

Serbia

Despite a historic agreement in April by the European Council to start European Union membership talks in January 2014 with Serbia, human rights concerns persist. The situation of ethnic minorities remains precarious, especially for Roma. Journalists continue to be targets of threats despite attempts to bring perpetrators to justice. The asylum system is weak and overburdened. The signing of a cooperation protocol between Serbian and Bosnian prosecutors offers potential to improve the slow progress in war crimes prosecutions.

Accountability for War Crimes

War crimes prosecutions progressed slowly in 2013. The Belgrade War Crimes Chamber reached convictions in six cases and acquitted two people in one case. The Office of the War Crimes Prosecutor indicted three people for crimes against civilians. Fourteen prosecutions were pending at time of writing.

In February, the chamber sentenced seven members of the “Sima’s Chetniks” paramilitary unit to a total of 72 years’ imprisonment for killing 28 Roma civilians, raping and torturing three Roma women, and destroying the mosque in Skocic in Bosnia and Herzegovina.

In July, the chamber sentenced Petar Ciric, of the Vukovar Territorial Defense corps of the Yugoslav National Army, to 20 years imprisonment for participating in the torture and murder by firing squad of 200 Croatian prisoners of war in November 1991.

Also in July, the chamber ordered the Serbian government to compensate three Kosovo Albanians for torture and inhuman treatment following their unlawful detention in May 1999 when Serbian forces occupied the Kosovar village of Novo Cikatovo.

In February, Serbia signed a war crimes protocol with Bosnia facilitating the mutual transfer of information and evidence of war crimes. In July, this resulted in an agreement to cooperate on investigations against 30 suspected war criminals believed to live in Serbia.

In April, Serbian President Tomislav Nikolic offered an apology on Bosnian TV in the name of the Serbian people for war crimes committed by Serb forces in Bosnia during the 1992-1995 war. The apology stopped short of calling the massacre in Srebrenica a genocide.

In late May, the International Criminal Tribunal for the Former Yugoslavia (ICTY) acquitted former Serbian security officials Jovica Stanisic and Franko Simatovic of criminal responsibility for the removal of Bosniaks and Croats from parts of Bosnia and Croatia between 1991 and 1995.

In November, the war crimes prosecutor charged two former officers in the Yugoslav army with the killing of 27 people in the Kosovo village Trnje in 1999. Also in November, in a pending case against 11 former members of the Yugoslav armed forces, the war crimes prosecutor added the indictment of former army commander Toplica Miladinovic for ordering the attacks on four Kosovo villages where at least 45 people were killed in 1999.

Freedom of Media

In April, the editor-in-chief of *Juzne Vesti*, a Serbian investigative journalism platform, received threats over the phone from the director of the Nis Heating Plant, Milutin Ilic, and two others saying “watch what you publish” due to reporting on operations at the plant. The three men were charged in September with threatening the safety of a person performing tasks of public importance.

In June, *Koreni* and *Intermagazin* web-portals published an article calling Nedim Sejdinovic, a well-known journalist and human rights activist from the Vojvodina region in northern Serbia, an “Islamic thinker” and “Vojvodina separatist,” and suggesting that he should not feel safe in his hometown.

A long-awaited government commission was established in January to investigate the murders of three prominent journalists in Serbia more than a decade ago. The seven-

member commission is tasked with analyzing all prior investigations, ascertaining why they failed, and creating the basis for future investigations.

Treatment of Minorities

Attacks and harassment against the Roma minority continued, but authorities brought some alleged perpetrators to justice. In March, a 17-year-old Roma boy died as a result of injuries sustained during a beating by several assailants. A 14-year-old boy was charged with manslaughter in connection with the attack. In August, a group of hooligans attacked a Roma settlement in Resnik, threatening residents and shouting racist slurs. At time of writing police had made four arrests.

Forced evictions and discrimination against Roma in education remain concerns. Authorities demolished approximately 40 homes in an informal Roma settlement in Belgrade in April, providing no alternative accommodation. Also in Belgrade, 50 Roma families faced imminent threat of eviction from their social housing at time of writing. Roma children continue to be disproportionately enrolled in schools for children with developmental disabilities. According to the European Roma Rights Centre, in the 2012-2013 school year, 22.8 percent of all students enrolled in special needs education were Roma.

Tensions between members of the Hungarian minority and Serb majority in the Vojvodina region in northeast Serbia continued. Groups of Serbs attacked Hungarians in separate incidents in January and February, in Temerin and Subotica, respectively, allegedly because of they were ethnic Hungarians. Police were investigating both cases at time of writing.

Sexual Orientation and Gender Identity

Despite landmark court decisions and a strengthened legal framework for the protection of lesbian, gay, bisexual, and transgender (LGBT) rights, members of the LGBT community continue to face intolerance and harassment. A local human rights group reported at least 30 threats per month on social media against members of the LGBT community involved in organizing the 2013 Pride Parade. In September, Serbia's National Security Council banned the Pride Parade for the third consecutive year again citing security concerns. The Constitutional Court in May held that the ban on the 2011 Pride Parade violated the right to freedom of assembly and awarded damages to the Pride Parade Belgrade association. The

Appellate Court in Novi Sad, northern Serbia, set a legal precedent in January when it fined a man for discriminating against a colleague on grounds of sexual orientation by calling him a derogatory term.

The criminal code was amended in December 2012 to prohibit hate speech on grounds of sexual orientation and gender identity, and to include hate motivation, including against LGBT people, as an aggravated circumstance in sentencing. The government adopted a national strategy for prevention and protection against discrimination in June.

Asylum Seekers and Displaced Persons

In the first eight months of 2013, Serbia registered 2,232 asylum seekers, up from 1,454 during the same period in 2012. Syrians comprised the largest national group (432 people).

Concerns remain with the capacity of Serbia's two reception centers, which can only accommodate 280 people and are operating at near maximum capacity. According to the UN High Commissioner for Refugees (UNHCR), national asylum authorities are considering locations for a third reception center at this writing. For the first time since it assumed responsibility for the asylum procedure in 2008, the Asylum Office granted subsidiary protection to two applicants in 2013; to date it has never granted refugee status.

No movement occurred in finding a lasting solution for refugees and internally displaced persons (IDPs) from the Balkan wars. According to data from the Serbian Commissariat for Refugees and Migrations, as of September there were 54,000 refugees in Serbia, most from Croatia, and 210,000 IDPs, a majority of whom are from Kosovo. According to UNHCR estimates, 90,000 IDPs are in a situation of need, primarily with respect to housing.

In December 2012, the Serbian parliament criminalized the act of helping Serbian citizens to leave to seek asylum abroad. EU and individual member states, including Germany, Sweden, and Belgium, had pressured Serbian authorities to address the flow of so-called "fake" asylum seekers to the EU, most of whom appear to be Roma. There were no reported cases of people prevented from leaving Serbia in 2013.

Key International Actors

The European Court of Human Rights in a March decision ordered Serbia to investigate hundreds of cases of missing children following suspected deaths in hospital wards between 1970-1990 and to provide adequate compensation to parents.

In July, UN Secretary-General Ban Ki-moon urged Serbia to intensify efforts to determine the fate of over 1,700 people who disappeared during the 1990s war. The same month, the UN Committee on the Elimination of Discrimination against Women expressed concerns about the increasing number of women murdered or abused by their spouses and ex-spouses and urged the government to ensure effective investigations, prosecutions, and punishment of perpetrators.

In October, while acknowledging some improvements in the areas of media freedom and judicial reforms, the European Commission's annual progress report on Serbia urged authorities to strengthen the independence of key public institutions, including the judiciary, and stressed the need for further reforms. It also called on authorities to enhance the protection of journalists, human rights defenders, and the LGBT population from threats and attacks.