

## Serbia

In March the Serbian parliament adopted a resolution condemning the Srebrenica massacre in Bosnia and apologizing to its victims and their relatives. However the resolution and the parliament's continuing domestic efforts to tackle war crimes were overshadowed by the government's ongoing failure to arrest Ratko Mladic, the Bosnian Serbs' wartime military leader. The European Union nevertheless took steps to strengthen ties with Serbia by unfreezing a trade agreement, relaxing its visa regime, and asking the European Commission to begin assessing Serbia's application for EU membership. These steps were prompted in part by a shift in the Serbian government's stance on Kosovo. Acts of intimidation of independent journalists persisted, along with discrimination against the Roma minority.

### War Crimes Accountability

At this writing Serbia has failed to arrest Ratko Mladic and Goran Hadzic, the two remaining fugitives wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY). In a June briefing to the United Nations Security Council, ICTY prosecutor Serge Brammertz noted Serbia's cooperation with requests for assistance, but indicated that efforts to arrest the fugitives "have thus far produced few tangible results." In September Brammertz reiterated his dissatisfaction with Serbia's efforts to secure the arrests of fugitives and called on the EU to press Serbia for cooperation. On a more positive note, Serbian authorities recovered Mladic's wartime notebooks during a search operation in February and provided them to the ICTY, which will likely introduce them as evidence in several trials.

The trial of Zdravko Tolimir, the last suspect in custody of the ICTY to face prosecution, began in February. Tolimir faces charges of genocide, war crimes, and crimes against humanity related to 1995 events in Srebrenica and Zepa.

The Serbian War Crimes Chamber convicted a total of five suspects in three war crimes trials in 2010 the Malic case, the Banski Kovacevac case, and the Medak case, and acquitted a sixth. The Appellate Court of Belgrade reached final decisions in two cases, the Ovcar case and the Podujevo case. There were eight first instance trials ongoing at the chamber during 2010, and a further 10 cases subject to ongoing appeal.

In September the Serbian War Crimes Prosecutor indicted nine men in connection with killings of ethnic Albanians in the village of Cuska (Qyshk in Albanian) in May 1999, during the war in Kosovo. In total, 26 men are currently being investigated for murder and theft in Cuska.

In May the prosecutor indicted six Serbs for war crimes against Croat civilians in Licki Osik, Croatia, in October 1991.

In August the prosecutor indicted Veljko Maric, a former member of the Croatian Armed Forces, for the wartime killing of Serb civilians in the Croatian village of Rastovac. Maric was arrested in April at the Serbian border with Bulgaria. He is the first ethnic Croat to face war crime charges in a Serbian court.

### **Treatment of Minorities**

Throughout the month of June Roma residents of an informal settlement in the village of Jabuka, north of Belgrade, were harassed by local Serbs after a Roma teenager killed a 17-year-old Serb boy and protests escalated into stone-throwing and threats to destroy Roma homes. At this writing, the Roma neighborhood remains under 24-hour police protection. The Serbian local and central level authorities condemned the violence.

In May the Serbian authorities and the European Investment Bank reached an agreement committing the City of Belgrade to provide sustainable housing by the end of 2010 for Roma evicted from an informal settlement under the Gazela Bridge in August 2009. The evicted residents are currently living in metal containers in various municipalities outside Belgrade. In October Belgrade's development agency, with the help of police, demolished a separate Roma informal settlement and evicted its 36 residents without offering them any alternative accommodation, despite interventions from NGOs, Roma political representatives, and the Ministry for Human and Minority Rights.

In February an ethnic Albanian police officer in the Albanian-majority Presevo Valley was injured when a bomb planted under his police vehicle exploded, fracturing his legs and ribs and hurting his wife and two other female passers-by. At this writing no group has claimed responsibility and no one has been charged for the attack.

### **Integration of Refugees and Internally Displaced Persons**

As of September 2010 there were 82,699 refugees registered in Serbia, according to the UN High Commissioner for Refugees (UNHCR), and around 225,000 internally displaced persons (IDPs), mainly from Kosovo, according to the Serbian authorities. Refugees and IDPs continued

to face problems throughout 2010 obtaining personal documentation and accessing sustainable housing and social services. According to UNHCR, 3,500 remain in collective centers. Roma IDPs from Kosovo face particularly difficult economic and social conditions.

Deportations to Serbia from Western Europe continued in the absence of assistance programs, with 637 persons (around half of them Roma) deported in the first 9 months of 2010, according to the Serbian Commissariat for IDPs and Refugees.

## **Media Freedom**

In July Teofil Panic, a political commentator for the Serbian weekly *Vreme*, was beaten by two men with metal bars on a packed bus in Belgrade. The reason for the attack remains unclear. Panic suffered a concussion and injuries to his entire body. The perpetrators fled the scene and currently remain at large, despite a criminal investigation.

In February Serbian minister for infrastructure Milutin Mrkonjic assaulted Milan Ladjevic, a journalist at the daily *Kurir*, slapping him across the face and using obscene language after Ladjevic pursued him for an interview. Mrkonjic subsequently apologized publicly for his behavior.

In December 2009 reporter Brankica Stankovic and her staff from the B92 TV channel received repeated death threats after airing a program about football hooligans. In August the Higher Court of Appeal jailed one suspect over the threats and ordered the first instance court to look again at charges against five other suspects, reversing an April ruling by the lower court dismissing charges against all six.

In June the Serbian Parliament adopted a new Electronic Communication Law, which permits the creation of a national database of personal email and internet communication and allows police to view its contents. Serbian and international media organizations argued that the law is unconstitutional and could jeopardize the confidentiality of journalists' sources.

## **Human Rights Defenders**

A June event organized by the Queeria lesbian, gay, bisexual, and transgender organization to collect 10,000 signatures in support of a Belgrade Pride Parade in 2010 was dispersed after a bomb threat, which proved to be false. The 2009 pride event was cancelled over security concerns.

The interior minister and the human rights minister publicly stated their support for the Pride Parade, which took place in October. A few hundred LGBT demonstrators and their supporters marched through the streets of Belgrade, heavily guarded by police and security forces. Violent counterdemonstrators shouting homophobic language attacked police and wounded many officers, but failed to disrupt the parade. The counterdemonstrators also attacked the Democratic Party headquarters and destroyed many shops and vehicles.

In March the Serbian Ministry of Labor and Social Policy denied the NGO Mental Disability Rights International–Serbia access to monitor social care institutions for persons with disabilities, on the grounds that the institutions were too busy implementing reforms. The group had previously had informal access. The ministry promised access at a later unspecified time once reforms were implemented, but at this writing, despite further requests, at this writing the group has yet to gain access.

### **Key International Actors**

In December 2009 the Council of the EU decided to unfreeze implementation of the Interim Trade Agreement with Serbia and to lift visa requirements for all Serbian citizens. The Serbian government submitted its formal application for EU membership the same month. In October the Council asked the European Commission to begin considering Serbia's application, despite Belgrade's failure to hand over Mladic. In November the European Commission published its annual progress report on Serbia, highlighting the continued liberty of Mladic and Hadzic. The report noted the lack of progress on prison reforms and widespread employment discrimination against women, while marking improvements to media freedom and progress on domestic war crimes trials.

In July the International Court of Justice issued an advisory opinion in a case brought by Serbia and stated that Kosovo's 2008 declaration of independence did not violate international law. Serbia's initial response was a draft UN General Assembly resolution condemning Kosovo's declaration of independence, but after significant diplomatic pressure by the EU and the United States, Serbia agreed to a joint UN General Assembly resolution with the EU calling for negotiations between Serbia and Kosovo that would allow them to normalize their relations. The General Assembly unanimously adopted the resolution in September.

### **Kosovo**

Kosovo's justice system remained weak in 2010, despite efforts to try perpetrators of war crimes and postwar abuses against minorities. Deportations of Kosovars from Western Europe continued, with a disproportionate impact on Kosovo's most vulnerable minorities:

Roma, Ashkali and Egyptians, the latter, a Romani Albanian-speaking group with mythical origins in ancient Egypt. The finding of the International Court of Justice that Kosovo's declaration of independence "did not violate general international law, Security Council resolution 1244 or [Kosovo's] Constitutional Framework," had little discernible impact on human rights in Kosovo.

### *Protection of Minorities*

Minorities in Kosovo, including Serbs, Roma, and Albanian-speaking Ashkali and Egyptians, remained at risk of discrimination, marginalization, and harassment. According to the Kosovo Police Service, 40 inter-ethnic incidents (including four murders) were reported during the first eight months of 2010: 31 in the divided city of Mitrovica, which remains a flashpoint for violence; as well as five in Pristina, one in Gnjilane, one in Prizren, and one in Pec.

In April ethnic Albanians pelted stones at the tents of Serbian returnees to the village of Zac, in Istok municipality, and also staged protests against the returnees following rumors that there were war criminals among them. UNHCR denied these allegations, and Kosovar and international authorities robustly condemned the violence. But in August, in the same village, a bulldozer was used to demolish three houses of Kosovo Serb returnees. The police arrested two Kosovo Albanian teenagers in the incident, and Kosovo Prime Minister Hashim Thaci condemned the destruction.

In July as Serbs in northern Mitrovica protested the opening of a Pristina government office, an explosion killed one demonstrator and injured 11. Nobody was arrested in the immediate aftermath of that attack. Just three days later Petar Miletic, a Serb member of the Kosovo Assembly, was shot and injured as he left his home in northern Mitrovica. At this writing the perpetrators remains at large. In September an ethnic Albanian man was shot dead in an ethnically mixed area of northern Mitrovica.

The government made limited progress implementing its Roma, Ashkali, and Egyptian integration strategy. Roma, Ashkali, and Egyptians continue to face persistent discrimination, particularly in employment and access to public services, and have the highest unemployment, school dropout, and mortality rates in Kosovo.

In June, 5,000 people demonstrated in the municipality of Pristina following the Municipal Assembly's adoption and implementation of a headscarf ban on both students and teachers in all public schools.

### *Return of Refugees and Internally Displaced Persons*

Voluntary returns to Kosovo increased, though the overall numbers remain small. During the first six months of 2010, UNHCR Kosovo registered a total of 1,036 voluntary minority returns: 417 Serb, 99 Roma, 257 Ashkali/Egyptian, 32 Bosniak, 152 Gorani, and 79 Albanian (to Serbian majority areas, mainly Mitrovica).

Meanwhile, deportations of Kosovars from Western Europe continued with little assistance for returnees once they are in Kosovo. According to UNHCR, 1,694 Kosovars were deported from Western Europe during the first nine months of 2010, including 347 people sent to areas where they were in a minority: 193 Roma, 55 Ashkali, 2 Egyptians, 7 Bosniaks, 25 Gorani, 5 Turks, 29 Albanians, and 1 Serb. Deportations have a particularly adverse effect on Roma, Ashkali and Egyptians.

The Kosovo authorities signed a bilateral readmission agreement with the government of Germany in late April 2010. It awarded Kosovo a better visa facilitation regime in exchange for accepting deportations of all persons originating from Kosovo. Around 16,000 people are expected to be returned under it, many of them Roma, Ashkali, and Egyptian. Similar agreements were signed with Albania, Belgium, France, and Switzerland in late 2009 and 2010.

In October a lead-contaminated Roma, Ashkali, and Egyptian camp in Cesmin Lug was closed and demolished after a decade. Most of its inhabitants are being rehoused in reconstructed homes in the original Roma neighborhood (Mahalla) in South Mitrovica, together with some residents from a second lead-contaminated camp at Osterode, which remains open at this writing. A group of Cesmin Lug residents unwilling to return to the Mahalla have been moved to Osterode and are pending their resettlement elsewhere at this writing. Funding comes from a €5 million European Commission project announced in December 2009, including medical treatment, education, community safety, and income generation, and a complementary project funded by the US Agency for International Development.

### *Impunity, Accountability and Access to Justice*

In July the ICTY Appeals Chamber partially quashed the acquittals of Ramush Haradinaj, a former commander of the Kosovo Liberation Army (KLA) and former Kosovo prime minister; Idriz Balaj, a former member of the KLA in command of a special unit known as the Black Eagles; and Lahi Brahimaj, who served as a deputy commander of the KLA in the Dukagjin area of Kosovo. The appeals court ordered a partial retrial of the case, accepting the prosecution's contention that the trial court had failed to take adequate measures to secure

the testimony of two crucial witnesses. In September the ICTY denied Haradinaj's motion for provisional release, citing the integrity of the trial.

In May the EU Rule of Law and Police Mission in Kosovo (EULEX) announced that its investigation into the so-called "Yellow House" case, involving the alleged transfers by the KLA in 1999 of around 400 Serbian and other captives to detention facilities in Albania, had failed to produce evidence to substantiate allegations of organ-trading. At this writing the status of the investigation into the other allegations remains unclear. Investigations into the case by Dick Marty, the rapporteur of the Council of Europe Parliamentary Assembly, and the Serbian war crimes prosecutor continued, but no new facts were made public.

EULEX investigations into separate allegations of abuses in KLA-run camps in Albania resulted in three arrests. In May EULEX police in Pristina arrested Sabit Geci for the alleged torture of civilians in a KLA-run camp in the town of Kukes, northern Albania, in 1999. The same month, EULEX police arrested Zhemsit Krasniqi in Prizren in connection with crimes against civilians of various ethnicities in KLA bases in Albania in 1999. The third arrest took place in June in the municipality of Djakovica. The suspect's name has not been made public.

In the year prior to September 2010, EULEX completed five war crime cases, with eight more ongoing and 27 in pretrial stages. EULEX completed eight cases related to the March 2004 riots during the same period.

The long-running trial of Albin Kurti, a leader of the Vetevendosje movement for self-determination, concluded in June. A mixed judicial panel including EULEX and Kosovo judges convicted Kurti of a minor charge and sentenced him to time served, releasing him immediately. There were credible allegations that the KPS used excessive force during Kurti's arrest earlier in June, prompting an investigation by the Ombudsperson Institution, which remains pending at this writing.

While EULEX took steps to improve collaboration with Kosovo police, judges, and prosecutors, the justice system continued to be hampered by longstanding problems including a lack of skill in judicial policing, the assisting of prosecutors in investigations, and the failure of court staff to systematically use electronic case management software. Witness protection and security remained serious concerns, with few Western states consenting to host witnesses (no new states agreed to do so during 2010), an inconsistent use of protective measures by the courts, and the continued lack of a comprehensive witness protection law.

According to the International Committee of the Red Cross, 1,837 persons remain missing from the 1999 conflict, the majority Kosovo Albanians.

In May EULEX and the Serbian authorities jointly announced the discovery of a suspected mass grave in southern Serbia believed to contain the remains of as many as 250 Kosovo Albanians who went missing during the war. In September the Kosovo authorities began excavating in a coal mine in the Vucitrn municipality, where the bodies of 20 Kosovo Serbs killed during the 1999 war are believed to have been buried. At this writing no human remains have been found at either site.

### *Media Freedom*

In February Vehbi Kajtazi, a journalist for the daily newspaper *Koha Ditore*, was allegedly threatened by Sabit Geci, a former KLA member, in response to Kajtazi's article criticizing an amnesty for a group of prisoners, including Geci's son, Alban. Kajtazi was discouraged by KPS when he tried to file a complaint against Geci.

In July an explosive device was thrown into the courtyard of the home of Caslav Milisavljevic, editor-in-chief of Radio Kosovska Mitrovica. The device exploded, damaging three vehicles. Nobody was injured. KPS opened an investigation into the incident but no perpetrators have been arrested at this writing.

### *Human Rights Defenders*

In late November 2009 the Council of the EU agreed on the EULEX Human Rights Review Panel (HRRP). The panel reviews complaints of human rights abuse by EULEX from individuals. In May 2010 three members of HRRP (and one alternate) were appointed by the acting EULEX head of mission. The first regular session of HRRP took place in June. At this writing, HRRP had received 16 cases and deemed 12 admissible, including 7 relating to the functioning of the justice system.

The filling of a vacancy in the three-member UN Human Rights Advisory Panel, which hears similar complaints against UN Mission in Kosovo (UNMIK), allowed it to resume functioning. But its effectiveness remained hampered following restrictions introduced by the UN in October 2009.

There were continued instances of the Kosovo authorities ignoring the interventions of the Kosovo Ombudsperson Institution, or responding late.

### *Key International Actors*

In May 2010 peacekeepers from NATO-led Kosovo Force intervened in Mitrovica to assist KPS and EULEX police to quash the week-long civil unrest sparked by Serbian local elections in North Mitrovica.

An April report to the UN Security Council from Secretary-General Ban Ki-moon warned that deportations to Kosovo undermine the country's stability. Thomas Hammarberg, the Council of Europe's human rights commissioner, made similar statements and repeatedly called for a moratorium on deportations.

In June the Parliamentary Assembly of the Council of Europe released a critical report emphasizing the need for Kosovar authorities to cooperate with war crime investigations, combat discrimination and abuse against minorities, create conditions for the safe return of IDPs and refugees, ensure media freedom, promote women's rights, and take urgent steps to close lead-contaminated Roma camps in North Mitrovica.

In November the European Commission's annual progress report highlighted the ongoing weakness of Kosovo's justice system, inadequate attention to war crimes; continued threats to independent journalists; slow progress on missing persons; and widespread discrimination and marginalization of Roma, Ashkali and Egyptians.