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Serbia

Events of 2009

Serbia continued on the path toward greater domestic accountability for war crimes, but the government failed to arrest the region's most wanted war crimes suspect Ratko Mladic. Tensions in the Albanian-majority Presevo valley flared into instances of violence in July. The forced eviction of more than 100 Roma from their homes in Belgrade underscored that minority's vulnerable position in Serbia as a whole. The cancellation of the Gay Pride Parade in Belgrade illustrated continuing intolerance toward lesbian, gay, bisexual, and transgender (LGBT) people.

War Crimes Accountability

Serbia failed to bring to justice Ratko Mladic and Goran Hadzic, both indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) and believed to be in Serbia. The Serbian government has repeatedly undertaken (including in 2009) to arrest Mladic, a precondition for closer ties with the European Union.

In February the ICTY convicted five former top Serbian officials for war crimes and crimes against humanity in Kosovo. Nikola Sainovic, Nebojsa Pavkovic, Sreten Lukic, Vladimir Lazarevic, and Dragoljub Ojdanic were given prison sentences ranging from 15 to 22 years. A sixth defendant, former Serbian president Milan Milutinovic, was acquitted of similar charges.

In July the ICTY sentenced Vojislav Seselj, the former leader of the Serbian Radical Party, to 15 months' imprisonment currently on trial before the Tribunal for alleged war crimes in Bosnia and Croatia.

The Belgrade War Crimes Chamber continued its efforts to hold alleged perpetrators accountable for wartime abuses support, and little public awareness of its work. In March the Chamber convicted 13 former Yugoslav army reservists 200 Croats in Ovcara, Croatia, sentencing them to up to 20 years' imprisonment. In June the Chamber sentenced for prison terms of between 15 and 20 years for crimes against Kosovo Albanian civilians committed in 1999.

Significant ongoing trials in the Chamber during 2009 and relating to alleged crimes in Bosnia, Croatia, and Kosovo

Lovas trial, the Suva Reka trial, the Banski Kovacevac trial, the Trbojevic trial, the "Bytyqi Brothers" trial (named after a trial). Notable new indictments include charges in June against 17 former members of the Kosovo Liberation Army (Kosovars, Serbs, Roma, and Albanians in 1999, and charges in July against Nenad Malic for alleged war crimes against Bosnian

In September 2009 the Supreme Court delivered the final decision in the "Zvornik I" case, reducing the sentences of some and confirming the sentence and acquittal of two others.

Treatment of Minorities

Forced evictions in Belgrade in April underscored the fact that Roma in Serbia continue to lack full enjoyment of their property, some of them displaced from Kosovo and including women and children, from their informal homes in a poor neighborhood. Roma had received official notification from Belgrade municipal authorities that they had 15 days to leave. Less than a week later, they were ordered to destroy their makeshift homes. The evicted families were left homeless and lost most of their belongings. At this writing, the government has yet to respond to the decision.

The evicted Roma are currently living in metal containers in another municipality, near Belgrade. Their move there has highlighted widespread discrimination and hostility Roma face in Serbia.

In July the United Nations Committee against Torture found Serbia to have violated the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A man had been beaten by police together with his four-year-old son in June 2000 during a forced eviction and demolition operation. The government has yet to respond to the decision.

Longstanding tensions in the Albanian-majority Presevo valley area occasionally flared into violence in 2009. The military police officers were injured in a grenade attack, and two days later two ethnic Albanians were injured in a bomb explosion. The government to raise the level of alert in the region, which resulted in additional police forces being deployed. Five days later, the government announced the withdrawal of the additional police and condemned alleged "general police brutality." In August the regional assembly declared its independence, demanding the establishment of a separate autonomous region with its own institutions.

In a positive move, the Serbian parliament in March approved an anti-discrimination law, prohibiting discrimination on the basis of race, ethnicity, religion, sexual orientation, despite opposition to the inclusion of protection for LGBT people from a coalition of churches led by the Serbian Orthodox Church.

In September Prime Minister Mirko Cvetkovic advised the organizers of the Gay Pride Parade in Belgrade to move the event to a different location. The police were otherwise unable to guarantee security to the participants (the only previous parade, in 2001, had ended in violence and cancelled the event. Less than a week later, Serbia's public prosecutor called on the government to ban two far right groups from participating in the parade.

Integration of Refugees and Displaced Persons

According to the United Nations High Commissioner for Refugees (UNHCR), as of August 2009 there were 309,171 internally displaced persons in Serbia. Many continue to face problems obtaining documentation, accessing housing and other social services, and fear of violence from Bosnia, Croatia, and Kosovo remain in collective centers in Serbia, often in substandard conditions. Roma IDPs face similar social conditions.

Forced returns of Roma from Western Europe continued, absent any program to assist them, placing a particular burden on UNHCR, between January and May, 163 individuals, including 110 Roma, were involuntarily deported to Serbia from Kosovo. No Roma were involuntarily returned to Serbia during the first five months of 2009.

Media Freedom

Amendments to the Law on Public Information entered into force in July, prompting widespread criticism by Serbian media organizations because of the excessive size of permissible fines for libel. Critics fear this could discourage investigative journalism.

Human Rights Defenders

The LGBT NGO Gay-Straight Alliance came under pressure in 2009. In February the organization was prohibited from using the Congress Center by municipal officials. After criticism in the media and by Serbia's human rights minister, the government reversed the decision. In March hooligans threw stones at the door of a conference center in Kragujevac where the organization was holding its annual report. Police arrested and fined three people (including one minor). The Kragujevac city council condemned the actions.

In February a Belgrade municipal court found Natasa Kandic, director of the Humanitarian Law Center, guilty of criminal libel against the Serbian Progressive Party and former Radical Party leader, and ordered her to pay Nikolic 200,000 dinars (approximately \$15,000) for comments by Kandic that Radical Party members should be investigated for war crimes committed against Croats. The court's judgment in June. The government was silent throughout the episode.

Key International Actors

The European Union's Stabilization and Association Agreement (SAA) with Serbia was stalled due to Serbia's failure to meet EU accession criteria. The European Commission proposed that Serbian citizens should be allowed to travel visa-free to the EU's Schengen area. At this writing, the European Commission's annual progress report on Serbia in October 2009 highlighted the need for Serbia to meet EU accession criteria.

During a visit to Serbia in May 2009, US Vice President Joe Biden expressed the Obama administration's desire to "continue to support its plan to join the EU."

During the Universal Periodic Review of Serbia at the UN Human Rights Council in December 2008, key concerns raised included human rights abuses against minorities, violence against and trafficking of women, the plight of human rights defenders and independent journalists, and the status of Kosovo.

In July 2009 the UN representative on the human rights of IDPs, Walter Kalin, published a report following his visit to Kosovo. The report highlighted problems with housing and employment faced by Roma and other IDPs from Kosovo.

Political tensions surrounding the status of Kosovo continued. Serbia's claim against Kosovo following its declaration of independence was rejected by the International Court of Justice. A September police cooperation agreement between the Serbian government and the Kosovo police force stirred political controversy in Belgrade and Pristina. In October, Serbian authorities agreed to collaborate with EULEK in identifying mass graves from the Kosovo conflict.

Kosovo

of key donors to engage fully with Serb authorities in the north on resettlement for those unwilling to return to the M

Impunity and Access to Justice

Despite the new energy and optimism that the deployment of the EULEX rule of law mission brought to Kosovo, the institutions. At this writing, EULEX has yet to prioritize cases related to the March 2004 anti-Serb and anti-Rom; large number of war crimes files it inherited from UNMIK.

EULEX prosecutors and judges concluded three high-profile cases during 2009. The sole defendant charged with the 12 Serbs, was acquitted in March. The same month Gani Gashi was convicted and sentenced to 17 years' imprisonment in central Kosovo in 1998. In April Gjelosh Krasniqi was convicted for the 1999 kidnap and murder of a Kosovo Albanian. In September EULEX arrested four Kosovo Serbs (including one woman) on suspicion of committing war crimes against

Shortcomings in witness protection continue to impede justice for the most serious crimes, with witnesses unwilling to testify. Witness protection law, but the courts regularly fail to employ the array of protective measures that are available to them. Reluctant to accept witnesses and their families, despite the widespread recognition that it is the only effective means of protection. Lack of EU consensus on Kosovo's status stands in the way of a common EU position on such relocation.

In July the ICTY Appeals Chamber affirmed the conviction and three-month sentence of Bajrush Mornia for intimidation during wartime abuses in Kosovo. It overturned the conviction of Astrit Haraqija for the same offense. Both men were on parole during the duration of the sentences imposed.

In March EULEX opened what it termed a "preliminary investigation" into the alleged transfers by the KLA in 1999 of Kosovo Albanians to facilities in Albania. The Council of Europe investigation into the allegations by Swiss senator Dick Marty continued, postponed for unspecified reasons. The Serbian War Crimes Prosecutor has also initiated an investigation. The Kosovo government refused to investigate them.

In July EULEX and KPS exhumed a mass grave containing remains of 11 individuals, presumed to be missing persons. According to the International Committee of the Red Cross (ICRC) Kosovo, 1,885 persons, the majority Kosovo Albanians.

Human Rights Defenders

For most of the year the international Human Rights Advisory Panel (HRAP) continued to process its busy caseload. The Panel is understaffed and located in an office to which the public have no access, and a lack of cooperation from UNMIK. In October a UN Security Council directive with immediate effect that effectively suspended the Panel's operations by requiring, at a time when one panelist and three members present. The directive also removes jurisdiction over any alleged violations taking place after March 2008.

In November 2008 the Panel ruled that UNMIK had violated the right to life by failing to conduct an adequate investigation into the death of the complainant Shaip Canhasi; at this writing UNMIK has yet to respond to the ruling. In June 2009 the Panel ruled against UNMIK and former residents of the lead-contaminated camps in Mitrovica, including in relation to alleged violations of the right to life, inhuman and degrading treatment.

In March a public hearing was cancelled in the HRAP case against UNMIK brought by the families of the two Kosovo Albanians.

February 2007 demonstration. The cancellation followed EULEX and UNMIK statements that they could not guarantee applicants' families refused to continue the hearing in private, and it was adjourned indefinitely. In September UNM the two men if they agreed to drop their claims. The families rejected the offer.

In June, after a three-year delay in making an appointment, the Kosovo Assembly elected Sami Kurteshi as Kosovo's ombudsperson Hilmi Jashari will remain as his deputy.

At this writing, almost 12 months after EULEX's full deployment, the EU Council has yet to approve the creation of a give the mission authorization to initiate formal cooperation with the HRAP or Kosovo Ombudsperson, calling into question potential abuses arising from the exercise of the executive mandate of a flagship European Security and Defence Poli

Key International Actors

Kosovo's international status remains uncertain. At this writing 63 countries have recognized Kosovo's independence World Bank and International Monetary Fund during 2009, but the decision of several EU states to intervene in support International Court of Justice underscored how divided the EU and United Nations remain on the issue.

The February 2009 visit by US Vice President Joe Biden underscored the Obama administration's continuation of W independent Kosovo.

In August NATO Secretary General Anders Fogh Rasmussen announced a downsizing of the Kosovo peacekeeping Fo

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