

Serbia

The government formed in May 2007 signaled a greater willingness to address accountability for war crimes, although it failed to deliver to justice the most wanted suspect, Ratko Mladic. There was less progress on other human rights issues: the situation of ethnic and religious minorities remains of concern, and independent journalists face threats and violence.

War Crimes Accountability

Serbia improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). The apprehension in May of Bosnian Serb army general Zdravko Tolimir near Bosnia's border with Serbia followed Serbian collaboration with Bosnian authorities and EU peacekeepers in Bosnia. Similar collaboration between Serbia and Montenegrin authorities contributed to the apprehension of former Yugoslav Army general Vlastimir Djordjevic in Budva, Montenegro in June. ICTY Chief Prosecutor Carla Del Ponte positively assessed the two arrests and the government's handover of long-requested files related to ongoing cases, during her visit to Belgrade in June. After reporting a subsequent dip in cooperation, she gave an upbeat assessment in November.

Indicted war crimes suspect and Bosnian Serb general Ratko Mladic remained at large in Serbia, despite repeated commitments from Belgrade that he would be brought to justice.

Prosecutions continued at the ICTY in a number of high-profile cases involving former Yugoslav and Serbian army and government officials, including Dragoljub Ojdanic, Sreten Lukic, Milan Milutinovic, Nikola Sainovic, Nebojsa Pavkovic, and Vladimir Lazarevic. The Serbian public's largely negative perceptions of the institution and its work remain.

The Belgrade War Crimes Chamber continued efforts to create accountability for wartime abuses, despite limited funding, political support, and public awareness of its work. In April the chamber convicted four former members of the “Scorpions” paramilitary unit filmed participating in the 1995 killing of six Bosniaks (Bosnian Muslims), sentencing two to 20 years’ imprisonment and the others to 15 and five years; a fifth defendant was acquitted. The court’s finding that the crimes were an isolated incident, the relatively short sentences, and the acquittal, provoked anger from the relatives of the victims and some nongovernmental organizations. The war crimes prosecutor has appealed against the acquittal and the five-year sentence.

Notable ongoing prosecutions included the “Suva Reka” trial—related to the killing of Kosovo Albanian civilians in 1999—and the “Zvornik” trial, in which former Serbian paramilitaries are charged with the killing of Bosniak civilians in 1992. At this writing around 35 further cases remain in the pretrial or investigative stage, most relating to killings of non-Serbs by Serbs in Bosnia, Croatia, and Kosovo. Significant improvements were made in the field of cooperation with other countries (the joint investigation with Bosnia in the “Zvornik” case being a notable example). There were improvements to witness protection, allowing witnesses to give evidence remotely or with their identities concealed, and to outreach efforts.

In December 2006 the Supreme Court controversially overturned the chamber’s ruling in the “Ovcara” case (in which 14 people were convicted for the 1991 murder of 200 non-Serbs in Vukovar, Croatia), ordering a retrial. In April it affirmed the conviction of Kosovo Albanian Anton Lekaj for the 1999 murder and torture of Roma in Kosovo.

In February 2007 the International Court of Justice rendered judgment in the case of *Bosnia and Herzegovina v. Serbia and Montenegro*, the first-ever ruling on the application of the 1948 Genocide Convention. While finding that Serbia was not directly responsible for genocide during the Bosnian war, the court determined that Serbia was in continuing breach of its obligations under the Genocide Convention to prevent and punish genocide, including by its failure to arrest Ratko Mladic and cooperate fully with the ICTY.

Administration of Justice

There were ongoing reports of political interference in the work of prosecutors. Nevertheless, the verdict in the former Prime Minister Zoran Djindjic assassination trial, delivered on May 23, demonstrated the courage of prosecutors and judges, who managed to bring 12 individuals to justice despite political pressure and threats. Milorad “Legija” Lukovic-Ulemek, the most prominent figure among the accused, was sentenced to 40 years’ imprisonment.

Treatment of Minorities

There was limited progress toward improving the status of the Albanian minority in southern Serbia and Bosniaks in Sandzak, despite Serbia’s welcome ratification of the European Charter of Self-Government in September. Negotiations continued over increasing budgetary control for minority-run municipalities, improving minority input into school curricula, and greater official use of minority languages. In a positive development, textbooks in five minority languages were approved for use in state schools.

Roma continued to face substandard economic and social conditions as well as instances of verbal abuse and physical assault. In August around 100 Serbian Roma were caught crossing illegally into Romania. The group claimed asylum, saying they had fled harassment and ill-treatment in Serbia. In April the Belgrade Municipal Court handed down a six-month suspended sentence to a nightclub doorman for racial discrimination after he denied three Roma access to a club.

More than 30 attacks on religious minorities were recorded during the year. Churches, cemeteries, and religious community centers were damaged or desecrated across Serbia, with Catholic, Jewish, Protestant, and Muslim communities targeted, as well as Jehovah’s Witnesses and Hare Krishna devotees. The Serbian government usually condemned these attacks, and the police opened investigations in most cases, but few led to perpetrators being punished.

Internally Displaced Persons and Refugees

With large numbers of internally displaced persons (around 208,000) and refugees (around 106,000), Serbia has one of the highest proportions of displaced people among its population in Europe. Around 6,000 displaced persons from Bosnia, Croatia, and Kosovo remain in collective centers, often in substandard conditions. IDPs and refugees continue to experience severe problems with obtaining documentation, and accessing housing and employment. Elderly and unaccompanied child IDPs and refugees are particularly vulnerable.

Forced removals of Roma from Western Europe continued, including Kosovo Roma sent to other parts of Serbia, placing a burden on the already limited resources within Roma communities in the absence of any programs to assist forced returnees.

Media Freedom

Independent journalists faced threats and violence. In April a hand grenade exploded outside an apartment of Dejan Anastasijevic from the *Vreme* weekly newspaper. The same month Dinko Gruhonjic from the Beta news agency received death threats from nationalist organization Nacionalni Stroj. In August Stefan Cvetkovic from the radio-TV station TNT received an anonymous death threat. The police opened investigations into these incidents, but at this writing no one has been charged. All three journalists are renowned for their high-quality journalism and willingness to tackle difficult topics, including organized crime. There was no progress in solving earlier murders of journalists, including Slavko Curuvija in 1999 and Milan Pantic in 2001.

Human Rights Defenders

In July neo-Nazis repeatedly attacked young human rights activists from Serbia, Bosnia, and Croatia during a “Caravan of Differences” peace and tolerance festival in Novi Sad. According to the organizers, Youth Initiative for Human Rights, the police failed to provide security despite several requests. In September 2007 President Boris Tadic pardoned a member of the same group, Maja Stojanovic, following her 2005 conviction for unauthorized public display of posters urging Ratko Mladic’s arrest.

Key International Actors

After the ICTY prosecutor's November assessment, European Union Enlargement Commissioner Olli Rehn initialed a Stabilization and Association Agreement (SAA) with Serbia the same month. The EU had resumed the SAA negotiations with Serbia in June after suspending them for over a year because of Belgrade's failure to hand over Ratko Mladic and otherwise to cooperate with the ICTY. The resumption drew criticism from the human rights community as unjustified and premature, given Serbian authorities' continued failure to transfer Mladic to The Hague. The EU indicated that signing of the SAA would still depend on full cooperation with the ICTY, despite some member states arguing for a more lenient approach.

Serbia's admission to the NATO Partnership for Peace program in December 2006 drew criticism for rewarding Serbia while Mladic remained at large. Proponents claimed it would stimulate long-awaited reforms in the army, aimed at introducing more democratic oversight and transparency into the institution.

Russia's veto threat in the United Nations Security Council derailed the UN-backed settlement for Kosovo (see also below). Russia's unqualified support for Serbia's position in the status process, and the scale of its investment helped to cement its renewed influence in Serbia.

Kosovo

Kosovo's final status negotiations overshadowed its bleak human rights situation. Minorities continued to face violence, intimidation, discrimination, and difficulties accessing public services. There was limited progress on the return of displaced persons and refugees to their homes. Weaknesses in the criminal justice system frustrated efforts to create accountability. Elections to the Kosovo Assembly (parliament) took place on November 17. Many Serbs heeded Belgrade's call to boycott.

Protection of Minorities

Roma, Ashkali, and Egyptian (RAE) communities remain the most vulnerable and marginalized in Kosovo. Their political, economic, and social demands were largely

ignored during the final status negotiations. RAE face persistent discrimination, particularly in employment and access to public services, and have the highest unemployment, school drop-out, and mortality rates in the province. Measures to improve their access to education were inadequate.

Violence against minorities continued, although the number of registered cases continued to fall. The decline reflected the geographic separation of communities and the practice of classifying offenses as “regular crimes” before ethnic motivation is determined. In April a bus carrying Kosovo Serbs was stoned in Rudnik, and the same happened to a train in Lipjlan carrying Serbs in August. In March a mortar-grenade was detonated in the vicinity of the Visoki Decani Serbian Orthodox monastery. Six Serbian Orthodox churches and monasteries experienced lesser incidents. Overall, almost 200 inter-ethnic incidents have been registered in 2007 at this writing, most in ethnically mixed locations, with robbery, threats, and assault being most common. The victims were mainly Kosovo Serbs, but Bosniaks, Roma, Croats, and Montenegrins were also affected.

Return of Refugees and Displaced Persons

The number of voluntary returns to Kosovo, including from Serbia, remains small. In the first half of 2007, 308 persons were registered as voluntary returnees.

Internally displaced RAE inside Kosovo are a target group for organized return. Plementina, one of the largest RAE camps in Kosovo, was largely dismantled during 2007, with the majority of its inhabitants moved to newly constructed housing located close to the camp in Obilic municipality. Fifty-seven families returned in September and October from the lead-contaminated area near the Trepca mine to South Mitrovica’s “Roma Mahalla,” the first returns to the area since 1999. While there were no reports of violence against returnees during 2007, those who returned were subject to verbal harassment. Around 800 RAE remain displaced in Kosovo, with thousands more in Serbia.

Forced returns to Kosovo continued. Some 1,900 individuals, around 10 percent of them from RAE communities, have been forcibly returned to Kosovo in 2007 from Western European countries at this writing. They include more than 550 people, the

majority ethnic Albanian, returned from Germany under a 2004 readmission agreement between the UN Interim Administration in Kosovo (UNMIK) and the German government.

UNHCR guidelines indicate that Serbs, Roma, and Albanians risk persecution if returned to areas where they would be in a minority. While the guidelines assess that Ashkali and Egyptians are generally not at risk on return, those subject to forced return are ineligible for international or local assistance, imposing a significant burden on the already limited resources of existing RAE communities. In November the provisional government and UNMIK agreed a draft readmission and reintegration policy covering forced returns to Kosovo. At this writing it awaits parliamentary approval.

Impunity and Access to Justice

Kosovo's criminal justice system remains its weakest governmental institution, despite ongoing reform efforts. Coordination between international and local judges and prosecutors is insufficient, despite attempts to provide mentoring and foster collaboration. Implementation of an electronic case management system remains poor, with court staff reluctant to use it. Oversight by the newly created Kosovo Judicial Council of local judges and prosecutors has improved accountability, but international judges and prosecutors remain answerable only to the special representative of the UN secretary-general (SRSG). The absence of designated judicial police hampers the ability of the Kosovo Police Service to meaningfully assist prosecutors.

Inadequate witness protection has created mistrust and a reluctance to cooperate with prosecutors. Arrangements for protection continue to be made on an ad hoc basis while comprehensive legislation is drafted. Reluctance on the part of Western governments to host witnesses and their families hampers witness relocation. Progress has, however, been made in supplying all regional courts with booths, video links, and other means to disguise the voices and identities of witnesses.

There was belated progress in bringing to justice persons involved in the March 2004 riots. During the first eight months of 2007, 29 defendants were convicted on

charges of arson, looting, inciting racial, religious and ethnic hatred, and assault, in cases managed mainly by international prosecutors. Twelve of the convicted received prison terms ranging from six months to 18 years. One suspect was acquitted. At this writing, seven additional defendants awaited trial.

There was movement on several notorious crimes against minorities. In October the trial of Florim Ejupi, the main suspect in the February 2001 “Nis Express” bus bombing, began in the Pristina District Court. Ejupi is accused of blowing up a bus full of Serbs in Kosovo, killing 10 people and injuring 40. Also in October UNMIK police arrested an ethnic Albanian man suspected of the 1999 killing of 14 Serb farmers in the village of Staro Gracko.

UNMIK’s lack of accountability was highlighted in February when a Romanian police unit, acting under the command of UNMIK police, responded to a violent protest with rubber bullets and teargas, killing two protesters and injuring many others. The UNMIK police commissioner subsequently resigned, but an international investigation led by the UNMIK chief prosecutor was unable to assign criminal responsibility for the deaths. After initially good cooperation, the Romanian police contingent left Kosovo in March while the investigation was ongoing, leading to accusations from the media and local campaigners that their departure had impeded the investigation.

There were concerns around UNMIK’s prosecution of Albin Kurti, leader of the Vetevendosje Self-Determination Movement, for directing the violence at the February protest. Several international and local nongovernmental organizations and the Kosovo Ombudsperson criticized the duration and scope of Albin Kurti’s house arrest, and expressed concerns about possible bias on the part of international judges. In November 2007 the house arrest conditions were significantly relaxed.

In May 2007, After a six-year wait, the Grand Chamber of the European Court of Human Rights ruled inadmissible two cases filed by Kosovo Albanian families against contingents of the NATO-led Kosovo peacekeeping force (KFOR) from France, Norway, and Germany. The Behrami family had sought redress for the death of a child killed by an unexploded cluster bomb in 2000, while Ruzhdi Saramati

challenged his extrajudicial detention by KFOR during 2001-2002. The court reasoned that it lacked jurisdiction because the KFOR troops were operating under a UN mandate and outside the territories of the respondent countries.

The trial of former Kosovo Prime Minister Ramush Haradinaj at the ICTY began in March. Haradinaj had returned to The Hague the previous month for the start of the trial, after spending more than a year on provisional release with the unprecedented ability to engage in political activities. Haradinaj was permitted by UNMIK to top the list of his Alliance for the Future of Kosovo party in the November 2007 elections.

The total number of domestic war crimes prosecutions remained low. In August the war crimes trial of Miroslav Vuckovic resumed in the Mitrovica District Court. Vuckovic is accused of manslaughter, assault, and other crimes against Kosovo Albanians in the town of Suvi Do in 1999. In June Idriz Gashi was sentenced to 15 years' imprisonment in the Pristina District Court for involvement in killing a Kosovo Albanian alleged collaborator with Serbian forces, and in imprisoning and torturing others.

There was little progress in determining the fate of missing persons. As of August 2007, 2,047 persons, the majority Kosovo Albanian, remained missing. All known remains exhumed in Serbia have been transferred to Kosovo.

Human Rights Defenders

Human rights defenders are largely free to operate without hindrance from UNMIK or the provisional government. An arson attack in September on the home of independent journalist Milaim Zeka, known for investigating organized crime, highlighted the potential for violence against those who document abuse, however.

The important work of the Ombudsperson Institution was overshadowed by the continued failure of the Kosovo Assembly to appoint an ombudsperson and uncertainty over its mandate. UNMIK indicated that the institution's old mandate to oversee UNMIK (ostensibly removed in 2006) applies while the institution has an acting ombudsperson. In practice, however, UNMIK's cooperation was limited. The

appointment process was also marred by criticism that the shortlisted candidates lacked human rights experience necessary for the position.

The Human Rights Advisory Panel held its inaugural session in Pristina in November, more than a year-and-a-half after it was first mandated by UNMIK. The body was created to oversee UNMIK following the change in the Ombudsperson's mandate.

Key International Actors

The UN-sponsored status proposal for Kosovo, presented in February, recommended internationally supervised independence with broad guarantees for the rights of the Serb minority. The proposal was removed from Security Council consideration after a Russian veto threat. A "troika" consisting of the EU, the United States, and Russia was created in July to oversee fresh talks between Pristina and Belgrade, with a December 10, 2007 deadline.

Planning continued for an EU-led international mission, including an EU police and justice component, but deployment remained contingent on settlement of Kosovo's status. In the interim, UNMIK continued to act as Kosovo's international administrator under UN Security Council resolution 1244.

In April UNMIK and KFOR facilitated a visit by the Council of Europe Committee for the Prevention of Torture (CPT), permitting access to all detention facilities in Kosovo, including the US KFOR Bondsteel camp.