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## 1999 Country Reports on Human Rights Practices

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### SERBIA-MONTENEGRO

Serbia-Montenegro is dominated by Slobodan Milosevic, who continues to control the country through his role as President of the Federal Republic of Yugoslavia (FRY) and more importantly, as President of the Socialist Party of Serbia (SPS)--a dual 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. Since federal authority is exercised effectively only over the Republic of Serbia, and even there, not in Kosovo, the human rights situations in Montenegro and Kosovo are dealt with in separate annexes following this report. 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, in all but name, the political autonomy of Kosovo and Vojvodina in 1990; all significant decisionmaking since that time until 1999 had been centralized under the Milosevic regime in Belgrade. Starting in 1998, republic authorities in Montenegro clearly began to increase their efforts to assert their authority incrementally in Montenegro. Milosevic's control over Kosovo ceased in June 1999, when it came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK). The Milosevic regime's oppressive policies toward Kosovo's ethnic Albanians quashed any prospect of interethnic cooperation and subsequently led to a full-fledged separatist insurgency that erupted in early 1998. In response the regime undertook a brutal police and military crackdown against the separatist insurgents and civilian population in Kosovo. After talks in February and March 1999 in Rambouillet failed to resolve the matter diplomatically, Serbian forces continued a full-fledged campaign of ethnic cleansing against civilians and forced 850,000 Kosovar Albanians to flee the province, and hundreds of thousands of Kosovar Albanians were internally displaced. NATO forces began an air campaign against the Serbian forces and regime on March 24. The NATO campaign succeeded, forcing Milosevic to withdraw his troops from Kosovo in early June and allowing refugees and displaced persons to return to Kosovo.

The international community does not recognize the FRY--Serbia-Montenegro--as the sole successor state to the former Yugoslavia. Accordingly, the "FRY" still is not permitted to take the Yugoslavia seat in the U.N. or to participate 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. Milosevic effectively has destroyed the constitutional role of the Supreme Defense Council, essentially establishing himself as commander-in-chief of the Yugoslav Army (VJ), which also was employed in the brutal campaign prosecuted against the citizens of Kosovo. Serbian police and military forces committed numerous serious and systematic human rights abuses, especially in Kosovo.

Economic performance was anemic as a result of general inefficiency in the economy, corruption, and continued resistance to reform and privatization, the imposition of strengthened international sanctions in response to the situation in Kosovo, the country's increased pariah status following the conflict, its continued exclusion from international financial institutions, and the damage inflicted on infrastructure during the conflict with the international community. Unemployment and underemployment remained high, reaching at least 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 could help the economy but also could undermine the regime's crony system.

The Government's poor human rights record worsened significantly, and there were serious problems in many areas. In practice citizens cannot exercise the right to change their government. Serbian police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, rape, arbitrary arrest and detention in Kosovo. Impunity for those who commit human rights abuses remains a serious problem. The judicial system is not independent of the Government, suffers from corruption, and does not ensure fair trials. The authorities infringed on citizens' privacy rights. 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. Most journalists practice self-censorship. The Government restricted freedom of assembly and association. While under the Constitution citizens have a right to stage peaceful demonstrations, in practice police seriously beat scores of democratic opposition 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 has used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. 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 Government routinely hindered the activities of human rights groups. 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 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 regime 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. In May Milosevic and four top lieutenants were indicted by the ICTY in connection with the regime's brutal campaign against the citizens of Kosovo. Violence and discrimination against women remained serious problems. Discrimination and violence 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. There was some child labor and the country served as a transit point for trafficking in women and girls.

## **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 thousands of killings by police, became a significant problem in the first 6 months of the year as a result of the conflict in Kosovo (see Sections 1.a. and 1.g. in Kosovo annex). In addition instances of apparently politically motivated killings occurred in central Serbia. In April Slavko Curuvija, the publisher of the independent Belgrade-based tabloid, Dnevni Telegraph and the news biweekly Evropljanin was murdered outside his apartment by unidentified assailants. On October 3, a suspicious accident occurred involving a car transporting prominent Serbian opposition politician Vuk Draskovic. Draskovic's Serbian Renewal Movement claimed credibly that the incident was an attempt on his life by the regime. Although Draskovic sustained only minor injuries, Draskovic's brother-in-law Veselin Boskovic, director of the Belgrade Directorate for Construction, and three of Draskovic's bodyguards died in the crash.

VJ troops in Montenegro committed extrajudicial killings (see Section 1.a. in Montenegro annex).

According to an international human rights NGO, at least five persons died from abuse in prison during 1998 in Serbia. The number of deaths from prison abuse during the year was probably significantly higher.

The Federal Government, in contravention of repeated U.N. Security Council resolutions, denied investigators from the ICTY access to any part of Kosovo during the first 6 months of the year and prevented them from undertaking a thorough and independent investigation into atrocities committed in Kosovo during 1998 and the first half of 1999, which fall under the Tribunal's jurisdiction (see Section 4).

In November a Serb police car hit a land mine near the Serbian side of the border with Kosovo, resulting in three deaths and leaving six persons injured. In the border region near Kursumlija since June, there were 16 attacks attributed to Kosovo Liberation Army members (KLA) or ethnic Albanians, who killed 6 persons (including the 3 policemen)

and wounded 7 others.

b. Disappearance

There were reports of thousands of disappearances of individuals from Kosovo during the first six months of the year (see Section 1.b. of Kosovo annex). Thousands of Kosovar Albanians reportedly were incarcerated in prisons in Central Serbia during and following the conflict in Kosovo. Federal and Serbian government authorities have not cooperated fully with efforts to account for the missing or allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities, but have released some prisoners in return for cash payments from relatives. However, the ICRC was allowed to visit more than 1,600 prisoners.

VJ troops in Montenegro abducted Kosovar refugees (see Section 1.b. in Montenegro annex).

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

The law prohibits torture and other cruel forms of punishment; however, Serbian security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens, especially the ethnic Albanian population in Kosovo during the first 6 months of the year. Serb security forces engaged in rape of Albanian women in Kosovo (see Section 1.c. of Kosovo annex). Aside from the brutal conduct of security forces against the Albanian Kosovar community, the worst police brutality takes place during the 3 to 4 day period of incommunicado detention allowed by law. At least five men died in custody in 1998--all individuals who were in good health prior to their detention by Serbian police, according to international human rights groups. It is likely that the number of deaths in custody during the year was much higher. Evidence of torture in detention is widespread.

In the first half of the year, in addition to and prior to the regime's brutal campaign of ethnic cleansing, 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 extracted "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. According to various sources, while Kosovo remained under Serbian control, ethnic Albanians frequently were 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 (see Section 1.c. of Kosovo annex).

On July 6, police beat and used tear gas on some 2,000 protesters who assembled at a police station in Leskovac to call for Milosevic's resignation and the release of a local television broadcaster, Ivan Novkovic. Novkovic was detained for broadcasting allegations of corruption against a regional official and for urging protests that occurred on July 6 and drew some 20,000 participants (see Section 2.b.). According to media

reports on July 8, Leskovac district governor Zivojin Stefanovic threatened a human rights activist with a gun, and police detained the activist's brother, who had organized the demonstrations (see Section 1.d.).

On September 29, riot police in Belgrade used batons and water cannons to disperse some 30,000 demonstrators who were calling for greater democracy in the country. Dozens of demonstrators, and several journalists were injured. Reportedly cameramen for international news agencies were beaten and their cameras were destroyed. After 8 days of peaceful protests, police used force after demonstrators started marching toward the Dedinje district, where Milosevic's residence and office are located. According to the Interior Ministry, "hooligans" attacked police officers with bricks, stones, and sticks and injured five officers. Police subsequently arrested several members of the opposition Social Democratic Party in their Belgrade offices, along with other activists (see Section 2.b.).

On September 30, Belgrade police again used force against antigovernment protesters. According to press reports, some 50,000 persons demonstrated, and police beat protesters and injured some 30 persons, including a 7-year-old girl, as they tried to disperse the crowd. According to an official government statement, "hooligans" attacked police officers with stones, bricks, and glass bottles, and police arrested some 21 persons.

On October 13, police officers in Belgrade rushed into a crowd of demonstrators and beat three persons, including a photographer for a foreign news agency. According to press reports, police officers beat a few other persons when a small scuffle broke out.

On October 14, riot police beat some 10 protestors in Nis, who had gathered along a street in Nis along which buses full of SPS supporters were to pass. The SPS supporters came to Nis to listen to Serbian President Milutinovic, who was reopening a bridge that was damaged by NATO air strikes. Reportedly one protestor was taken away in an ambulance.

On October 13, some 30 young men attacked antigovernment protestors in Belgrade and injured at least 5 of them. Some 100 protestors had gathered in front of a Belgrade hotel, when a few cars stopped, and young men jumped out of the cars and started beating and kicking the protestors.

On October 17, a leader of the opposition Democratic Party in Valjevo reported that a bomb exploded on the balcony of his home and damaged the entrance to the house.

Prior to the conflict with NATO, prison conditions met minimum international standards. Nevertheless, according to human rights monitors based in Belgrade, prison conditions are deteriorating, in part due to declining state resources. There were few confirmed reports of the abuse of prisoners once they were sentenced and serving time. The vast majority of cases of torture occur before detainees are charged with offenses or during the period between the filing of charges and the commencement of the trial.

Although the Government generally had permitted prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access was poor for much of the year, although it improved slightly after the conflict. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar

Albanians--perhaps several thousand--whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end. The Government acknowledged that it held as many as 1,900 Kosovar Albanians in Serbian jails, most of whom were transferred there from Kosovo in early June before NATO's arrival in the province. The 1,900 ethnic Albanians, some 200 of whom were released by year's end, were being held in 13 facilities, and all of them were visited by the ICRC at least once during the year.

#### d. Arbitrary Arrest, Detention, or Exile

Police use of arbitrary arrest and detention was concentrated primarily in Kosovo and, to a lesser degree, in Sandzak. Serbian police often apply certain laws only against ethnic minorities and used force with relative impunity. Sandzak Muslims as well as Kosovo Albanians were subjected to trumped up or exaggerated charges, ranging from unlawful possession of firearms to willfully undermining the country's territorial integrity (see Section 1.d. of Kosovo annex).

Laws regarding conspiracy, threats to the integrity of the Government, and state secrets are so vague as to allow easy abuse by the regime. Two Australian aid workers for Care International and a local employee were charged with spying in April. Following their convictions and after serving part of their sentences, the Australians were released in the fall and the local employee was released in December. The case was widely regarded as an attempt by the Government to coerce the Government of Australia to withdraw its support for the NATO bombing campaign.

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention up to 6 months.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the state security service and rarely questioned their accounts of the investigation--even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on trumped up charges.

Dozens of foreign journalists who were reporting on the beginning of NATO airstrikes in March were detained by authorities, had their operations shut down, and were deported (see Section 2.a.).

In July local television broadcaster Ivan Novkovic was detained in Leskovac for

broadcasting allegations of corruption involving a district official and encouraging citizen protests which occurred on July 6 and drew some 20,000 participants (see Section 2.b.). Pavic Obradovic, the brother of Social Democracy leader Vuk Obradovic, was detained briefly in connection with the protest.

On July 1 police in Novi Sad arrested four members of the opposition League of Social Democrats of Vojvodina. The four were distributing leaflets calling on residents to participate in a demonstration in Uzice on July 2.

On July 1, the Office of the Military Prosecutor issued a warrant for the arrest of Democratic Party leader Zoran Djindjic for not responding to the draft call during the Kosovo conflict. Djindjic instead went into hiding in Montenegro. In early July Djindjic returned to Belgrade, and in August military prosecutors dropped the draft evasion charges against him. Also in July, a military court in Uzice sentenced Goran Vesic, a Democratic Party activist and Belgrade city councilman, to 2 years in prison for evading the draft and for high treason. Vesic denied that he had received a draft notice.

On July 8, following several days of protests against the government in Leskovac, police detained one of the protest's organizers (see Sections 1.c. and 2.b.). On July 15, a Leskovac court continued proceedings against nine participants in an antigovernment protest. The nine were charged with allegedly damaging the home of a pro-Milosevic official during a recent demonstration.

After police used force against antigovernment protesters in Belgrade on September 29, police detained several members of the Social Democratic Party, including Pavic Obradovic, as well as other opposition activist (see Sections 1.c. and 2.b.).

In December police arrested Teki Bokoshi, an ethnic Albanian defense attorney, who is defending many Kosovar Albanians detained in Serbian prisons. Bokoshi was arrested as he was traveling back to Belgrade after visiting clients in Sremska Mitrovica.

VJ troops in Montenegro detained Kosovar refugees and journalists (see Section 1.d. in Montenegro annex).

An estimated 1,900 to as many as 7,000 prisoners from Kosovo still are detained in prisons in Serbia. Following the conflict, the ICRC, the only international organization with access to Serbian prisons, was able to secure the release of 166 Kosovar Albanian prisoners on June 27 and 54 prisoners on October 4.

Exile is not permitted legally, and no instances of its use are known to have occurred. However, the authorities attempted to ethnically cleanse Kosovo of its ethnic Albanian population in the mass expulsion of citizens during the spring campaign, during which authorities confiscated the identity documents of citizens who fled the province to the Former Yugoslav Republic of Macedonia (FYROM) and Albania. Also, the practical effect of police repression in Kosovo and Sandzak has been to accentuate political instability, which in turn has limited economic opportunity. As a result, many ethnic Albanians and Bosniak Muslims went abroad to escape persecution even before the outbreak of hostilities. In only a few cases could direct links to police actions be identified.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely are controlled by the Government and rarely challenge the will of the state security apparatus. Judicial corruption is also widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny fair public trial to non-Serbs and persons whom they believe oppose the regime. The fraud that followed the November 1996 municipal elections was perpetrated mainly through the regime's misuse of the judicial system.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic supreme court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Although generally respected in form, defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedure, which they believed undermined their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints.

The Government continues to pursue cases previously brought against targeted minority groups under the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities--that is, undermining the "constitutional order." Most of the cases involved alleged violations under the Federal Penal Code's Article 136 related to "association to conduct enemy activity, or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these charges (see Section 1.d.). Among the most prominent is the case of Dr. Flora Brovina of Pristina, who was transferred from Kosovo to Nis in early July, tried and convicted on such charges, and in December sentenced to 12 years of incarceration.

Generally, the evidence in such cases was inadequate, and the defendants largely were denied timely access to their attorneys. In Kosovo in the first 6 months of the year, Serb judges in the municipal and district court system reportedly lacked impartiality in trying ethnic Albanian defendants and much evidence appeared to have been obtained by authorities through forced confessions of defendants under duress (see Section 1.e. of Kosovo annex).

Many legal scholars have expressed concern over the Act on Lawyers, passed in July 1998, which they believe restricted the freedoms of lawyers and interfered with the independence of lawyers in their dealings with clients. They believed that the law gives too much authority to the lawyers' chambers--both at the republic and federal levels--which the Helsinki Committee alleges would enable the regime to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law also enabled the regime to interfere with the lawyer-client relationship, which, even during the Communist era, was upheld to a greater degree.

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the regime, easily removed if they do not cooperate.

The Government continues to hold some ethnic Albanians as political prisoners, with estimates ranging from 1,900 to 7,000.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that routinely is abused. It is widely believed that authorities monitor opposition and dissident activity, eavesdrop on conversations, read mail, and wiretap telephones. Access to international e-mail has been granted exclusively to one server, a company controlled by an associate of President Milosevic's. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

Although the law includes restrictions on searches, officials often ignored them. In Kosovo, prior to the establishment of U.N. authority over the province, and in Sandzak, Serbian police systematically subjected ethnic Albanians and Muslims to random searches of their homes, vehicles, shops, and offices. Police explained their actions by asserting that they were searching for weapons. The police carried out scores of such raids on homes, including in areas not affected by the fighting. Police used threats and violence against family members of suspects (see Section 1.c.).

Serbian security forces systematically destroyed entire villages in Kosovo by burning and shelling houses, contaminating water wells, and killing livestock (see Section 1.g. of Kosovo annex).

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly

conscripted youths (see Section 1.f. of Montenegro annex). Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in the FRY's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to the FRY their cases would be reviewed on a "case-by-case" basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases FRY officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The conflict in Kosovo placed civilian populations on both sides of the ethnic divide in an unusually vulnerable position. The excessive and indiscriminate use of force by Serbian police forces and the Yugoslav Army resulted in widespread civilian casualties, and the mass forced displacement of up to 1.3 million persons (see Section 1.g. in Kosovo annex).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and the Press

Federal law provides for freedom of speech and of the press; however, the Serbian and Federal Governments severely restricted this right in practice. During the year, the Milosevic regime continued its unprecedented repression of these freedoms that it began in 1998.

The regime cracked down on the independent media. On April 11, Slavko Curuvija, the publisher of Dnevi Telegraf, was shot and killed by unidentified gunmen outside his apartment building (see Section 1.a.). He had been harassed numerous times by Serbian authorities during the preceding months; his newspaper had been fined in March, and he had been sentenced to 5 months in jail for refusing to pay the fine, although he was still waiting for the results of his appeal at the time of his murder. Several days before his murder, a commentary that was broadcast on state television attacked Curuvija and accused him of supporting NATO's bombing of Serbia. The newspaper was closed down following Curuvija's death.

The federal and Serbian authorities' efforts at intimidation also spread to Montenegro, where Miodrag Perovic, head of the independent weekly Monitor and Antenna M Radio, went into hiding in April to avoid capture by the VJ. Radio Free Montenegro head Nebojsa Redzic also went into hiding in May. The army had issued warrants for both men's arrests.

On September 29, police in Belgrade beat and injured several journalists who were reporting on antigovernment protests. Cameramen for international news agencies were beaten and their cameras were destroyed. Dozens of foreign journalists who were

reporting on the beginning of NATO airstrikes in March were detained by authorities, had their operations shut down, and were deported.

In July police in Cacak confiscated a tape recording made by a correspondent for Radio Free Europe/Radio Liberty. The journalist was covering opposition activities in the town.

The Serbian Government issued a decree in October 1998 that effectively allowed press censorship. The decree reflected a recognition of the threat to the regime of the free flow of information and ideas on issues related to the situation in Kosovo and the possibility--at that time--of a conflict with NATO. In October 1998, it later passed a new information law, which incorporated many of the decree's strict provisions and left the country's independent media severely constrained. Under the law, private citizens or organizations can bring suit against media outlets for printing materials not sufficiently patriotic, or "against the territorial integrity, sovereignty, and independence of the country." Media outlets also can be fined for publishing items of a personal nature without the consent of the individual concerned (an apparent reference to political cartoons). The rebroadcast of foreign news programs, including from the British Broadcasting Corporation and the Voice of America, was banned. Media outlets whose practices do not conform to the new law may be subjected to exorbitant fines, which must be paid within a 24-hour period. For example, Radio Pancevo was fined the dinar equivalent of nearly \$40,000 for "use of state owned frequencies" in July. The station was known for its factual, if cautious, reporting on the war in Kosovo. In March authorities fined the newspapers Glas Javnosti, Danas, and Blic a total of some \$45,000 (Din 770,000) for publishing a statement by the Belgrade city "shadow government" which accused the city's cultural secretary of responsibility for a decline in the city's cultural institutions. On September 11, a court fined Cacanski Glas \$13,500 (Din 350,000) on criminal charges for an article which reported the charges made by opposition leader Vuk Draskovic against a local financial official. The official concerned earlier won some \$22,600 in damages in a civil suit against Cacanski Glas.

In June, the FRY Parliament passed an amendment to the Law on the Yugoslav Army that granted the Minister of Defense "broad powers" over information and telecommunications for "the needs of defense." The amendment relaxed somewhat the level of control over the media, but nevertheless envisioned the Government's ability to sanction media that do not serve "the needs of reconstruction." During the "State of War," the Serbian Information Ministry and a special military Office for Information and Morale sought to control editorial content and commentary by providing the media with regular guidance that included "approved adjectives" and terms for use in the printed media. Special censors were deployed to printing houses to ensure compliance with guidance.

In January authorities took control of the only regular economic publication in Serbia, Ekonomaska Politika, by installing a government-approved editor and announcing that it would be a part of the Borba publishing house. To protest the takeover, 11 of the 15 staff members of the magazine left and launched a new economic weekly.

Television and radio stations, including the independent city radio in Nis and STV Negotin, remained shut down during the year, as a result of the regime's manipulation of confusing regulations governing frequency allocations. Radio Contact in Pristina was shut down through June while Kosovo was still under Serbian government administration. The deliberate vagueness of the relevant laws often is utilized to penalize independent electronic media outlets. Radio and television stations are harassed bureaucratically

according to their political orientations. Instead of obtaining long-term licenses to broadcast, stations receive only 1-year temporary licenses, if they receive a license at all. The bureaucratic procedures are so difficult that stations frequently cannot fulfill all of the requirements--leaving them at the mercy of the regime. For example, under current law, to obtain a license to broadcast, a station must obtain the approval of a government "construction inspector" for its office space. However, to obtain a construction inspector's approval, a station needs a broadcast license. In June VK Radio in Kikinda was closed down twice in 3 days. Serbian police gave a number of implausible explanations for the closures.

In addition to license issuance problems, those stations that do obtain licenses are forced to pay exorbitantly high fees, the nonpayment of which is enforced selectively by Serbian authorities to close down those stations that do not adhere to the Government's line. In January in the city of Cacak, which is controlled by an opposition mayor and city council, TV Cacak was shut down, even though the station operators claimed that they had paid for all licenses and fees. There is speculation that authorities closed the station because it was rebroadcasting satellite programming from Montenegro, which was funded by European Union (EU) countries. However, an attempt to confiscate the station's equipment was thwarted by an angry group of Cacak residents. The station resumed operations in the fall.

Although there were some independent television and radio stations operating throughout the country, their broadcasts typically could not be received beyond the major cities. The only network covering the entire country is the Serbian State Television and Radio Network RTS. An estimated one-third of the population of Serbia only receives RTS, the official voice of President Milosevic. When the NATO campaign started in March, the Milosevic regime took additional steps to close down any remaining independent stations that refused to fall in line with progovernment programming. B92, the main source of independent news in Belgrade since its founding in 1989, was shut down in late March. Police detained B92 editor in chief Veran Matic for questioning and confiscated some of the station's broadcasting equipment. It went back on the air on April 13, but under new, pro-Milosevic management. As a result, the entire staff walked out and worked in subsequent months to establish a new radio station. The new station (renamed B292 since the government-backed B92 still was operating) now broadcasts out of Studio B, which is run by the opposition party controlled city government of Belgrade. Prior to the start of the NATO bombing campaign in March, the general manager of Soko TV in Soko Banja was sentenced to 12 months in jail for displaying a B92 logo on the station's door. Novi Sad Radio 021 was shut down in April.

According to independent media sources, most journalists practice self-censorship in an effort to avoid a violation under the media law. Journalists had been informed that printing anything that was not true--even an advertisement or a death announcement--could be punished under the information law. One independent newspaper reported in 1998 that it was publishing half as many articles as usual out of fear of punishment. The weekly Zrenjanin decided not to report public statements after it was sued in 1998 for publishing false statements made at a press conference, since such comments cannot be verified easily.

In January Dejan Anastasijevic, a well-respected journalist for the independent weekly Vreme, was brought into a preliminary hearing in a criminal court. His crime was

allegedly "misinforming" the public in a March 1998 article about the Likosane Massacre in Kosovo.

In July a court issued orders for two journalists for Dnevi Telegraf to report to jail to begin their 5-month sentences for a December 1998 article they wrote which linked a Serbian deputy prime minister to a murder. The two originally had been sentenced in March.

Throughout the year, Serbian police systematically intimidated printing houses to prevent them from printing independent newspapers. According to the editor of the independent newspaper Glas Javnosti, authorities shut down the newspaper in the fall after it printed a pamphlet entitled, "Changes," which was distributed at antigovernment protests in Belgrade which began on September 21. The newspaper was published again on October 4, after a 2-day ban by authorities. However, the authorities' harassment of the independent newspaper continued with an investigation by the state financial police. The Ministry of Information also sued publisher Slavoljub Kacarevic of ABC Grafika (which publishes Glas Javnosti) for printing the pamphlet without the Ministry's permission.

VJ troops in Montenegro sought to restrict press freedom (see Section 2.a. in Montenegro annex).

Montenegrin newspaper publishers not friendly to the Belgrade regime frequently had their newspapers removed from trains and buses entering Serbia (see Section 2.d.).

In May 1998, the Serbian Parliament passed the new Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors--in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students, who were a mainstay of the antigovernment protests of 1996-97. According to the Belgrade Center for Human Rights, some 22 professors were fired and 30 were suspended after the law went into effect for refusing to sign new contracts. In January unknown persons sent threatening letters and made death threats to six student activists and one professor at Belgrade University. The students took part in a series of student protests that took place in 1996 and evidently prompted the crackdown by the Government. In July the Serbian Ministry of Education began prohibiting students from Montenegro from enrolling at Belgrade University, where they traditionally have gone for higher education. Instead, the university began to give preference for admission to Serb soldiers returning from Kosovo and their families.

On November 9, police used force to disperse an antigovernment demonstration organized by the student opposition movement Otpor in Belgrade and injured some 50 demonstrators.

#### b. Freedom of Peaceful Assembly and Association

Federal and republic level Constitutions provide for freedom of peaceful assembly and association; however, the Serbian and Federal Governments restrict this right. The Government imposed a state of war on the republic at the start of the conflict in March and lifted it on June 26. However, an edict prohibiting gatherings and demonstrations remained in force and was applied stringently by the security forces.

Serb refugees from Kosovo demonstrated in Belgrade on June 21. Authorities sentenced two leaders of the demonstration to 30 days in jail. Authorities detained four opposition activists in Novi Sad on July 2 for handing out leaflets advertising an antigovernment rally. The activists were part of the League of Social Democrats of Vojvodina, who were planning a demonstration as part of a series of anti-Milosevic rallies that week. Police in Uzice banned an antigovernment demonstration on July 6 and used force to prevent the erection of a sound system. However, demonstrators overwhelmed the police and succeeded in setting up speakers. On July 6, police beat and used tear gas on some 2,000 protesters who had assembled at a police station in Leskovac to call for Milosevic's resignation and the release of a local television broadcaster, Ivan Novkovic. Novkovic was detained and sentenced to 30 days' imprisonment for broadcasting allegations of corruption against a local official and inciting rebellion in connection with his urging citizen protests that resulted a July 6 rally with some 20,000 participants. Police in Cacak banned an opposition demonstration that was planned for July 29 and claimed that the organizers did not provide the proper paperwork; the organizers went ahead with the demonstration anyway.

After the conflict in Kosovo ended, democratic opposition groups became more vocal and organized a series of demonstrations in major cities throughout Serbia. Fueled by discontent over Serbia's defeat in the Kosovo conflict, the Alliance for Change, a coalition of democratic opposition parties, organized rallies demanding elections and Milosevic's resignation. The first major rally was held on August 19 in Belgrade, with 100,000 participants. In September additional rallies were held, which continued for weeks. Security forces were deployed to numerous locations and reportedly used force to disperse the crowds and block the demonstrators' advance, especially during the September 29, September 30, and October 13 demonstrations (see Section 1.c.). There were also reports of police openly beating correspondents attempting to cover the demonstrations. Police arrested 21 protestors on September 30. Police in Nis also beat antigovernment protesters on October 14. Police also blocked the path of protestors in Belgrade on October 4 and October 6. The Federal and republic level Constitutions provide for freedom of association; however, the Serbian and Federal Governments restricted this right. Prior to the most recent Serbian elections, in the fall of 1997, officials blocked the Coalition Sandzak leader, Dr. Rasim Ljajic, from forming an alliance with the Kosovo-based Democratic Reform Party of Muslims, a move that protected regime candidates from additional competition. c. Freedom of Religion

The law in both the FRY and Serbia provides for freedom of religion; however, in practice both the Government and the legal system provide very little protection for the religious rights of minority groups.

There is no state religion, but the Milosevic regime gives preferential treatment, including access to state-run television for major religious events, to the Serbian Orthodox Church to which the majority of Serbs belong. The regime subjected religious communities in Kosovo to harassment (see Section 2.c. in Kosovo annex).

Tensions between the Church elders and the Milosevic regime intensified during the year, as religious leaders such as Bishop Artemije repeatedly opposed Serbian government policies and called for reconciliation with ethnic Albanians. In early June, the Holy Synod of Bishops called for the resignation of President Milosevic and his Government, while at the same time asking for the protection of Serb citizens and holy sites in Kosovo. In late

June, Patriarch Pavle criticized the Government and its actions even further, saying that its policies were criminal.

A new piece of republic legislation to regulate the actions of religious communities is reported to be under consideration, but it has not yet been published. The Minister of Religious Affairs Milovan Radovanic was quoted as saying, "through its agencies the State needs to prevent the activity of destructive and totalitarian religious sects, diverse psycho-organizations, commercial cults, and other organizations with asocial influence on the society and family." Observers believe that this law could provide the pretext of legitimacy for the regime to impose even harsher restrictions on the practice of other religions besides the Serbian Orthodox Church.

Police repression continued to be directed against ethnic and religious 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. Refugees reported that mosques and religious sites were attacked or destroyed by Serbian forces in at least 21 villages and towns in Kosovo in the spring. Religious sites also served as shelter for ethnic Albanians during the conflict. On March 28, 200 ethnic Albanians who had sought sanctuary in the Albanian Catholic Church of Pec were removed and forced by MUP forces to leave town (see Section 2.c. in Kosovo annex).

The Serbian Government made no progress in the restitution of property that belonged to the Jewish community, despite President Milosevic's promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property.

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

The Constitution provides for freedom of movement; however, the Federal and Serbian Governments restrict this right in practice. The FRY Government makes passports available to most citizens; however, the authorities have barred FRY citizens from reentering the country. The Milosevic regime continued to restrict the right of Kosovar Albanians in the first 6 months of the year, and of Sandzak Muslims, to travel by holding up the issuance or renewal of passports for an unusually long period of time. It also reserves the option of prosecuting individuals charged previously with violating exit visa requirements (see Section 2.d. in Kosovo annex).

Citizens reported difficulties at borders and the occasional confiscation of their passports. Ethnic Albanians, Sandzak Muslims, and Vojvodina Croats frequently complained of harassment at border crossings. Sandzak Muslims were detained routinely on their arrival at local airports. There were reports in March that authorities prevented several buses of Sandzak Muslims seeking refuge in Bosnia and Herzegovina from leaving the country. Sandzak Muslims who crossed the border with Bosnia and Herzegovina by car reported that they had to pay approximately \$165 (DM 300) to border guards in order to be permitted to leave the country. Starting in March police at bus stations and borders prevented men between the ages of 16 and 50 from leaving the country since they were subject to military service. There were numerous reports that border guards confiscated foreign currency or passports from travelers, as well as occasional complaints of physical

mistreatment. The authorities generally allowed political opposition leaders to leave the country and return. FRY embassies overseas generally are considered to apply a double standard in issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than members of ethnic minorities.

VJ troops in Montenegro restricted freedom of movement (see Section 2.d. in Montenegro annex).

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in the FRY, leaving them in a stateless limbo.

The FRY Government has been very slow to issue passports to refugees. This is a particular problem for asylum-seeking parents. For example, German authorities issue such children born in Germany a document certifying their birth. FRY officials in Germany refuse to issue passports to such children. When these asylum seekers who have been refused in Germany return to the FRY with their children, the children travel on the basis of this document. FRY authorities take the paper at the port of entry and issue a receipt for it. Then the children have no documentation in a country where documentation is a basic requirement. In January 1997, a new citizenship law entered into force, which, when fully implemented, is expected to affect adversely the rights of many inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who migrated to other countries to work or seek asylum.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the new law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their FRY citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim. In violation of the Dayton Accords, Muslims from Sandzak frequently have been harassed on attempting to reenter Serbia after visits to Sarajevo or elsewhere in the Federation entity of Bosnia and Herzegovina.

As part of its campaign to undermine the reform government in Montenegro, the Milosevic regime also implemented a commercial blockade against the FRY's junior republic, a direct violation of the FRY Constitution's protection of the free flow of goods. Businesses frequently had their goods confiscated without cause by Serbian police. Newspaper publishers not friendly to the regime frequently had their papers removed from trains and buses entering Serbia (see Section 2.a.).

The FRY Government cooperated to a large extent with the Office of the U.N. High Commissioner for Refugees (UNHCR) in assisting (predominantly Serb) refugees who fled to the FRY from neighboring Croatia and Bosnia-Herzegovina.

The Government generally cooperates with the UNHCR. There were no reports of the forced return of persons to a country where they feared persecution during the year.

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

Federal and Serbian Constitutions provide for this right; however, in practice citizens in Serbia are prevented from exercising it by the Milosevic regime's domination of the mass media and manipulation of the electoral process. Through its control of the purse strings of the Serbian republic, the regime sought to undermine the effectiveness of the opposition leadership of most major cities.

The most recent Serbian elections, held in the fall of 1997, were flawed seriously. According to a 1998 study by the Belgrade-based Center for Free Elections and Democracy, both rounds of the Serbian presidential elections in September and December 1997 involved widespread fraud. In the latter campaign, the Center estimated that 500,000 votes were stolen to give the victory for the Serbian presidency to Milosevic ally Milan Milutinovic. Several disaffected SRS members charged in the fall of 1998 that the Milosevic regime had extracted mandates from the Radical Party of Serbia in exchange for giving the Radical Party a role in the Government.

Earlier, in July 1997, the regime gerrymandered electoral districts to smooth the way for candidates in the ruling coalition, expanding the number of districts in Serbia from 9 to 29. Most opposition politicians charged that changes in the election law, including the redrawing of districts, were designed specifically to favor the ruling party. The redistricting was one factor that compelled a number of opposition parties to boycott the last Serbian elections.

A key figure in the fraud that followed the November 1996 municipal elections, which was perpetrated mainly through the regime's misuse of the judicial system, was the president of the First Belgrade Municipal Court Dragoljub Jankovic, who currently is serving as the Serbian Justice Minister. Despite the Montenegrin Government's legal rights under the FRY Constitution, federal authorities under Milosevic's control by year's end had not recognized the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the speaker of the upper house, were not changed to reflect the results of Montenegrin elections. Moreover, in violation of past practice, in which Montenegrin republic authorities had played a major role in identifying the federal prime minister, in 1998 Milosevic installed Momir Bulatovic as Federal Prime Minister and ignored the Montenegrin Government's wish to have some voice in who was picked for this key position in the Federal power structure.

No legal restrictions exist on women's participation in government and politics, and women are active in political organizations; however, they are underrepresented greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. An exception is the controversial Mira Markovic, wife of Federal President Milosevic. She is the leading force in the neo-Communist Yugoslav Left Party (JUL), through which she exerts extraordinary and disproportionate influence on policy makers.

No legal restrictions affect the role of minorities in government and politics, but they are

underrepresented, and ethnic Serbs and Montenegrins dominate the country's political leadership. Few members of other ethnic groups play any role at the top levels of government or the state-run economy. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in Serbian elections in 1997. They have virtually no representation in the Serbian republic and FRY government structures.

Ethnic Albanians' refusal to participate in FRY and Serbian elections had the practical effect of increasing the political influence of President Milosevic and his supporters. Ultrationalist parties, including Milosevic's coalition partner the Radical Party of Serbia, also took advantage of the ethnic Albanian boycott to garner representation beyond their numbers.

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

The Government formally maintains that it has no objection to international organizations conducting human rights investigations on its territory. However, the Serbian regime routinely hindered the activities of and regularly rejected the findings of human rights groups. With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and Center for Antiwar Action researches human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In Kosovo the Council for the Defense of Human Rights and Freedoms (CDHRF) collects and collates data on human rights abuses and publishes newsletters. A number of reliable international human rights monitors reported that one worker of the CDHRF was missing at year's end, and that all the organization's workers were harassed routinely and severely, and were distrusted by Serbian authorities during the first 6 months of the year (see Section 4 in Kosovo annex). In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Local human rights monitors (Serbs as well as members of ethnic minorities) and NGO's worked under difficult circumstances.

Prior to the commencement of hostilities, a number of independent human rights organizations operated in the FRY, including in Kosovo, researching and gathering information on abuses, and publicizing such cases. The Pristina-based Helsinki Committee was active in monitoring human rights abuses in Kosovo and cooperated with similar organizations based in Belgrade.

NGO's reported blockages to the delivery of humanitarian commodities to and throughout Kosovo prior to the outbreak of hostilities with the international community in March.

The Mother Teresa Society, a local humanitarian aid NGO, reported consistent harassment and detention of its staff while Serbian authorities administered the province.

ICRC officials complained in 1998 of difficulties in securing access to detainees. However, by year's end ICRC officials reported that access to detainees improved and the organization was able to facilitate the return to Kosovo of some 200 ethnic Albanian prisoners who had been removed from Kosovo after hostilities ceased (see Section 1.d.).

During Serbian government administration of Kosovo, several NGO's and international organizations reported that they were experiencing unacceptable delays of up to a month or more in obtaining Serbian government approval of visas for international humanitarian aid workers for Kosovo.

In October 1998, the Government agreed to the establishment of the OSCE Kosovo Verification Mission (KVM). By the start of the year, the KVM had expanded to several hundred international verifiers, including human rights personnel, who verified civilian aspects of implementation of U.N. Security Council Resolution (UNSCR) 1199. However, when the situation in Kosovo further deteriorated in early spring, the KVM pulled its verifiers out of the province on March 19. Subsequently, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict (see Section 4 in Kosovo annex).

As a signatory of the 1995 Dayton Accords that ended the war in Bosnia and Herzegovina, Serbia-Montenegro is obliged to cooperate fully with the ICTY by turning over to the Tribunal the persons on its territory, who were indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. Nevertheless, the Milosevic regime repeatedly has ignored the ICTY's orders to transfer indicted war criminals known to be living in Serbia, in open defiance of the U.N. Security Council, which created the Tribunal. Not only is Milosevic himself an indicted war criminal as a result of events in Kosovo, but in the 6 years since the Tribunal was established, the Milosevic regime has yet to transfer one Serbian or Bosnian Serb under indictment to the Hague. Some of those indicted live openly in Serbia, and others travel freely in and out of Serbia. It is widely believed that Ratko Mladic, indicted by the Tribunal in 1995 for his command and responsible role in crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war committed during the conflict in Bosnia and Herzegovina, continues to travel in and out of the country.

In addition to the continued violation of its obligations under repeated U.N. Security Council resolutions and its commitments under the Dayton Accords, the Milosevic regime's brutal crackdown in Kosovo prompted calls for the ICTY to conduct investigations into alleged atrocities committed there. The ICTY's jurisdiction is delineated clearly under UNSCR 827 of 1993 and many subsequent resolutions. Nevertheless, the Government also has rejected publicly the Tribunal's mandate in Kosovo and obstructed all efforts by the ICTY to investigate allegations of crimes in Kosovo. The Milosevic regime remained uncooperative, claiming that the violence in Kosovo does not constitute an "armed conflict."

The Milosevic Government's Federal Ministry of Foreign Affairs denied entry visas to investigators from the ICTY who wished to conduct impartial investigations into allegations of atrocities committed by Serbian forces and Albanian paramilitary groups in

Kosovo.

As a result of their actions in Bosnia-Herzegovina and Kosovo, on May 26 the ICTY formally indicted as war criminals President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vljako Stojiljkovic.

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

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

#### Women

The traditionally high level of domestic violence persisted. 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. Few victims of spousal abuse ever file complaints with the authorities. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia. Similar initiatives exist in Kosovo.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. 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 little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgment.

#### Children

The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. Economic distress has spilled over into both the educational system and the health care system, adversely affecting children.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of

society in general was replicated to the detriment of the children.

In late 1998, international observers reported multiple incidents of police being stationed near schools in Kosovo. Albanian villagers had claimed that they were intimidated by the police presence and that consequently children would not return to those schools. Such incidents continued until hostilities escalated in March, effectively disrupting the parallel educational system. Ethnic minorities in some cases fear Serb state-run medical facilities, which results in a low rate of immunization and a reluctance to seek timely medical attention (see Section 5 of Kosovo annex).

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There is no societal pattern of abuse of children.

#### People With Disabilities

Facilities for persons with disabilities are inadequate, but the Government made some effort to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

#### Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable. Serious discrimination against, and harassment of, religious minorities continued, especially in Kosovo and Serbian Sandzak (see Section 5 of Kosovo annex). There were several reported incidents of violence against the Catholic minority in Vojvodina, largely made up of ethnic Hungarians and a smaller Croat community.

#### National/Racial/Ethnic Minorities

Ethnic Albanians in Kosovo and Muslims in central Serbia continued to be driven from their homes, often forcibly, or fired from their jobs on the basis of religion or ethnicity. Other ethnic minorities, including ethnic Hungarians in Vojvodina, also allege discrimination. Vojvodina Croats reported no progress during the year on their demand for separate curriculums in the schools or programs in the media in the Croatian language. However, an hour was set aside for programs in Croatian on the local radio station, Radio Subotica. Vojvodina Hungarians reported that the Government was eroding the principle of minority language education during the year, by banning foreign books and moving Hungarian schools far from the Hungarian population.

The Romani population generally is tolerated, and there is no official discrimination. Roma have the right to vote, and there are two small Romani parties in Serbia. However, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community. Skinheads and police occasionally violently attacked Roma (see Section 1.c.).

#### Section 6 Worker Rights

#### a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to enable countrywide strikes. The independent unions also claim that the Government prevents effective recruiting through a number of tactics, which include preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions. Some foreign union organizers managed to secure visas during the year after long delays.

The largely splintered approach of the independent unions left them little to show in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but did not lead any strikes in 1999 and focused instead on political action campaigns aimed at raising workers' political awareness. The official union lost credibility with some of its members because it ultimately accommodated the Government's position on these strikes.

The ability of unions to affiliate internationally remains constrained.

#### b. The Right to Organize and Bargain Collectively

While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions tend to be very narrow and pragmatic in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers' militancy.

The Government still is seeking to develop free trade zones.

#### c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution.

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

The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls trafficked through, from, and to the country for the purpose of forced prostitution (see Section 6.c.).

#### e. Acceptable Conditions of Work

Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately \$15 (Din 250 to 500). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$50 (Din 700 to 1,200). The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be \$120 (Din 2,150) per month. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

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

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

#### f. Trafficking in Persons

There is little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There are laws that could be used to prosecute traffickers, although apparently there is little government interest in addressing the problem. Belgrade was becoming a transit point, and to a lesser extent, a destination point for trafficking in women and girls. Reportedly women from Russia and Ukraine are trafficked to the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked on to other countries.

## KOSOVO

Serbia abolished the political autonomy of Kosovo in 1990, and all significant decisionmaking since that time until June was centralized under Milosevic in Belgrade. Kosovo, came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK) in June following the NATO campaign in Kosovo, which began on March 24. U.N. Security Council Resolution 1244 upheld FRY sovereignty over Kosovo, but it also called for "substantial autonomy and meaningful self-administration for Kosovo." Although the peace settlement respects FRY territorial integrity, the Milosevic regime had no authority in the province after June 10. Dr. Bernard Kouchner, the Special Representative of the U.N. Secretary-General, became the chief administrator of UNMIK. Within UNMIK, the OSCE was given the responsibility for institution-building, democracy-building, and human rights. At year's end, there were also two other local ethnic Albanian established shadow governments operating in Kosovo, neither of which were recognized by the U.N. The leader of the "provisional government" and former political head of the Kosovo Liberation Army was Hashim Thaqi; Dr. Ibrahim Rugova headed the Democratic League of Kosovo (LDK) and was named the "President" of the self-proclaimed "Republic of Kosova" after shadow elections in 1991. The LDK also dominated the unofficial parliament. Plans for UNMIK-sponsored elections were being developed at year's end. The laws of the FRY and the republic of Serbia initially were in effect, but because the local population did not recognize the legitimacy of the laws, UNMIK temporarily adopted the 1989 code. UNMIK was working with local judges to develop a new legal code. UNMIK created and operates an independent judiciary, which is experiencing delays due to difficulties finding proper staff and establishing facilities.

Until June police and military forces under Milosevic maintained internal security. Beginning in mid-June, troops from all 19 NATO countries plus 16 non-NATO countries that make up the Kosovo Force (KFOR), the peacekeeping force in charge of maintaining internal security and defense against external threats in the province. The 45,000-member force also assists UNMIK's multinational civilian police corps in its role as uniformed and criminal police. By year's end, approximately 1,900 of the 4,718 UNMIK police officers authorized for the task were serving in the province. Half of KFOR's available manpower is committed to protecting the public, including protecting ethnic minorities, and some KFOR troops are devoted primarily to border monitoring activities. Public safety is also a key task for KFOR. On September 6, the Kosovo Police Academy, run by the OSCE, began training a class of local police officers in Vucitrn. On September 19, KFOR helped to establish the Kosovo Protection Corps, a multiethnic civil emergency service agency that includes a significant number of former KLA members. The civilian authorities maintain effective control of the security forces.

The economy was in poor condition even before the NATO airstrikes, because of mismanagement by federal and Serbian authorities, which had seized control of all major economic assets. Armed conflict in the province in the first 6 months of the year resulted in massive destruction of property, including economic enterprises. According to various sources, unemployment among the predominately ethnic Albanian population was estimated at between 40 and 75 percent, and much higher among the Serb and Romani minorities. The instability of the region, coupled with the destruction of property records and a weak legal and regulatory framework, created an uncertain investment climate, which has deterred investors from injecting much needed capital into the province. International organizations are establishing programs to improve the infrastructure and to

make the weak economy more viable. The economy before the conflict had a substantial agrarian sector, which continues to support a large percentage of the population. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprises. Agricultural production and food processing are also important. Leading exports were energy, refined metals, and agricultural products. Remittances from relatives abroad and foreign aid are important sources of national income. A gray economy, which is widely believed to be involved in illicit activities, also was significant. While no gross domestic product estimates are available, the population has a low standard of living.

In the first 6 months of the year, the Serbian Government's extremely poor human rights record in the province worsened significantly, and there were serious problems in many areas. In practice citizens could not exercise the right to change their government. Serbian police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, rape, and arbitrary arrest and detention. Impunity for those who committed human rights abuses remained a serious problem. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. The authorities infringed on citizens' privacy rights. 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. Most journalists practiced self-censorship. 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. Ethnic Albanians chose not to participate in government institutions, and in practice authorities excluded them from participating in government institutions. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations was poor. The Government routinely hindered the activities of human rights groups. The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Violence and discrimination against women remained serious problems. Discrimination and violence against ethnic Albanians, Muslims, and religious and ethnic minorities worsened during the first 6 months of 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. The regime limited unions not affiliated with the Government in their attempts to advance worker rights. There was some child labor and the province served as a transit point for trafficking in women and girls.

In the last half of the year, UNMIK adhered to international human rights standards in its operations; however, some problems remained due to lingering interethnic tension. Lengthy pretrial detention was a problem, as were long delays in trials due to difficulties finding proper staff and establishing facilities. The judiciary was subject to outside influence. Violence and discrimination against women remained serious problems. Societal violence and discrimination against ethnic Serbs and Roma worsened significantly during the last 6 months of the year. Over 300 civilians were killed and over 1,000 cases of arson reported, beginning in June. Societal discrimination also targeted Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the war. An estimated 100,000 Serbs and Roma left the province, fleeing for elsewhere in Serbia or to other countries. Trafficking in women and girls was a serious problem.

There were reports that former and active KLA members committed abuses even after the withdrawal of the VJ in June, including killings, disappearances, torture, rape, and arbitrary detention.

## 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, was a common occurrence during the first 6 months of the year as a result of the conflict in Kosovo (see Section 1.g.). Serbian forces killed up to 10,000 mostly male ethnic Albanians, often in brutal fashion. Reports by international observers of the atrocities committed by Serbian forces prompted an international response in the form of NATO airstrikes beginning on March 24. According to a report released by the OSCE in December, the Serbian security forces' massive assault on the Kosovo Albanian population was of such a scale as to "appear directed by strategy not breakdown in command and control."

On January 15, Ministry of Interior police officers killed 45 ethnic Albanian civilians in Racak. According to the OSCE KVM, the killings occurred in such a way that they could not be attributed to Serbian security forces' efforts to bring KLA insurgents under control. Neither the federal nor the Serbian authorities brought charges against the Ministry of Interior (MUP) police officers involved in the massacres, and Serbian officials claimed that the ethnic Albanians had "died in combat."

Starting in mid-January, the OSCE KVM reported regular cases of killings of ethnic Albanians taking place, mostly in the rural areas of the province until mid-March, when Serbian forces reportedly intensified their campaign to include more densely populated areas like Pristina and Mitrovica. Refugees provided accounts of summary executions and mass graves at about 500 sites throughout the province. According to the OSCE, the majority of killings that occurred after NATO airstrikes began in March were carried out by a mixture of VJ troops, police officers, and paramilitaries, sometimes in cooperation with armed Serb civilians. Reports indicate that a common practice employed by Serb forces was to order unarmed ethnic Albanian men to run away and then to shoot them; in this way, the murders could be portrayed as collateral casualties of military operations. Survivors reported that Serbian forces burned bodies exhumed from mass graves in an apparent attempt to destroy forensic evidence of war crimes (see Section 1.b.).

There were numerous deaths in custody in the first 6 months of the year. For example, on March 8 a Serbian traffic policeman stopped the car of a 20-year-old ethnic Albanian man in Pristina, forcibly removed the young man from his car, and took him to Police Station Number 92. Serbian police officers informed the young man's relatives that he would be released in a few hours; however the man's father who was waiting at the police station learned the next day that his son's body had been found with 33 bullet wounds in Kosovo Polje. An eyewitness reported seeing the young man's car with numerous bullet holes parked near Police Station Number 92.

In addition to random executions, Serbian authorities appear to have targeted Kosovar intellectuals, professionals, and leaders. In January Enver Maloku, the head of the LDK's

Kosovo Information Center, was shot outside his home by three unknown assailants who immediately fled the scene. In May Fehmi Agani, who was a lead negotiator for the ethnic Albanian delegation at Rambouillet, was taken into custody by Serbian police. Although there are conflicting reports as to the precise circumstances of his death, it generally is agreed that he was killed by Serb security forces. The state-run Tanjug news agency blamed the death on KLA extremists, claiming that they wanted to prevent additional negotiations between the regime and the Kosovar Albanians. Few in the international community believe this version, and many have called for an international investigation into the murder.

Virtually no town or settlement escaped the effects of Milosevic's campaign of ethnic cleansing, with reports of dozens, if not hundreds of civilians being murdered in each town.

Serbian forces killed as many as 500 ethnic Albanians in Bela Crkva by March 28. This included some 46 unarmed ethnic Albanians, 8 men over the age of 60, and a 13-year-old boy, who were killed by Serbian forces on March 25. On that date, Serbian forces started shelling the village, separated the men from the women and children fleeing the village, forced the men to strip and walk into a river, where they were shot in the back. Some 16 men survived by hiding in the cold river for several hours amidst the corpses. On March 28, Serbian forces forced ethnic Albanians in Kosovo Polje into their homes and then threw hand grenades inside; civilians also were burned alive in their homes. In Djakovica Kosovar Albanians were warned to leave by March 29. Of those remaining, over 300 ethnic Albanians were executed. Some 270 Kosovar Albanians in Izbica were killed beginning in mid-March, with their bodies, which reportedly bore signs of torture, then burned. In late March, in the adjacent villages of Velika Krusa and Mala Krusa, 150 to 160 ethnic Albanian men who had gathered near a mosque after being removed from their homes and separated from their families, were shot and then burned, in an apparent attempt to conceal evidence. On March 30, the village of Orlate was set on fire after Serb forces executed 200 of the ethnic Albanian men there. In Pusto Selo Serbian forces executed 106 men on March 31. On April 17, Serbian forces attacked the village of Staro Cikatovo and killed 23 ethnic Albanian men from the Morina family; another 4 men were missing and presumed dead. Witnesses claimed that Serbian forces also killed dozens of ethnic Albanian detainees at the mine in Staro Cikatovo. Also on April 17, a single Serb police officer or paramilitary member forced at least 47 persons from the ethnic Albanian Muqolli family into one room and shot them. The exact number who died is unknown, although at least 23 children under the age of 15 were killed. On April 27, Serbian forces separated at least 100 ethnic Albanian men between the ages of 16 and 60 from a refugee convoy passing through Meja and killed them. In early May, refugees arriving from Studime described their relatives being killed, with their eyes gouged out and their noses cut off.

On February 21, the president of the Mother Teresa Society branch in General Jankovic and his son were killed in front of their house by unknown assailants.

The FRY, in contravention of repeated U.N. Security Council resolutions, denied investigators from the ICTY access to any part of Kosovo in the first 6 months of the year, preventing them from undertaking a thorough and independent investigation into these and other atrocities under the Tribunal's jurisdiction that were committed in the province in 1998-99 (see Section 4).

An unknown number of persons died from abuse in prison during the first 6 months of the year (see Section 1.c.).

There were reports of many extrajudicial killings by members of the KLA, including of so-called ethnic Albanian "collaborators" and Serb civilians.

KROR and UNMIK detained some individuals suspected of war crimes in Kosovo. At year's end, UNMIK was considering setting up a special tribunal in the province with international judges to try certain war crimes.

Following the VJ withdrawal in June, UNMIK estimates that an average of 20 to 30 murders took place each week, down from a high of 114 murders per week in early June. By late November, according to UNMIK, relatively few murders took place each week. In the 6-week period of June 12 through July 26, NATO reported that 198 murders took place. By mid-November, 379 persons had been murdered since NATO's arrival, including 135 Serbs and 145 ethnic Albanians. Many of the murders were ethnically motivated, both by Albanians killing Serbs, and Serbs killing Albanians; however, there were also many criminally and other non-ethnically motivated murders. Unconfirmed reports described uniformed KLA members, as well as non-uniformed individuals claiming to be acting in the name of the KLA, carrying out these killings.

On June 19, three ethnic Serb men in Belo Polje, near Pec, were shot point blank in the head. Witnesses reported that 10 uniformed KLA members entered the village in the early evening and executed the 3 men. One other Serb was injured and taken to a hospital. Ethnic Albanian villagers claimed that the men had belonged to a paramilitary Serb gang responsible for burning ethnic Albanian homes in the village. However, Serb residents denied the charges.

In another high profile instance of continuing ethnic violence after the U.N. assumed responsibility for administering Kosovo, 14 Serbs were found murdered on July 23 in a field near their village of Malo Gracko, in the Lipljan municipality. They had been shot at close range. KFOR detained four suspects the following week.

On June 24, KFOR found the bodies of three Serbs in the economics department at Pristina University. A professor, guard, and cafeteria manager all had been beaten badly.

There were reports on June 25 of the deaths of several elderly Serbs in their homes.

On June 29, unknown persons killed four Serb civilians near Rahovec.

On July 27, one man and one woman were killed in Zitinje when their car was hit by gunfire.

On September 25, ethnic Albanians attacked a trailer carrying 12 Serbs near Kamenica, which left 1 person dead and 4 persons injured.

On September 28, two grenades exploded in a Serb market area in Bresje. Three elderly Serbs were killed instantly, while 46 others suffered minor or critical injuries. KFOR arrested two ethnic Albanians suspected of the crime. The incident resulted in both Serbs and ethnic Albanians staging demonstrations and roadblocks, which impeded

transportation lines until KFOR disbanded the groups. (See Section 2.b.)

On October 11, Valentin Krumov, a Bulgarian national assigned to UNMIK was beaten and shot in the head in a pedestrian area by angry ethnic Albanians. Krumov, accompanied by two fellow U.N. staff members, was followed by a group of five or six teenaged Albanians, before he was asked for the time. When Krumov responded in Serbian, the group proceeded to beat and kick him. Finally a shot was fired at Krumov's head, killing him instantly. The U.N. investigated the incident but had not made any arrests by year's end.

On October 16, one man was killed and one woman was wounded in a drive-by shooting in Pristina, while under the protection of UNMIK police. Witnesses reported seeing two unidentified gunmen in a vehicle not bearing license plates fire the shots. The woman was hospitalized in critical condition with a bullet lodged in her back. Both victims were Serbs.

On November 29 during ethnic Albanian celebrations of the Albanian National Day in Pristina, a crowd blocked the car of three Serb civilians, set it on fire, and beat the Serbs as they escaped from the vehicle while hundreds of bystanders watched. Someone in the crowd shot and killed the 62-year-old Serb man. His 78-year-old mother-in-law was in a coma, had all of her ribs on her left side broken, and her lung and spleen ruptured; his 50-year-old wife suffered a broken arm, dislocated shoulder, five broken ribs, punctured lungs, and a concussion. UNMIK had one person in custody in connection with this attack at year's end.

#### b. Disappearance

There were unconfirmed reports of hundreds of disappearances before the start of NATO airstrikes in March. During the airstrikes, that number rose into the thousands, as military-aged ethnic Albanian men were separated from women and children and taken to unknown destinations. Serb forces kidnaped and raped numerous women (see Section 1.c.).

Following the NATO campaign in Kosovo, UNMIK and KFOR gained access to the province and began a systematic process of locating, identifying, and exhuming the hundreds of mass graves thought to exist there. The ICTY, which has received reports of some 11,000 killed, had identified a total of 529 sites by October and exhumed a total of 2,108 bodies at one-third of the mass grave sites, including one on the outskirts of Pristina, containing up to 200 bodies, one containing 150 bodies in Drenica in April, and one found in early July in Nogavac, with 130 corpses in it. Other mass gravesites were found recently emptied of their contents. Witnesses reported that some villagers were forced to dig up remains from mass graves and then rebury them in individual graves, while other corpses were burned, in order to destroy evidence of mass executions. Moving bodies from mass graves to individual graves has impeded the location of execution sites and hampered the ability of forensic investigators to discriminate between "regular" graves and graves containing massacre victims. In April Serbian forces killed ethnic Albanian civilians in a field near Izbica. After the killings, local ethnic Albanians buried the victims in individual graves. In early June, Serbian forces during their retreat from the province destroyed the graves of their victims. According to ethnic Albanian reports, Serbian forces in Lipljan, probably in early May, exhumed the bodies of ethnic Albanians

who had been killed on April 18. After moving the bodies to a building in the village, Serbian forces reportedly ordered the surviving family members to rebury them in individual graves. Serbian forces exhumed the bodies of at least 50 ethnic Albanians in Glogovac and transported the bodies to the nearby village of Cikatovo on May 15, according to refugee reports. The bodies then were reburied in individual graves. Ethnic Albanians reported in mid-June that Serbian police excavated bodies from a mass grave in Kacanik and moved them to a local cemetery. Residents indicated that the bodies might be those persons who were killed by Serbian police in early April.

UNMIK authorities developed a systematic method of identifying, exhuming, and cataloging the hundreds of mass gravesites discovered in the province after the war. These graves contain thousands of bodies of ethnic Albanian civilians who were reported missing and presumed dead in 1998 and the first half of the year. Serbian security forces were responsible for those disappearances. A number of reliable international human rights monitors reported that one worker of the Council for the Defense of Human Rights and Freedoms was missing at year's end (see Section 4).

Dozens of persons were reported missing in the weeks following the war. It is likely that many were victims of retaliatory acts committed by ethnic Albanians. The Serbian Orthodox Church reported that 30 Serbs disappeared from the Pec area since mid-June, and one Serbian Orthodox priest was abducted by the KLA. On June 29, 19 Serbs were reported missing from the Serb part of Orahovac.

The fate of hundreds of 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. 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 in the first 6 months of the year. Many of those missing are believed to have been killed.

#### 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 in the first 6 months of the year. In that period, the VJ, MUP, and paramilitary groups combined to carry out a pattern of abuse that involved intimidation, harassment, assault, pillage, and shellings. Ethnic Albanians were told to leave their villages under threat of death, often loaded onto buses or trains with their travel papers confiscated, and sent to the border, where a new round of assault, rape, and robbery would take place. Serb security forces raped ethnic Albanian women and girls. There were police roundups of ethnic Albanians charged by Serbian authorities with supporting terrorism. Within the criminal justice system, the worst police brutality took place during the 3- to 4-day period of incommunicado detention allowed by law. At least five Albanian males died in custody during 1998 and the number of deaths in custody during the first 6 months of the year is believed to be significantly higher. Evidence of torture in detention is widespread.

Refugee accounts describe incidents of torture that included maiming, mutilation of the dead, electric shock, throat cutting, eye gouging, beating on the genitals, cutting off of the breasts, nose, fingers, hands, and feet, and carving Serbian nationalist symbols onto parts

of the body. The refugees also told of the dead being mutilated.

The U.N. Population Fund reports that a large number of ethnic Albanian women were subjected to illegal confinement, rape, and other forms of torture in the first 6 months of the year. Organized and individual rape of ethnic Albanian women by Serbian forces was widespread in the first half of the year. Kidnapings and mass rapes occurred in Djakovica, Pec, and Drenica, where soldiers rounded up groups of 5 to 30 women in trucks and took them to unknown places. In Pec the Hotel Karagac was used as a mass rape site, while in Djakovica, an army camp was used. Numerous ethnic Albanians claim that during raids by Serbian forces on their villages, young women were gang raped in homes and on the sides of roads. There were also reports of Serbian forces removing young women and girls from refugee convoys and raping them. Women were raped by soldiers for periods of time ranging from hours to days, with victims bearing lacerations on their chests, arms, and legs. There were reports of Serbian forces raping ethnic Albanian women and girls in front of family members, and ethnic Albanian men who interfered or women who tried to escape were killed.

During one incident of a mass rape in Berlenitz, while some women and girls were being raped, other pregnant women had their stomachs cut open with knives, with the fetuses then being skewered by the soldiers' knives. Young boys present had their throats slit after their ears and noses were cut off.

Police assaulted, intimidated, harassed, and extorted money from ethnic Albanians during the first 6 months of the year (see Section 2.d.).

Ethnic Albanians continued to suffer at the hands of security forces conducting searches for weapons, ammunition, and explosives early in the year. The police, without following proper legal procedures, frequently extracted "confessions" during interrogations that routinely included the beating of suspects' feet, hands, genital areas, or heads. The police used 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 was virtually no prosecution by Serbian authorities of those responsible, despite a public commitment from the President of the Government of Serbia in 1998 to do so and despite repeated demands from the international community calling on the Milosevic regime to cooperate in the investigation and prosecution of those responsible. According to various sources, ethnic Albanians were 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 reported that Serbian police threatened and intimidated doctors working in the province to prevent them from treating KLA members. According to ethnic Albanian and foreign observers, the worst abuses against ethnic Albanians took place not in big towns but in rural enclaves--a pattern which, according to many observers, increased separatist sentiment and provided the basis for the strong support for the KLA in these areas.

NGO's reported police searches of NGO vehicles. Harassment, detention, and violence against aid workers also were reported during the first 6 months of the year. A number of reliable international human rights monitors reported that all of the Council for the Defense of Human Rights and Freedoms workers were harassed routinely and severely by

Serbian authorities in the first 6 months of the year (see Section 4).

In a country where many of the adult males are armed, the Serbian Government and police, especially prior to the outbreak of hostilities with NATO in late March, continued to enforce selectively the laws regulating the possession and registration of firearms so as to harass and intimidate ethnic minorities, particularly ethnic Albanians. The most frequent justification given for searches of homes and arrests was the illegal possession of weapons. Observers allege that in Kosovo the police used the pretext of searching for weapons when in fact they also were searching for hard currency. During the period of Serbian administration of Kosovo, it was reported that local police authorities more easily approved the registration of legal weapons for Serbs in the province and frequently deliberately ignored Serbs' possession of illegal weapons. In fact, the Serbian police in some cases reportedly actively promoted the arming of local Serb civilians.

In Cirez 20,000 ethnic Albanians reportedly were used as human shields against NATO bombings. In Klina 500 civilians were used as shields in fighting against KLA forces on March 28. In early April, as many as 700 men were used as human shields in Orahovac, where they were forced to stand in front of tanks with their hands tied behind their backs.

The Yugoslav Constitution expressly prohibits torture or inhuman treatment by the Government, and UNMIK sought to enforce this provision during the latter half of the year; however, after the introduction of U.N. authority in the province in June, there continued to be frequent reports of civilians attacking and abusing members of another ethnicity.

According to Human Rights Watch, after the withdrawal of Serbian forces, KLA members tortured ethnic Serbs, ethnic Albanians suspected of collaborating with the Serb authorities, and Roma, including beatings of elderly ethnic Serbs. KFOR found a torture chamber in a KLA dormitory in late August, which contained weapons, ammunition, explosives, and booby traps.

According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women, but there is not sufficient evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks.

There were reports in the second half of the year of KLA self-appointed local administrators restricting the political rights of other parties in regions of Kosovo. KLA representatives allegedly threatened, harassed, and beat LDK members in Prizren and Gnjilane. In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed.

On June 15 a Serbian paramilitary member leaving Gjilan threw a grenade from his car at a group of ethnic Albanian civilians; 13 were injured including several children.

On September 25, ethnic Albanians attacked a trailer carrying 12 Serbs near Kamenica, which left 1 person dead and 4 persons injured. On the same day, a Serb couple was pulled from their vehicle in the western part of the province and beaten by an ethnic Albanian.

Prison conditions meet international standards. However, prison conditions have deteriorated in recent years. There were few confirmed reports of abuse of prisoners by Serbian authorities once they were sentenced and serving time. The vast majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial.

Prior to hostilities, the Serbian Government generally permitted prison visits by human rights monitors, although access was poor, sporadic, and subject to the whim of local officials. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals held by Serbian police. UNMIK and KFOR permitted prison visits by human rights monitors in the second half of the year.

#### d. Arbitrary Arrest, Detention, or Exile

In the first 6 months of the year, Serbian police used arbitrary arrest and detention. Serbian police often applied certain laws only against ethnic minorities and used force with impunity. Ethnic Albanians were subjected to trumped up or exaggerated charges, ranging from unlawful possession of firearms to willfully undermining the country's territorial integrity. According to Serbian Ministry of Justice statistics, the authorities were in the process of charging or trying approximately 1,500 persons for activities related to the Kosovo conflict at the end of 1998. Serbian authorities still have between 1,900 and 7,000 persons, mostly ethnic Albanians, in prison in Serbia for activities related to the Kosovo conflict, and many of these persons likely still were being charged or tried at year's end.

Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and state secrets were so vague as to allow easy abuse by the Milosevic regime.

In the first 6 months of the year, federal statutes permitted the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provided for a 24-hour detention period. The police often combined the two for a total 4-day detention period. After this period, police had to turn a suspect over to an investigative judge, who could order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention up to 6 months. Serbian police often detained and beat persons without ever charging them officially and routinely held suspects well beyond the 3-day statutory period. Bail rarely was granted.

Serb Police used arbitrary arrest and detention in the province. In the first half of the year, Serbian authorities shifted from a system used before the conflict, of bringing inflated charges against ethnic Albanian individuals as an excuse to detain them, to systematically and forcibly separating masses of military-aged men from their families. Mass detention sites were established throughout the province, with at least 25,000 prisoners detained in them in the spring. Refugees reported in April that Serbian forces used the Ferro-Nickel factory in Glogovac as a detention center for a large number of ethnic Albanians. According to refugees, a cement factory in General Jankovic also was used temporarily as a detention center for ethnic Albanians. The detainees reportedly were released in late April. From May 21 to early June, some 2,000 Kosovar Albanian men entered Albania after being detained by Serbian forces for 3 weeks in a prison in Smrekovnica near Srbica. Serbian authorities apparently were looking for KLA members and sympathizers among

the prisoners. While detaining the men, the Serbian authorities forced them to dig trenches and physically abused many of them. After interrogations, the detainees were loaded on buses and driven to Zhure, from where they walked to the border with Albania. Conditions at these detention sites were poor. Witness reports describe daily regimens of beatings, overcrowded facilities, little food, no exercise; and in some cases, persons had to sleep on concrete floors.

When the situation in Kosovo deteriorated and the OSCE KVM pulled its verifiers out of the province on March 19, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict (see Section 4).

Prior to the conflict that commenced in March, defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges often delegated their responsibility for carrying out investigations to the police or members of the state security service and rarely questioned their accounts of the investigation--even when it was obvious that confessions were coerced from the accused. Results of such sham investigations were then used in court to convict defendants on trumped up charges.

After it assumed authority in Kosovo, UNMIK introduced Regulation 1999/2 on August 12. That action permitted law enforcement authorities to detain a suspect for up to 12 hours, and to "temporarily remove a person from a location, or prevent access by a person to a location, to prevent a threat to public peace and order." This regulation was deemed necessary to control the wave of violence (see Sections 1.a. and 1.c.).

Since June UNMIK and KFOR detained hundreds of persons suspected of committing ethnically motivated violent crimes and arson. All suspects were held in a temporary detention facility as they waited for their cases to be reviewed by one of several mobile judicial units, which decided whether the detainee was to be released or whether his case would go to trial. By the end of October, 13 criminal trials were completed, and hundreds of pretrial detention hearings were held, but the authorities still were working to establish a complete court system (see Section 1.e.). At the end of October, 210 persons were in KFOR detention, and 20 to 30 others were arrested and were being detained by UNMIK police.

As concern grew over the status of prisoners still being held in Serbia, on September 21 UNMIK created an autonomous commission on prisoners and detainees, under the auspices of the UNHCR, to investigate and advocate for prisoners and missing persons. This commission also established a system for death certificates.

There were reports of KLA abductions and detainings during the year of journalists, Serbs, and political opponents. On June 18, KFOR troops released some 15 persons who were held by the KLA in the police station in Prizren. The victims reported that KLA members beat them (see Section 1.c.). In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed.

Exile is not permitted legally, and no instances of specific individuals forced out of the country on the basis of a legal process are known to have occurred. However, the practical effect of police repression was to accentuate political instability, which in turn limited economic opportunity. As a result, over the years, many ethnic Albanians went abroad to escape persecution, although only in a few cases could direct links to police actions be identified.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, in the first 6 months of the year Federal and Serbian courts largely were controlled by the Government and rarely challenged the will of the state security apparatus. Judicial corruption was also widespread. While judges were elected for fixed terms, they were subjected to governmental pressure. Serbian authorities frequently denied fair public trials to non-Serbs and to persons whom they believed opposed the regime.

The court system in the first half of the year consisted of local, district, and supreme courts at the republic level, as well as the Federal Court and Federal Constitutional Court, to which republic supreme court decisions, depending on the subject, could be appealed. There was also a military court system. According to the Federal Constitution, the Federal Constitutional Court ruled on the constitutionality of laws and regulations and relied on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remained in force in the first 6 months of the year. Considerable confusion and room for abuse remained in the legal system because the 1990 Constitution of Serbia had not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants had the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also had to provide interpreters. The presiding judge decided what was read into the record of the proceedings. Either the defendant or the prosecutor could appeal the verdict.

Although generally respected in form, during the period of Serbian administration, defense lawyers in Kosovo filed numerous complaints in the first half of the year about flagrant breaches of standard procedure, which they believed undermined their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints.

The Government continued to pursue cases previously brought against targeted minority groups under the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities--that is, undermining the "constitutional order." Numerous questionable trials took place during the period of Serbian administration. Over 90 percent of the cases involved alleged violations under the Federal Penal Code of Article 136 related to "association to conduct enemy activity," or Article 125 concerning "terrorism." A number of these persons were being tried in absentia. According to the Ministry of Justice, at the end of 1998 some 1,500 Kosovo Albanians were being charged or tried for crimes related to the Kosovo conflict. Serbian authorities still have between 1,900 and 7,000 persons, mostly ethnic Albanians, in prison in Serbia for activities related to the Kosovo conflict, and many of these persons probably still were being charged or tried at year's end (see Section 1.d.).

The Office of the U.N. High Commissioner for Human Rights was monitoring the cases of 1,350 prisoners in the Pec and Prizren regional courts during the first few months of the year.

Generally, the evidence in these cases was inadequate according to international organizations and human rights monitors, and the defendants largely were denied timely access to their attorneys. According to international civilian verifiers from the OSCE KVM office in Pec, some 80 laymen worked in the district and municipal courts as judges, of whom the vast majority were former police officers. Although there were two courtrooms in the court building, many trials were held in the offices of the judges on the upper floors where no members of the public were present. International human rights monitors observed a lack of impartiality by Serb judges in the municipal and district court system in the province. They also noted the absence of legal counsel for the defense, the absence of witnesses or experts during proceedings, and a failure to provide medical care during proceedings to defendants obviously in need of immediate attention. Continuing a common pattern of abuse, independent observers reported that several defendants met their defense attorneys for the first time only after the investigative judge already concluded the crucial investigation stage, while other defendants had defense counsel assigned after they entered the courtroom. Much evidence appeared to have been obtained by authorities through forced confessions of defendants under duress. Other evidence was kept from defense attorneys until just before the trial. Other international observers monitoring the trials of alleged terrorists in Pristina complained of irregularities in the process involving evidentiary standards, the nonuse of native languages, and the failure to respect the presumption of innocence.

Many legal scholars expressed concern over the Act on Lawyers, passed in July 1998, which they believed restricted the freedoms of lawyers and interfered with the independence of lawyers in their dealings with clients. They believed that the law gave too much authority to the lawyers' chambers--both at the republic and federal levels--which the Helsinki Committee alleged would enable the regime to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law also enabled the regime to interfere with the lawyer-client relationship, which, even during the Communist era, was upheld to a greater degree.

UNMIK installed an emergency legal system to prosecute suspected criminals in response to the vacuum that existed when Serbian military and police left the province in June. On June 28, by Emergency Decree, UNMIK appointed seven members to the Joint Advisory Council for Legislative Matters (JAC), which is composed of three members representing U.N. organizations, two ethnic Albanians, one Serb, and one Muslim. The JAC's function is to review and comment upon applications for candidates to serve in an independent, multiethnic judiciary. On July 30, 9 judges, including 2 judges in absentia were sworn in, and another 10 judges and prosecutors were appointed on July 10. By late October, 48 judges and prosecutors were appointed, and at the end of December UNMIK appointed 300 more judges and prosecutors, who are expected to be sworn in in early 2000. In September UNMIK established a Technical Advisory Commission, consisting of Kosovar and international experts to advise it on the structure and administration of the judiciary and prosecution service in the province. A joint Kosovar-U.N. Advisory Judicial Commission also was established in September to advise the Special Representative of the U.N. Secretary-General on matters relating to the appointment of judges and prosecutors.

The judiciary's task was to try eventually the hundreds of persons detained by KFOR and UNMIK for murder, looting, and a variety of other crimes since June, based upon the "laws applicable in the territory of Kosovo prior to March 24, 1999" insofar as they do not conflict with internationally recognized standards and other UNMIK regulations. Ethnic Albanian jurists were reluctant to apply what they considered discriminatory Serbian legal codes. On December 12, UNMIK adopted Regulation 199/24, which changed applicable law to the law in force in Kosovo on March 22, 1989. The JAC was working on a new Criminal and Criminal Procedures Code and consulted with the Council of Europe on early drafts. At year's end, these codes were being translated.

Two mobile judicial units were formed to conduct pretrial hearings and investigations and began operations in July. Each unit consists of two prosecutors, one judge, three secretaries, and two defense lawyers, to defend those unable to provide for their own counsel. The mobile unit has the authority to release a suspect or to request that the judge begin an investigation and hold the suspect until trial.

While every effort was made to move detainees through the system, the sheer numbers of cases and limited resources available resulted in long delays before cases could be reviewed. A perpetual logjam exists in reviewing cases, and to date, few cases actually have gone to trial. Some individuals remain in prolonged detention without being indicted. At the end of October, 210 persons were in KFOR detention, and another 20 to 30 individuals were detained by UNMIK police.

Furthermore, there were credible reports that the judiciary was subject to outside pressure and intimidation, resulting in ethnic Albanian judges releasing or seeking to release ethnic Albanians charged with serious crimes, including crimes against Serbs, even if those individuals had been caught in the act of committing the crime by KFOR or U.N. security personnel. In early August, two Serb members of the judiciary were attacked, and additional measures had to be taken to provide for their safety. By October all seven Serb prosecutors and judges either resigned or fled the province, due to fear for their personal safety, complaints of discrimination, or lack of sufficient compensation.

The Serbian Government continues to hold many, perhaps thousands of, ethnic Albanians as political prisoners in Serbia.

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

The authorities infringed on citizens' privacy rights in the first 6 months of the year. Federal law gave republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that was abused routinely. It is widely believed that authorities monitored opposition and dissident activity, eavesdropped on conversations, read mail, and wiretapped telephones. Although illegal under provisions of federal and Serbian law, the federal post office registered all mail from abroad, ostensibly to protect mail carriers from charges of theft.

Although the law included restrictions on searches, Serbian officials often ignored them in the first half of the year. Serbian police systematically subjected ethnic Albanians to random searches of their homes, vehicles, shops, and offices, asserting that they were searching for weapons. According to the Kosovo Council for the Defense of Human Rights and Freedoms, the police carried out scores of raids on homes, including in areas

not affected by the fighting. Police used threats and violence against family members of suspects.

In the first 6 months of the year, Serbian security forces systematically destroyed entire villages by burning and shelling houses, contaminating water wells, and killing livestock (see Section 1.g.). In the second half of March as the airstrikes began, ethnic cleansing dramatically accelerated in Kosovo. On March 25, Serbian forces burned 200 to 600 homes in Djakovica alone and destroyed the rest of the old city the following day. More than 90 percent of all ethnic Albanians were expelled from their homes in the province. The UNHCR estimates that hundreds of thousands of persons remained internally displaced within the province during the conflict, while approximately 850,000 persons fled to neighboring areas including Albania, Bosnia-Herzegovina, FYROM, and Montenegro.

Starting in March, Serbian authorities conducted a campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting during 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

A government law requiring universal military service was enforced by Serbian authorities only sporadically and not vigorously in the first 6 months of the year. The informal practice of the military was not to call up ethnic Albanians. Of approximately 100,000 draft evaders living abroad to avoid punishment in 1998, 40 percent were estimated to be ethnic Albanian. This number in part reflected the large number of conscription-age men in the FRY's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that forced compliance of these ethnic groups with universal military service was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to the FRY their cases would be reviewed on a "case by case" basis, a policy that has not inspired confidence among offenders. Another law passed in 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance.

In a related development, under a 1996 agreement with Germany, ethnic Albanian refugees repatriated to the FRY were not supposed to be prosecuted for fleeing the draft. However, according to the Humanitarian Law Center, many returning ethnic Albanians faced irregular procedures on returning to the FRY. The Center reported many misdeeds by authorities against asylum seekers who returned, including physical abuse, threats of imprisonment, deportation, confiscation of identification cards, and a requirement that persons report to their local police stations on a daily basis. Returning ethnic Albanians were detained routinely on their arrival at local airports. In many cases FRY officials have refused to issue proper travel documents to children born to asylum seekers.

Since the province came under the authority of UNMIK in June, the law prohibited such practices, authorities generally respected these prohibitions, and violations by authorities

were subject to effective legal sanction. However, in the months following the war, abuses were committed frequently by ethnic Albanian civilians and members of the KLA. There were frequent reports of men wearing KLA uniforms, or claiming to be acting in the name of the KLA, entering the private homes of Serb residents and subjecting them to harassment and intimidation. Many Serbs left of their own accord along with departing Serb security forces. There were credible reports that such men also sought to expropriate property of fellow ethnic Albanians in the name of the KLA. An estimated 164,000 Serbs and an unknown number of Roma left the province, many of whom were compelled to flee by the harassment and intimidation. According to field research conducted by a Roma NGO in early July, all of the Romani communities it visited had less than half of their preconflict Roma population. Civilians were also responsible for the random destruction and arson of private property.

Respect for property rights proved to be problematic. Many property records were lost, casting doubt over how current occupants of vacated properties could remain where they were living, and how owners could rightfully reclaim their property. UNMIK created a housing and property directorate that redrafted regulations to laws that previously discriminated against ethnic Albanians. The directorate also established a system of permits that would allow squatters to remain in housing temporarily through the winter, until the rightful owners could be located.

The UNHCR reported that 50,000 to 90,000 homes in the 2,000 villages of the province were damaged severely or uninhabitable. The damage is worse in the Western section of the province, with Pec having lost 40 to 45 percent of its housing. In Djakovica and Mitrovica, the losses are around 30 percent. In the province overall, some 40 percent of the schools were destroyed or damaged severely.

Since the end of the conflict, many Serb- and Roma-owned homes were looted and then burned. Some of the most serious looting and arson occurred in the districts of Lipljan, Klina, Pec, Istok, and Djakovica. In Vitimirica by late June Serb houses were looted and burned, while houses that had "Albanian house" written on a wall were left untouched. Ethnic Albanian returnees occupied some Serb houses. Especially on the weekend of June 19 and 20, unidentified persons set fire to Serb-owned homes and looted their properties throughout the province. KFOR arrested 10 ethnic Albanians near Prizren, suspected of arson in several Serb villages (see Section 5).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The conflict in Kosovo placed civilian populations on both sides of the ethnic divide in an unusually vulnerable position. The excessive and indiscriminate use of force by Serbian police and the VJ resulted in widespread civilian casualties and the mass forced displacement of up to 1.3 million persons, both within and outside the province.

NATO allies, responding to President Milosevic's abuses, stepped up pressure on the regime in the fall of 1998. In the face of the threat of NATO air raids, President Milosevic agreed to steps aimed at mitigating the humanitarian disaster unfolding in the province. He undertook an obligation to comply fully with the terms of UNSCR 1199 (adopted in September 1998), which included demands that the FRY cease all action by the security forces affecting the civilian population, order the withdrawal of security forces used for civilian repression, cooperate with the ICTY, and allow full and unimpeded access for all

international humanitarian aid organizations to Kosovo, including the UNHCR and the ICRC. President Milosevic also agreed to allow a NATO air verification mission to verify compliance with UNSCR 1199 from the air and to allow 2,000 unarmed civilian "verifiers" of the OSCE KVM to verify compliance on the ground in Kosovo. Agreements establishing these missions were signed separately by the FRY, with NATO and the OSCE respectively, in October 1998. In subsequent meetings with NATO representatives, President Milosevic agreed to specific limits on Serbian police and the Yugoslav army presence in Kosovo.

It soon became apparent that Milosevic had no intention of complying fully with these agreements. International diplomatic observers witnessed Serbian armed forces purposefully destroying civilian property: police systematically looted, trashed, and burned villages and shot livestock with the intention of depopulating certain regions, especially the villages near the border with Albania. International diplomatic observers and members of intergovernmental organizations witnessed Serbian security forces torching and vandalizing homes of ethnic Albanians after fighting between police forces and insurgents already had ceased in those villages. Over 1,200 residential areas, including over 500 villages, were burned after late March, and 300 villages burned in the month of April 1999 alone. Most Serb homes and stores remained intact during the conflict and Serb civilians in many towns painted a Cyrillic "S" on their doors so that Serbian forces would not attack their homes by mistake. Many settlements were destroyed totally in an apparent attempt to ensure that the ethnic Albanian population could not return. Serbian forces reportedly burned all houses that previously had been rented by the OSCE in Vucitrn, Stimlje, and Kosovska Mitrovica. Other NGO's reported that areas that were occupied by Serbian security forces were at high risk for well water contamination. The security forces used the wells for waste disposal (i.e., garbage, animal remains, and other contaminants) when they departed. Numerous credible incidents were reported in which civilians were seized from intercity buses and held hostage by both Serbian security forces and Albanian insurgents. According to the UNHCR, approximately 850,000 persons fled to neighboring countries and hundreds of thousands were internally displaced (IDP's) within the country.

Starting in March, Serbian authorities conducted an ethnic cleansing campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting of 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

Serbian forces compelled ethnic Albanians to accompany Serbian military convoys and shield facilities throughout the province. Beginning in mid-April, Serbian forces used ethnic Albanian men from refugee columns and forced them to form a buffer zone around Serbian convoys. Numerous ethnic Albanians claimed to have witnessed and participated in this activity on the roads between Pec, Djakovica, and Kosovska Mitrovica. In at least one instance--Korisa--Serbian forces intentionally positioned ethnic Albanians at sites that they believed were targets for NATO airstrikes. In other instances, according to unconfirmed reports, ethnic Albanians were kept concealed within NATO target areas to generate civilian casualties that could be blamed on NATO. Ethnic Albanian reports

claimed that Serbian forces compelled Kosovar Albanian men to wear Serbian military uniforms, likely so that they would appear to be Serbs to NATO and KLA surveillance.

Serbian forces also disguised themselves as NGO workers to prevent targeting from NATO aircraft. Refugees claimed that on May 6, Serbian forces dressed in white hats and jackets with Red Cross and Red Crescent logos moved with convoys of IDP's between Djakovica and Brekovac. In order to conceal their military cargo, Serbian forces covered their wagons with plastic tarpaulins taken from NGO's.

In contrast to 1998, when Serbian security forces attacked small villages, in the first 6 months of the year Yugoslav army units and armed civilians joined the police in systematically expelling ethnic Albanians at gunpoint from both villages and the larger towns of the province. Many of the places targeted had not been the scenes of previous fighting or KLA activity. Serbian authorities forced many refugees to sign disclaimers saying that they were leaving the province of their own free will. There were numerous reports that Serbian forces confiscated identity and property documents, including passports, land titles, automobile license plates, and identity cards, as ethnic Albanians were forced out of villages or as they crossed the borders into Albania or FYROM. Physicians for Human Rights reports that nearly 60 percent of respondents to its survey observed Serbian forces removing or destroying personal identification documents. Victims also reported that the Serbian forces confiscated their personal belongings and documentation, including national identity papers, and told them to take a last look at their surroundings, because they would never return to the province.

Serbian forces systematically attacked ethnic Albanian physicians, patients, and medical facilities. Violations of medical neutrality by Serbian forces include killings, torture, detention, imprisonment, and forced disappearances of Kosovar physicians. In March and April, Serbian health care providers, police, and military expelled ethnic Albanian patients and health care providers from health facilities as protective cover for military activities. The NGO Physicians for Human Rights received reports of the destruction of at least 100 medical clinics, pharmacies, and hospitals.

In addition to the terror tactics employed by Serbian security forces against the ethnic Albanian civilian population of Kosovo, credible sources indicated that the Milosevic regime sought to block some shipments of food into the province prior to the outbreak of hostilities with the international community. When presented with a list allegedly prepared by Belgrade authorities of products to be stopped from entering the province, Serbian police in the province did not deny the operation but stated that it was part of a countrywide campaign to stop "tax avoidance." At the same time, the Milosevic regime compiled at best an uneven record of cooperation and hostility toward nongovernmental organizations that sought to deliver humanitarian shipments to the needy in the province. Such shipments also were intended for IDP's forcibly displaced by the Serbian police campaign of shelling, looting, and burning ethnic Albanians' homes after the mid-1998 fighting had concluded.

As a result of the conflict that occurred in the spring, certain rural areas of the province still are filled with unexploded land mines. The U.N. Mine Action Coordination Center in Pristina announced in September that 40 persons had died and 232 others were injured by accidental explosions of cluster bombs or land mines since the end of the conflict in June. This was thought to be a conservative estimate, since many incidents went unrecorded,

especially if the victim died instantly or was treated at a hospital and released.

Separatist fighters and KLA members set up roadblocks and denied passage to Serbs, including civilians attempting to get to and from work. Separatist fighters harassed Serbian journalists and took some hostage. In addition to credible cases in which so-called "collaborators" were killed, some ethnic Albanians employed by state-owned enterprises were threatened.

Despite the presence of UNMIK and KFOR, numerous clashes between Kosovars and Serbs continued into the fall, occasionally involving KFOR troops. On August 16, nine mortar rounds were fired from the countryside around the Serb village of Klokot. Two Serbs were killed instantly, while five other people were wounded. There were also mortar attacks on August 10 and 12 on the same village, however no casualties resulted from the earlier incidents. A mortar attack against the Serbian village of Donja Budriga took place on September 8, in which two Serbs were killed and four others injured.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and the Press

The law provides for freedom of speech and of the press; however, in the first 6 months of the year the Federal and Serbian Governments severely restricted this right in practice.

The Serbian Government issued a decree in October 1998 that effectively allowed press censorship. The decree reflected a recognition of the threat to the regime of the free flow of information and ideas on issues related to the situation in Kosovo and the possibility--at that time--of a conflict with NATO. In October 1998, it passed a new information law, which incorporated many of the decree's strict provisions and left the country's independent media severely constrained. Under the law, private citizens or organizations could bring suit against media outlets for printing materials not sufficiently patriotic, or "against the territorial integrity, sovereignty, and independence of the country." Media outlets also could be fined for publishing items of a personal nature without the consent of the individual concerned (an apparent reference to political cartoons). The rebroadcast of foreign news programs, including from the British Broadcasting Corporation and the Voice of America, was banned. Media outlets whose practices did not conform to the new law could be subjected to exorbitant fines, which must be paid within a 24-hour period.

In March authorities imposed the maximum fine of \$100,000 (Din 1.6 million) on the Gazete Shqiptare, a Kosovar weekly newspaper and ordered the Koha Ditore publishing house to stop printing the weekly. Authorities also froze the newspaper's bank accounts, confiscated all current issues, and ordered vendors to stop selling the publication. The staff of the newspaper announced that it would ignore these actions and continue to publish outside the province. In March authorities also fined Kosovo Sot \$50,000 (Din 800,000) and its publisher and editor each another \$25,000 (Din 400,000), for publishing a new year's calendar that included pictures of KLA members. Authorities froze Kosovo Sot's bank accounts, forced it to suspend operations, seized its current issues, and warned vendors to stop selling the newspaper.

Radio Contact opened in May 1998; however, it was able to broadcast only for 2 weeks before Serbian authorities shut it down and confiscated its equipment. The deliberate

vagueness of the relevant laws often was utilized to penalize independent electronic media outlets. Radio and television stations were harassed bureaucratically according to their political orientations. Instead of obtaining long-term licenses to broadcast, stations received only 1-year temporary licenses, if they received a license at all. The bureaucratic procedures were so difficult that stations frequently could not fulfill all of the requirements, which left them at the mercy of the regime. For example, under then current law, to obtain a license to broadcast, a station had to obtain the approval of a government "construction inspector" for its office space; however, to obtain a construction inspector's approval, a station needed a broadcast license.

In addition to license issuance problems, those stations that did obtain licenses were forced to pay exorbitantly high fees, the nonpayment of which was enforced selectively by Serbian authorities to close down those stations that did not adhere to the Government's line.

According to independent media sources, in the first 6 months of the year, most journalists practiced self-censorship in an effort to avoid a violation under the media law. Journalists had been informed that printing anything that was not true--even an advertisement or a death announcement--could be punished under the information law. One independent newspaper reported in 1998 that it was publishing half as many articles as usual, in view of the need to check extensively the facts in every article.

During the first 6 months of the year, Serbian forces killed, detained, and beat journalists (see Section 1.a.). For example, in early May Serbian police arrested Cerkin Ibishi, a journalist for the newspaper Relindja, in Mitrovica. He was held in two prisons, including Smerkovnica prison near Mitrovica, before he was released at the end of May and fled to Albania. Also in May, Halil Matoshi, a journalist for the weekly Zeri, was taken by Serbian security forces and jailed in Lipjan. He was removed to a prison in Serbia proper by withdrawing Serbian forces in June and had not been released by year's end.

In December 1998, Serbia's Ministry of Information issued threatening letters to five Albanian-language newspapers and magazines in the province to the effect that they were in violation of the new public information law. Shortly thereafter, the newspaper Bujku effectively was closed down. Editors from Koha Ditore, the leading Albanian-language daily, Zeri, an intellectual Albanian weekly, and Kosovo Sot, a new Albanian daily, reported that threats against the Albanian language media, which began with warning letters from the Serbian Ministry of Information, were escalating. Pressure on the Albanian-language press became so intense in late February that no Albanian-language newspapers were in circulation by the outbreak of the conflict in March. On the first night of the NATO bombing campaign, the premises of Koha Ditore were destroyed by Serbian forces and a night watchman was killed. The printing press of the daily Kosovo Sot was destroyed soon thereafter.

Many of the members of the Kosovar Albanian press attempted to work in exile during the war. Beginning in January, Radio Contact, Radio 21, and Koha Ditore Radio all broadcast for approximately 15 minutes per day through a satellite link provided by the British Broadcasting Company. During the conflict, Koha Ditore, Kosovo Sot, and Rilindja restarted their publishing activities in FYROM. However, when they returned to the province, they found that their offices and facilities had been destroyed. Serbian authorities had demolished the major printing houses before the war, and NATO

systematically bombed the main radio-television transmitter that the government-affiliated station, Radio Television Pristina (RTP), had been using.

UNMIK found it difficult to create a free media environment in a region that had suffered from 9 years of oppression under the previous regime and also from the destruction of war. Following the conflict, UNMIK gained control of the broadcasting towers and frequencies, and the OSCE established a Department for Media Affairs. The department is responsible for promoting transparency, openness, fact-based reporting, and providing a broad spectrum of political institutions access to the media, as well as access to information for all ethnic groups. One division of the Media Affairs Department is to serve as a Media Regulatory Commission for the full range of media in the province. The media division still was searching for staff to carry out the regulatory aspect of promoting a free media at year's end. An Independent Media Council also is to be created to advise and assist the OSCE in creating a free media environment. Finally, an international appellate body is to be appointed to review decisions made by the Media Regulatory Commission. The appellate body also is to have the function of drafting laws and regulations and presenting them to provincially elected lawmaking bodies.

Newspapers resumed publishing, and by year's end, there were five daily newspapers and two weeklies with broad circulation. While flourishing, the print media often acted irresponsibly, including publishing inflammatory articles which could incite violence against political personalities, as well as articles providing names and addresses of ethnic Albanians who allegedly collaborated with the Serbian authorities.

KosovaPress, a news agency in Pristina that bills itself as a "state agency," issued a commentary on October 2, which targeted two leading independent Kosovar Albanian journalists. The author accused Veton Surroi and Baton Haxhiu, who had urged ethnic Albanians to exercise tolerance toward Serbs, of being Serbian spies, said that they "should not have a place in free Kosovo," and demanded that they be sent to the ICTY in the Hague. The news agency distanced itself from the journalist who wrote the commentary, but it did not issue a retraction.

The only Serb newspaper in Kosovo, Jedinstvo, had its offices occupied by Kosovar Albanians in August, and UNMIK advised the newspaper to suspend printing issues due to the security threat. Jedinstvo now is published in northern Kosovo and is distributed in Serbian enclaves. It has two editorial boards, one in Belgrade, Serbia and another in Zvecan, Kosovo.

In June Radio 21 finally obtained a broadcast license to expand beyond the Internet, where it previously was confined by the Serbian regime. It became the first independent Albanian-language electronic media outlet in the province. A number of private smaller stations also began operations in both Serbian and Albanian.

Radio Pristina became operational on July 28, broadcasting daily 90-minute segments in Albanian, Serbian, and Turkish. The radio station has a multiethnic staff, with 12 ethnic Albanian, 6 ethnic Serb, and 6 ethnic Turkish journalists. There are also five ethnic Albanians and two Serbs serving as technicians. Radio Contact also broadcasts in Albanian, Turkish, and Bosnian and employs a multiethnic staff.

The OSCE Media Division made progress in reconstructing and erecting new radio,

television, and telecommunication towers for use by RTP and other independent stations. One tower became fully functional at the end of October. RTP is to be a province-wide public broadcasting service protected from political domination.

Djakovica, a local ethnic Albanian radio station, was able to resume broadcasting in June; Serbian authorities had closed it down 9 years ago.

In the first 6 months of the year, the Federal and Serbian Governments did not respect academic freedom. UNMIK made efforts to reestablish schools in the province in the second half of the year under the principle of complete academic freedom. However, given the massive destruction of schools during the conflict (some 75 percent were damaged) and current scarce resources, the pace of rebuilding a school system for the province was slow.

#### b. Freedom of Peaceful Assembly and Association

The Federal and republic level Constitutions provide for freedom of peaceful assembly and association; however, the Serbian and Federal Governments restricted this right in the first 6 months of the year. Since June UNMIK generally respected this right in practice.

There were cases in the last half of the year in which KFOR troops were called in to break up various blockades and standoffs orchestrated by members of both Serb and Albanian ethnic groups. Beginning July 7 and lasting for several days, ethnic Albanians took part in a major demonstration near the bridge that divides Mitrovica between the northern Serb-inhabited sector and the southern ethnic Albanian sector. A group of 5,000 ethnic Albanians crossed from the southern side to the northern side on October 15, to protest a KFOR policy limiting ethnic Albanian access to the Serb sector. This policy was adopted originally to protect Serbs residing in the area from ethnic Albanian retaliation.

On August 23, tractors manned by hundreds of ethnic Albanians formed a blockade of vehicles to prevent Russian peacekeeping troops from moving into Orahovac. Resentment toward Russians for their support of the Serbian and Federal Governments during the conflict contributed to higher levels of tension in Orahovac, where more than 1,000 persons were killed during the conflict. The area is known to have the highest concentration of identified mass graves, as well as the largest number of war crimes suspects still residing in the province. Reports of persons in Orahovac being shot and burned alive in their houses were widespread during the conflict.

On September 28, two grenades exploded in a Serb market area in Bresje (see Section 1.a.). Three elderly Serbs were killed instantly while 46 others suffered from minor and critical injuries. KFOR arrested two ethnic Albanians suspected of the crime. Hours after the attack, a Serb group retaliated by blocking a road leading from Pristina to Pec in western Kosovo, forcing authorities to create a detour around Kosovo Polje to maintain the flow of commercial and humanitarian traffic. Ethnic Albanians in turn responded by forming their own blockade on the same road and also on the railroad tracks in Kosovo Polje. KFOR forcibly removed all three blockades in the early morning hours of October 5. The routes reopened, and KFOR positioned troops along the route to maintain order.

The Federal and republic level Constitutions provide for freedom of association; however, the Serbian and Federal Governments restricted this right in the first 6 months of the year.

### c. Freedom of Religion

The law in both the Federal Republic of Yugoslavia (FRY) and Serbia provides for freedom of religion; however, in practice both the Government and the legal system provided very little protection for the religious rights of minority groups in the first 6 months of the year.

There was no state religion, but in the first 6 months of the year the Milosevic regime gave preferential treatment, including access to state-run television for major religious events, to the Serbian Orthodox Church to which the majority of Serbs belong. The regime subjected religious communities in the province to harassment. Refugees reported that mosques and religious sites were attacked or destroyed by Serbian forces in at least 21 villages and towns in the spring. Religious sites also served as shelter for ethnic Albanians during the conflict. On March 28, 200 ethnic Albanians who had sought sanctuary in the Albanian Catholic Church of Pec were removed and forced by MUP forces to leave town.

UNMIK respects the right to freedom of religion. In light of societal violence against properties owned by the Serbian Orthodox Church, UNMIK authorities took extra steps in the months following the conflict to ensure that members of all religious groups could worship safely. KFOR deployed security contingents at religious sites throughout the province to protect them from further destruction, as had occurred immediately after KFOR's intervention in June.

However, reflecting the severity of security concerns, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, declared soon after KFOR entered the province that the city of Prizren was no longer safe and announced that he, 9 priests, and 200 Serb civilians would leave for Pristina. Approximately 60 Serb families from Pristina already had taken refuge with Artemije in a monastery outside the city.

On June 17, Patriarch Pavle, the leader of the Serbian Orthodox Church, said in a radio address that he would move temporarily to the historic center of the Church at Pec and appealed to Serbs in the province not to leave.

As of December, Serbian Archbishop Artemije reported that more than 80 Orthodox churches had been destroyed, damaged, or desecrated. Serbian Orthodox priests also were intimidated. One priest was abducted by the KLA and two other priests in Pristina decided to move to the Gracanica monastery for safety (see Section 1.b.). Fearing that the monastery's parish house would be confiscated by KLA, the Church offered it to the UNHCR to use for relief purposes.

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

The Constitution provides for freedom of movement; however, the Federal and Serbian Governments restricted this right in practice in the first 6 months of the year. Federal and Serbian authorities frequently barred FRY citizens from reentering the country. The Milosevic regime continued to restrict the right of ethnic Albanians to travel by holding up the issuance or renewal of passports for an unusually long period of time and reserved the option of prosecuting individuals charged previously with violating exit visa

requirements. Serbian authorities also sometimes called in ethnic Albanians for interrogation by state security officers before passports were renewed. Serbian authorities stopped ethnic Albanian men at various checkpoints in areas where KLA activity was thought to be concentrated. In the early months of the year, such men were subjected to random assaults, intimidation, and harassment. Ethnic Albanians also reported being accused of a number of violations, including speeding and lack of proper documentation, after which police would demand payment before they would allow them to proceed. There were also reports of police confiscating travel documents at checkpoints, thereby making freedom of movement impossible within the province.

Starting in March, Serbian authorities conducted a campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting of 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

Citizens reported difficulties at borders and the occasional confiscation of their passports. Ethnic Albanians frequently complained of harassment at border crossings. There were numerous reports that border guards confiscated foreign currency or passports from travelers, as well as occasional complaints of physical mistreatment. The authorities generally allowed political opposition leaders to leave the country and return. FRY embassies overseas generally were considered to apply a double standard in issuing passports to their citizens; ethnic Serbs had a much easier time obtaining passports than members of ethnic minorities.

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, were not able to establish their citizenship in the FRY, leaving them in a stateless limbo.

The FRY Government was very slow to issue passports to refugees. This was a particular problem for asylum-seeking parents. For example, German authorities issued such children born in Germany a document certifying their birth. FRY officials in Germany refused to issue passports to such children. When these asylum seekers who have been refused in Germany returned to the FRY with their children, the children traveled on the basis of this document. FRY authorities took the paper at the port of entry and issued a receipt for it. Then the children had no documentation in a country where documentation was a basic requirement. In January 1997 a new citizenship law entered into force, which, when fully implemented, was expected to affect adversely the rights of many inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who migrated to other countries to work or seek asylum.

After Milosevic withdrew his troops from the province in June, the UNHCR oversaw the return of some 700,000 Kosovar refugees from surrounding regions and other countries. Since then, problems with sufficient housing, property records, and education for the returning ethnic Albanians remain unresolved. In Kosovska Mitrovica there were restrictions on freedom of movement in the second half of the year. Following the withdrawal of Serbian security forces from the province, many ethnic Serbs from

throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians, in the northern part of that town. Ethnic Albanians seeking to go back to their homes in the north were subject to violence and intimidation by ethnic Serbs, who feared the return of the ethnic Albanian residents would jeopardize their security. KFOR did not have sufficient resources to guarantee protection of ethnic Albanians wishing to return to their homes in north Mitrovica. Some 2,000 ethnic Albanians who continue to live in north Mitrovica are subject to harassment when they travel throughout the city or send their children to Albanian-language schools in the southern part of the city. Ethnic Albanian medical personnel and patients were forced to leave the major hospital in north Mitrovica, and ethnic Albanians are not able to attend classes in a campus of Pristina University located in the northern part of the town. Persons who cross the Ibar river from south Mitrovica into the north part of the town are monitored by ethnic Serbs stationed near the bridges, who are able quickly to call upon other ethnic Serbs to discourage unwanted visitors. In early November, two female ethnic Albanian police trainees, along with their U.N. International Police escorts, were attacked by ethnic Serbs after crossing into north Mitrovica to respond to a call.

Since ethnic Albanians still hold FRY passports, those wishing to leave Kosovo again after their repatriation experienced some difficulty in doing so. Their passports were either invalid or not recognized by other countries as a result of the conflict. Therefore, UNMIK began issuing temporary travel documents permitting citizens of the province to travel until a more permanent solution is created.

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

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

The Federal and the Serbian Constitutions provide for this right, but in practice Kosovar Albanians expressed frustration with the province's status within Serbia through a boycott of the political system and did not attempt to effect the Government through the electoral process. The most recent Serbian elections, held in the fall of 1997, were flawed seriously. Starting in June, the OSCE began developing an environment that would allow for new political parties to become more active, with equal access and representation in the media. Preparations are being made for municipal elections, which are likely to be held in September 2000, at the earliest. Work is scheduled to begin by early spring 2000 on a civil register, which is to be used to create a voter register.

No legal restrictions exist on women's participation in government and politics; however, in the first 6 months of the year, they were underrepresented greatly in party and government offices. In the first 6 months of the year, women held less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. In the province before the conflict, a woman led 1 wing of the Social Democratic Party of Kosovo, and the LDK had 3 women in its 12-member presidency. However, according to ethnic Albanian women's groups, those women were exceptional in their political participation, and few women enter politics in the province because of a lack of interest, money, and family support.

No legal restrictions affected the role of minorities in government and politics in the first 6 months of the year; however, ethnic Serbs and Montenegrins dominated the country's

political leadership. Few members of other ethnic groups played any role at the top levels of government or the state-run economy. After 1990 ethnic Albanians refused to take part in the electoral process at any level, including the Serbian republic and federal levels. They had virtually no representation in the Serbian republic and FRY government structures.

Ethnic Albanians' refusal to participate in FRY and Serbian elections had the practical effect of increasing the political influence of President Milosevic and his supporters. Ultrationalist parties, including Milosevic's coalition partner the Radical Party of Serbia, also had taken advantage of the ethnic Albanian boycott to garner representation beyond their numbers.

The Kosovo Transitional Council, and advisory council set up by UNMIK, had twelve members, including representatives of the Serb, Turkish, and Bosnian minorities. There were no female members. The Joint Advisory Council on Legislative Affairs had one female member.

There were reports in the second half of the year of KLA self-appointed local administrators restricting the political rights of other parties in regions of Kosovo. KLA representatives allegedly threatened, harassed, and beat LDK members in Prizren and Gnjilane. In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed. In November an LDK activist in Srbica was killed in what the LDK and some UNMIK officials believe was a politically motivated murder. The LDK has complained that KLA-appointed local authorities have removed school principals and other local officials sympathetic to the LDK.

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

The Government of Serbia formally maintained that it had no objection to international organizations conducting human rights investigations on its territory. However, during the period of its administration of Kosovo, the Serbian regime routinely hindered the activities of human rights groups and regularly rejected their findings.

Local human rights monitors (Serbs as well as members of ethnic minorities) and NGO's worked under difficult circumstances during the first 6 months of the year. A number of reliable international human rights monitors reported that one worker of the CDHRF was missing at year's end, and that all of the organization's workers were harassed routinely and severely by Serbian authorities in the first 6 months of the year.

NGO's reported several blockages by federal and Serbian authorities to the delivery of humanitarian commodities in the province, as well as police searches of NGO vehicles. Harassment, detention, and violence against aid workers also were reported during the first 6 months of the year. On February 21, the president of the Mother Teresa Society branch in the town of General Jankovic and his son were killed in front of their house by unknown assailants (see Section 1.a.). The next day, in a separate incident, a Medicens Sans Frontiers vehicle was attacked on the road between Pristina and Lipjan by a civilian with a rifle. Verbal harassment ensued before the vehicle was allowed to proceed along the road. Societal violence contributed to the precarious environment in which aid workers carried out their duties. On August 15, an anonymous NGO reported that one of

its staff members was the object of a failed kidnaping attempt. A U.N. worker of Bulgarian nationality was killed by an angry group of ethnic Albanian teenagers on October 11. Valentin Krumov reportedly was beaten and shot, when he informed an ethnic Albanian of the time using the Serbian language (see Section 1.a.).

The Milosevic regime denied visas to international nongovernmental human rights organizations and to investigators from the ICTY, who wished to conduct impartial investigations into allegations of atrocities committed by Serbian forces and ethnic Albanian paramilitary groups in the province. In October 1998, the Government agreed to the establishment of the OSCE Kosovo Verification Mission (KVM). By the start of the year, the KVM had expanded to several hundred international verifiers, including human rights personnel, who verified civilian aspects of implementation of UNSCR 1199. However, when the situation in Kosovo further deteriorated, the KVM pulled its verifiers out of the province on March 19. Subsequently, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict.

Prior to the conclusion of hostilities, a number of independent human rights organizations did operate in the FRY, including in Kosovo, researching and gathering information on abuses, and publicizing such cases. The Pristina-based Helsinki Committee was active in monitoring human rights abuses in the province and cooperated with similar organizations based in Belgrade. The Council for the Defense of Human Rights and Freedoms (CDHRF) also collected data on human rights abuses and published newsletters.

ICRC officials complained in the first half of the year of difficulties in securing access to detainees. Serbian authorities, during their administration of Kosovo, failed to allow access to ICTY investigators to the province, preventing the ICTY from carrying out independent and objective investigations into crimes within the Tribunal's jurisdiction. As a signatory to the 1995 Dayton Accords that ended the war in Bosnia and Herzegovina, Serbia-Montenegro is obliged to cooperate fully with the ICTY by turning over to the Tribunal the persons on its territory who were indicted for war crimes and other crimes against humanity under the jurisdiction of the Tribunal. The Milosevic regime's brutal crackdown in the province prompted calls for the ICTY to conduct investigations into alleged atrocities committed there; and the ICTY subsequently indicted Milosevic and four top lieutenants for their role in the crackdown. The ICTY's jurisdiction also is delineated clearly under UNSCR 827 of 1993 and many subsequent resolutions. The regime so far has been uncooperative, claiming that the violence in the province does not constitute an "armed conflict."

In the last half of the year, UNMIK and the OSCE actively encouraged the development of civil society, including domestically based NGO's. Due to the humanitarian crisis that developed after the war, numerous international organizations set up operations in the province to provide relief for the thousands of returning ethnic Albanian refugees, as well as to assist with administration itself. The UNHCR, UNICEF, the ICRC, Catholic Relief Services, and other organizations are instrumental in aiding UNMIK authorities with providing much needed services.

Human rights monitors including the OSCE, the UNHCR, and the Helsinki Committee were active in documenting abuses that occurred in the second half of the year.

UNMIK cooperates with the ICTY, and ICTY investigators made numerous trips to the

province since the end of the conflict in June to investigate alleged war crimes committed there in 1998 and 1999.

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

While Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in reality the legal system provided little protection to such groups in the first 6 months of the year. Following the end of the conflict in June, KFOR and UNMIK were not able to prevent societal violence against Serbs and Roma effectively. Women

The traditionally high level of domestic violence persisted. 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. Few victims of spousal abuse ever file complaints with the authorities. However, tradition prevents much discussion of the topic of rape among Albanians, since the act is seen as dishonoring the entire family. According to the Center for the Protection of Women and Children in Pristina, rape is not recognized as a crime in Albanian society, making the subject even more secretive.

The situation for ethnic Albanian women in the province worsened throughout the first 6 months of the year. Refugee accounts indicate that systematic and organized rapes took place in Djakovica and Pec; women were raped by Serbian soldiers in full view of their own families. The general reluctance to discuss such matters meant that many more cases likely were not reported.

There were incidents of rape reported throughout the province after the end of the war. These cases were sporadic and largely attributed to the acts of ethnic retaliation and general disorder that were common throughout the province. According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women, but there is not sufficient evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks.

The province served as a source and transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.)

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. 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, women often are little more than serfs without the ability to exercise their right to control property and children. However, in the first 6 months of the year women legally were entitled to equal pay for equal work and were granted maternity leave for 1 year, with an additional 6 months available. Under UNMIK administration, women are entitled to the same protections, insofar as they do not conflict with internationally recognized standards. The lack of job opportunities for women in the province has reinforced the traditional culture in which women remain at home.

Previously the cost of an education in Kosovo--fees for enrollment in the parallel system,

transportation, clothes, and school supplies--made families reluctant to send girls to school since the prospect of future employment was slim.

Women are active in political and human rights organizations. Women's rights groups continued to operate early in the year with little or no official acknowledgement, but the conflict destroyed the province's network of NGO's.

Since UNMIK's establishment in June, the UNHCR established the Kosovo Women's Initiative (KWI), modeled after the Bosnia Women's Initiative. The KWI was created to fund and organize efforts related to promoting women's issues among larger existing groups, which would in turn encourage participation by smaller local organizations. The KWI actively sought programs that addressed work in rural communities and with rural ethnic Albanian migrants in the urban areas. Three large umbrella organizations are part of the KWI: Oxfam, the Danish Refugee Council, and Maltesers, a German NGO. Proposals for funding from smaller international and domestic NGO's specializing in reproductive health, skills training, and income-generating activities also were reviewed and accepted.

The Women's Forum was the largest previously existing women's organization in the province and is known to be the women's arm of the LDK. Although the group undertakes many humanitarian projects, beneficiaries of such aid generally have been limited to ethnic Albanians.

### Children

The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. Early in the year, the continued division of the province into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children. During the first 6 months of the year, the conflict and the Serb ethnic cleansing campaign interrupted education. Since the end of the conflict, schools have reopened; however, extensive damage to buildings, lack of educational materials, and persistent electric power problems hindered their functioning.

In 1998 the U.N. Children's Fund estimated that between 55,000 and 60,000 Albanian children were not in school in the Albanian parallel educational system because schools were not functioning in Decane, Klina, Glogovac, Srbica, and Djakovica. Such figures likely were much higher in the first half of 1999. In late 1998, international observers reported multiple incidents of police being stationed near schools in the province. Albanian villagers claimed that they were intimidated by the police presence and that consequently children would not return to those schools.

Education for most Kosovar citizens during the first 6 months of the year was interrupted by the conflict and Serb ethnic cleansing campaign. Since the end of the conflict, schools have reopened under UNMIK administration, in collaboration with local authorities. Extensive damage to many schools, lack of educational materials, and persistent electric power problems hindered the full functioning of many schools in the last six months of

the year.

The status of education rights has been in flux since the end of the war in June. UNMIK maintains that all children of all ethnic groups should receive free and universal education, although the process of reconstruction of schools was slow in the second half of the year. An estimated 75 percent of schools were damaged in the province during the conflict. Schools in Pristina reopened in early September and all other schools in the province reopened on November 1, with efforts made to ensure that minority students could attend classes safely. UNMIK provided security for the openings; however, no Serbs allowed their children to enroll in schools in Pristina. An exception to the general goal of minority integration was in Mitrovica, where allowing Serb children to attend school was postponed due to the unstable security situation there (see Section 2.d.). Furthermore, the education system controlled by the shadow government does not provide for Serbian language instruction.

Economic problems also affected the health care system, adversely affecting children. The health situation for children remained particularly poor in the province. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition and poor hygiene and to the deterioration of public sanitation. During the period of Serb administration, ethnic Albanians in some cases feared Serb state-run medical facilities, which resulted in a low rate of immunization and a reluctance to seek timely medical attention. According to the Center for Protection of Women and Children in Pristina, 63 percent of IDP's in the province were children.

The province served as a source and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There is no societal pattern of abuse of children.

#### People With Disabilities

Facilities for persons with disabilities are inadequate. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Federal and Serbian Government enforced these provisions in practice in the first 6 months of the year.

#### Religious Minorities

Religion and ethnicity in the province are so closely intertwined as to be inseparable. Serious discrimination against, and harassment of, ethnic minorities was common in the province, and the conflict raised ethnic tensions elsewhere in the country with implications for religious intolerance.

Although UNMIK took extra steps in the months following the end of the conflict in June to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, declared that the city of Prizren was no longer safe and announced that he, 9 priests, and 200 Serb civilians would leave for Pristina. Approximately 60 Serb families from Pristina already had taken refuge with

Artemije in a monastery outside the city.

On June 17, Patriarch Pavle, the leader of the Serbian Orthodox Church, said in a radio address that he would move temporarily to the historic center of the Church at Pec and appealed to Serbs in the province not to leave.

As of December, Serbian Archbishop Artemije reported that more than 80 Orthodox churches had been destroyed, damaged, or desecrated. The monasteries in Vucitrn and Musutiste were destroyed. Serbian Orthodox priests also were intimidated. The KLA abducted one priest, and two other priests in Pristina decided to move to the Gracanica monastery for safety (see Section 1.b.). Fearing that the monastery's parish house would be confiscated by KLA, the Church offered it to the UNHCR to use for relief purposes.

The small Albanian Roman Catholic community, largely centered in the southern and western part of Kosovo, has complained that KLA members or others acting in the name of the KLA have harassed Catholics and hindered religious activities on the pretense that Catholics collaborated with the Serbs during the conflict.

#### National/Racial/Ethnic Minorities

In the first 6 months of the year, hundreds of thousands of ethnic Albanians and Muslims in the province continued to be driven from their homes and fired from their jobs on the basis of religion or ethnicity (see Sections 1.a., 1.c., and 1.g.).

In the second half of the year in previously Serb-dominated areas, Albanians harassed and intimidated Serbs into leaving (see Sections 1.a. and 1.c.). According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women during the summer, but there is not sufficient evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks. In some communities, the situation became so grave that KFOR had to provide 24-hour protection to Serbs residing in those areas.

Particularly sensitive locations include Djakovica and Kosovo Polje, where large numbers of Roma resided. In addition, Mitrovica continued to be partitioned between Serbs and ethnic Albanians; and Serbs still were concentrated only in the northern section of Orahovac.

Despite the presence of UNMIK and KFOR, numerous clashes between Kosovars and Serbs continued into the fall, occasionally involving KFOR troops, including a mortar attack on August 16 near the Serb village of Klokot which killed two Serbs and injured five others (see Section 1.g.).

A series of clashes between ethnic Albanians and Serbs in Mitrovica occurred beginning September 9, in which Serbs fired upon a group of Albanians who had returned to the area to check on their houses. One civilian was killed, and at least 10 French KFOR and civilian police personnel were injured, as well as over 50 Serb and ethnic Albanian civilians.

On October 11, Valentin Krumov, a Bulgarian national assigned to UNMIK was beaten and shot in the head in a pedestrian area by angry ethnic Albanians. Krumov,

accompanied by two fellow U.N. staff members, was followed by a group of five or six teenage Albanians, before he was asked for the time. When Krumov responded in Serbian, the group proceeded to beat and kick him. Finally a shot was fired to Krumov's head, killing him instantly. The U.N. investigated the incident but had not made any arrests by year's end.

The Romani population generally was tolerated and there was no official discrimination in the first half of the year. However, prejudice against Roma was widespread and increased among the ethnic Albanian population during the conflict and in the last half of the year. Incidents of societal violence against Roma increased sharply. As of mid-July, some 3,000 Roma, who had experienced difficulty finding refuge within the province, fled to a Romani settlement at Konic in Montenegro. A total of 8,000 Roma fled to various sites in Montenegro. Roma organizations reported that a total of 100,000 had fled the province during the conflict but had been recorded by international NGO's as Kosovar Albanians.

Many Roma who feared for their safety gathered in Kosovo Polje after the withdrawal of Serbian forces from the province in June. The Romani community moved from its makeshift, overcrowded, and unsanitary settlement at a Kosovo Polje school on July 21 to a new camp in Obilic. The UNHCR organized the move. A community that had numbered over 5,000 at one point, dwindled down to 1,500 at the prospect of an unpopular move. Roma leaders feared for the safety of the community at the new camp. Despite KFOR escorts accompanying them during the move, the refugees were harassed while traveling to the new camp outside of town. Ethnic Albanian children reportedly threw stones at the IDP's, and once there, there was a verbal altercation between the Roma and neighboring ethnic Albanians. The tent city at Obilic is now closed, and those of its inhabitants who did not go to FYROM or back to their home villages now live in a renovated, more secure collective dwelling in the village of Plementina, near Obilic. Some 8,000 Roma are there.

A community that once numbered 100,000 to 150,000 in the province before the conflict has been reduced sharply. Most Roma have fled to neighboring countries, by some estimates 10,000 Roma remaining in Kosovo at year's end.

Serbs displaced from Croatia by the earlier conflict there and resettled in Kosovo appealed to the UNHCR for protection in July, although most seemed already to have fled the province at that point.

## Section 6 Worker Rights

### a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions. In the first 6 months of the year, unions were either official (government affiliated) or independent. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati) was the largest union, and the largest independent union is the United Branch Independent Labor Unions (Nezavisnost). Most other independent unions were sector specific, for example, the Independent Union of Bank Employees. Due to the poor state of the economy, over one-half of union workers were on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to enable countrywide strikes. The independent unions also claimed that the Government

prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions. Some foreign union organizers managed to secure visas during the year after long delays.

The largely splintered approach of the independent unions left them little to show in terms of increased wages or improved working conditions. The trade union organizations that existed in the province in the first 6 months of the year did little to protect the rights of ethnic Albanian workers and often served as mechanisms for discrimination against them.

In the second half of the year, UNMIK began actively promoting the formation of labor organizations to further the rights of workers.

Since the war, labor organizations that include ethnic Albanians once again have begun to appear. The dominant organization, the Confederation of Independent Trade Unions of Kosovo, is in the process of reconstructing itself. Founded in 1990, the confederation initially included 24 independent unions with approximately 250,000 members. However, under the Milosevic regime, Serbian authorities regularly harassed its members, and during the war, its president was killed and union records were destroyed. The current president is working with the International Labor Organization (ILO) to establish a Solidarity Center office in Pristina.

The ability of unions to affiliate internationally rem