

K.5.47. Mitrovica has been a flashpoint since violence first swept the city after a rocket attack on a UNHCR bus killed 2 elderly Serbs in the south of the city on 2 February 2000. Revenge attacks left 2 ethnic Albanians dead and soon afterwards grenades at two Serb cafes injured 25. Others died in a series of clashes and shootings across the city. [18a] [17a]

K.5.48. A curfew was introduced in the city and a large KFOR presence installed at the main bridge across the Ibar. Ethnic Albanians held a series of mass protests against the partition of the city. The most dramatic of these was a march from Pristina to Mitrovica by a crowd estimated at about 70,000 people, which had to be kept at bay by KFOR using tear gas. Demonstrations by both ethnic Albanians and by Serbs required the intervention of KFOR troops with several injuries sustained. [15a] [15c]

K.5.49. In August 2000, UNMIK assumed responsibility for and subsequently shut down the Zvečan lead smelter, (part of the Trepça mining complex, once the main source of Yugoslavia's mineral wealth) because of concerns about high levels of lead pollution. [15a] [15c]

K.5.50. After 9 months of relative calm, riots erupted in April 2002 after the arrest of one of the Serb "bridge watchers" (para militaries who monitored people crossing the bridge) for a traffic violation. Over 300 Serbs confronted UNMIK police armed with stones and hand grenades, resulting in injuries to 22 UNMIK policemen. UNMIK responded by doubling the number of UNMIK police in northern Mitrovica. [15a] [15f]

K.5.51. In November 2002 UNMIK established its administration in northern Mitrovica,

thus extending its authority throughout the whole of Kosovo for the first time. This was made possible by agreement with the (then) FRY authorities to discontinue financing parallel Serb structures and to support UNMIK in assuming control of the administrative functions and developing the KPS in northern Mitrovica. [15]

K.5.52. By early 2003, KFOR and UNMIK police were manning the bridge instead of the "bridge-watchers" and 20 Serb KPS officers were patrolling the streets. 60 Serbs had been recruited to work for the UNMIK administration and Serb teachers had signed contracts with UNMIK. Nine "quick impact" projects were initiated to help with regenerating the north of the city, including relocation of the Kosovo Trust Agency HQ to northern Mitrovica, the installation of traffic lights and the refurbishment of schools. [15] [43w]

K.5.53. According to the Canadian reporter, Jeff Heinrich, writing in a news article for The (Montreal) Gazette on 24 May 2003, before 1999, there was a one-kilometer stretch of habitation that ran along the northern bank of the river Ibar, and in turn, formed the Roma Mahala, or district, in Mitrovica. [83e] It had a population of 7,000 people, living in approximately 1,400 dwellings. It was held to be one of the largest Roma districts in Kosovo. [83e] The entire district was destroyed in the Kosovo War, with the population displaced. [83e] Remaining Roma have been caught in tensions between Serb and Albanian populations, and have been harassed by both. [83e] The UNHCR report of January 2003 adds further information about the Mitrovica Roma:-

'Today, the vast majority of Roma from Mitrovica municipality have either fled abroad or live in three IDP camps in the North, namely the Cesmin Lug camp in north Mitrovica with 256 IDPs, the Warehouse in Leposavic with 200 IDPs, and Zitgovac camp in Zvecan with 186 IDPs. The few returnees originating from Mitrovica who have returned to Kosovo remain in secondary displacement in these camps, since the security at place of origin in Mitrovica municipality is prohibitive.' [177] (p.15)

The UNHCR report proceeds, outlining cases of harassment of Roma camp inmates by the surrounding Serb majority, concluding 'Such incidents of harassment go unreported for fear of worsening their tenuous situation with the the domicile Serbs, who continue to dislike the idea of hosting Albanian-speaking Roma from the Albanian south (south Mitrovica). [177] (p.15)

No reports have been found to date (20 April) regarding the fate of the displaced Mitrovica Roma, though other Roma have been affected by the violence according to a Minority Rights press release of 29 March 2004 [37a]

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Prisons

K.5.54. The US State Department report for 2003 states: 'Prison conditions generally met international standards: however, overcrowding, lack of adequate recreation facilities, and the need for repairs remained problems.' [2c] (p.24) The report continues: 'UNMIK administered six low and medium security prisons in Kosovo: Pristina, Prizren, Mitrovica, Peja and Gjilan.' [2c] (p.24) There is one maximum security

prison at Dubrava, Istog. Some facilities are in need of refurbishment and some are overcrowded. Prisoners at Dubrava rioted twice during 2002 in protest for better conditions although significant improvements were made during the year. [2b] [82a] Prisoners on remand are held separately from convicted criminals. Also prisoners aged 17-21 are housed separately from adult offenders.

K.5.55. UNMIK's efforts to increase minority participation in penitentiary structures have led to a significant increase in enrolment by Serbs in the Kosovo Correctional Service: 12% of prison officers are from ethnic minority backgrounds. [15]

K.5.56. The KFOR detention centre at Camp Bondsteel has been dismantled. [2c] (p.24.) Council for the Defence of Human Rights and Freedoms protested against the refusal of Pristina prison to grant them access to detainees. [9e] Three KFOR prison officers were killed in a shootout in April 2004, according to a CNN news report of 18 April 2004. [12g]

Military Service

K.5.57. Although Kosovo was subject to FRY Military Service law prior to the conflict in 1999, it has not operated in Kosovo since that time. Citizens of Kosovo are not subject to any laws requiring military service. <No source found>

Medical services

K.5.58. The health services are capable of providing satisfactory primary care and are continuously improving. But some conditions requiring more complex or long term treatment are beyond current resources. According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM): 'Kosovo's health care system cannot currently provide adequate care for the following groups of patients: Cancer (requiring radio or chemotherapy); All heart surgery, including installation of pacemakers; Intra-ocular surgery (surgery within the eye); Severe and chronic mental illness, including mentally ill criminals (there is no mental hospital in Kosovo and no possibility to keep criminal patients securely.)' [27a] (p.13.) At the fourteenth meeting of the Standing Technical Working Group of the European Centre for Minority Issues, Kosovo/a: Citizens' Support Initiative (held on 17 July 2003), the Expert Group on Health and Social Welfare did present a list of policy recommendations with possible timeline for discussion and debated at the forum, giving a structure to issues facing health care providers in Kosovo. [46b]

K.5.59. All hospitals are working, but the capacity of their laboratories and x-ray departments is limited. According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM): 'Patient [sic] with conditions that require regular laboratory control (eg. transplantation patients taking immuno-suppressive drugs) may not be able to find the necessary laboratory tests.' [27a] (p.13) All health houses (large health centres in the main towns of the municipalities) are working but their diagnostic capabilities are limited. [19a] [33b]

K.5.60. There is a growing AIDS problem in Kosovo, thought to originate from the

large influx of prostitutes into the province. [43x] The Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM) stated:

'The official health care system currently procures only essential drugs needed for the common condition. Consequently, many patients with rare, chronic diseases (e.g., lack of growth hormone, haemophilia, HIV/AIDS) will not be able to find the drugs they need in the public health care institutions or in the state pharmacies. Private pharmacies may be able to import the drugs they need, but they are likely to be expensive and the supply may be uncertain.' [27a](p.13)

K.5.61. A review of the WHO mental health project in July 2002 made a positive evaluation of the progress in mental health sector in Kosovo. The WHO mental health programme has impacted on the development of a comprehensive mental health strategy developed in collaboration with local mental health professionals. This may come to be used as a model for use in other areas emerging from a period conflict. [49a] Also a Mental Disability and Mental Health Policy Implementation Task Force has been established. [15h]

K.5.62. Although mental health provision in Kosovo is underdeveloped, treatment for psychological conditions including Post Traumatic Stress Disorder (PTSD) is available in Kosovo. Details of the "Kosova Rehabilitation Centre for Torture Victims (KRCT)" which provides treatment for PTSD are included in the source documents. [70] Growing numbers of people in Kosovo are suffering from PTSD. According to a Balkans Crisis Report, the number of patients treated for psychiatric disorders by KCRT increased from 1,187 in 2001 to 2,812 in 2002. [43y]

K.5.63. In a standard UNHCR position on psychiatric care in Kosovo, presented in a letter dated 11 February 2004, the UNHCR stated the following:-

'In response to the specific issue in this case we made enquiries of our Branch office in Pristina and the following is a summary of their assessment. They were able to confirm that there is a psychiatric clinic within the University Clinical Centre in Pristina. In addition to this clinic, there are no other specialised facilities which could provide systematic treatment to victims of rape, PTSD cases and / or other cases requiring psychiatric treatment. The psychiatric clinic in Pristina is constantly faced with various problems, including the small number of specialist staff, the large number of patients, inadequate facilities to address the needs for hospitalisation / observation as well as an overall lack of funds. The situation, therefore, is difficult to say the least. Whilst a number of NGOs are active in Pristina with a remit which includes the assistance of victims of torture and rape they too are heavily constrained by limited capacity and resources. Furthermore we are told that the limited resources that are available are confined to Pristina; only occasionally are visits to the field actually made.' [17m](p.3)

K.5.64. On 3 October 2002, the Kosovo Information Project researchers reported to CIPU that of the Selective Serotonin Uptake Inhibitor group (SSIs) drugs available in Prishtina, only Fluoxetine was available on a regular basis, with Fluoxetine 20mg – 30 capsules at between 6.70 and 7.30 Euros; Sertraline 50mg – 30 tablets at 23.30 Euros was occasionally available. [27e]

K.5.65. A report by Mental Disability Rights International revealed that patients at the Shtimle Hospital were subjected to abuses by the staff. [9e] However, at the end of 2002, physical protection of inmates was still inadequate. [2b]

K.5.66. An overview of standards of healthcare in the University of Pristina Health Centre (but with no details of actual services offered) is given in a report of an European Centre for Minority Rights, Citizens' Support Initiative, Standing Technical Working Group meeting held in Pristina, on 17 July 2003. [46e]

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Education system

K.5.67. In March 2002, the Ministry of Education, Science and Technology assumed responsibility for issues related to education. It aims to ensure that children from all ethnic groups receive free and universal education. School is compulsory for children between the ages of 6 and 15 and the vast majority of children under 15 attend school. The first phase of a series of reforms was introduced in 2002, designed to bring the educational system in line with European standards. [15b] In October 2002, a law on primary and secondary education was promulgated with provisions designed to ensure equal conditions for school children from all communities. [2b] All children have the right, by virtue of the UNMIK Regulations, to native language education up to secondary level. [2c](p.36) There are schools that operate in Serbian, Bosnian and Turkish as well as Albanian. [2c](p.36)

K.5.68. According to the US State Department report for 2003, access to education has been problematic for some minority groups and they tend to attend separate schools. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based curriculum, Kosovo Serbian children attended neighbourhood schools that are sometimes housed in inadequate facilities and lack basic equipment. [2c] [18d] UNMIK has developed a strategy to build a sustainable Kosovo Serb education system, with full recognition of the structures under the Constitutional Framework and maintaining strong ties with educational reforms in Serbia. Albanian will be offered as an option in Kosovo Serb schools, but will not be compulsory. [15d]

K.5.69. According to a World Bank Poverty Assessment issued in September, attendance by ethnic Albanian and ethnic Serb children is almost universal at primary level, but attendance is lower among ethnic Albanian girls at secondary level. This is largely due to cultural factors. Roma Ashkaeli and Egyptian children attend mixed schools with ethnic Albanians [18d] but sometimes face intimidation or are expected to work for their families from a young age at the expense of their education.[2b] In their report of activities undertaken in 2002, the Expert Committee

on Education and Youth of the Standing Technical Working Group of the European Centre for Minority Issues (ECMI) expressed concern that students of these groups were under-performing academically, and that further efforts should be made to address this imbalance. [46c] Bosniaks can obtain primary education in their language but there is a shortage of Bosniak teachers at secondary level. [2b] [63b](p.30)

K.5.70. Academic freedom is respected. Higher education in Kosovo is mostly concentrated at Pristina University, which is run and attended by ethnic Albanians only. [2a] On 5 May 2003, the Serb-run North Mitrovica University was licenced by the Kosovan authorities, and funding was provided jointly by the Kosovan authorities and from Serbia. [2c] (p.36)

K.5.71. UNMIK has established a Higher Education Centre in Caglavica, a Serb community near Pristina; a Mitrovica faculty of Pristina University; and a programme to modernize the Institute of Serbian History and Culture in Leposavic. <check> UNMIK also plans to create a University of Applied Science, a mostly technical college with 3 year courses compatible with degree structures in Serbia. [4a] [50a]

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K.6 HUMAN RIGHTS

Overview

K.6.1 The key human rights issues in Kosovo relate to the position of ethnic minorities in the province targeted by ethnic Albanian extremists. [18d]

K.6.2 The human rights Ombudsperson, Marek Antoni Nowicki, made progress in consolidating the ombudsperson institution. [6a] Although he has no authority to intervene in cases against KFOR and UNMIK he plays an important advisory role in individual cases and via his reports. [6a] His second annual report was highly critical of UNMIK in many areas, citing arbitrary restrictions of liberty and property rights, violations of basic suffrage and failure to make legislation available in local languages. [2b] [9e] His third annual report is equally critical stating:-

'Although this reporting period has seen the devolution of certain functions to local municipal and central authorities in Kosovo, UNMIK remains firmly in control of many of the most important elements of governmental authority, for example the judiciary, the police and the legislature.' [6a](p.3)

'In our Second Annual Report, we stressed that Kosovo should prepare itself to be a "human rights black hole" in Europe and the world. This observation remains an accurate one, particularly given that UNMIK continues to ignore any findings that it has violated human rights guaranteed under international human rights conventions.' [6a](p.7)

K.6a Human Rights issues:

Freedom of Speech and the Media

K.6.3 According to the US State Department report for 2003:

'UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board.' [2c](p28-29)

K.6.4 According to the US state Department report for 2002, although the numbers fluctuate, there are usually about seven daily newspapers with a broad circulation in operation. The only Serb newspaper is now published in northern Kosovo and distributed in Serbian enclaves. One Bosniak weekly, Alem, is printed in Kosovo. [2b](p.28)

K.6.5 UNMIK regulations govern the print media, primarily designed to prevent

inflammatory ethnic-based rhetoric, according to the US State Department report for 2003: 'UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.' [2c](p.28.) During 2002, Bota Sot and 24 Ore were fined for making unsubstantiated allegations, according to a Balkans Crisis Report (no. 366 of 11 September 2002) [43]. 24 Ore ceased publication on 21 January 2003, the reasons, according to the US State Department report for 2003, being unclear – either because of threats or because of financial difficulties. [2c] (p.29)

K.6.6 The US State Department report for 2003 states there are 88 radio stations and 23 TV stations in Kosovo. [2c](p.28) Although the majority of broadcasts are in Albanian only, there are stations that broadcast in Serbian, Turkish, Bosniak and Gorani. [2c](p.28)

K.6.7 The US State Department report for 2003 states that journalists have sometimes been subject to intimidation and harassment, often for political reasons. [2c](p.29) In the first months following the war, journalists who have published critical statements about the violence directed towards Serbs and other minorities were attacked, threatened or harassed. [2c](p.29) There was one report of a physical attack on a journalist in 2003:

'The TMC [Temporary Media Commissioner] received no complaints of threats or attacks against journalists; however, there was one reported case. On 5 September [2003] two journalists with Radio Television Kosovo engaged in a conflict with KPS officers, resulting in lacerations to the face of one of the officers. The journalists were not injured and were released with their equipment after being briefly detained.' [2c](p.29)

Freedom of Religion

K.6.8 According to the US State Department report for 2003, the Constitutional Framework and UNMIK regulations require officials to respect freedom of religion and to prohibit discrimination based on religion under international human rights laws and conventions. [2c](p.30) Religion in Kosovo is often inextricably linked to ethnicity. Most ethnic Albanians are Sunni Muslims, but there is a Catholic minority who lives mostly in the Southern and Western parts of the province. Serbs are almost exclusively Serbian Orthodox Christians. [2c](p.30)

K.6.9 The US State Department report for 2003 continues that most ethnic Albanians are not strongly identified with their religion and their animosity towards Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. 'Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage'. [2c](p.30)

K.6.10. Serbian Orthodox churches hold symbolic significance and during and after the 1999 war, over 100 were destroyed in retaliation for the mosques destroyed by the

Serbs. UNMIK have taken steps to ensure that all religious communities could worship safely and deployed extra security at Orthodox religious sites. In November 2002 there were attacks on two Serbian Orthodox churches in Istog municipality [2b] [15a] and there was vandalism of Serb cemeteries and the remains of a Serb monastery. [2c] [p.30] However, during the ethnic unrest in March 2004, Serb religious sites were particularly targeted by Albanian mobs, and damage reported by the BBC included the destruction of 22 churches and monasteries between 17 and 19 March 2004. [8am]

K.6.11. According to the US State Department report for 2003, there have also been concerns for the safety of Orthodox priests and nuns who have experienced violence and harassment. [2c] [p.30] Lack of freedom of movement has affected the ability of some Serbs to exercise their freedom to worship or attend weddings and funerals. [2c] [p.30] In the report of Mr Alvaro Gil-Robles, Commissioner for Human Rights, in his report to The Council of Europe in October 2002, stated that some Orthodox churches remain closed because of the difficulty of providing adequate security. [82a] [p.29]

K.6.12. It is estimated that some 70,000 Kosovar Albanians are Roman Catholic. According to the US State Department report for 2003, 'Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage.' [2c] [p.30] There are certain areas within Kosovo where they may have come under suspicion of collaboration with the Serb regime ([see section on ethnic minorities below](#)) Such suspicion was fuelled by the fact that Catholic Albanian villages suffered relatively little damage during the conflict. Reports circa 2002 indicate that the Catholic Church may be growing in strength in Kosovo. [2b] [11d] [17a] [28a]

K.6.13. Islamic education issues were highlighted in a news report via the Balkans Crisis Report, no.430 of May 2003, noting that Islamic clerics were calling for inclusion of religious instruction in the Kosovo school curriculum. According to the report, many sections of the Muslim community are uneasy with the proposals; and the PISG authorities say that though they have yet to see the clerics' blueprint, they doubt that the proposals will be workable. [43ao]

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Freedom of Assembly and Association

K.6.14. The US State Department report for 2003 outlines the general situation regarding the freedom of assembly as follows: 'UNMIK Regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited this right based on security concerns.' [2c] [p.29] An example of UNMIK imposing extraordinary measures was the general curfew imposed on at 19:00hrs, 18 March 2004 in response to unrest. The US State Department report continues: 'No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time and place, route, and contact person for demonstrations for police coordination purposes.' [2c] [p.29] According to the US State Department report for 2002, civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. [2b] [p.29] The report concluded 'The police occasionally responded inappropriately. However, in most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries. [2b] [p.29] The US State Department report for 2003's opinion is different: 'In most

instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries; police generally responded more appropriately than in previous years.' [2c](p.29-30) The management and conduct of UNMIK and KFOR forces in relation to the March 2004 disturbances has yet to emerge in assessments of the situation.

Political activists

K.6.15. In 1999 and 2000, according to the UN Secretary General's report to the UN Security Council of December 2000, there were frequent reports of harassment, intimidation and violent attacks by extremist elements allegedly associated with the former KLA directed at supporters of the rival LDK party and others expressing moderate views. [15a](p.18)

K.6.16. According to the UNHCR, the US State Department report for 2002, and reports to the UN Security Council in 2002, in 2001, there were relatively few incidents of violence where a political motive was suspected. While there were a number of politically motivated attacks on LDK members in the run up to the Municipal Elections in October 2000, the 45 day campaign for the Assembly elections in November 2001 passed off without any significant violence. [2b](11e)[15b][17a]

K.6.17. There were few reports of politically inspired violence during the electoral campaign for the 2002 Municipal Elections and no reports of intimidation of voters, according to the US State Department report for 2002.[2b](p.34) However, according to the US State Department report for 2002, the house of an LDK activist was attacked with grenades and small arms fire, though there were no injuries. [2b](p.33) Also, according to the US State Department report for 2002 and the Human Rights Watch annual report 2003, the LDK mayor of Suhareke / Suva Reka was shot dead when trying to intervene in a confrontation between LDK and PDK supporters. [2b](p.33) [9a](p.5)

K.6.18. The BBC reported on 12 March 2004 that a grenade was thrown at the residence of Kosovo President Ibrahim Rugova. [8a]

K.6.19. In May 2003, a pan-Albanian terrorist group, the ANA, claimed to be recruiting from the Kosovo Protection Corps (KPC), according to The Balkan Crisis Report no. 430 of May 2003. [43a]

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Employment Rights

K.6.20. The following information is from the US State Department report for 2002. In October 2001, UNMIK promulgated the Essential Labor Law for Kosovo, which provides for fundamental rights at work, including the employment relationship, terms of employment and the right to form and belong to trade unions. Although the right to strike is not specifically recognised in law, strikes are not prohibited. In 2002, there were strikes within a few sectors, including health, mining and education. However, given the poor state of the economy and high unemployment rates, wages

other than those paid by international organisations are rarely paid on time and there is little opportunity for negotiation by labour organisations. There is no minimum wage. Neither employers nor employees give much priority to occupational health and safety standards, focusing instead upon economic survival. [2b](p.39-40.)

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People Trafficking

K.6.21. According to the US State Department report of 2003, trafficking is a serious and growing problem in Kosovo; the province is both a destination and transit point for trafficking of women and girls for prostitution. Trafficking is specifically prohibited by an UNMIK regulation, with a penalty of 2-20 years imprisonment. [2c](p.41)

K.6.22. According to a Balkan Crisis Report of September 2002, most trafficked women are from Moldova (60%), Ukraine, Bulgaria and Romania, but also from Kazakhstan, Belarus and Albania and end up working in Kosovo's sex industry, effectively imprisoned and used as slave labour by traffickers.[43m] Some do not remain in Kosovo but are smuggled through the province to Albania, Macedonia and Italy. 'Evidence suggested that trafficking was often the result of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for the transfer of trafficked victims from Eastern Europe into and through Kosovo,' according to the US State Department report for 2003. [2c](p.42) [3d]

K.6.23. According to the UN report to the UN Security Council of January 2003, a special unit of UNMIK police, Trafficking and Prostitution Investigations Unit (TPIU), has been set up to deal with the issue. The Unit conducted more than 350 raids in 2002, closing 61 premises engaging in trafficking-related activities and filed 92 charges for trafficking offences. [15j](p.9) In 2003, TPIU, according to the US State Department report for 2003, conducted 2,047 raids or checks and assisted 70 victims of trafficking. [2c](p.41) The Human Rights Watch annual report for 2003 held that the relatively low number of prosecutions was caused by the increasing sophistication of the organized crime networks, corruption and the lack of a witness protection scheme. Further, 'Despite efforts to train prosecutors and judges, both still failed to observe elements of anew anti-trafficking regulation designed to protect trafficking victims.' [9e](p.7)

K.6.24. Amnesty International (AI) in AI's annual report of 2002, highlight the lack of effective witness protection: 'The failure to establish a comprehensive witness and victim protection program compromised CIVPOL's ability to conduct thorough investigations and prosecute those suspected of trafficking in women.' [3e](p.4)

K.6.25. According to the US State Department report for 2003, 'UNMIK did not provide any official residency status to victims. Those who did not accept assistance from the IOM [International Organization for Migration] were released, but if they continued to work as prostitutes, they were subject to re-arrest, short jail sentences, and deportation.' [2c](p.42) The report adds:-

'International victims were referred to the IOM, which runs a shelter through the NGO United Methodist Committee on Relief. Domestic victims were referred to the CPWC, which ran a shelter and provided a variety of services for victims, such as counseling and job training.' [2c](p.42)

Freedom of movement

K.6.26. The summary of the US State Department report for 2003 runs thus:-

'Applicable law provides for freedom for movement and no special documents were required for internal movement; however, inter-ethnic tensions and 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.' [2c](p.31)

K.6.27. According to the US State Department report for 2003, during the war, the Serb forces confiscated and destroyed identification documents as well as central registers and municipal archives, leaving many ethnic Albanian Kosovars without civil documentation. [2c] (p.31) UNMIK has issued, according to the US State Department report for 2003, 1.3 million identity cards, 406,000 travel documents and 182,000 drivers' licences. They are recognised by 29 countries including the Former Yugoslav Republic of Macedonia and all Schengen States. [2c] (p.31)

K.6.28. Airport police in Pristina seized approximately 2400 false documents in 2001, according to the UNMIK Police newsletter of January 2002. [19b](p.3) The documents included passports, permits of stay, identity cards etc (purported issuing authorities not specified in the article). Only about 25% of documents were totally fake – most others were genuine documents where the picture had been substituted or stolen blanks had been used to prepare the documents. Most perpetrators were between 20 and 30 years old. [19b](p.3)

K.6.29. The law does not provide for granting asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, according to the US State Department report for 2003. [2c](p.32) However, the report continues, UNMIK has worked with the UNHCR and other humanitarian organisations on refugee issues: 'Of the 12,000 individuals who arrived in Kosovo in 2001, 1,400 persons with temporary protection remained in Kosovo at year's end.' [2c](p.32)

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K.6b Human Rights: Specific Groups

Ethnic Groups

General situation

K.6.30. According to the Europa yearbook for 2003, ethnic Albanians make up

approximately 90% of the population of Kosovo. The remaining 10% are made up of various minorities including ethnic Serbs, Roma, Ashkaelia, Egyptians, Bosniaks, Gorani, Croats and Turks. Following the war, there was a very high level of violence directed at Serbs, Roma and other ethnic minorities, who were seen as having collaborated with the Yugoslav oppression. Most of the perpetrators were ethnic Albanians seeking revenge or pursuing the aim of a wholly Albanian state. Large numbers of the Serbs and Roma communities fled from Kosovo. Those who remained are mostly concentrated in mono-ethnic areas. [1a] (p.537) The OSCE report, *Joining in – minority voices*, published in July 2003, contains details about various minorities' own perceptions of their situation in various locations. Including Pec [31] (p.11-13), Prizren [31] (p.14-16), Mitrovice [31] (p.17-20), Gjilan [31] (p.21-24), Pristina [31] (p.25-28). Please note that the events of March 2004 will have altered these perceptions and ethnic demographic balances.

K.6.31–The Amnesty International report, *Prisoners in our own homes*, [3] published on 28 April 2003, however considers the threat of violence to be on-going. According to a BBC news report of the AI report's publication, 'The report describes the daily lives of children living in mono-ethnic enclaves who are forced to have a K-for [sic] armed escort to school.' [8w] The BBC report refers to the section [section 2] of the AI report on impunity [3] (p.16-27.) stating 'As the vast majority of these crimes remain unsolved, perpetrators are free to commit further attacks contributing to a climate of fear and the denial of basic human rights, it [the AI report] adds. [8w] According to the US State department report for 2003 though 'Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkaeli, Gorani, and some Roma, 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.' [2c] (p.38,9)

K.6.32 The US State Department report for 2003 states that though levels of revenge-based violence is significantly less than the levels seen during the 1999 war, the decline in violence between ethnicities ceased in 2003, and 'Overall, the level of violent crime remained about the same as in 2002.' [2c] (p.38) (For comparison, according to the US State Department report for 2001, in 2000, there were 245 murders including 55 Serbs, 12 Roma, 9 Bosniaks and 1 Gorani. In 2001 there were 136 murders including 30 Serbs, 6 Roma and 1 Bosniak.) In 2002, according to the US State Department report for 2002, there were 68 murders, including 6 Serbs and 2 of unknown ethnicity. [2b] (p.21-22) In 2003, there were 72 murders, 17 from ethnic minorities, 13 of whom were Serb, and 7 of the Serb murders held to be ethnically motivated. 4 murders were of unknown ethnicity. [2c] (p.38) The US State Department report was written before the disorder in March 2004 and its attendant death toll.

K.6.33 The UNHCR stated their position regards to the situation of ethnic minorities in Kosovo, principally in their update paper of January 2003. [17g] 'UNHCR's position remains that members of all minority groups, particularly Serbs, Roma, Ashkaelia, Egyptians as well as Bosniaks and Goranis should continue to benefit from international protection in countries of asylum. Induced or forced return movements jeopardize the highly delicate ethnic balance and may contribute to increasing the potential for new inter-ethnic clashes.' [17n] (p.3)

K.6.34. According to the US State Department report for 2003, the unemployment

rate for ethnic minorities is about 85%. Many are heavily dependent on humanitarian assistance for survival. Some also face obstacles to accessing health, education and other public services, most of which are run by ethnic Albanians. [25]p. According to the UNHCR assessment of the situation in January 2003, it can still sometimes be dangerous to speak Serbian or to speak Albanian with a Slavic or Roma accent in public. [177]p.2)

K.6.35. The situation for ethnic minorities varies considerably across the province. In some areas the communities are deeply divided, with Mitrovica being the most severe example, according to the Amnesty International report on ethnic minorities, May 2003. [31]p.4) In other areas, such as Prizren, according to the UNHCR and OSCE, there is a long tradition of mutual acceptance among different communities and Serbian, Bosniak and Turkish languages are spoken relatively freely. The quality of relations between communities tends to depend upon the situation in a particular area before the conflict, and events that took place during it. [179] [184] The positions for specific ethnic groups are discussed below, but it is worth noting that latest assessments of the situation of ethnic minorities in Kosovo produced jointly by the OSCE and UNHCR emphasise the unevenness of the situations of particular groups. They concentrate on regional assessments rather than overall group assessments. [184]pp.14-26)

K.6.36. The challenge of rebuilding communities involving ethnic minorities is highlighted in the OSCE report, *Joining in – minority voices*, published in July 2003, and reporting the results of a OSCE survey of the minority communities launched in June 2002. [311] It summarises the concerns of the various ethnic groups in relation to community amenities and infrastructure, in a number of key locations. [311]

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Action to improve the position of ethnic minorities

K.6.37. According to the UNHCR and the OSCE, UNMIK and the Provisional Institutions of Self Government (PISG) (including the Kosovo Assembly) continue to seek to improve the position of ethnic minorities, but the tenth assessment of March 2003 notes that lack of confidence in the justice system and the paralleling of institutions by the Serb population has hampered progress. [184]p.5,6,33) Ethnic minorities are represented in the government of Kosovo at both the Assembly and Municipal level. There are also policies in place, which promote proportional community representation within the Kosovo Police Force, Judiciary, the Kosovo Protection Force and the Civil Service. These policies are being implemented with mixed success. [151] [184]

K.6.38. A key development in 2002, noted by the OSCE / UNHCR ninth report included the establishment of the inter-agency Advisory Board on Communities (ABC) to provide advice on minority stabilisation and integration; and the Office of Return and Communities. [184]p.2) UNHCR welcomed these initiatives in 2002 but wanted to see further specific legislation to combat discrimination. [184]p.2)

Initiatives to promote improved inter-ethnic relations

K.6.39. UNHCR / OSCE, in the tenth assessment of March 2003, noted considerable progress in the work towards normalising interethnic relations through strengthening links between different ethnic youth groups. [18d] Successful projects included the "Camping on Tolerance Building" project and conflict resolution activities run by the Bridge Association, which is a union of four NGOs of different ethnic groups. [18d](p.63) Links have also been forged in the area of media and in the Civic Society sector, notably through the Civil Dialogue Alternative, a multi ethnic group of civic actors. [18d] In addition to initiatives promoting dialogue involving NGOs and community leaders, there is evidence of increasing interaction between ordinary citizens and business contacts. [18d](p.64,65)

The return process

K.6.40. UNHCR and OSCE jointly saw (and stated in their ninth joint assessment of May 2002), in 2002, the return of minorities as a priority issue developing in Kosovo at that time: 'Minority return was given increased priority and visibility during the period, with both the first organised returns facilitated by the international community, and the creation of the SRSG's Office of Return and Communities (ORC)' [18c] (p.2) The Ombudsman's Third Annual Report (for year 2003) acknowledges the general political will for the return of ethnic minority IDPs, but states in a less positive summary:-

'The question of return of members of minority communities inside and outside of Kosovo to their homes in Kosovo remains a highly politicised issue, with both UNMIK and political leaders in Serbia and Montenegro agreeing that all IDPs should return to Kosovo, but for different political reasons. However the lack of province wide security, the dire economy, and the delays in resolving the future status of Kosovo render it unsurprising that very few IDPs have returned to Kosovo during this reporting period.' [6a](p5,6)

K.6.41. The constitutional and institutional mechanisms for managed returns were set in place throughout 2002. According to the United Nations, in a press release of 11 June 2002, a Kosovo Serb Senior Adviser on returns and reintegration was appointed to the Office of the Special Representative. [21e] On 28 June 2002, all municipal assemblies agreed to a Strategy of Joint Principles of affirming the right to return. On 4 July 2002, the Kosovo Assembly adopted a resolution on the rights of communities and their members and on conditions for return of internally displaced persons and refugees, which was endorsed by the then Serb Deputy Prime Minister Covic, as recounted by the US State department report of 2002 [2b](p.31)

K.6.42. According to the ninth joint assessment by OSCE and UNHCR of the situation of ethnic minorities in May 2002, ethnic Albanian leaders at the highest level, including the Prime Minister, have made statements in favour of integration and non-discrimination, but also have been prone to politicize the issue of returns:-

'While positive examples were seen during this period, overall there continued to be an unfortunate tendency on the part of both the Albanian and the Serb populations to politicise the return issue. Both communities, where they constitute a majority, continued to use strikingly similar political rhetoric focusing on the unacceptability of return of the other ethnic group until the full realisation of return of the displaced of their own ethnic population.' [18c](section 191., p55)

K.6.43. Speaking in the run up to the October elections, as reported by the Balkan Crisis Report no.356, August 2002, ex KLA leader, Hashim Thaci stated "The return of refugees does not endanger Kosovo. On the contrary, it stabilises it, democratises it and opens immediate prospects for Kosovo's independence." [43f](p.2) According to a Balkan Crisis Report no. 441 of July 2003, on 1 July 2003, all Albanian political leaders in Kosovo signed up to a statement urging ethnic Serbs to return to their former homes in Kosovo. [43g]

K.6.44. UNMIK's Office for Returns and Communities developed a rights-based

policy for returns and created an operational framework for the returns process. [2b] Details of the structures for return at central and regional level are set out in the UNHCR / OSCE Tenth Assessment of the Situation of Ethnic Minorities in Kosovo [18d]. In November 2002 UNMIK announced its 2003 Strategy for Sustainable Returns, a programme that emphasises the need for a grass-roots approach and focuses on multi-sectoral projects that engage the whole community. [15i]

K.6.45. UNMIK also established the Task Force on Returns to ensure effective implementation and oversight of the returns process. Returns projects have now been implemented in each region of Kosovo. However, conditions for returns vary widely from generally supportive to outwardly hostile in different areas of Kosovo, according to the UNHCR and UN reports of January 2003. [15i] [17d]

K.6.46. Amnesty International has taken a critical stance of the UNMIK November 2002 returns initiative, opining in May 2003, in AI's report *Prisoners in our own homes*, that:-

'Amnesty International is extremely concerned that little has been done to monitor, fully investigate and bring to justice those responsible for those incidents of return-related violence, harassment and intimidation which have occurred. In the light of continued proposals for the organized mass return of Serbs, the organization is concerned that such attacks may well increase in frequency and intensity.' [3i] (p.58)

K.6.47. The European Centre for Minority Issues, Citizens' Support Initiative, in the report on the thirteenth meeting of the Kosovo/a Standing Technical Working Group (held 6 June 2003), reporting on integration and returns, were keen the international community worked on the process of returns, rather than 'looking to the numbers of individual returnees;' that UNMIK developed the sustainability of community with new multi-ethnic structures to facilitate viable returns, and new ways of giving assistance; and the UNHCR to continue and develop their activities. [46d]

K.6.48. Approximately 3,000 displaced Serbs registered an interest in returning in 2002, according to a Balkans Crisis Report of 8 August 2002 (no.356). [43i] The report continues that while UNMIK and UNHCR were keen to promote ethnic minority returns on a measured and carefully organised basis, (see also UNHCR / OSCE returns recommendations of the tenth assessment, March 2003 [18d] (p.10,11)) Serbs in Kosovo are dissatisfied with the pace of this approach, calling for an immediate mass return. [43i]

K.6.49. According to the UN Secretary General's report to the UN Security Council, January 2003, an estimated 2,668 minority returns took place in 2002, of which 35% were Kosovo Serbs, 46% were Roma / Ashkalis / Egyptians and 11% were ethnic Albanians returning to areas where they are a minority. [15j] (p.10)

K.6.50. The Secretary General's report continued that there have been some security incidents in areas where returns were taking place or being planned. [15j] (p.10) Shortly after Michael Steiner, the then Head of UNMIK, announced a €4.5m project to assist Serbs returning to villages in Peje and Klina, a series of bomb explosions damaged

empty Serb houses in the northern village of Klokot on 31 July 2002, according to a July 2002 Chronology of Events in Kosovo produced by the (UK) Foreign and Commonwealth Office. [111] As reported by the Balkan Crisis Report (no. 374 of October 2002) On 11 October 2002, elderly Serbs who had been taken to Pec/Peje to collect their pensions were confronted by a violent crowd of 300 local Albanians and had to be protected by UNMIK police. [431] At that time (October 2002) UNMIK was very hopeful about general progress towards facilitating success returns, stating in the same Balkans Crisis Report, "We still have far to go before we can say we have succeeded in transforming Kosovo into a place where all people can live in security and dignity. We have a vision, and not one seen through rose tinted spectacles, as some would argue, but one based on the reality of genuine progress on the ground." [Simon Haselock, Director of UNMIK's Division of Public Information] [26] (p.2)

K.6.51. The opinion of Amnesty International (AI) in the May 2003 report, *Prisoners in our own homes* is the line that attacks and discrimination on ethnic minorities continue, furthering the dynamic of driving ethnic minorities into enclaves or out of Kosovo altogether. Further, it states:-

'While acknowledging the marked improvements in the security conditions for minorities since July 1999, and in particular, a measurable decline in violent attacks on their lives and property, Amnesty International believes that unless and until the rights of all minorities presently living in Kosovo can be guaranteed, those currently living elsewhere in Serbia and Montenegro as internally displaced persons (IDPs) or as refugees in other countries will be unable to exercise their right to return.' [31] (p.1)

K.6.52. AI sees the question of impunity to be a key issue in relation to ethnic minorities in Kosovo, stemming from a general climate of fear:-

'This climate of fear, insecurity and mistrust, exacerbated by continued impunity, has resulted in the effective denial of the right of minorities to enjoy freedom of movement in Kosovo. Additionally those who are able to gain some measure of freedom of movement, find themselves subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights.' [31] (p.1)

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Serbs

K.6.53. See also general sections on ethnic minorities above, which contain information relating to Serbs.

K.6.54. According to a UNHCR consultant reporting on the Minority Bus Shuttle project in Kosovo in 2001/2, it is estimated that some 125,000 Kosovan Serbs remained within Kosovo, until March 2004. [171] (p.9) According to the UNHCR / OSCE ninth assessment, May 2002, most of the remaining Serbs are collected in the

northern part of the city of Mitrovica, the municipalities of Leposavic, Zupin Potok and Zvecan to the north of the province, and Strpce in the South, where they form the majority of the population. [18c](p.56) The situation in Mitrovica is described in detail above, section on Mitrovica.

K.6.55. Ethnic Serbs have been the principal targets for ethnically motivated attacks. Of the 72 murders in Kosovo during 2003, 13 were of Serbs, with 7 held to ethnically motivated. [2c] (p.38)

K.6.56. Prior to March 2004, Kosovo Serbs faced a precarious existence in areas where they were in the minority, underlined by incidents such as the shooting of a Serb woman in Lipjan in February 2002 [2b]; the hand grenade attack on an elderly Serb woman in Viti town centre in April 2002 [18c]; the hand grenade attack on a Serb house near Kamenica in June 2002; the series of explosions in Serb owned houses in Klokot and Balance in July 2002; the series of grenade attacks on the home of a Serb KPS officer in Viti in October and November 2002; the destruction of two Serb Orthodox churches in November 2002; and the killing of two Serb youths in August 2003. [2b] [15f] [17g] [43ad] Incidents increased in late 2003, and erupted into open violence in 2004, namely the events of 17 –19 March 2004.

K.6.57. Prior to March 2004, even in areas that had been calm for some time, violence could still erupt. The US State Department report for 2002 recounts that on 10 October 2002, a group of elderly Serbs were taken to Pec / Peja to collect their pension cheques. [2b] (p.31) They were confronted by a crowd of approximately 300 ethnic Albanians, chanting slogans and throwing rocks and petrol bombs. The Serbs had to be protected by UNMIK police. [2b] (p.31)

K.6.58. Many remaining Serbs, some elderly and alone, are subject to verbal and physical harassment, according to the UNHCR in their January 2003 position paper: in some areas they rely upon 24-hour protection provided by KFOR. [17f](p.3) The UNHCR concluded in January 2003 that 'These factors create an environment in which the Kosovo Serbs' perception of being under threat on an on-going basis is well founded.' [17f](p.3)

K.6.59. Up to August 2003, there had been some significant advances in the situation for Kosovo Serbs in relation to their freedom to travel and ability to access medical and other services. Many were able to drive from Prishtine / Pristina to nearby towns without escort, which would have been unthinkable before 2002. [157](p.7) According to a Balkans Crisis Report of October 2002 (no.374.), freedom of movement for Serbs was improved by KFOR's policy of "unfixing" its static checkpoints, which it reduced by nearly 70% after February 2002, until March 2004. [431] KFOR assessed that the security situation had improved to the extent that it was safe enough for Kosovo Serbs to move around without escort. By March 2003, the number of escorts was reduced by about 50% from February 2002, leaving a total of 54 regular military escorts Kosovo-wide. [184] Freedom of movement for Serbs was also enhanced by the free distribution of UNMIK licence plates to those who own vehicles registered in Serbia, making them less obviously identifiable, as reported by the UNHCR in January 2003. [151] Serbs have since March 2004 been greatly limited in their movement outside Serb safe areas – reports of how limited have yet (April 2004) to emerge.

K.6.60. The Balkan Crisis Report related in August 2003, report no. 454, Serb retaliations occur occasionally, such as the beating up of Albanian drivers in Gracanica on 17 August 2003. [43ad] The report continues that the Serb / Albanian violence of August 2003 has been reported as an escalation, and UNMIK has been reported as voicing concern over the events. [43ad] The most notable incident in 2003 was the attack on Kosovan Prime Minister Bajram Rexhepi on 6 December 2003, when the news leaked out to the Serbian population that Rexhepi was meeting World Bank officials for lunch at a restaurant in north Mitrovice. A crowd of 150 demonstrators threw stones at the restaurant's windows. [2c](p.38) The International Crisis Group report of April 2004 has a detailed account of the growing tension prior to the March ethnic clashes. [69c](pp.10-14)

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Roma (and Ashkaelia and Egyptians)

K. 6.61. See also general sections on ethnic minorities above, which contain information relating to Roma, Ashkaelia and Egyptians (RAE). For a treatment that places Kosovo RAE within a wider Roma context, see the March 2003 *Social Research* article, *Who are the Roma? An identity in the making*, [87b]

K.6.62. Kosovo Roma have been targeted as a group because they are seen as having collaborated with Serb mistreatment of ethnic Albanians during the conflict. Allegations that some Roma took part in criminal acts with Yugoslav forces or opportunistic looting have blackened the name of others. According to UNHCR in 2002, approximately 25,000 fled from Kosovo to Serbia, Montenegro or Macedonia and those who remain tended to move to Roma enclaves. [82a](p.30) According to the UNHCR, in a news report of 21 August 2003, the situation of a group of Kosovo Roma who have decamped from the camp provided by the Macedonian Government to a temporary illegal camp on the Macedonia / Greek border has highlighted in 2003 the Kosovo Roma displacement. [171] According to a UNHCR consultant reporting on the Minority Bus Shuttle project in Kosovo in 2001/2, is likely that about 36,000

Roma remain within Kosovo. [17h] (p.9)

K.6.63. Roma are not a homogenous or cohesive group – they are made up of various groups with different allegiances, linguistic and religious traditions, according to the ninth assessment of OSCE / UNHCR (May 2002). Most have a settled rather than nomadic lifestyle. [18c] According to an article in Sociology, February 2003, the nomadic nature of Roma is held by many academic sociologists to be misunderstood, particularly within the asylum / trans-border migration process: studies of this misidentification in the Italian system shows that policy can be clouded by questions of settlement, with perceived "nomads" needing to achieve a higher threshold in relation to the need of protection that "settled" Roma. As nomadic Roma are few within the Kosovan scenario this is held to be iniquitous. [87a]

K.6.64. Although usually categorised together, Roma are distinct from the groups known as Ashkaelia or Egyptians. The following explanation of these groups is taken from the ninth UNHCR / OSCE assessment of the situation of ethnic minorities in Kosovo, dated May 2002. [18c] (p.58ff)

K.6.65. 'Ethnic identification as Roma, Ashkaelia or Egyptian is not necessarily determined by easily discernible or distinct characteristics or cultural traits, but rather by a process of self-identification. It is not uncommon in Kosovo for individuals to change their ethnic self-identification depending on the pressures of local circumstances, especially when it is necessary in order to distance themselves from other groups to avoid negative associations. In general, however, ethnic **Roma** clearly identify themselves as Roma and tend to use Romany as their mother tongue, although a large percentage of the Roma population can speak Serbian (and to a lesser extent Albanian) languages.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c] (p.58 – footnote)

K.6.66. Other sources, notably the Blue Guide to Albania and Kosovo, indicate that the Kosovo **Roma** group is small, compared with Roma aligned with either Serb or other minorities. It concurs with the UNHCR / OSCE assessment that Kosovo Roma do clearly indicate that they are Roma as distinct from other groups, and that not all groups called *Maxhupet* (Albanian term for "Gypsies") (see below) call themselves Roma:-

'Only one group identifies as ethnic Roma, while other groups have a variety of identity affiliations. The former use Romani as their mother tongue, and also speak Albanian and Serbian.' (Blue Guide) [84a] (p.105)

K.6.67. 'The **Ashkaelia** are Albanian-speaking (although many can also communicate in Serbian language) and have historically associated themselves with Albanians, living close to that community. Nevertheless, Albanians treat them as separate from the Albanian community. Like the Ashkaelia, the **Egyptians** speak Albanian language but differentiate

themselves from Ashkaelia by claiming to have originated from Egypt.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

K.6.68. 'It should be noted that, on the local community level, Albanians do not generally perceive the differences between the three groups, more often viewing Roma, Ashkaelia and Egyptians as one group. It should also be noted that the separations and distinctions between Roma, Ashkaelia and Egyptian vary between regions, and in some regions (Peja/Peć, for example), the Roma and Egyptian populations live in the same geographic areas, without much distinction between them on a day-to-day basis. In other areas or regions, the distinctions between the groups (including the geographic locations where they tend to live as well as their actual or perceived levels of integration with either the Albanian or Serb population) may be much more pronounced.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

K.6.69. Further information, from a Germany-based Roma support group, indicates that ethnic Albanians see all RAE as *Madschup* alt. *Maxhupet*, a derogatory term which roughly equates to "Gypsies". The source further suggests that treatment of Roma by the majority population depend on the state of Serb / Albanian tensions at that time and in that place. [85a]

K.6.70. The security position for Roma, Ashkaelia and Egyptian (RAE) communities varies according to perceptions of the majority population, locality and language issues, according to the UNHCR / OSCE ninth assessment: 'This [a then trend towards greater security and freedom for Roma] should be qualified by underlining the fact that the trend is marked by variations between Roma, Ashkaelia and Egyptian communities depending upon the perceptions of the majority population, locality, and language issues.' [18c](p.58) UNHCR and OSCE state that the ability to speak fluent Albanian is likely to be a factor in the degree to which RAE are able to integrate with the majority community. [17g](p.3) [18c](p.58) This is qualified by the UNHCR / OSCE ninth report: 'Further, the ability to speak Albanian fluently may mitigate against random attacks, but even then only to a degree, as it will not safeguard against committed assailants who want to cause harm for reasons based on the person's ethnic background.' [18c](p.58) The UNHCR also adds in its January 2003 report: 'In addition to the general discrimination against the Roma and Ashkaelia, former or current links to Kosovo Serbs or Kosovo Albanians and their language orientation continue to influence their security and freedom of movement, particularly in Prishtine/Pristina and Gjilan/Gjilane regions.' [17g](p.3)

K.6.71. The UNHCR / OSCE ninth assessment and the UNHCR in their April 2002 report maintained that the potential for violence remains and there had been several incidents of assault, attempted murder and arson, grenade and bomb attacks on Roma property in 2002. Such incidents have often occurred after long periods of relative calm. Although not all incidents were directly ethnically motivated, Roma were seen as an easy target for general crime and while the security situation for

RAEs had improved, it was still precarious. [17a] [18c] (p.3,10) Since the ethnic clashes of March 2004, reports have started to emerge indicating the Roma have been directly affected by the violence: in the Minority Rights Group (MRG) news report of 29 March 2004, the MRG gave the example of Roma in Gnjilane, as follows:-

'In Gnjilane, one of Kosovo's major towns, Roma allege that their houses were attacked and some burned by organized groups from 17-20 March [2004]. According to eye-witness accounts, none of the security forces charged with their protection (the Kosovan and UN police and KFOR, the international peace-keeping force), provided assistance until 20 March, although Roma report that they were helped by some of their Albanian neighbours.' [37a](p.1)

K.6.72. According to the OSCE mission to Kosovo, in the ninth assessment of May 2002, large numbers of Roma are still living in collective centres or IDP camps in poor conditions. [18c](p.59) The fact that they choose to stay in these centres suggests that they remain concerned about the security situation in their areas of origin or do not have adequate possibilities for accommodation there. [18c](p.59)

K.6.73. One of the main obstacles to return is the lack of adequate reconstruction assistance for repairing the damaged property previously inhabited by Roma. [17f] [67a] [67b]

K.6.74. The reception returnees have received has varied: some have passed off without incident, though there have also been occasions where returnees' homes have been stoned or subjected to grenade attack. [17f](p.3) How the RAE community has fared since the violence of March 2004 has yet to be reported on fully.

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Bosniaks (Muslim Slavs)

K.6.75. See also general sections on ethnic minorities above, which contain information relating to Bosniaks.

K.6.76. According to the OSCE reports, this group consists of Serb speaking Slavs who are associated with the "Muslim nationality" created within the former Socialist Federal Republic of Yugoslavia. Their remaining population is estimated at about 35,000. Although many describe themselves as Bosniaks, this does not necessarily mean that they, nor their ancestors, came from Bosnia, but rather that Bosnians are seen as successors to the old Muslim nationality group. In reality, these communities originate from a variety of regions, including modern-day Bosnia, Sandzak and even Macedonia. Although some are dispersed within towns, most live in predominantly Muslim villages. Within the Muslim community, there is a distinct group known as the Torbesh / Torbesi found mainly in Prizren and Orahovac/Rahovec areas. [18e](p.33)

K.6.77. The UNHCR reports explain that in the aftermath of the Kosovo conflict, Bosniaks were closely associated with Serbs because of their shared language and culture. As a result they suffered violent attacks, harassment and discrimination.

Since that time, and according to the UNHCR in January 2003, the risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2)

K.6.78. UNHCR notes the security position for Bosniaks. [17f] (pp. 17-21) [17g] Their situation in Peja / Pec and Prizren region, where the great majority of Bosniaks reside, has seen improvement since 1999 and 2000. [17f] (pp. 18) According to the OSCE / UNHCR assessment of March 2003, increasingly they were able to speak their own language without fear and to access public services. [17g](p.19) The report continues that in general, Bosniaks' confidence in the rule of law in Peja/Pec and Prizren is higher than that of other ethnic minority communities, due to the significant recruitment of members of their community into the Kosovo Police Service. Children attend Bosniak schools and speak their language without being harassed. [17g](p.19)

K.6.79. According to the UNHCR's assessment of January 2003, the situation for Bosniaks in south Mitrovica is difficult. The community has fallen to around 2000 people, and scattered throughout both north and south Mitrovica: 'In the south, the use of language is still a large risk factor that can result in harassment, intimidation and even physical assault. In the north, the tense and unstable situation makes Bosniaks vulnerable when the political situation deteriorates.' [17g](p.20) In Pristina, there are slow improvements for Bosniaks in freedom of movement and the use of their language in Albanian shops. [17g](p.18) However, the small Bosniak community in Pristina remains isolated, and the Bosniak community is drifting away in the face of the unlikelihood of improved prospects. [17g](p.18) In Kosovo generally, in the words of the UNHCR January 2003 report, 'One consequence of such conditions has been the discrete but steady departure of Bosniak families from Kosovo.' [17f](p.2)

K.6.80. The UNHCR / OSCE report for period September 2001 to April 2002, reported that a Bosniak had been found murdered in April 2002. [18c](p.60)

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Gorani

K.6.81. See also general sections on ethnic minorities above, which contain information relating to Gorani.

K.6.82. According to information from the OSCE, the Gorani community consists of Muslim Slavs akin to the Bosniaks, and experience similar difficulties. The Gorani are a distinct group from Bosniaks, with their own language, though like Bosniak language this is similar to Serbian. The overall Gorani population is estimated at 10,000 - 12,000, most of whom live in the Gora region of Kosovo, though there are small communities in Pristina and Mitrovica also. The Gora region comprises 18 geographically linked villages within Dragash municipality inhabited by Gorani. The region was largely unaffected by the conflict in terms of damage to housing. [18e](p.33, para. 111)

K.6.83. Information published by the UNHCR in January 2003 has supplemented that, as with Bosniaks, Gorani have been closely associated with Serbs because of their shared language and culture and have suffered violent attacks, harassment and

discrimination. The risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2)

K.6.84. Up and until March 2004, according to the UNHCR in their position paper of January 2003, there had also been significant improvements in freedom of movement and the ability to use their own language, particularly in the Prizren region. [17g](p.21) Gorani are likely to be at greater risk of harassment and intimidation in some other areas of Kosovo, such as Ferizaj / Urosevac. [17f](p.22) According to the UNHCR / OSCE mission report of March 2003, approximately half the KPS officers in Dragash are Gorani. [18d](p.15)

K.6.85. Amnesty International (AI) differs in its assessment (in AI's May 2003 report) of the Gorani's situation, referring to allegations of harassment by members of the KPS. AI's contention is that 'The population continues to decline in the face of continued human rights abuses and lack of freedom of movement, compounded by a trend towards rural depopulation.' [31](p.5)

Turks

K.6.86. The long established Turkish community continues to use Turkish as its mother tongue, though most members also speak Albanian and Serbo-Croat, according to the OSCE/UNHCR eighth assessment of September 2001. [18b](p.44) Amnesty International states an estimated 12,000 Turks live in the Prizren municipality, with 5,000 in the Prizren *mahala* of Mamusa/Mamushe. [31](p.6) Of all the minorities in Kosovo, they are considered the most integrated with the majority population, according to the AI report and the OSCE/UNHCR eighth assessment. [31](p.6)[18b](p.44) They are politically organised, represented mainly by the Turkish Democratic Union and have access to primary and secondary education in the mother tongue. [18b](p.44) OSCE / UNHCR notes in their tenth assessment, March 2003, that the Turkish community sees the presence of Turkish officers in the KPS as a confidence-building development. [18d](p.15) There have also been some reports of low-level harassment in north Mitrovica from Serbs but in general there have, up and until March 2004, been no significant security problems for this group: not in 2001/2002 according to the OSCE/UNHCR ninth assessment, [18c](p.63) nor the rest of 2002 according to the tenth assessment, [18d](p.15,22) nor 2003 according to the US State Department report for 2003. [2c](p.39)

Croats

K.6.87. The OSCE reports indicate that Kosovo Croats are mostly concentrated in Janjeve/Janjevo (Lipjan /Lepljan), where there are about 340, and Letnice / Letnica (Viti / Vitina), where only about 60 remain. Those who remain inhabit a number of mixed ethnicity villages and generally have good relations with the ethnic Albanian populations and do not experience any significant security problems. [18c](p.62) In May 2003, the Amnesty International report concurred, stating 'Supported by relatives and the Croatian Catholic church, they face few security problems, although thefts and drive-by shootings targeting agricultural assets were reported in 2001.' [31](p.7) However, according to the OSCE / UNHCR ninth assessment, when Croats travel to

other parts of Kosovo they may face similar difficulties as other non-Albanian speaking minorities, with some restrictions on freedom of movement and ability to access services. [18c] (p.62)

Mixed ethnicity

K.6.88. According to the UNHCR in March 2001, people in mixed marriages with people from ethnic minorities or children from such families may face similar difficulties as those groups. Unlike other minority groups, mixed families may be excluded from all communities and may be unable to resort to the relative security of mono-ethnic enclaves. [17b] (p.9.) The UNHCR in April 2002 advised against the forced return of such people. [17e] (p.2.)

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Women

K.6.89. According to the US State Department report for 2003, domestic violence and rape are significant problems in Kosovo: 'Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem.' [2c] (p.35) The report continues, in May [2003], UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence while setting up conditions for victim's protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders.' [2c] (p.35) The result was, again according to the US State Department report for 2003, an increase in complaint and prosecution: 'This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions.' [2c] (p.35) 'The KPS [Kosovan Police Service] School included special training segments on domestic violence and rape in its curriculum.' (US State Department report for 2003) [2c] (p.35)

K.6.90. According to the US State Department report for 2003, 'Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape is not specifically addressed by law.' [2c] (p.35)

K.6.91. According to the US State Department report for 2003, women have the same legal rights as men. However, in rural areas, women may have little ability to control their property and children. Women widowed by the war may risk losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. The widow is often returned to her own family, with her property passing to her husband's family. [2c] (p.35)

K.6.92. In major towns, the presence of UNMIK and many NGOs has opened a large number of previously unavailable jobs to women, according to the US State Department report for 2003. [2c] (p.35)

K.6.93. The Secretary General's report to the UN Security Council of October 2001

outlined the following gender representative mechanisms: UNMIK has determined that one third of candidates for the central elections should be women. Through the Office of Gender Affairs, UNMIK supports women representatives who are not currently in decision-making positions to make them part of the process by which legislation and policy are reviewed. The Office of Gender Affairs is also working to address concerns that women minority groups have insufficient access to employment, education, and medical facilities because of lack of freedom of movement. [15d](p8)

K.6.94. As noted in the US State Department report for 2003, Kosovo is a destination and transit point for trafficking of women for prostitution. [2c](p.42) The sex industry in Kosovo itself has also grown considerably in the post conflict years, according to the Balkan Crisis Report (dated 13 September 2002). [43m] In 2003, there was, according to the US State Department report for 2003, "significant success" in disseminating the view that women who were the victims of trafficking should not be subject to prosecution as prostitutes or subject to deportation orders. [2c](p.43)

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Children

K.6.95. According to the US state Department report for 2003, Economic problems have affected the health situation for children, which has remained poor. [2c](p.42) High infant and child mortality and increasing epidemics of preventable diseases have resulted from poverty leading to malnutrition, poor hygiene and pollution. A successful polio immunisation programme was carried out with 69,579 children immunised. Children are legally permitted to work at age 15, provided the work is not likely to be injurious to their health. As noted above, the province has been a source of trafficking of girls for prostitution. [2c](p.42) [15a] [19a]

Child care arrangements

K.6.96. According to information found by the (UK) Foreign and Commonwealth Office, relayed in a letter direct to CIPU in October 2002, there are no "state run" orphanages in Kosovo. [11k] This is a matter of policy, according to the Kosovo Information Project topical Information Fact Sheet of February 2002, and the UNICEF letter direct to CIPU in October 2002: UNMIK and UNICEF consider large institutions an unsuitable environment for children. [21g] [27f] EveryChild (formally ECT), the FCO letter of October 2002 continues, is working in partnership with UNMIK on foster care: initially this was for children under three years of age but they are about to train social workers and families for fostering older children and children with special needs. [11k]

K.6.97. According to the US State Department report for 2002, the adoption rate and foster family programmes do not keep pace with the rate of abandonment, infants and children are increasingly housed in group homes with few caretakers. [2b] (p.37)

K.6.98. In a response (dated September 2002) to a request to the Kosovo Information Project (KIP), an ICMPD – IOM Initiative, it was stated that two NGOs have been authorised to provide support to children: 'The Department has

authorized two NGO [sic] to run a total of 7 residential homes for babies.' [271] A letter from United Nations' Children's Fund (UNICEF) to CIPU, dated 17 October 2002, adds that Hope and Homes for Children (HHC) from the UK has been working in partnership with UNICEF in Kosovo. [219] The (UK)FCO added in a letter to CIPU dated 18 October 2002 that SOS Kinderdorf, an Austrian charity, as well as HHC, was working in Kosovo. [111] [219] [271]

K.6.99. From the information sources stated above - the FCO, UNICEF, and KIP - is added the following: between them SOS and HHC run seven small family homes, which can accommodate up to ten children in each. These houses are for the temporary accommodation of abandoned / orphaned children. The SOS homes are for children aged 0-3 years; HHC accommodates children 0-3 in one shelter and 3-17 years in another. The length of stay is approximately six months. Each child is allocated a local social worker who acts as its guardian and tries to find an adoptive or foster family. All homes are mixed sex. [111] [219] [271]

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Homosexuals

K.6.100. UNMIK regulations prohibit discrimination on the basis of sexual orientation. Until September 2002, according to a request made via the Kosovo Information Project to UNMIK, there were no recorded incidents of violence directed against homosexuals during the time since UNMIK has been in authority in the province. [276] In September 2002, an article was published in the newspaper *Epoka E Re*, raising homosexuality as "dangerous ways and behaviour brought by the foreigners", which purportedly stirred up traditional societal homophobic prejudice. [43a1] The article was implicated in a subsequent attack on three members of the Kosovo gay and lesbian association, according to a IWPR article published in May 2003. [43a1]

K.6c Human rights - Other issues

Kosovo Albanians from "minority" areas

K.6.101. Kosovar Albanians are in the overwhelming ethnic majority in the province and are generally not subject to persecution from non-state agents on the basis of their ethnicity. However, according to the UNHCR, there are some parts of Kosovo, particularly in the north of the province, where Serbs are in the majority and ethnic Albanians may be subject to harassment and persecution. These areas are outlined in the UNHCR report of March 2001, and in the OSCE / UNHCR assessments, to include the northern part of the town of Mitrovica - i.e. north of the river Ibar; the northern municipalities of Leposavic, Zvecan and Zubin Potok; and the southern municipality of Strpce. [17b] [18b]

K.6.102. As noted in [para 5.33](#) above, security for ethnic Albanians in northern Mitrovica was enhanced in November 2002 when UNMIK established its administration there Mitrovica for the first time, with KFOR and UNMIK police assuming control of the bridge over the river Ibar, as reported to the UN Security Council in January 2003. [151] A UNHCR news report dated August 2003 [171] highlighted the development of small

multi-ethnic neighbourhoods in the city, such as Kodra e Minatoreve / Mikronaselje, but such cooperative ventures have, as of February 2004, either stalled or broken down.[17]

K.6.103. The UNHCR reiterated their position in March 2004, in a letter directly to CIPU, regarding certain categories of ethnic Albanians seeking asylum abroad:-

'When assessing refugee claims of Kosovo Albanians, it should be taken into consideration that there are certain categories of Kosovo Albanians who may face serious protection related problems, including physical danger, were they to return home at this time. These categories include Kosovo Albanians originating from areas where they constitute an ethnic minority, Kosovo Albanians in ethnically mixed marriages and persons of mixed ethnicity, and Kosovo Albanians perceived to have been associated with the Serbian regime after 1990.' [17n] (p.3)

Ethnic Albanians accused of involvement with the previous Serb administration

K.6.104. There have been reports of ethnic Albanians being the targets of harassment and violence in retribution for alleged association or collaboration with the Serbian regime, particularly in the months following the war in 1999 and 2000. In some cases such accusations may have been based on little more than the fact that a person had done business with Serbs in the past or that his house was not targeted by Serb forces. This phenomenon has been exacerbated by the local press by publishing inflammatory articles on the subject.[17f]

"Draft evaders" and "deserters" from the former KLA / UCK

K.6.105. UNHCR and Amnesty International have stated in the past that persons who refused to join the KLA or who deserted during the conflict may face protection concerns in Kosovo. [11] [17a] There is no recent evidence of any incidents of this kind and this category was no longer included in UNHCR's list of those ethnic Albanians who may be at risk of persecution after the UNHCR Continued Protection Needs of Individuals report of March 2001. [17b]

Landmines and Depleted Uranium

K.6.106. According to the US State Department report for 2003, the task of clearing or marking all mines and unexploded ordnance (UXO) in Kosovo was reportedly completed by mid December 2001. However, UXO particularly NATO cluster bombs are still being found, with 3 fatalities and 16 people injured in 2003. [2c] (p.22-23)

K.6.107. There has been concern about the potential health risks of depleted uranium (DU) contamination in Kosovo. An UNMIK review of hospital records found that the incidence of leukaemia had not risen over the past four years among adults in Kosovo.

[15a](p12) Also, according to the US Department of Defense report of 25 October 2001, reports by the WHO, EC and United Nations Environment Programme concluded that the threat to public health and the environment from DU was minimal. [52a] However, the reports recommended that sites should be marked and children prevented from playing in the immediate area; that an information campaign (currently ongoing) should be mounted encourage public reporting of DU ammunition findings; that groundwater used for drinking should be monitored for contamination (none has been found to be contaminated thus far) and improved health data. [52a] Marking of DU sites is underway with the situation being closely monitored. [15a](p. 12) [52a]

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ANNEX A

CHRONOLOGY OF EVENTS: 2001 - February 2004

2001

January 2001 During January conflicting messages emerge concerning the government's future plans for former President Slobodan Milosevic and other suspects wanted by the Hague-based UN International Criminal Tribunal, for war crimes during 1999. President Kostunica states that to extradite Milosevic and others would run counter to the constitution.

February 2001 The campaign for the Montenegro general election to be held on April 22 starts on 19 February. In Serbia, several judges and prosecutors loyal to the former president are replaced. An amnesty law is approved which will cover over 28,000 draft dodgers and others accused of crimes during the former regime. On 27 February, amendments to the Yugoslav Citizenship Act are adopted to enable refugees from former Yugoslavia to acquire Yugoslav citizenship. On 16 February, the "Nis Express" bus service carrying Kosovo Serbs between Kosovo and Serbia is attacked near Podujevo on its return to Gracanica with 10 Serbs killed and many injured. On 18 February, three Serb policemen are killed when their truck ran an anti tank mine in the village of Lucane in Southern Serbia.

March 2001 The South East European Media Organization (SEEMO), calls on the Serbian government to repeal laws affecting press and speech freedoms enacted during the Milosevic era. On 7 March, three VJ soldiers are killed by an anti-tank mine in Presevo. Demonstrations are held across Kosovo in support of ethnic Albanian rebels in Macedonia. COMKFOR signs a "technical agreement" with Serb Deputy PM Covic for the return of FRY forces to part of the Ground Security Zone.

April 2001 Elections to Montenegrin Republican Assembly take place. Pro-independence alliance, led by Djukanovic secured 36 seats, narrowly defeating Bulatovic's alliance opposing independence with 33 seats. Klina LDK President, Ismet Rraci, shot dead. FRY charges 183 VJ soldiers for crimes committed in Kosovo against the Albanian population during the conflict. UNMIK police arrest KPC commander Ruzhdi Saramati on charges of attempted murder.

May 2001 FRY forces return to demilitarized zone in Presevo valley. Belgrade newspaper Vecernje Novosti describes how refrigerator lorry from Pec containing 50 corpses was pulled out of Duabe on 6 April 1999. N UCPMNB leader Shefget Musliu signs statement on demilitarisation of key villages Lucane and Turija near Bujanovac. FRY Joint Security Force completes return to Ground

June 2001 Federal Govt approve decree providing for the extradition of Milosevic to the ICTY. 10,000 supporters demonstrate at his proposed extradition. Following the temporary suspension of the government decree by the federal Constitutional Court, Milosevic is extradited. Federal Prime Minister, Zoran Zizic resigns in protest. Haekkerup visits Belgrade to open new UNMIK office. 70,000 refugees from Macedonia accommodated in Kosovo in homes of host families.

July 2001 Milosevic formally charged at ICTY with crimes against humanity. He refuses to acknowledge the authority of the tribunal. Founding of Serbian Democratic Council of Kosovo, based in Gusterica, put forward as alternative to Serbian National Council. Parties registering for Kosovo elections include 16 Albanian parties, 4 Serbian parties, 2 Turkish, 3 Bosniak, 3 Roma, Egyptian and Ashkali and 1 coalition. KFOR intercept mule train attempting to cross Dragash area of Kosovo from Macedonia to Albania, resulting in arrest of 59 Albanian men. 58 relatives of missing Serbs end hunger strikes following appeal from FRY authorities.

August 2001 FRY/Serbian governments approve appointment of DPM Covic as Head of FRY/ Serbian Coordination Centre for Kosovo; adopt programme for dealing with issues such as missing persons and return of DPs. Five members of Kosovo Albanian family killed in machine gun attack outside Pristina – motive may have been linked to father's previous employment for Serbian MUP. 2,000 Kosovo Albanian residents of Istok protest against return of 54 Kosovo Serbs.

September 2001 UN arms embargo against FRY lifted. Kosovo Supreme Court rules that genocide was not committed during the Kosovo conflict but that war crimes and crimes against humanity were. Following exhumation of mass grave discovered in Lake Perucac near Uszice, south west Serbia, 48 bodies of Kosovo Albanians identified. Exhumation and autopsy of further 269 bodies, discovered in 5 mass graves, completed in Belgrade. Three people, including two policemen, shot dead when police attempt to stop vehicle for inspection near Gnjilane.

October 2001 Constituent session of 50 member assembly representing ethnic Albanians from Presevo, Bujanovac and Medvedja is held in Presevo. Serbian miners go on strike. ICTY issues indictment against Milosevic for crimes in Croatia between August 1991 and June 1992. On 2 October, a Kosovar Albanian shot dead in his car in Mitrovica. On 6 October, a Roma man is stabbed to death in Gnjilane. Serbian National Council (SNV) organises 4,000 strong protest in Mitrovica against forthcoming elections. 15 member coordinating council and 5 member presidency elected for ethnic Albanian assembly in Southern Serbia, later electing Riza Halimi as President.

November 2001 UNSRG Haekkerup and FRY Special Representative Covic adopt UNMIK-FRY Common Document. Red Berets protest at arrest of Banovic brothers for warcrimes in Bosnia. Serb government accepts resignations of head and deputy heads of Serbian State Security Service (RDB) following Red Beret protests. Red Berets to be placed under Serbian Interior Ministry. Paris Club writes off 66% of FRY debt. Kosovo Assembly elections held, with final results: LDK 47/120 seats; PDK 26; Serb coalition Povratak 22.

December 2001 Former editor in chief of Montenegrin weekly *Dan* sentenced to 3 months in prison for libel against Djukanovic. Covic makes public statement urging Kosovo Serb coalition Povratak not to participate in Kosovo Assembly until FRY-UNMIK Common Document is implemented. On 10 December, the first meeting of the Kosovo Assembly is held.

2002

January 2002 Serbia's parliament passes omnibus law restoring many of Vojvodina's autonomous powers, pending the enactment of a new constitution. Rugova fails to be elected in second and third rounds of voting for Kosovo President. German diplomat, Michael Steiner appointed by UNSG as new UNSRSG for Kosovo. International Judges free Kosovo Serb Radovan Apostolovic, who had been charged of genocide and war crimes.

February 2002 Opinion poll by Serb Commission of Refugees says only 2 displaced Kosovo Serbs out of 10,000 living in Kursumlija in southern Serbia express any wish to return to Kosovo. 8 Kosovo Serbs begin KPC training. Steiner announces Local Elections to be held on 21 September if agreement has been reached on coalition government for the Kosovo Assembly. Kosovo Serb woman shot dead in Lipjan. Rugova (LDK), Thaci (PDK) and Haradinaj (AAK) agree on formation of coalition government.

March 2002 Rugova becomes President and Bajram Rexhepi (PDK) Prime Minister of Kosovo. US/UK demarche on President Rugova, PM Rexhepi and Speaker Daci over Rexhepi's recent public statements challenging FRY/Macedonia border agreement. Framework agreement for reconstitution of FRY into new entity of Serbia and Montenegro signed by leaders of FRY and the two republics.

April 2002 Following increasing pressure from the US, which suspended aid to FRY in March, the Federal Assembly approves legislation allowing extradition of indicted war criminals. Of 10 former Yugoslav state officials indicted, six surrender to the Tribunal. Vujanovic resigns as Prime Minister of Montenegro, after four pro-independence ministers withdrew from his government in protest at the Republican Assembly's approval of the Belgrade agreement.

May 2002 The Federal Assembly officially approves the agreement on the creation of a joint state. It is envisaged that a new constitution would be adopted later during the year, followed by national elections to the new joint legislature. Kosovo Serb Povratrak nominates candidates for 3 Serb positions in Kosovo Government and Steiner's office. Former UCPMB commander Shafqet Musliu arrested by UNMIK police and KFOR. Steiner presents strategy paper for sustainable returns to Kosovo.

June 2002 Reorganisation of the Serbian Government is approved by the Serbian Assembly. President Kostunica replaces Chief of General Staff of the Yugoslav Army, Nebojsa Pavkovic, who was closely associated with the actions in Kosovo during 1999. Former Yugoslav President, Zoran Lilic is arrested and extradited to the ICTY, having been subpoenaed as a prosecution witness in the trial of Milosevic. FRY assembly passes amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001. Rugova and Thaci re-elected as presidents of their respective parties.

July 2002 Serbian Presidential elections announced for 29 September to allow the

extradition of the current President, Milutinovic, to the ICTY. Following the failure of Vujanovic to secure majority support for a new government, the Republican Assembly of Montenegro is dissolved and further elections scheduled for 6 October 2002. The ruling DOS coalition formally expels DPS (DSS) deputies, following their withdrawal in June. Kosovo parliament passes resolution on unconditional return of refugees and displaced persons. Local elections held in Bujanovac, Presevo and Medvedja – assessed as free and fair. Empty Serb houses bombed in Balance and Klokot.

August 2002 Eight people wounded in attack at restaurant in Pec/Peje, Kosovo. UNMIK police fail to arrest Mitrovica bridgewarder Milan Ivanovic, but attempt sparks protest of 1,000 Kosovo Serbs. Former KLA leader "Remi" Mustapha is arrested for alleged kidnapping and murder of ethnic Albanians in 1999. Demonstrations against arrests of KLA members lead to large scale demonstrations and violent clashes.

September 2002

Kostunica wins the first round of the Serbian Presidential election, held on 29 September 2002.

October 2002 Kostunica wins second round of Serbian Presidential election on 13 October 2002, but the turnout is below the 50% required for the result to be valid. Kosovo municipal elections held 26 October 2002: LDK win majority; only 20% turnout from Serb parties. Members of Council of Europe vote to accept Yugoslavia as a member when the new union of SaM is in place. Former bodyguard of AAK leader Haradinaj is shot dead outside restaurant in Peja. Legislative elections held in Montenegro result in victory for Djukanovic's coalition.

November 2002 Djukanovic resigns as President of Montenegro in order to become Prime Minister. Kosovo Assembly passes resolution condemning preamble of draft Constitutional Charter for SaM, which describes Kosovo as part of Serbia. Two Serbian churches destroyed in Kosovo. Former KLA commander "Remi" Mustafa and 3 former KLA members indicted for war crimes. UNMIK takes control of Northern Mitrovica.

December 2002 For third time in less than three months, Serbia fails to elect a new President to replace Milutinovic, whose mandate expires on 29 December and faces imminent extradition to ICTY on war crimes charges. Speaker of Parliament Natasa Micic becomes acting President. Presidential elections in Montenegro also fail because of insufficient turnout after boycott from the opposition party designed to invalidate the victory by government candidate Filip Vujanovic. Former KLA commander Daut Haradinaj and four associates convicted of crimes committed against ethnic Albanians in 1999.

2003

January 2003 Parliaments of Serbia and Montenegro vote to accept the Constitutional Charter for the new state of SaM. Former Serbia President Milutinovic surrenders to the Hague. Former Serbian security chief Markovic sentenced to

seven years imprisonment for his role in assassination attempt on Vuk Draskovic in 1999. Former FARK Commander Tahir Zemaj is shot dead in Peja along with his son Enis and relative Hasan. Serb leaders form union of northern municipalities in Kosovo in order to strengthen links with Serbia.

February 2003 On 4 February, Federal Assembly of FRY votes to replace FRY with new state union SaM. Kostunica loses his job as President of FRY, as country no longer exists. Members of Kosovo Assembly demand emergency session to "adopt declaration of Kosovo as an independent and sovereign state", which Michael Steiner refuses. Djindjic warns of possibility of breakaway Serb state if Kosovo is given independence. Montenegro fails to elect a President for second time in 3 months as Vujanovic again wins a majority but the result is again invalidated by the low turnout. Serb nationalist Vojislav Seselj and three ex KLA members are indicted and held by ICTY. Djindjic survives an assassination attempt, when a lorry cut across his motorcade.

March 2003 On 12 March, Djindjic is assassinated outside a government building in Belgrade. The Serbian government blames organised crime group, the "Zemun clan", for the assassination. A State of Emergency is declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party appointed Prime Minister. Under the State of Emergency, the government has powers to ban political gatherings, impose controls on the media and arrest suspects without a warrant and hold them for 30 days without charge. In a large scale clampdown, over 2,000 suspects with links to Zemun and other criminal groups are held; 35 judges are sacked; and the Red Berets are disbanded. The body of former President of Serbia Ivan Stambolic is found and an arrest warrant for Milosevic's wife Mira Markovic is issued in connection with his murder.

April 2003

EU governments including the UK support the crackdown on organised crime, which is seen as a necessary cleansing before Serbia can make further progress as a democratic country. SaM becomes a member of the Council of Europe on 3 April. The State of Emergency is lifted on 22 April.

May 2003

Filip Vujanovic elected President of Montenegro, after a third round of voting.

June 2003

Former Yugoslav Army colonel Veselin Sljivancanin arrested in Belgrade, deported to the Hague and pleads not guilty to involvement in the 1991 Vukovar massacres. His arrest sparks off clashes between Serb nationalists and the police. Two other officers arraigned on the same charges.

July 2003

Harri Holkeri replaces Michael Steiner as Special Representative. Llap Group members convicted and sentenced.

August 2003

The murder of two Serb youths sparks off inter-community tension.

September 2003

Milosevic indicted in Serbia for planning murder and attempted murder of political opponents, Stambolic and Draskovic, in 2000.

October 2003

The first talks between Kosovan and Serbian governments since 1999; the dialogue talks are on issues of mutual interest and do not include the issue of the final status of Kosovo.

November 2003

Third attempt of elections to decide a president in Serbia fails to reach threshold necessary.

December 2003

The Djindjic trial breaks down in disarray on 24 December 2003, as the defence lawyers walk out. The 28 December 2003 elections in Serbia were held to be inconclusive, as the Serbian Radical Party (SRS) gained the largest share of the vote (27.7) for a single party but insufficient to form a minority government, and failed to attract a workable coalition.

2004**February 2004**

Serbian parliament abolishes the threshold turnout requirement for presidential elections, reverting to a simple majority model. Djindjic trial resumed, split into two separate hearings.

March 2004

Serbian Prime Minister Vojislav Kostunica introduces a new cabinet, as an anti-nationalist coalition assumes power, after the December 2003 parliamentary elections, relying upon the support of the Socialist Party. Djindjic trial witness murdered on 9 March 2003. Serbia's first major war crimes trial opens in Belgrade. Pristina and Belgrade continue on 4 March 2004 dialogue talks begun in October 2003. A grenade is thrown at the residence of President Rugova on 12 March 2004. 17 – 19 March 2004 sees widespread ethnic unrest resulting in the deaths of 19 people.

April 2004

Three KFOR prison officers killed in a prison shootout on 18 April 2004.

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ANNEX B

MAIN POLITICAL PARTIES

SERBIA (including results of December 2003 Elections) (1a),(32a)

Alliance of Peasants of Serbia Party:	Founded in 1990 originally as Peasants Party of Serbia. President Milomir Banic.
Christian Democratic Party of Serbia (DHSS)	Formed 12 April 1997 President Vlado Batic
Civic Alliance of Serbia (GSS): <i>Gradanski Savez Srbije</i>	Founded 30 June 1992. Contested elections in 1996 in an opposition alliance, known as Zajedno. Leader Goran Svilanovic. <i>Ran candidates with the Democratic Party (DS)</i> <i>5 members selected.</i>
Democratic Alternative (DA): <i>Demokratska Alternativa</i>	Founded 16 July 1997 President: Nebojsa Covic <i>No members elected.</i>
Democratic Centre (DC)	Formed as political party in February 1996: a breakaway party from the Democratic Party.
Democratic Party (DS):	Formed in December 1989, it is one of the two leading opposition parties making up the three members of the Zajedno opposition coalition. Reformist, supports free media, market economy, democracy. 3 main factions around following leaders:- Zoran Zivkovic Cedomir Jovanovic Boris Tadic
Democratic Party of Serbia (DSS):	Formed in July 1992 by a breakaway, and more nationalistic, faction from the Democratic Party. Led by Former FRY President, Vojislav Kostunica: vice-presidents Dragan Marsicanin, Dragan Jovic, and Aleksandar Popovic
Democratic Union of Albanians:	Founded 1990, President Ali Ahmeti.
Democratic Opposition of Serbia (DOS): Alliance of Vojvodina Hungarians,	Formed in August 2000, a coalition of 18 opposition parties, in response to early

Christian Democratic Party of Serbia
 Civic Alliance of Serbia
 Coalition Sumadija
 Coalition Vojvodina
 Democratic Alternative
 Democratic Centre
 Democratic Party (DP)
 Democratic Party of Serbia
 League of Social-Democrats of Vojvodina
 Movement for Democratic Serbia
 New Democracy
 New Serbia
 Party of Democratic Action
 Reform Democratic Party of Vojvodina
 Serb Resistance Movement-Democratic
 Movement
 Social-Democracy
 Social Democratic Union

elections being called by Milosevic.

G17 (Group of 17)

Founded 15 December 2002
 President: Miroljub Labus
 Vice-President: Mladjan Dinkic
11.7% of vote, 34 members elected.

Liberal of Serbia (LS) (formerly known as New Democracy (ND)):

Formally part of the opposition group, Depos. Now junior member of government Coalition. President Vojislav Mihajlovic.

Movement for Democratic Serbia (PDS)

Founded 8 August 1999
 President: General Momcilo Perisic

New Serbia (NS)

Founded in December 1997
 President: Velimir Ilic

OBRAZ

Far right nationalist movement

Otpor (translates as Resistance):

Although not a political party, Otpor were the most publicly anti-Milosevic organisation, which gained support from all levels of society. Formed in October 1998, initially as a student resistance group.
1.6% of vote, no members elected

Party of Democratic Action:

Party of ethnic Albanians, founded in 1990. Leader Riza Halimi.

Party of Serbian Unity:	Founded 2 November 1993 Ultra nationalist coalition, party leader was Zeljko Raznjatovic "Arkan", now Borislav Pelevic. Holds 13 seats in parliament.
Peoples Democratic Party (NDS)	Founded 18 November 2001 Breakaway party from the Movement for Democratic Serbia (PDS) President: Slobodan Vuksanovic
Serbian Liberal Party:	Leader Nikola Milosevic. <i>No members elected.</i>
Serbian Radical Party (SRS): <i>Srpska Radikalna Stranka</i>	Founded in 13 February 1991 by Vojislav Šeselj. Hard left national party, which had a paramilitary wing known as the 'White Eagles'. Acting leader Tomislav Nikolic <i>27.7 % (largest share of the vote to a single party) – 82 members.</i>
Serbian Renewal Movement (SPO):	Founded 14 March 1990 and was one of the two main members of the coalition Zajedno. Favours a multiparty democracy, a market economy, reintroduction of the monarchy and freedom for the media, and has a nationalist dimension. President is Vuk Draskovic. Now non-parliamentary party.
Social Democratic Party	Founded 21 April 2002 Brought together two factions – the Social Democratic Union (SDU) and a faction of Social Democracy led by Slobodan Orlic.
Social Democracy	Founded 22 April 1997 President: Vuk Draskovic
Socialist Party of Serbia (SPS): <i>Socijalisticka Partija Srbije</i>	Formed in July 1990 from the League of Communists of Serbia and the Social Alliance of Serbia. Nationalist in outlook. Formerly led by President Slobodan Milosevic; Head of Main Committee – Ivica Dacic <i>7.7% of vote, 21 members elected.</i>

Socialist Peoples Party (SNS)	Formed April 2002 Breakaway party from SPS led by Branislav Ivkovic.
The Yugoslav United Left (JUL):	An alliance of 23 Left-wing organisations. Formed in July 1997. Led by Milosevic's wife, Mirjana Markovic.
<u>SANDŽAK</u>	
Lista for Sandzak:	A coalition of five ethnic Muslim political parties based in Sandzak, including the PDA-S.
Party of Democratic Action of Sandzak (PDA-S):	A Muslim party, aligned with the Bosnian PDA, and advocates autonomy for the Sandzak region. Chairman, Sulejman Ugljanin.
<u>VOJVODINA</u>	
Alliance of Vojvodina Hungarians:	Advocates autonomous status for Vojvodina. Founded in 1993 following split in DZVM. Chair Jozsef Kasza.
Coalition Vojvodina:	Leaders Dragan Veselinov and Nenad Canak.
Democratic Community of Vojvodina Hungarians: (Demokratska zajednica Vojvodjanskih Madjara – DZVM)	Founded in 1990 and supports interests of ethnic Hungarian minority in Vojvodina.
Democratic League of Vojvodina (LSV)	Founded 14 July 1990 President Nenad Canek
Democratic Party of Reformists of Vojvodina	Founded in 1992; President Miodrag Isakov
Vojvodina Coalition (KV)	Formed in 1996 as alliance of several small Vojvodina based political parties. President: Dragan Veselinov
Vojvodina Democratic Opposition:	

MONTENEGRO

Democratic Alliance of Albanians in Montenegro	Chair Mehmed Bardhi
Democratic League of Montenegro	As above, Mehmed Bardhi
Democratic Party of Socialists (DPS):	Name changed from League of Communists of Montenegro in 1991; supports continued federation; division within the party emerged in mid-1997. Chair. Milo Djukanovic.
League of Communists – Movement for Yugoslavia of Montenegro:	Chair Rade Lakusic
Liberal Alliance of Montenegro:	Pro-independence party. Leader Miodrag Zivkovic.
Party of Democratic Action – Montenegro:	Slav Muslim party affiliated to the PDA of Bosnia and Herzegovina. Leader Harun Hadzic.
Peoples Party of Montenegro:	Chair Dragan Soc.
Peoples Socialist Party of Montenegro:	Leader Dusko Jovanovic
Social-Democratic Party of Montenegro (SDP):	Leader Zarko Rakcevic
Socialist People's Party of Montenegro:	Leader Predrag Bulatovic. Pro – Milosevic party.

KOSOVO

Alliance for the Future of Kosovo (AAK)	Party founded by key ex-KLA figure Ramush Haradinaj
Albanian Democratic Movement:	Founded in 1998 by former members of the Democratic Alliance of Kosovo, ethnic Albanian party; Chair Redzep Cosja.
Christian Democratic Party (CDP):	An Albanian party with close links to the LDK. The party is led by Mark Krasniqi, formerly with the Parliamentary Party of Kosovo. The CDP advocates more extreme methods, but has less maximalist aims than the LDK.

Democratic Reform Party of Muslims:	Party of left-wing ethnic Muslims. President Azar Zulji.
Lbd(levizja e Bashkuar Demokratike) – United Democratic Movement Includes the following parties: LDSh(Levizja Demokratike Shqiptare) Albanian Democratic Movement PPK (see below) Albanian Unification Party PUKSh/ UNIKOMB Albanian Liberal Party PLSH Albanian National Party PLSH Greens Albanian Republican Party PLSH	Coalition, headed by Rexhep Qosja - on good terms with KLA and contains many ex-LDK.
LDK (Democratic League of Kosovo aka Democratic Alliance of Kosovo DAK):	Founded December 1989. In September 1991 the party held an unofficial referendum on independence, which had an overwhelming vote in favour. Unofficial elections were held in May 1992 in which the chairman, Dr Ibrahim Rugova was elected President of the Republic (of Kosovo). Rugova has been President of Kosovo since early 2002.
LKCK (Levizja Kombetare per Clirimin e Kosoves) – National Movement for the Liberation of Kosovo	KLA - based party. Radical.
LPK (Levizja Popullore e Kosoves) People's Movement of Kosovo:	Radical party.
PBD (Partia e Bashkimit Demokratik-Democratic Union Party):	KLA - based party but key figures such as Thaci not members
PDK (Democratic Party of Kosovo) Formerly PPDK (Party for a Progressive and Democratic Kosovo):	Party established following the demilitarisation of the KLA, headed by Thaci. Member of Assembly
Parliamentary Party of Kosovo (PPK):	Party with KLA origins.
Party of Democratic Action of Kosovo and Metohija (PDA-KM):	Party of ethnic Muslims affiliated to the PDA of Bosnia and Herzegovina. Chair Numan Balic.

**Central Liberal Party of Kosovo
(PQLK)**

Small party.

**Serbian Democratic Council of
Kosovo**

President Svetozan Grnjic

Serb National Council

Leader Rada Trajkovic

Serb Resistance Movement:

Ethnic Serb group, led by Momcilo Trajkovic.

Turkish Democratic Union:

Parties representing interests of ethnic
Turks.

Turkish Peoples Party of Kosovo:

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ANNEX C PROMINENT PEOPLE

Agani, Fehmi (deceased)	Moderate leader, former Vice President of LDK
Artemije, Radosavljevic	Bishop, Head of Serb Orthodox Church in Kosovo, moderate
Balic, Numan	Bosniac member of Transitional Council (KTC).
Bokan, Dragoslav	Ultra-nationalist politician. Serb paramilitary leader.
Brovina, Flora	Kosovar human rights activist, became presidential candidate for PDK
Buja, Rame	PDK member. Former KLA political directorate and former member of LDK.
Bukoshi, Bujar	Founder member of LDK with Rugova but since have become rivals. Also bitter rivals with KLA.
Bulatovic, Momir	Prime Minister of parallel Government 1991.
Ceku, Agim	Leader of Montenegrin opposition party. Previously President of Montenegro until 1997.
Cosic, Dobrica	Former KLA commander, now heads Kosovo Protection Corps (KPC). Has been cited for war crimes when in Croatian army. Supervised demilitarisation of KLA.
Covic, Nebojsa	Influential Serbian nationalist writer seen as spiritual father of Serbs. President of FRY from 1992-93.
Demaci, Adem	Deputy Prime Minister of Serbia
Djindjic, Zoran (deceased)	Leader of the Parliamentary Party of Kosovo until 1998. Relatively moderate, has been critical of Thaci. Influence declining.
Draskovic, Vuk	Assassinated former Prime Minister of Serbia.
Djukanovic, Milo	Charismatic Serbian opposition leader, now marginalised
Haekkerup, Hans	Prime Minister of Montenegro, former President.
Hajrizi, Mehmet	Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Halimi, Riza	Former LDK leader now in LDSH. Member of Transitional Council.
Holkeri, Harri	Mayor of Presevo and ethnic Albanian political leader
Haradinaj, Ramush	Current UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Haxhiu, Baton	AAK leader, ex-KLA commander.
Hyseni, Hydajet	Editor of newspaper <i>Koha Ditore</i>
Ivanovic, Oliver	Leading figure in LBD
Ivanovic, Milan	Kosovo Povratak member of Kosovo Assembly.
Kavaja, Burhan	Serb "bridgewatcher" leader in Mitrovica
Kostunica, Vojislav	Ethnic Albanian Head of Trepca mine, imprisoned after miners' strike of 1989.
Kosumi, Bajram	Former President of FRY.
Kouchner, Bernard	Leader of PPK, Vice President of AAK.
	Former Special Representative of the UN Secretary General in Kosovo - Head of UNMIK.

Krasniqi, Mark	Leader of Christian Democratic Party.
Lilic, Zoran	Former President of FRY (from 1993-97).
Mahmuti, Bardyl	PDK Secretary for Foreign Relations.
Markovic, Mirjana	Slobodan Milosevic's wife. Was powerful and influential figure. Belgrade university professor.
	Leader of the JUL.
Micic, Natasa	Speaker of the Serbian Assembly, currently acting President
Mihailovic, Dusan	President of New Democracy (ND), Serbian Interior Minister.
Milosevic, Slobodan	Former President of FRY, now on trial by ICTY for a range of charges.
Mladic, Ratko	General Commander of Bosnian Serb Army from 1992. Previously Commander of Knin Corps. Indicted for war crimes.
Morina, Zef	Prominent Christian Democratic Party member.
Qosja, Rexhep	Former leader of LDSh and overall leader of LBD coalition. Former member of Transitional Council (KTC). Former member of Interim Administrative Council, influence declining. Now with PDK.
Rakitic, Slobodan	President of Democratic Movement of Serbia (Depos).
Rexhepi, Bajram	Former mayor of Mitrovica (PDK), now Prime Minister of Kosovo Assembly
Rugova, Ibrahim	LDK founder and President, who advocated peaceful resistance. Principal moderate ethnic Albanian figure in Kosovo. Now President of Kosovo Assembly.
Rev. Sava Janjic	Aka Father Sava and "Cybermonk". Voice of tolerance.
Selimi, Rexhep	Prominent KLA member.
Selimi, Sylejman	Former Commander in chief of the KLA, appointed February 1999
Seselj, Vojislav	Leader of ultra-nationalist Serbian Radical Party. MP in Serbian Parliament. Commanded paramilitary unit during the war.
Shala, Blerim	Editor of magazine "Zeri". Member of KTC.
Shala, Shaban	KPC Commander Zone1.
Shukriu, Edi	Member of LDK presidency.
Solevic, Miroslav	Kosovo Serb activist.
Steiner, Michael	Former UN SRSG for Kosovo, Head of UNMIK
Surroi, Veton	Publisher of "Koha Ditore" newspaper. Politically independent. Founder of the PPK, but has been critical of all parties.
Tahiri, Edita	Close associate of Rugova, key LDK figure.
Thaci, Hashim	Key political leader associated with KLA. Now PDK. Was PM of Provisional Government. Member of Interim Administrative Council.
Trajkovic, Momcilo	Chairman of FRY Committee for Co-operation with

	UNMIK. President of Kosovo Serbian Resistance Movement (SPO) Critic of Milosevic, would like to see cantonisation of Kosovo.
Trajkovic, Rada	Kosovo Serb representative on Interim Administrative Council. Member of Democratic Xion Party of Serbia (PMSS). Former member of Serb Radical Party.
Vllasi, Azem	Ethnic Albanian Kosovo Party leader. jailed in 1989 after Milosevic pledged to arrest him at mass rally. Released in April 1990. No influence.
Vujanovic, Filip	Former Prime Minister of Montenegro, currently acting President
Zivkovic, Zoran	Prime Minister of Serbia

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ANNEX D

DOS
EU
FRY
IAC
ICTY
JIAS
JNA
JUL
KFOR
KLA
KPC
KPS
KTC
KVM
MUP
NATO
NGO
OSCE
PDK
SAM
SDS
SFRY
SPS
SRSG
TMK
UCK
UCPMB
UN
UNHCR
UNIP
UNMIK
UNSCR
VJ

ABBREVIATIONS

Democratic Opposition of Serbia
European Union
Federal Republic of Yugoslavia
Interim Administrative Council
International Criminal Tribunal for the former Yugoslavia
Joint Interim Administration Structure
Former Yugoslavia Peoples' Army
Yugoslav United Left Party
Kosovo Force
Kosovo Liberation Army (aka UCK)
Kosovo Protection Corps
Kosovo Police Force (local police force)
Kosovo Transition Council
Kosovo Verification Mission
Serb Special Police
North Atlantic Treaty Organisation
Non-Governmental Organisations
Organisation for Security and Co-operation in Europe
Democratic Party of Kosovo
Serbia and Montenegro
Serbian Democratic Party
Socialist Federal Republic of Yugoslavia
Socialist Party of Serbia
Special Representative of the (UN) Secretary General
Albanian abbreviation for KPC
Ushtria Clirimtare e Kosoves (Albanian for KLA)
Ushtria Clirimtare e Medvedja, Presheve Bujanovac
United Nations
United Nations High Commissioner for Refugees
United Nations International Police
United Nations Mission in Kosovo
United Nations Security Council Resolution
FRY Army

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ANNEX E

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