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U.S. Department of State

Serbia-Montenegro Country Report on Human Rights Practices for 1998

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SERBIA-MONTENEGRO

Serbia--Montenegro, a constitutional republic, is dominated by Federal President Slobodan Milosevic. President Milosevic continues to control the country through his role as President of the Socialist Party of Serbia (SPS)--a dual role arrangement proscribed by the federal Constitution--and his domination of other formal and informal institutions. Although the SPS lacks majorities in both the Federal and Serbian Parliaments, it controls governing coalitions and holds the key administrative positions. The Milosevic regime effectively controls the judiciary and respects the country's legal framework only when it suits the regime's immediate political interests.

Serbia abolished the political autonomy of Kosovo and Vojvodina in 1990, and all significant decisionmaking since that time has been centralized under Milosevic in Belgrade. The Milosevic regime's repressive policies quashed any prospect of interethnic cooperation with Kosovo's ethnic Albanians and led to a full--fledged separatist insurgency that erupted early in the year. The regime undertook a brutal police and military crackdown against separatist insurgents in Kosovo--a crackdown that by some measures resulted in the deaths of about 2,000 persons by year's end, the vast majority of whom were ethnic Albanians.

The international community does not recognize the Federal Republic of Yugoslavia (FRY)--Serbia--Montenegro--as the sole successor state to the former Yugoslavia. Accordingly, the "FRY" still is not permitted to participate in the United Nations (U.N.), the Organization for Security and Cooperation in Europe (OSCE), or other international organizations and financial organizations.

As a key element of his hold on power, President Milosevic effectively controls the Serbian police, a heavily armed force of some 100,000 officers that is responsible for internal security. Serbian police committed numerous serious and systematic human rights abuses.

Despite the suspension of certain U.N. economic sanctions, economic performance was anemic due to the imposition of new sanctions as a response to the situation in Kosovo and the FRY's continued exclusion from international financial institutions. Unemployment and underemployment remained high (about 60 percent), since the Government was unable or unwilling to introduce necessary restructuring measures. The Government failed to implement needed sweeping economic reforms, including privatization, which would help the economy but could undermine the regime's crony system.

The Government's human rights record worsened significantly, and there were problems in many areas. Serbian police committed numerous serious abuses including extrajudicial killings, disappearances, torture, brutal beatings, and arbitrary arrests and detentions. The judicial system is not independent of the Government, suffers from corruption, and does not ensure fair trials. The authorities infringed on citizens' right to privacy. The Government severely restricted freedom of speech and of the press, and used overbearing police intimidation and economic pressure to control tightly the independent press and media. The Government restricted freedom of assembly and association. While under the Constitution citizens have a right to stage peaceful demonstrations, in practice the police seriously beat scores of protesters throughout the republic of Serbia, sending many to hospitals. The Government infringed on freedom of worship by minority religions and restricted freedom of movement. The Milosevic regime used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. In practice citizens cannot exercise the right to change their government. The most recent electoral manipulation by the regime was in the Serbian parliamentary and presidential elections in the fall of 1997. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations was poor. The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY): it failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, failed to issue visas to allow ICTY investigators into Kosovo (and, in the last quarter of the year, even into the rest of Serbia), and failed to transfer or facilitate the surrender to the Tribunal of persons on Serbian territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. Instead, the Milosevic Government openly harbored indicted war criminals--three of whom the Government openly acknowledged were present on Serbian territory--and publicly rejected the Tribunal's jurisdiction over events in Kosovo. Discrimination and violence against women remained serious problems. Discrimination against ethnic Albanians, Muslims, Roma, and other religious and ethnic minorities worsened during the year. Police repression continued to be directed against ethnic minorities, and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population. Police repression also was directed against Muslims in the Sandzak region and other citizens who protested against the Government. The regime limits unions not affiliated with the Government in their attempts to advance worker rights.

Montenegro continued to be the only bright spot in the FRY, although Milosevic's influence threatens to complicate the Republic's efforts at democratization. In January 1998, Milo Djukanovic became Montenegro's President after November 1997 elections judged by international monitors to be free and fair, and his reform coalition won parliamentary elections in May. The Milosevic regime continued a relentless campaign to undermine Djukanovic's popular support, including by refusing to accept his choice of delegates to the upper house of the Federal Parliament; refusing to accept a Montenegrin Government choice for the new Federal Prime Minister; and withholding financial contributions owed to the Montenegrin pension system. Moreover, the Milosevic regime was believed to be behind a violent campaign to wreak havoc at the time of Djukanovic's inauguration. In his effort to crush Montenegrin democratization, Milosevic violated the Federal and Montenegrin Constitutions by persuading the

federal Constitutional Court to review Montenegrin electoral legislation and by using his influence over Federal judges to have Montenegrin legislation declared unconstitutional.

Elements of the Kosovo Liberation Army (KLA, an armed ethnic Albanian group that seeks independence for Kosovo) were also responsible for abuses. They committed killings, were responsible for disappearances, abducted and detained Serbian police, as well as Serb and Albanian civilians (those suspected of loyalty to the Serbian Government), and in a few isolated cases "tried" suspects without due process. There are also credible reports of instances of torture by the KLA.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Political violence, including killings by police, became a significant problem during the year as a result of the conflict in Kosovo (see Section 1.g.). Beginning in the early spring and again throughout the year, Serbian police killed scores of ethnic Albanians often in brutal fashion. In Likosane in early March police entered the family compound of the Ahmeti family, rounded up the male members of the clan plus one acquaintance--12 individuals--and summarily executed them. A few days later, in Donji Prekaz, police surrounded the family compound of Adem Jashari, whom they believed to be well armed and a member of the KLA, and destroyed it. Over 80 persons died in the siege, including women and children.

On May 25, police in Ljubenic entered the compound of the Hamzaj clan and allegedly executed at least five male members of the family. According to witnesses who spoke to the Humanitarian Law Center, police lined up the victims and forced them to strip down to their underpants before killing them. News of the atrocities committed by the police spread rapidly in Kosovo, fed the separatist insurgency, and led to more violence.

Rexhep Bislimi, an activist of the Urosevac chapter of the Pristina--based Council for the Defense of Human Rights and Freedoms, died as a result of injuries inflicted by Serbian security forces while in detention in July. Serbian authorities denied Bislimi's family access to him, both while he was in detention and after he was transferred to Pristina hospital with serious injuries (see Section 4). Three humanitarian aid workers were killed by Serbian mortar fire while trying to deliver food near Kijevo on August 24 (see Section 1.g.).

On September 26 in Gornje Obrinje, Serbian special police allegedly killed 18 members of an ethnic Albanian family, including women and infants. In December Serbian and FRY officials blocked access for a team of independent international forensic experts to the site of the grave where those killed in Gornje Obrinje were buried. On May 31, Serbian security forces attacked the village of Novi Poklek, near Glogovac. Police seized 10 ethnic Albanian men in the raid, one of whom was found dead later that day. The other nine were still missing at year's end and presumed dead. According to eyewitness accounts of international human rights groups, Serbian special police summarily executed 13 ethnic Albanian men in Golubovac on September 26.

The FRY, in contravention of repeated U.N. Security Council Resolutions, denied investigators from the ICTY access to any part of Kosovo, preventing them from undertaking a thorough and independent investigation into these and other atrocities committed in the province that fall under the Tribunal's jurisdiction (see Section 4).

On December 29 the bodies of five Kosovo Albanians were found alongside roads or bridges, two in Prizren, two in Kosovska Mitrovica, and one on the Pec--Decani road. On December 30 a Kosovo Albanian was killed near the village of Dremnjak. By year's end according to credible reports, about 2,000 persons were dead as a result of the conflict in Kosovo, the vast majority of whom were ethnic Albanians. The domestic Pristina--based Council for the Defense of Human Rights and Freedoms reported in late December that the bulk of casualties among ethnic Albanians were unarmed civilians.

According to an international human rights NGO, at least five persons died from abuse in prison during the year in Serbia (see Section 1.c.).

There were reports of many extrajudicial killings by members of the armed ethnic Albanian insurgency, including of several so--called ethnic Albanian "collaborators" and several Serb civilians near one of the strongholds of the KLA in Glodjane in the late summer (see Section 1.g.). Forces alleged to be from the KLA kidnaped and killed the deputy mayor of Kosovo Polje, Zvonko Bojanic, on December 17. According to international observers, two masked persons entered a cafe in Pec during the night of December 14 and began firing at customers. Six Serbs were killed in the attack, and three others were hospitalized. Police identified 14 suspects and arrested 3 between December 15 and 17. In late December, a local police inspector was killed in central Podujevo, an elderly Serb man was shot dead in the village of Obranza, and a Serb janitor was killed in Urosevac, all in circumstances that led to suspicion that the KLA was responsible for the killings.

On December 27, three Roma were found dead in Kosovska Mitrovica. The Roma community reportedly attributed responsibility for the deaths to the KLA. On December 31 a Serb janitor in the Urosevac agricultural school was found dead on the outskirts of town.

b. Disappearance

There were unconfirmed reports of hundreds of disappearances. According to Human Rights Watch, at least a hundred ethnic Albanians disappeared in Kosovo during the worst fighting between February and September, about half of whom were last seen in police custody.

In one instance several corpses were found hastily buried by Serbian forces in a garbage dump near Orahovac in July. There were also reports of mass graves, which Serbian authorities strongly denied. However, Serbian and federal authorities failed to grant investigators from the ICTY access to the gravesites. Among the persons who disappeared was Dr. Hafir Shala, a medical doctor, who was apprehended on April 10 by police near Glogovac, taken to the central police station in Pristina, and never heard from again. The Belgrade--based Humanitarian Law Center documented numerous cases of ethnic Albanians who were apprehended by police over the summer months and were still missing at year's end. Access for international humanitarian organizations such as the International Committee of the Red Cross (ICRC) to those detained was impeded by the Serbian Government throughout most of the year, but slightly improved after October.

The fate of some 136 Serbs and Montenegrins reported missing and presumed to have been abducted by the KLA or other ethnic Albanian insurgent fighters was still unknown at year's end, according to international intergovernmental organizations, based on reports from family members of the missing. Up to 280 Serbs were reported missing throughout the year. Several Serbs reported cases of family members--mostly civilians--taken hostage by separatist fighters and not heard from again, including many reportedly taken after fighting between police and insurgent forces at Orahovac in July. Many of those still missing are believed to have been killed; others are presumed to be still alive. The KLA kidnaped a Serb policeman on November 19 in the Podujevo area; after intervention by the Kosovo

Diplomatic Observer Mission (KDOM) the KLA released the policeman on November 24. International organizations and diplomatic observers had very little success in winning access to those believed to be detained by armed Albanian groups.

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

The law prohibits torture and other cruel forms of punishment; however, Serbian security forces regularly and systematically used torture, beatings in detention, and other forms of abuse against the ethnic Albanian population after fighting erupted in Kosovo early in the year. There were several police roundups in Kosovo during the year of ethnic Albanians charged by the Serb authorities with supporting terrorism. The worst police brutality takes place during the 3 to 4 day period of incommunicado detention allowed by law. According to credible reports, police also used electric shock and sleep deprivation to torture detainees. In one incident, Serbian police took into custody Sokol Rugovci, an ethnic Albanian from Montenegro. According to the Helsinki Committee for Human Rights in Sandzak, when Rugovci admitted during an interrogation that he supported the reform government of Milo Djukanovic, the police used a welding machine to brand "Milo" on his chest. In another incident, police carved a cross on the chest of Arsim Krasnici, an ethnic Albanian, in a Pristina hospital. In another incident, an ethnic Serb woman reported to authorities that police threatened to carve off her genitals because she worked in a Muslim restaurant. One of three policemen involved in the incident was sentenced to 20 days in prison but by year's end had not served his sentence. According to the Center for the Protection of Women and Children in Pristina, Serb security forces reportedly engaged in the rape of Albanian women in Kosovo. Two girls who reportedly were raped by Yugoslav Army members committed suicide near the end of the year (see Section 1.c.). At least five Kosovo Albanian males died in custody during the year--all individuals who were in good health prior to their detention by Serbian police, according to international human rights groups. Evidence of torture in detention is widespread.

Human rights lawyer Destan Rukiqi, who defended dozens of ethnic Albanian political prisoners in Kosovo in recent years, was arrested on July 23 and then severely beaten by the police. On his third day of detention he was beaten with rubber batons on the kidneys and spent 2 weeks on dialysis. On July 30, he was taken from Lipljan prison to Pristina hospital with serious injuries to his kidneys. Rukiqi was sentenced the same day in an expedited procedure to the maximum 60 days in prison for the misdemeanor offense of disturbing public order. His arrest was related to an incident in which he raised his voice to a judge who refused to let him review the case file of his client. Serb authorities denied Rukiqi's wife and his lawyers, as well as diplomatic and human rights observers, access to him in prison and in the hospital. Rukiqi was released on August 22 after 30 days in prison.

Ethnic Albanians continued to suffer at the hands of security forces conducting searches for weapons, ammunition, and explosives. The police, without following proper legal procedures, frequently extract "confessions" during interrogations that routinely include the beating of suspects' feet, hands, genital areas, and sometimes heads. The police use their fists, nightsticks, and occasionally electric shocks. Apparently confident that there would be no reprisals, and in an attempt to intimidate the wider community, police often beat persons in front of their families. There has been virtually no prosecution of those responsible, despite a public commitment from the President of the Government of Serbia in October to do so and despite repeated demands from the international community calling on the Milosevic Government to cooperate in the investigation and prosecution of those responsible. According to various sources, ethnic Albanians are frequently too terrified to ask police to follow proper legal procedures--such as having them provide written notice of witness interrogation. In some cases, Serbian police also used threats and violence against family members of suspects and held them as hostages. Local human rights monitors report that Serbian police threatened and intimidated doctors working in Kosovo to prevent them from treating KLA members. One doctor reported that police entered his private clinic, held him at gunpoint, and threatened him for treating suspected terrorists. According to Albanian

and foreign observers, the worst abuses aga