

surgery could not be performed on HIV-positive patients. The NGO the Institute for Human Rights and the UN Development Programme human rights representative both intervened, pointing out that hip replacement operations were regularly carried out on HIV-positive patients throughout the world and that such surgery did not result in complications if the immune system before the operation was healthy. The hospital refused to carry out the operation.

■ In March, in the run-up to the passage of the Law on Ensuring Equality, several local councils across the country adopted discriminatory measures against different groups in their communities. Bans on “aggressive propaganda of non-traditional sexual orientation” targeted LGBTI individuals, and Muslims were discriminated against through bans on public Muslim worship. Only one council repealed its decision upon intervention by the Ombudsperson.

■ On 12 June, the European Court of Human Rights ruled that the banning of an LGBTI demonstration in May 2005 had violated the right to freedom of assembly as well as the right not to be discriminated against, and ordered the Moldovan government to pay the organizers, GenderDoc-M, €11,000 within three months.

Amnesty International visits/reports

🚗 An Amnesty International delegate visited Moldova in April and September.

📄 Unfinished business: combating torture and ill-treatment in Moldova (EUR 59/001/2012)

📄 Towards equality: discrimination in Moldova (EUR 59/006/2012)

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MONGOLIA

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Head of state:

Tsakhia Elbegdorj

Head of government:

**Norov Altankhuyag (replaced
Batbold Sukhbaatar in August)**

Mongolia took one step closer to abolishing the death penalty by acceding to the Second Optional Protocol to the ICCPR. Trials of high-profile individuals, including political figures, failed to meet international standards of fairness. Lack of due process led to forced evictions in *ger* districts in Ulaanbaatar.

Background

Parliamentary elections were held on 28 June.

The majority Democratic Party formed a coalition government with the Justice Coalition and the Civil Will Green Party.

Death penalty

There were no executions. In March, Mongolia became a party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

Unfair trials

Lawyers and government officials reported that unfair trials were common, particularly those involving officials or political figures. Lawyers were given little time and access to case files prior to going to court. Defendants’ right to confidential communication with a lawyer of their own choice was restricted.

■ Former President N. Enkhbayar was convicted in August on corruption charges along with two other former officials and one civilian. He was refused bail on the basis of insufficient evidence in May, prompting Amnesty International to raise concerns that he had effectively been arbitrarily detained. He was released shortly afterwards. According to his lawyers, officials undermined N. Enkhbayar’s right to confidential access to legal counsel. They restricted his lawyers’ access to case documents and gave them very little time to prepare before the first court hearing.

Forced evictions

Families were evicted from their homes without prior consultation and other appropriate legal protections. In some cases, families were coerced or threatened by representatives of the local authorities and private construction companies. Some families fell prey to deals between local authorities and private developers, and were expected to pay for whatever alternative housing was offered.

■ After being notified verbally in 2010 that their area had been slated for development, families in 7th micro-district of Ulaanbaatar were not formally consulted and access to the plans remained restricted.

International justice

Mongolia, a state party to the Rome Statute of the International Criminal Court since 2002, had still not implemented its obligations under this treaty. Likewise, the ratification of the International

Convention against enforced disappearance, signed in 2007, remained pending.

MONTENEGRO

MONTENEGRO

Head of state:

Filip Vujanović

Head of government: Milo Djukanović (replaced Igor Luksić in December)

Verdicts in war crimes cases were inconsistent with international law. Independent journalists continued to face intimidation and attacks.

Background

Demonstrations against the government's economic and social policies continued throughout the year.

Negotiations on Montenegro's accession to the EU began in June, focusing on the rule of law, including combatting organized crime and high-level corruption.

After October elections, the longstanding ruling Democratic Party of Socialists was only able to form a coalition government with ethnic minority party support. Former President Milo Djukanović became Prime Minister for the sixth time.

Crimes under international law

Prosecution of crimes under international law continued. In some cases proceedings were not fully in line with international standards, and verdicts were inconsistent with international law.

■ In January, following a retrial, four former members of the Yugoslav People's Army were convicted and each sentenced to up to four years' imprisonment for war crimes against Croatian prisoners of war and civilians at Morinj camp. The sentences were less than the statutory minimum. Appeals were allowed in July.

■ In April, the prosecution appeal against the acquittal in 2011 of army reservists and police officials charged with inhuman treatment of Bosniaks in Bukovica in 1992 was dismissed. The court found that at the time of the offence, the defendants' actions "did not constitute a criminal act in the eyes of the law", although inhuman treatment was defined as a crime against humanity

in the 2003 Criminal Code which ought, under established principles of international law, to have been applied retroactively.

■ The retrial of four members of the Yugoslav Army (which succeeded the Yugoslav People's Army) indicted for the murder of six Kosovo Albanians in Kaludjeruski Laz in 1999 started in September.

■ In November, nine former police officials were again acquitted of war crimes in a retrial for the enforced disappearance of more than 79 Bosnian refugees in May 1992, on the basis that although they had unlawfully detained the Bosniaks, the defendants were not parties to the international armed conflict in Bosnia and Herzegovina.

Freedom of expression

Prime Minister Igor Luksić publicly criticized NGOs and media opposed to the government. Independent journalists also faced intimidation and threats from private actors.

■ In March, Olivera Lakić – a journalist for the independent newspaper *Vijesti* – was hospitalized after being beaten outside her home. Her reporting on alleged industrial fraud had resulted in the opening of criminal investigations.

■ In April, the Supreme State Prosecutor replied to a 2010 request by the NGO Human Rights Action, for information on investigations into 12 unresolved human rights violations, including the murders of journalists and other politically motivated killings. The partial information supplied revealed little progress in investigations.

Discrimination

Discrimination against LGBTI people continued.

■ In September three men, including an actor and the director of a video against homophobia, were violently attacked by members of a Podgorica football supporters' organization. Despite requests for police protection, actor Todor Vujosević was attacked again in October.

Refugees and migrants

Around 3,200 Kosovo Roma and Ashkali refugees remained in Montenegro. In July, 800 of them were made homeless after a fire at the Konik collective centre, where they had lived since 1999. The refugees protested when they were provided with tents; in November they were inadequately housed in