Australian Government

Refugee Review Tribunal

Country Advice

Serbia

Serbia – SRB37720 – Kosovo – Kosovska Mitrovica – Vojvodina – Kosovar Albanians – Albanian collaborators – Serbian Radical Party – Communal violence

15 November 2010

1. Please provide any relevant background information on:

- Kosovo;

- the Kosovar town of Kosovska Mitrovica; and

- the Autonomous Province of Vojvodina, Serbia.

Kosovo

Kosovo is considered the historic centre of the Serbian empire, and the "birthplace of [the Serbian] state".[1] Serbia lost control of Kosovo after the Ottoman victory over Serbian forces at the Battle of Kosovo Poljie in 1398. Serbia did not reclaim Kosovo until 1913 when the region was incorporated into the Yugoslav federation. [2] In the 1960s Serb authorities relaxed policies which suppressed Albanian identity in Kosovo, and Albanians began to participate in Kosovar and Yugoslav civil administration.[3] The 1974 Yugoslav Constitution described Kosovo's status as an autonomous province, claiming: "pressure [for independence continued to] mount in the 1980s after the death of Yugoslav President Tito."[4]

Kosovo has remained symbolically important to Serbia, and the desire to retain the territory as part of both Serbia, and Yugoslavia was reignited in the late 1980's by then President of the Central Committee of the League of Communists of Serbia, Slobodan Milosevic. Milosevic's 1987 speech delivered at the battle ground of Kosovo Poljie is indicative of the centrality of Kosovo to Serbia, and Yugoslavia – Milosevic closed his now infamous declaration of Yugoslav unity with, "All of Yugoslavia is with [Kosovo]…Yugoslavia doesn't exist without Kosovo! Yugoslavia would disintegrate without Kosovo! Yugoslavia and Serbia will never give up Kosovo!"[5]

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[1] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[2] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[3] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[4] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[5] Milosevic, S. 1987, 'Speech of Slobodan Milosevic at Kosovo Polje', *www.slobodan-milosevic.org*, April [only available as cached version] http://webcache.googleusercontent.com/search?q=cache:MAem3dWuvNsJ:www.slobodan-milosevic.org/news/milosevic-1987-3-

After becoming President of Serbia in 1989[6], Milosevic stripped Kosovo of its autonomous status, and encouraged Serbian resentment of Kosovar Albanian influence in both Serbian and Kosovar government. In response, ethnic Albanian leaders in Kosovo declared unilateral independence from Serbia in 1991, and a passive resistance movement began to advocate the reinstatement of autonomy for the region.[7]

Faced with the failure of pacifist resistance to Serbian control of Kosovo, an armed ethnic Albanian guerrilla resistance movement, the Kosovo Liberation Army (KLA), emerged in the mid 1990s and began to attack Serb targets in Kosovo which "precipitated a major, and brutal, Yugoslav military crackdown", including "a campaign of ethnic cleansing against Kosovo Albanians". [8] NATO airstrikes began in March 1999 against targets in Kosovo and Serbia after Milosevic rejected an internationally brokered deal to end the crisis. The conflict displaced "[h]undreds of thousands of refugees [who] fled to Albania, Macedonia and Montenegro. After Serbian forces were driven out in the summer of 1999, the UN took over the administration of the province. [9]

Following the cessation of hostilities, "*the Kosovo issue* remained high on the agenda of Serbia's political rhetoric."[10] Throughout 2000, Serbian media was awash with stories concerning the fates of both Bosnia and Kosovo, causing the International Crisis Group to observe that while "[b]oth [Bosnia and Kosovo] are ever present in the media … very few people are able to cope with the loss of Kosovo." The rhetoric surrounding 'the Kosovo issue' reinforced the Serbian feelings of Serbia's victimisation at the hands of Kosovar Albanians, the ethnic Albanian resistance – the KLA - and the international community.

> Government newspapers and TV report[ed] continuously about the 'total failure of NATO and the UN, their cooperation with 'Albanian terrorists, killing torture and kidnapping of Serbs, and destruction of Serb homes and churches. From time to time pledges are made to return to Kosovo and the people given assurances that it will never be abandoned.[11]

In response to Kosovar Albanians' continued insistence on independence, the Serbian Vice Premier Nebojsa Covic stated in 2003:

> "If they (Albanians) stand for independence, we (Serbs) will stand for the division of Kosovo." And responding to the hypothetical, though ever more realistic situation when Serbia will have to opt "either for Kosovo or for Europe," Covic

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eng.htm+slobodan+milosevic+1987+speech+kosovo&hl=en&gl=au&strip=1 - Accessed 18 November 2010, Attachment 30

[6] 'Timeline: Balkans conflict' undated, *ABC News Online*, http://www.abc.net.au/news/events/the-real-captain-dragan/timeline.htm - Accessed 16 November 2010, Attachment 1

[7] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[8] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[9] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[10] Helsinki Committee for Human Rights in Serbia, 2004, *Human rights and Accountability: Serbia 2003*, Zagorac, Belgrade, p. 15, http://helsinki.org.rs/doc/AnnualReport2003.pdf - Accessed 18 November 2010, Attachment 17, (emphasis in the original)

[11] International Crisis Group, *Serbia: the Milosevic Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, 2000, p. 23, http://www.crisisgroup.org/home/index.cfm?id=1738 - Accessed 4 March 2010, Attachment 27

adds, "If an independent Kosovo is the price to pay for joining the European Union, our answer is 'no, thank you,' we shall not join the European Union."[12]

In 2007, "just over 50 per cent of voters favoured the new Serbian Constitution, which restated that Kosovo and Matohjia were part of Serbian territory. The Albanian minority in southern Serbia boycotted the referendum, and ethnic Albanians in Kosovo were not eligible to vote."[13] And in February 2008, Kosovo again declared independence, which Serbia refused to recognise.[14] A Gallup poll conducted in 2009, reported that "about 70 per cent of Serbs living in Serbia [were] unwilling to accept Kosovo's independence as a price for joining the EU."[15]

An advisory opinion on the legality of this latest Kosovar declaration of independence was handed down by the International Court of Justice in July 2010, which held that the declaration did not violate international law.[16]

In 2010, the BBC reported that the population of Kosovo is approximately 90 per cent Albanian (2 million people), the remaining 10 per cent or about 100,000 Serbs "remain after the post war exodus of non-Albanians".[17] These remaining Serbs live in "separate areas watched over by NATO peacekeepers." [18] Half of Kosovo's 120,000 Serbs live in a region north of the Ibar, which is linked with Serbia by road. They refuse to accept institutions run from the Kosovo capital, Pristina, and see Belgrade as their capital.[19]

Kosovska Mitrovica, Kosovo

The town of Kosovska Mitrovica is situated in the north of Kosovo and continues to be considered a "flashpoint" of Serb – Kosovar Albanian tension in the region.[20] As a result of forcible evictions of ethnic Albanians by Serb forces during the 1998-1999 war, Serbs

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[12] Helsinki Committee for Human Rights in Serbia, 2004, *Human rights and Accountability: Serbia 2003*, Zagorac, Belgrade, p. 15, http://helsinki.org.rs/doc/AnnualReport2003.pdf - Accessed 18 November 2010, Attachment 17

[13] Amnesty International 2007, Report 2007: Serbia, http://www.amnesty.org/en/region/serbia/report-2007 - Accessed 18 November 2010, Attachment 2

[14] 'Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[15] Marzouk, L. 2010, 'Kosovo Albanians Losing Faith in Independence', *Balkan Insight*, 9 August, http://www.balkaninsight.com/en/article/kosovo-albanians-losing-faith-in-independence - Accessed 16 November 2010, Attachment 29

[16] Marzouk, L. 2010, 'Kosovo Albanians Losing Faith in Independence', *Balkan Insight*, 9 August, http://www.balkaninsight.com/en/article/kosovo-albanians-losing-faith-in-independence - Accessed 16 November 2010, Attachment 29

[17] Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[18] Regions and territories: Kosovo' 2010, *BBC News Online*, 4 November, http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm - Accessed 16 November 2010, Attachment 8

[19] Worsnip, P. 2010, 'Serbia, Kosovo clash at UN over explosion', *Thomson Reuters Alertnet.org*, 6 July, http://www.alertnet.org/thenews/newsdesk/N06109401.htm - Accessed 18 November 2010, Attachment 39

[20] Hajdari, I. 2006, 'Flashpoint town challenges Kosovo's future status', 3 May, Agence France-Presse (AFP) as reprinted at *Relieftnet.int*, http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6PFGRH?OpenDocument - Accessed 18 November 2010, Attachment 16
and 'Flashpoint Kosovska Mitrovica neighborhood tense again', 2009, *B92 News* Online, 9 August, http://www6.b92.net/eng/news/politics-article.php?yyyy=2009&mm=08&dd=07&nav_id=61015 - Accessed 18 November 2010, Attachment 7

now dominate the northern side of Kosovska Mitrovica,[21] and in 2008, the BBC reported that of the 300 Albanian families that lived in the northern part of the town before the war, only 58 remain.[22]

The bridge across the Ibar River at Kosovska Mitrovica which divides the northern and southern parts of the town has become the physical divide between the 40,000 Serbs living in the north, and the 80,000 Kosovar Albanians in the south of the town. [23]

As political agitation for Kosovar independence from Serbia intensified during the 2000s, violence in Kosovska Mitrivica has escalated.[24] In 2007, three predominantly Serbian municipalities on Kosovo declared a 'state of emergency' in June following attacks they considered were ethnically motivated, and announced a boycott of the police force of the United Nations Mission in Kosovo (UNMIK) and the Kosovo Police Service.[25]

The Autonomous Province of Vojvodina

The Autonomous Province of Vojvodina (Vojvodina) is an autonomous, contiguous, territorial community within the Republic of Serbia, "established on the basis of specific national, historic, cultural and other characteristics of the area, as [a] multinational, multicultural and multiconfessional European region."[26] In 2002, the province had a population of just over 2 million people comprising over a quarter of the total population of Serbia (27.1 percent).[27]

Serbs are the majority ethnicity (65 percent), and Hungarians form the largest minority population (14.28 percent). The province is also home to more than fourteen other ethnicities, including Slovaks (2.79 percent); Croats (2.78 percent); Yugoslavs (2.45 percent); Montenegrins (1.75 percent); Romanians (1.5 percent), and Ruthenians (0.77 percent); Roma; Ukrainians; Bunjevacs; Sokacs; Germans; Macedonians; Albanians; and Slovenes. [28]

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[21] Charter, D. 2008, 'Mitrovica bridge becomes wall between two worlds as Serbs prepare for long fight', *The Sunday Times*, 19 March, http://www.timesonline.co.uk/tol/news/world/europe/article3578838.ece - Accessed 18 November 2010, Attachment 13

[22] Thorpe, N. 2008, 'Kosovo Lives: Albanian in Mitrovica', *BBC News Online*, 5 August, http://news.bbc.co.uk/2/hi/europe/7525916.stm - Accessed 19 November 2010, Attachment 9

[23] Charter, D. 2008, 'Mitrovica bridge becomes wall between two worlds as Serbs prepare for long fight', *The Sunday Times*, 19 March, http://www.timesonline.co.uk/tol/news/world/europe/article3578838.ece - Accessed 18 November 2010, Attachment 13

[24] Charter, D. 2008, 'Mitrovica bridge becomes wall between two worlds as Serbs prepare for long fight', *The Sunday Times*, 19 March, http://www.timesonline.co.uk/tol/news/world/europe/article3578838.ece - Accessed 18 November 2010, Attachment 13

[25] Amnesty International 2007, Report 2007: Serbia, http://www.amnesty.org/en/region/serbia/report-2007 - Accessed 18 November 2010, Attachment 2

[26] 'Vlada Autonomne Pokrajine Vojvodine', undated, *www.vojvodina.gov.rs*, http://www.vojvodina.gov.rs/index.php?option=com_content&task=view&id=174&Itemid=83# - Accessed 18 November 2010, Attachment 40

[27] 'Vlada Autonomne Pokrajine Vojvodine', undated, *www.vojvodina.gov.rs*, http://www.vojvodina.gov.rs/index.php?option=com_content&task=view&id=174&Itemid=83# - Accessed 18 November 2010, Attachment 40

[28] 'Vlada Autonomne Pokrajine Vojvodine', undated, *www.vojvodina.gov.rs*, http://www.vojvodina.gov.rs/index.php?option=com_content&task=view&id=174&Itemid=83# - Accessed 18 November 2010, Attachment 40

Vojvodina survived the wars of the early 1990s in the former Yugoslavia, "spared from [significant] inter-ethnic violence despite its multiethnicity".[29] As a result, the academic Ana Devic argues the province has not received the depth of post-war analysis that been afforded other parts of the former Yugoslavia. Praised as a "safe haven" and "a model of multiethnic coexistence" the region was considered markedly different to Kosovo, the 'other' semi-autonomous province of Serbia.[30] Nevertheless, in spite of its ethnic diversity, and reputation for multicultural tolerance, Vojvodina did not entirely escape the turmoil following the break-up of Yugoslavia and Milosevic's promotion of extreme Serbian nationalism.[31]

The Institute of Peace and War Reporting describes "the ethnic cleansing of the Catholic village of Hrtkovci in 1992, where Serb refugees from the wars in Croatia and Bosnia drove out the mostly Croat residents with the support of the leader of the far-right Serbian Radical Party [SRS] Vojislav Seselj."[32] The "ultra-nationalist" SRS continue to be led by the indicted war criminal, Vojislav Seselj, commander of Serbian paramilitary units during the Balkans wars, who currently leads the party from prison at The Hague.[33]

Writing for the news and blog site *Teleopolis Online*, Horvath explains,

> [t]he final years of Milosevic's rule and the post-Milosevic era have also not been an easy one for the residents of Vojvodina. Attacks against minorities are a common occurrence as Serbs displaced from their homes in Kosovo, Croatia, and Bosnia all have been resettled foremost in Vojvodina. The Serb newcomers often take a radical and violent attitude toward the minorities in the area as many end up transferring the humiliation and injustices they had gone through onto non-Serbs -- especially ethnic Hungarians, which happens to be the largest minority group. Roving gangs of youth often beat up young Hungarians if they hear them talking in the streets. Subsequently, the police rarely ever go after the perpetrators and often blame the victims.[34]

The Balkan wars of the early 1990s and the Serbian invasion of Kosovo in 1999 created a large displaced population, including thousands of Serbs returning to Serbia from neighbouring states, including Kosovo. On returning to Serbia, the majority of these diaspora Serbs settled in Vojvodina, gradually increasing the Serbian population of the province from just over 50 per cent to 65 per cent, frequently by forcibly evicting Hungarian and Croat families. John Horvath suggests that this behaviour:

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[29] Devic, A. 2003, Research Report: *Guarding and Guiding Regionalism and Interculturalism: Civil Society and Non-Governmental Organizations in Vojvodina*, 'New Approaches to Sustainable Democracy- Building', Watson Institute for International Studies, Brown University, October, www.watsoninstitute.org/muabet/docs/Ana_Devic.doc - Accessed 16 November 2010, Attachment 14

[30] Devic, A. 2003, Research Report: *Guarding and Guiding Regionalism and Interculturalism: Civil Society and Non-Governmental Organizations in Vojvodina*, 'New Approaches to Sustainable Democracy- Building', Watson Institute for International Studies, Brown University, October, www.watsoninstitute.org/muabet/docs/Ana_Devic.doc - Accessed 16 November 2010, Attachment 14

[31] Briza, J. 2005, 'Vojvodina Hit by Wave of Ethnic Attacks', 21 February, http://iwpr.net/report-news/vojvodina-hit-wave-ethnic-attacks - Accessed 16 November 2010, Attachment 11

[32] Briza, J. 2005, 'Vojvodina Hit by Wave of Ethnic Attacks', 21 February, http://iwpr.net/report-news/vojvodina-hit-wave-ethnic-attacks - Accessed 16 November 2010, Attachment 11

[33] Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities', *Institute for War and Peace Reporting*, 22 January, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24 - Accessed 16 November 2010, Attachment 12

[34] Horvath, J. 2008, 'New Hope for Vojvodina?', 7 February, *Teleopolis online*, http://www.heise.de/tp/r4/artikel/27/27229/1.html# - Accessed 16 November 2010, Attachment 19

> has to do with the lessons of Kosovo: some Serbs believe that if it is acceptable for the Albanians to drive out Serbs from Kosovo, then Serbs should have the right to drive out Hungarians and others from Vojvodina. Likewise, if Vojvodina is allowed to carry on with its multi-cultural past, then Serbia might end up losing the province in the same way it is now about to lose Kosovo. [35]

Many of the villages that the Serb refugees settled in the 1990s have become bastions of the SRS the "ultra-nationalist" Serbian Radical Party.[36]

A "wave of [inter-ethnic] incidents" accompanied the 2004 general election "which saw the ultra-nationalist Serbian Radical Party, SRS, make sweeping gains. The SRS emerged as the largest party in Serbia's parliament, and achieved its greatest success in Vojvodina, where it won in 35 of the 45 municipalities. The Radicals lost only in eight mainly Hungarian municipalities in the north and in two dominated by Slovaks."[37]

In November 2010, legislation was passed in the province which restored the autonomous status of Vojvodina - "[t]he document was supported by 86 out of 120 delegates in the Vojvodina assembly but was boycotted by the members of the Serbian Radical Party and the Serbian Progressive Party who believe that the greater autonomy might lead to the break off of Vojvodina."[38] Both parties were vehement in their opposition to the legislation, and used the period leading up to the vote to encourage Serbian supremacist ideology and inter-ethnic unrest in Vojvodina.[39]

2. Is there any evidence of attacks by Serbs against Serbs who worked in Kosovo prior to the Kosovo war or were accused of being (Kosovar) Albanian collaborators?

Although no specific incidents were located which involved Serbs in Serbia targeting Serbians who had worked in Kosovo for Albanians prior to the Serbian attacks in Kosovo in 1999, general reports were located which indicate that Serbs living in Serbia may believe that Serbs living in Kosovo leading up to the Serbian invasion 1998 - 1999 were 'traitors'. For instance,

- the International Crisis Group reported in 2000 that "the 240,000 refugees from Kosovo registered in Serbia by the International Committee of the Red Cross get little

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[35] Horvath, J. 2008, 'New Hope for Vojvodina?', 7 February, *Teleopolis online*, http://www.heise.de/tp/r4/artikel/27/27229/1.html# - Accessed 16 November 2010, Attachment 19

[36] Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities', *Institute for War and Peace Reporting*, 22 January, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24 - Accessed 16 November 2010, Attachment 12; and Briza, J. 2005, 'Vojvodina Hit by Wave of Ethnic Attacks', *Institute for War and Peace Reporting*, 21 February, http://iwpr.net/report-news/vojvodina-hit-wave-ethnic-attacks - Accessed 16 November 2010, Attachment 11

[37] Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities', *Institute for War and Peace Reporting*, 22 January, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24 - Accessed 16 November 2010, Attachment 12

[38] 'Serbian District Vojvodina Regains Autonomy Lost in 1990' 2009, *Novinite.com* (Bulgarian News service), 14 December, http://www.novinite.com/view_news.php?id=111057# - Accessed 18 November 2010, Attachment 31

[39] Helsinki Committee for Human Rights in Serbia, undated,'Vojvodina — Civil Rights Endangered', http://helsinki.org.rs/doc/Vojvodina.doc - Accessed 18 November 2010, Attachment 17

attention, and those who remained in Kosovo are accused of 'cooperation with the enemy'[40]; and

- when reporting the shooting and wounding of an ethnic Serb member of the Kosovo Parliament in July 2010, Patrick Worsnip explained that being an ethnic Serb member of the Kosovo parliament is "a post seen by some Serbs as collaboration with the Albanian authorities".[41]

Sporadic incidents occurred early in 2004 on Serbian New Year (January 14th – 15th) 2004 when Serbian youths harassed residents in their homes, including a Serb reporter for Radio Free Europe, because the youths considered her a "traitor to Serb people".[42] Riots in Kosovo in 2004 between Serbs and ethnic Kosovar Albanians also triggered unrest in Vojvodina. The subsequent "wave of assaults" in March 2004 against ethnic minorities in the province had:

> awoken painful memories from the wars of the 1990s, when Seselj's Radicals tried to "ethnically cleanse" Vojvodina. Croats were particularly targeted and over 10,000 were forced to flee their homes during June, July and August of 1992. The most notorious incident involved the village of Hrtkovci where more than 450 Croat and ethnically mixed families were forced out in August 1992 after Seselj visited the village. His supporters even Serbianised the name of the village, which was re-designated "Srbislavci"."[43]

The Refugee Board of Canada reported that "rioting directed at ethnic Serbs in Kosovo led to retaliatory attacks in Serbia against non-Serbian minorities including ethnic Albanians" and that there were 40 attacks between 17 and 21 March 2004 against ethnic Albanian and Bosniak property in Vojvodina.[44] The Board reported that police officers stood by when:

> ethnic Albanian shops were attacked and seriously damaged. However, Amnesty International reported on the arrest by Serbian authorities of more than one hundred individuals in the wake of these attacks, including 24 who had attacked Albanian and Gorani businesses in Vojvodina."[45]

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[40] International Crisis Group, *Serbia: the Milosevic Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, 2000, p. 23, http://www.crisisgroup.org/home/index.cfm?id=1738 - Accessed 4 March 2010, Attachment 27

[41] Worsnip, P. 2010, 'Serbia, Kosovo clash at UN over explosion', *Thomson Reuters Alertnet.org*,6 July, http://www.alertnet.org/thenews/newsdesk/N06109401.htm - Accessed 18 November 2010, Attachment 39

[42] Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities', *Institute for War and Peace Reporting*, 22 January, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24 - Accessed 16 November 2010, Attachment 12

[43] Briza, J. 2004, 'Serbia: Fear ripples through Vojvodina minorities', *Institute for War and Peace Reporting*, 22 January, http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/115a7d49cd4da7bac1256e280059ce24 - Accessed 16 November 2010, Attachment 12

[44] Immigration and Refugee Board of Canada 2005, *Serbia and Montenegro: Treatment of ethnic Albanians in Serbia and Montenegro, excluding the United Nations administered province of Kosovo (January 2005 - December 2005)* 30 December SCG100786.E, at http://www.unhcr.org/refworld/docid/45f1480411.html - Accessed 12 November 2010, Attachment 26

[45] Immigration and Refugee Board of Canada 2005, *Serbia and Montenegro: Treatment of ethnic Albanians in Serbia and Montenegro, excluding the United Nations administered province of Kosovo (January 2005 - December 2005)* 30 December SCG100786.E, at http://www.unhcr.org/refworld/docid/45f1480411.html - Accessed 12 November 2010, Attachment 26

The Institute for War and Peace Reporting interviewed Albanian victims of these attacks and explain the symbiotic relationship between Kosovo and Vojvodina:

> "I am afraid of the hooligans who insult and attack us because we speak Albanian," said Nusret Gashi. "The police defend us but they don't always make it on time." Gashi, 30, his wife and his four children live in constant fear of attacks by Serb extremists in their small house in the Veliki Rit, a suburb of Novi Sad, in Vojvodina... On the night of March 17/18, when the riots peaked in Kosovo, the Gashi family had to spend the night hiding in a swamp to avoid Serb extremists threatening to burn down their settlement.
>
> While Vojvodina's political leaders have condemned the escalation of attacks on ethnic minorities, **the failure of police to arrest many perpetrators has fuelled tensions in the province**... Andras Agoston, **leader of the Democratic Party of Vojvodina Hungarians, says the "tragic events in March in Kosovo" have had their echo in Vojvodina. He said harassment of minorities in Vojvodina had become an everyday affair**, though most incidents, such as physical and verbal assault, threatening graffiti and attacks on cemeteries and other monuments, passed unnoticed. **Victims failed to report incidents to the police out of fear of reprisals, he said, for the police rarely caught or punished the perpetrators...**[46]

3. Please provide information on state protection of victims of criminal or political attacks, including if possible, information on victims who are accused of being Albanian collaborators.

Reports of attacks against people or organisations deemed 'anti-Serbian' or collaborating with foreign governments or institutions (such as the International Criminal Tribunal for the former Yugoslavia) have focused on human rights advocates and organisations. It is likely that other attacks on individuals who come to the attention of Serbian ultra-nationalist groups are under reported in national and international media.

Country Advice 36154[47] discusses links between organised crime, former Serbian paramilitary groups, and state security organs:

> Those who come to the attention of criminal or nationalist groups such as human rights activists, journalist and others publicly agitating for war crimes accountability and critical of organised crime, regularly face threats from both state and non-state actors, including the media. For example, prominent human rights advocacy organisations, The Humanitarian Law Centre (HLC), the Helsinki Committee and the Lawyers Committee for Human Rights were accused of, "aiming to destroy Serbian state… Their main offence was to demand accountability for war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo during the 1990's."[48]
>
> Attempts have been made to set their offices on fire, the Serbian media attack the women and their organisations for being 'anti-Serbian'. Vojislav Šešelj has accused prosecution witnesses of being "prepared by the HLC,

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[46] Briza, J. 2005, 'Vojvodina Hit by Wave of Ethnic Attacks', 21 February, http://iwpr.net/report-news/vojvodina-hit-wave-ethnic-attacks - Accessed 16 November 2010, Attachment 11

[47] RRT Country Advice 2010, *Research Response SRB36154*, Attachment 41

[48] Amnesty International 2009, *Serbia: Human Rights Defenders at Risk*, Amnesty International, September, Index: EUR 70/014/2009, p2, http://www.amnesty.org/en/library/asset/EUR70/014/2009/en/62eed1a1-0150-4999-aca5-6909720e053b/eur700142009en.pdf - Accessed 5 March 2010, Attachment 6

[and] of having been paid by the HLC to give testimony against him."[49] Amnesty further notes that "investigations into alleged ill-treatment by the police or assaults on [human rights defenders] by non-state actors in which the perpetrators have been identified, are rarely resolved." For instance, in April 2007 a grenade was thrown into the window of journalist, Dejan Anastasijevic's flat after his publication of an article calling for the end of impunity for war crimes. Former members of the Scorpions, and sometime members of the SDG, were arrested in connection with the attack. Anastasijevic also gave evidence against Slobodan Milosevic at The Hague.[50]

The following information has been adapted from *Country Advice 37135* which describes the state protection available to Croats and other ethnic minorities living in Serbia, and will focus, where possible, on the Autonomous Province of Vojvodina. In the absence of a significant Albanian community in Vojvodina, the reports discuss the larger, and more visible ethnic minority groups in the province, including Hungarians and Croats. It should be noted that many Serbs living in Vojvodina had previously lived in Kosovo, and it may be possible that a Serb considered an Albanian collaborator would be known to the Serbian nationalist community.

The Police Force

A range of sources have pointed to the unresponsiveness of Serbian police to incidents of violence and harassment of ethnic and religious minorities in the country. In its 2005 report on the topic, Human Rights Watch claimed that "[m]inorities frequently complain that police tolerate ongoing aggressive acts by Serbian ultra-nationalists". [51] The European Commission against Racism and Intolerance also noted the tendency of police to treat such acts as mere vandalism or as score-settling between groups of youngsters from mixed backgrounds. In the majority of police investigations, the perpetrators were merely ordered to pay a relatively small fine, having only been found guilty of a violation of public order.

Although the relatively minor punishments for such crimes can partly be attributed to the youth of most of the perpetrators; light sentences are also a reflection of the attitude of the police to these offences and the fact that authorities either failed to acknowledge or underestimated the racist aspect of the incidents. [52] The underrepresentation of ethnic minorities within the Serbian police force; and the recent history of the Serbian police as enforcer for an ultra-nationalist state are also contributing factors.[53] As Human Rights

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[49] Amnesty International 2009, *Serbia: Human Rights Defenders at Risk*, Amnesty International, September, 2009, Index: EUR 70/014/2009, p3, http://www.amnesty.org/en/library/asset/EUR70/014/2009/en/62eed1a1-0150-4999-aca5-6909720e053b/eur700142009en.pdf - Accessed 5 March 2010, Attachment 6

[50] 'Serb ex-paramilitaries held over journalist attack', *Reuters*, 9 May 2007, http://uk.reuters.com/article/idUKL0971231020070509 - Accessed 5 March 2010, Attachment 32

[51] Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p. 44 http://www.hrw.org/en/node/11582/section/2 – Accessed 11 August 2010, Attachment 20

[52] European Commission against Racism and Intolerance 2008, *Report on Serbia*, hudoc.ecri.coe.int, 29 April, pg 29 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010, Attachment 15

[53] US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm – Accessed 12 August 2010, Attachment 36; European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p. 30

Watch noted in 2004, Hungarians made up only 1.3 percent of police employees in Vojvodina.[54]

In its 2005 report, Human Rights Watch provided the following explanation:

> The police force was a key institution in the ultra nationalistic government of the former Serbian president Slobodan Milosevic during 1990s. Non-Serbs were virtually excluded from its ranks. Nearly five years after the removal of Milosevic from power in October 2000, Serbia still has a long way to go before ultra-nationalism is eradicated from police service and from the Serbian society as a whole.[55]

The European Commission against Racism and Intolerance similarly stated in 2008 that "A degree of nationalism and a lack of sensitivity to incidents of this kind have been observed within the police".[56]

The Judiciary

According to the 2009 report of the US Department of State, although the Serbian constitution and law provide for an independent judiciary, the courts remained susceptible to corruption and political influence. It also noted that the 2006 constitution expanded the role of the High Judicial Council in the appointment of judges and gave the parliament the right to appoint eight of its 11 members, which the Europe Commissioner on Human Rights claimed risked politicisation of appointments.[57] Given the success of the Serbian Radical Party in the 2008 election (winning 78 of 250 seats) it is plausible that the SRS may exert some influence on the judiciary.[58] In addition, many judges, court presidents and prosecutors appointed during Milosevic's socialist regime remain within the system.[59]

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http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010, Attachment 15

[54] Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p. 7 http://www.hrw.org/en/node/11582/section/2 – Accessed 11 August 2010, Attachment 20

[55] Human Rights Watch 2005, *Dangerous Indifference: Violence against Minorities in Serbia*, October, Human Rights Watch website, p. 44 http://www.hrw.org/en/node/11582/section/2 – Accessed 11 August 2010, Attachment 20

[56] European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p. 30 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 15

[57] US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm – Accessed 12 August 2010 – Attachment 36; Council of Europe Commissioner for Human Rights 2009, 'Report by the Commissioner for Human Rights, Thomas Hammarberg, on his visit to Serbia (13-17 October 2008)' Council of Europe, CommDH (2009)8, 11 March https://wcd.coe.int/ViewDoc.jsp?id=1417013&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679 – Accessed 11 August 2010 – Attachment 41

[58] 'Serbian Radical Party, 2010, Wikipedia website, 7 June (last updated) http://en.wikipedia.org/wiki/Serbian_Radical_Party – Accessed 22 July 2010, Attachment 38.
Please Note: Wikipedia is a Web-based free-content encyclopaedia which is written collaboratively by volunteers. Country Advice recommends that users of Wikipedia familiarise themselves with the regulatory practices which Wikipedia employs as a preventative measure against vandalism, bias and inaccuracy.

[59] US Department of State 2010, *Country Report on Human Rights Practices 2009 – Serbia*, 11 March, Section 5 http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm – Accessed 12 August 2010 – Attachment 37; Helsinki Committee for Human Rights in Serbia 2010, *Annual Report on Human Rights: Serbia in 2009: Europeanization*

Sources suggest that the Yugoslav wars of the 1990s; the recent declaration of independence by Kosovo and a worsening economy has culminated in a sense of nationalism and intolerance towards ethnic minorities or "those who think differently" in Serbia in recent years. As the 2009 Helsinki Committee for Human Rights in Serbia report entitled 'Human Rights, Democracy and – Violence' explains:

> The post-2000 period is marked with an upsurge of various movements with pronounced nationalist views...Extremist rightist organizations were encouraged by the political climate of nationalism, xenophobia and intolerance.[60]

Subsequent reports by Human Rights Watch and Amnesty International in 2006 and 2007 refer to a reduction in inter-ethnic violence in Vojvodina (compared to 2004) but that attacks against Hungarians continued. They also note an increase in other parts of Serbia of anti-Semitic and anti-Muslim graffiti, as well as continued physical assaults and discrimination against Roma.[61]

Similarly, the United State Department reports on human rights practices in Serbia in 2005 and 2006 stated that there continued to be incidents of vandalism and some physical attacks against minorities, "mainly Hungarians in Vojvodina", but that the number of incidents had decreased compared with 2004.

In 2008, the European Commission against Racism and Intolerance (ECRI) released its report on Serbia which noted the existence of a climate of hostility toward national and ethnic minorities, particularly Roma and religious minorities. It noted that, although the Serbian government had taken a number of measures to combat racism, the situation of Roma, and other minorities displaced inside the country, remained "precarious". It also stated that long-term measures were needed to establish "a climate of mutual respect" between the different ethnic and religious groups, especially those living in Vojvodina.[62]

Although the ECRI noted that the situation in Vojvodina had "calmed down" in recent years[63], Human Rights Watch and Amnesty International reports from 2008 to 2009 refer to the continuing abuse of Roma and attacks on religious and ethnic minorities, including Croats and Albanians (particularly after Kosovo's declaration of independence in 2008).[64]

– *Accomplishments and Limitations*, pp. 28, http://www.helsinki.org.rs/doc/Report2009.pdf – Accessed 11 August 2010, Attachment 43

[60] Helsinki Committee for Human Rights in Serbia 2009, *Annual Report – Serbia 2008: Human Rights, Democracy and – Violence*, Helsinki Committee for Human Rights in Serbia website, p.45 http://www.helsinki.org.rs/doc/Report2008.pdf – Accessed 11 August 2010, Attachment 44.

[61] Human Rights Watch 2007, *World Report 2007: Serbia*, Attachment 24; Human Rights Watch 2006, *World Report 2006 – Serbia*, p. 388, Attachment 25; Amnesty International 2007, *Amnesty International Report 2007 – Serbia* – Attachment 2; Amnesty International 2006, *Amnesty International Report 2006 – Serbia*

[62] European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p. 6 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010, Attachment 15

[63] European Commission against Racism and Intolerance 2008, *Report on Serbia*, 29 April, p.29 http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SCG-CbC-III-2008-25-ENG.pdf – Accessed 11 August 2010 – Attachment 15

[64] Human Rights Watch 2008, *World Report 2008 – Serbia*, Attachment 23; Human Rights Watch 2009, *World Report 2009 – Serbia*, Attachment 22; Human Rights Watch 2010, *World Report 2010 – Serbia*, Attachment 21; Amnesty International 2008, *Amnesty International Report 2008 – Serbia*, Attachment 3; Amnesty International 2009, *Amnesty International Report 2009 – Serbia*, http://www.amnesty.org/en/region/serbia/report-2009 – Accessed 12 August 2010, Attachment 4; Amnesty International 2010, *Amnesty International Report 2010 – Serbia*, Attachment 5

The 2008 Amnesty International Report stated that such attacks were often in the form of explosive devices, hate-speech and verbal abuse by fans at football matches and that "perpetrators were seldom brought to justice".[65] US Department of State reports for this period also claimed that there continued to be sporadic incidents of vandalism and physical attacks against minorities, particularly in Vojvodina, but that Roma continued to be the most vulnerable minority community.[66]

4. Please provide figures on numbers of Albanians living in Serbia.

Albanians in Serbia predominantly live in the southern Presevo Valley. In 2005, about 60,000 Albanians live amongst about 30,000 Serbs in the three southern municipalities of Bujanovac, Medvedja and Presevo.[67] Many Albanians living there believe that the region should be united with Kosovo, a position encouraged by the violence experienced by Albanians in the Presevo Valley during the Milosevic years.

During the Kosovo war, "6,000 Albanians were driven from their homes… and the turbulence in Kosovo continues to send ripples into the neighbouring Presevo Valley".[68] In May 2010, a mass grave with an estimated 250 bodies was discovered in Serbia, "believed to have been killed during the 1998-99 conflict in Kosovo."[69]

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