



**SERBIA AND MONTENEGRO  
(INCLUDING KOSOVO)  
COUNTRY REPORT  
April 2005**

**Country Information & Policy Unit  
IMMIGRATION & NATIONALITY DIRECTORATE  
HOME OFFICE, UNITED KINGDOM**

## Serbia and Montenegro: April 2005

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## **1.a. Scope of Document**

**1.1** This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to **1 March 2005**.

**1.2** The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

**1.3** The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

**1.4** The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

**1.5** The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

**1.6** As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

**1.7** The Country Report is based substantially upon source documents issued during

the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

**1.8** This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

**1.9** Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

**1.10** In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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**Advisory Panel on Country Information**

**1.11** The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk).

**1.12** It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to

imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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## **1.b. Explanatory Note on the Structure of the Serbia and Montenegro Country Report**

**1.13** Serbia and Montenegro (SaM) is comprised of Serbia (including Kosovo) and Montenegro. Although currently administered by the UN, Kosovo remains a province of Serbia. For reasons of clarity, it has been simplest to deal with Serbia, Montenegro and Kosovo separately. This should not be taken to imply any comment upon the legal or political status of these territories. Thus, following general sections on geography, the history of the region until July 1999 and the SaM Constitutional Charter, the remainder of the document is divided into three discrete sections, covering Serbia, Montenegro and Kosovo respectively.

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## **2 Geography**

**I.2.1** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relays the following information: Serbia and Montenegro (SaM), which comprises the two republics Serbia and Montenegro, lies in south-eastern Europe. SaM is bordered to the north by Hungary to the east, by Romania and Bulgaria; and to the south by the Former Yugoslav Republic of Macedonia and Albania. Montenegro, to the south-west, has a coastline on the Adriatic Sea and SaM's inland western border is with Bosnia and Herzegovina and with Croatia. The province of Kosovo occupies the south-west portion of the Republic of Serbia and Vojvodina occupies the northern part. Belgrade is the capital of SaM, as well as being the capital of the Republic of Serbia. Podgorica, formerly known as Titograd, is the capital of the Republic of Montenegro. [1a](p521-522)

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### **Population, Language & Religion**

**I.2.2** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 adds the following information: the territory of SaM has an area of approximately 102,173 square kilometres (approx. 39,449 sq. miles). Official estimates (based on the last official census on 31 March 1991) indicate a total population of about 10.5 million, with over 9.7 million living in Serbia. Of the total population 63% are Serbs and 17% are ethnic Albanians, most of whom live in Kosovo, where they account for the

overwhelming majority of the province's population of about 1.8 million. The remaining 20% are made up of various minority groups including Bosniak Muslims, Croats, Hungarians and Roma. The principal language is Serbian (sometimes known as "Montenegrin" in Montenegro, and formerly known as Serbo-Croat). It is usually written in a Cyrillic script. Other languages, most notably Albanian and Hungarian, are also spoken in SaM. [1a](p.521)

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### 3. Economy

I.3.1 This is dealt with in the individual sections on Serbia, Montenegro and Kosovo.

### 4. History

I.4.1 The US State Department Report for 2004 relates that, until 4 February 2003, when the state union of Serbia and Montenegro came into being, the two republics formed the Federal Republic of Yugoslavia (FRY). FRY was the rump state left following the dissolution of the former Socialist Federal Republic of Yugoslavia in 1992. [2a](p.1)

I.4.2 Although Yugoslavia had existed in some shape or form since the nineteenth century, the complex history of the country prior to the rise of Slobodan Milosevic has not been attempted here. These details may be found in Europa Central and South Eastern Europe Regional Survey, 5th edition, 2005 if required.

I.4.3 The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 continues: After Slobodan Milosevic became President of Serbia in 1987, relations between Serbia and the other republics and provinces began to deteriorate. In 1990, Milosevic moved to consolidate Serbia's power and his own by abolishing the autonomy of Kosovo and Vojvodina. In 1991, after political relations with Serbia had broken down, the Republics of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina all declared their independence and by the end of the year Federal President Stipe Mesic had declared the old Socialist Federal Republic of Yugoslavia (SFRY) non-existent. In April 1992 The Federal Republic of Yugoslavia (FRY) was declared, consisting of the only republics now remaining from the SFRY, Serbia and Montenegro, and a new constitution was adopted. [1a] (p.533-534)

I.4.4 In the words of the UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro, updated 15 July 2004:

“Throughout its first eight years Yugoslavia was dragged into a series of conflicts by Slobodan Milosevic, first as President of Serbia, then as FRY President. Conflicts in Slovenia and Croatia during the dissolution of the “old” Yugoslavia were followed by a three-year conflict in Bosnia-Herzegovina, in which over 200,000 people died. The Dayton-Paris Peace Accords of 1995 ended the conflict in Bosnia.” [11p](p.2)

I.4.5 Milosevic continued in power, with the opposition in Serbia remaining divided

and ineffectual, according to the Europa Regional Survey account. Unrest continued within the Serbian province of Kosovo, where Milosevic had pursued a policy of severe oppression of the majority ethnic Albanian population. Ethnic Albanians were subjected to routine harassment by the police and dismissed them from official positions. All Albanian language schools were closed. Any resistance was brutally suppressed. [1a] (p.535)

**I.4.6** Increasingly, the Europa Regional Survey account continues, the ethnic Albanians began to fight back and a military group, the Kosova Liberation Army (KLA) / Ushtria Clirimtare e Kosoves (UCK), emerged with the declared intention of gaining independence for Kosovo. Milosevic responded by massively escalating the repression and carried out a policy of ethnic cleansing against the ethnic Albanian population. Serb forces systematically destroyed villages and drove out the ethnic Albanian inhabitants, forcing an exodus of over 600,000 people from the province by mid-May 1999. [1a] (p.571)

**I.4.7** The UK FCO website account, updated 15 July 2004, continues: In March 1999, NATO intervened to protect the Kosovo Albanian population and in June 1999, the Serb forces surrendered and withdrew from Kosovo. Since then, the UN has administered Kosovo, with security provided by the NATO – led security force KFOR. [11p](p.2)

**I.4.8** In the words of the UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro, updated 15 July 2004:

“Milosevic’s regime came to an abrupt end on 5 October 2000. He refused to accept the first round victory of Vojislav Kostunica, the Democratic Opposition of Serbia Coalition (DOS) candidate in the Yugoslav Presidential elections. However Milosevic had underestimated support for the opposition. Hundreds of thousands of people took to the streets, storming government buildings and forcing Milosevic from power. The uprising of October 2000 was consolidated in December 2000, when DOS swept to power in Serbia, following the Assembly elections.” [11p](p.2)

**I.4.9** The UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro continued with the following information: On 14 March 2002, the Belgrade Agreement was signed, by which the Federal Republic of Yugoslavia would become the state union of Serbia and Montenegro through the adoption of a new Constitutional Charter. On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. [11p](p.3)

**I.4.10** The UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro also stated: The rights and responsibilities of the FRY were transferred to the state union of Serbia and Montenegro (SaM). Under a looser arrangement than FRY, the republics share common policies for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights. They also have a shared court, but retain individual responsibility for all other matters. The Charter contains the provision that after three years, the republics have the right to withdraw from the union following a referendum. [11p](p.3)

**I.4.11** In March 2003, the union parliament of SaM chose Svetozar Marovic, a Montenegrin, as the country's first president, as reported by a BBC news report of 19 March 2003. He is deputy chairman of the Democratic Party of Socialists (DPS) led by Montenegrin Prime Minister Milo Djukanovic. [8m]

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## 5. State Structures

### Constitutional Charter

**I.5.1** As mentioned above, the rights and responsibilities of the FRY have been transferred to Serbia & Montenegro (SaM). The Constitutional Charter is based on the equality of the two constituent republics, Serbia and Montenegro: Article One of the Constitutional Charter reads "The name of the State union shall be Serbia and Montenegro" and Article Two, 'serbia and Montenegro shall be based on the equality of the two member states, the state of Serbia and the state of Montenegro'. [74a](p.1)

**I.5.2** A Charter of Human and Minority Rights and Civil Liberties was adopted on 26 February 2003, brought in as Article 8 of the Constitution, "A Charter of Human and Minority Rights and Civil Liberties, forming an integral part of the Constitutional Charter, shall be adopted under the procedure and in the manner set forth for the adoption of the Constitutional Charter." [74a](p.2) Provisions of international treaties in this regard apply directly to the territory of SaM, as outlined in Article 10, "Provisions of international treaties on human and minority rights and civil liberties applicable on the territory of Serbia and Montenegro shall apply directly." [74a](p.3) SaM became a member of the Council of Europe on 3 April 2003, (as reported on the UK Foreign and Commonwealth Office website, accessed in April 2003). [11o](p.1) Freedom of movement of people, goods, services and capital is guaranteed: Articles 11 – 13 of the Constitution cover the principles of market economy (Article 11), of common market (Article 12), and of freedom of movement, which in Article 13 runs:

"The movement of people, goods, services, and capital shall be free in Serbia and Montenegro. The prevention of the free flow of people, goods, services and capital between the state of Serbia and the state of Montenegro shall be prohibited." [74a](p.3)

**I.5.3** As detailed in Articles 46 – 50 of the Constitutional Charter, SaM at state union level is responsible for matters relating to foreign affairs, defence, internal economic affairs, foreign economic affairs and human / minority rights. The Court of SaM may rule on any disputes between the constituent republics concerning their competencies and on whether republic-level laws are in conformity with the legislation or constitutions of the republics or with the SaM Constitutional Charter. The Court of SaM may also rule on petitions of citizens in the event that the institutions of Serbia or Montenegro have violated their rights or freedoms as guaranteed by the Constitutional Charter [74a](p.10-11)

**I.5.4.** The EU Stabilisation and Association Report for 2004 stated:

"There was some progress in the field of human rights. The



accession to the Council of Europe in April 2003 and the ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. On the other hand, the state of emergency in Serbia has affected the respect for human rights. There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro's international obligations." [75b](p.11.)

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## **Citizenship**

**I.5.5.** Article 7 of the 2003 Constitutional Charter of the State Union of Serbia and Montenegro sets out the basic right of citizenship:

"A citizen of a member state shall be also a citizen of Serbia and Montenegro. A citizen of a member state shall have the same rights and duties in the other member state as its own citizens, except for the right to vote. [74a](p.2)

**I.5.6.** The UNHCR Comments on the October 2004 Country Report add:-

"Likewise, Article 25 of the Law on Implementation of the Constitutional Charter of SCG [Srpska Crna Gora - SaM] stipulates that 'the persons who had acquired Yugoslav citizenship before the Constitutional Charter has come into effect shall retain the citizenship and the right to use the existing public documents until a law governing this matter is passed'. Therefore, by acquisition of the Citizenship of one of the two Republics, a person automatically acquires citizenship of the State Union of SCG [Srpska Crna Gora - SaM]" [17o](p.30)

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## **Political system**

**I.5.7.** The Assembly of Serbia & Montenegro is unicameral, consisting of 126 members of whom 91 come from Serbia and 35 from Montenegro, state the Europa Regional Survey, 2004 . [1a](p.574) According to the European Commission Stabilisation and Association Report for 2004:

"At the state level, the Constitutional Charter provides for indirect election of members of the State Parliament for the first two years [i.e. up to 2005]. The two republican Parliaments adopted legislation for the nomination of the respective members of the State Parliament in mid-February 2003 and subsequently appointed these MPs. After the Serbian parliamentary

elections of December 2003, the Serbian Parliament elected the new Serbian members of the State Parliament in February 2004.” [75b](p.3)

The first President , according to the UK Foreign and Commonwealth Office website country profile, accessed in April 2003, was Svetozar Marovic of the DPS party in Montenegro. [11n](p.3)

**I.5.8.** According to the Europa Regional Survey for 2004, Serbia and Montenegro section, the Serbian province of Vojvodina has an elected assembly with some autonomous powers. The Serbian province of Kosovo also has an elected assembly; though UNMIK work in conjunction with Kosovan Assembly, supreme power rests with the Head of UNMIK, The Special Representative of the (UN) Secretary General (the SRSG). [1a](p.574) The political system in SaM is discussed in greater detail under the individual sections dealing with each constituent republic.

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## S.2 Geography

**S.2.1** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relays the following information: The Republic of Serbia is a land-locked territory forming the largest part of SaM: the capital of Serbia is Belgrade. The Republic includes the provinces of Kosovo and Vojvodina. Kosovo is under the administrative control of the United Nations Mission in Kosovo (UNMIK). [1a](p534)

**S.2.2.** The official population estimates of March 2002 are of 7,479,437 people in Serbia (excluding Kosovo). [1a](p535) News reports, distributed by the Associated Press, of 16 May 2002 report that excluding Kosovo, the population of Serbia was estimated at about 7.5 million, a drop of one percent from the last census in 1991. [58a]

For Further information on geography, refer to The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005

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## S.3 Economy

**S.3.1** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relays the following information: The Socialist Federal Republic of Yugoslavia's (SFRY) economy was based chiefly on industry (including mining), agriculture and tourism. Following a period of serious economic decline during the 1980s and the highly destructive break up of SFRY in 1991, all sectors of the economy were in a state of crisis from the inception of FRY in 1992, leading to hyperinflation in 1993. [1a] (p.554-556) The Europa Regional Survey, 2005 continues: the economy also suffered severely as a result of its involvement in wars during the 1990s, international sanctions and its exclusion from international financial institutions. The NATO bombing during the Kosovo war also impacted upon the economy. [1a](p.556,557)

**S.3.2** The assessment of the Helsinki Committee (Belgrade) in its chapter on Economic and Social Rights in its 2002 annual report (published in 2003) ran:

'second year of transition in Serbia began with signs of palpable fear of all population strata in the face of imminent, massive job cuts and other radical, economic changes. ... Lack of political and social consensus throughout 2002 affected the reforms, either by slowing them down, or by devaluing their earlier results.' [7m](p.106)

**S.3.3** The EC Stabilisation and Association Report for 2004, regarding the economy in 2003, comments, "Economic stability has been preserved. However, the pace of structural reforms has slowed considerably, mainly due to the political disputes that have hampered the functioning of the institutions." [75b](p.1) The United States State Department report for 2004, published 28 February 2005, commented on a general

unevenness within the economy:-

“Average wages were projected to outpace inflation. Income distribution and economic opportunity were uneven. Poverty and unemployment were highest in southern and eastern Serbia and among the refugees from the wars in Croatia and Bosnia-Herzegovina (BiH) and internally displaced persons (IDPs) from Kosovo.” [2a](p.1)

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## S.4 History

**S.4.1** The UK Foreign and Commonwealth Office’s website country profile of Serbia (updated 2 September 2004) relates that Slobodan Milosevic dominated Serbia from the late 1980s until he was overthrown in October 2000 and replaced as FRY President by Vojislav Kostunica. The Democratic Opposition of Serbia (DOS) won a landslide victory in the Serbian Assembly elections and Zoran Djindjic was appointed Prime Minister of Serbia. [11r](p.2) The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 continues, stating that following the election, there was a purge of Milosevic’s allies in senior positions in the administration, military and diplomatic service, leaving the ex-president increasingly isolated. After US pressure, Milosevic was arrested on 1 April 2001 and extradited to The Hague on 28 June 2001. [1a] (p.551) Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia and Bosnia were added later. [1a](p.551)

**S.4.2.** From March 2002, US pressure led to further powers facilitating further extraditions to The Hague. The law applied to 23 suspects, including the then incumbent President of Serbia, Milan Milutinovic, according to a BBC News Report of 21 May 2002. [8i] Milutinovic, according to a Guardian news website report of 21 January 2003, subsequently surrendered himself to The Hague in January 2003. [56c] In February 2003, ultra nationalist leader Vojislav Seselj also handed himself over to the war crimes tribunal, according to a Voice of America news report of 25 February 2003. [55a]

**S.4.3.** According to a BBC news account of 9 October 2002, of the lead-up to the second round of Presidential elections, the DOS coalition was weakened by an antagonism between the Kostunica and Djindjic factions. [8j] A later BBC bulletin, of 14 October 2002, reported Kostunica won the second round on 13 October 2002, but the turnout was below the 50% required for the result to be valid. [8k] The elections were re-run in December 2002, with Kostunica winning 58% of the vote, but again the 50% turnout threshold was not reached, as relayed within the UK FCO website profile of Serbia, (updated 2 September 2004). [11r](p.4)

**S.4.4.** A Guardian Online news report of 13 March 2003 related that on 12 March 2003 Prime Minister Djindjic was assassinated outside a government building in Belgrade; that a previous attempt had been made on his life on 21 February 2003; that a State of

Emergency was immediately declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party was appointed Prime Minister. [56d] A BBC news report of 19 March 2003 reported that under the State of Emergency the Government had powers to ban political gatherings and imposed controls on the media; the Government also took powers to arrest suspects without a warrant and hold them for 30 days without charges. [8o]

**S.4.5.** In the account on the UK Foreign and Commonwealth Office's website (updated 2 September 2004), "The Serbian Government has blamed organised crime networks, in particular a group known as the "Zemun clan" for Djindjic's assassination". [11r](p.6) A BBC news report of 7 April 2003 goes into further detail: the Government used the emergency powers to hold over 2,000 suspects with links to Zemun and other criminal groups, including several senior security officers and the Deputy Public Prosecutor; the Government has also removed 35 judges from office and disbanded the former paramilitary special service force, the JSO or Red Berets, which was implicated in several political killings, including that of former President of Serbia Ivan Stambolic. [8p] The same report notes regarding the detention of three lawyers on suspicions of perverting the course of justice, "Their detention reinforces earlier claims that organised crime not only enjoyed the support of the Milosevic-era special police, such as the JSO, but also benefited from the services of members of the legal profession." [8p] News reports from Belgrade in May 2003, within Balkans Crisis Report 432 of 23 May 2003, report that senior officials were keen that the April 2003 arrests are seen as the beginning of a concerted effort against organised crime, rather than an occasional response. [43am]

**S.4.6.** According to a news report relayed in the Southeast European Times on 11 April 2003, "EU foreign policy chief Javier Solana told officials in Belgrade on Thursday (10 April [2003]) that the [European] Union supports the Serbian Government's actions against organised crime in the wake of Prime Minister Zoran Djindjic's assassination." [76a] According to the Balkan Crisis Report, of 11 April 2003, the measures also enjoyed considerable public support. [43o] The State of Emergency was lifted on 22 April 2003, according to the Balkan Crisis Report, of 23 April 2003. [43ab]

**S.4.7.** The UK Foreign and Commonwealth Office website's country profile of Serbia (updated 2 September 2004) notes that on 2 May 2004, the leader of the Zemun Group, Milorad Lukovic "Legija", surrendered to police, pleaded not guilty on 14 June 2004 to charges implicating him with the Djindjic assassination, and his case is still (as of September 2004) ongoing at the Special Court. [11r](p.6)

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## S.5 State Structures

### Constitution

**S.5.1.** In April 2004, the EC Stabilisation and Association Report for 2004 stated:-  
"The commitment undertaken in the Constitutional Charter to adjust the

republican Constitutions within six months from the entry into force of the Constitutional Charter was not met. ... In Serbia [italics], the process of constitutional reform, where the key outstanding issues concerned decentralisation and the mode of election of the President, was suspended as a result of the dissolution of the Parliament. The new Parliament is expected to carry out the reform of the republican Constitution by June 2004.” [75b] (p2-3)

**S.5.2.** However a new republican Constitution was still not resolved by February 2005, as indicated within a news article from BLIC Online, dated 16 February 2005, which reported:-

“Serbia Prime Minister Vojislav Kostunica and Parliament Speaker Predrag Markovic called all political factors [sic] in the country to agree about [the] passing of [a] new constitution of Serbia.” [101a]

## Political System

**S.5.3.** Within the state union, according to the Institute for War and Peace Reporting (IWPR) country profile (undated), the Republic of Serbia has its own government headed by a directly elected president, and its own parliament, coexistent to the State Union institutions. [43b](p.3) According to the Europa Regional Survey, 5th edition, 2005, the President serves a five-year term and nominates the Prime Minister in consultation with the 250 member National Assembly. The National Assembly approves the Prime Minister and the Council of Ministers. Deputies are directly elected for four-year terms. [1a](p.591)

**S.5.4.** Vojislav Seselj’s Serbian Radical Party (SRP) / Srpska Radikalna Stranka – (SRS) attracted right wing nationalist support, and went on to effect presidential election boycotts in 2002, according to the FCO Country Profile, updated 2 September 2004. [11r](p.4) Seselj, however, surrendered himself to the ICTY at The Hague in February 2003, as reported by the Voice of America news website on 25 February 2003 [55a] and in the Foreign and Commonwealth Office country profile of Serbia 2004, updated 2 September 2004. [11r](p.6)

**S.5.5.** The December 2003 elections for the Serbian National Assembly ran as planned on 28 December 2003. According to the OSCE Parliamentary Assembly report on the 2003 elections (published 29 December 2003): “The 28 December 2003 parliamentary elections in the Republic of Serbia (Serbia and Montenegro) were conducted generally in line with OSCE commitments and Council of Europe standards for democratic elections.” [31j](p.1.) The OSCE report of 29 December 2003 identified some shortcomings: on the question of mandates, party’s choice of candidate after voting; lack of minority representatives because of the electoral threshold of 5 percent; and lack of a postal vote system. [31j](p.3-4.)

**S.5.6.** According to the figures given in the ElectionWorld report, which gives a breakdown of all votes secured by the different parties, the Serbian Radical Party – Srpska Radikalna Stranka (SRP) secured the largest proportion of votes cast, ensuring 82 seats (out of a possible 250), but insufficient on which to form a government. [32a]

According to the International Crisis Group report of 26 March 2004, the election results led to a political impasse, as parties attempted to form coalitions. [69b](p.11.)

**S.5.7.** The administrative crisis moved towards a partial resolution with the appointment of Dragan Marsicanin, of the Democratic Party of Serbia (DSS) as the new Speaker of the National Assembly, having obtained 128 votes from the 245 deputies, with 36 abstentions, as reported by the BBC on 4 February 2004.[8h]

**S.5.8.** The BBC reported on 20 February 2004 the final agreement regarding a political solution to the Serbian Government impasse.[8b] The report continued that a minority government would be formed of a coalition headed by Vojislav Kostunica of the Democratic Party of Serbia (DSS): the main concern of the report was the possible reliance of the coalition upon the political prop of the Socialist Party of Serbia (SPS) whose president is Slobodan Milosevic, currently indicted for war crimes in The Hague. [8b] The BBC in a separate report of 16 February, reported that Javier Solana expressed the concerns of the European Union over the dependence of the coalition upon the SPS's support. [8ad]

**S.5.9.** A BBC report of 2 March 2004 relayed that Kostunica had announced his cabinet, having assumed the position of Prime Minister. [8a] The cabinet included representatives labelled by the BBC report as of centre-right groups, stated that: "In his speech [to Parliament, 2 March 2004], Mr Kostunica - a moderate conservative and a nationalist – promised to fight corruption and bring Serbia and Montenegro into the European Union." [8a]

**S.5.10.** The BBC reported on 26 February 2004 that the Serbian Parliament abolished the threshold turnout requirement of 50 percent of the electorate in presidential elections on 26 February 2004. [8ac] Presidents in the Republic of Serbia, the same BBC report continued, will in future be voted in on a simple majority basis. [8ac]

**S.5.11.** As reported by the BBC on 28 June 2004, the next presidential elections of June 2004 resulted in a run-off between Boris Tadic of the DOS alliance and Tomislav Nikolic of the SRS. In a second round ballot held on 27 June 2004, Tadic won 53.7 percent of the vote (electoral turnout estimated at 49 percent of electorate). [9as] The Europa Regional Survey 2005 continues: "At his [Tadic's] inauguration on 17 July [2004] he pledged commitment to the continuation of economic reforms and the EU integration process." [1a](p.554)

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## Judiciary

**S.5.12.** The US State Department Report for 2004 states, "The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence." [2a](p.5) However, the EC Stabilisation and Association Report 2003 comments that, "On the positive side, however, the judiciary seem to be resuming their independent role". [75a](p.11) The EC Stabilisation and Association Report 2004 again adds a note of caution, reporting "In Serbia, the situation of the judiciary was affected by the introduction of the state of emergency. While it enabled the Government to investigate individual cases of misconduct or corruption of judges



and prosecutors, the state of emergency also led to wider, more structural measures including legislative and personnel changes, based on irregular procedures.” [75b](p.8)

**S.5.13.** The court system comprises (over republic and state union levels) of local, district, supreme, and constitutional courts and (within the Belgrade District Court) for war crimes and organised crime, according to the USSD Report for 2004. [2a](p.5) According to the European Commission Stabilisation and Association report of 2004,

“The establishment of new administrative and appellate courts was planned for 1 January 2004. These courts would take over some functions of existing district and municipal courts. However, since the necessary parliamentary decision on the appointment of judges to the new courts was not taken due to the parliamentary crisis, the Serbian Constitutional Court decided to postpone the implementation of the law to avoid a legal vacuum.” [75b](p.9.)

**S.5.14.** Republic court decisions may be appealed to the Court of Serbia and Montenegro (according to Articles 46-50 of the Constitutional Charter). [74a](p.13) The 2004 EC report notes the following regarding case backlogs, particularly at Supreme Court level:

“Despite certain improvements, much remains to be done. The authorities are tackling the problem of backlog of cases by initiating a revision of procedural laws (notably civil codes and executive acts), as well as by improving infrastructure and resources. The establishment of administrative and appeals courts, envisaged in both republics, is also important in this respect, notably in view of relieving the Supreme Courts [sic] of some of its workload (such as acting upon appeals) which will be transferred to new courts.” [75b](p.9.)

**S.5.15.** The USSD for 2003 states that the military court system was in the process of being dismantled in 2003, in line with Constitutional Charter requirements. [2c](p.6) The final legislative change occurred on 24 December 2004, with the signing of the Law on Assumption of Jurisdiction of Military Courts, Military Prosecution and Judge Advocate General, with effect from 1 January 2005, and with Article 2 of the Law stating: “Jurisdiction of military courts with competence on the territory [sic] of the Republic of Serbia is assumed by courts of general jurisdiction, in accordance with jurisdiction defined by law governing subject-matter jurisdiction of courts and by this Law.” [80b]

**S.5.16.** According to the Human Rights Watch annual report for 2003 [9e](p.2) and news reports such as in the Boston Globe, 22 June 2003, [83a](p.7) the Truth and Reconciliation Commission (TRC), established in 2001, had not held any hearings on war crimes by the end of 2002, and was disbanded in February 2003. [9e](p.2) The Boston Globe account accuses the TRC of limited success: “After the Yugoslav federation disbanded in February [2003], the commission closed its doors without publishing a single report.” [83a](p.7)

**S.5.17.** The European Commission Stabilisation and Association report of 2004 states that a Special Court for war crimes, also referred to as the war crimes chamber, was set

up in July 2003, along with appointment of a Special Prosecutor. [75b](p.13) The Human Rights Watch, in their 2005 annual report published January 2005, expressed their concern about domestic war crimes trials, both in the domestic court system and in the Special Court, stating:-

“The prosecution of war crimes cases before domestic courts in Serbia is hampered by a lack of political will on the part of the authorities, and the unwillingness of the police to provide evidence to the prosecutor’s office. The creation of a special war crimes chamber [Special Court] in 2003 appeared to signal an increased seriousness of purpose. But during 2004 the chamber heard only one trial, yet to be completed at the time of this writing, in a case arising from the November 2001 killing of 2000 Croats, near Vukovar, Croatia. In addition, Sasa Cvjetan was convicted in March 2004 by the Belgrade district court for killing fourteen Kosovo Albanian civilians in March 1999 in Podujevo, Kosovo. Cvjetan was sentenced to twenty years” imprisonment.” [9e](p.1)

**S.5.18.** The Human Rights Watch (HRW) expressed concern on 11 December 2003, in the HWR press release *Protection needed for War Crimes Witness* that the Serbian authorities were not providing, in their opinion, sufficient protection to Goran Stoparic, a former member of Serbian security forces. ‘serbian authorities must ensure the protection of a former member of the Serbian security forces who yesterday gave astonishing eyewitness testimony about the killings of 19 Albanians in the 1999 Kosovo war, Human Rights Watch said today.’ [9i](p.1) The HRW report continues: “The presiding judge issued a formal order of protection for Stoparic, but as Human Rights Watch’s monitoring has found, other war crimes trials in Serbia and Montenegro lack a systematic, properly funded witness protection program.” [9i](p.1) The Human Rights Watch’s annual report 2005, published January 2005, updates on witness protection: “Current legislation in Serbia contains only rudimentary witness protection mechanisms. The government has drafted a new law on protection of witnesses and other participants in criminal trials, but as of November 2004 the draft law had yet to be enacted.” [9e](p.2)

**S.5.19.** The US State Department Report for 2002, published March 2003, stated that the Serbian Parliament passed the Law on Suppression of Organised Crime in July 2002, which created a semi-independent Special Prosecutor, a special police investigative unit, specialised court chambers, and a dedicated detention unit. [2b](p.7) The USSD 2002 report continues, that the Special Prosecutor’s competencies include war crimes as well as organised crime. [2b](p.7) The USSD 2002 report also states that changes to the federal Law on Criminal Procedure allowing for the implementation of the Special Prosecutor law were passed in December 2002. [2b](p.7) The Human Rights Watch (in their 2005 annual report) criticised the new institution as understaffed and limited in its productivity. [9e](p.2)

**S.5.20.** Steps to enhance judicial independence and reform organisation structures of the legal process were proposed in new judicial laws in November 2001, according to the EC Stabilisation and Association report, 2003 and the US State Department Report for 2002. [75a](p.10) However, these were undermined by amendments made in July 2002, giving a parliamentary judicial committee the power to bypass the judicial

branch in nominating, appointing, and dismissing judges and court presidents, with the EC 2003 report stating:

“Promising steps to enhance judicial independence, taken in November 2001 with the adoption of new Serbian laws, were seriously undermined by changes adopted in July 2002, contrary to the solutions proposed by experts and judges, which the Constitutional Court declared not to be in accordance with the Constitution (11 February). The changes adversely affected the position of the newly established High Judicial Council and prosecutors and increased the competences of the legislative and executive branches to appoint and dismiss judges and court presidents.” [75a] (p.10)

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**S.5.21.** The US State Department Report for 2002 reported that, “However, the reformed leadership of the judiciary resisted governmental pressure, arguing that the principles of judicial independence and due process were more important than getting rid of the judges with speed, even if they were guilty of abuses under Milosevic” [2b](p.7); and that the Serbian Constitutional Court suspended the amendments pending a final ruling on their constitutionality. [2b](p.7) However, dismissals of compromised judges on the grounds of corruption, political bias and under-performance did take place during 2002 according to the EC Stabilisation and Association report, 2003 [75a](p.11) and approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into early retirement during 2002, according to the US State Department Report for 2002. [2b](p.7) The Helsinki Committee of Serbia Annual Report for 2002, published in May 2003, conversely criticised the slow reform of the independence of the judiciary, referring to “retrograde trends” in terms of a renewed interference of the executive upon the judiciary. It alleged that the Society of Judges, the judicial professional body, had been ineffective in terms of questioning which judges were forced to resign. [7m](p.146)

**S.5.22.** According to the BBC report of 20 March 2003, the Government strongly criticised the judiciary after judges freed the suspect arrested for the alleged failed assassination attempt on PM Djindjic in February 2003. [8q] The BBC report continued that during the State of Emergency declared after Djindjic was assassinated on 12 March 2003, the Government arrested the deputy public prosecutor Milan Sarajlic because of alleged links with the criminal group Zemun. [8q] According to the US State Department Report for 2003, “The Supreme Court President, under pressure from the Government, resigned in April [2003]; however, a majority of judges on the Supreme Court remained Milosevic appointees, and the Constitutional Court remained staffed by some judges appointed during the Milosevic regime.” [2c](p.6)

**S.5.23.** The USSD for 2004 notes:-

“The High Judicial Council, staffed by Supreme Court justices, nominates judges for approval by the National Assembly. The High Personnel Council disciplines and, with the National Assembly’s concurrence, dismisses judges; however there were no dismissals during the year

[2004].” [2a](p.5)

**S.5.24.** The BBC News website has been following the trial of the suspects of Prime Minister Djindjic’s murder. On 19 March 2003, it was reported by the BBC that the deputy public prosecutor Milan Sarajic was arrested in connection with the Djindjic murder. [8a] This was followed by reports on 7 April 2003 that further high-profile arrests had been made - namely, of Milorad Bracanovic, a former deputy head of the secret police, and of Mira Markovic, wife of Slobodan Milosevic; and that members of the Red Berets – the Special Operations Unit (JSO) - arrested on the charge of murder had “confessed” to the killing. [8p] The BBC also reported on 20 March 2003 that over 1,000 suspects were arrested in connection with the assassination. [8q] According to the US State Department Report for 2003, two suspects were killed resisting arrest on 27 March 2003. The USSD for 2003 report continues, “However, there were allegations that police executed the two after they were already in custody.” [2c](p.2)

**S.5.25.** By December 2003, the trial of the suspects of Djindjic’s assassination was arraigned. The BBC reported on 24 December 2003 that the trial process for the 36 defendants was halted after the 40 defence lawyers walked out en masse after claiming that the panel of three judges was incapable of handling the case. [8aq] In response to these difficulties, the case was split into two parts, according to BBC reporting of 17 February 2004; the trial resumed of 13 suspects allegedly directly involved in the Djindjic assassination on 17 February 2004. [8ap] On 1 March 2004, Kujo Krijestorac, referred to by the BBC report as a key eye-witness, was shot: the BBC report of 1 March 2004 continues:

“It was not immediately clear whether the killing was related to the trial... A lawyer for Mr Djindjic’s family, Rajko Danilovic, told AP news agency that Mr Krijestorac had received a number of death threats before being gunned down. “The defence has obtained nothing because his deposition will be read before the tribunal,” he said. “Perhaps they wanted to threaten the other witnesses.” [8ao]

**S.5.26.** There were some developments in notable investigations and trials in 2003 / 2004. On 28 March 2003, it was reported by the BBC, the remains of Ivan Stambolic were found. [12c] The US State Department Report for 2004 updated, stating, “On February 23 [2004], the trial of nine persons began for the killing of former Serbian President Ivan Stambolic and the 2000 attempted killing of Vuk Draskovic. The trial, in the Belgrade Special Court for Fighting Organized Crime, was ongoing at year’s end.” [2a](p.2)

**S.5.27.** According to the US State Department Report for 2003, the former head of the RDB [the Milosevic-era State Security Service], Radomir Markovic received a sentence of seven years’ imprisonment for his part in the attempted murder of Vuk Draskovic in 1999. [2c](p.3) The USSD for 2004 updated, mentioning the retrial concurrent with Markovic’s imprisonment: “On February 2 [2004], the retrial of former State Security Service (RDB) chief Radomir Markovic began for the 1999 attempted killing of Serbian Renewal Movement leader Vuk Draskovic, which resulted in the deaths of four persons. The retrial was ongoing at year’s end, and Markovic remained in prison.” [2a](p.2)

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### **The International Criminal Tribunal for the former Yugoslavia (ICTY)**

**S.5.28.** As summarised by the (UK) Foreign and Commonwealth Office (FCO) country profile of Serbia and Montenegro, updated 2 September 2004:-

“The International Criminal Tribunal for the former Yugoslavia (ICTY) was established in 1993 by the United Nations and is situated in The Hague in The Netherlands. It was set up through UN Security Council resolution 827 in order to try grave violations of the laws of war. All members of the United Nations are legally obliged to co-operate with the ICTY.” [11r](p.8)

**S.5.29.** The FCO profile continues that among the indictees from Serbia, are former President Slobodan Milosevic (arrested 1 April 2001, and transferred to The Hague on 29 June 2001); Vojislav Seselji, Leader of the Serbian Radical Party, who voluntarily travelled to The Hague on 24 February 2003; former President of Serbia, Milan Milutinovic, turned himself over to ICTY in January 2003; and various other Milosevic-era military and political figures. [11r](p.8,9,10)

**S.5.30.** The Human Rights Watch, in its report dated 24 June 2003, however has criticised the Serbian Government’s co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) as being generally insufficient: [9h](p.2,3.) “The past year [June 2002 to June 2003] has seen continued stutter-step progress toward cooperation with the ICTY and accountability for war-time atrocities. Still missing is the clear political leadership to ensure that all those responsible for war crimes are held accountable.” [9h](p.1)

**S.5.31.** The Human Rights Watch, in its 2005 annual report, published January 2005, added to its previous criticism, stating:-

“Serbia and Montenegro’s cooperation with the ICTY took a marked turn for the worse after December 2003 parliamentary elections and the establishment of a new Serbian government dominated by the nationalistic Democratic Party of Serbia (DSS). Serbian Prime Minister Vojislav Kostunica openly opposes the arrests of suspects indicted by the ICTY, arguing that they should surrender voluntarily.” [9e](p.1)

The FCO Profile (updated 2 September 2004) confirms that the SaM Government(s) have not handed over any further indictees since October 2003. [11r](p.10)

**S.5.32.** There were two developments reported by international news media in March and April 2004. Firstly, the BBC reported on 30 March 2004 that the Serbian parliament passed a law that granted pensions and other payments to politicians and public figures including indictees. [8at] Secondly, a Reuters News Report of 6 April 2004, stated that Nebojsa Pavkovic, Milosevic’s chief-of-staff of the armed forces, would not surrender himself to be indicted in The Hague. [4g]

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## Legal Rights / Detention

**S.5.33.** The United States State Department report for 2004 states, “The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.” [2a](p.4) The Federal Criminal Procedure Code, introduced in March 2002, protects the rights of detained and accused persons including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations, according to the USSD Report for 2003. [2c](p.5) The Human Rights Watch, in its press release of 2 July 2002, was sceptical as to the Code’s efficacy: “However, the climate of impunity inherited from the previous regime and barely confronted by the current Government raises doubts about the implementation of these new rules.” [9c](p.2) Amnesty International’s report of September 2002, *Concerns in the Federal Republic of Yugoslavia* adds detail: “Article 13 of this code allows all detainees immediate access to defence counsel.” Further details from the same AI report include: the investigating judge must authorise any detention of more than 48 hours; suspects can not be detained for more than 3 months without the decision of a judge, or for a total exceeding 6 months; the Code prohibits and makes punishable the use of any kind of violence on a detainee; and a suspect may only make a statement in the presence of legal counsel. [37](p.11)

**S.5.34.** On 26 February 2002, the death penalty was abolished and replaced with a maximum sentence of 40 years imprisonment, as reported by the Human Rights Watch in its World Report 2003. [9e](p.2) The USSD report for 2004 reported that “The Constitution prohibits forced exile, and the Government did not employ it”. [2a](p.10)

**S.5.35.** The UNHCR Comments on the Country Reports of October 2004 highlights the detention aspects of the position of asylum seekers in Serbia, stating, “UNHCR notes that given the absence of a legal and institutional framework on asylum in the Republic of Serbia, asylum-seekers who enter or stay in territory [sic] of Serbia illegally are subject to judicial and administrative detention.” [17o](p.31)

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## State of Emergency, 12 March – 22 April 2003

**S.5.36.** Under the state of emergency introduced on 12 March 2003, according to the news reports of the BBC on 7 April 2003 [8p] and the Human Rights Watch press release of 7 April 2003 [97], following the assassination of PM Djindjic, police were able to detain anyone who “endangers the security of other citizens of the Republic” (quote from the Emergency Order, as quoted in source) for up to thirty days, without access to a lawyer, family members, or judicial review of the detention order. [97]

**S.5.37.** Human Rights Watch (HRW) expressed concern in a report dated 7 April 2003, that those held under the emergency powers were unnecessarily being kept in isolation without access to legal representation. [97] The USSD Report on 2003

reiterated that most of the detainees were held incommunicado, without recourse to legal representation or judicial review. [2c](p.2) The HRW later, in a statement to the US Commission on Security and Cooperation in Europe on 4 June 2003, expressed concern that the emergency powers weakened the rule of law in Serbia, expressing concern that the conduct of the State of Emergency veered from international standards governing such measures: "In April [2003] the Serbian parliament adopted a new law on organized crime to permit such detention for up to 60 days, in clear violation of the standards of the Council of Europe, which Serbia joined in April [2003]." [9h](p.4) The EC Stabilisation and Association Report 2003 commented, "In the light of the wide powers given to organisations which have not been adequately reformed, the State of Emergency introduced in Serbia on 12 March should be as limited as possible." [75a](p.13) The State of Emergency was lifted on 22 April 2003, according to the Balkan Rights Watch Report of 23 April 2003. [43ab]

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## Internal Security

**S.5.38.** The US State Department Report for 2004 states:

"The approximately 23,000 police officers in Serbia are part of the MUP's Sector for Public Security. The Sector is divided into seven directorates: uniformed police (including traffic and patrol officers), criminal investigations, organized crime, analysis, special operations units (including gendarmes and the special antiterrorist unit, or SAJ), human resources and training, and border police. The police are divided regionally into 33 secretariats. All municipal and rural units are branches of the republic police. Effectiveness of the police was uneven and generally limited. Many police personnel, including some high-level officials, are holdovers from the Milosevic regime. While most police officers were Serbs, the force included Bosniaks (Bosnian Muslims), ethnic Hungarians, a small number of ethnic Albanians, and other ethnic minorities. The Multiethnic Police Force in southern Serbia was composed primarily of ethnic Albanians and Serbs." [2a](p.4)

**S.5.39.** The Human Rights Watch annual report for 2003 notes that the authorities have not used police violence against political opposition but that there were several cases of police abuse against ordinary citizens, particularly Roma: "The authorities did not use police violence against the political opposition, but during the year police abuses against ordinary citizens were still commonplace." [9e](p.2) ([see Roma section](#)) Injuries suffered by the victims included (according to the Human Rights Watch's account in their annual report for 2003), a head injury requiring brain surgery, a ruptured eardrum and bruised ribs. [9e](p.2) The US State Department Report for 2003 outlines a number of individual complaints of police brutality during detention, mainly as originally reported through the Humanitarian Law Center (Belgrade) and the Human Rights Committee (Leskovac). [2c](p.4)

**S.5.40.** The US State Department Report for 2002 noted that the new Code on Criminal Procedure introduced in March 2002 has, in the US State Department's and NGOs' opinion further regulated police behaviour, stating:

“A new federal Criminal Procedure Code (ZKP) enacted in December 2001 entered into effect in March [2002]. According to the Belgrade Center for Human Rights, the ZKP provided better human rights guarantees to suspects and defendants in criminal proceedings than the previous criminal code. In October both HLC and the Yugoslav Lawyers’ Committee for Human Rights (YUCOM) reported that, in spite of occasional abuses, police generally acted in accordance with the regulations introduced by the new ZKP.” [2b] (p.6.)

The US State Department Report for 2004 proceeded to state:

“The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.” [2a](p.5)

**S.5.41.** The US State Department Report for 2003 outlines the following regarding the regulatory discipline of the police:

“There were only limited institutional means of overseeing and controlling police behaviour. In September [2003], an Inspector General with enforcement authority was installed in the MUP [Ministry of Internal Affairs]; however, at year’s end [2003], he still had little ability to conduct investigations. In April [2003], the SaM Minister for Human and Minority Rights established an “SOS” hotline, which sought action on police abuse and other cases. The hotline had received more than 2,000 calls by year’s end [2003]. The Serbian Government offered no other forms of assistance for citizens with complaints about police behavior; however, citizens could seek redress through the courts.” [2c](p.5)

**S.5.42.** The US State Department Report for 2004 states: “Corruption and impunity in the police force were problems, and there were only limited institutional means of overseeing and controlling police behavior. In 2003, an Inspector General with enforcement authority was installed in the MUP; however, at year’s end, he still had little ability to conduct investigations” [2a](p.4) The USSD for 2002 states that according to the Ministry of the Interior (MUP), the MUP initiated 649 disciplinary proceedings during 2002, resulting in 27 arrests of policemen, 122 criminal complaints, 73 resignations and 93 suspensions. [2b] (p.5.) Comparable figures for January to June 2003, were 762 disciplinary proceedings initiated by MUP, resulting in 17 arrests of police officers, 271 criminal complaints filed, and 123 suspensions. (MUP Statistics reported in the US State Department reports for 2002 and 2003 respectively.) [2c] (p.5) However, Human Rights Watch, in their annual report for 2003, notes that the MUP often ignored complaints or denied knowledge of alleged incidents. [9e](p.2)

**S.5.43.** According to the US State Department Report for 2003, police officers convicted of torture or ill treatment have tended to receive sentences of less than eight months in prison, so that the officers concerned were usually able to continue in police service. [2c](p.5) Amnesty International (AI) noted in its September 2002 report on FRY, that:



“Those cases taken up by Belgrade organizations such as the HLC appeared to have a greater chance of success, albeit limited, than those taken up by local organizations. The most successful cases were those involving members of the student group Otpor (Resistance) alleging ill-treatment and harassment by the police in the Milosevic era.” [37](p.13)

AI particularly noted compensation was awarded in a number of cases brought by HLC on behalf of members of the student group. [37](p.13)

**S.5.44.** According to the US State Department Report for 2003, “After the lifting of State of Emergency, there were numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions.” [2c](p.2) The USSD 2003 Report further refers to a number of practices used by the police to extract statements that contravened the Federal Criminal Procedure Code. [2c](p.5)

**S.5.45.** The state of emergency following Djindjic’s assassination on 12 March 2003 gave impetus to moves to reform the security forces, according to BBC news reports of 31 January 2003 [8p] and of 4 April 2003.[8t] In particular, the Red Berets or JSO, a special operations unit with close links to organised crime and the Milosevic regime were disbanded, according to reports of the BBC of 7 April 2003 [8p] and Radio Netherlands of 28 March 2003. [77a] The BBC news reports of 31 January 2003 and 4 April 2003 both mention that a number of senior security service figures associated with the Red Berets have been arrested or killed when resisting arrest. [8p] [8t]

**S.5.46.** The Red Berets were a powerful force, totally independent of the regular army (VJ), which posed a significant threat to security and the new government, according to the same reports of the BBC [8p] and Radio Netherlands. [77a]. The BBC report of 7 April 2003 contends that the case of Milorad Bracanovic, a former head of the secret police, exemplified the cooperation of government agencies and organised crime under Milosevic and such forces were responsible for the murder of opposition figures such as former President Ivan Stambolic. [8p]

**S.5.47.** The armed forces are formally under the control of the Supreme Defence Council, according to Article 56 of the Constitutional Charter of the State Union: “The Supreme Defence Council shall comprise the President of Serbia and Montenegro and the Presidents of the member states.” [74a](p.13)

**S.5.48.** The Chief of Staff of the armed forces Nebojsa Pavkovic was sacked in March 2002, according to a BBC report of 2 April 2003. [8r] The BBC report continued that the removal of Pavkovic, one of the last remnants of the Milosevic regime, was seen as essential in the process of reforming the armed forces. He was detained in April 2003 for alleged collusion in crimes committed during the Milosevic era. [8r] A purge of Milosevic loyalists in the armed forces has been also initiated by the military courts, according to a Balkan Crisis Report of 15 April 2003, with an investigation into generals suspected of abusing their positions and powers. [43q](p.1)

**S.5.49.** On 7 August 2003, the BBC reported that the Government of Serbia and Montenegro, at state union level through the Supreme Defence Council, dismissed 16 of its most senior generals, plus an unspecified number of lesser officers. [8v] The news

report states, "The reforms are generally seen as part of a broader restructuring to bring the military under tighter civilian control and pave the way for eventual NATO membership". [8v] A BBC News report of 24 December 2004 reported that a new Head of the Armed Forces had been appointed by the Supreme Defence Council (a state union level institution), and named as General Dragan Puskas. [8at]

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## Prisons and Prison Conditions

**S.5.50.** The United States State Department report for 2004, published 28 February 2005, states: "Prison conditions generally met international standards; however, conditions varied greatly from one facility to another, and some guards abused prisoners." [2a](p.3)

**S.5.51.** According to the US State Department Report for 2003, the conditions in the prisons varied greatly from one establishment to another mainly due to a lack of government funds to repair dilapidated buildings and their facilities. [2c] (p.4) The Helsinki Committee for Human Rights in Serbia, as reported in the USSD 2003 report, noted that some prisons offered clean, secure environments for inmates; the quality of food varied from poor to minimally acceptable; health care was often inadequate. Basic educational and vocational training programs were in place at most prisons, but they were limited by lack of resources. The level of training for guards was inadequate, and guards received extremely low pay. [2c] (p.4)

**S.5.52.** The USSD for 2004 states regarding the division of types of prisoners:-

"Men and women were held separately. Juveniles were supposed to be held separately from adults; however, in practice, this did not always happen. Pretrial detainees were held separately from convicted prisoners." [2a](p.3)

**S.5.53.** According to the US State Department Report for 2003, the Government permitted visits by independent human rights monitors in 2003. With the exception of during the State of Emergency (for 42 days from March to April 2003), both the Humanitarian Law Centre and the Helsinki Committee for Human Rights obtained permission to visit all of the prisons in Serbia during 2003. [2c] (p.4) Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden. [2c](p.4) In May 2003, the Human Rights Watch (HRW) organisation attempted follow up visits after a visit by UNHCHR-OSCE to detainees in April 2003, but were rebuffed by the Serbian authorities, according to a HRW press release of 14 May 2003. [9g]

**S.5.54.** The Lancet reported on 25 January 2003 that the OSCE found that conditions in the only prison hospital in Belgrade (Belgrade Reformatory Hospital) were appalling, with cells lacking heating and insulation, no new medical equipment in 15 years, poor sanitary facilities and widespread incidence of tuberculosis. Conditions in the hospital are considered much worse than in any prison, largely due to under-funding. [78a] The

Helsinki Committee for Human Rights in Serbia, as reported in the USSD 2003 report, also singled out the Belgrade Reformatory Hospital as an example of unacceptable practice, with inmates forced to live in filthy, inhumane conditions. [2b](p.5)

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## **Military Service**

**S.5.55.** Serbian military service follows a state union wide pattern: “Military service is compulsory for all young men” states the Serbian Armed Forces website, accessed 4 August 2004. [74d](p.2) The website further reports that military service begins at the age of 17, and is an obligation as a citizen until the age of 60. [74d](p.2) According to the International Helsinki Committee (Belgrade) report of 2002, service was reduced in December 2001 from 12 to 9 months” service for regular conscripts and 22 to 13 months for conscientious objectors. [7k](section 5, p.11 ) The provisions for conscientious objection continue under the new state union of Serbia and Montenegro, as read in Article 58 of the Constitutional Charter, “Recruits shall be guaranteed the right of conscientious objection.” [74a](p.13)

**S.5.56.** The US State Department’s International Religious Freedom (IRF) Report on Serbia and Montenegro, published 15 September 2004 states:-

“The state union Government has implemented civilian service as an alternative to mandatory army service. Civilian service options complement the nonlethal options already present for conscripts who object to military service for reasons of conscience. There are no reports of religious adherents serving sentences for conscientious objection to the draft.” [2e] (p.3)

**S.5.57.** As reported in a UK Foreign and Commonwealth Office brief of 12 January 2001, the FRY Government passed an Amnesty Act in February 2001 which granted amnesty to all draft evaders / deserters. The Act applies to all offences before 7 October 2000 and it is estimated that 24,000 people benefited from the amnesty. [11a]

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## **Medical Services**

**S.5.58.** The UK Department For International Development (DfID) in their Health Systems Resource Centre paper on Serbia, published 2001, remarked on the deterioration of the Serbian health service in the period 1990 – 2000:

“The public health sector in Serbia is based on a system of compulsory social health insurance, financed by salary contributions and operated by the Health Insurance Fund. The resources available to the health care sector have declined significantly during the last 10 years from \$200 per capita in 1990 to around \$60 per capita in 2000. As a result,

real salaries of medical personnel have fallen sharply, and investment has declined, resulting in much of the sector's equipment becoming obsolete, and recurrent costs being under-funded. The principle of equitable access to health care was effectively abandoned. In more recent years, additional burdens have been placed upon the system by the refugee population and IDPs, for whom all health care costs are channelled through the Republican budget." [33a](p.3)

**S.5.59.** A comprehensive survey of Serbia's health service in 2001 was undertaken by the Helsinki Committee for Human Rights in Serbia, as part of the Helsinki Committee's annual report for 2001.[7g](Section7: Healthcare) "This survey of the state of health services in Serbia in the year 2001 focuses on the following main points: coping with inherited deficiencies and planning a comprehensive survey of the situation; lack of resources at all levels and in all spheres of work; dealing with priority problems chiefly by means of foreign donations and humanitarian aid; personnel changes; outlines of a project to reform the health care sector." [7g](Section7: Healthcare, p.1)

**S.5.60.** The Europa Regional Survey: Central and South Eastern Europe 2005 gives basic indicators of health and welfare, covering total fertility (1.7 children per woman); HIV/AIDS (0.2 percent of the 15-49 years population); physicians per 1,000 (2.13 – 1999 figure) and health expenditure per head (US \$ 616 in 2001). It should be noted that the figures are State Union wide (Serbia and Montenegro) [1a] (p.560.)

**S.5.61.** According to the World Health Organization Mental Health Country Profile Yugoslavia 2002 website, accessed October 2002, treatment for mental health disorders is available, though numbers of psychiatric staff and bed spaces are limited. [48c]

**S.5.62.** The Government has established the Republic National AIDS Committee which is formulating a strategy to deal with AIDS in co-operation with UNDP acting as funding agents, according to the UN Development Program in a factsheet, Controlling HIV/AIDS in Serbia, published in 2002. [21h]

**S.5.63.** The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study, announced in a press release dated 27 March 2002, concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment of human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

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## **Educational system – (see also [Children](#) )**

**S.5.64.** The US State Department Report for 2004 notes that the educational system of

SaM is organised at republic level, with elementary education free and compulsory for all children for nine years. [2a] (p.13) Further information is given in the Europa Regional Survey for 2004: "Various types of secondary education are available to all who qualify, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance." [1a] (p.561) The survey continues that there are 87 institutions of higher education including six universities. [1a] (p.549)

**S.5.65.** The US State Department Report for 2004 notes that the Government did not restrict academic freedom during 2004. [2a](p.7) According to the US State Department Report for 2003, a Law on Universities aiming to protect universities from political interference was passed in April 2002, which restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. [2c](p.10) The law provides, the USSD 2003 Report continues, that an academic body without interference from the Ministry of Education should select university rectors and faculty deans. It also provides for participation of student organisations in determining certain aspects of university policy. [2c](p.10) However, although the new law is in place, the necessary comprehensive reform is still being prepared and bodies created defining their policy role, in the judgement of the European Commission Report for 2003, and the US State Department Report for 2003. [75a(p.17)] [2c](p.10)

**S.5.66.** According to the International Helsinki Group (Belgrade)'s Report, Human Rights and Accountability: Serbia 2003, "In February 2001 the Ministry of Education and Sports initiated preparations for the reform of educational system [sic] in the republic. In 2003 it carried out many planned activities with difficulties which had been envisioned a priori." [7h](p.237) A total reform package is under way at every stratum of the educational system as well as the university system, but has encountered parliamentary opposition from nationalist and other opposition-aligned parties, and from the Serbian Orthodox Church, on issues ranging from history text-books to funding issues. [7h](p.223-249)

**S.5.67.** Religious education has been introduced in primary and secondary schools as an optional course by republican decree at a cost of over one million Euros: the Helsinki Committee for Human Rights in Serbia, in their 2001 annual report, published 2002, saw this move as a blatant violation of democratic procedure as it was not approved by the Education Ministry. [7g](Section "Church and Freedom of Religion" p.1ff) The International Helsinki Group also stated in their report for 2003 that they were concerned about the nationalist fascist Obraz movement being active in Belgrade University. [7h](p.517) The US State Department Report for 2003 reports that according to the Law on Religious Freedom, primary and secondary school students are required to attend classes on one of seven "traditional religious communities." As an alternative to this requirement, students were allowed to substitute a class in civic education. [2c](p.11)

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## **s.6 Human Rights**

### **S.6a Human Rights Issues**

## General

**S.6.1.** The United States State Department Report for 2004, published 28 February 2005, commenting on events in 2004:

“The Government generally respected the human rights of its citizens; however, there were problems in some areas.” [2a](p.1)

**S.6.2.** Serbia and Montenegro (as reported on the FCO website updated 15 July 2004) acceded to the Council of Europe on 3 April 2003 [11p](p.5) and has since adopted the Charter of Human and Minority Rights and Civil Freedoms, according to a statement on the Serbian Government website, dated 26 February 2003 [80a] In its Stabilisation and Association Report 2004, published April 2004, the European Commission noted these developments:

“There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the Ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. On the other hand, the state of emergency affected the respect for human rights.” [75b](p.11)

**S.6.3.** The EU report continues:

“There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro’s international obligations.” [75b](p.11)

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## Freedom of Speech and the Media

**S.6.4.** The United States State Department Report for 2004 summarises these issues as follows:

“SaM and Serbian law provide for freedom of speech and of the press; however, although the media frequently criticized the Government without reprisal, implied political pressure from various sources, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other members of the media. Unlike in the previous year, there were no reports of pressure on the media by senior government officials.” [2a](p.6.)

**S.6.5.** According to the EC Stabilisation and Association Report 2003, published March

2003, Milosevic's 1998 oppressive media laws have now been repealed, but criminal defamation laws (embodied within the Criminal Code) remain which can be used to restrict the media. [75a](p.15) The USSD report for 2004 states:

"Libel remained a criminal offense. Although no suits were filed by the Government, the low threshold defining libel enabled individual government officials, as well as former members of the Milosevic regime, to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment." [2a](p.7.)

The EC Stabilisation and Association Report 2004, published April 2004, noted "The depenalisation of slander and libel is pending in Serbia" though "Legal and practical impediments to the free operation of media persist." [75b](p.14)

**S.6.6.** As reported in the US State Department Report for 2003, the Government has begun to reform Radio Television of Serbia (RTS), the main propaganda tool of the former regime, into a public broadcasting service. [2c](p.8) The reform process was started in the summer of 2001 when a new Board of Governors was appointed, made up of professionals from various sectors of society.[2c](p.8) The USSD report for 2004 reported that the board resigned in 2004, upon the appointment in March 2004 of a new RTS Director General:

"On March 18, the Government replaced RTS Director General Aleksandar Crkvenjakov with government loyalist Aleksandar Tijanic. Minister of Culture and Information Dragan Kojadinovic claimed that Crkvenjakov was removed for inadequate coverage of the March outbreak of anti Serb violence in Kosovo; however, the media reported Tijanic's upcoming appointment several days before the escalation of violence in Kosovo. The RTS Board of Governors resigned in protest of Tijanic's appointment." [2a] (p.7)

**S.6.7.** The EC Stabilisation and Association Report 2004 states, regarding the appointment of a regulatory Broadcasting Council:

"In Serbia, the Parliament violated some procedural requirements foreseen by the Broadcasting Law for the appointment of the Broadcasting Council. No action has been taken to remedy the situation. This is a source of concern also with a view to the allocation of the broadcasting licences." [75b](p.14)

The USSD report for 2004 adds as a summary on the same issue;-

"The law creates a regulatory framework designed to foster free and independent media and mandates formation of an independent Broadcast Council to transform RTS into a public broadcasting service and to allot radio and TV frequencies; however, the law had not been implemented by year's end. Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to

free expression. Some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are fully implemented.” [2a] (p.7)

**S.6.8.** The EU Stabilisation and Association Report 2003 states, “Political interference continues in Serbia, with several cases of direct pressure and intimidation by some leaders of the ruling coalition (mostly on local media).” [75a](p.15)

**S.6.9.** The US State Department Report for 2003 states that the Government directly censored some of the media in 2003, especially during and using the powers of the State of Emergency. [2c](p.8) A Reuters news report of 17 April 2003 mentions that media watchdog organisations, Reporters Without Borders and the Committee to Protect Journalists, criticised the Government’s ban on reporting, quoting reportedly from the text of the ban: “The government order bans reporting ‘on the reasons for the state of emergency and its implementation, excluding carrying the official statements of competent government bodies.’ ” [4e](p.1) The Reuters report further states “Media violating the rules face temporary closure and fines up to 500,000 dinars (\$8,637)”. [4e](p.1) Also, according to the US State Department Report for 2003, the daily newspapers Nacional and Dan and the weekly Identitet were banned, allegedly for hindering the police investigation into the assassination of Serbian PM Djindjic. [2c](p.8) The State of Emergency was lifted on 22 April 2003, as reported by the Institute for War and Peace Reporting, in a report filed 23 April 2003. [43ab]

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## Freedom of Religion

**S.6.10.** The US State Department’s International Religious Freedom (IRF) Report on Serbia and Montenegro, published 15 September 2004 states:-

“The Constitution and laws of the state union of Serbia and Montenegro and its constituent republics provide for freedom of religion, and state union and republic Governments generally respect this right in practice. There is no state religion in Serbia and Montenegro; however, the majority Serbian Orthodox Church receives some preferential treatment.” [2e] (p.1)

**S.6.11.** The religion of the ethnic Serb majority is Orthodox Christianity, which is represented by the Serbian Orthodox Church (according to the Europa regional Study, 5th edition, 2005) [1a](p.521).

**S.6.12.** Although in the past the Milosevic regime was closely associated with the Serbian Orthodox Church, according to the US State Department Report for 2002, a rift developed during the Kosovo conflict that widened further during the year 2000. [2b](p.11) However, the Church continues to have close links with the current administration and enjoys some preferential treatment compared to other religious groups. [2b](p.11) The USSD IRF report of 15 September 2004 noted that dispute in the southern Serbian city of Leskovac between local authorities and a tent church used by the Protestant Evangelical Roma Church escalated on 30 April 2004 when the



authorities attempted to demolish the church. [2e](p.3)

**S.6.13.** According to the Helsinki Committee of Belgrade, in their publication 'Human Rights in Transition – Serbia 2001', (also identified as the Helsinki Committee of Belgrade's Annual Report for 2001) published 2002, the Orthodox Church has enjoyed unprecedented publicity owing to support from President Kostunica: the Church is seen as a prime force behind the conservative nationalist movements emerging in the country. [7g](section 14: Revival of conservative idea, p.1) In 2001 the Serbian government passed a decree introducing religious instruction in state institutions and schools in spite of considerable public opposition, especially in Belgrade and Vojvodina, as reported by the Helsinki Committee of Belgrade in their Annual Report 2001. [7g](section 15: Church and freedom of religion, p.1-4) The US State Department Report for 2003 noted that the Law on Religious Freedom stated that primary and secondary school children are required to learn one of seven "traditional religious communities". [2c](p.11) According to the (Belgrade) Humanitarian Law Center's Shadow Report of January 2003, it can be seen as discriminating against minority religions. [63b](p.22) The EU Stabilisation and Association Report for 2003 held that the Law is viewed by some as a violation of the principle of separation of church and state and is currently under appeal at the Constitutional Court. [75a](p.17) The US State Department Report for 2002 stated that although there was an intention to introduce Orthodox, Catholic and Muslim religious leaders into military units, only Serbian Orthodox clerics have been introduced to date. [2b](p.10) Overall the assessment of the European Commission's Stabilisation and Association Report for 2004, runs:

"There have been no developments in the adoption of new legislation, although drafts were prepared earlier (at the then federal level). Generally, the situation in this field is positive." [75b](p.15)

**S.6.14.** The US State Department Report for 2003 outlines incidents of societal discrimination and harassment against members of minority religions such as Jews, Jehovah's Witnesses, Catholics and Protestants: Jewish leaders have reported an increase in anti-Semitic activity, typically begun by small-circulation anti-Semitic publications. [2c](p.10.) The US State Department's International Religious Freedom (IRF) Report for 2004 (published 15 September 2004) states the following, regarding societal discrimination:-

"While relations between members of different religious groups are good, there were some instances of discrimination against representatives of religious minorities in the country. Religion and ethnicity are intertwined closely throughout Serbia and Montenegro, and in many cases it is difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. A number of the incidents of religious discrimination or harassment that occurred during the period covered by this report appear to have been based more on ethnicity than on religion." [2e](p.3)

**S.6.15.** The USSD for 2003 states that the Government has rescinded the registration of one religious group, the Sanatan Society for Spiritual Science, claiming that the group's documents promoted criminality. [2c](p.10)

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## Freedom of Association and Assembly

**S.6.16.** The following information is from the US State Department Report for 2003: “The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency”. [2c](p.10) The USSD report for 2004 repeats the statement: “The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.” [2a](p.8) The European Commission’s Stabilisation and Association Report for 2004 indicated that little was being done to promote civil society:

“In Serbia there has been no progress on the legal status of both domestic NGOs and foreign associations (which have no legal basis). The Ministry for Public Administration and Local Government is preparing a new draft, in cooperation with the civil society. The tax regime remains unfavourable, hindering NGO’s work and independence.” [75b](p.13)

**S.6.17.** According to a report from B92 News, a Serbian news agency, in February 2001, the Yugoslav Constitutional Court ruled as unconstitutional several decrees issued by the Milosevic regime. [5c] The B92 report continues that these included a decree authorising the police to remand citizens in custody for 24 hours in certain circumstances; a decree authorising the Interior Minister to ban movement in public places; and a decree which permitted the restriction of the inviolability of citizens’ correspondence. [5c]

**S.6.18.** As reported in the (UK) Foreign and Commonwealth Office Country Profile of Serbia and Montenegro, updated 15 July 2004, the State of Emergency imposed on 12 March 2003 gave the Government increased powers to ban political demonstrations and gatherings. [11p](p.4)

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## Political Activists

**S.6.19.** The US State Department Report for 2004 stated: “There were no political killings; however, on May 15, police shot and killed an armed poacher along the administrative boundary line with Kosovo. Police, accompanied by a representative of the NATO-led Kosovo force (KFOR), investigated the shooting and determined that it was justified.” [2a](p.2)

**S.6.20.** The BBC reported on 7 April 2003 that there were no developments in police investigations of numerous cases of political killings from previous years, apart from the case of Ivan Stambolic the former President of Serbia, whose remains were found in March 2003. [8p] The US State Department Report for 2003 reports:

“ The Special Prosecutor for Organized Crime filed charges in September [2003] with the new Belgrade Special Court for Fighting

Organized Crime in this case and in the 2000 attempted murder of Serbian Renewal Movement leader Vuk Draskovic. Indictees include Milorad "Legija" Lukovic, Slobodan Milosevic, former RDB chief Radomir Markovic, former VJ Chief of Staff Nebojsa Pavkovic, and former Deputy RDB Chief Milorad Bracanovic." [2c](p.2,3)

The USSD report for 2004 updated with the information that a retrial of Markovic was begun on 2 February 2004, and that the retrial was still on-going at years' end, with Markovic remaining in prison. [2a](p.2)

**S.6.21.** During the State of Emergency, according to Associated Press syndicated news reports of April 2003, former FRY President Kostunica and other opposition leaders suggested that the emergency powers may be being used to target political opponents. In mid April 2003, about 2000 people alleged to have links with organised crime were being held under the emergency powers. [58a] The State of Emergency was supported by the EU, as reported in the Southeast European Times [76a] and was lifted on 22 April 2003, as reported by the Balkan Crisis Report of 23 April 2003. [43ab]

**S.6.22.** Allegations of torture and abuse by security forces of political opponents to the Government continued and escalated after the State of Emergency: The European Commission's Stabilisation and Association Report for 2004 recounts that serious allegations of torture were made against the Serbian police after the State of Emergency. [75b](p.13) The same report continued:

"Many of the allegations relate to pre-trial detention. This has thrown up a clear distinction in the actions of Ministries. The Serbian Ministry of Justice indicated on a number of occasions that this is not a matter within its responsibility while the Serbian Ministry of Interior noted that complaints have been investigated and have been found to be groundless. The opaque investigative process within the Ministry of Interior does not however enable justice to be seen to be done and further fuels concerns raised in particular by local human rights organisations that there is no effective independent investigation of complaints." [75b](p.13)

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## Employment Rights

**S.6.23.** The US State Department Report for 2004 states: "The law provides for the right of all workers, except military and police personnel, to join or form unions of their choosing, subject to restrictions including approval by the Ministry of Labor and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement." [2a](p.16)

**S.6.24.** According to the US State Department Report of 2003, usually, the law provides for the right to strike. However, the Law on Strikes restricts the right from employees in "essential service production enterprises", such as education, electric power and postal

services, and these employees must announce their strikes at least 15 days ahead and must ensure a “minimum level of work” is provided. This law covered approximately 50 percent of all employees. [2c](p.18)

**S.6.25.** The USSD report for 2004 states “The minimum wage of approximately \$95 (5,600 dinars) per month did not provide a decent standard of living for a worker and family.” [2a](p.17) The European Commission’s Stabilisation and Association Report for 2004 adds

“According to the World Bank, material poverty affected 10% of the population in Serbia and Montenegro in mid-2002 (defined as the population with consumption below the country-specific absolute poverty line of € 60 per month). Moreover, Serbia experienced also extreme poverty with 2% of the population unable to afford even the basic food basket.” [75b] (p.22)

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## People Trafficking

**S.6.26.** The US State Department Report of 2004 notes:

“The country was a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Croatia, BiH [Bosnia-Herzegovina], Albania, and Western Europe. The primary source countries for trafficking in persons were Moldova, Ukraine, Romania, Russia, and Bulgaria. According to an NGO study published during the year, there were at least 2,000 trafficking victims in or who passed through Serbia, including women trafficked for sexual exploitation, children in begging rings, and exploited seasonal agricultural laborers. ... Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers, particularly for Roma. Trafficking of children by Roma for use in begging or theft rings was a problem.” [2a](p.13,14).

**S.6.27.** The USSD for 2003 mentions that the central point in Serbia for the transit trade is Belgrade, where organised crime is most entrenched. The International Organisation for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia in 2002. The IOM reported seeing far fewer trafficked women in Serbia in 2003, but was unsure whether there was an actual decrease or less detection. [2c](p.20)

**S.6.28.** The US State Department Report of 2004 notes: “The law prohibits trafficking in persons; however, trafficking in persons remained a problem. The penalty for trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 years if a minor is involved or if a victim is killed.” [2a](p.10).

**S.6.29.** The USSD Report for 2003 notes that in 2001, the authorities began to take action against trafficking: headed by the Anti-Trafficking Coordinator, the multidisciplinary team spans many Serbian Government departments, two NGOs and the IOM and the OSCE. [2c] (p.20) The US State Department Report for 2003 states the following:

“With the dissolution of the FRY, the position of [the] Anti-Trafficking Coordinator moved from the federal level to the republic level and was held by the Deputy Head of the Department of Border Police. The Coordinator leads a multidisciplinary anti-trafficking team, which included many Serbian Government ministries (MUP, Social Welfare, Health, Justice, Labor, Finance), the IOM, the OSCE and two local NGOs – Astra, which was dedicated exclusively to the fight against trafficking and ran a trafficking victims’ hotline and carried out extensive public awareness campaigns to prevent trafficking, and the Counselling Center Against Family Violence, which ran a shelter for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. [2c](p.20)

**S.6.30.** The US State Department Report of 2004 gives updated figures of victims of trafficking assisted:

“According to preliminary results of a study by the International Organization for Migration (IOM), the Government, NGOs, or international organizations assisted 39 foreign trafficking victims (including 8 minors) in Serbia during the year, while about 15 Serbian victims (including 7 minors) had been assisted in SaM or elsewhere in the region. The study found more victims of labor exploitation than of sexual exploitation among foreign victims; the balance was not clear for Serbian victims. The 24 trafficking complaints police filed during the year involved 35 victims, including 22 minors. Of these minors, 13 (12 females and 1 male) were sexually exploited, 8 (4 males and 4 females), were used for begging, and 1 was forced into marriage. Eight of the 22 minors were Roma (6 used for begging, 2 for sexual exploitation). Only one minor victim was a foreigner (Bulgarian). All adult victims were female: 10 from SaM, 2 from Ukraine, and 1 from Romania.” [2a](p.14).

**S.6.31.** IOM also opened a Regional Clearing Point in 2002 in Belgrade to collect information on trafficking from all the Balkan countries, according to the USSD for 2003. [2c](p.20)

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## **Freedom of Movement**

**S.6.32.** The US State Department Report for 2004 states: “The Constitution provides for

these rights, and the Government generally respected them in practice.” [2a](p.9).

**S.6.33.** The US State Department Report for 2002 states that many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia, under the previous government. [2b](p.11) The report continues that refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship and in an attempt to rectify this problem, the Government amended the 1997 Citizenship Law to allow dual citizenship in February 2001. [2b](p.11) The USSD report for 2002 continues, “However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that that [sic] the benefits of refugee status are greater than those they would receive as citizens.” [2b](p.11)

**S.6.34.** The USSD report for 2004 notes the following regarding refugee returns to former Federal Republic of Yugoslavia areas:-

“In 2003, Bosnian and SaM authorities signed an agreement and protocol on the return of refugees; however, the agreement had not been implemented by year's end. The UNHCR, OSCE, and the European Union also helped institute a trilateral approach to refugee returns during the year, bringing together SaM, BiH, and Croatia.” [2a](p.9).

**S.6.35.** The EC Stabilisation and Association Report for 2004 states:

“The high number of refugees and Internally-Displaced Persons (IDPs) continued to burden the difficult economic and social situation in both republics. According to the Serbian authorities, there are currently 278,000 refugees and 207,000 registered IDPs. The authorities are making efforts to address the issue, in cooperation with countries in the region and with UNMIK. The implementation of the 2002 National Strategy continued, but with difficulties. Integration is reliant upon scarce financial resources.” [75b](p.15)

**S.6.36.** In the UNHCR Comments on the October 2004 Country Reports, the UNHCR stated:

“It should be emphasised that all [emphasised in text] internally displaced persons referred to in in this statement [UNHCR letter to CIPU, dated 2 August 2004] originate from Kosovo (and not only the total of 205,391 as stated in the October 2004 CIPU Country Report). The figure of 233,938 relates to the estimated total number of internally displaced persons residing in the State Union of Serbia and Montenegro. Of this total, 205,391 internally displaced persons reside in the Republic of Serbia, whereas 28,547 internally displaced persons reside in the Republic of Montenegro.” [170](p.33)

**S.6.37.** In the letter to CIPU, dated 2 August 2004, the UNHCR further states:

“Following the withdrawal of civil registration and other municipal offices

in Kosovo, parallel municipal structures were located in Southern Serbia. To obtain civic documents, IDP's [sic] are obliged to approach the "dislocated offices" in person, unlike other citizens of SCG [Srpska Crna Gora – SaM]. Most civic documents are only valid for a period of 6 months, with the result that IDPs are required to travel on a regular basis to maintain their civic status. Such requirements place a heavy financial burden on IDP's [sic], who are already an economically disadvantaged group. Further problems stem from the non recognition of documents between UNMIK and authorities in Serbia." [17r](p.2)

**S.6.38.** According to the US State Department Report for 2002, in 2002, the Serbian Government, with UNHCR support, started to close 62 collective centres housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications for people to remain housed in collective centres and seeking alternate housing for others. [2b](p.11) By June 2003, the BBC reported on 20 June 2003, the collective centres had a population of 22,000 people. [8u] By August 2004, according to the UNHCR in their letter to CIPU, dated 2 August 2004, the population of the Collective Centres had dropped to 9,620 IDPs and a further 1,700 IDPs in unofficial centres and similar arrangements. [17r](p.2) Access to employment, schooling and health services is often limited for such people, according to the UN Office of Coordination of Humanitarian Affairs's Humanitarian Risk Analysis Report no. 18 of April 2002, particularly if they are not registered with the authorities or do not have identity documents. [61a](p.16) The US State Department Report for 2003, published March 2004, reported the following: "Most Serb IDPs from Kosovo rented inadequate lodgings or were housed with host families or relatives; however, approximately 9,000 remained in collective centers which foreign observers found to be inadequate for any purpose other than emergency shelter.... The Government, with support of the UN High Commissioner for Refugees (UNHCR), worked on closing 115 collective centers housing refugees (not IDPs) from Bosnia and Croatia by setting qualifications to remain housed in collective centers and seeking alternate housing for others." [2c](p.12)

Further details about the situation for Roma are provided under [Ethnic Minorities](#).

**S.6.39.** According to the EC Stabilization and Association Report for 2003, the Serbian Government adopted a "National Strategy for Resolving the Problems of Refugees and Displaced Persons" in May 2002, focusing on return or local integration of refugees from Croatia and Bosnia, though the status of IDPs has not yet been regulated. [75a](p. 19) The Norwegian Refugee Council's Global IDP Project 2003 Report's section on Serbia and Montenegro draws attention to its perceived plight of IDPs from Kosovo in Serbia:

"Neither able to return to Kosovo, because of the security situation and the political stalemate over the province's future status, nor to fully integrate into their new environment, most IDPs currently live in a state of legal and social "limbo"." [16a](p.27)

**S.6.40.** The Global IDP Project report also adds information about access to documentation and registration, summarising the situation as follows:

“In June 1999, many status and property registry books, as well as court archives were removed from Kosovo and brought to municipal registry offices “in exile” established in various locations in central and southern Serbia. IDPs faced numerous difficulties in obtaining documents such as birth certificates or citizenship certificates from these dislocated registry offices. Complicated, time consuming and costly procedures prevented many IDPs from obtaining important personal documents.” [16a](p.27)

“Displaced persons who were required to register – either for the first time or because registry books were missing or destroyed – faced similar problems, severely hampering their ability to enjoy their legal rights. Roma encountered additional difficulties because they rarely were registered in birth registry books and therefore often do not possess identification cards.” [16a](p.27/28)

“Although new legislation providing for the transfer of the Kosovo registry books to Serbian registry offices came into effect on 7 June 2003, the administrative practices have not improved significantly under the new authorities.” [16a](p.28)

**S.6.41.** The USSD for 2004 reports,

“The SaM and Serbian Constitutions provide for the granting of asylum (at the SaM level) or refugee status (at the Republic level) in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.” [2a](p.10).

**S.6.42.** The UNHCR Comments on the Country Report of October 2004 provides the following information regarding naturalisation procedures:-

“Article 23 of the Serbian Law on Citizenship of 2004 provides immediate access to naturalisation procedures to ‘former citizens of SFRY over 18 years of age and of legal capacity who reside in the territory of Serbia as refugees, expellees or displaced persons, or who have taken refuge abroad upon the submission of a statement attesting that the person considers Serbia to be his or her own state’. The effect of Article 23 is to provide a legal basis for the grant of Serbian citizenship to any former citizen of the Socialist Federal Republic of Yugoslavia (SFRY) whose citizenship status remains unresolved or who wishes to obtain the effective



nationality of Serbia. The provision, which has no temporal limitation, enables the integration of refugees from the former SFRY presently residing in Serbia, without prejudice to their previous citizenship status.” [17o](p.32)

**S.6.43.** The UNHCR states regarding asylum claimants in Serbia, in comments on the October 2004 Country Reports, issued February 2005, the following:-

“In the Republic of Serbia, the status of refugees from the former SFRY is recognised by virtue of the ‘1992 Serbian Law on Refugees’. Such persons are protected against forced return to their country of origin in line with the provisions of Article 33 of the 1951 Refugee Convention. However, despite the constitutional safeguards relating to forcible expulsion and asylum under Articles 37 and 38 of the Charter on Human and Minority Rights, there is no legislative or institutional framework to provide for the recognition or international protection of refugees whose claims are not related to the conflicts in the former SFRY. Asylum seekers arriving or staying illegally in the territory are subject to judicial and arbitrary detention and may be at risk of *refoulement* at border points. In July 2004, the Government of Serbia agreed to refer potential asylum seekers arriving at Belgrade International Airport to UNHCR in order to prevent instances of *refoulement* from occurring at this entry point. UNHCR anticipates that a Framework Law on Asylum will be enacted by the Parliament of the State Union of Serbia and Montenegro in early 2005. In February 2005 a working group on asylum was established within the Ministry of the Interior of the Republic of Serbia to draft implementing asylum legislation in relation to Serbia. The determination of refugee status in the Republic of Serbia is conducted by UNHCR pending the establishment of asylum procedures consistent with the 1951 Convention relating to the Status of Refugees.” [17o](p.33)

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### Returns from EU States to Serbia

**S.6.44.** The UNHCR expressed its concern, in its position paper of August 2004 entitled ‘UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo’, that some European Union States were returning persons who were from Kosovo or who had been living as IDPs from Kosovo in Serbia, back to Serbia via Belgrade. [18g](p.8,9) The UNHCR stated:

“UNHCR is of the opinion that the implementation of the concept of internal flight or relocation alternative in Serbia proper and Montenegro towards persons originating from Kosovo and belonging to ethnic minorities would not be a reasonable option in most cases, particularly considering their inability if returned to register as IDPs in Serbia proper or Montenegro and the subsequent problems they can be expected to encounter in accessing basic human rights and services.” [18g](p.8)

**S.6.45.** The UNHCR continued that it was concerned about such returns affecting the work of UNMIK as obliged by Council Resolution 1244: “Moreover, UNHCR is of the view that the implementation of the Internal or Relocation Alternative concept towards this caseload could also raise an issue under the obligations stemming from the United Nations Security Council Resolution 1244 of 10 June 1999 to return refugees and IDPs to their homes in Kosovo.” [18g](p.9)

**S.6.46.** The UNHCR in the same position paper expressed concern about the capacity Serbia has to accommodate more refugees: “Similarly, there are already serious constraints on the absorption capacity.” [18g](p.8,9) The US State Department Report for 2003 notes: “The housing situation for Roma is expected to be aggravated by the return of approximately 50,000 Roma to Serbia, mostly originally from Kosovo, who were being deported from Germany and Switzerland under bilateral readmission agreements.” [2c](p.16,17)

**S.6.47.** The United States State Department report for 2004, published 28 February 2005, updated the situation of these returnees, reporting,

“Serbia agreed to take in tens of thousands of Roma from Kosovo who fled to several West European countries. The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so could not safely return there. Living conditions for Roma in Serbia were extremely poor. Local municipalities often were reluctant to accommodate them, hoping that, if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If Roma did settle, it was often in official collective centers with minimum amenities or, more often, in makeshift camps in or near major cities or towns.” [2a](p.10).

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## **S.6b Human Rights – Specific Groups**

### **Ethnic Groups**

**S.6.48.** The Helsinki Committee For Human Rights in Serbia group’s October 2004 Report ‘In Conflict With The State’s Ethnic Identity’ gives the following summary of ethnic minorities in Serbia:-

“According to the 2002 census, 82.86 percent of Serbia’s opulation (without Kosovo) are Serbs, while 14.38 percent come from minority communities. Ethnically undeclared citizens, as well as those who identified themselves in regional terms (i.e. those whose ethnic origin is officially unknown) make up the remaining 2.76 percent of population. Hungarians figure as the biggest minority community in Serbia (over 3

percent of the population). They are followed by Bosniaks, Roma, Yugoslavs, Croats, Albanians, Slovaks, Wallachians, Rumanians [sic], Macedonians, etc. Together with Bosniaks and Roma, Hungarians make up for almost 50 percent of the minority population (7.17 percent [total population]).” [7a] (p.9)

**S.6.49.** The EC Stabilisation and Association Report of 2004 notes that, “There has been steady progress in the implementation of minority rights, but problems in ensuring full and adequate cooperation between different levels of government persisted, affecting compliance with some of Serbia and Montenegro’s international obligations.” [75b](p.15)

**S.6.50.** In general terms, the Human Rights Watch Report for 2003 notes that treatment of Hungarians, Croats, Bosniaks, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but that serious concerns remain regarding the treatment of Roma. [9e](p.3)

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### **Hungarians and Croats in Vojvodina**

**S.6.51.** According to Europa Regional Survey of Central and South Eastern Europe, 5th edition, 2005, of the 26 different ethnic groups in Vojvodina, Hungarians constitute the largest minority, accounting for approximately 17% of a total population of 2.4 million, while the Croats represent approximately 3.7%. Vojvodina had enjoyed autonomous status within the old SFRY, but this was removed under the 1992 constitution of the former Federal Republic of Yugoslavia (FRY). Nevertheless, Vojvodina retained its provincial assembly and their own political parties and organisations represent all the various ethnic minorities. The largest of these is the Democratic Community of Vojvodina Hungarians (DCVH). [1a] (p.572 – 573.)

**S.6.52.** The Helsinki Committee Annual Report for 2003 (published 2004) points out that the independence issue is partly because the province is the most productive in Serbia, generating 40% of its wealth, yet most of this revenue goes towards subsidising other parts of the Republic. [7h](p.335) The same Helsinki Committee report presses the idea that full autonomy should be restored to Vojvodina, though this is unlikely for Serbian political reasons. [7h](p.369,370) The Omnibus Act on Vojvodina granted increased powers of self-government to Vojvodina in 2002, but stopped far short of restoring full autonomy, according to the US State Department Report for 2002, [2b](p.16) and the EC Stabilisation and Association Report, 2003. [75a](p.9)

**S.6.53.** The US State Department Report for 2003 reported that Vojvodina was quiet in terms of ethnic co-existence in 2003:

“There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year [2003]. However, on 27 September [2003], graves were desecrated in a predominantly Hungarian Catholic cemetery. Some members of the Vlach community in Bor complained about the Serbian Orthodox Church’s refusal to conduct religious services in the Vlach language rather than in Serbian.” [2c](p.16)

**S.6.54.** In April 2003, the Helsinki Committee for Human Rights in Serbia reported back on an EU funded project monitoring the “small” minorities of Vojvodina – namely, Macedonians, Ashkaelia, Germans, Czechs, Jews and Ukrainians. [71a] The Helsinki Committee for Human Rights’ findings indicated that these groups were numerically in decline as members moved away, perceived as a result of lacking a significant presence in Vojvodina political life: the Serbian authorities’ designations of “national minorities” were held to have contributed to this situation. [71a]

**S.6.55.** In August 2004, reports emerged of renewed problems for the Hungarian ethnic minority in Vojvodina, with Keesing’s Update for July / August 2004 reporting the following:

“The Hungarian Foreign Minister, Laszlo Kovacs, wrote to the Prime Minister of Serbia, Vojislav Kostunica, in early August [2004], calling on the Serbian authorities to halt a series of violent attacks on ethnic Hungarians in the Vojvodina province of northern Serbia. Kovacs warned that Hungary would lodge formal protests at European level if the Serbia authorities did not begin to prosecute the perpetrators of the attacks.” [90a](p.46175)

**S.6.56.** The Human Rights Watch has drawn attention to the increase in ethnic tension over 2004 in Vojvodina, stating:-

“There have been dozens of incidents against ethnic minorities in Vojvodina since January 2004. The violence ranges from tombstone desecration and painting of nationalistic graffiti to confrontations involving young persons of different ethnicities.” [9e](p.2)

The same report continues with a description of an attitude of denial adopted by the Serbian government, until, in September 2004, it was pressured to act; but that since October 2004 there had only been one prosecution of violence perpetrated on ethnically motivated grounds. [9e](p.2)

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### **Muslims in the Sandzak**

**S.6.57.** The Sandzak, according to the Helsinki Committee of Belgrade’s annual report for 2003, published 2003, is an area that straddles the Serbia/Montenegro border, originally an internationally disputed area of the Ottoman Empire. [71j](p.373) Of its 11 municipalities, 6 are in Serbia and 5 in Montenegro. [71j](p.374) According to the Helsinki Committee’s report, the March 2002 census recorded that of the 136,087 Bosniaks in Serbia, 417 people lived in Vojvodina and 135,670 lived in central Serbia (of whom, 134,128 lived in the Sandzak municipalities). [71j](p.375)

**S.6.58.** Bosniaks are Muslims who speak a dialect of Serbian and are related to Bosniak communities in Kosovo, Bosnia and Turkey, notes a Radio Free Europe news

article of 2002. [30e] The Bosniak population was previously recognised as a constituent ethnic group prior to the dissolution of the socialist Yugoslav state, according to Serbia 2003 report produced by Helsinki Committee of Belgrade in 2004; but had lost such a status afterwards: "Following the dissolution of the state, Bosniaks found themselves in the position of a 'new', unrecognised minority, whose identity was frequently and brutally denied." [17g](p.378)

**S.6.59.** Since the fall of Milosevic, the situation in Sandzak has improved considerably. The OSCE noted in January 2002 that, "Despite the mixed ethnic composition of the area and a difficult recent history, inter-ethnic relations in Sandzak appear harmonious" [31f](p.10) In 2003, the Helsinki Committee for Human Rights in Serbia commented, in their report of 2002 activities, "Long-standing predictions of some politicians and experts about an imminent break-out of crisis in Sandzak never materialised." [7m](p.337)

**S.6.60.** According to the Balkan Crisis Report (no. 353 of July 2002) since the year 2000, Serbs have been leaving the Sandzak area, some of them having lost their public sector jobs. The exodus may have been partly prompted by the actions of the Muslim Party of Democratic Action (SDA) which has dismissed Serb managers in state companies and local authorities since coming to power two years ago. Local news reports claim Sulejman Ugljin, the main Sandjak leader, has installed a number of his family and associates in senior local government posts. Serb departures may also be economically motivated because property values in Novi Pazar (the largest town in the region) are considerably higher than elsewhere in Serbia. [43f]

**S.6.61.** According to the US State Department for 2003, all seven Sandzak municipalities have multi-ethnic municipal assemblies; Bosniaks lead local governments in the three Muslim majority municipalities in the Sandzak region. In Novi Pazar, the municipal government gave the Bosnian dialect official status, as allowed under the 2002 Law on Local Elections. Under-representation of ethnic minorities in the assemblies is still an issue in 2003, according to the USSD Report on 2003. [2c] (p.13)

**S.6.62.** According to the Helsinki Committee in their report on activities in 2003, the Bosniaks in the Sandzak have been concerned by a number of issues in 2003. The Sandzak Bosniaks are concerned about the status of the Bosniak language and its dialects [7h] (p.387,388), especially in relation to instruction in Bosniak and wider issues of education [7h] (p.388-390) and of the media and culture [7h] (p.391-392). The Judiciary is seen to be representative of the Bosniak community, but pay differentials with other Serbian judges rankle, and corruption is held to be a problem amongst judges and court officials. [7h] (p.393-394). The economy is in a precarious situation. [7h] (p.397-398). But boundary issues are a key issue in the Sandzak, with the Helsinki 2003 Report stating: "Division of Sandzak into two parts by Serbia and Montenegro is not acceptable for the majority of Bosniak population and the leading Party of Democratic Action." [7h] (p.398). It is regional integrity of the Sandzak that propels it into the centre of the dissolution of the state union debate: "The first reason for preservation of the state union, as urged by Sandzak Bosniaks, lies in their need to protect and develop their national identity.... The second reason has to do with the conviction that in such a way favourable conditions for an accelerated economic development of the region may be created." [7h] (p.407-408).

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### **Ethnic Albanians in Serbia**

**S.6.63.** According to Helsinki Committee reports of 2001, there are no up-to-date figures on the numbers of ethnic Albanians living in Serbia. However, according to the Helsinki Committee report, estimates suggest that there are likely to be about 70,000 – 100,000 ethnic Albanians living in Southern Serbia and a further 5,000 in Belgrade and other much smaller communities throughout the Republic. Under Milosevic, ethnic Albanians were generally subject to harassment and discrimination, which escalated during the war in 1999, when shops owned by ethnic Albanians were destroyed and employees of public utilities and large companies were dismissed on spurious grounds. [7b](p.2) Until the change of regime, about 2,000 ethnic Albanian prisoners from Kosovo were being held in poor conditions in Serbian prisons. All have now been released, according to the US State Department Report for 2002. [2b] (p.7)

### **The Presevo Valley**

**S.6.64.** The Presevo Valley is an area in southern Serbia close to the border with Kosovo, which comprises the municipalities of Presevo, Bujanovac and Medvedje. It is estimated that there are up to 100,000 ethnic Albanians living in the area, where they form the majority of the population, according to Humanitarian Law Center (Belgrade) in report of 2002, 'Albanians in Serbia'. [63c](p.2) The International Crisis Group in their December 2003 report, Southern Serbia's Fragile Peace, give figures of the various ethnic populations from the 2002 Serbian Census of the area: Presevo – 31,098 Albanians, 2,984 Serbs, and 322 Roma; Bujanovac – 23,681 Albanians, 14,782 Serbs, 3,867 Roma; Medvedja – 7,163 Serbs, 2,816 Albanians and 109 Roma. [69d](p.3)

**S.6.65.** The Europa Regional Survey of Central and Southeastern Europe, 5th edition, 2005 gives the following background information regarding the Presevo valley ethnic Albanian community: although disadvantaged in social, political and economic terms, ethnic Albanians showed a high degree of integration and co-operation with the Serb population and authorities until late 1999. [1a] (p.539) From December 1999, a growing number of violent attacks on Serb police targets started occurring in the area, causing considerable unrest. [1a] (p.539) The attacks were carried out by an ethnic Albanian military group called the UCPMB (Ushtria Clirimtare e Medvedja, Presheve Bujanovac - Liberation Army of Presheve, Medvedje and Bujanovac). [1a] (p.539) The group is thought to have been an offshoot of the KLA/UCK and its aim appears to have been to gain greater autonomy for ethnic Albanians in the Presevo area. During the year 2000, attacks by the UCPMB on Serb forces escalated, with over 30 Serb police officers killed. Fearing an escalation of the fighting, several thousand ethnic Albanians fled the area for Kosovo. [1a] (p.539)

**S.6.66.** In 2001, the Deputy Prime Minister of Serbia, Mr Nebojsa Covic, acknowledged that ethnic Albanians in the Presevo area had grievances in relation to the discrimination they suffered (according to A Radio Free Europe newsport of 15 February 2001) and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan to NATO in February 2001.

[30a](p.1)

**S.6.67.** According to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, in May 2001, the UCPMB accepted an amnesty from the Serb authorities.[11h] Continuing, the report states, the organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area.[11h] Also according to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, on 3 June 2002, the FRY assembly formerly passed the amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001.[11h] The Humanitarian Law Center confirmed later in 2002 that the amnesty has been implemented correctly. [63c](p.26.)

**S.6.68.** Following the Covic plan, the Serb authorities undertook to implement a series of "confidence building measures" in Southern Serbia. A Radio Free Europe news article of 15 February 2001 outlined the following measures, including:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.
- Guaranteeing ethnic Albanians "an appropriate level of representation" in municipal councils and assemblies, as well as Serbia's parliament.
- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.
- Economic regeneration of the area, including the repair of all Albanian houses to accommodate displaced Albanians who wish to return to the area. [30a](p.2)

**S.6.69.** UNHCR undertook a detailed assessment of implementation of the Covic plan in January 2002. [21b] Significant progress had been made in many areas. In particular, a multi-ethnic police force had been established with training provided by the OSCE. By the end of 2002 the Multi-Ethnic Police Force (MEPF) had been deployed throughout Southern Serbia, according to the US State Department Report for 2002, [2b](p.16) and were trained in modern police tactics, according to an OSCE news report of April 2002. [31b] The International Crisis Group's assessment (in their December 2003 report) of the implementation of the Covic Plan is more critical:

"Many non-governmental and multilateral organisations have played important supporting roles in reconstruction, refugee return, democratisation and media training. In short, the international community has been the oil that greases the wheels of the peace process. Nevertheless, there is a sense among Albanians of the Presevo Valley that the Covic Plan is not delivering the promised end to tensions with Serbian security forces and prosperity." [69d](p.18)

**S.6.70.** The Balkan Crisis Report has been following the political hopes of the ethnic Albanians of the south Serbian region, with information following from the BCR's news reports. Many ethnic Albanians continue to hope that the Presevo Valley

region will one day be transferred to Kosovo in exchange for Serb enclaves on the Kosovo side of the border. Accordingly, some 65,000 ethnic Albanians refused to vote in the Serbia Republic level elections in October 2002. [43s] Ethnic Albanian leaders have also indicated that they will refuse to undertake national service with the Serbian forces. [43t] In August 2003, it was reported that South Serbia's Albanian political parties had created a unilateral association, the National Council of Albanians. [43a7] Most South Serbian Albanians have reportedly welcomed the NCA as a pan-Albanian front, seeing it as their voice whilst having previously been wary of the outcome of dialogue between the Serbian authorities and past ethnic Albanian representatives, namely the PDD in 2001. [43a7] Ethnic Albanian politicians from Kosovo have been wary about talking with Belgrade. [43ah]

**S.6.71.** According to a UN interagency progress report of January 2002, complaints of police harassment of ethnic Albanians in southern Serbia decreased over 2001. [21b](p.3) The US State Department Report for 2003 notes: "There were few reports of police harassment against the ethnic Albanian population, and there were no reports of physical abuse or brutality; however, police killed two ethnic Albanians during an attempted arrest." [2c](p.16) (The USSD for 2003 gives further details about the two deaths: "On March 27 [2003], authorities killed Dusan "iptar" Spasojevic and Milan Lukovic – both implicated in the Djindjic assassination – during a shootout with police while the pair was resisting arrest. However there were allegations that police executed the two after they were already in custody." [2c](p.2) The Humanitarian Law Center reported an incident in June 2002 when an ethnic Albanian man was shot by a VJ soldier, who has since been suspended. [63c](p.28,29.)

**S.6.72.** The Human Rights Watch stated in their 2003 annual report, "While Southern Serbia remains a relative success story on minority rights, the tensions that emerged in February 2003 highlight the importance of progress on the Albanian minority's longstanding grievances with respect to employment and educational opportunities." [9h](p.5) The report continues that there have been sporadic incidents of violence from ethnic Albanian extremists, including attacks on police stations and various bomb incidents. [9h](p.4) The International Crisis Group's conclusion in December 2003, adds, "Southern Serbia is dependent in part on the continued good will of both the Serbs and Albanians, as well as on the continued engagement of the international community." [69d](p.26)

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## **Roma**

**S.6.73.** The European Commission's Stabilisation and Association Report for 2004, published April 2004, noted the following on Roma:

"Work has continued on Roma integration and a special directorate was established in the Ministry in April 2003. The NGO community was fully involved and valuable cooperation with the media also began. In coordination with the Serbian authorities, several actions to support the Roma community were taken, including free distribution of school textbooks and support in secondary and high education. In spite of these



valuable efforts, the vulnerable situation of the Roma community persists and it continues to face discrimination and practical problems notably concerning housing.” [75b](p.15)

**S.6.74.** Intimidation and harassment is common and violent attacks by skinheads and police has not always been adequately dealt with. The Humanitarian Law Centre, a Serbian NGO and advocacy group, investigated 241 cases of attacks on Roma in the period 2000 - 2002, by individuals and groups, and by the police. [63a](Introduction) The incidents outlined in the HLC report *Roma in Serbia*, published December 2003, are illustrative: “This report cites only the most serious and typical incidents”. [63a](Introduction)

**S.6.75.** Amnesty International has reported (in its September 2002 report) that frequent attacks with little apparent protection provided by the authorities have led to many Roma feeling too scared to go out in the evening. [37](p.17) The Humanitarian Law Center (HLC) reported in its shadow report to the ‘Implementation of the Framework Convention’, published January 2003, that judicial proceedings are unduly prolonged when Roma appear as plaintiffs and the police response when Roma are assaulted by private citizens is often inadequate. [63b](p.18) However a change occurred when, as reported in the Amnesty International report of September 2002, in May 2001, two skinheads were convicted for an attack on two Roma that was accepted by the court as being motivated by ethnic hatred. [37](p.17)

**S.6.76.** Incidents of police brutality against Roma continued in 2002 and 2003. HLC investigated several cases of police abuse, including beatings both at police stations and in the street. [63a] Complaints reported by the Humanitarian Law Center include as follows: “The investigated cases show that during routine procedures such as identity checks police officers regularly maltreated and physically abused Roma. Cases of physical abuse, even of children, were registered in connection with other police work such as execution of court orders.” [63a](sect.1.1) Complaints alleging use of excessive force by police officers have not been properly investigated, according to the HLC in its shadow report of January 2003. [63b](p.18) The report continues, though courts have started sentencing officers for subjecting Roma to acts of torture, sentences are usually light. [63b](p.18)

**S.6.77.** The HLC report ‘Roma in Serbia’, published December 2003 notes that societal discrimination against Roma is widespread, ranging from non-admittance to restaurants, nightclubs, and sports centres. [63a](Introduction) Only rarely have Roma been successful in gaining legal remedy for having been denied access to public places, according to the HLC in January 2003. [63b](p.18) In July 2002, as reported by Amnesty International in their annual report for 2002, published 2003, the municipal court in Sabac ruled in favour of Roma who were barred from using a public swimming pool: this was the first time that existing law had been used to prove discrimination against Roma. [37](p.18) In January 2002 HLC filed a lawsuit against the Trezor disco in Belgrade for denying admission to Roma. [63b](p.17) No reports could be found to date (August 2004) as to whether the Trezor case has been resolved.

**S.6.78.** The Helsinki group report, published October 2004, adds a further charge against Serbian society in relation to the treatment of Roma:-

“Such bias appears not only in the form of veiled racism that disqualifies the Roma as an inferior social group, deprived of any sense of responsibility, but also incites open hatred and violence against members of this community. It should be noted that the Roma are not only despised and assaulted by individuals or notorious groups such as skinheads, but also by those obliged to guarantee their safety and protect them – the police.” [7a] (p.50)

**S.6.79.** Amnesty International (AI) (in ‘Concerns in Europe: January – June 2002’, published 2003) state that estimates vary but there are probably about 45,000 Roma Internally Displaced Persons (IDPs) in SaM, mostly from Kosovo. [3d](p.78) The USSD Report for 2004 quotes from UNHCR estimates: “The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so could not safely return there”. [2a](p.10) AI continues that local municipalities are often reluctant to accept them and IDPs have been deprived of humanitarian assistance because ‘as a nomadic people’ [phrase used by local authorities] they allegedly do not require it. [3d](p.78) The USSD Report for 2004 adds: “Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (See Section 5 [in the original report]). If Roma did settle, it was most often in official collective centers with minimum amenities or, more often, in makeshift camps on the periphery of major cities or towns.” [2a](p.10) The USSD Report for 2003 continues, regarding the living conditions of many Roma: “Many Roma lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities.” [2a](p.15) There is a higher incidence of ill-health and infant mortality than among the general population, according to the Humanitarian Legal Center Shadow report of January 2003. [63b](p.19)

**S.6.80.** Local authorities are inadequate in their rehousing of Roma, according to the US State Department Report for 2003, and have evicted Roma from tenancies arbitrarily, leading to great individual difficulty, such as, in July 2003, the Roma family of eight who were left homeless. [2c](p.17) For the most part Roma have no prospect of finding employment, according to the UN Humanitarian Risk analysis report 18, of July 2002. [61a](p.23)

**S.6.81.** The United States State Department report for 2004 summarises the difficulties Roma have in relation to obtaining access to education resources:

“Romani education remained a problem. Many Roma children never attend primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian, and there was no instruction available in the Romani language. Some Roma children were mistakenly placed in schools for children with emotional disabilities because Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian.” [2a](p.16)

**S.6.82.** The Humanitarian Legal Center report (of January 2003) noted that in Vojvodina, over 70% of Roma children are either semi-literate or illiterate. [63b](p.28) Some schools have refused to accept Roma children or they have been taught in separate, all-Roma classes. [63b](p.28) However, additional lessons have been organised for Roma children by NGOs and there has been an expansion in extra mural education for Roma children. [63b](p.28) The USSD report for 2004 also mentions remedial action taken: “The UNHCR, with government support, began health education programs for Roma and catch-up and head-start programs for Romani children. The SaM Government emphasized increasing enrollment of Romani children in school. During the year, there were 70 Romani children in middle schools and 69 Roma in vocational colleges and universities.” [2a](p.16)

**S.6.83.** The USSD for 2003 notes that problems for Roma IDPs are exacerbated by difficulties regarding registration and acquiring identity cards: “Roma IDPs from Kosovo were particularly subject to discrimination and abuse; most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care.” [2c](p.17)

**S.6.84.** For several years, according to the Humanitarian Law Center report ‘Albanians in Serbia’ published in 2002, Roma organisations have been demanding recognition of their minority status, as is enjoyed by Roma in Romania and Hungary. This demand has been met with the 2003 Framework Convention on the Protection of Rights and Freedoms of National Minorities which specifically designates the Roma community as a national minority in Serbia. [63b](p.6f.) Under Article 4 (2) of the law, the authorities have an obligation to adopt legislation and measures to improve the position of persons belonging to the Roma national minority, with Article 4 (2) stating:

“The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.” [63b](p.8.)

The law has led to positive discussions between Roma leaders, government representatives and the OSCE on ways in which the situation for Roma might be improved, according to an OSCE Press Release of 12 March 2002. [31d]

**S.6.85.** The US State Department Report for 2003 summarises the Government’s response as follows:

“The Federal Minorities Law recognizes the Roma as a national minority. It explicitly bans discrimination and calls for government measures to improve Roma’s conditions. The SaM Human and Minority Rights Ministry has a four-person section, currently funded by the OSCE, dedicated to Roma issues.” [2c](p.16)

**S.6.86.** The USSD for 2003 continues that property issues are a key element in Roma

concerns, with Serbian authorities reluctant to intervene as Roma squatter communities are evicted to facilitate private property development. The local authorities in some areas have provided alternative housing; others have announced schemes but run into local and financial difficulties; and others are failing to provide. [2c](p.16,17)

**S.6.87.** The BBC followed a Roma family returned to Belgrade from Germany in January 2004. The report noted the family felt they were harassed by their neighbours, including the bullying of the children at school, and faced economic hardship. [81](p.1) The report continued in general terms about Roma returns from Germany, quoting comments by the Council of Europe on returned Roma likely to face poverty upon return. [81](p.2) The report continues, reporting that the cases of mixed-marriages are a concern to German human rights activists. [81](p.2-3) The Serbian Government's response is reported as " 'Legally speaking, it's not formal discrimination, but a social problem. Their rights are fully recognised, but not fully implemented.' "(Vladimir Djuric, Roma Rights Secretariat) [81](p.3) The report ends with the returned Roma family complaining of the Serbian Government's incapacity to assist in their particular plight. [81](p.3-4) (See above, [Returns to Serbia](#))

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### **Ashkaelia**

**S.6.88.** The Helsinki group report, published October 2004, notes that:-

"Firstly a new ethnic community, the Ashkalia, 'emerged' in the period between the two censuses [1991 and 2002]. Being the 'youngest' minority in Serbia, Ashkalia are often equated with Roma or Albanians. Bearing in mind their animosity towards Albanians, such treatment is a permanent source of tension." [7a] (p.11)

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### **Jews**

**S.6.89.** There has been an increase in the expression of anti-Semitic feeling in Serbia, manifested in graffiti, vandalism, leaflets, statements in the media and harassment of the small Jewish community. The Helsinki Committee for Human Rights in Serbia attributes this in part to the growing influence of a newly created right wing nationalist group called Obraz.[7k][section 14: Revival of Conservative Idea, p.2-3.) Obraz was alleged to have carried out attacks on ethnic minorities. The organisation, whose website contains anti-Semitic and racist material, was founded in 1997 and has an estimated membership of 30,000 in SaM. The HLC has asked the public prosecutor to take action against Obraz under Article 134 of the FRY Criminal Code, which prohibits incitement of ethnic and religious hatred, though to Amnesty International's knowledge none has been taken (as of September 2002) [37](p.3)

**S.6.90.** According to the Helsinki Committee, Belgrade, early in the year 2001, there were reports of anti-Semitic leaflets being circulated in Kikinda. On 1 February 2001, Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were vandalised and a

synagogue was painted with swastikas. The incident was reported to the police but the perpetrators were not found. On 13 and 14 February 2001, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish Community Centre of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. [7k][section 14: Revival of Conservative Idea, p.2)

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## Women

**S.6.91.** According to the EC Stabilisation and Association report, 2004, published April 2004:

‘Serbia and Montenegro is a signatory to the UN Convention of Elimination of all Forms of Discrimination against Women (CEDAW) and its accompanying Protocols. The national legislation is also mostly in accordance with international standards, but the adoption of an Anti-Discrimination Act is necessary as a further guarantee and protection mechanism. In spite of the fact that there are no legal restrictions, the representation of women in public life remains poor, as is their practical access to job opportunities.’ [75b](p. 14)

**S.6.92.** Women hold less than 10% of ministerial-level positions in the Serbian and federal governments, according to the US State Department Report for 2003. [2c](p.13)

**S.6.93.** The US State Department Report for 2004 reports that the traditionally high level of domestic violence still persists, and states the following:-

“Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by a prison sentence of from 6 months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results. By one estimate, half of all women suffered physical or emotional abuse. The few official agencies dedicated to coping with family violence had inadequate resources; however, public recognition of the problem has increased. Spousal rape is a criminal offense; however, few victims filed complaints with the authorities. Victim accusations are not required for prosecution of domestic violence cases, and prosecutions of such cases did occur during the year. According to a victims' rights advocate, police response to domestic violence has improved markedly; a number of police officers provided assistance to female victims of violence and detained offenders to protect victims.” [2a](p.12)

**S.6.94.** The Women’s Commission for Refugee Women and Children, in their September 2001 report on the Serbian situation state that women refugees and internally displaced people - especially households headed by single females and widows - face particular problems, including difficulties in obtaining documentation of their husbands’ deaths that would entitle them to pensions. [35a](p.2)

**S.6.95.** The US State Department Report for 2003, published March 2004, noted :  
“While women’s social status was not equal to men’s, women served, in significant positions and numbers, in government, politics and professional occupations, though they were not well represented in commerce.” [2c](p.15) The USSD report for 2004 continued that entrenched societal attitudes limited the effect of equality legislation, with discrimination particularly prevalent in rural areas and within the domestic sphere.  
[2a](p.12)

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## Children

**S.6.96.** The United States State Department report for 2004, published 28 February 2005, states, “The Government was committed to the rights and welfare of children.” [2a](p.13) (see also sections on [Medical Services](#) and [Education](#)).

**S.6.97.** The USSD for 2004 continues:-

“It was estimated that approximately 30 percent of children were abused. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police were generally responsive to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims, and there was an incest trauma center. Also, victims who were with their mothers could stay in the domestic violence shelter.” [2a](p.13)

**S.6.98.** The country served as a source, transit and destination point for trafficking of girls for forced prostitution. Roma children are particularly at risk, according to the US State Department Report for 2004: “Some Romani children were trafficked within the Romani community in Serbia and to other Roma abroad to be used in begging and theft rings.” [2a](p.13) ([See trafficking](#))

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## Child Care Arrangements

**S.6.99.** According to information contained in a letter from the (UK) Foreign and Commonwealth Office, dated 18 October 2002:

“There are many homes / orphanages for children under 18 in Serbia and Montenegro and these are state run. They take both boys and girls. As they are state run, the conditions are not up to European standards and there are no other alternative child care arrangements that can be made apart from adoption (normally babies are adopted.)” [11]

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## Homosexuals

**S.6.100.** Homosexuality is not mentioned in any law or in the constitution of Serbia except where the age of consent is concerned (18 for homosexuals and 14 for heterosexuals). Despite this, there was widespread discrimination under the previous regime. There is no clear evidence of this continuing under the current administration, though a 1998 survey reported by the International Lesbian and Gay Association indicated that there is a high level of homophobia in Serbian society. [25a]

**S.6.101.** According to accounts of the Helsinki Committee group of Belgrade (report not dated, circa 2002) [71](headed, "Media in Serbia:Gay rights and freedoms) and Amnesty International (report of September 2002) [37](p.16), gay and lesbian activists, taking part in a march through Belgrade on 30 June 2001, were attacked by skinheads and right wing nationalists. Although police eventually intervened, human rights organisations considered their action inadequate. The Belgrade police chief justified his failure to deploy adequate numbers of police by claiming that he had not expected such violent anti-gay protests. [71](headed, "Media in Serbia:Gay rights and freedoms) (p.3)

**S.9.102.** The United States State Department report for 2004 summarises the situation as follows:-

"Serbia's homosexual community stayed hidden due to fears of violence and discrimination. The one occasion the community was visible--when it held a gay pride parade in 2002--the event was violently broken up, with police assisting the attackers. Slurs against homosexuals appeared in the media." [2a](p.16)

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## MONTENEGRO

### M.2 GEOGRAPHY

**M.2.1** The Republic of Montenegro lies in the south west of SaM on the Adriatic Sea. It has an area of nearly 14,000 sq. km and a population of 670,000, quoting the 2003 official Census data, as reported on the UK Foreign and Commonwealth website, updated 2 September 2004). [111r](p.1) The capital is Podgorica, with a population of 179,403, as stated in the 2003 Census statistics published in Princip magazine, February 2004, Belgrade [98a] (Ethnic breakdown of 2003 population statistics, see below Ethnic Groups) The results of the 2003 Census are mentioned in The Montenegrin Ministry of Health, Institute for the Public Health of Montenegro (IPHM) report 'Analysis of Healthcare Services in Montenegro for 2003' (published June 2004). [81b] The total Montenegrin population at the end of 2003 is given as 617,740 people: a diaspora of 54,816 Montenegrins was not included in the total figure, nor a population of Internally Displaced Persons (IDPs) of 31,432 residing in Montenegro. [81b](p.4, sect. 3) Podgorica is the main city of Montenegro with a population of 168,812 people at the end of 2003 (the traditional capital, Cetinje, has a population of 18,500 people), according to the IPHM report. [81b](p.4, sect. 3)

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### M.3 ECONOMY

**M.3.1** According to the US State Department Report of 2004:

“The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-oriented. ... Real gross domestic product growth for the year was approximately 4.1 percent, and annual inflation was approximately 4 percent. During the year, wages significantly outpaced inflation but remained low compared with the cost of living.” [2a] (p.35)

**M.3.2** The USSD for 2003 gave information stating that unemployment is officially estimated at 40% but many work in the black economy, so that the true figure is likely to be about 22%. [2c] (p.52) The USSD for 2004 continues: “The national minimum wage was \$67.50 (50 euros) per month, which did not provide a decent standard of living for a worker and family.” [2a] (p.43) The European Commission’s Stabilisation and Association Report for 2004 adds; “According to the World Bank, material poverty affected 10% of the population in Serbia and Montenegro in mid-2002 (defined as the population with consumption below the country-specific absolute poverty line of Euros 60 per month). [75b](p.22).

**M.3.3** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relays that in November 1999 the Deutschmark was introduced as a parallel currency; a year later the dinar was dropped altogether; and the Euro replaced the Deutschmark in 2002 . [1a] (p.556)

**M.3.4** The European Commission's Stabilisation and Association Report for 2004 adds:

"The main sources of growth in Montenegro are industrial production and tourism with annual increases of 6% and 9% respectively in the first nine months of 2003 compared with the same period in 2002. However, economic data on output are highly unreliable as they include only statistics based on the large socially owned and state owned companies, thus excluding a rapidly emerging private sector whose share in total output is constantly growing." [75b](p.21)

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## **M.4 HISTORY**

**M.4.1** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relates the following: Montenegro is the smaller of the two republics that make up Serbia and Montenegro (the population of Serbia is more than ten times that of Montenegro). Unlike other former Yugoslav republics, Serbia and Montenegro have previously existed as separate, independent states (1878 - 1918). The issue of possible independence for Montenegro has dominated the political agenda in recent years. [1a] (p.532)

**M.4.2.** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 continues that in the years before his downfall in 2000, Milosevic sought to exploit the relative size of Serbia's population and economy over that of Montenegro. Following the war in Kosovo, the Montenegrin government began to demand more autonomy and to move away from the federal control of the Milosevic regime, culminating in August 1999, with Djukanovic calling for revision of the federation, an independent army for Montenegro and a change to the Deutschmark as the Montenegrin currency. [1a] (p.580) Milosevic responded with a partial economic embargo, which later became a full economic blockade. [1a] (p.580) This was followed in December 1999 by a stand-off between the Federal army and the Montenegrin police at Podgorica airport. [1a] (p.580)

**M.4.3.** After the fall of Milosevic, the Europa Regional Survey account continues, Djukanovic called an election for 22 April 2001, seeking a mandate for his party (the Democratic Party of Socialists (DPS), to proceed with a referendum on independence for Montenegro in late June/early July 2001. His electoral platform was based on independence for Montenegro followed by a new negotiated federation with Serbia on equal terms. [1a] (p.581)

**M.4.4.** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 continues that on 14 March 2002, an European Union (EU) brokered deal saw Serbia and Montenegro sign "the Belgrade Agreement", whereby the republics would continue as one entity, changing its name to Serbia and Montenegro (SaM). SaM would retain some federal institutions, including the Presidency and the defence and foreign ministries. (See above, SaM State Union, [State Structures](#)) Republic level governments would deal with most other affairs. The Foreign and Commonwealth Office website profile (updated 2 September 2004) adds

"Whilst the new Constitutional Charter [of 4 February 2003] enjoys

strong support from the European Union, local opinion remains divided. However, the Charter contains a provision that, in 2006, three years after adoption, the republics of Serbia and Montenegro will have the right to reconsider the status of the state union, and to withdraw, following a referendum.” [11r] (p.3, under section headed, The state union of Serbia and Montenegro)(See [Political System](#))

**M.4.5.** According to the Serbian press, (in a VIP Daily News Report of 23 October 2002) Djukanovic’s coalition, the Democratic List for a European Montenegro, won an absolute majority in the elections, held on 20 October 2002. [68a] The coalition, made up of Djukanovic’s DPS party and (as a junior party) the Social Democratic Party (SDP), won 39 of the 75 seats of parliament. The pro – Yugoslav Together for Changes coalition, made up of the SNP, SNS and NS won 30 seats. Having precipitated the election, the LS party stood on its own and gained only 4 seats. A coalition of Albanian parties won 2 seats. [68a] According to the US State Department Report of 2003 Djukanovic resigned as President on 25 November 2002 in order to become the republic’s Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. [2c](p.49)

**M.4.6.** Presidential elections were held in Montenegro on 22 December 2002, as stated in the UK Foreign and Commonwealth Office website country profile updated 15 July 2004. Although Vujanovic won 84% of the vote, the result was declared invalid as the turnout was less than the 50% of the electorate required to elect a president. [11p](p.5) The US State Department Report for 2002 reported that the elections were held according to international standards of conduct: “International monitors judged the election to be free and fair.” [2b](p.47)

**M.4.7.** The Presidential Election was repeated on 9 February 2003, as stated in the UK Foreign and Commonwealth Office (FCO) website’s country profile updated 26 July 2004, but although Vujanovic again won a clear majority of votes, once more the turnout failed to meet the 50% threshold. [11p](p.5) On the third poll, on 11 May 2003, Mr Vujanovic won, with 63.3 per cent of votes cast, as reported by the BBC in news reports of 11 May 2003 [8y] and 12 May 2003. [8z] According to the FCO website profile for SaM, updated 2 September 2004,

“The Montenegrin Government subsequently revised the Law on Election of the President, removing the requirement for a turnout of 50% of the electorate. The candidate who wins more than half the votes cast is now elected President.” [11r](p.7, under section headed, Montenegrin Internal Politics)

**M.4.8.** According to the summary of events in the SaM country profile, UK Foreign and Commonwealth Office website, updated 2 September 2004, on 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. [11r](p.3)

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## M.5 STATE STRUCTURES

### Constitution

**M.5.1** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 notes that the official name for the country is “The Republic of Montenegro”, dating back to the 27 April 1992 Constitution of the Federal Republic of Yugoslavia (FRY), retaining the name as the Federal Republic was dissolved and reconstituted as a State Union on 4 February 2003. [1a] (p.579) Montenegro, the US State Department Report for 2004 recounts, is constitutionally a constituent republic of the Serbia and Montenegro State Union. [2a] (p.35) The USSD 2004 report continues that since the dissolution of the Federal Republic of Yugoslavia (FRY), it has developed into a multiparty, multiethnic parliamentary democracy, and like Serbia, has a presidential and a parliamentary system of government. [2c](p.43) The USSD 2004 report continues that “The Montenegrin Government continued to act largely independently from the Republic of Serbia on most issues.” [2a] (p.35)

**M.5.2** The US State Department Report for 2004 reaffirmed the information given in the USSD report 2003, “The [Montenegrin] Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.” [2a](p.39)

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### Citizenship

**M.5.3** Article 7 of the 2003 Constitutional Charter of the State Union of Serbia and Montenegro sets out the basic right of citizenship:

“A citizen of a member state shall be also a citizen of Serbia and Montenegro. A citizen of a member state shall have the same rights and duties in the other member state as its own citizens, except for the right to vote. [74a](p.2)

**M.5.4.** The problems associated with Montenegrin citizenship are summarised in the European Stability Initiative report, ‘Serbian-Montenegrin Relations and the Question of Citizenship of FRY Citizens’, Executive Summary of November 2001:

“The new Montenegrin citizenship law from 1999, written in accordance with international standards, reads as if Montenegro were an independent state, and refrains from defining Montenegrin citizenship as subsidiary to Yugoslav citizenship. Unlike in the Serbian citizenship law, there is no provision for automatic Yugoslav citizenship by a citizen of the Republic of Montenegro. Under this law, even a foreigner would theoretically be able to obtain Montenegrin citizenship without necessarily becoming a Yugoslav citizen at the same time.” [16a](p.2)

The report continues with the information that the Montenegrin law forbids the holding of both Serbian and Montenegrin citizenship.<sup>[16a](p.2)</sup>

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## Political system

**M.5.5.** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 outlines political representation and legislature within the Republic of Montenegro as based upon the unicameral Republican Assembly of Montenegro (Skupština Republike Crne Gore, in Serbian) which is constituted of 75 seats.<sup>[1a](p.583)</sup> Article 78 of the 1992 Constitution of the Republic of Montenegro limits the Assembly to a four year term of office. <sup>[81d, Article 78]</sup> The United States State Department report for 2004 adds that of the 75 deputies: 8 were held by women, including 2 ministerial posts; 11 were held by people of ethnic minorities, 3 at ministerial level; and 4 seats were automatically reserved for ethnic Albanian representatives. <sup>[2a] (p.39 – 40)</sup>

**M.5.6.** In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair, as relayed in the Europa Regional Survey 2005 entry for Montenegro. <sup>[1a](p.582)</sup> Djukanovic resigned as Montenegrin President to become Prime Minister, as reported on the SaM country profile, UK Foreign and Commonwealth Office website, updated 2 September 2004. <sup>[11r](p.7)</sup>

**M.5.7.** The US State Department Report of 2004's summary of the Montenegrin political scene runs as follows:

“Filip Vujanovic was elected President in May 2003 in generally free and fair elections. Djukanovic has been in power as President or Prime Minister almost all of the previous 13 years. Prime Minister Djukanovic's coalition, and a coalition led by Socialist People's Party president Predrag Bulatovic of pro-Serbia opposition parties dominated the political scene in Montenegro. The opposition coalition collapsed in 2003 following a series of interparty disagreements. The opposition has boycotted the Parliament since public television's 2003 decision to reduce live coverage of parliamentary sessions” <sup>[2a](p.39)</sup>

**M.5.8.** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 notes these alliances. The alliance in power is given as the Democratic List for European Montenegro (principally comprising of the Democratic Party of Montenegrin Socialists (Djukanovic's DPS); the Social-Democratic Party; and the Citizen's Party) with 39 seats gained after the 20 October 2002 elections. The main opposition is given as the Together For Changes alliance (principally comprising of the Socialist People's Party (Bulatovic's SNP); the Serbian People's Party of Montenegro; and the People's Party) with 30 seats gained after the 20 October 2002 elections. <sup>[1a](p.583)</sup> The Europa report continues, mentioning two minor alliances – the Liberal Alliance of Montenegro and the Albanians Together alliance, who gained 4 and 2 seats respectively after the 20 October 2002 elections. <sup>[1a](p.583)</sup> According to the US State Department Report for 2002, “The pro-independence Liberal Alliance

of Montenegro (LSCG) was first allied to Djukanovic but then abandoned his coalition after Djukanovic signed the Belgrade Agreement [in March 2002].” [2b](p.42)

**M.5.9.** According to the European Commission’s (EC) Stabilisation and Association Report for 2004, published April 2004:

“In Montenegro, the Government which had been constituted in January 2003 continued to be in place (despite the resignations of some ministers). However, some of the newly-formed Ministries, such as the one in charge of European integration, lack infrastructure and resources.” [75b](p.4)

**M.5.10.** The EC Stabilisation and Association Report for 2004 relayed that, “In Montenegro, problems with repeated failures of the presidential elections (in December 2002 and February 2003) were resolved with the legislative changes of February 2003 (abolition of the turnout requirement for both election rounds) which led to the election of Filip Vujanovic in May 2003.” [75b](p.5) At the third poll on 11 May 2003, (according to the BBC new report of 11 May 2003) Mr Filip Vujanovic, the Democratic Party of Socialists’s candidate, won with 63.3 per cent of the vote cast. [8y]

**M.5.11.** The possible dissolution of the State Union with Serbia was reported by the Institute for War and Peace Reporting (IWPR), in the Balkan Crisis Report (BCR) No. 525 of 12 November 2004, as a political issue of great importance within Montenegro. [43ay] BCR no. 525 continues:

“There has been some dispute about how the three-year period should be interpreted. It took strong international pressure to persuade Djukanovic [the Montenegrin Republic Prime Minister] that this means 2006, not next year [2005]. The argument revolves around the fact that the state union’s Constitutional Charter was adopted a year after the Belgrade agreement was signed. [14 March 2002 and 4 February 2003 respectively] [43ay]

Further information about the political situation is provided in section 4 above.

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## Judiciary

**M.5.12.** The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005, states “The judicial system comprises courts of general jurisdiction, organized in accordance with individual republican legislation.” [1a](p.569) The Constitution [of the Republic, 1992] provides for an independent judiciary (Article 100), the right to fair trial (Article 17), the presumption of innocence (Article 25), access to a lawyer (Article 18, 22) and the right to appeal (Article 17). [81a] However the US State Department for 2004 reported that, “The Constitution provides for an independent judiciary; however, a historical lack of cooperation between police and prosecutors, a backlog of cases,

often primitive courtroom facilities, and corruption remained problems. The Government at times influenced prosecutors for political reasons.” [2a](p.36-37)

**M.5.13.** According to the US State Department Report for 2004, the court system consists of municipal, high (or district), and supreme courts at the republic level. [2a](p.37)

**M.5.14.** The EC Stabilisation and Association report 2003 commented that:

“The inherited problem of low legal awareness, the failure to remove political appointees, the legacy of the non-respect of judicial independence was reflected in further attempts by the executive to interfere in the functioning of the judiciary. Some members of the judiciary showed serious professional commitment and independence, but the maintenance of law and order suffers from the lack of co-operation between different services.” [75a] (p.13)

**M.5.15.** The Balkan Crisis Report (BCR no.507, 15 July 2004) relayed in an article dated 15 July 2004 that the “SC” case of 2003, a trafficking case that has threatened to implicate senior Government figures, was reopened with the libel case brought by the Prime Minister, Milo Djukanovic, against the Liberal Alliance (main opposition) party leader Miodrag Zivkovic reaching a judgement in July 2004. The case was originally filed in October 2003. The trial opened up accusations that trials involving powerful public figures were subject to political pressure: “Judge Branka Boskovic fined Liberal Alliance opposition leader Miodrag Zivkovic 8000 euro on July 5 [2004], following a trial in which she had refused to admit any defence witnesses or documents.” [43h] (see below, [People Trafficking](#))

**M.5.16.** According to the EC Stabilisation and Association Report, 2004, published March 2004: “The 2002 legislation on courts foresaw the establishment of the administrative court and the court of appeal and reinforced the safeguards of the independence of judges, including the appointment and dismissal procedure where the main role is reserved to the High Judicial Council, a body composed of practitioners and without the involvement of the executive.” [75b](p.10) The US State Department Report for 2002 gives the following further details: the Law provides for a Court Council that nominates and initiates dismissal procedures against judges and court presidents. The Supreme Court president will head the Court Council, which will include lawyers and judges but not government members. The Law on Courts also institutes an appeals court and an administrative court with the aim of reducing the burden on the Republic Supreme Court. The first of the Law on Court’s provisions was implemented in December 2002 with the formation of the High Judicial Council. [2b](p.44) However, as the USSD 2004 relates, “The 2002 Law on Courts mandates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; however, these new courts had not been formed by year’s end.” [2a](p.37)

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## Legal Rights / Detention

**M.5.17.** The US State Department Report for 2004, published 28 February 2005, provides the following information. “The law prohibits arbitrary arrest and detention, and unlike in previous years, the Government generally observed these prohibitions.” [2a](p.36) The report adds:-

“The new Criminal Procedure Act took effect in April [2004], and replaced all previous criminal procedure laws. The act defines the authority of police in pretrial processes and permits police involvement in these processes only with the approval of a judge. Training of police lagged, hampering full implementation of the new act; however, reported beatings of prisoners in pretrial detention declined. The law also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) noted that the act strengthens protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.” [2a](p.36)

**M.5.18.** The USSD Report for 2004 continues: “Arrests require a judicial warrant or ‘high suspicion that the suspect committed an offense.’” [2a](p.36) The US State Department Report for 2002 noted “CEDEM [Center for Democracy and Human Rights] reported that police sometimes violated the 24-hour limit on detention, applying the previous Criminal Procedure Code’s provision for a 72-hour period of detention.” [2b](p.44) The USSD Report for 2004 continues “Most abuses occurred in this initial detention period.” [2a](p.36) The USSD Report for 2004 also added “There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail.” [2a](p.36)

**M.5.19.** According to the USSD Report for 2004, the law prohibits forced exile, and the government did not employ it. [2a](p.39) On 26 February 2002, the death penalty was abolished in Serbia and replaced with a maximum sentence of 40 years imprisonment, with Montenegro taking the same decision and abolishing the death penalty in June 2002, as reported by the Human Rights Watch in their World Report 2003. [9e](p.2)

**M.5.20.** In Comments on the October 2004 Country Report, published February 2005, the UNHCR stated: “UNHCR notes that given the absence of legal and institutional framework on asylum in the Republic of Montenegro, asylum seekers who enter or stay on the territory of Montenegro illegally are subject to judicial and administrative detention.” [17o](p.35)

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## Internal Security

**M.5.21.** According to the US State Department for 2003, published 26 February



2004,

“The Republic’s police, under the authority of the Ministry of Internal Affairs (MUP), have responsibility for internal security. The Montenegrin State Security Service (SDB), also located within the MUP, has authority to conduct surveillance of citizens. A detachment of the SaM Army was stationed in Montenegro and co-operated with Montenegrin police to arrest traffickers. While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces acted independently of governmental authority. Some members of security forces committed human rights abuses.” [2c](p.43,44)

**M.5.22.** The USSD report for 2004, published 28 February 2005, adds the following:-

“The MUP [Ministry of Internal Affairs] controls both National and Border Police. These two services generally were effective in maintaining basic law and order; however, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force was made up of Bosniaks (Bosnian Muslims), many of whom were deployed in a predominantly Muslim area in the north known as the Sandzak.” [2a](p.36)

**M.5.23.** The US State Department Report for 2004 states: “The law prohibits such practices [torture and other cruel, inhuman, or degrading treatment or punishment] however, police occasionally beat suspects during arrest or while suspects were detained for questioning.” [2a](p.35) The EC Stabilisation and Association Report for 2004, published April 2004, noted

“These cases are rarely addressed and punished, notably due to the fact that the prosecution has to rely upon the co-operation of the police, which often leads to obstruction. Pressure upon victims not to press charges is also reported.” [75b](p.13)

The USSD report for 2004 adds:-

“Impunity was a problem. The Government investigated some police abuses. Criminal procedures and sentences against police were rare; when initiated, they were often prolonged with convictions resulting in minor penalties.” [2a](p.36)

**M.5.24.** The EC Stabilisation and Association Report for 2004 adds: “The Montenegrin parliament adopted the Criminal Code and Criminal Procedure Code in December 2003. The Codes were prepared with wide public consultation and international expertise.” [75b](p.12), and the US State Department Report for 2004 updates with the following:-

“The new Criminal Procedure Act took effect in April, and replaced all previous criminal procedure laws. The act defines the authority of police in pretrial processes and permits police involvement in these processes

only with the approval of a judge. Training of police lagged, hampering full implementation of the new act; however, reported beatings of prisoners in pretrial detention declined. The law also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) noted that the act strengthens protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.” [2a](p.36)

**M.5.25.** The USSD report for 2004 adds, “Corruption was a problem; the small, close-knit society discouraged reporting corruption and provided criminals access to law enforcement officers.” [2a](p.36)

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## Prisons

**M.5.26.** The US State Department Report for 2004 repeated the observation in the USSD Report for 2003 that, “Prison conditions generally meet international standards; however some problems remain. Prison facilities were antiquated, overcrowded and poorly maintained.” [2a] (p.36) The USSD 2004 report continues that women are held separately from men, and that, though the law also requires that juveniles are held separately from adults, as are pre-trial detainees from convicted criminals, overcrowding means that this does not always occur in practice. [2a] (p.36)

**M.5.27.** The EC Stabilisation and Association Report for 2004 notes the following regarding Montenegrin prison conditions:

“The situation in Montenegrin penal institutions is difficult, due to the lack of adequate resources and infrastructure. However, the treatment of prisoners is improving, and there are ongoing prison staff training projects. Nevertheless, special attention should be paid to further improving prison conditions of vulnerable groups, such as juveniles, but also drug addicts.” [75b](p.10)

**M.5.28.** The US State Department for 2004 stated, “The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross and local nongovernmental organizations (NGOs). The Ombudsman, elected by Parliament in 2003, had the right to visit detainees and prisoners at any time, without prior notice. The Ombudsman's office routinely made prison visits, meeting with detainees and inmates.” [2a] (p.36)

**M.5.29.** The US State Department Report for 2004 states “There were no reports of political prisoners.” [2a] (p.37)

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## Military Service

**M.5.30.** Montenegrin military service follows a state union wide pattern: “Military service is compulsory for all young men” states the Serbian Armed Forces website, accessed 4 August 2004. [74d](p.2) The website further reports that military service begins at the age of 17, and is an obligation as a citizen until the age of 60. [74d](p.2) According to the International Helsinki Committee (Belgrade) report for 2001 published in 2002, service was reduced in December 2001 from 12 down to 9 months” service for regular conscripts and from 22 down to 13 months for conscientious objectors: “The Federal Assembly arrived at a compromise [between two contrasting proposals] reducing the military service from twelve to nine months for armed soldiers and from twenty-two to thirteen months for conscientious objectors”. [71](section 5, p.12 ) The provisions for conscientious objection continue under the new state union of Serbia and Montenegro, as read in Article 58 of the Constitutional Charter: “Recruits shall be guaranteed the right of conscientious objection.” [74a](p.13)

**M.5.31.** The following information is given in the Amnesty International annual report for 2002: “In February 2001, an Amnesty Law came into force providing immunity from prosecution to conscientious objectors and deserters who had refused to participate in wars between 1992 and 2000.” (3e)(p.3) Some 24,000 received amnesty as a result of the FRY Amnesty Law, passed in February 2001(described in the [Serbia section](#)) and which also applies to Montenegro (as reported in a UK Foreign and Commonwealth Office Brief of 12 January 2001) [11a]

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## Medical Services

**M.5.32.** According to the Government of Montenegro’s Ministry of Health website, information has been collated throughout the year 2003 with a view to informing radical reforms. [74c] In June 2004, the Institute for the Public Health of Montenegro (IPHM) published an Analysis of Healthcare Services in Montenegro for 2003. [81b] The Montenegrin Government in September 2003 published a document outlining its overall healthcare strategy - Strategy for Health Care Development in Montenegro. [81c]

**M.5.33.** The IPHM report, published June 2004, notes that the basis of the existing healthcare system is a public service open to all, organised by the republic of Montenegro:-

“The Republic of Montenegro is a [sic] founder of all the healthcare institutions who provide healthcare services as a public service. ... The network and capacities of healthcare institutions were planned fifteen years ago [ie.1988] based on the then appropriate norms, and according to the healthcare needs of the population and the capacities of the healthcare service, and in accordance with the principles of open availability and equality in getting healthcare

services [sic].” [81b](p.3)

**M.5.34.** The IPHM report continues,

“The network of Dom Zdravljas [generic healthcare institutions] in Montenegro in 2003 was consisted [sic] of: 18 Dom Zdravljas [ as general practices] and 3 Healthcare Stations, 7 General Hospitals, 3 Special Hospitals, Clinical Center of Montenegro, Institute for Public Health of Montenegro and Pharmacy Institution of Montenegro.” [81b](p.3,4)

**M.5.35.** The IPHM report relates further that

“At the end of 2003, 7251 workers were employed in the public healthcare institutions of the Republic of Montenegro, of which 5464 medical workers and associates and 1787 employees of non-medical profession [sic] (table 2 and annex 1-2).” [81b](p.4)

**M.5.36.** With regards to primary healthcare, the IPHM report found that though provision was satisfactory at overall republic level there were imbalances and discrepancies in terms of actual provision at local level:-

“The existing network of the healthcare institutions and their organizational units enabled provision of the satisfactory number of healthcare personnel for the population on the Republic level (table 4.), but in the municipalities, in Dom Zdravljas and healthcare stations, primary healthcare has not been organized on the principles of open availability and equality principles.” [81b](p.10)

**M.5.37.** On the issue of cost the IPHM report notes, “These services, which are formally free of charge at the moment when they are used, with small payment for drugs, laboratory services and examinations with a specialized physician, enabled involvement of almost all the residents.” [81b](p.12)

**M.5.38.** With regards to hospital provision (secondary and tertiary healthcare), the IPHM report found that:-

“In Montenegro, according to the data from the Report on the work of hospitals and stationaries on 31. Dec 2003 there were a total of 2598 sick beds, of which: 1166 sick beds are designed for general hospital capacities (70 sick beds are located in the stationaries within dom zdravlja: Kolašin 5, Mojkovac 15, Rožaje 18, Plav 15 and health stations: Plužine 7 i Šavnik 10); 622 sick beds for specialist purposes and 740 standard sick beds in the Clinic Centre of Montenegro (in the report of the field service sick beds GH Nikšić and GH Cetinje are still registered in the mentioned hospitals, rather than in the Clinic Centre of Montenegro) (Graph 7 and 8).” [81b](p.19)

**M.5.39.** From World Health Organization (WHO) data posted on WHO’s website in 2002 and accessed October 2002, treatment for mental health disorders is available,

though there is a shortage of psychiatric staff and bed spaces. It includes a listing of drugs for the treatment of mental illness. The information from this source dated 2002 states there is no national mental health policy or national program. [48c] The IPHM report adds the following information enclosed within a table of information: that there is a Special Hospital for Psychiatry at Dobrota-Kotor, with 303 beds, 15 doctors, 66 nurses and 694 outpatients. [81b](p.20, table 9)

**M.5.40.** The United Nations Environment Programme (UNEP), in a press release dated 27 March 2002, has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro: the study concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment or human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

**M.5.41.** The World Bank in May 2004 reached the Appraisal Stage of a US \$7 million project proposal for the upgrading of the Montenegrin healthcare service, according to the World Bank Project Information Document [PID] Report No: AB607.[89a] The World Bank PID continues with the information:

“The [Montenegrin] Government’s strategy for the health sector [source document 81c] was presented to the Parliament and approved in November 2003. The Ministry of Health has prepared new draft framework laws on Health Protection, Health Insurance and Medicinal Products, to underpin their strategy for reform. These laws are planned to be adopted in 2004.” [89a](p.3)

**M.5.42.** The reforms proposed by the Montenegrin Government in the September 2003 document - Strategy for Health Care Development in Montenegro - a key element is privatisation, restructuring and strengthening primary care, with the report stating:-

“The health system in Montenegro shall develop in the framework of existing public health institutions, through restructuring and integration of resources into private property.

To achieve the established objectives of health policy for the Republic of Montenegro it is necessary to carry out radical reform of health insurance and the health care system.

During carrying out of reforms all citizens of Montenegro shall be provided with equal access to basic health care and quality services, while the private and state sector shall be gradually provided with equal possibilities to carry out health care.” [81c](p.17)

**M.5.43.** The September 2003 Ministry of Health Strategy Document outlines a national medicine policy, which proposes control of the pharmaceutical market and industries in Montenegro, and a tight control of the healthcare service’s drugs budget and prescription medicines” usage, including increased charges to users. [81c](p.21,22)

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## Educational System

**M.5.44.** The US State Department Report for 2004 states, “The Government does not restrict access to the Internet or academic freedom.” [2a] (p.38) The Europa Regional Survey for Central and Southern Europe, 5th edition, 2005 relays the following information: The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children between the ages of 7 and 15, when children attend the “nine year school”. Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance. There are 90 institutions of higher education (including six universities) over the two republics. [1a] (p.577)

**M.5.45.** The US State Department, in the USSD 2003 Report, holds that schools suffer from under-funding. [2c] (p50.) Ethnic Albanians have access to instruction in their native language but some have criticised the government for not developing a curriculum covering Albanian ethnic culture and history. [2c] (p51.) The USSD 2004 adds: “Most Romani children received little or no education beyond the primary school level; UNHCR and the International Committee of the Red Cross (ICRC) began programs during the year to make education more accessible for Romani children.” [2a] (p.41)

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## M.6 HUMAN RIGHTS

### Overview

**M.6.1.** The US State Department Report for 2004, published 28 February 2005, summarised the human rights record for Montenegro for 2004 as follows:

“The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused civilians. Impunity was a problem. Media independence was a problem. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Trafficking in women and children for sexual exploitation continued to be a problem. Some ethnic discrimination persisted, particularly with regard to Roma. “ [2a] (p.35)

**M.6.2.** The EC Stabilisation and Accession Report for 2004 puts the Montenegrin Republic’s human rights structure into the state-union perspective, stating:

“There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro” international obligations.” [75b](p.11.)

**M.6.3.** The EC’s Stabilisation and Association Report 2004 also noted developments at state union level:

“There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the Ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. [75b](p.11)

**M.6.4.** The first Ombudsman was appointed by the Montenegrin Assembly on 21 October 2003, according to the US State Department Report for 2003.[2c](p.50) The EC Stabilisation and Association Report for 2004 likewise notes the appointment but adds that the Office is beset with financial and infrastructural problems. [75b](p.14) The USSD for 2004 notes that “Although independent in practice, the Ombudsman was more effective in responding to individual violations of human rights than in addressing systemic problems.” [2a] (p.40) On the legislative basis of human rights protection in Montenegro, the EC Stabilisation and Association Report 2004 continues:

“The basic human and minority rights are enshrined in the new Charter

on Human and Minority Rights, adopted on in [sic] February 2003. The Charter has the force of a constitutional law. A good state Law regulating minority rights from 2002 exists, but de facto only applies in Serbia – as Montenegro is preparing its own legislation. Whereas for most of 2003 there had been almost no cooperation between the state and Montenegrin authorities, a positive change took place in October 2003, with the establishment of a sub-office of the State Ministry for human and Minority Rights in Podgorica, headed by a Deputy Minister appointed by Montenegro.” [75b](p.11)

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## **M.6a Human Rights - Issues**

### **Freedom of Speech and the Media**

**M.6.5.** According to the US State Department Report for 2004:

“The Constitution and laws provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice. Despite some steps to move away from government control of the media, certain media retained close ties to the Government. Officials brought or threatened libel suits when accused of wrongdoing.” [2a](p.37)

**M.6.6.** Until 2002, according to the US State Department Report for 2002, the State media was effectively controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. [2b](p.9) However, in September 2002, Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe, which creates regulatory structures designed to insulate state-owned media from direct party control. [2b](p.9) Implementation of the Media Law began in November 2002, according to the EC stabilisation and Association report of 2003, [75a](p.15)

**M.6.7.** The EC Stabilisation and Association Report for 2004 states the following regarding media reform in 2003:

“In Montenegro, the implementation of the 2002 set of media laws has continued, albeit with difficulties. Notably, the cancellation of previous live broadcasts of parliamentary sessions triggered a parliamentary crisis involving a long-term opposition boycott.” [75b](p.14)

“The provisions on prison sentences for slander and libel were removed from the Criminal Code in December 2003. Fines now replace prison sentences. A draft law on free access to public information has been prepared and should be adopted in line with the recommendations of the Council of Europe.” [75b](p.14)



**M.6.8.** According to the US State Department Report for 2004, in addition to local media, a wide variety of international output is available, including Belgrade's B-92, Italian Television (RAI), Croatian State Television (HRT), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE). Foreign publications from abroad are available. [2a](p.37) The USSD 2004 continues that "The Government did not restrict access to the Internet or academic freedom. [2a](p.38)

**M.6.9.** Dusko Jovanovic, the editor-in-chief of the main opposition daily paper *Dan*, was shot dead on 28 May 2004; the BBC reported on 3 June 2004 that two suspects were arrested the following week. The USSD 2004 stated "The motive for the May 27 [2004] killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily *Dan*, remained unknown at year's end." [2a] (p.37) The BBC report added that, though the motives for the killing are unclear,

"*Dan* newspaper has been critical of the government of the republic - which is part of Serbia and Montenegro - accusing it of corruption and involvement in trafficking and smuggling." [8av]

The USSD 2004 notes that *Dan's* editorial team had been sued for libel by the Prime Minister, and by the Head of the State Security Service, in September 2004. [2a] (p.38) The BBC reported on 2 October 2004 that a suspect, Damir Mandic, was formally charged with the murder on 2 October 2004. [8av]

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## Freedom of Religion

**M.6.10.** The United States State Department for 2004, published 28 February 2005, states:-

"The law provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion, although the Montenegrin Constitution mentions the Orthodox Church, Islamic Religious Community, and Roman Catholic Church as equal and separate from the State, and the Serbian Orthodox Church received some preferential treatment in practice." [2a] (p.38)

**M.6.11.** The US State Department Report for 2003 recounts that the Ministry of Religion was abolished in early 2003. [2c] (p.48) According to the EC Stabilisation and Association report, 2004, "There have been no developments in the adoption of new legislation, although drafts were prepared earlier (at the then federal level). Generally, the situation in this field [religious freedom] is positive." [75b](p.15) The Montenegrin Government stated through its website (accessed April 2003) that 69% of the population are Orthodox Christian, though these are divided between the Serbian Orthodox Church and the Montenegrin Orthodox Church; 19% are Muslim; and 4% Catholic. [81a] ("population") According to the US State Department, International Religious Freedom Report for 2004, published October 2004, "Tensions continued between the Serbian Orthodox Church and the Montenegrin Orthodox Church. These tensions are largely political, stemming from Montenegro's periodic drive for independence." [2e](p.)

**M.6.12.** In 2003, according to the US State Department for 2003, there was a complaint by an NGO that a member of the Jehovah's Witnesses received a prison sentence in circumstances that suggested the court discriminated against the accused on the basis of his membership of the group. [2c](p.48.)

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## **Freedom of Assembly and Association**

**M.6.13.** The United States State Department report for 2004, published 28 February 2005, states "The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice." [2a] (p.38)

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## **Employment rights**

**M.6.14.** The US State Department Report for 2004, published 28 February 2005, states:

"The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. The law provides for the right to strike, and workers generally exercised this right in practice; however, the law prohibits strikes by military and police personnel." [2a] (p.42)

**M.6.15.** The US State Department Report for 2004 continued:-

"The national minimum wage was \$67.50 (50 euros) per month, which did not provide a decent standard of living for a worker and family. The law requires a 30-minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week." [2a](p.43)

**M.6.16.** The 2002 Law on Employment came into force in May 2003, and refugees were so deprived of registration with the Montenegrin Employment Bureau (IDPs were already prevented from registering), as mentioned in the US State Department Report for 2003. [2c](p.49.) The USSD report for 2004 continues:-

"The law treats refugees as economic migrants and deprives them of the right to register with the Montenegrin Employment Bureau, a right IDPs also lacked; unregistered persons were denied full and equal access to the local labor market. The 2003 Decree on Employment of Nonresident Physical Persons was designed to limit economic migration; however, a \$3.38 (2.5 euros) per-day surcharge it levied on

employment of nonresidents also applied to refugees and IDPs, making their labor more expensive than comparable labor of Montenegrin citizens.” [2a] (p.39)

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## People trafficking

**M.6.17.** The US State Department Report for 2004, published 28 February 2005, states:-

“The new Criminal Code, which took effect in April, sets the punishment for all trafficking in persons violations at up to 10 years' imprisonment. During the year, 18 persons were arrested on suspicion of trafficking in persons; 15 were charged, 1 case was dismissed, and charges were pending in the other cases at year's end. Nine cases from previous years were still in the courts; one person was sentenced to 5 months in prison after retrial on appeal from conviction. Convictions for trafficking remained infrequent and punishments were weak, largely due to judicial leniency.” [2a] (p.41)

**M.6.18.** The US State Department Report for 2004 continues: -

“Montenegro remained primarily a transit point for trafficked persons, particularly women and children, and, to a lesser extent, a destination. According to local NGOs, foreign victims likely came from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued on to Italy and other West European countries. The police and NGOs reported larger number of cases of internal trafficking. Statistics on trafficking were difficult to obtain, as traffickers increasingly stopped holding their victims in public locales such as bars and nightclubs.” [2a] (p.41)

**M.6.19.** According to the US State Department Report for 2003, an anti-trafficking board composed of relevant government ministries, social services, international organisations, and NGOs was introduced in 2001 and is chaired by a National Co-ordinator appointed by the Interior Ministry. A law enforcement task force investigates and prosecutes trafficking cases. [2c](p.53) The USSD for 2004 reports that a sub-group to combat the trafficking of children had been set up in February 2004. [2a] (p.41) The USSD for 2003 continues that under the board's direction, a shelter for trafficking victims and a 24-hour hotline were established in Podgorica. The Interior Ministry reported that the shelter has housed approximately 49 women since it opened in 2001. [2c](p.53) The USSD for 2004 adds that a second shelter was opened in March 2004. [2a] (p.42)

**M.6.20.** The US State Department Report for 2003 recounted that in October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims. This is to enable the distinguishing of possible victims of trafficking from prostitutes and illegal

migrants and referred possible victims to appropriate social services. [2c](p.53)  
However, the US State Department Report for 2003 continues, in some cases potential victims are still being detained, fined and deported for illegal border crossing and prostitution. [2c](p.53) The Government generally returns victims to their own country; a number of international donors have funded repatriation through IOM. [2c](p.53)

**M.6.21.** According to the USSD Report for 2003, the Federal and Serbian governments provide support to NGOs and other international organisations in the form of shelter and school space, shelter security, and public television and radio time. International organisations sponsor police training in methods of dealing with human trafficking. [2c](p.53.)

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## Freedom of Movement

**M.6.22.** The US State Department Report for 2004 states, “The Constitution provides for these rights, and the Government generally respected them in practice.” [2a] (p.39)

**M.6.23.** The USSD for 2004 further relates the following regarding Montenegro’s treatment of refugees and asylum seekers:

“The law provides for the granting of refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. There is no law that provides for asylum. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status. Such cases were referred to the office of the U.N. High Commissioner for Refugees (UNHCR) in Belgrade for determination. Refugees that the UNHCR determined had legitimate fears of persecution were then resettled elsewhere. Persons who entered Montenegro illegally claiming fear of persecution were sent to Belgrade, where they were detained for up to 3 weeks in a special jail. In these cases, the UNHCR also was requested to determine the legitimacy of persecution claims.” [2a] (p.39)

**M.6.24.** Figures from the USSD for 2003 are as follows: “According to the UNHCR, there were 13,299 refugees from the former Yugoslavia in the Republic (9,716 from Bosnia and Herzegovina, 3,560 from Croatia).” [2c](p.49) Comparable information from the USSD for 2004, again quoting UNHCR figures, are of 8,400 refugees – the majority from Bosnia and Herzegovina, and most of the remainder from Croatia. [2a](p.39) According to the US State Department Report for 2003, while citizens are routinely issued travel documents, only those refugees who are leaving the country permanently are issued with travel documents. [2c](p.49.) It is likely that most of the refugee population wish to remain in Montenegro, according to the Women’s Commission for Refugee Women and Children in September 2001. [35a] (p.25.)

**M.6.25.** In Comments on the October 2004 Country Report, published February 2005, the UNHCR stated:

“UNHCR notes that the 1999 Montenegrin law on Citizenship creates significant obstacles for the local integration of refugees. The law requires 10 years of permanent residence before citizenship can be granted, or 5 years of permanent residence where the foreign national is married to a Montenegrin citizen. This poses problems for refugees from other Republics of the former-Yugoslavia who are only granted temporary residence under the terms of the 1992 Montenegrin Decree on Displaced Persons. UNHCR anticipates that a new Law on Citizenship will be enacted in the Republic of Montenegro in 2005, which will facilitate access to naturalization process [sic] for refugees.”  
[17r](p.5)

**M.6.26.** The Women’s Commission’s report continues, that conditions for refugees and IDPs vary. Some of those with relatives or property in the country have been able to find housing and, in some cases, employment. The situation for others is bleak. Although international relief agencies and local NGOs are providing valuable support, government health, education and social sectors are underfunded. It is also notable that UNHCR’s budget for the region in 2002 was nearly halved compared to that for 2000. [35a](p.2.)

**M.6.27.** The US State Department Report for 2003 reported, “Many Roma refugees lived in large collective centers, with only limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language; Albanian is the first language for most Roma in Montenegro, particularly IDPs. [2c](p.49) Thus according to the US State Department Report for 2003, “Most Roma children received little or no education beyond the primary school level.” [2c](p.51) The US State Department for 2004 updated, stating:- “Approximately 1,300 Romani IDPs lived in collective centers with limited access to health care and education; however, the Government took measures during the year to move these Roma out of camps into more permanent and private living arrangements.” [2a] (p.39, Section 2.) (see Roma)

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## **M.6b Human Rights - Specific Groups**

### **Ethnic groups**

**M.6.28.** The ethnic breakdown of the population has changed between the 1991 and 2003 censuses, as follows with 2003 figures and percentages followed by 1991 figures and percentages, taken from figures originally published in Princip magazine, February 2004, Belgrade [98a]:-

## Serbia and Montenegro: April 2005

Group	2003	1991
Total Population	672,656 people in 2003, 100%‡	615,035 people in 1991, 100%
Montenegrins	273,366 = 40.64%	380,467 = 61.86%
Serbs	201,892 = 30.01%	57,453 = 9.34%
Muslims	28,714 = 4.27%	89,614 = 14.57%
Bosniaks	63,272 = 9.41%	-
Croats	7,062 = 1.05%	6,244 = 1.02%
Albanians	47,682 = 7.09%	40,415 = 6.57%
Yugoslavs	-	26,159 = 4.25%
Roma	2,601 = 0.39%†	-
Other & unaccounted for	48,607 = 7.15%	14,683 = 2.39%*

‡ Inclusive of figures from diaspora outside Montenegro territory, and of Internally Displaced Persons within Montenegro territory.

† Extracted by Montenegrin Statistical Office for data at a later date

\* Includes Roma, figure unspecified.

According to the European Center for Minority Issues, in Brief no. 8 of March 2002, written by Florian Bieber, Montenegro's record is better than other former Yugoslavian states": "Inter-ethnic relations in Montenegro have been considerably better throughout the process of Yugoslavia's disintegration than in most other republics." [46a](p.2) A ReliefWeb article of 26 September 2002 continues that Montenegro accepted Internally Displaced Persons (IDPs) from Kosovo as well as from other parts of the region. [65a](p.1) In 1998, refugees and IDPs made up 20% of the population of Montenegro, though this proportion dropped by 2002 to 14,570 refugees and 29,639 internally displaced people (IDPs), according to the International Federation of the Red Cross's bulletin of September 2002. [65a](p.1) The latest figures, from the US State Department Report for 2004, published 28 February 2005, run: "There were approximately 17,000 internally displaced persons (IDPs) from Kosovo. The majority of IDPs were ethnically Montenegrins or Serbs; however, there were also Roma (1,300) and others." [2a] (p.39)

**M.6.29.** Ethnic Albanians number 50,000 and make up about 7% of the population, according to the Government of Montenegro, from the Government website accessed April 2003. [81a] The (UK) Foreign and Commonwealth Office's opinion, stated in a letter dated 2 January 2001, is as follows:

"The Montenegrin authorities, unlike the former Milosevic regime, have for some time pursued a policy of inclusion towards ethnic minorities. Ethnic relations are traditionally good by regional standards: many ethnic Albanians support the mainstream (i.e. non-ethnic) political parties; there are some Albanians in the Government." [11b]

**M.6.30.** According to the US State Department report of 2003, 34% of the police force is made up of Bosniak Muslims and many of the Muslim police officers are deployed in the predominantly Muslim Sandzak area in the north of the Republic. [2c](p.45) The USSD for 2004 states: "A sizable percentage of the police force was made up of Bosniaks (Bosnian Muslims), many of whom were deployed in a predominantly Muslim area in the north known as the Sandzak." [2a](p.36) (See Serbia section on Bosniaks) The USSD Report for 2003 continues: "The majority of Montenegrin Bosniaks supported the

Djukanovic Government and were integrated into national political parties.” [2c](p.51) The USSD Report on 2004 repeats a line from the 2003 report, that, “Some Bosniaks complained that the division of the Sandzak region between Montenegro and Serbia, which also divided some families and property, created some problems for residents.” [2a](p.42)

**M.6.31.** Albanian language elementary and secondary school education is provided in several municipalities, with the European Commission Stabilisation and Association Report for 2004 stating: “Serbia and Montenegro [as a state union] is a signatory to all relevant UN treaties that include guarantees of equal access to education and academic freedoms, and signed the Bologna Declaration in September 2003. Furthermore, there are solid guarantees in the national constitutional and legislative acts, including towards minorities.” [75b](p.15) According to the shadow report presented to the European Commission in January 2003 by the Humanitarian Legal Center, the Government established an Albanian language chair at the faculty of humanities in Niksic in 2002, though this has not been popular because it was not established in an Albanian majority area. [63b](p.30)

**M.6.32.** Overall, the US State Department Report for 2004 states “Societal discrimination against ethnic minorities was a problem [within the 2004 period of the report].” [2a](p.42.)

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## **Roma**

**M.6.33.** The US State Department report for 2004 states:-

“Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, some of whom were IDPs from Kosovo. According to a local NGO, 70 percent of Roma were illiterate, 70 percent did not speak the local language, 95 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.” [2a](p.42.)

**M.6.34.** The Humanitarian Law Center (HLC) notes in their shadow report of January 2003, that the housing situation for Roma in Montenegro is sometimes better than in Serbia. Local authorities in some municipalities have allowed Roma to build settlements on city owned land or provided alternative housing. In some cases, Roma squatters have moved into abandoned buildings and local authorities have accepted this. However, many Roma live in slums without even basic amenities. [63b](p.19).

**M.6.35.** A Refugees International report of September 2002 states that Roma refugees and IDPs, mostly from Kosovo, tend to fare worse than those from other ethnic backgrounds, about 50% of them living in large collective centres, often in very poor conditions with no electricity, running water or sanitation. [67a](p.1) The report continues that the IDPs are heavily dependent upon support from international NGOs that is gradually being reduced as aid budgets are cut. [67a](p.1) Other Relief Web documents of September 2002 express concern that many Roma have little or no access to health

care or education. [65a]

**M.6.36.** The USSD 2004 report continues, with regards to Roma IDPs:-

“Romani IDPs, who lived primarily in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.). Eviction from illegal settlements and, sometimes, legal residences was a serious problem. During the year, there was some limited official recognition of the problem, with authorities in the capital providing land and utility connections for an international NGO project to replace illegal and inadequate Romani housing.” [2a](p.42.)

**M.6.37.** According to the Humanitarian Law Center (HLC) in ‘The Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo’ produced by HLC and presented to the European Commission in January 2003, states that as in Serbia, Roma experience difficulties in relation to gaining access to public amenities and this is sometimes compounded by violence against them by private citizens. The Shadow Report continues: “Roma do not always enjoy full protection of the law: judicial proceedings are often unduly prolonged when Roma appear as plaintiffs, and the police response when they are physically assaulted by private citizens is often inadequate.” [63b](p.18)

**M.6.38.** One of the main problems for Roma children is their lack of knowledge of the Serbian language, as mentioned by the US State Department Report for 2003.[2c](p.49) Roma girls in particular, according to the Women’s Commission report of September 2001, have less access to education, vocational training and employment than any other group. [35a](p.3,4.) The Shadow Report reported that some schools have refused to accept Roma children or they have been taught in separate, all Roma classes.[63b](p.28) It continued that additional lessons have been organised for Roma children by NGOs, with an expansion in extra mural education for Roma children. [63b](p.28) The Deputy of the Montenegrin Ministry for Refugees commented to the Women’s Centre for Refugee Women and Children in September 2001, “ ‘We estimate there are 1,500 primary school children who are not in school. Most of them are Roma children. Our intention is to integrate the children into the local school system, but the impediments are serious. They include social discrimination, language and cultural barriers, poverty and hygiene.’ ” [35a] (p.23.)

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## Women

**M.6.39.** The US State Department Report for 2004, published 28 February 2005, reports, “High levels of domestic violence persisted, particularly in rural areas”. [2a] (p.40) Amnesty International states in their 2004 annual report, “Domestic violence against women remains widespread but prosecutions were rare. In March [2003] a poll of 500



married women in Montenegro reported that one in four was beaten and one in three slapped by their husbands.” [3n] (p.2)

**M.6.40.** The US State Department Report for 2004 continues: -

“ During the year, official agencies, including the police, did a better job in responding to domestic violence; however, efforts were still inadequate. Domestic violence is a crime punishable by a fine or prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of 3 to 12 years in prison. Victims of domestic violence rarely filed complaints with the authorities. According to a survey conducted during the year by the NGO SOS Hotline for Women and Child Victims of Violence-Podgorica, only 30 percent of victims reported domestic violence incidents to police; however, domestic violence-related offenses made up 30 percent of all police arrests.” [2a] (p.40)

**M.6.41.** According to the EU Stabilisation and Association Report for 2003, published April 2003, changes in 2002 to the Montenegrin Criminal Code introduced wider protection from domestic violence. [75a](p.18) The US State Department Report for 2004 updates: -

“The Government prosecuted a small number of domestic violence cases; however, NGOs reported that judges refused to impose jail sentences even though prosecutors routinely asked that convicted abusers be imprisoned; most convictions resulted in probation.” [2a] (p.40)

The USSD for 2003, published February 2004, states that a lack of female police officers at police stations resulted in long delays in investigating rapes, assaults and offences against women. [2c](p.18)

**M.6.42.** The EU Stabilisation and Association Report for 2003 states “Although there are no legal restrictions, the representation of women at higher levels of politics, administration and business is still very low.” [75a](p.18) According to the US State Department Report for 2004, “Women did not enjoy equal status with men, and few women held upper-level management positions in government or commerce; however, increasing numbers of women served as judges, and there were many women in professional fields such as law, science and medicine.” [2a] (p.41) The USSD Report for 2003 continues that women are allowed 12 to 18 months maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. [2c](p.50) The Federal Parliament ratified the Optional Protocol (to the Convention of Elimination of all forms of Discrimination against Women (CEDAW)) in December 2002, according to the EU Stabilisation and Association Report for 2003. [75a](p.18)

**M.6.43.** Montenegro, according to the USSD for 2003, is primarily a transit point for trafficked women and children, and to a lesser extent a destination country. [2c] (p.53) The USSD for 2004 states “Trafficking in girls for the purpose of sexual exploitation was a problem.” [2a] (p.41)

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## Children

**M.6.44.** The US State Department Report for 2004 repeats the information given in the 2003 report, that, “The Government attempts to meet the health and educational needs of children, but insufficient resources at times impede this goal.” [2a](p.41)

**M.6.45.** The US State Department Report for 2004 continues:-

“The educational system provided 8 years of free, mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history.” [2a] (p.41)

**M.6.46.** The Women’s Commission report of September 2001 states that children of refugees may have problems in accessing adequate health care and education, and often live in unhealthy conditions. [35a](p.15.) See section on [ethnic minorities](#).

**M.6.47.** There is no societal pattern of abuse against children. However, according to the Women’s Commission report of September 2001, domestic violence is a particular problem among refugees. [35a] (p.2.) Also, according to the US State Department Report for 2003, the law does not allow a juvenile allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. [2c] (p.51)

**M.6.48.** According to the USSD Report for 2003, the official minimum age for employment is 15 years, although in farming communities it is common to find younger children assisting their families. [2c](p.52.)

**M.6.49.** The country served as a transit point for trafficking of girls for forced prostitution, as reported in the US State Department Report for 2004 (and USSD 2003 previously). [2a] (p.41)

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## Child Care Arrangements

**M.6.50.** Information received via the FCO in October 2002: there are six state run institutions accommodating children in Montenegro. Only one of these is for children under 18 without parental care, the remaining five catering for children with special needs. UNICEF is in discussion with the government about the conditions in these establishments, which have suffered from under-funding in recent years, and some may be closed. Apart from the adoption of babies, there are no alternative arrangements for children under 18 without parental care. [111]

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## K.2 Geography

**K.2.1** The Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005, states that the province of Kosovo lies in south-west Serbia: “The former autonomous province of Kosovo, officially known as Kosovo and Metohija from 1990, lies in south-west Serbia.” [1a](p.587) (see below, Status)

**K.2.2.** The Kosovo Statistical Office of the Kosovan Provisional Institutions of Self-Government issued a document *Kosovo in Figures 2004* published in May 2004, that gave an estimate of total population of Kosovo as being 1,900,000 million people, with an ethnic breakdown of 88 percent ethnic Albanians, 7 percent Serbs, and 5 percent other groups. [99d] (p.9) The estimate is close to the population figures given by the Europa Regional Survey, which are drawn from the 1991 Census of the former Federal Republic of Yugoslavia, stating that of the 1.956 million people registered as being in Kosovo, there is an ethnic majority of 92 percent ethnic Albanians, and an ethnic minority population including Serbs, Roma, Muslim Slavs, Turks and Croats. [1a](p.559) The largest town and provincial capital is Pristina (population 155,499 – 1991 census as stated in Europa [1a](p.559); no figure given by the Statistical Office of Kosovo)

For further information on geography, refer to The Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005.

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## K.3 Economy

**K.3.1** The United States State Department Report for 2004, published 28 February 2005, states, “The economy, in transition from a centrally directed to a market-based economy, was based primarily on agriculture, mining industries, and construction services, and was heavily dependent on foreign assistance.” [2a](p.18) The European Commission’s Stabilisation and Association Report for 2004, published April 2004, outlines the basic current economic situation as follows:

“After the post-conflict and reconstruction driven boom, with growth of 21% in 2001, Kosovo’s GDP [Gross Domestic Product] has slowed down substantially to 3.9% in 2002 and an estimated 4.7% in 2003, GDP per capita remains low at about 700 Euros per year (the lowest in the Western Balkans), while GDP per head is higher resulting from remittances and foreign assistance. Private sector activities continued to be dominated by reconstruction and trade as well as service related businesses. Unemployment is high – notably among the minorities – and likely to increase. Even though the registered unemployment rate – 47% of the labour force in 2002 – is exaggerating the actual level due to the sizable grey economy, the labour market is confronted with an increasing inflow of job-searchers, in particular young people.” [75b](p.59)

**K.3.2** According to the Secretary General’s Report of 30 July 2004 to the UN Security Council:

“The Kosovo economy continues to be far from self-sustaining. Growth is still mainly driven by foreign assistance, remittances from abroad and public spending. The trade deficit remains substantial. The number of unemployed seeking work continues to rise and the demographic trend gives rise to major concerns as an increasing number of young, employable people are entering the labour market.” [15m](p.12)

**K.3.3** The Secretary General’s report for 30 July 2004 continues that the Provisional Institutions and UNMIK have promoted a legal framework that ensures the economy will be market-orientated, with privatisation issues a key concern, a process currently hampered by budget and administrative problems. [15m](p.12,13)

**K.3.4.** A key issue in relation to the Kosovo economy has been and is in the process of privatisation of state owned enterprises (SOEs) such as the Trepca mining and smelting complex. In its summary of the Kosovo economy, the Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005, relates the difficulties of UNMIK to disentangle Serbian state claims of ownership from the remnants of industry in Kosovo, and how the Kosovo Trust Agency was created by the UN administration in mid-2003 to handle the privatisation of and/or restructuring of public enterprises. [1a](p.556,557) An article from the Green Left Weekly Online, dated 24 November 2004, updates and outlines the amount and nature of foreign investment in Kosovo SOEs, pointing to sales by the Milosevic regime. [93a] The two accounts come to differing conclusions: the Europa account states, “The solution is foreign direct investment, but there appeared to be no prospect of any dramatic increase in that variable.” [1a](p.557) The Green Left account concludes, “The vicious circle [of ethnic violence] can only be broken if Serbia gives up its pretensions to Kosova, and the Serb minority and the Albanian majority join hands to push for a multi-ethnic independent state, which could inherit the state firms and decide what to do with them.” [93a] (p.6) (See below, [Employment Rights](#) )

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## K.4 History

**K.4.1** Although a province of Serbia, and therefore part of the former Federal Republic of Yugoslavia (FRY), Kosovo has been administered on an interim basis by the UN since June 1999. On 9 June 1999, FRY signed an agreement requiring the withdrawal of all their forces from Kosovo. According to the Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005, the UN Interim Administration Mission in Kosovo (UNMIK) was mandated to run Kosovo. [1a] (p.551) On 10 June 1999, the United Nations adopted Security Council Resolution 1244 [20a], which brought Kosovo under UN mandate and allowed the establishment of an international security presence, according to the Europa Regional Survey 2005 account. [1a](p.551, 587)

**K.4.2** The Europa Regional Survey 2005 continues that within weeks of the UN mandate, over 800,000 ethnic Albanians who left Kosovo during the conflict had returned, with about 200,000 Serbs and Roma leaving the province, fearing revenge attacks. [1a] (p.588)

**K.4.3.** UNMIK's description of its mandate is taken from the UNMIK main website, under the page title of *About UNMIK*:

"In particular, resolution 1244 has called upon UNMIK to:

- perform basic civilian administrative functions;
- promote the establishment of substantial autonomy and self-government in Kosovo;
- facilitate a political process to determine Kosovo's future status;
- coordinate humanitarian and disaster relief of all international agencies;
- support the reconstruction of key infrastructure;
- maintain civil law and order;
- promote human rights; and
- assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

Working closely with Kosovo's leaders and people, the mission performs the whole spectrum of essential administrative functions and services covering such areas as health and education, banking and finance, post and telecommunications, and law and order." [19h](About UNMIK)

**K.4.4.** In addition to UNMIK, and in a process of measured handover of governance, the UK Foreign and Commonwealth Office website account (updated 26 July 2004) notes the development of the Provisional Institutions of Self-Government (PISGs):

"In May 2001, the new "Constitutional Framework for Provisional Self-Government" was adopted. This set out, under the overall authority of the SRSG [Special Representative of the Secretary General] the responsibilities ("competences") of the local authorities (such as

education, environment) and the “reserved competences” of UNMIK (such as external relations, security). Following province-wide elections in November 2001, the Kosovo Assembly was established. In March 2002 the Provisional Institutions of Self-Government (PISG) were formed with Mr Ibrahim Rugova as President and Dr Bajram Rexhepi as Prime Minister.” [11q](p.6)

**K.4.5.** The EC Stabilisation and Association Report for 2004 reported that the process of transfer of non-reserved competencies from UNMIK to the PISG was completed by December 2003. [75b](p.52) The same report is critical of the PISG’s performance: “The PISG (Assembly, Government, President, and Courts) have improved their overall performance compared to the poor performance of 2002 when they were established. However, the late and inadequate reaction of the PISG to the events of March 2004 raises serious concerns.” [75b](p.52)

**K.4.6.** Talks between the Serbian Government in Belgrade and Kosovan politicians resumed for the first time since the 1999 war in October 2003, in Vienna, according to a contemporary BBC report of 14 October 2003. [8ag] Though the initial talks were inconclusive, according to BBC reports of 4 March 2004 [8ab] and of 14 October 2003 [8ag], talks were continued in Pristina on 4 March 2004. [8ab] The talks were on technical issues of mutual interest; they expressly did not cover the final status of Kosovo. [8ag]

**K.4.7.** The Secretary General summarised the state of dialogue talks to the Security Council in the 17 November 2004 report as,

“There was no continuation of the direct dialogue between Pristina and Belgrade, owing to the latter’s reluctance to restart the process after March [2004]. However the Special Representative’s [referring to Søren Jessen Petersen] initial contacts with the Belgrade authorities were frank and constructive.” [15n] (p.17, Section G, summary)

**K.4.8.** Source documents across the spectrum of opinion regard the violence of March 2004 as historically an event that reminded UNMIK, the International Community and other bodies that the ethnic divisions of 1999 are still in evidence in Kosovo. The OSCE Mission in Kosovo (OMiK), in their initial report published in conjunction with UNMIK in May 2004, state: “The March events reminded us of the far reaching ethnically-motivated violent attacks, carried out especially against Kosovo Serbs and Roma in the summer of 1999.” [15c](p.4) The Human Rights Watch reiterates this historical perspective in its report, *Failure to Protect*, of July 2004: “The violence across Kosovo represents the most serious setback since 1999 in the international community’s efforts to create a multi-ethnic Kosovo in which both the government and civil society respect human rights.” [9a](p.1)

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## **Ethnic Violence, 17 – 19 March 2004**

**K.4.9.** The key event of 2004, and within the period of control under UNMIK, was the ethnic violence that flared up in March 2004. The following paragraphs give an account of the build-up to the riots, a day by day account of events, and subsequent overall

impact on Kosovo. The specific impacts of the riots are documented throughout the country report, with details of impacts upon ethnic minorities in the sections below on Ethnic Minorities in general and by specific group.

## Before

**K.4.10.** The Secretary General reported to the Security Council in the 30 April 2004 report that ethnic tension had been apparent since late 2003. [151](p.2) The International Crisis Group (ICG) in its April 2004 report *Collapse in Kosovo* has identified a number of trends leading to the March violence, such as Albanian frustration over the status of Kosovo (particularly in relation to UNMIK's "Standards Before Status" policy) throughout 2003; the stagnant economy and declining work force / growing unemployment; disaffected youth boosting extremist groups such as the Albanian National Army (AKSH); incidents from September 2003 onwards that included the murder of Serbs [69c](p.11); and the continuance of Serb parallel structures (see below, 4.1.). The main event that triggered the violence was the three Albanian children drowned on 16 March 2004, allegedly by being chased into the river by Serb youths (an event that UNMIK could find no evidence that implicated the Serb community, and was rather a tragic incident of misadventure.) [69c](p.145) The Human Rights Watch report of July 2004, *Failure to Protect*, added that the "War Associations" – the associations of ethnic Albanian veterans mainly previously belonging to KLA – were instrumental in the development of the violence. [9a](p.17ff)

## Key Events

**K.4.11.** The following is a brief day-by-day account of the violence of 17 – 19 March 2004 and summarises the International Crisis Group account, in their April 2004 report *Collapse in Kosovo: Appendix A: A Chronology of Violence* [69c].

**K.4.12. Day 1: Wednesday 17 March 2004.** Events were mainly focused round Mitrovica town in the morning, with Albanian mobs congregating, attacking UNMIK property in southern Mitrovica, working towards the main bridge. Main bridge held by the Kosovo Police Service (KPS) and a KFOR Polish riot squad; clashes between UNMIK / KFOR and the Albanian mobs ensued. Serb / Albanian clashes around the Three Towers Albanian enclave in northern Mitrovica. [69c](p.1)

**K.4.13.** By midday, news of trouble in Mitrovica had spread to Pristina and Caglavica: Serb mobs and traffic blocks emerged in Caglavica, and Albanian mobs assembled in Pristina with the intention of battling with the Serbs in Caglavica. Meanwhile an Albanian mob of mainly students marched from Pristina University campus to UNMIK headquarters, and then proceeded towards Caglavica in the early evening. KFOR and UNMIK evacuated the Serb population of Caglavica; rebuffed the Albanian mobs at the entrance to the village from Pristina after an initial breakthrough by the rioters. [69c](p.1) Riots went on throughout the evening and night in Pristina, with mobs torching abandoned UNMIK vehicles, unimpeded by the security forces; the mobs started to disperse at midnight and by 02:00 hrs, the streets had emptied. [69c](p.1)

**K.4.14.** By late afternoon, news had spread throughout Kosovo. Incidents in a number of locations throughout the province. In Prizren and in Lipjan, Serbs and



KFOR forces were attacked, and injuries including deaths reported. [69c](p.1) Violent protests were reported in Gnjilane, in Urosevac, Kosovo Polje and Pec. Incidents of violence also reported in Novo Brdo. [69c](p.1)

**K.4.15.** The action taken by security forces on Day 1 was essentially reactive, and to minimise loss of life by evacuation and where possible using protective cordons. There were instances of the security forces losing control temporarily in individual situations; and of individual units overwhelmed by the mobs. [69c](p.1)

**K.4.16.** By the end of Day 1, according to the ICG report, the security forces were at a low point. "Overnight, throughout Kosovo the security forces were in considerable disarray, overstretched and exhausted." [69c](p.49.)

**K.4.17. Day 2: Thursday 18 March 2004.** The morning was held to be relatively calm, most of the mobs having dissipated. Most mobs reassembled and the first incidents reported around noon. Large scale violence occurred in Prizren. [69c](p.49.) The afternoon and evening was punctuated with incidents of Albanian mobs on the rampage targeting Serb property, and in violent engagement with the security forces. [69c](p.49,50,51.) In the late afternoon, two Albanian mobs converged in southern Mitrovica to attack the Ashkaelia settlement of Vushtri (previously evacuated) and destroyed the entire neighbourhood. [69c](p.51.) The ICG report notes only one incident of a non-Albanian being directly threatened on Day 2 (a Serb nun held prisoner at Devic convent, Drenica); otherwise, the security forces had ensured the safe evacuation of targeted groups. [69c](pp.52.)

**K.4.18.** Action taken during Day 2 by the security forces revolved around the evacuation of all people in danger, mainly to local KFOR bases, and on to enclaves if possible (see below, Serbs.) Property was cordoned off by KFOR and other security forces; in a number of places, KFOR established blocks on the routes of Albanian mobs, and attempted to pacify them. The Serb village of Caglavica was attacked again, and KFOR resisted effectively the Albanian mobs. [69c](pp.52.)

**K.4.19. Day 3: Friday 19 March 2004.** According to the ICG report, "Attempts by agitators in several locations around Kosovo to resume the violence fizzled out." [69c](p.52.) Extremist organisations reined in their agitators. [69c](pp.18,52.)

**K.4.20.** Action taken on Day 3 by the security forces consisted of consolidating the uneasy peace; reinforcements flown into Pristina overnight took control of patrolling the city's streets in the morning. [69c](p.51.)

### Subsequent Events

**K.4.21.** Immediate reaction to the Violence focused on the overarching issue of the final status of Kosovo. Reuters reported in a news report on 22 March 2004, the opinion that: "Western procrastination over the future of Kosovo must share the blame for an explosion of violence in the U.N. protectorate, according to former senior envoys to the Balkans." [47] The article outlines the problems of a declared future for Kosovo of either an independent country or under a series of ethnic cantons. [47] Christian Aid reiterated the call for a political solution on 24 March 2004: "Last week's [17-19 March 2004] violence between Albanians and Serbians shows why the need to address the future of

Kosovo is more pressing than ever.” [13a]

**K.4.22.** According to the report to the Security Council, April 2004:

“UNMIK police are actively investigating all incidents related to the violent events. So far, investigations have resulted in over 260 arrests in connection with the violence. A further 400 arrests have been made for violations of curfew, which had been imposed in some areas by KFOR and UNMIK police to prevent further violence. International prosecutors are currently working on more than 45 cases and approximately 120 other cases are being handled by the local judiciary.” [15j](p.3)

**K.4.23.** According to the report to the Security Council, 30 July 2004:

“Considerable progress has been made to bring to justice those responsible for the violence in March [2004]. UNMIK has received 73 of the additional international police investigators requested from Member States, and others are expected shortly.” [15m](p.7)

The same report continues that international prosecutors were handling 52 cases involving serious crimes; and the local judiciary, 260 plus cases related to the violence. [15m](p.8) The report to the Security Council, 19 November 2004, stated:

“During the period under review, there has been continued progress in bringing to justice those responsible for the violence in March. More than 100 cases have been completed, with 85 resulting in convictions, ranging from fines and reprimands to a sentence of five years” imprisonment for a Kosovo Serb in Mitrovica who threw a grenade at Kosovo Force (KFOR) soldiers, injuring two of them. More than 200 other cases are still under judicial process, including indictments for the murders of Kosovo Serbs and attacks on Serbian churches and houses, and cases against alleged ringleaders of the violence.” [15n] (p.10, Section B Rule of Law)

**K.4.24.** The Human Rights Watch annual report, published January 2005, acknowledges the developments:-

“In comparison to the dismal rate of prosecutions for offences prior to March—whether for war crimes, inter-ethnic crimes, or ordinary criminal offences—the response to the March events has been dramatic. More than 270 people have been arrested for criminal acts relating to the violence. The bulk of these arrests, however, have resulted in charges for fairly minor offences, adjudicated by the local Municipal and Minor Offences Courts. Despite the minor nature of the offences charged, and the relative speed at which these cases should be adjudicated, fewer than half had been resolved by late October 2004. Of the fifty-seven more serious cases relating to murders, ring-leaders, serious inter-ethnic crime, and major arson attacks, only about one-third were in the judicial process by late

October 2004, with indictments filed in little more than half of those cases. Cases involving allegations of police complicity in violence are still under investigation.” [9e] (p.5)

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## K.5 STATE STRUCTURES

### Constitution

**K.5.1** Under UN Security Council Resolution 1244, the text of which is published on the main United Nations website as document S/Res/1244(1999) [20a], the United Nations Mission In Kosovo (UNMIK) is responsible for performing basic civilian administrative functions and promoting the establishment of provisional self-government (Article 10). [20a](p.3) UNMIK is led by the fifth Special Representative of the UN Secretary General (SRSG), Søren Jessen Petersen, who was appointed on 16 June 2004, according to an announcement on the UNMIK website dated 16 June 2004. [19h]The previous incumbents were Bernard Kouchner, Hans Haekerrup, Michael Steiner, and Harri Holkeri. According to the UK Foreign and Commonwealth Office country profile on Kosovo, updated 26 July 2004, the organisational structure of the administration is arranged in four distinct "pillars", run by the following organisations respectively: Law and Order – UN; Civilian Administration - UN; Institution Building - the Organisation for Security and Co-operation in Europe (OSCE); and Reconstruction and Economic Development – EU. [11q](p.4)

**K.5.2** According to the US State Department Report for 2003, until the municipal elections in October 2000, the involvement of the local population in the official administration was limited to their participation in various advisory bodies, the highest being the Joint Interim Administrative Structure (JIAS). [2c] (p.21.) However, the JIAS was superseded by a 120 seat Assembly, according to the US State Department Report for 2003, following the province’s first Assembly elections in November 2001. [2c] (p.21.) On 4 March 2002, according to the Secretary General’s report to the UN Security Council of 22 April 2002, the Assembly approved the development of Provisional Institutions of Self-Government (PISG). [15e](p.1,2)

**K.5.3** According to a UN press release of 17 May 2002, the Constitutional Framework for Provisional Self Government established the legal structure for the PISG, including the Assembly: various competencies from the Constitutional Framework were transferred to the PISG after the general elections of 17 November 2001. [21d](p.1) However, UNMIK retains control of the certain competencies, namely, foreign affairs, monetary policy, justice and public order. [21d](p.1)

**K.5.4.** The Serb community still runs such parallel institutions to the PISGs in 2004, in the three northern-most municipalities and in Northern Mitrovica (city), according to the ICG report of April 2004. [69c](p.7) The parallel structures represent to the Serbs a holding on to access to services and residual power, and thus a relative autonomy. UNMIK expressed concerns about the continuance and intransigence of

the Serb parallel structures in late 2003 and by February 2004, in the SRSG's quarterly report to the UN Security Council, were highly critical of Serb intransigence. [69c](p.8) The effects of the March 2004 riots, according to the ICG report, is to have rendered PISG promises of security for Serbs meaningless. The ICG report recommends that UNMIK proceeds to recognise the Serb parallel structures: "Such regularisation of parallel structures should be for the purpose of paving the way for decentralisation of local government authority along the lines of the Council of Europe (Civiletti) plan – leading towards a looser and less 'integrated' mode of co-existence than imagined in UNMIK's present unitary administration model." [69c](p.39)

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## Status

**K.5.5.** The parallel institutions are one effect of the issue of the constitutional status of Kosovo. The International Crisis Group published a report, *Kosovo: Towards Final Status*, dated 24 January 2005 [69a] that outlines in detail the problems associated with final status for Kosovo: as well as analysis, the report recommends approaches towards the settling of the status issue. [69a] (ii) The report summarises the current situation [of January 2005] as follows:-

"Time is running out in Kosovo. The status quo will not hold. As evidenced by the deadly rioting in March 2004, Kosovo Albanians are frustrated with their unresolved status, the economic situation, and the problems of dealing with the past. The Albanian majority expects the international community to begin delivering this year on its independence aspirations. Without such moves it may act unilaterally. In such circumstances, given the dismal record of Kosovo Albanians with regard to minorities, Kosovo's Serbs may call upon Serbia's armed forces to protect them, and the region could be plunged into new turmoil. Either 2005 will see the start of a final status solution that consolidates peace and development or Kosovo may return to conflict and regional instability." [69a] (p.i)

**K.5.6.** The ICG report continues, to explain why the year 2005 has a particular significance: "In mid-2005 the UN is due to assess the Kosovo government's commitment to democracy, good governance and human rights standards." [69a] (p.i)

**K.5.7.** The UN administration's general position has been stated previously. In a news report relayed by Radio Free Europe on 30 December 2002, Michael Steiner, the third SRSG, responded to calls from ethnic Albanian politicians for an early decision on independence for Kosovo by stressing the need for 'standards before status.' [307](p.1) To quote Steiner's words from the same news, "On the status question, we have done nothing this year [2002] because it is not [yet] time to deal with this status because, as you know, I am saying 'standards before status.' That means that before you can solve the formal issue, the most difficult issue, you need to create the preconditions." [307](p.1)

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## Standards

**K.5.8.** The 'Standards' Steiner was referring to relate to democracy, the rule of law and human rights, and a multi-ethnic society, according to the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights.

[82a](p.37) They included freedom of movement for all in Kosovo and the return of over 100,000 displaced Serbs and other minorities as referred to in the news report relayed by Radio Free Europe on 30 December 2002. [30f](p.1)

**K.5.9.** On 31 March 2004, UNMIK published a 120-page document entitled the Kosovo Standards Implementation Plan (KSIP) setting out a plan towards the fulfilment of eight key "standards", as reported by the Balkan Crisis Report No. 491, dated 13 April 2004.[43a](p.1) The same article in the Balkan Crisis Report, which reported the publication of standards, contends that both ethnic Albanian and ethnic Serb communities will find the document's demands a challenge [43a](p.2,3.):

"Local analysts doubt the drive to achieve these standards will be successful, citing irreparably damaged ethnic relations, political divisions in the Albanian community, the presence of Albanian and Serbian extremists, and a perception that the international community is using delaying tactics to avoid tackling the tricky issue of final status head on."  
[43a](p.1.)

**K.5.10.** The Early Warning Report Kosovo, Report No.7. May – August 2004, published by the groups USAID, Riinvest, and UNDP (though caveated as the sponsors and not responsible for the opinions of the authors) stated:-

"The policy of 'Standards before Status' has been contested in the report prepared by the Norwegian diplomat Kai Eide [commissioned by the UN Secretary General]. This policy is considered to be one of the factors that have lead to deadlock, stagnation and frustration. Eide argues in favor of a more dynamic approach to affirming the standards, one that would not end with maintaining the status quo." [14a]

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## Citizenship and Nationality

**K.5.11.** The citizens of Kosovo are officially citizens of the Province of Kosovo and Metohija, the Republic of Serbia, but the UN administration registers citizens as residents within the area under UN mandate. The US State Department Report for 2003 recounts:-

"UNMIK provided identity cards and travel documents to those whose citizen identification documents were confiscated during the war. UNMIK regulations provide that the Central Civil Registry may issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued approximately 1.3 million identity documents, 406,000 travel documents, and 182,000 drivers licenses since 2000.

Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 (less than 1 percent) applied for UNMIK travel documents. ... Many Kosovo Albanians also obtained Serbian documents to enable travel beyond the countries that recognized the UNMIK travel documents. UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.” [2c](p.31)

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## Political System

**K.5.12.** The Foreign and Commonwealth Office Country Profile for Serbia and Montenegro, Kosovo, dated 26 July 2004, sets out the main political institutions, stating:-

“Local leaders first took on post-war administrative responsibilities for Kosovo in January 2000, with the creation of the Joint Interim Administrative Structure (JIAS). In May 2001, the new ‘Constitutional Framework for Provisional Self-Government’ was adopted. This set out, under the overall authority of the SRSG, the responsibilities (‘competences’) of the local authorities (such as education, environment) and the ‘reserved competencies’ of UNMIK (such as external relations, security). Following province-wide elections in November 2001, the Kosovo assembly was established.” [11q] (p.6)

**K.5.12.** As stated by the Europa Central and South-Eastern Europe Regional Survey, 2005, the three main ethnic Albanian political parties in Kosovo are the Democratic League of Kosovo (LDK), founded 2000, and formerly the Democratic Alliance of Kosovo (DAK = LDK) [1a](p.567); the Democratic Party of Kosovo (DPK = PDK) [1a](p.567); and the Alliance for the Future of Kosovo (AAK). [1a](p.567).

**K.5.13.** The OSCE guide to parties partaking in the 2004 Assembly Elections of 23 October 2004, The Political Entities Running for the 2004 Assembly Election, adds (from the LDK’s own description of itself): “LDK was established on 23<sup>rd</sup> of December 1989. It organized: Referendum for Independence (1991), First and Second Presidential and Parliamentary Elections (1992,1998) [and] the institutional life of Kosovo and promoted Kosovo throughout the world. [It] Organized and participated in the resistance for freedom and independence (1989-1999). After the war LDK won the majority in local and central elections (2000,2001,2002). LDK is organized in 36 branches, 948 sub-branches and 1,460 active groups.” [10a, section 52. LDK] The Europa Regional Survey 2005 account continues the DAK/LDK predated the existence of the Kosovo Liberation Army (KLA/UCK) and they formed the main focus for resistance to the Serb regime in the years before the conflict. [1a](p.550) Led by Ibrahim Rugova, the DAK/LDK always advocated the achievement of their aims by non-violent means, such as a policy of non-violent civil disobedience when under Serbian rule, and the establishment of counter institutions during and after the war. [1a](p.567) They were critical of the violence against ethnic minorities following the conflict, much of which was alleged to have been perpetrated by extremists associated with the KLA. [1a] (p.588)

**K.5.14.** The Europa Regional Survey of Central and South-Eastern Europe 2005 relates that the PDK evolved from the political arm of the KLA and is headed by former KLA commander, Hashim Thaqi. [1a](p.550, 567) The guide to parties partaking in the 2004 Assembly Elections of 23 October 2004, *The Political Entities Running for the 2004 Assembly Election*, adds (from the PDK's own description of itself): "PDK was established in October 1999. It is currently the second biggest party in Kosovo. PDK has 36 active branches." [10a, section 50. PDK]

**K.5.15.** The Europa account continues, stating that both parties, (as well as the third most popular ethnic Albanian party, the Alliance for the Future of Kosovo (AAK)) have independence for Kosovo as their principal policy. [1a](p.588)

**K.5.16.** The AAK, in the OSCE guide, *The Political Entities Running for the 2004 Assembly Election*, describe themselves as follows: "AAK was established as a coalition of political parties, political, national and citizen movements in 2000. In 2002 it was transformed into a political party. It governs in some municipalities, alone or in coalition with other parties. The Party governs Kosovo in coalition with two other parties since the elections of 2002." [10a, section 44. AAK]

**K.5.17.** According to the UK Foreign and Commonwealth Office website profile of Kosovo, updated 26 July 2004:

"The Constitutional Framework set out that 20 of the 120 assembly seats are to be reserved for the additional representation of non-Albanian communities. Of these 20 seats 10 shall be allocated to representatives of the Kosovo Serb community." [11q](p.6)

**K.5.18.** According to the EC Stabilisation and Association Report, 2003, the OSCE are monitoring the workings of the Assembly to ensure that ethnic minority members are able to fulfil their function within it. [75a](p.7)

**K.5.19.** As reported in the Secretary General's report to the UN Security Council of 29 January 2003, Kosovo's second municipal elections were held on 26 October 2002, won again by the LDK, and the elections passed off reasonably calmly and were judged to be within "European standards" by monitors. [151](p.5,6) The Secretary General's report continues that Kosovo Serbs only voted in the five municipalities where they constitute the majority: elsewhere participation was minimal, with a virtual boycott by Serbs in Mitrovica. [151](p.5)

**K.5.20.** The Secretary General's report to the UN Security Council of 15 January 2002 continues that the Kosovo Serbs boycotted the municipal elections of October 2000 because they saw them as part of a process that would lead to the eventual independence of Kosovo from Serbia. However, the Serb Coalition "Povratnik" agreed to take part in the Assembly elections of November 2001, and the Serb community participated in the voting following intensive negotiations between UNMIK and the FRY authorities, which led to the signing of a "Common Document". The Common Document addressed Serb concerns, including those about security, justice and returns issues. [15b](p4,5)

**K.5.21.** As reported by the Institute of War and Peace Reporting (IWPR) in their news report for 4 March 2003, on 25 February 2003, Kosovo Serb leaders formed an

Association of Serbian Municipalities, which comprises the 220 Serb representatives who won seats in the October 2002 municipal elections. They have called for federalisation of Kosovo into two separate ethnic entities. The move has been condemned by the international community and has been seen as a political tactic in relation to any possible moves towards independence for Kosovo. [43aa] The Serb President Boris Tadic, as reported by the BBC on 13 February 2005, has pledged his support to the Kosovo Serbs and has stated that he would never accept an independent Kosovo. [8az]

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## The Kosovo Assembly

**K.5.22.** The OSCE guide to parties partaking in the 2004 Assembly Elections of 23 October 2004, The Political Entities Running for the 2004 Assembly Election, summarises the Assembly's role as follows (the text is written by OSCE Kosovo's Democratization Department and the Kosovar Research and Documentation Institute [KODI]):-

“According to the Constitutional framework, the Assembly of Kosovo is the highest representative and law-making body of the Provisional Institutions of Self-Government (PISG). As such, the Assembly may draft and approve laws, recommendations and resolutions in all fields that fall under the responsibility of the Provisional Institutions.” [10a] (p.4)

**K.5.23.** The OSCE guide continues with information about institutional processes dependent upon the Assembly elections:-

“After the elections and the registration of the new Assembly members, the newly elected Assembly will convene for the first time. In a first step, it will select the eight members of the [Assembly] Presidency, one of which will be the President of the Assembly. ... In a second step, the newly elected Assembly will, by a majority of its members and upon proposal of the President of Kosovo, elect the Prime Minister and Ministers of the new Provisional Government. Once these two steps are taken, the Assembly's work can start in earnest.” [10a] (p.4)

**K.5.24.** As reported in the Secretary General's report to the UN Security Council of 17 November 2004, “The Kosovo Assembly held its final session on 27 September [2004]. During its three-year mandate, the Assembly adopted 83 laws, of which 74 have been formally submitted to UNMIK and 51 promulgated to date [November 2004].” [15n] (p.8) The same report continued that 29 of the laws were passed in the period July to September 2004, after submitting 38 proposed amendments to the Constitutional Framework in July 2004. [15n] (p.8,9)

**K.5.25.** A BBC news background report of 25 October 2004 outlined further details about the Assembly: “Kosovans were electing a 120-member assembly for a four-year term. One hundred seats are distributed among all parties contesting the election, in



proportion to their share of the popular vote. Apart from the 10 seats reserved for parties representing the Serbs, another 10 are set aside for smaller ethnic groups.” [8aw] (p.2,3) UNMIK retains a veto over any measures passed by the Assembly that appear to violate UNSCR 1244 and the assembly is not permitted to discuss the future status of Kosovo, according to news reports contemporary to the 2001 Assembly elections, namely of the BBC [8g] and of CNN news, [12b] both filed on 10 December 2001.

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## **Elections to the Assembly**

**K.5.26.** The Secretary General’s report to the UN Security Council of 15 January 2002 held that the election for the Assembly in 2001 passed off largely without violence and was considered to be free and fair. [15b](p.1) According to a BBC background brief on the Kosovo Assembly, dated 10 December 2001, the LDK won the 2001 elections with about 46% of the vote, taking 47 seats. But it failed to secure an overall majority and needed to enter a coalition with the other main political parties. [8g](p.2)

**K.5.27.** A BBC news report of 25 October 2004 drew together the main events of the second set of Assembly elections held on 23 October 2004. [8ax] The news report relayed the election victory of the LDK as follows:

“The first official results from Kosovo’s general election confirm that President Ibrahim Rugova’s party [the LDK] has won the most seats in the assembly. His pro-independence party won about 45% of Saturday’s [23 October 2004] votes – not enough for a parliamentary majority. . . .” [8ax] (p.1)

“Total turnout in the poll was put at about 51%, compared with 64% in 2001. Overall voting is reported to have passed off peacefully, with only a few minor voting irregularities.” [8ax] (p.2)

**K.5.28.** As stated in the Secretary General’s report to the UN Security Council of 17 November 2004, the UN’s overall assessment of the elections ran:-

“The elections for the Kosovo Assembly, held on 23 October [2004], were an important further step in the consolidation of the Kosovo Provisional Institutions and the further process of stabilization and normalization. The fact that the elections were held in a peaceful manner, and that they were judged to be free and fair and procedurally sound, was certainly a major step forward. However the non-participation of Kosovo Serbs was a disappointing outcome, although not surprising given the short time available for campaigning, the difficult living conditions that Kosovo Serbs find themselves in and the conflicting positions in Belgrade.” [15n]( p.2., section 6)

**K.5.29.** On 3 December 2004, the BBC reported the result of the election of Prime Minister that was held within the newly-elected Assembly: Ramush Haradinaj, (the

leader of the AAK, as stated by the OSCE political entities guide [14a] (44. AAK ) won by 72 votes to three. [8ay] Haradinaj has twice previously been questioned as to his actions as a KLA commander during 1998-1999, and may be called to answer further questions at the International Criminal Tribunal – Yugoslavia (ICTY) in The Hague in the near future. [8ay] The BBC further reports, “European Union officials had advised against appointing him Prime Minister. ... But Mr Haradinaj won parliament’s approval as part of a coalition deal that secures a second term as president for Ibrahim Rugova.” [8ay]

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## Judiciary

**K.5.30.** The US State Department Report for 2004 states, “The Constitutional Framework provides for an independent judiciary; however, the judiciary was at times subject to bias and outside influence, particularly in inter-ethnic cases, and did not always provide due process.” [2a](p.21) The Ombudsperson’s Institution for Kosovo’s Fourth Annual Report, published July 2004, goes further: “Due to the above-mentioned [in the OI Annual Report] undemocratic structure of UNMIK, it is difficult to speak of an independent judiciary in Kosovo.” [6b](p.12)

**K.5.31.** The Human Rights Watch annual report, published January 2005, stated:-

“The current justice system continues to suffer from a significant, and ever increasing, backlog of cases; a shortage of international and local judges; virtually non-existent mechanisms for witness protection and relocation; poorly-trained and inadequately supported investigators and prosecutors; persistent concerns over the perceived bias of ethnic Albanian judges; and serious problems in ensuring the right to be tried within a reasonable time, including securing the attendance of the accused at trial. The problems affect all communities, undermining confidence in the criminal justice system and the rule of law.” [9e](p.4)

**K.5.32.** The US State Department Report for 2004 states, “The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts and a Commercial Court.” [2a](p.21) Initially, the compilation of criminal law is based on Serbian provincial law in force in Kosovo in 1989 combined with regulations issued by UNMIK and was somewhat complicated and unwieldy: from the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights, “The law applicable in Kosovo is a complex and rapidly evolving mix of old law of the province of Kosovo prior to 22 March 1989... UNMIK regulations (some of which have already [October 2002] been amended) and international human rights standards whether universal or European.” [82a](p.18)

**K.5.33.** The US State Department Report for 2003 added, stating: “On July 6 [2003] the SRSG adopted a new Criminal Code and a new Criminal Procedure Code; however, in order to leave time for training of judges, prosecutors, attorneys and other legal staff, the codes were not expected to be implemented until April 2004.” [2c](p.26) The USSD for 2004 refers to the implementation of the Codes on the 6 April 2004, for example when reporting on pre-trial detention: “The new criminal code

introduced on April 6 includes measures to decrease the need for pretrial detention, such as house arrest, an appeal for detention on remand, and expanded use of bail.” [2a](p.21)

**K.5.34.** UNHCR / OSCE reported in their tenth joint report of 12 March 2003 that in 2002 UNMIK managed to employ a significant number of judicial staff from ethnic minority communities. [18d](p.29) The UN Secretary General’s quarterly report of 29 January 2003 reported that the indigenous justice system comprises 373 local judges, including 16 Kosovo Serbs and 17 from other minority communities. [15i](p.8) The United States State Department report for 2004 updates, stating, “The Judicial Integration Section, created by the UNMIK Department of Justice in 2003 to promote the ethnic integration of judges and prosecutors into the Kosovo legal system, continued to address access to justice problems affecting minorities, to monitor the treatment of minorities in the justice system, to address instances of discrimination, and to facilitate the integration of court support staff.” [2a](p.21)

**K.5.35.** According to the USSD report for 2003, UNMIK has been working with the Serbian Government to ensure a representative ethnic mix when appointing to vacant judge and prosecutor positions, including applying positive discrimination policies: “Under an agreement between UNMIK and the Government of Serbia, when filling vacant judge and prosecutor positions in the local Kosovo justice system, Serbs and all other ethnic minorities were to be given preference if otherwise equally qualified.” [2c](p.53) The US State Department Report for 2003 cautioned that:

“Legal experts and human rights observers continued to express concern that a fair trial was unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovo Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel.” [2c](p.26)

**K.5.36.** The United States State Department report for 2004 reports the ongoing use of international prosecutors, stating:-

“ Although the law provides that serious cases are tried by a panel of five judges (two professional judges and three lay judges), an UNMIK regulation provides that cases of a sensitive ethnic or political nature may be tried by international prosecutors, possibly before a three-member panel of professional international judges. Of the 232 active cases handled by International Prosecutors during the year [2004], approximately 79 were tried before international judges, which typically resulted in a conviction rate of over 90 percent.” [2a](p.21)

**K.5.37.** The USSD Report for 2003 mentions that UNMIK is encouraging the development of a competent Kosovan judiciary:

“UNMIK, through the OSCE, maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) continued to train judges and prosecutors and have focused training efforts on continuing legal education. The Judicial Inspection Unit (JIU) continued to monitor judicial performance and make recommendations on

both discipline and training; the KJPC was responsible for cases of judicial misconduct.” [2c](p.26)

The USSD Report for 2004 adds, “Since 2001 [to 2004], KJPC opened 458 investigations and found some evidence of misconduct in 41 cases, resulting in 7 reprimands and 10 recommendations for removal.” [2a](p.21)

**K.5.38.** A working group, the Criminal Defense Resource Center (CDRC) has been set up to expand the availability of legal aid and to guarantee access for minorities, according to the USSD Report for 2003. [2c](p.27) The Ombudsperson’s Institution (OI) has since published its Fourth Annual Report (for 2003 – 2004, on the 12 July 2004), and the Ombudsperson, Marek Antoni Nowicki, has commented widely in many areas of his remit, concluding, “Much effort is required to achieve even a minimum level of protection of rights and freedoms in Kosovo.” [6b](p.2)

**K.5.39.** Amnesty International (AI) noted in their annual report for 2002 that UNMIK failed to guarantee detainees the assistance of legal counsel, including during interrogation. [3e](p.4) AI in the same report also noted that the failure to establish a comprehensive witness and victim protection programme compromised the ability of UNMIK police to investigate and prosecute those suspected of trafficking in women. [3e](p.4) (See below, [People Trafficking](#))

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## Legal Rights / Detention

**K.5.40.** On 7 April 2004, the United Nations reported in a press release that Harri Holkeri, the then SRSG, announced the introduction of two new Codes, the *Provisional Criminal Code* and the *Provisional Criminal Procedure Code*. [21i] In Mr Holkeri’s reported words, “The enforcement of these new Codes now provides us with a wider range of criminal offences to prosecute and a greater range of punishments to go with it.” [21i]

**K.5.41.** According to the US State Department Report for 2003:

“UNMIK regulations prohibit arbitrary arrest and detention; however, these prohibitions were not always observed in practice. Police may detain criminal suspect for up to 72 hours without charging them: however, there were reports that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders.” [2c](p.25)

**K.5.42.** The USSD report for 2004 updated, but continued to level the same criticism regarding detention pending charges: “All arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours; however, there were reports that UNMIK police used this authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders.” [2a](p.20)

**K.5.43.** The USSD report for 2004 continues:-

“Based on the new criminal code that came into effect on April 6, a suspect has the right to be informed about the reasons for the arrest in a language that he or she understands; to remain silent and not to answer any questions, except about his or her identity; to free assistance of an interpreter; to defense counsel and to have defense counsel provided if he or she cannot afford to pay for legal assistance; to medical treatment including psychiatric treatment; and to notify a family member. These rights were generally respected in practice.” [2a](p.20)

**K.5.44.** The US State Department Report for 2003 states, “KFOR did not require arrest warrants to implement a safe and secure environment under UNSCR 1244; however, the detention process by KFOR was transparent.” [2c](p.25) The USSD report for 2004 adds:

“Although KFOR did not require arrest warrants, its arrest processes were generally transparent. However, KFOR detention practices were not always fully transparent. For example, the attorney for Shukri Buja, a former KLA commander arrested after the March riots, complained that he had difficulty locating his client.” [2a](p.20)

**K.5.45.** An Council of Europe, Commissioner for Human Rights report, entitled *Kosovo: the Human Rights Situation and the Fate of Persons Displaced from their Homes*, of 16 October 2002 report noted that neither international law nor the security situation on the ground supported such practices, such as the non-requirement of arrest warrants. [82a](p.22,23) The same report indicates that there have been some complaints of ill - treatment while in police custody and some allegations of corruption. [82a]

**K.5.46.** The USSD report for 2004 updates information regarding lengthy pre-trial detention, in the light of the new Criminal Code's measures:-

“A detainee may be held in pretrial detention for a maximum period of 1 month from the day of arrest, which can be extended by the courts up to a total of 18 months. The new criminal code introduced on April 6 includes measures to decrease the need for pretrial detention, such as house arrest, an appeal for detention on remand, and expanded use of bail. However, a backlog of pretrial detainees remained; approximately 2,000 persons were detained on remand during the year. UNMIK established a commission to compensate persons held in detention who were later found not guilty.” [2a](p.21)

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## Internal Security

### UNMIK and KFOR

**K.5.47.** The United States State Department report for 2004 summarized the internal security agencies as follows:

“The UN-authorized, NATO-led peacekeeping force for Kosovo (KFOR), continued to carry out its mandate to maintain a safe and secure environment and defend against external threats. UNMIK Civilian Police continued to transfer basic police authority and functions to the local Kosovo Police Service (KPS).” [2a](p.18)

**K.5.48.** Reuters News Agency reported on 13 January 2005, the death of an UNMIK police officer, from the Nigerian contingent to UNMIK, near Prizren: the officer died in a car bomb explosion. Previously, in March 2004, an UNMIK police officer from Ghana died with his ethnic Albanian colleague after the police car they were driving in was riddled with machine-gun fire. [4d]

**K.5.49.** There is also a residual semi-official force, the Kosovo Protection Corps (KPC) that is not part of the internal security forces, that is under UNMIK scrutiny, is monitored, and in the process of administrative transformation into a civil defence organisation, in 2003 encouraged to develop a demining capability, according to the UN Secretary General’s report to the Security Council of 15 October 2003, stating:

“UNMIK is further defining the legal basis for KPC activities as a civil emergency agency.... KPC has further developed its demining capability, though a critical funding shortfall for demining operations persists”. [15k](p.13)

**K.5.50.** The Europa Regional Survey of Central and South-Eastern Europe 2005 adds that when the KLA was officially disbanded on 20 September 1999, many former members were absorbed into the newly formed Kosovo Protection Corps (KPC/TMK): “NATO agreed to the reconstitution of the KLA as a 5,000-member civil emergency service force, to be known as the Kosovo Protection Corps.” [1a](p.542)

**K.5.51.** In the report to the UN Security Council published 17 November 2004, the summary of the section on the KPC stated:-

“In general, the Kosovo Protection Corps (KPC) and its members continue to comply with the rule of law and exercise their duties in accordance with their mandate. KPC has not, however, hidden its frustration at not being given greater tasks.” [15n] (p.18, section H. Kosovo Protection Corps)

**K.5.52.** In the report to the UN Security Council published 14 February 2005, the summary read:-

“The Kosovo Protection Corps (KPC) continued to comply with the rule of law and to develop its capabilities, and exercise its duties, in accordance with its mandate as a civilian emergency organization (a priority).” [15o] (p.19, section: Kosovo Protection Corps: Key Achievements, s.74)

**K.5.53.** The leader of the KPC, Agim Ceku, was previously a commander of the (now disbanded) Kosovo Liberation Army (KLA): in October 2003, the BBC reported on 23 October 2003 that he was temporarily detained by the Slovenian authorities on the

basis of a Serbian arrest warrant. [8af]

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### **The Kosovan Police Service (KPS)**

**K.5.54.** As reported to the UN Security Council by the Special Representative of the (UN) Secretary General (SRSG), in the report published 17 November 2004, as of 31 October 2004, 6,282 KPS officers were in service, with continuing efforts being made to increase the level of representation from ethnic minority communities, currently 15.5% (9.4% Serbs and 6% from other ethnic minority groups). [15n](p.20, Annex II)

**K.5.55.** The SRSG's 17 November 2004 report adds the following information about the KPS:-

“Transition in the Kosovo Police Service (KPS), briefly interrupted by the events of March [2004], has returned to a scheduled progression. Since July [2004], five police stations have been transferred to KPS, with 15 now under its command. Currently [October 2004], 85 per cent of training at the Kosovo Police Service school is managed and delivered by KPS officers and other staff from KOSOVO. [15n](p.11, section B, point 21)

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### **Violent Crime**

**K.5.56.** Until late 2003, the figures for violent crime had dropped significantly since the end of the 1999 war. The overall crime pattern that began to emerge in Kosovo before late 2003 was considered by UNMIK police to be becoming more akin to the kind of crime pattern seen in other countries, according to an UNMIK Newsletter report of January 2002. [19b]

**K.5.57.** While the security position improved in the period 2000 to early-2003, KFOR undertook a process of “unfixing” its static checkpoints, according to the Secretary General's report to the UN Security Council, 29 January 2003. [15i](p.9) According to the same report to the Security Council of January 2003, by the beginning of 2003, KFOR had only 30 fixed checkpoints remaining throughout Kosovo. Also, since February 2002, the number of KFOR escorts was halved. [15i](p.9) The situation after the ethnic violence of March 2004 has been reversed, for example as so concluded by a CNN newsreport of 18 March 2004: “The worst spate of ethnic clashes since the end of the Kosovo war in 1999 broke out early Wednesday [17 March 2004] after the drowning of three Albanian children.” [12f]

**K.5.58.** UNMIK and KFOR force, through the ethnic violence clashes of March 2004, have lost capacity. In the summary as part of the UNHCR position paper of 30 March 2004, UNHCR states:

“As far as violence against UN infrastructure and personnel is concerned, protesters stoned several UNMIK buildings, systematically destroyed UN vehicles and burned the UN flag. Concern for the safety of staff was such that evacuation was necessitated in various locations. The killing of two police officers (an UNMIK and a KPS officer) during an attack on a patrol in Podujevo on the night of 23 March 2004 has served to underline the continuing threat to UNMIK personnel.” [12n](p.2)

**K.5.59.** The Kosovo Statistical Office gives figures for various categories of crimes reported to UNMIK / KPS in the 2004 publication, *Kosovo in Figures 2004* (original figures sourced from UNMIK Police, Crime Information Centre), including figures for murder / attempted murder cases for the period 2000 – mid-2003 as follows:-

“Year 2000 – 245 murders / 275 attempted murders  
Year 2001 – 136 murders / 225 attempted murders  
Year 2002 – 68 murders / 144 attempted murders  
Year 2003 (first half) – 37 murders / 61 attempted murders” [99d](p.20, sect.6.1)

The USSD report for 2004 updates with the following:-

“Approximately 62 killings occurred during the year [2004], including 20 deaths as a result of the March violence; 11 of the victims were Serbs, including 8 during the March riots.” [2a] (p.32)

**K.5.60.** The Human Rights Watch annual report, published January 2005, stated:-

“There have been few prosecutions for war crimes committed in 1998 and 1999 and for post-war inter-ethnic and political violence, especially during the period of late 1999 and 2000. The second major trial of former Kosovo Liberation Army (KLA) members began in October 2004. All of the alleged victims are ethnic Albanian. Verdicts in the first domestic war crimes trial, the so-called “Llap” case, were only rendered in late 2003. All but one of the victims in that case are ethnic Albanian. There has also been little progress in resolving the more than three thousand outstanding cases of missing persons from Kosovo.” [9e](p.4)

**K.5.61.** The Amnesty International annual report 2004 stated :-

“In January gunmen murdered Tahir Zemaj in his car, along with his son and cousin. He was a key witness in the trial of four former KLA members – one of them the brother of a leading politician – who were convicted in December 2002 for unlawful detention and murder. In April gunmen shot dead another witness, Ilir Selmanaj, and a relative. In September the Tribunal’s chief prosecutor said that witnesses in KLA trials had been too intimidated to testify.” [3n](p.2)



**K.5.62.** Small arms and light weaponry (known collectively as SALW by monitors) are used by criminal and radical elements in Kosovo, with the South Eastern Europe SALW Monitor published in 2004 by the UNDP South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) stating: “Attacks are usually committed with SALW, often military-style weapons. Incidents involving hand grenades and bombs are also common.” [21j](p.168) The report further adds “Research conducted by the Small Arms Survey (SAS) in 2002 estimates that there are between 350,000 and 480,000 small arms in Kosovo, excluding arms held by international forces – of these, the vast majority, 330,000 to 460,000, are civilian-held small arms, both legal (approximately 20,000) and illegal.” [21j](p.173) The report continued with the SAS conclusions: “SAS concludes that the “widespread availability of guns” in the entity [Kosovo] “constitutes a central challenge to the reduction of insecurity and promotion of development”, and has a number of consequences for Kosovo society:”direct effects include fatal and non-fatal injuries, as well as psychological and physical disabilities due to small arms misuse... The indirect effects are more numerous – including social, economic, and human development dimensions.” [21j](p.174) Overall, the South Eastern Europe SALW Monitor of 2004 report concludes: “It is clear that illegal SALW remain easy to come by and are widely diffused throughout Kosovo.” [21j](p.176)

**K.5.63.** Blood feuds between ethnic Albanians in Kosovo are an issue on which occasional comment occurs. UNMIK police attended an incident on 29 May 2002, reported by UNMIK Police Briefing News on 3 June 2002, that was held to be a case of an internecine quarrel, reportedly a blood feud. [91a] A Kosovan Albanian journalist via the Balkans Crisis Report No 481 of 4 February 2004 wrote of a revival of blood feuds in Kosovo, adding, “In the communist era, blood feuds were relatively rare among Albanians either in Kosovo or Albania. But after the turmoil of the 1990s, the ideas contained in Leke’s canon [written tribal laws of Northern Albania that formalise the rules of engagement in blood feuds] revived, first in the chaos of post-communist Albania and then in neighbouring Kosovo, too, after the NATO strikes and the withdrawal of Serbian forces.” [43aq](p.1) The article continues: “From the end of the war in Kosovo in 1999 until late 2003, Kosovo recorded around 40 murders related to blood feuds, according to the Council for the Defence of Human Rights and Freedoms, KLMDNJ.” [43aq](p.2)

**K.5.64.** According to the US State Department Report for 2003, a key difficulty in relation to allegedly ethnically-based murder and violence cases is the low arrest, prosecution and conviction rate. [2c] (p.38) The Ombudsman for Kosovo reiterates the point in his third annual report (published July 2003):

“As noted in previous Reports, the responsible UNMIK authorities have also failed to investigate other serious crimes that were committed since their arrival, in particular cases involving interethnic violence against non-Albanian communities. In part this failure appears to have stemmed from the constant turnover of the investigative staff of UNMIK Police. In this regard, the spring 2003 establishment by the UNMIK Police of a “cold crimes” unit, for the purpose of re-examining unsolved murders can be seen as a positive development.” [6a] (p.6)

**K.5.65.** Further details of ethnically motivated violence, generally and as suffered by ethnic group, are provided in the section on [ethnic minorities](#).

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## Mitrovica

**K.5.66.** The OSCE Municipality Profiles, updated June 2004 notes that the area of greatest ethnic tension and hostility in Kosovo is the city of Mitrovica. [89 - Mitrovica] Divided by the river Ibar, the city had, until March 2004, about 9,000 Serbs controlling the north bank and more than 90,000 ethnic Albanians living on the south side. The presence of 2,000 Albanians in the north, up and until March 2004, living under great pressure to leave from extremist Serbs, added to the tension. [89 - Mitrovica] Mitrovica has been a flashpoint since and before riots erupted in April 2002 after the arrest of one of the Serb “bridge watchers” (para militaries who monitored people crossing the bridge) for a traffic violation. [89 - Mitrovica] By early 2003, KFOR and UNMIK police were manning the bridge instead of the “bridge-watchers” and 20 Serb KPS officers were patrolling the streets according to a Balkans Crisis Report of 3 January 2003. [43w] The US State Department Report for 2003 records on-going property disputes in 2003: “In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property.” [2c](p.28)

**K.5.67.** Between 17 and 19 March 2004, ethnic unrest broke out in northern Mitrovica, described by the BBC in its 19 March 2004 news report: “The upsurge in violence is the worst since the Nato-led bombing campaign against the former republic of Yugoslavia in 1999”. [8aj](p.2) Initial reports from the BBC and CNN on 17 March 2004 (and other news agencies) indicated that three Albanian children were run into the river Ibar by Serbian youths, and two bodies were recovered on Wednesday morning, 17 March 2004. [8ak][12d] Later reports, such as the Washington Post account of 22 March 2004, noted that four children were involved, with two children drowned one missing and one survivor, and that the only account available is from the survivor. [29a] The funeral of the two dead children was held on Sunday 21 March 2004, with seven thousand mourners, and tight security that ensured it proceeded peacefully, according to an Agence Presse report of 22 March 2004. [72d]

**K.5.68.** In Mitrovica, the BBC reported on 17 March 2004 that there were confrontations between the Serb and Albanian populations at key border points, particularly the bridges over the Ibar and in northern Mitrovica. [8am] As UNMIK CIVPOL (the UN Police) and the KPS (the Kosovan Police Service) intervened, disorder extended to the ethnic groups clashing with the police, again as reported by the BBC and CNN. [8am][12d] By 11:30 pm Wednesday 17 March 2004, it was reported by the BBC that UN Staff had been withdrawn from Mitrovica. [8a]

**K.5.69.** From Mitrovica, other flashpoints developed during 17 March 2004 and on until 19 March 2004. By Wednesday noon, 17 March 2004, various acts of disorder were mentioned in BBC reports, mainly perpetrated against the Serb minority and typically

being acts of arson throughout Kosovo, including in Pristina. [8a1] By Thursday 18 March 2004, Serb churches were being targeted for arson by Albanian rioters, again according to BBC news reports. [8a1] The UNMIK webpage carried that UN Secretary General, Kofi Annan, condemned the practice of deliberately targeting homes and religious properties.[19g] By the end of Wednesday 17 March 2004, 7 people were killed and over 200 people had been injured, according to the BBC. [8a1] CCN carried a report that KFOR announced and enforced a curfew at 19:00hrs local time. [12e]

**K.5.70.** News reports from the Serbian, Kosovan and other regional press in early 2005 outline the following: the main development has been the dismantling by KFOR of their checkpoints on the eastern bridge, but still maintaining patrols, as reported by the KosovaLive website on 1 February 2005. [83c] It is a move that has alarmed Serb commentators, as reported by the Serbian independent news agency FoNet on 29 January 2005. [83d] FoNet had previously reported, on 15 December 2004, a cool reception by Kosovo Serbs to the Kosovan Prime Minister's (Ramush Haradinaj's) statement that one of his government's priorities for 2005 would be the issue of developing multiethnic inclusion. [83e]

**K.5.71.** According to the Canadian reporter, Jeff Heinrich, writing in a news article for The (Montreal) Gazette on 24 May 2003, before 1999, there was a one-kilometer stretch of habitation that ran along the northern bank of the river Ibar, and in turn, formed the Roma Mahala, or district, in Mitrovica. [83b] It had a population of 7,000 people, living in approximately 1,400 dwellings. It was held to be one of the largest Roma districts in Kosovo. [83b] The entire district was destroyed in the Kosovo War, with the population displaced. [83b] Remaining Roma have been caught in tensions between Serb and Albanian populations, and have been harassed by both. [83b] The UNHCR report of January 2003 adds further information about the Mitrovica Roma:

“Today, the vast majority of Roma from Mitrovica municipality have either fled abroad or live in three IDP camps in the North, namely the Cesmin Lug camp in north Mitrovica with 256 IDPs, the Warehouse in Laposavic with 200 IDPs, and Zitgovac camp in Zvecan with 186 IDPs. The few returnees originating from Mitrovica who have returned to Kosovo remain in secondary displacement in these camps, since the security at place of origin in Mitrovica municipality is prohibitive.” [171](p.15)

The UNHCR report proceeds, outlining cases of harassment of Roma camp inmates by the surrounding Serb majority, concluding ‘such incidents of harassment go unreported for fear of worsening their tenuous situation with the domicile Serbs, who continue to dislike the idea of hosting Albanian-speaking Roma from the Albanian south (south Mitrovica). [171](p.15)

**K.5.72.** Regarding the Ashkaeli community in Mitrovica, the KosovaLive website relayed on 17 December 2004 the following comments of Ali Ismajli, a member of the PDAK (Democratic Party of Kosovo):

“In Mitrovicë [Mitrovica], there are currently [December 2004] 46 Ashkali families with 318 members. In 2003, nine families returned to their homes, whereas this year, there was only one. Return was voluntary and stable. We do not have problems with Albanians. We move freely and 40 of our

children attend Mitrovicë schools,” Ismajli said. He said that the roads, water supply and sewage system had been repaired in the Korriku 2 neighbourhood, where the Ashkali community now lived. This, in his view, has improved the quality of life for his community.” [83f]

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## Prisons and Prison Conditions

**K.5.73.** The US State Department Report (USSD) for 2004 states:

“Prisons generally met international standards, and UNMIK permitted visits by independent human rights observers. Prison and detention center conditions were generally good and did not pose a serious threat to life or health. Facilities were at times overcrowded; however, the construction of two new facilities began during the year. UNMIK operated eight facilities (Prizren, Mitrovica, Pristina, Gnjilane, Peja/Pec, Lipjan, and Dubrava--blocks one and two) with a total capacity of 1,356 inmates. UNMIK Police corrections officers managed the prison system and increasingly transferred responsibilities to the local Kosovo Correctional Service (KCS).” [2a](p.20)

**K.5.74.** According to the Secretary General’s report to the Security Council, 29 January 2003, “At present there are 1,202 local Kosovo correctional staff officers, of whom 18 per cent are female and 12 per cent are from ethnic minorities. The targeted total is 1,688.” [15i](p.8) According to the Secretary General’s report to the Security Council, 15 October 2003:

“During the reporting period [June to September 2003] 64 more persons, mostly from minority groups, were recruited into the Kosovo Correctional Service, which now has a staff of 1,416. Of these, 84.9 per cent were Kosovo Albanian, down from 86.2 per cent during the last reporting period; Kosovo Serb representation has increased marginally, from 11 per cent to 11.2 per cent, while the proportion of non-Serbian minority groups has substantially increased, from 2.8 per cent to 3.8 per cent. Some 18 per cent of the staff are female.” [15k](p.6)

**K.5.75.** Three UNMIK prison officers were killed in a shootout in April 2004, according to a CNN news report of 18 April 2004. [12g] Later reports, such as the BBC news report for 19 May 2003, showed that the incident was an isolated incident of internal UNMIK strife, and was not related to the detention of prisoners. [8at]

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## Medical Services

**K.5.76.** According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3<sup>rd</sup> Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM):

“Kosovo’s health care system cannot currently provide adequate care for the following groups of patients: Cancer (requiring radio or chemotherapy); All heart surgery, including installation of pacemakers; Intra-ocular surgery (surgery within the eye); Severe and chronic mental illness, including mentally ill criminals (there is no mental hospital in Kosovo and no possibility to keep criminal patients securely.)” [27a](p.13.)

At the fourteenth meeting of the Standing Technical Working Group of the European Centre for Minority Issues, Kosovo/a: Citizens” Support Initiative (held on 17 July 2003), the Expert Group on Health and Social Welfare did present a list of policy recommendations with possible timeline for discussion and debated at the forum, giving a structure to issues facing health care providers in Kosovo. [46b]

**K.5.77.** All hospitals are working, but the capacity of their laboratories and x-ray departments is limited. According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3<sup>rd</sup> Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM): “Patient [sic] with conditions that require regular laboratory control (eg. transplantation patients taking immuno-suppressive drugs) may not be able to find the necessary laboratory tests.” [27a](p.13) According to the UK Department For International Development (DFID) in their seminal 2001 overview of Kosovo healthcare service, ‘service delivery is through 64 recognised facilities, including six regional hospitals, 34 health centres (including Health Houses and Family medicine Centres), eight public health institutes and 12 pharmacies. Private facilities do exist but are not registered with the DHSW [Department of Health and Social Welfare].” [33b](p.3)

**K.5.78.** According to a Balkans Crisis Report of 2 January 2003, there is a growing AIDS problem in Kosovo, thought to originate from the large influx of prostitutes into the province. [43x] (see below, [People Trafficking](#)) The Topical Information Fact Sheet entitled Health System in Kosovo – 3<sup>rd</sup> Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM) stated:

“The official health care system currently procures only essential drugs needed for the common condition. Consequently, many patients with rare, chronic diseases (e.g., lack of growth hormone, haemophilia, HIV/AIDS) will not be able to find the drugs they need in the public health care institutions or in the state pharmacies. Private pharmacies may be able to import the drugs they need, but they are likely to be expensive and the supply may be uncertain.” [27a](p.13)

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## **Mental Health and Post Traumatic Stress Disorder (PTSD)**

**K.5.79.** Although mental health provision in Kosovo is underdeveloped, treatment for psychological conditions including Post Traumatic Stress Disorder (PTSD) is available in Kosovo. In a standard UNHCR position on psychiatric care in Kosovo, presented in a letter dated 11 February 2004, the UNHCR stated the following:

“In response to the specific issue in this case we made enquiries of our Branch office in Pristina and the following is a summary of their assessment. They were able to confirm that there is a psychiatric clinic within the University Clinical Centre in Pristina. In addition to this clinic, there are no other specialised facilities which could provide systematic treatment to victims of rape, PTSD cases and / or other cases requiring psychiatric treatment. The psychiatric clinic in Pristina is constantly faced with various problems, including the small number of specialist staff, the large number of patients, inadequate facilities to address the needs for hospitalisation / observation as well as an overall lack of funds. The situation, therefore, is difficult to say the least. Whilst a number of NGOs are active in Pristina with a remit which includes the assistance of victims of torture and rape they too are heavily constrained by limited capacity and resources. Furthermore we are told that the limited resources that are available are confined to Pristina; only occasionally are visits to the field actually made.” [17m](p.3)

**K.5.80.** The Medical Foundation for the Care of Victims of Torture conducted a fact-finding mission in Kosovo in August 2003, into the issue of mental health services in Kosovo: the resulting report by Dr Helen Bolderson and Karen Simpson, published January 2004, outlines the state in August 2003 of mental health services across the six mental health service regions of Kosovo. [38a] The Bolderson / Simpson Report outlines that the present mental health care system was devised in 2000, with emphasis on a community based system; “The Plan was to establish seven community mental health centres (CMHCs), 14 protected apartments providing shelter for patients in remission, half of which would give 24-hour cover, and six intensive care psychiatric units, distributed on a territorial basis, based almost entirely on the existing locations of the general hospitals.” [38a](p.16) The six Mental Health Regions, mainly based on the five pre-existing catchment areas, are Pristina, Mitrovica, Pec, Gjovaka, Prizren, and Gjilan: “The Regions cater for populations of around 250,000 – 330,00, except for Pristina, which has 500,000 inhabitants.” [38a](p.18,19) The Bolderson / Simpson Report continues: “Each Region has one hospital psychiatric ward and one CMHC with the exception of Gjilan, which has two Centres.” [38a](p.19)

## **Hospitals and mental health care**

**K.5.81.** The findings of the researchers of the five regions' hospitals, are detailed in sections 30 to 38 of the Bolderson Report; sections 30 to 33 detail the specific institutional resources available, and run as follows:-

"30. Interviews were conducted with the Head of Neuropsychiatry in Prishtinë University Hospital and with the Directors of the regional hospital psychiatric wards in Prizren, Gjakovë and Pejë. In Gjilan (which was not however opened until September 19<sup>th</sup> 2003) the interviews were with the Regional Director. The ward in Mitrovicë, which has 36 beds for the use of the Serb population, was not visited for reasons of security given in par. 14 above."

"31. The largest of the hospital psychiatric wards is in Prishtinë and has 72 beds in an old building in which it was observed that three to four beds without sheets were crowded into one room. The catchment area of the ward encompasses Prishtinë, Glogovc, Podjevë, Fushë Kosovë, Obiliq, Vushtrri, Skënderaj, Lipjan and Mitrovicë South, and covers approximately one third of Kosovo's population. In 2003 attacks on staff resulted in broken bones, arson was committed and 2 murders took place. It was observed on the visit that armed police guarded a section of the ward. At present UNMIK requires that 12 of the beds are reserved for criminal cases but this is not a policy favoured by the clinic directors."

"32. There is a child psychiatry section within the main Prishtinë psychiatric clinic but it does not provide in-patient facilities for children. For in-patient care the paediatric department of Prishtinë general hospital has to be used, where there are, however, no designated beds for children with mental health problems. In Gjilan the neuropsychiatrist specialising in child psychiatry in the regional hospital treats children. There are no provisions for the in-patient care of children in any of the psychiatric wards."

"33. The psychiatric ward in Prizren is small, in a prefabricated building (referred to as a "barrack"), with 23 patients in six rooms and covers Prizren, Dragash and Suhareka municipalities with approximately 300,000 inhabitants. The department in Pejë hospital is very small, with 18 beds that have to cover 300,000 inhabitants across Pejë, Decan and Istok municipalities. The ward in Gjilan hospital, which has opened since the end of the fieldwork [August 2003], has 15 beds for the municipal regions of Gjilan, Kamenica, Viti, Shtërpce, Kananik, Novo Berde and Ferizaj, covers 425,000 inhabitants. The psychiatric ward in Gjakovë had 34 beds but the Ministry [Kosovo Ministry of Health] has reduced them to 26. The ward covers the municipalities of Gjakovë, Decan, Rahovec and Malishevë, containing around 330,000 inhabitants. The general hospital in Ferizaj does not have a psychiatric ward, which is in line with the decisions taken, on allocation grounds, in the development of the Mental Health Plan but the ward in Gjilan, where there was no pre-existing neuropsychiatric ward, has now been opened

to cover the Gjilan and Ferizaj populations.” [38a](p.21,22)

**K.5.82.** The Bolderson report continues to outline the general treatment approaches in section 34:-

“34. In each case the hospital wards provide for severely chronically and pathologically ill adults whose treatment depends entirely on drugs, which are, however, in very short supply. In Prishtinë hospital amitriptyline, haloperidol and chlorpromazine are the main drugs in use. Although fluoxetine is occasionally used, SSRIs (modern antidepressants and the mainstay of pharmacotherapy in post traumatic stress disorder (PTSD) ) are not routinely available. The range of antipsychotics is very limited, and there is total absence of some classes of drugs e.g. bipolar medication. In Pec hospital the Regional director referred to the shortage of drugs as ‘a misery and catastrophe... we don’t even have elementary drugs in the psychiatric ward.’ ” [38a](p.22)

**K.5.83.** The Bolderson Report also adds at section 51:-

“51. ... The only drugs available in Ferizaj Centre were: Fluphenazine (injection), Haloperidol (injection and oral) and Biperiden Hydrochloride (injection). Drugs are given only in the most serious cases as anti-psychotic drugs are very expensive.” [38a](p.27).

**K.5.84.** On 3 October 2002, the Kosovo Information Project researchers reported to CIPU that of the Selective Serotonin Uptake Inhibitor group (SSRI) drugs available in Pristina pharmacies [i.e. outside hospital in patient treatment programmes], only Fluoxetin was available on a regular basis, with Fluoxetin 20mg – 30 capsules at between 6.70 and 7.30 Euros: Sertralin 50mg – 30 tablets at 23.30 Euros was occasionally available. [27e]

**K.5.85.** The Bolderson Report gives details of the budget and other limitations of the hospitals’ service in sections 35 – 38, as follows:-

“35. The budget for Prishtinë hospital was said to allow 25 euros per year per patient. None of the hospitals has out-patient facilities or follow up services, “they are left on their own if their family rejects them” (Dr Afrim Blya, Head of Neuro psychiatry, Prishtinë University Hospital Psychiatric Clinic, interview, August 2003). Some patients in Prishtinë have been in the ward for four years for lack of alternatives, such as protected apartments, that are not yet ready in Prishtinë.”

“36. All respondents reported severe shortages of staff. The psychiatrists have to spread themselves thinly, sometimes taking on several jobs as regional director (e.g. in Gjilan), in the CMHCs, and / or in the wards. One director reported that he had conducted 3,500 consultations in 2002, and that ‘...there is no one to do counselling work and no one has the time... all of us here are suffering from chronic



fatigue syndrome as we have no support or supervision, nobody is taking care of us' (Dr Afrim Blyta, op.cit.) and that 'we have nobody trained to do psychotherapy or child psychiatry, we have only two clinical psychologists and there is a huge gap between needs and capacity.' (ibid.)"

"37. None of the hospitals run a waiting list. It was reported that in Prishtinë people are 'dumped by the police, dragged / forced in by family members, sent from the Centre of Social Work and Prisons... they wait in the corridor all day and every day. Up to 20 a day on an organised clinic once a week but up to 60-70 a day outside of this.' (ibid.)"

"38. Minorities are not excluded from treatment and there was specific mention of minority in-patients in Prishtinë. However Serbs do not use the wards in Prishtinë, Gjakovë or Pejë hospital. They go to Mitrovicë North or Belgrade and Kosovan Albanians cannot go to Mitrovicë North and instead use the hospital in Prishtinë." [38a](p.22,23)

### **Community Mental Health Clinics**

**K.5.86.** Regarding treatment available through the Community Mental Health Clinics, the researchers set out their findings in sections 39 – 53, including a table detailing centres, number of staff employed, activities and catchment populations. Section 43 defines the centres: "The CMHCs are day centres, which seek to rehabilitate / reintegrate adults and young people who have severe chronic mental illness and are in remission. Acutely ill adults are referred to the hospital psychiatric wards." [38a](p.25)

**K.5.87.** The Bolderson / Simpson report adds in section 46, PTSD in cases of women who have been raped are not dealt with by the CMHCs:

" 'No Centre deals with these cases because of the mentality [sic – prevailing societal attitude], we would need to be very careful and keep this confidential, we would send these people to CPWC [Centre for the Protection of Women]' (Dr Shkelzen Kadriu, Director CMHC, Gjilan, interview August 2003)." [38a](p.25).

**K.5.88.** Section 47 of the Bolderson / Simpson report adds, PTSD cases generally are reluctant to attend CMHCs, as two directors of CMHCs explained:

" 'Nearly everyone in the population is suffering from the delayed onset of trauma now that the dead are being reburied. Such traumatised people, while possibly needing treatment for PTSD, do not wish to be associated with mentally ill people.' (Dr Bahri Goga, Director of CMHC, Ferizaj, interview August 2003)." [38a](p.26).

" 'People who have PTSD do not accept very well to stay with people who have schizophrenia as the stigma is very big so they do not come to the Centres, if they need some oral therapy they will go to see a

psychiatrist privately.' (Dr Shkelzen Kadriu, Director CMHC, Gjilan, interview August 2003)." [38a](p.26).

**K.5.89.** UNMIK's Office of Returns and Communities and the Kosovo Ministry of Health issued a joint statement entitled *Availability of Adequate Medical Treatment for Post-Traumatic Stress Disorder (PTSD) in Kosovo* in January 2005, to various other governments. [19k] It stated the following [quoting the text of the letter in full] :-

"Kosovo's health care system remains in a period of transition. Prevailing problems compromising Kosovo's ability to effectively treat Post-Traumatic Stress Disorder (PTSD) include: 1. A general lack of mental health professionals in Kosovo; 2. Insufficient financial resources; 3. Too few professionals who can access people with special needs; and 4. Inaccessibility of services for those living in rural areas. In particular, it should be noted that mental health services for children have not yet been established. Despite continued efforts by the Ministry of Health, NGOs and donor support, large numbers of socially dependent and chronically mentally ill people are unable to receive adequate treatment in Kosovo because the mental health needs of the population are very high and the human and institutional resources in the mental health field are very low."

"Kosovo's health care system is based on a two-tiered system comprised of public care and NGO care. The public health system provides psychiatric care in hospitals and Community Mental Health Centres (CMHC). However, public care is biologically orientated (drug) treatment with very little or no socio-therapeutic or psychotherapeutic treatment. CMHC focus on the rehabilitation of people with severe chronic mental illness, not on cases of PTSD."

"Ministry of Health officials confirm that no adequate treatment of PTSD exists in the public health care sector in Kosovo. Dr. Ferid Agani (former Director of the Department of Strategic Management, Ministry of Health in Kosovo) explained: "There are no facilities available for any non psychotic disorders. There are no facilities for the treatment of PTSD in the institutions because there are no experts... [continuation marks as in text] counselling is not available in public health institutions." In addition, a limited number of drugs are available in Kosovo and those that are are not affordable by the vast majority of Kosovo citizens."

"The second tier of Kosovo's health care system, the NGO community, also remains inadequate in its ability to treat people suffering from PTSD. NGOs are overwhelmed with work and must provide services with insufficient psychiatric and other qualified staff. The demand for their services greatly outweighs their capacity. The largest NGO, the Kosovo Rehabilitation Centre for Torture Victims (KRCT), is active in seven locations across Kosovo, each serving regions with a population of some 300,000 people. However, it remains poorly staffed. Overall, the staff consists of 4 part-time psychiatrists and one part-time psychologist serving each region once a week. The Centre for Stress

Management and Education (CSME), another NGO, can also make only a limited contribution to the treatment of PTSD because it has only one part-time psychologist that it shares with KRCT.”

“It is important to note that proper treatment of PTSD cannot be reduced to taking anti-depressant for a long period of time. Effective treatment of PTSD must include psychotherapy, counselling and strong social support. Unfortunately, this kind of treatment is still not available for the majority of those in need despite considerable efforts and initial results of the Ministry of Health and UNMIK to improve the situation in this field. A comprehensive strategy involving all relevant players needs to be developed to ensure that traumatized people receive the attention their condition demands.”

“Given the poor treatment capacity, experts, including the Kosovo Ministry of Health, agree that persons in asylum countries suffering from PTSD should conclude treatment before returning to Kosovo. Persons forcibly returned to Kosovo before their treatment has been concluded have a high potential that their mental health status will deteriorate due to the fact that they would not be able to get psychotherapy and socio-therapy treatment, even if they have sufficient funds to buy medication.”

“Based on the above, it remains the position of UNMIK that persons suffering from and undergoing treatment for PTSD should not be forcibly returned to Kosovo.” [19k]

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### **Shtime Social Institution**

**K.5.90.** A report by Mental Disability Rights International (MDRI) in 2002, reported by the Human Rights Watch annual report for 2003, alleged that patients at the Shtime Hospital were subjected to abuses by the staff. [9e](p.7) Shtime Social Institution, run by the Department of Work and Social Welfare for 205 residents, mainly ethnic Serbs, and including children, was visited by Bolderson and Simpson, and their report summarised the purpose of Shtime, the problems faced by the institution, and future plans thus:

“Shtime is categorised as a ‘social institution’. It is officially designated for individuals with intellectual disabilities, but appropriate diagnostic criteria have not been applied and the residents are mentally ill people and ‘social patients’ who ‘have only minor disabilities and reside at the facility because they have no place else to go.’ (MDRI, *op.cit.*, p.20 citing UNMIK)” [38a](p.27).

“MDRI are highly critical of Shtime on the grounds that it institutionalises its residents; lacks facilities; disregards human rights; relies on drugs for treatment; and allows occurrences of sexual abuse. The present director refuted the allegations of sexual abuse and physical violence but drew attention to the problems he has encountered which [sic] have

included lack of food supply; a massive number of clients; a huge mixture of cases; insufficient staff; and lack of planning for proposed changes.” [38a](p.27).

“The director reported that the current plan is to withdraw psychiatric cases and refer them to the CMHCs... Fifty to 100 beds will be available for out-patients and a day care centre for occupational therapy is planned: the aim is to make Shtime into a community facility.” [38a](p.28).

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## **Non Governmental Organisations working in mental health care in Kosovo**

**K.5.91.** The Bolderson /Simpson Report identifies the following NGOs providing services to vulnerable groups, operating in Kosovo in August 2003: the Kosova Rehabilitation Centre for Torture Victims (KRCT); Centre for Stress Management and Education (CSME); medica mondiale Kosova Team; Centre for the Protection of Women and Children (CPWC); Safe houses; Counselling Centre for Children and Parents – Ferizai; and ONE to ONE Counselling Centre for Children and Families. [38a](p.30-38).

**K.5.92.** The Bolderson /Simpson Report includes the following details regarding the organisation and work of the Kosovo Rehabilitation Centre for Torture Victims (KRCT):-

“The account of KRCT given here draws on the interview with its Director, its six-monthly Journal (KRCT, 2002) and a Narrative Report submitted to its funders in July 2003 (KRCT,2003). A Statement (KRCT 2003a), drawn up for the Medical Foundation in the UK relating to the situation of returnees, is discussed in section V.” [38a](p.31).

“KRCT was founded in October 1999 and began work in January 2000 with the support of the International Rehabilitation Council for Torture Victims (IRCT) and with funds from the European Commission Humanitarian Office (ECHO). It is a Kosovo based, non-governmental, non-profit and non-political organisation providing psychosocial and medical assistance to victims of war. CORDAID in the Netherlands, and the European Commission currently share the funding of KRCT, each contributing 50% until 2005. Previous funding was from the Ministry of Foreign Affairs in Denmark (DANIDA) but this ended in September 2003.” [38a](p.32).

“KRCT has seven centres of work in Kosovo, in Prishtinë, Skenderaj, Besiane, Therande, Peje, Decan and Gjilan, but employs only 12 professionals, consisting of the director, five psychiatrists, including Dr. Agani, who is the visiting clinical supervisor, one psychologist (who works part-time), one sociologist, two General Practitioners (of whom one specialises in gynaecology), one social worker, one lecturer and an interpreter. It aims to work with victims of torture and trauma, ex-

prisoners, hostages of war, rape victims, widows, orphans, family members of torture victims and returned refugees, but in a separate Statement it is made clear that victims of torture receive priority and that limited resources make it impossible to meet the needs of all these groups, with consequences for returnees from abroad. (See Section V par. 135 [in Bolderson / Simpson Report])” [38a](p.32).

**K.5.93.** According to a Balkans Crisis Report of 15 April 2003, the number of patients treated for psychiatric disorders by KRCT increased from 1,187 in 2001 to 2,812 in 2002. [43y]

**K.5.94.** The Bolderson /Simpson Report includes the following details regarding the organisation and work of the Centre for Stress Management and Education (CSME):-

“It is a small organisation that operates out of Gjakove and it is concerned with treating and supporting families who suffer from post-traumatic stress as a result of conflict in Kosovo. It covers people in 10 villages surrounding Gjakove that were severely affected by the war. In the period April 2002 – January 2003 its work was concentrated on the villages of Lipovec, Jasiq, Goden, Junik, Rakovine, Kramovik and Kralan.” [38a](p.34)

“CSME began working in September 1999 and refers to itself as a ‘young, local NGO’ (CSME, 2003a). Its staff consists of one part-time psychologist (shared with KRCT) and four psychosocial consultants, who are professionals, qualified as experts in their own fields of cardiology, paediatrics, biochemistry, education, and law. They have received training in psychosocial therapy from the psychologist and from international experts in Croatia, Austria and Kosovo.” [38a](p.34)

**K.5.95.** The Bolderson /Simpson Report includes the following details regarding the organisation and work of medica mondiale Kosovo Team:-

“medica mondiale has been supported by the German Government for the past four years. This funding will expire at the end of 2004. The organisation is in the process of becoming a local NGO and it is hoped that a centre might be opened in Prishtine.”

“The work focuses on traumatized women, in particular women who are victims of sexual and domestic violence and / or suffering post traumatic stress. Priority is given to sexually abused women. The services are provided regardless of ethnic origin or religion and clients include Roma women, with whom two groups are run, and Bosnians [Bosniaks]. Services for children are not provided.”

“The team provides psychosocial, gynaecological and legal and counselling services. Two doctors, three midwives and an office assistant run the gynaecology department. They adopt a psychomatic approach and have developed tools for screening and assessing

patients and clients. The psychosocial department includes eleven psychosocial counsellors in the total staff of 31 women and four men. Counselling is offered one to one, as well as in a group, with a focus on psychodrama and body psychotherapy, couple and family intermediation and eclectic support. The counsellors, all of whom are women, have received sessions of intensive training over a four-year period from psychologists and gynaecologists from Germany and Bosnia.”

**K.5.96.** For details regarding the organisation and work of Centre for the Protection of Women and Children, see below

**K.5.97.** Ethnic minorities’ access to medical care has been affected by the March 2004 riots, according to the Secretary General’s Report of 30 July 2004 to the UN Security Council:

“The destruction in March [2004] of health facilities which had been serving minority community patients in Kosovo Polje (Pristina region) has required minorities to travel greater distances to gain access to primary health care, which has proved particularly problematic given the limited freedom of movement and security risks faced by community members.” [15m](p.11)

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## Educational system

**K.5.98.** The Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005, states that in 2003, Kosovo province had 983 primary and 57 secondary schools. [1a] (p.577) The United States State Department report for 2004 reports:-

“UNMIK regulations made enrollment in public school mandatory for children between the ages of 6 and 15, with some exceptions; however, some children from minority communities did not attend school due to security concerns. Primary education was compulsory, free, and universal. According to the Ministry of Education, the vast majority of school-age children under 15 attended school. Forty-six percent of children attended the non-obligatory secondary school, 43 percent of whom were female. Some children were forced to leave school early to work.” [2a](p.28)

**K.5.99.** According to the USSD for 2004, access to education has been problematic for some minorities, such as Bosniaks for a lack of trained Bosniak teachers. [2a](p.28) The USSD report for 2004 continues: “A lack of freedom of movement and reluctance to depart from a Belgrade-based curriculum led Kosovo Serb children to attend neighbourhood schools that were sometimes housed in inadequate facilities and lacked basic equipment.” [2a](p.28) A BBC news report of 6 January 2005 reported that the Serb population in Rahovec municipality had pulled its children out of a multiethnic school, claiming a lack of security for the Serb children. [8s]

**K.5.100.** The US State Department Report for 2003 mentions, (and as repeated in the USSD report for 2004 [2a](p.28) ), that Roma Ashkaeli and Egyptian children attend mixed schools with ethnic Albanians but sometimes face intimidation or are expected to work for their families from a young age at the expense of their education.[2c](p.36) In their report of activities undertaken in 2002, the Expert Committee on Education and Youth of the Standing Technical Working Group of the European Centre for Minority Issues (ECMI) expressed concern that students of these groups were underperforming academically, and that further efforts should be made to address this imbalance. [46c] Bosniaks can obtain primary education in their language but there is a shortage of Bosniak teachers at secondary level, according to the Humanitarian Law Centre (HLC)'s Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo of 16 January 2003. [63b](p.30)

**K.5.101.** On 5 May 2003, according to the US State Department Report for 2003, the Serb-run North Mitrovica University was licenced by the Kosovan authorities, and funding was provided jointly by the Kosovan authorities and from Serbia. [2c](p.36) The USSD Report for 2004 adds: "The Government did not restrict access to the internet." [2a](p.23)

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## **K.6 HUMAN RIGHTS**

### **K.6.A. Human Rights Issues**

#### **General**

**K.6.1** According to most accounts particularly the Ombudsperson Institution's Fourth Annual Report [6b], human rights issues in Kosovo since March 2004 have been dominated by the issues of sufficiency of protection offered by the security forces to ethnic minority groups; ethnic minority groups' access to essential services and the development of institutions in Kosovo that respect such rights. On 23 August 2004, UNMIK reported that UNMIK and the Council of Europe signed two key agreements on human rights:

"In an effort to enhance the establishment of human rights in United-Nations-administered Kosovo, top UN and European officials today signed two agreements that seek to monitor compliance with important international principles and prevent torture and other inhuman or degrading treatment." [19c]

**K.6.2** The human rights issues are constitutionally overseen by the Ombudsperson Institution (OI), described in its own words in the OI's Fourth Annual Report as:

"Established by UNMIK Regulation No. 2000/38, the Ombudsperson institution is an independent institution which has the role of addressing issues concerning alleged human rights violations or abuse of authority by the Interim Civil Administration or any emerging central or local institution in Kosovo. It officially opened on 21 November 2000 in Pristina and consists of the international Ombudsperson himself [currently in August 2004, Marek Antoni Nowicki] his two local deputies, human rights lawyers and supporting administrative staff. Since the very beginning, the staff of the Ombudsperson Institution has been multiethnic – the majority is of Albanian ethnicity, other staff members are of Serbian, Turkish and Roma origin." [6b](p.3)

**K.6.3.** The OI's summary of the human rights situation in Kosovo, as stated in the Fourth Annual Report of the OI in July 2004, runs:

"Much effort is still required to achieve even a minimum level of protection of rights and freedoms in Kosovo. Kosovo is still a long way from reaching these standards. The situation is especially, but not exclusively, difficult for the non-Albanian communities, in particular Serbs and Roma. Their situation with regard to the guarantees of their fundamental rights is very serious. The only hope is that the events of March 2004 and the conclusions drawn will help to bring about considerable change in this respect. Personally, however, I remain sceptical. It is not enough to rebuild destroyed houses. It is far more difficult to rebuild even the minimal trust that is essential for living together on the same territory." [6b](p.2)

**K.6.4.** The OI's Fourth Annual Report identifies a number of areas of ongoing



institutional weakness as areas of human rights abuse, particularly the legislative process [6b](p.8-11), the judiciary [6b](p.12-14), the IO itself and human rights protection mechanisms [6b](p.14-18), over property rights [6b](p.23-24), as well as the ongoing situations of various groups of people in Kosovo, namely the non-Albanian ethnic minorities [6b](p.18-20), IDPs [6b](p.21-22), missing persons [6b](p.22-23), and people with mental disabilities [6b](p.24-26). However, it is in the area of democracy and governance, particularly in relation to the relative autonomy of UNMIK / KFOR under the UN Mandate, that is identified as a key human rights problem by the OI, stating in the Fourth Annual Report (July 2004):

“This reporting period has seen the further transfer of certain UNMIK competences and functions to the local central and municipal authorities in Kosovo. However, UNMIK still continues to control, inter alia, the judiciary, the police and the legislature. While there have been improvements in some sectors, parts of UNMIK still do not appear to take the obligation they are under to guarantee basic human rights and freedoms to the population of Kosovo seriously enough.” [6b](p.7).

**K.6.5.** The summary of the OI’s activities offered by the United States State Department report for 2004 is as follows:-

“The Kosovo Ombudsperson Institution (OI) investigated allegations of government abuses of international human rights laws. The OI had a multiethnic staff and was active in issuing reports and recommendations. Its recommendations were rarely followed by UNMIK, particularly UNMIK police, but cooperation improved after the March riots. The OI reported that 2,967 persons contacted the OI resulting in 34 investigations and 22 reports during the year. The OI had no authority to intervene in cases against KFOR. Since 2001, the OI has maintained that Regulation 2000/47 on UNMIK and KFOR Status, Privileges, and Immunities was in violation of internationally recognized human rights. On May 4, the OI criticized KFOR for having resumed objectionable detention practices.” [2a](p.26-27)

**K.6.6.** The importance of the March 2004 riots, and attendant human rights issues, is acknowledged by the UN authorities: according to the Secretary General’s Report of 30 July 2004 to the UN Security Council, “Much of the political effort in Kosovo over the reporting period [1 April 2004 – 15 July 2004] has been aimed at regaining some of the ground lost as a result of the violent events of mid-March [2004].” [15m](p.1)

**K.6.7.** On 11 October 2004, the European Commission For Democracy Through Law (the Venice Commission) published a document entitled “Opinion on Human Rights in Kosovo: Possible establishment of Review Mechanisms”. [75c] In summary, the Venice Commission’s brief was stated as “The Commission has been requested by the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe to look into the human rights situation in Kosovo with a view to designing possible human rights review mechanisms.” [75c] (p.25, point 149) The text continues, “The Commission is conscious that review mechanisms represent only a limited aspect of the issues raised by the need to protect human rights in Kosovo. Yet, the Commission is convinced that

an adequate solution to this aspect could improve the situation of the Kosovo people, and in the preparation of this opinion it has thus been guided by the intention to provide pragmatic proposals on how to respond, at the institutional level, to the human rights challenge in Kosovo.” [75c] (p.25, point 149)

**K.6.8.** The Venice Commission document considers mechanisms via an extension of the jurisdiction of the European Court of Human Rights over the international organisations temporarily administering Kosovo, as against the possible establishment of a Human Rights Court for Kosovo. [75c] (p.25, point 150-157)

**K.6.9.** The Venice Commission rejects the idea of an extension of the European Court over UNMIK / KFOR: “Accordingly, the Commission does not view the extension of the jurisdiction of the European Court of Human Rights over UNMIK and KFOR as an option capable of providing a speedy and effective impact on the current human rights situation in Kosovo, given that such extension risks to require a lengthier period than the duration of the provisional administration itself for Kosovo.” [75c] (p.25, point 150-157) The Venice Commission posits the creation of a Human Rights Court for Kosovo as a medium term solution, with an near term interim measure of an Advisory Panel to give greater oversight on UNMIK and KFOR and a similar increase of the role of the Legal Adviser in such oversight; and to establish a Special Chamber of the Supreme Court on Constitutional Matters to increase oversight of the Provisional Institutions of Self-Government. [75c] (p.25, point 154-174)

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## **Freedom of Speech and the Media**

**K.6.10.** The US State Department Report for 2004 states:-

“UNMIK regulations and the Constitutional Framework provide for freedom of speech and of the press, and UNMIK, KFOR, and the PISG generally respected these rights in practice and did not restrict academic freedom; however, there were some allegations of interference with freedom of speech and press by both UNMIK and the PISG, particularly during the March riots.” [2a] (p22)

**K.6.11.** The US State Department Report for 2004 summarises the institutional complexities of broadcast media regulation in Kosovo, as follows:

“UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC was responsible for publishing a broadcast code of conduct, issuing licenses, and imposing sanctions up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct; however, the TMC believed the codes need to be updated. For example, the codes failed

to adequately protect the privacy of children and crime victims. The Constitutional Framework provides for an Independent Media Commission (IMC) and a Board of the Public Broadcasters independent of the PISG. During the year, UNMIK worked with the PISG to transition the TMC to an IMC and the establishment of a Board of Public Broadcasters; however, the law establishing an IMC was not finalized by year's end. An Assembly-mandated Committee on the Media was established during the year, but its competencies passed to a wider-range Committee on Public Services, Local Administration, and Media following the October elections.” [2a] (p22)

**K.6.12.** The USSD for 2003 gives information regarding the range of print media in Kosovo:

“Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Most of the main dailies were aligned with different political parties, although there were three independent daily newspapers. There were six daily newspapers in Albanian, all published regularly and locally.” [2c](p28)

**K.6.13.** The USSD for 2004 updates, and adds an observation:

“The independent media were active and expressed a wide variety of views without restriction. Most print and broadcast media were independent but regulated by UNMIK. Print media did not have a large circulation; broadcast media appeared to be more influential.” [2a] (p23)

**K.6.14.** UNMIK regulations govern the print media, primarily designed to prevent inflammatory ethnic-based rhetoric, according to the US State Department Report for 2003: “UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.” [2c](p.28.) The USSD for 2004 adds the following information: “UNMIK regulations prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise.” [2a](p.23)

**K.6.15.** The USSD for 2003 states there are 88 radio stations and 23 TV stations in Kosovo. [2c](p.28) The same report states that although the majority of broadcasts are in Albanian only, there are stations that broadcast in Serbian, Turkish, Bosniak and Gorani. [2c](p.28)

**K.6.16.** The United States State Department report for 2004 states that the Temporary Media Commissioner received one complaint of threats against a journalist in 2004. [2a](p.23)

**K.6.17.** In analyses of the March 2004 riots, the role played by the media has been a particular strand of criticism. The Organization for Security and Co-Operation in Europe (OSCE), through its representative on Freedom of the Media, commissioned a report, *The Role of the Media in the March 2004 Events in Kosovo*, published circa May 2004,

that analysed the role of the Albanian language media within Kosovo, and commented on Serb language media outside Kosovo. [31k] The report emphasised what it considered to be an inflammatory role in all media that would not assist in the long-term stabilisation of Kosovo:

“Without the reckless and sensationalist reporting on 16 and 17 March [2004], events could have taken a different turn. They might not have reached the intensity and level of brutality that was witnessed or even might not have taken place at all.” [31k](p.3)

“Finally it should be noted that the events of mid-March [2004] were the first serious crisis that the Kosovo media has ever faced. While this report shows there is credible concern that the electronic broadcast media might have been one of the reasons for the outbreak of violence, long-term sanctions could prove counter-productive.” [31k](p.3)

**K.6.18.** One main criticism of the OSCE report *The Role of the Media* was the reporting of the initial event, the three drowned children of Caber. [31k](p.4-5) The subsequent misreporting by the Albanian language media was held by the OSCE to be highly inflammatory. [31k](p.5,7-11,14) Other main criticisms included the way that UNMIK’s press releases were sidelined, ignored or perverted by context by the Albanian media [31k](p.15,16) The Recommendations that the OSCE suggested included a full, open investigation of the media’s performance, particularly of RTK the only public broadcaster; strengthening the legal framework and the institutions of oversight (the Office of the Temporary Media Commissioner); establish balance in terms of a local Kosovo-wide Serb-language broadcaster; and for UNMIK to ensure that UNMIK’s message is accurately, fairly and consistently reported. [31k](p.16-18)

**K.6.19.** On 29 May 2004, the International Federation of Journalists issued a report in protest, condemning the OSCE report, as reported in an accompanying press release:

“The report... is unconvincing and fails to establish any evidence of systematic attempts to distort news coverage and incite violence. “Even worse,” said Aidan White, IFJ General Secretary... “It looks like politicians letting themselves off the hook over policies and actions that are the root causes of violence.”” [66a]

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## Freedom of Religion

**K.6.20.** The US State Department Report for 2004 states, “UNMIK regulations and the Constitutional Framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice. There are no specific licensing regulations with regard to religious groups; however, in order to purchase property or receive funding from UNMIK or other international organizations, religious organizations must register as NGOs.” [2a](p.23.)

**K.6.21.** The US State Department’s International Religious Freedom (IRF) Report for

2004 (published 15 September 2004) states:-

“UNMIK, the PISG, and KFOR policy and practice contributed to the generally free practice of religion; however, the Kosovo Islamic Community has at times publicly complained that Kosovo lacks genuine religious freedom, citing as examples UNMIK's refusal to provide radio frequencies for an Islamic radio station and the closing of a prayer room in the National Library by the Ministry of Education, Science, and Technology.” [2e](p.7)

**K.6.22.** The US IRF report for 2004 outlines the general religious divisions as follows:-

“Islam is the predominant faith, professed by most of the majority ethnic Albanian population, the Bosniak, Gorani, and Turkish communities, and some in the Roma/Ashkali/Egyptian community, although religion is not a significant factor in public life. Religious rhetoric is largely absent from public discourse, mosque attendance is low, and public displays of conservative Islamic dress and culture are minimal. The Kosovo Serb population, of whom about 100,000 reside in Kosovo and 225,000 in Serbia and Montenegro, are largely Serbian Orthodox. Approximately 3 percent of ethnic Albanians are Roman Catholic. Protestants make up less than 1 percent of the population but have small populations in most of Kosovo's cities.” [2e](p.6)

**K.6.23.** The US IRF report for 2004 noted that relations between the (ethnic Albanian) Catholic and Muslim communities was good:-

“Apart from an incident during the March [2004] riots in Prizren when the rioters mistook a Catholic church for a Serbian Orthodox church and nearly attacked it, Kosovo Catholic leaders reported no problems. The Catholic leaders reported that they had good relations with the Muslim community but hardly had any contact with the Orthodox leadership, whom they considered highly politicized. The Muslim community made similar remarks concerning their relationship with the Catholic leadership and lack of relationship with the Orthodox community.” [2e](p.10)

**K.6.24.** The USSD for 2003 continues that most ethnic Albanians are not strongly identified with their religion and their animosity towards Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. It is estimated that some 70,000 Kosovar Albanians are Roman Catholic. “Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage”. [2c](p.30)

**K.6.25.** However, during the ethnic unrest in March 2004, Serb religious sites were particularly targeted by Albanian mobs, and damage reported by the BBC on 22 March 2004 included the destruction of 22 churches and monasteries between 17 and 19 March 2004.[8am] The US State Department's International Religious Freedom Report for 2004 (published 15 September 2004) has a revised figure (from Kosovo Serb sources) of 33 sites destroyed or damaged in 14 locations. [2e](p.10)

**K.6.26.** Islamic education issues were highlighted in a news report via the Balkans Crisis Report, no.430 of May 2003, noting that Islamic clerics were calling for inclusion of religious instruction in the Kosovo school curriculum. According to the report, many sections of the Muslim community are uneasy with the proposals; and the PISG authorities say that though they have yet to see the clerics' blueprint, they doubt that the proposals will be workable. [43a0]

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## Freedom of Association and Assembly

### Before the March 2004 Riots

**K.6.27.** The US State Department Report for 2003 outlines the general situation regarding the freedom of assembly as follows: "UNMIK Regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited this right based on security concerns." [2c](p.29) The USSD Report for 2003 continues: "No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time and place, route, and contact person for demonstrations for police coordination purposes." [2c](p.29) Prior to the March 2004 riots, the US State Department Report for 2003's opinion of UNMIK / KFOR crowd control ran: "In most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries; police generally responded more appropriately than in previous years." [2c](p.29-30)

### During the March 2004 Riots

**K.6.28.** In the words of the International Crisis Group's report, *Collapse in Kosovo*, published 22 April 2004, "UNMIK police counted 33 major riots over 17-18 March [2004], involving an estimated 51,000 participants." [69c](p.15) The clashes, according to the Secretary General's Report of 30 April 2004, besides the deaths of 8 Kosovo Serbs and 11 Kosovo Albanians, with 954 people injured, states: "In addition, 65 international police officers, 58 Kosovo Police Service (KPS) officers and 61 personnel of the Kosovo Force (KFOR) suffered injuries." [151](p.1) The right to assemble during the March 2004 riots was necessarily curtailed at times, as large crowds assembled with intent to cause violence and to disturb public order: an example of UNMIK imposing extraordinary measures was the general curfew imposed on at 19:00hrs, 18 March 2004 in response to unrest, as reported by the BBC on 18 March 2004. [8a1]

**K.6.29.** With regards to the policing of the March 2004 riots, the general comment of the OSCE Mission in Kosovo (OMiK) in their May 2004 analysis, *Human Rights Challenges following the March riots*, was: "In their immediate response to the events of 17-19 March [2004], KFOR, UMIK Police and the Kosovo Police Service (KPS) demonstrated serious gaps in their ability to control and contain the violence, and to protect the safety of members of minority communities." [15c](p.6)

**K.6.30.** The International Crisis Group's report, *Collapse in Kosovo* offers an insight into the nature of the riots, and alludes to a changing dynamic: "Although only a sizeable minority [of ethnic Albanians] took direct part in the violence and demonstrations, most

are not unhappy that Albanians have forcefully reminded both the Serbs and the foreigners that they are the dominant community.” [69c](p.22)

**K.6.31.** There were threats of further violent demonstrations immediately after the March 2004 riots, with the Secretary General’s Report of 30 April 2004 recounting: “In the weeks following the violence, the Association of War Veterans threatened to hold more demonstrations in protest against UNMIK.” [15f](p.11)

### **After the March 2004 Riots**

**K.6.32.** The Secretary General’s Report of 30 July 2004 indicated that UNMIK has taken on a broad strategy of control:

“UNMIK continues to evaluate its strategy, taking into account its analysis of the March [2004] events in order to prevent a recurrence of the violence. As part of the analysis of and response to the March [2004] a crisis management review body set up by UNMIK and a team led by the Department of Peacekeeping Operations carried out assessments and provided recommendations which addressed the core areas of flow and dissemination of information critical to responding to a crisis, staff safety, action by law enforcement officials, and facilitation of coordination with the Provisional Institutions of Self-Government.” [15m](p.1)

**K.6.33.** The United States State Department report for 2004’s account of assembly rights was modified by the March 2004 riots, thus:-

“UNMIK regulations and the Constitutional Framework provide for freedom of assembly and association, and UNMIK, KFOR, and the PISG generally respected these rights in practice; however, UNMIK police used deadly force to control the March riots and protect themselves and others. Demonstration organizers were required to notify UNMIK 48 hours in advance for police coordination. UNMIK police estimated that hundreds of thousands of persons took part in protests, demonstrations, and road blocks during the year, including 59 instances in March and 197 instances throughout the rest of the year, constituting a 150 percent increase in demonstrations over previous years.” [2a](p.23)

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### **Political activists**

**K.6.34.** The United States State Department (USSD) report for 2004 notes that there were attacks and threats to politicians, institutional figures as well as private individuals across the ethnic spectrum during 2004:-

“There were reports of attacks and threats against Kosovo Albanian political and institutional figures as well as Kosovo Albanian individuals. For example, on February 21, an explosive device in a vehicle in the

town of Peje/Pec injured Kosovo Minister of Environment and Spatial Planning Ethem Ceku, two AAK party officials, and two KPC members. On June 30, unknown assailants attacked a member of the Democratic Party of Kosovo (PDK) presidency branch in Peja/Pec, Rexhe Krasniqi. No suspects were identified by year's end; however, credible observers often blamed such attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases." [2a](p.20)

"Serbs, Roma, Ashkali, and other minorities were subjected to societal abuses on a regular basis, including attacks by violent mobs during the March riots (see Section 5). For example, on March 5, three Kosovo Albanians beat a Kosovo Serb who was traveling on a train near south Mitrovica." [2a](p.20)

**K.6.35.** The USSD for 2004 continues that politically motivated attacks include attacks on UNMIK and Kfor officials:-

"There were some credible reports of politically motivated attempts to intimidate UNMIK officials and KFOR officers. For example, on March 24, a hand grenade was thrown towards the Mitrovica main bridge from the majority-Serb northern side and two KFOR soldiers sustained minor injuries. In August, a Serb, Zivorad Cvetkovic, was sentenced to 5 years in prison for the crime." [2a](p.20)

"KPS and UNMIK Police officers investigating sensitive or politically related crimes were frequently targeted. For example, on March 23, KPS officer Arsim Rustolli and Ghanaian UNMIK Police officer Kojo Essuman were killed during an attack on their patrol in Podujeve/Podujevo municipality and four Kosovo Albanians were awaiting trial on resulting charges at year's end." [2a](p.18)

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## Employment Rights

**K.6.36.** The US State Department Report for 2004 states:-

"UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provides for the right to organize and bargain collectively without interference, and the Government did not restrict this right in practice; however, collective bargaining rarely took place. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited and several strikes occurred during the year. "  
[2a](p.34)



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## People Trafficking

**K.6.37.** According to the US State Department report for 2003, Kosovo has until recently been a recipient and transit rather than a source country for the trafficking of people.[2c](p.41) However, the USSD 2004 notes that “Internal trafficking was a growing problem.” [2a] (p.29) and categorically states, “Kosovo is a source, transit and destination point for trafficked persons.” [2a] (p.29) Sources agree that the majority of trafficking is of women and minors for involvement in the sex industries. One source (Amnesty International, in its May 2004 report, “*So does that mean I have rights? protecting the human rights of women and girls trafficked for forced prostitution in Kosovo.*” [3j] ) suggests that Kosovo became a recipient country after the establishment of UN forces in Kosovo after the 1999 war. [3j](p.6ff).

**K.6.38.** A recent development mentioned by sources, particularly the SEERIGHTS (South East European Regional Initiative against Human Trafficking) initiative in their 2002/2003 annual report is the emergence of a large internal component within the Kosovo sex industry, particularly girls under the age of 18. [36a](sect.2.3.2, p.2; sect 2.4.) From the growth of local recruitment, AI quoting the International Organization for Migration (IOM) suggests that Kosovo may be developing into a source country for trafficking women for the purposes of prostitution. [3j](p 19.)

**K.6.39.** The United States State Department report for 2004 reports, with regards to statistics of trafficking in Kosovo, “There are no reliable statistics of the overall scale of the trafficking problem in Kosovo.” [2a](p.29). The USSD for 2003 reported that from statistics collated by local NGOs over three years (2000-2003), 271 Victims of Trafficking (VoTs) have been interviewed and so identified from raids of premises. [2c](p.41.) The SEERIGHT report for 2002/2003 states 339 cases assisted by IOM from September 2001 to November 2002. [36a](Sect.1, p.1)

**K.6.40.** Typically, from the foreign national cases documented by the IOM in 2002, in their Situation Reports of 2000-2002, one-third of women trafficked into and around Kosovo are mothers, of whom four/fifths are the sole providers for their children. Less than ten percent of all women trafficked are in a stable relationship. Over eighty percent of trafficked women brought into Kosovo entered willingly, but were misled as to the nature of employment promised by recruiters.[41b](p.4,6.)

**K.6.41.** The IOM figures suggest the beginnings of an internal recruitment phenomenon in 2001 / 2002, handling a number of Kosovan cases in that period. [41c](p.19.) The increase in IOM internal case figures may be due to inter-agency policy changes, as suggested by the US State Department report for 2003 [2c](p.42). (See *below, 4.2*)

**K.6.42.** Source countries for trafficking into Kosovo include Romania, Moldova, Ukraine, and to a lesser extent Bulgaria. Moldova, according to UNMIK (in the report *Combating Human Trafficking in Kosovo*, May 2004), is the source country of about half the foreign persons trafficked for forced prostitution in Kosovo [19h](p.3). Other East

European and Balkan countries are represented in cases documented by the IOM. [41c](p.19.)

**K.6.43.** As it is illegal, the size of Kosovo sex industry is hard to gauge and fluctuates, with many establishments hiding forced prostitution activities (e.g. Miami Beach Club, Pristina champagne sales, outlined by Amnesty International (AI) in the May 2004 report.) [3j](p.12) AI has further stated in the May 2004 report that:

“Although the development of trafficking can be attributed to the presence of the international community, the sex industry has subsequently developed to serve a wider client-base. Over the past three years it has increasingly served the local community, which both the IOM and the CPWC estimate now make up around 80 per cent of the clientele.” [3j](p.7)

**K.6.44.** Likewise trafficking is hard to gauge: according to the AI report of May 2004, “The illegal, organized and clandestine nature of trafficking, along with the silencing of trafficked women through coercion, violence and fear, make it impossible to accurately estimate the full extent of the trafficking industry in Kosovo.” [3j](p.2) The AI report of May 2004 is the first report to mention the growth of trafficking of women from Kosovo to other destinations:

“Kosovar Albanian, Serb and Romani women and girls also face a growing risk of being trafficked abroad. At the time of writing [circa May 2004] their main destination is the predominantly ethnic Albanian areas of Macedonia, where the TPIU, IOM and CPWC report young women being transferred or re-trafficked from Kosovo. However, internally trafficked young women also report being offered work in Italy, and it would appear that they are increasingly being trafficked, via Albania, into Italy and other parts of western Europe.” [3j](pp18,19.)

“By May 2003, some 17 Kosovar women had reportedly been repatriated to Kosovo. Of nine, who were assisted by the IOM, three had been trafficked to Macedonia, two to Italy, one to Belgium and one to the United Kingdom.” [3j](p 19.)

### **Kosovo Authorities / UNMIK response to trafficking issues**

**K.6.45.** The SEERIGHTS (South East European Regional Initiative against Human Trafficking) initiative, a collaboration of the OSCE ODIHR, UNHCR, and UNICEF, has maintained reports since 2001 to date on trafficking issues in Kosovo. [36a]. Section 2.1. of the 2002/2003 report outlines the Kosovo Plan of Action on trafficking, detailing the relations between the Kosovo Provisional Institutions and Self-Government (PISGs), the international community, the UNMIK Police and Justice Pillar, and Kosovo OSCE (who had responsibility for anti-trafficking activities until 2002), concluding that handover to Kosovan authorities was still a protracted state of affairs. [36a](sect.2.1, p.1-2)

**K.6.46.** The main policing operation is through the UNMIK CivPol unit, the Trafficking

and Prostitution Investigation Unit (TPIU). According to UNMIK, in their May 2004 report, TPIU works regionally through five deployments, but is controlled centrally at UNMIK Police Main Headquarters, and works in conjunction with other specialist arms of UNMIK CivPol. [19h](p.8)

**K.6.47.** Penalties and remedies are outlined by IOM in their 2002/2003 report. Trafficking is illegal in Kosovo, under UNMIK Regulation 2001/4. The trafficking of a person is an offence punishable by imprisonment for five to twenty years (depending on circumstances); withholding a person's documentation is punishable by between six months and five years; to use the "services" of a victim of trafficking, three months to five years.[41b](p.2)

**K.6.48.** According to the US State Department report for 2003, "The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection." [2c](p.42) However, UNMIK TPIU has announced the following statistics in relation to its actions against traffickers:

- 2753 raids / checks by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) (19h)(p.10)
- 204 premises listed as "off limits" to UNMIK / KFOR / Contractor staff to date (May 2004) (as reported by UNMIK, in May 2004) (19h)(p.17,18) Updated to 206 premises by end of 2004, as reported in the USSD for 2004. [2a](p.29)
- 57 premises closed in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) (19h)(p.10) The USSD for 2004 adds "During the year, the TPIU conducted 60 raids, 477 regular operations, and 25 covert operations, and inspected 2,386 premises, resulting in a list of 206 off-limits premises and the closing of 76 premises suspected of involvement in trafficking." [2a](p.29)
- Database of 1,848 women and 510 men suspected of involvement in trafficking or VoTs listed since yr 2000 (according to the USSD for 2003) [2c](p.41)
- 83 VoTs directly assisted by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) (19h)(p.10)
- 60 trafficking cases brought to the courts in yr 2003, and 140 since yr 2000 (according to the USSD for 2003) [2c](p.41) 75 cases of trafficking prepared and brought by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) (19h)(p.10)
- 69 related charges brought in yr 2003 (according to the USSD for 2003) [2c](p.41) ; 45 cases of prostitution brought by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) (19h)(p.10)

**K.6.49.** The prosecution rate is held to be low, by the US State Department, which in its 2003 report, highlights a sophistication in criminal organisations that avoids direct linkage between VoTs and senior criminals; the lack of an effective witness protection scheme; and inadequate training for judicial personnel. [2c](p.41)

**K.6.50.** A number of NGOs, most notably expressed in the Amnesty International (AI) Report on the Kosovo sex industry published May 2004 [3j], are concerned about the implication of KFOR and other international community personnel in the industry's clientele. AI allege that the large troop presence feeds into the trafficking

problem, quoting an IOM official in 2000 that, “The large international presence in Kosovo itself makes this trafficking possible.” (Pasquale Lupoli) [3j](p.6). Further, AI suggests that KFOR, UNMIK and their contractors are immune from prosecution, granted by UNMIK Regulation 2000/47 [3j](p.7/8).

**K.6.51.** UNMIK, in a responding report published May 2004 [19h], retorted that there were strong internal procedures covering activities of UNMIK, KFOR and contractor staff; that anything that amounted to a criminal charge was directed to the UNMIK Department of Justice for assessment; and UNMIK actively punishes all staff including contractors found in “off limits” premises, even if they have not committed a crime.[19h](p.17,18)

### **Returns, resettlement, and longer term remedies.**

**K.6.52.** IOM Counter-Trafficking Unit in Kosovo has adopted and developed the wider IOM Counter-Trafficking programme, as stated in the September 2003 IOM report on psychological support to Victims of Trafficking (VoTs). It is in turn part of IOM’s Return and Reintegration Project in the Balkans. [41d](p.1) VoTs are assisted on a psychosocial level in three main ways: contextualisation and prevention; analysis of experience; and equipping with tools to deal with the experience through counselling. [41d](p.3) The IOM Kosovo Counselling Programme began in September 2001. [41d](p.18) The results of the programme are stated by IOM in their reports’ conclusion as a necessary beneficial first step towards reintegration: “The beneficiaries begin to focus on plans for their future, including their professional careers and personal lives; accordingly, they are often more open to accepting support and participating in reintegration activities in their home countries.” [41d](p.22) It is focused on the foreign national VoTs who have been detained and referred to the IOM in Kosovo, but also assists internal Kosovo VoTs; the US State Department report for 2003 states that in 2003, the IOM assisted 58 VoTs including 17 Kosovan locals. [2c](p.42)

**K.6.53.** The SEERIGHTS report states that the United Methodist Committee on Relief (UMCOR) runs a shelter, assisting 80 VoTs in 2002. The shelter has been operating since July 2000. Its intake is mainly IOM cases involving foreign nationals who are not involved as witnesses in trafficking cases (i.e. would not attract danger to the shelter). UNMIK has since March 2003 operated a separate Interim Secure Facility for cases deemed too risky for the UMCOR shelter. [36a](sect.2.3.2, p.2)

**K.6.54.** SEERIGHTS also report that the Center for Protection of Women and Children (CPWC) is the main local NGO operating with VoTs, though it has a wider brief and its caseload figures include Kosovan victims of domestic abuse. Until 2002, it worked as the recipient of internal VoT cases, with the IOM working primarily with foreign national VoTs. CPWC states that 81 percent of its VoT caseload is with girls under the age of 18; that over 80 percent of its VoT caseload is from Kosovo; over 98 percent of Kosovo VoTs that it assists are ethnic Albanian. [36a](sect.2.3.2, p.2; sect 2.4.)

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## Freedom of movement

**K.6.55.** The summary of the US State Department Report for 2004 is as follows:

“UNMIK regulations and the Constitutional Framework provide for freedom of movement; however, interethnic tensions and security concerns restricted freedom of movement in practice, and UNMIK, KFOR, and the PISG generally failed to protect these rights for minority communities.”

“No special documents were required for internal movement; however, Kosovo Serbs, and to a lesser extent other minority communities, had considerable difficulty moving about safely without an international security escort. Following the March riots, KFOR and UNMIK police restricted movement in most of the affected areas and selectively imposed temporary curfews. Kosovo Serbs were frequently subjected to stonings and other low-level violence by Kosovo Albanians.” [2a](p.24)

**K.6.56.** According to the US State Department Report for 2003, during the war, the Serb forces confiscated and destroyed identification documents as well as central registers and municipal archives, leaving many ethnic Albanian Kosovars without civil documentation. [2c](p.31) The USSD 2004 report relates, “Since 2000, UNMIK has issued approximately 1.3 million identity documents, 500,000 travel documents, and 235,000 driver's licenses. Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 applied for UNMIK travel documents.” [2a](p.25) For further information regarding the pre-war documentation of IDPs and the location of Kosovo registry books in southern Serbia, see above, [Serbia – Freedom of Movement](#).

**K.6.57.** Airport police in Pristina seized approximately 2,400 false documents in 2001, according to the UNMIK Police newsletter of January 2002. [19b](p.3) The documents included passports, permits of stay, identity cards etc (purported issuing authorities not specified in the article). Only about 25% of documents were totally fake – most others were genuine documents where the picture had been substituted or stolen blanks had been used to prepare the documents. Most perpetrators were between 20 and 30 years old. [19b](p.3)

**K.6.58.** In the report to the UN Security Council published 14 February 2005, the UN stated:-

“On the basis of objective security assessments, checkpoints have been removed from most major roads and police escorts minimized. However, minority communities’ perceptions of their security have as much impact on freedom of movement as objective assessments.” [15o] (p.12, s.34)

**K.6.59.** The USSD for 2004 states the following with regard to the granting of asylum in Kosovo:-

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of

Refugees or its 1967 Protocol; however, UNMIK granted displaced persons with status as "persons with temporary protection in Kosovo." In practice, UNMIK provided protection against refoulement, the return of persons to a country where they feared persecution; however, UNMIK did not grant refugee status or asylum. UNMIK cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees." [2a](p.25)

**K.6.60.** The UNHCR also added regarding its position on the "Internal Flight Alternative" in the August 2004 Position Paper stating:

"UNHCR is of the opinion that the implementation of the concept of internal flight or relocation alternative in Serbia proper and Montenegro towards persons originating from Kosovo and belonging to ethnic minorities would not be a reasonable option in most cases, particularly considering their inability if returned to register as IDPs in Serbia proper or Montenegro and the subsequent problems they can be expected to encounter in accessing basic human rights and services. Similarly, there are already serious constraints on the absorption capacity. Moreover, UNHCR is of the view that the implementation of the Internal or Relocation Alternative concept towards this caseload could raise an issue under the obligations stemming from the United Nations Security Council resolution 1244 of 10 June 1999 to return refugees and IDPs to their homes in KOSOVO." [18h](p.8,9)

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## **K.6b Human Rights: Specific Groups**

### **Ethnic Groups**

#### **General situation – Prior to the March 2004 Riots**

**K.6.61.** According to the Europa Regional Survey of Central and South-eastern Europe, 5th edition, 2005, ethnic Albanians make up approximately 90% of the population of Kosovo. The remaining 10% are made up of various minorities including ethnic Serbs, Roma, Ashkaelia, Egyptians, Bosniaks, Gorani, Croats and Turks. Following the war, there was a very high level of violence directed at Serbs, Roma and other ethnic minorities, who were seen as having collaborated with the Yugoslav oppression. Most of the perpetrators were ethnic Albanians seeking revenge or pursuing the aim of a wholly Albanian state. Large numbers of the Serbs and Roma communities fled from Kosovo. Those who remained are mostly concentrated in mono-ethnic areas. [1a](p.537)

**K.6.62.** Prior to the March 2004 riots, according to the US State Department Report for 2003, "Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkaeli, Gorani, and some Roma, reported that their security situation improved during the year, although incidents of violence and harassment continued

to occur and their freedom of movement was restricted in some areas.” [2c](p.38,9)The UNHCR however maintained their position with regard to the situation of ethnic minorities in Kosovo, principally in their update paper of January 2003.[17g]

“UNHCR’s position remains that members of all minority groups, particularly Serbs, Roma, Ashkaelia, Egyptians as well as Bosniaks and Goranis should continue to benefit from international protection in countries of asylum. Induced or forced return movements jeopardize the highly delicate ethnic balance and may contribute to increasing the potential for new inter-ethnic clashes.” [17n](p.3)

**K.6.63.** The UNHCR sees the situation of ethnic minority groups over 2003 and 2004 in two distinct periods (characterised as such within the position papers): of January 2003 - 15 March 2004 [18f](part 2, p.8-30), and of after the March 2004 riots [18f](part 3, p.31-47). The first period the UNHCR characterised as of being dominated by a sense of insecurity:

“A sense of insecurity was prevalent among many members of all minority communities and was susceptible to aggravation depending on sporadic security incidents.... This sense of insecurity was often perpetuated by the ineffectiveness or sometimes even inaction of the police forces. Almost one out of ten reported incidents was closed because of lack of evidence. Roughly one third of the reported incidents were still under investigation or “inactive”.... The low level of resolved cases may also be attributed to the lack of institutional safeguards for follow-up on these crimes.... Many incidents, often small-scale harassment, but also physical assaults, continued to go unreported.” [18f](p.6)

**K.6.64.** The UNHCR were also of the opinion that, over 2003 and early 2004, some ethnic minority groups were increasing their trust in the police agencies:

“However, before the riots of 15-19 March 2004, an increase in the level of confidence towards law enforcement authorities could be observed among minorities compared to earlier reporting periods, varying slightly between region and ethnicity. Generally, Kosovo Bosniaks had greater trust in the police than members of the Roma, Ashkaelia or Egyptian communities.” [18f](p.7)

### **General situation – After the March 2004 Riots**

**K.6.65.** In the period after the March 2004 riots, the UNHCR reiterated the position of a continuing need for international protection, in the August 2004 statement ‘UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo’, stating:

“The overall security situation which existed in Kosovo prior to the March 2004 violence had prompted UNHCR to maintain its position that there is a continued need for international protection for members of minority communities.... The sudden and unexpected surge of inter-ethnic violence in March, its rapid spread to all regions of Kosovo, the

seemingly specific and coordinated choice of victims/targets as well as the inadequate and initially slow response of the security agencies, have left all minority communities living in Kosovo with a heightened sense of fear and vulnerability. In addition to further limiting their freedom of movement and access to basic rights and services, these events have led to a substantial deterioration in the way the minorities perceive and experience their security and their continued sustainability. Together with the persistent volatility of the security environment, these factors need to be given due weight when adjudicating asylum claims of persons from Kosovo.” [18g](p.7)

**K.6.66.** The UNHCR reiterated its position regarding the return of members of ethnic minorities to Kosovo in an updated Position Paper ‘On the Continued International Protection Needs of Individuals from Kosovo’, dated 13 August 2004, stating:

“UNHCR therefore maintains its position that members of the Serb, Roma, Ashkaelia and Egyptian communities should continue to benefit from international protection in countries of asylum. Return of these minorities should take place on a strictly voluntary basis, deriving from fully informed individual decisions. Along with Kosovo Albanians originating from areas where they are now are in a minority situation, they should not be forced or compelled to return to Kosovo. There are also certain categories of the population, whether belonging to the majority or minority communities, who may face serious protection related problems, including physical danger, were they to return home at this stage. This category also includes members of Bosniak and Gorani communities.” [18g](p.2)

**K.6.67.** The USSD report for 2004’s summary is as follows:-

“Although UNMIK regulations and the Constitutional Framework protect ethnic minorities, in practice, Kosovo's most serious human rights problem was pervasive social discrimination and harassment against members of minority communities, particularly Serbs but also Roma, Ashkali, and Egyptians, with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights. Violence and property crime directed at Kosovo's minorities remained serious problems.” [2a](p.32)

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## Action to improve the position of ethnic minorities

**K.6.68.** According to the UNHCR and the OSCE, UNMIK and the Provisional Institutions of Self Government (PISG) (including the Kosovo Assembly) continue to seek to improve the position of ethnic minorities, but the tenth assessment of March 2003 notes that lack of confidence in the justice system and the paralleling of institutions by the Serb population has hampered progress. [18d](p5,6,33)

**K.6.69.** Since the March 2004 riots, UNMIK has initiated a number of reviews of practices to ensure ethnic minorities' rights in Kosovo. The OSCE / UNMIK report, 'Human Rights Challenges Following the March Riots', of May 2004 outlined concern over the future security of ethnic minorities, noting that policing was in a transitional phase, with the development of the Kosovo Police Service (KPS) as eventual primary policing agency, and the need for the OSCE Mission in Kosovo (OMiK) to rigorously monitor the KPS's progress. [15c](p.6-9) Likewise the monitoring of access to justice [15c](p.10-11); the operation of the legal system [15c](p.12-14); and to all amenities [15c](p.21-25) property rights, including the reconstruction of the property destroyed or damaged in the March 2004 riots, were a key indication of restitution and recovery, by dealing with the newly displaced and recovering progress made in the previous five years. [15c](p.15-20) However, the report acknowledged:

“As noted above [in the OSCE / UNMIK report], reconstruction assistance does not alone fulfil the government's obligations towards the displaced, particularly in cases where it is determined that the displaced are *unable* [emphasis in original text] to return. When conditions are such that return is impractical or impossible, responsible authorities may have additional obligations to provide assistance, or possibly compensation, aside from or in lieu of reconstruction assistance.” [15c](p.18)

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## Returns

**K.6.70.** To quote the Secretary General's Report to the UN Security Council, dated 30 July 2004, at section 33:

“The impact of the March violence on the returns process was profound. The already limited trust between communities was gravely shaken, and security concerns within ethnic communities multiplied. At a practical level, the violence delayed organized returns efforts by at least three months: work scheduled to begin in March began to move forward only in June. This has effectively cut short the returns season and significantly limited the possibility of 'follow-on' returns. The March violence had particularly devastating consequences in urban areas, which were a central focus for returns efforts this year.” [15m](p.9-10)

**K.6.71.** In the report to the UN Security Council published 14 February 2005, the following figures were given:-

“Only 2,302 persons displaced since 1999 returned to Kosovo during 2004, a decline of 40 per cent compared to 2003, which was largely attributable to the March violence; 1,864 people remain displaced since the March violence.” [15o] (p.14,s.45)

**K.6.72.** The Ombudperson Institution for Kosovo’s Fourth Annual Report, published July 2004, makes the following observation with regards to enclaves:

“The confinement of the above persons [members of non-Albanian ethnic communities] to restricted areas has far-reaching practical implications such as extremely limited access to employment, education and to most other aspects of normal life. At the same time, Serbian enclaves often do not have sufficient means of communication, ordinary forms of communication such as a proper postal service or telephone lines are often non-existent or interrupted.” [6b](p.18)

**K.6.73.** The UNHCR, in its update on the situation of ethnic minorities last reported on in January 2003 (the update was issued June 2004 and published 13 August 2004) included the following by way of introduction:

“Increased forced minority returns from Western Europe in 2003 and the first few months of 2004 continued to challenge the position held by UNHCR on the situation of ethnic minority groups. This has prompted UNHCR to enhance its minority returnee monitoring mechanism and capacity in all five regions in order to cope with increased voluntary and involuntary returnees and above all to monitor any evolving situation and conditions of minorities. The intensive returnee monitoring exercise which was conducted at the end of 2003 followed the same methodology as the previous year.” [18f](p.3)

**K.6.74.** In the report to the UN Security Council published 14 February 2005, it was announced that the UN had created a Ministry of Returns and Communities:-

“A Ministry of Returns and Communities has been established (a priority) to assume responsibility for returns within all communities (a priority). Terms of reference are being finalized. A steering committee will elaborate modalities and staffing plans (both priorities). The Government has decided to assign the ministerial position to a representative of the Kosovo Serbs (none has been nominated by the Kosovo Serb parties). Two deputy Ministers have been appointed (one Kosovo Albanian and one Egyptian). Seven municipalities have municipal returns strategies (a priority) endorsed by municipal working groups; 16 returns strategies are in preparation: six have not been started. Twenty-two municipalities have municipal returns officers.” [15o](p.13, s. 40)

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## Serbs

**K.6.75.** See also general sections on ethnic minorities above, which contain information relating to Serbs.

**K.6.76.** Ethnic Serbs have been the principal targets for ethnically motivated attacks. As the UNHCR June 2004 Update expresses the situation: “Kosovo Serbs remained the primary targets of inter-ethnic violence, not only in terms of the number of incidents or victims, but also in terms of the severity and cruelty of the crime.” [18f](p.5) The US State Department Report for 2003 recounts that of the 72 murders in Kosovo during 2003, 13 were of Serbs, with 7 held to ethnically motivated. [2c] (p.38) The UNHCR Update of June 2004, published August 2004, adds:

“Although the period between January 2003 and March 2004 saw further decline in the number of security incidents victimizing Roma, Ashkaelia, Egyptian, Bosniak and Gorani minorities in Kosovo, as compared to the previous reporting period covering April to October 2002, this positive trend was shattered by several high profile killings of Kosovo Serbs during the second [half] of 2003 and at the beginning of the year 2004. Subsequently, while the overall number of security incidents targeting minorities decreased, the reporting period saw an increase in violent/severe crimes victimizing Kosovo Serbs, compared to 2002.” [18f](p.5)

“During 2002 only five Serbs were murdered, compared to 12 from January to November 2003.... As a comparision, while the number of killed Serbs more than doubled, the total number of [all persons] killed remained at the same level.” [18f](p.5)(footnote 2)

**K.6.77.** The USSD report for 2004 states the following, regarding the murder and attempted murder of Serbs in 2004:-

“Approximately 62 killings occurred during the year, including 20 deaths as a result of the March [2004] violence; 11 of the victims were Serbs, including 8 during the March riots. Outside of the March riots, Kosovo Serbs were victims of three killings, three attempted killings, and one serious attack, including the following: The double killing in Lipljan on February 19 [2004], the attempted killing of a teenager in Caglavica on March 15 [2004], the killing of teenager Dmitry Popovic in Gracanica on May 6 [2004], the attempted killing in Zubin Potok on May 27 [2004], the explosive attack on a Kosovo Serb family working in a Vitina/Viti field on June 10 [2004], and the attempted killing in Lipljan on October 1 [2004].” [2a](p.32)

**K.6.78.** According to the UNHCR in their letter of the 30 March 2004 stating their position on the consequences of the violence, the Serbs were the prime targets of the majority of attacks by the Albanian mobs.[17n](p.2) According to the Serbian Government Intelligence Service website, in a number of known hot spots, they resisted and/or exacerbated the violence (Mitrovica, Caglavica): however, in other locations, they were in danger and (in the main) under direct protection from the

security forces. [80c] According to the Secretary General's report to the Security Council, 30 April 2004, attacks on Kosovo Serbs occurred throughout Kosovo and involved primarily established communities that had remained in Kosovo in 1999 (Gracanica, Mitrovica), as well as a small number of sites of recent returns (for instance, Pristina, Belo Polje near Pec, and Vucitrn). [151](p.1)

**K.6.79.** The Serbian Government Intelligence Service website gives area by area accounts of the March 2004 incidents: Serbs were expelled from the following places and are currently living under KFOR protection or relocated to Gracanica or Laplje Selo: Pristina (about 250 expelled); Obilic (about 1,500 expelled); Kosovo Polje (as many as 2000 expelled); Svinjare (120 expelled); Prizren (60 expelled); Pec (about 1,000 expelled) – a maximal approximate total of 4,930 Serb IDPs. [80c] This number is similar to the stated figure of 4,500 in the ICG report *Collapse in Kosovo* (April 2004). [69c](p.1) UNMIK has different figures, with the SRSG stating in his quarterly report to the UN Security Council in April 2004, that of the 4,100 minority community members who were displaced by the 17 – 19 March violence, 82 percent were Kosovo Serbs; the majority of the 4,100 fleeing came from Pristina and southern Mitrovica regions (42% and 40% respectively). [151](p.6) The UNHCR, in March 2004, from the amount of assistance that they provided after the violence to IDPs and refugees, confirmed 3,200 cases very quickly after the violence. [171]

**K.6.80.** Previous to the March 2004 riots, according to the UNHCR in their finding published in January 2003, many remaining Serbs, most of whom are elderly and alone, were subject to verbal and physical harassment; in some areas in January 2003, they relied upon 24-hour protection provided by KFOR. [171](p.3) The UNHCR concluded in January 2003 that, "These factors create an environment in which the Kosovo Serbs' perception of being under threat on an on-going basis is well founded." [171](p.3) In June 2004, the UNHCR noted that, before March 2004, "Apart from these most severe incidents [a cataloging of murders], Serbs were often victims of physical assaults and attacks against their property, such as arson or use of explosives. ... During the month of June 2003, an increasing trend of pelting stones on Kosovo Serbian owned houses and at pedestrians was noted. Numerous stone throwing incidents go unreported, as do low level harassment." [181](p.20)

**K.6.81.** In general, the situation before the March 2004 for Serbs, as outlined by the UNHCR in June 2004 Update, had a destabilising effect:

"Severe security incidents often had a destabilizing effect in the affected area or region and easily tipped the crucial balance as they often create a period of unrest by triggering off (smaller) 'counter-offences' aggravating the sense of insecurity among the respective communities. Sometimes they led to departures from the affected village or region, or, resulted in return-related activities in the area being put on hold."  
[181](p.18)

**K.6.82.** The situation of Serbs after the March 2004 riots is one of continuing uncertainty and fear, according to the UNHCR in their June 2004 Update. [181](p.41) General points made by the UNHCR include:

“Most of the recently displaced Serbs have been staying in Serb enclaves. Further security incidents since March 2004 in mixed areas manifest how precarious the security conditions remain.... As a result of the continuing volatile security, freedom of movement has significantly decreased particularly in the regions of Pristine/Pristina and Mitrovice/a, and notably with regard to movements to ethnically mixed areas (as opposed to movements within enclaves).” [18f](p.41)

**K.6.83.** The UNHCR in the same update refer to the situation of Serbs in Pristina, Gnjilane, Prizren, Pec and Mitrovica (and notably not in the Serb-dominated Municipalities of Leposavic, Zvecan, and Zubin Potok) as areas where previous freedom of movement outside enclaves / mono-ethnic communities had ceased and has essentially not resumed, with the exception of some KFOR escorted bus shuttle services. [18f](p.42-45)

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### **Roma ( and Ashkaelia and Egyptians)**

**K.6.84.** See also general sections on ethnic minorities above, which contain information relating to Roma, Ashkaelia and Egyptians (RAE). For a treatment that places Kosovo RAE within a wider Roma context, see the March 2003 ‘Social Research article, Who are the Roma? An identity in the making’, [87b]

**K.6.85.** Kosovo Roma have been targeted as a group because they are seen as having collaborated with Serb mistreatment of ethnic Albanians during the conflict. Allegations that some Roma took part in criminal acts with Yugoslav forces or opportunistic looting have blackened the name of others. According to UNHCR figures of 2002, quoted in the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights, approximately 25,000 fled from Kosovo to Serbia, Montenegro or Macedonia and those who remain tended to move to Roma enclaves. [82a](p30)

**K.6.86.** Roma are not a homogenous or cohesive group – they are made up of various groups with different allegiances, linguistic and religious traditions, according to the ninth assessment of OSCE / UNHCR (May 2002); most have a settled rather than nomadic lifestyle. [18c](p.58) According to an article in *Sociology*, February 2003, the nomadic nature of Roma is held by many academic sociologists to be misunderstood, particularly within the asylum / trans-border migration process: studies of this misidentification in the Italian system shows that policy can be clouded by questions of settlement, with perceived “nomads” needing to achieve a higher threshold in relation to the need of protection than “settled” Roma. As nomadic Roma are few within the Kosovan scenario this is held to be iniquitous. [87a]

**K.6.87.** Although usually categorised together, Roma are distinct from the groups known as Ashkaelia or Egyptians. The following explanation of these groups is taken from the ninth UNHCR / OSCE assessment of the situation of ethnic minorities in Kosovo, dated May 2002. [18c] (p.58ff)

**K.6.88.** “Ethnic identification as Roma, Ashkaelia or Egyptian is not necessarily determined by easily discernible or distinct characteristics or cultural traits, but rather by a process of self-identification. It is not uncommon in Kosovo for individuals to change their ethnic self-identification depending on the pressures of local circumstances, especially when it is necessary in order to distance themselves from other groups to avoid negative associations. In general, however, ethnic **Roma** clearly identify themselves as Roma and tend to use Romany as their mother tongue, although a large percentage of the Roma population can speak Serbian (and to a lesser extent Albanian) languages.” (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

**K.6.89.** Other sources, notably the Blue Guide to Albania and Kosovo, indicate that the Kosovo **Roma** group is small, compared with Roma aligned with either Serb or other minorities. It concurs with the UNHCR / OSCE assessment that Kosovo Roma do clearly indicate that they are Roma as distinct from other groups, and that not all groups called *Maxhupet* (Albanian term for “Gypsies”) (see below) call themselves Roma:

“Only one group identifies as ethnic Roma, while other groups have a variety of identity affiliations. The former use Romani as their mother tongue, and also speak Albanian and Serbian.” (Blue Guide) [84a](p.105)

**K.6.90.** “The **Ashkaelia** are Albanian-speaking (although many can also communicate in Serbian language) and have historically associated themselves with Albanians, living close to that community. Nevertheless, Albanians treat them as separate from the Albanian community. Like the Ashkaelia, the **Egyptians** speak Albanian language but differentiate themselves from Ashkaelia by claiming to have originated from Egypt.” (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

**K.6.91.** “It should be noted that, on the local community level, Albanians do not generally perceive the differences between the three groups, more often viewing Roma, Ashkaelia and Egyptians as one group. It should also be noted that the separations and distinctions between Roma, Ashkaelia and Egyptian vary between regions, and in some regions (Peja/Peć, for example), the Roma and Egyptian populations live in the same geographic areas, without much distinction between them on a day-to-day basis. In other areas or regions, the distinctions between the groups (including the geographic locations where they tend to live as well as their actual or perceived levels of integration with either the Albanian or Serb population) may be much more pronounced.” (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

**K.6.92.** Further information, from a Germany-based Roma support group website, undated but circa 2003, indicates that ethnic Albanians see all RAE as 'Madschup' alt. 'Maxhupet', a derogatory term which roughly equates to 'Gypsies'. The source further suggests that treatment of Roma by the majority population depend on the state of Serb / Albanian tensions at that time and in that place. [185a]

**K.6.93.** The security position for Roma, Ashkaelia and Egyptian (RAE) communities varies according to perceptions of the majority population, locality and language issues, according to the UNHCR / OSCE ninth assessment of January 2003: "This [a then trend towards greater security and freedom for Roma] should be qualified by underlining the fact that the trend is marked by variations between Roma, Ashkaelia and Egyptian communities depending upon the perceptions of the majority population, locality, and language issues." [18c](p.58) UNHCR and OSCE (both in January 2003 reports) state that the ability to speak fluent Albanian is likely to be a factor in the degree to which RAE are able to integrate with the majority community. [17g](p.3) [18c](p.58) This is qualified by the UNHCR / OSCE ninth report (January 2003): "Further, the ability to speak Albanian fluently may mitigate against random attacks, but even then only to a degree, as it will not safeguard against committed assailants who want to cause harm for reasons based on the person's ethnic background." [18c](p.58) The UNHCR also adds in its January 2003 report: "In addition to the general discrimination against the Roma and Ashkaelia, former or current links to Kosovo Serbs or Kosovo Albanians and their language orientation continue to influence their security and freedom of movement, particularly in Prishtine/Pristina and Gjilan/Gjilane regions." [17g](p.3)

**K.6.94.** According to the OSCE mission to Kosovo, in the ninth assessment of May 2002, large numbers of Roma are still living in collective centres or IDP camps in poor conditions. The fact that they choose to stay in these centres suggests that they remain concerned about the security situation in their areas of origin or do not have adequate possibilities for accommodation there. [18c](p.59)

**K.6.95.** The UNHCR / OSCE ninth assessment (January 2003) [18c] and the UNHCR in their April 2002 report [17e] maintained that the potential for violence remains and there had been several incidents of assault, attempted murder and arson, grenade and bomb attacks on Roma property in 2002. Such incidents have often occurred after long periods of relative calm. [18c] (p.3,10) Although not all incidents were directly ethnically motivated, Roma were seen as an easy target for general crime and while the security situation for RAEs had improved in 2002/3, it was still precarious. [17e](p.4) Since the ethnic clashes of March 2004, reports have started to emerge indicating the Roma have been directly affected by the violence: in the Minority Rights Group (MRG) news report of 29 March 2004, the MRG gave the example of Roma in Gjilane, as follows:

"In Gjilane, one of Kosovo's major towns, Roma allege that their houses were attacked and some burned by organized groups from 17-20 March [2004]. According to eye-witness accounts, none of the security forces charged with their protection (the Kosovan and UN police and KFOR, the international peace-

keeping force), provided assistance until 20 March, although Roma report that they were helped by some of their Albanian neighbours.” [37a](p.1)

**K.6.96.** One of the main incidents involving RAE reported widely in the analyses of the March 2004 riots was the case of the Ashkaelia community in Vushtrri/Vucitrn. According to the European Roma Rights Center (ERRC), in their photo-report of 30 March 2004, in Vushtrri/Vucitrn, 260 Ashkaelia were left homeless as two Ashkaelia neighbourhoods were burnt down by ethnic Albanian mobs. [26e]The Roma and Serb populations of Vucitrn had been driven away previously in 1999. [26e]The Ashkaelia are currently under KFOR protection in the French KFOR camp near Novo Selo. [26e]The ERRC published photographs of the destruction of one of the two Ashkaelia neighbourhoods. [26e] The UNHCR were particularly concerned in August 2004, in their Position Paper, about the Vucitrn attacks, as the Ashkaelia community had been reassembled from Ashkaelia IDPs, and the community was in nature part-integrated, part-returnee; concluding:

“The March 2004 events demonstrate that, Vushtrri/Vucitrn being a case in point, the existence of return movements (whether spontaneous, facilitated or organized) does not necessarily or immediately reflect a substantial improvement in their security situation in general. In view of this, all three communities continue to feel threatened for well-founded reasons.” [18g](p.4,5)

**K.6.97.** In the main, since March 2004, the overall situation for the RAE communities, according to the UNHCR Update paper of June 2004, has been one of gradual resumption to the relative levels of minority rights held before the Violence. [18f](p.41.) The report does however conclude: “Overall the Roma, Ashkaelia and Egyptian communities have lost confidence towards law enforcement authorities while in some areas (for example in Pejë/Pec), they acknowledge the positive role played by certain local (majority) authorities.” [18f](p.41.)

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### **Bosniaks (Muslim Slavs)**

**K.6.98.** See also general sections on ethnic minorities above, which contain information relating to Bosniaks.

**K.6.99.** According to the OSCE Fourth Joint Report, published 15 February 2000, this group consists of Serb speaking Slavs who are associated with the ‘Muslim nationality’ created within the former Socialist Federal Republic of Yugoslavia. Their remaining population is estimated at about 35,000. Although many describe themselves as Bosniaks, this does not necessarily mean that they, nor their ancestors, came from Bosnia, but rather that Bosnians are seen as successors to the old Muslim nationality group. In reality, these communities originate from a variety of regions, including modern-day Bosnia, Sandzak and even Macedonia. Although some are dispersed within towns, most live in predominantly Muslim villages. Within the Muslim community, there is a distinct group known as the



Torbesh / Torbesi found mainly in Prizren and Orahovac/Rahovec areas. [18e](p.33)

**K.6.100.** The UNHCR reports explain that in the aftermath of the Kosovo conflict, Bosniaks were closely associated with Serbs because of their shared language and culture. As a result they suffered violent attacks, harassment and discrimination. Since that time, and according to the UNHCR in January 2003, the risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2)

**K.6.101.** According to the UNHCR's assessment of January 2003, the situation for Bosniaks in south Mitrovica is difficult. The community has fallen to around 2000 people, and is scattered throughout both north and south Mitrovica: "In the south, the use of language is still a large risk factor that can result in harassment, intimidation and even physical assault. In the north, the tense and unstable situation makes Bosniaks vulnerable when the political situation deteriorates." [17g](p.20) In Pristina, there are slow improvements for Bosniaks in freedom of movement and the use of their language in Albanian shops. [17g](p.18) However, the small Bosniak community in Pristina remains isolated, and the Bosniak community is drifting away in the face of the unlikelihood of improved prospects. [17g](p.18) In Kosovo generally, in the words of the UNHCR January 2003 report, "One consequence of such conditions has been the discrete but steady departure of Bosniak families from Kosovo." [17f](p.2)

**K.6.102.** The UNHCR Update to the January 2003 report, published in June 2004, noted that though the Bosniak communities had not been directly affected by the March 2004 riots, the communities were unsettled and it had increased a migratory flow out of Kosovo. [18f](p.38) During the violence, in Mitrovica town, families moved away from their homes; some went to the Serb enclave, some left for the northern municipalities, some went from north to south of the city. [18f](p.38) Many returned to their homes after the March 2004 riots. [18f](p.46)

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## Gorani

**K.6.103.** See also general sections on ethnic minorities above, which contain information relating to Gorani.

**K.6.104.** According to information from the OSCE Fourth Joint Report, published 15 February 2000, the Gorani community consists of Muslim Slavs akin to the Bosniaks, and experience similar difficulties. The Gorani are a distinct group from Bosniaks, with their own language, though like Bosniak language this is similar to Serbian. The overall Gorani population is estimated at 10,000 - 12,000, most of whom live in the Gora region of Kosovo, though there are small communities in Pristina and Mitrovica also. The Gora region comprises 18 geographically linked villages within Dragash municipality inhabited by Gorani. The region was largely unaffected by the conflict in terms of damage to housing. [18b](p.33, para. 127)

**K.6.105.** Information published by the UNHCR in January 2003 has supplemented that, as with Bosniaks, Gorani have been closely associated with Serbs because of

their shared language and culture and have suffered violent attacks, harassment and discrimination. The risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2) The UNHCR June 2004 Update, reiterates this point, stating: "The level of freedom of movement was affected by their command of the Albanian language, rather than by the actual security situation. While Kosovo Gorani exercised unlimited freedom of movement in the Gora region, the majority of the community was still reluctant to move beyond Prizren town." [18f](p.28)

**K.6.106.** Until March 2004, according to the UNHCR in their report of January 2003, there had also been significant improvements in freedom of movement and the ability to use their own language, particularly in the Prizren region. [17g](p.21) Gorani, the UNHCR reported in the January 2003 report, are likely to be at greater risk of harassment and intimidation in some other areas of Kosovo, such as Ferizaj / Urosevac. [17f](p.22) According to the UNHCR / OSCE mission report of March 2003, approximately half the KPS officers in Dragash are Gorani. [18d](p.15)

**K.6.107.** Amnesty International (AI) differs in its assessment (May 2003 report) of the Gorani's situation, referring to allegations of harassment by members of the KPS. AI contends that, "The population continues to decline in the face of continued human rights abuses and lack of freedom of movement, compounded by a trend towards rural depopulation." [31](p.5)

**K.6.108.** During and after the March 2004 riots, the Bosniak and Gorani communities were unsettled rather than directly targeted, with UNHCR June 2004 Update reporting: "Whereas Gorani and Bosniaks were not directly targeted, in some locations they felt that as a minority they may come under attack and thus opted for precautionary movements to safer places." [18f](p.38) In the event most returned to their undamaged homes a few days later. [18f](p.32,38,46) The UNHCR June 2004 Update concludes, however, "Likewise all other ethnic minorities in Kosovo, the Bosniaks and the Gorani have now an increased level of fear and their confidence in existing security systems has been subject to the same erosion as other groups." [18f](p.46)

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## Turks

**K.6.109.** The long established Turkish community continues to use Turkish as its mother tongue, though most members also speak Albanian and Serbo-Croat, according to the OSCE/UNHCR eighth assessment of September 2001. [18b](p.44) Amnesty International states an estimated 12,000 Turks live in the Prizren municipality, with 5,000 in the Prizren *mahala* of Mamusa/Mamushe. [31](p.6) Of all the minorities in Kosovo, they are considered the most integrated with the majority population, according to the AI report and the OSCE/UNHCR eighth assessment. [31](p.6)[18b](p.44) They are politically organised, represented mainly by the Turkish Democratic Union and have access to primary and secondary education in the mother tongue. [18b](p.44) OSCE / UNHCR notes in their tenth assessment, March 2003, that the Turkish community sees the presence of Turkish officers in the KPS

as a confidence-building development. [18d](p.15)

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## **Croats**

**K.6.110.** The OSCE Ninth Joint Report, published 27 May 2002 indicates that Kosovo Croats were then mostly concentrated in Janjeve/Janjevo (Lipjan /Lepljan), where there were about 340, and Letnicë / Letnica (Viti / Vitina), where only about 60 remained. Those who remained inhabited a number of mixed ethnicity villages and generally were held to have good relations with the ethnic Albanian populations and did not experience any significant security problems. [18c](p.62) In May 2003, the Amnesty International report concurred, stating “Supported by relatives and the Croatian Catholic church, they face few security problems, although thefts and drive-by shootings targeting agricultural assets were reported in 2001.” [31](p.7) However, according to the OSCE / UNHCR ninth assessment, when Croats travel to other parts of Kosovo they may face similar difficulties as other non-Albanian speaking minorities, with some restrictions on freedom of movement and ability to access services. [18c](p.62)

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## **Mixed ethnicity**

**K.6.111.** According to the UNHCR in March 2001, people in mixed marriages with people from ethnic minorities or children from such families may face similar difficulties as those groups. Unlike other minority groups, mixed families may be excluded from all communities and may be unable to resort to the relative security of mono-ethnic enclaves.[17b](p9.) The UNHCR in April 2002 advised against the forced return of such people: [17e](p2.) The UNHCR Position Paper of August 2004 reiterated the UNHCR’s position on the protection recommended to Kosovans of mixed ethnicity. [18g](p.6)

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## **Women**

**K.6.112.** The US State Department Report for 2004 states,

“Violence against women, including rape and a high level of domestic violence and spousal abuse, remained a serious and persistent problem. ... Domestic abuse of women was common, and legal allegations and prosecutions involving domestic violence increased for the second year.” [2a](p.27)

**K.6.113.** The USSD report for 2003 reports that in May 2003, UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence while setting up conditions for victim's protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders." [2c](p.35) The result was, again according to the USSD report for 2003, an increase in complaint and prosecution: "This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions." [2c](p.35) The USSD for 2004 updates, stating "UNMIK regulations prohibit domestic violence and carry prison terms of 6 months to 5 years. Several court orders were issued during the year to protect victims of domestic violence." [2a](p.27)

**K.6.114.** The USSD for 2004 gave information regarding the institutional structures to combat domestic violence: "UNMIK DOJ Victim Advocacy and Assistance Unit (VAAU) victim advocates were involved in 765 domestic violence cases ... The KPS School included special training segments on domestic violence and rape in its curriculum." [2a](p.27)

**K.6.115.** According to the US State Department Report for 2003, "Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape is not specifically addressed by law." [2c](p.35) However, the USSD report for 2004 puts the under-reporting into the context of new legislative powers:-

"UNMIK regulations criminalize rape. On April 6, a new criminal code was implemented, including a comprehensive chapter with increased punishments for rape and sexual assaults; however, spousal rape was not specifically addressed. Rape was underreported significantly due to the cultural stigma attached to victims and their families. According to UNMIK, victim advocates provided services to victims in 31 cases of rape. During the year, courts processed 42 cases of rape resulting in 52 convictions, some cases involving multiple defendants." [2a](p.27)

**K.6.116.** The US State Department Report for 2004 notes that women have the same legal rights as men. However, societally, there are areas where tradition still dominates, as the USSD 2004 states:

"Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While women and men have equal rights to inherit property under Kosovo law, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family." [2a](p.27)

**K.6.117.** In major towns, the presence of UNMIK and many NGOs has opened a

large number of jobs previously unavailable to women, according to the US State Department Report for 2003. [2c](p.35) The USSD for 2004 gives further detail about women's employment situation in Kosovo:-

“UNMIK police and the OSCE continued an outreach campaign to recruit women for the KPS, in which they made up 15 percent of KPS membership. However, only approximately 77 out of 3,000 active duty KPC members were women (3 percent). Women continued to be active in politics, and several women served as heads of domestic NGOs. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, and very few rose to senior levels, including in the KPS or other government organizations.” [2a](p.28)

**K.6.118.** The Secretary General's report to the UN Security Council of October 2001 outlined the following gender representative mechanisms: UNMIK has determined that one third of candidates for the central elections should be women. Through the Office of Gender Affairs, UNMIK supports women representatives who are not currently in decision-making positions to make them part of the process by which legislation and policy are reviewed. The Office of Gender Affairs is also working to address concerns that women minority groups have insufficient access to employment, education, and medical facilities because of lack of freedom of movement. [15d](p8)

**K.6.119.** As noted in the United States State Department report for 2004, Kosovo is a destination and transit point for trafficking of women for prostitution. [2a](p.27) The sex industry in Kosovo itself has also grown considerably in the post conflict years, according to the Balkan Crisis Report (dated 13 September 2002). [43m] The USSD for 2004 reported:-

“Increased awareness of trafficking led to considerable progress on victim protection. UNMIK regulations provided a defense for victims of trafficking against criminal charges of prostitution and illegal border crossing; however, a few local judges sometimes incorrectly sentenced trafficking victims to jail. Some local judges wrongly issued deportation orders against women convicted of prostitution or lack of documents; however, UNMIK did not enforce such deportation orders. Victims who did not accept assistance from the IOM were released but were subject to rearrest, short jail sentences, and deportation if they continued to work as prostitutes.” [2a](p.30)

**K.6.120.** The Bolderson /Simpson Report includes the following details regarding the organisation and work of CPWC:-

“The Centre is currently funded by Novib (a Dutch NGO), the Organisation for Security and Co-operation in Europe (OSCE) (for anti-trafficking work) Christian Aid (London) and KtK (Sweden) until 2005. It is located in Pristine and covers, and has satellite stations in,

Mitrovice, Skenderaj, Peje, Malisheve, Gjakove, Rehovec, Therande, Kacanik, and Decan. It also has two shelters and day centres in undisclosed locations. There is a total staff of 45 women that includes doctors, social workers, lawyers and psychotherapeutic workers.” [38a](p.36)

“The work focuses on providing services for women and children who have been subjected to violence, trafficking, or forced prostitution [,] many of whom are likely to experience post-traumatic stress or mental health problems. The services include gynaecological treatment, psychological counselling, psychotherapy in group and individual sessions, occupational therapy and courses on computer learning and web browsing.” [38a](p.36)

“In 2002, 5361 cases of women and children who had been subjected to violence were identified (CPWC 2003, p.9). The number has increased greatly over the last three years. Waiting lists are not run – people are seen as they present [sic] but raped women and domestic violence cases receive priority. There are no exclusions on grounds of ethnicity or religious affiliation. A new Centre is being planned in the Serb area of North Mitrovice.” [38a](p.36)

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## Children

**K.6.121.** The USSD for 2004 relates the following general information about state approaches to child welfare:-

“UNMIK and the PISG were generally committed to the welfare and rights of children. The Ministry of Education, Science, and Technology and the Ministry of Health shared responsibility for issues related to child education and health; however, no one in the government dealt specifically with the issue of children's rights. A new Juvenile Justice Code entered into effect on April 20 [2004].” [2a](p.28)

**K.6.122.** The USSD report for 2004 adds, regarding NGOs in child-related areas of activity and their coordination of efforts in Kosovo:-

“The Kosovo Child Rights Forum broadened its membership to include eight local and seven international NGOs during the year to address the gap in coordination among NGOs on children's issues. Save the Children initiated an advocacy project together with the local NGO, HANDIKOS, promoting rights of children with special needs. A Coordinator for Children's Rights was also appointed in the Prime Minister's Office of Good Governance and in the Ministry of Education.” [2a](p.29)

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## Child Care Arrangements

**K.6.123.** The United States State Department report for 2004, published 28 February 2005, states:-

“The Ministry of Labor and Social Welfare (MLSW) operated 31 centers for social welfare that assisted 1,200 orphans, 1,100 delinquent children, 50 abused children, and 120 children with behavioral problems during the year. The MLSW also managed foster homes and coordinated with NGOs to place children in the temporary shelters. High unemployment and family dislocation resulted in a high rate of child abandonment. Since the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were sometimes housed in group homes with few caretakers. Since the end of war in 1999, Kosovars reportedly have abandoned 450 children, largely due to poverty, low level of education, and unwanted or unplanned pregnancy. Children with disabilities were often hidden away without proper care, particularly in rural areas. Children and their families, mostly Serbs, remained displaced following the 1999 war, and additional families were displaced following the March riots.” [2a](p.28)

**K.6.124.** The Bolderson / Simpson Report, published by the Medical Foundation, January 2004, mentions within the context of children’s mental healthcare services, two organisations operating counselling services for children and families in Kosovo. The Counselling Centre for Children and parents, Ferizaj – which covers the municipalities of Ferizaj, Lipjan, Shtime, Shtërpce, Kaçanik and Viti [38a](p.37) ; and One to One counselling operating in Pec and Prizren. [38a](p.38,39)

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## Homosexuals

**K.6.125.** Until September 2002, according to a request made via the Kosovo Information Project to UNMIK, there were no recorded incidents of violence directed against homosexuals during the time since UNMIK has been in authority in the province. [27b] In September 2002, an article was published in the newspaper *Epoka E Re*, raising homosexuality as “dangerous ways and behaviour brought by the foreigners”, which purportedly stirred up traditional societal homophobic prejudice. [43a1] The article was implicated in a subsequent attack on three members of the Kosovo gay and lesbian association, according to a IWPR article published in May 2003. [43a1]

**K.6.126.** The USSD for 2004 states:-

“Traditional societal attitudes about homosexuality in Kosovo intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many

reporting threats to their personal safety. Kosovo print media reinforced these attitudes by publishing negative articles about homosexuality that characterized gays and lesbians as being mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. Kosovo's newly passed Antidiscrimination Law included protections against discrimination based on sexual orientation; however, the law was not applied during the year. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.” [2a](p.33, Section 5.)

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## **K.6c**      **Human rights - Other issues**

### **Kosovo Albanians from “minority” areas**

**K.6.127.** According to the OSCE Mission in Kosovo (OMiK) Municipality Profiles, there are some parts of Kosovo, particularly in the north of the province, where Serbs are in the majority and ethnic Albanians may be subject to harassment and persecution. These areas are outlined in the OSCE Municipality Profiles, updated 26 June 2004, to include the northern part of the town of Mitrovica – i.e. north of the river Ibar; the northern municipalities of Leposavic, Zvecan and Zubin Potok; and the southern municipality of Strpce. [39]

**K.6.128.** As noted in [para 5.33](#) above, security for ethnic Albanians in northern Mitrovica was enhanced in November 2002 when UNMIK established its administration in Mitrovica for the first time, with KFOR and UNMIK police assuming control of the bridge over the river Ibar, as reported to the UN Security Council in January 2003. [15i](p.4,5) A UNHCR news report dated August 2003 [17j] highlighted the development of small multi-ethnic neighbourhoods in the city, such as Kodra e Minatoreve / Mikronaselje, but such cooperative ventures have, by February 2004, had either stalled or broken down, and after the March Violence were no more.[17j]

**K.6.129.** The UNHCR reiterated their position in March 2004, in a letter directly to CIPU, regarding certain categories of ethnic Albanians seeking asylum abroad:

“When assessing refugee claims of Kosovo Albanians, it should be taken into consideration that there are certain categories of Kosovo Albanians who may face serious protection related problems, including physical danger, were they to return home at this time. These categories include Kosovo Albanians originating from areas where they constitute an ethnic minority, Kosovo Albanians in ethnically mixed marriages and persons of mixed ethnicity, and Kosovo Albanians perceived to have been associated with the Serbian regime after 1990.” [17n](p.3)

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## Traumatised individuals

**K.6.130.** The UNHCR Position Paper of August 2004 reiterated the UNHCR's position on the protection recommended to traumatised individual Kosovans, stating:

'special attention should also be given to claims from traumatized individuals who are able to invoke compelling reasons for refusing to return, particularly those who have been subjected to very serious persecution as well as victims of torture, survivors of sexual violence, or witnesses to crimes against humanity.' [18g](p.6)

**K.6.131.** The position paper further expands on this:

"Individuals in a particularly vulnerable situation may have special needs that should take into account in the context of return and particularly bearing in mind the inadequate standards of healthcare and social welfare institutions." [18g](p.7)

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## Landmines and Depleted Uranium

**K.6.132.** According to the US State Department Report for 2003, the task of clearing or marking all mines and unexploded ordnance (UXO) in Kosovo was reportedly completed by mid December 2001. However, UXO particularly NATO cluster bombs are still being found, with 3 fatalities and 16 people injured in 2003. [2c] (p.22-23) The USSD for 2004 added, "During the year, UXO or landmines killed 1 person and seriously injured 13, compared with 3 fatalities and 16 serious injuries in 2003. UXO, particularly the remains of NATO cluster bombs, was the main threat." [2a] (p.18, Section 1.a.)

**K.6.133.** There has been concern about the potential health risks of depleted uranium (DU) contamination in Kosovo. An UNMIK review of hospital records, dated 15 December 2000, found that the incidence of leukaemia had not risen over the past four years among adults in Kosovo. [15a](p12) Also, according to the US Department of Defense report of 25 October 2001, reports by the WHO, EC and United Nations Environment Programme concluded that the threat to public health and the environment from DU was minimal. [52a] However, the reports recommended that sites should be marked and children prevented from playing in the immediate area; that an information campaign (currently ongoing) should be mounted encourage public reporting of DU ammunition findings; that groundwater used for drinking should be monitored for contamination (none has been found to be contaminated thus far) and improved health data. [52a] Marking of DU sites, according to the US Department of Defense report of 25 October 2001, was underway with the situation being closely monitored. [52a]

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## **ANNEX A**

### **CHRONOLOGY OF EVENTS: January 2003 – 1 March 2005**

The main sources for this chronology are the BBC Country Timelines for Serbia and Montenegro and for Kosovo [8au] ; the Europa Regional Survey of Central and South-Eastern Europe, 5th edition, 2005. [1a] ; and the UK Foreign and Commonwealth Office website profiles for Serbia and Montenegro and for Kosovo (updated 25 July 2004) [11p][11q]

#### **2003**

**January 2003** Parliaments of Serbia and Montenegro vote to accept the Constitutional Charter for the new state of SaM. Former Serbia President Milutinovic surrenders to the Hague. Former Serbian security chief Markovic sentenced to seven years imprisonment for his role in assassination attempt on Vuk Draskovic in 1999. Former FARK Commander Tahir Zemaj is shot dead in Peja along with his son Enis and relative Hasan. Serb leaders form union of northern municipalities in Kosovo in order to strengthen links with Serbia.

**February 2003** On 4 February, Federal Assembly of FRY votes to replace FRY with new state union SaM. Kostunica loses his job as President of FRY, as country no longer exists. Members of Kosovo Assembly demand emergency session to “adopt declaration of Kosovo as an independent and sovereign state”, which Michael Steiner refuses. Djindjic warns of possibility of breakaway Serb state if Kosovo is given independence. Montenegro fails to elect a President for second time in 3 months as Vujanovic again wins a majority but the result is again invalidated by the low turnout. Serb nationalist Vojislav Seselj and three ex KLA members are indicted and held by ICTY. Djindjic survives an assassination attempt, when a lorry cut across his motorcade.

**March 2003** On 12 March, Djindjic is assassinated outside a government building in Belgrade. The Serbian government blames organised crime group, the “Zemun clan”, for the assassination. A State of Emergency is declared and Zoran Zivkovic, a colleague of Djindjic’s from the DS party appointed Prime Minister. Under the State of Emergency, the government has powers to ban political gatherings, impose controls on the media and arrest suspects without a warrant and hold them for 30 days without charge. In a large scale clampdown, over 2,000 suspects with links to Zemun and other criminal groups are held; 35 judges are sacked; and the Red Berets are disbanded. The body of former President of Serbia Ivan Stambolic is found and an arrest warrant for Milosevic’s wife Mira Markovic is issued in connection with his murder.

#### **April 2003**

EU governments including the UK support the crackdown on organised crime, which is seen as a necessary cleansing before Serbia can make further progress as a democratic country. SaM becomes a member of the Council of Europe on 3 April. The State of Emergency is lifted on 22 April.

#### **May 2003**

Filip Vujanovic elected President of Montenegro, after a third round of voting.

#### **June 2003**

Former Yugoslav Army colonel Veselin Slijivancanin arrested in Belgrade, deported to the Hague and pleads not guilty to involvement in the 1991 Vukovar massacres. His arrest sparks off clashes between Serb nationalists and the police. Two other officers arraigned on the same charges.

### **July 2003**

According to Europa, 5th edition, 2005, "25 July 2003: the UN secretary-General appointed a former Finnish Prime Minister, Harri Holkeri, as the new head of UNMIK in Kosovo, replacing Steiner."<sup>[1a]</sup>(p.532.) Llap Group members convicted and sentenced.

### **August 2003**

The murder of two Serb youths sparks off inter-community tension. On 7 August 2003, the BBC Serbian Army reforms including the sacking of 16 senior generals. <sup>[8v]</sup>

### **September 2003**

Milosevic indicted in Serbia for planning murder and attempted murder of political opponents, Stambolic and Draskovic, in 2000.

### **October 2003**

According to BBC Country Profile, Serbia and Montenegro, "First direct talks between Serbian and Kosovo Albanian leaders since 1999."<sup>[8au]</sup> (*Details above at K.4.6*)

### **November 2003**

Third attempt of elections to decide a president in Serbia fails to reach threshold necessary.

### **December 2003**

The Djindjic trial breaks down in disarray on 24 December 2003, as the defence lawyers walk out. (*Details above at S.5.19*) The 28 December 2003 elections in Serbia were held to be inconclusive, as the Serbian Radical Party (SRS) gained the largest share of the vote (27.7) for a single party but insufficient to form a minority government, and failed to attract a workable coalition. (*Details above at S.5.3-4*) According to BBC Country Profile, Kosovo, "UN sets out conditions for final status talks in 2005."<sup>[8au]</sup>

## **2004**

### **February 2004**

Serbian parliament abolishes the threshold turnout requirement for presidential elections, reverting to a simple majority model. Djindjic trial resumed, split into two separate hearings. (*Details above at S.5.19*)

### **March 2004**

Serbian Prime Minister Vojislav Kostunica introduces a new cabinet, as an anti-nationalist coalition assumes power, after the December 2003 parliamentary elections, relying upon the support of the Socialist Party. Djindjic trial witness murdered on 9 March 2003. Serbia's first major war crimes trial opens in Belgrade.

Pristina and Belgrade continue on 4 March 2004 dialogue talks begun in October 2003. A grenade is thrown at the residence of President Rugova on 12 March 2004. According to BBC Country Profile, Kosovo, “[17-19 March 2004] 19 people are killed in the worst clashes between Serbs and ethnic Albanians since 1999. The violence started in the divided town of Mitrovica.”<sup>[8au]</sup> (*Details above at K.4.8 ff.*)

#### **April 2004**

On 7 April 2004, the United Nations the introduction of two new Codes for Kosovo, the Provisional Criminal Code and the Provisional Criminal Procedure Code. <sup>[211]</sup> Three UNMIK prison officers killed in a prison shootout on 18 April 2004. (*Details above at K.5.44.*)

#### **May 2004**

According to BBC Country Profile, Serbia and Montenegro, “Prominent journalist and critic of Montenegrin government, Dusko Jovanovic, shot dead.”<sup>[8au]</sup> (*Details above at M.6.8*)

#### **June 2004**

According to BBC Country Profile, Serbia and Montenegro, “[28 June 2004] Democratic Party leader Boris Tadic elected Serbian president, defeating nationalist Tomislav Nikolic in run-off. Mr Tadic pledges to steer Serbia towards the EU.”<sup>[1]</sup> (*Details above at S.5.9*) Søren Jessen Petersen appointed on 16 June 2004 as the fifth Secretary General’s Special Representative (SGSR) in Kosovo, according to an announcement on the UNMIK website dated 16 June 2004. <sup>[19h]</sup> (*Details above at K*)

#### **July 2004**

Boris Tadic sworn in as Serbian president, on 11 July 2004.

#### **August 2004**

The Hungarian Government complains to the Serbian Government over delays in prosecutions in cases of ethnic Hungarians being attacked in Vojvodina province, according to Keesings News Digest for July / August 2004. <sup>[90a](p.46175)</sup> (*Details above at S.6.48.*)

#### **October 2004**

President Rugova's pro-independence Democratic League tops poll in general election, winning 47 seats in 120-seat parliament. Poll is boycotted by Serbs.

#### **December 2004**

Parliament re-elects President Rugova and elects former rebel commander Ramush Haradinaj as prime minister. Mr Haradinaj's party had entered into a coalition with the president's Democratic League.

### **2005**

#### **January 2005**

Ethnic Albanians protest after Serbian border guards shoot and kill ethnic Albanian youth illegally crossing border with Macedonia.

**February 2005**

Montenegrin leaders write to Serbian counterparts suggesting early end to union with Serbia and establishment of two independent republics. Serbian Prime Minister Vojislav Kostunica rejects suggestion.

Serbian President Boris Tadic visits, promises to defend rights of Serbs in Kosovo. On 14 February 2005, the Secretary General's Quarterly Report to the UN Security Council is published, including as an annex the Technical Assessment of Progress in the Implementation of the Standards for Kosovo, prepared by the SRSG for Kosovo, 24 January 2005.

(The following events are outside the scope of April 2004 report, and thus not mentioned in the main text.)

**March 2005**

Mr Haradinaj indicted to face UN war crimes tribunal in The Hague, resigns as prime minister. He is succeeded by Bajram Kosumi.

President Rugova unhurt when explosion rocks convoy of vehicles in which he is travelling through Pristina.

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**ANNEX B**

**MAIN POLITICAL PARTIES**

**SERBIA (including results of December 2003 Elections)**

**Sources used**

**Europa Regional Survey, 2004 [1a], [32a]**

<b>Alliance of Peasants of Serbia Party:</b>	Founded in 1990 originally as Peasants Party of Serbia. President Milomir Banic.
<b>Christian Democratic Party of Serbia (DHSS)</b>	Formed 12 April 1997 President Vladan Batic
<b>Civic Alliance of Serbia: <i>Gradanski Savez Srbije (GSS)</i></b>	Founded 30 June 1992. Contested elections in 1996 in an opposition alliance, known as Zajedno. Leader Goran Svilanovic. <i>Ran candidates with the Democratic Party (DP) in December 2003: 5 members selected.</i>
<b>Democratic Alternative: <i>Demokratska Alternativa (DA)</i></b>	Founded 16 July 1997 President: Nebojsa Covic <i>No members elected in December 2003.</i>
<b>Democratic Centre (DC)</b>	Formed as political party in February 1996: a breakaway party from the Democratic Party. President: Dragoljub Micunovic
<b>Democratic Party : <i>Demokratska Stranka (DS)</i></b>	Formed in December 1989, it is one of the two leading opposition parties making up the three members of the Zajedno opposition coalition. Reformist, supports free media, market economy, democracy.  3 main factions around following leaders: Zoran Zivkovic Cedomir Jovanovic Boris Tadic
<b>Democratic Party of Serbia <i>Demokratska Stranka Srbije (DSS)</i></b>	Formed in July 1992 by a breakaway, and more nationalistic, faction from the Democratic Party. Led by Former FRY President, Vojislav Kostunica: vice-presidents Dragan Marsicanin, Dragan Jovic, and Aleksandar Popovic
<b>Democratic Union of Albanians:</b>	Founded 1990, President Ali Ahmeti.
<b>Democratic Opposition of Serbia</b>	Formed in August 2000, a coalition of 18

**(DOS):** Alliance of Vojvodina Hungarians, opposition parties, in response to early  
Christian Democratic Party of Serbia elections being called by Milosevic.  
Civic Alliance of Serbia  
Coalition Sumadija  
Coalition Vojvodina  
Democratic Alternative  
Democratic Centre  
Democratic Party (DP)  
Democratic Party of Serbia  
League of Social-Democrats of Vojvodina  
Movement for Democratic Serbia  
New Democracy  
New Serbia  
Party of Democratic Action  
Reform Democratic Party of Vojvodina  
Serb Resistance Movement-Democratic  
Movement  
Social-Democracy  
Social Democratic Union

**G17 (Group of 17)**

Founded 15 December 2002  
President: Miroslav Labus  
Vice-President: Mladjan Dinkic  
*11.7% of vote, 34 members elected in  
December 2003 elections.*

**Liberal Party of Serbia (LS) (formerly  
known as New Democracy (ND):**

Formally part of the opposition group,  
Depos. Now junior member of  
government Coalition. President Vojislav  
Mihajlovic.

**Movement for Democratic Serbia  
(PDS)**

Founded 8 August 1999  
President: General Momcilo Perisic

**New Serbia  
Nova Srbija (NS)**

Founded in December 1997  
President: Velimir Ilic

**OBRAZ**

Far right nationalist movement

**Otpor (translates as "Resistance"):**

Although not a political party, Otpor were  
the most publicly anti-Milosevic  
organisation, which gained support from  
all levels of society. Formed in October  
1998, initially as a student resistance  
group.  
*1.6% of vote, no members elected*

**Party of Democratic Action:**

Party of ethnic Albanians, founded in

<b>Party of Natural Law</b>	1990. Leader Riza Halimi. Leader: Milan Milo Radulović
<b>Party of Serbian Unity:</b>	Founded 2 November 1993 Ultra nationalist coalition, party leader was Zeljko Raznjatovic "Arkan", now Borislav Pelevic. Holds 13 seats in parliament.
<b>Peoples Democratic Party (NDS)</b>	Founded 18 November 2001 Breakaway party from the <b>Movement for Democratic Serbia (PDS)</b> President: Slobodan Vuksanovic
<b>People's Assembly Party (NSS) <i>Narodna Saborna Stranka</i></b>	Founded in 1992 as a four party coalition called Democratic Movement in Serbia (Depos); reconstituted and renamed in 1995. President: Slobodan Rakitic
<b>Serbian Liberal Party:</b>	Leader Nikola Milosevic. <i>No members elected.</i>
<b>Serbian Popular party</b>	Leader: Željko Nikčević
<b>Serbian Radical Party <i>Srpska Radikalna Stranka (SRS)</i></b>	Founded in 13 February 1991 by Vojislav Šeselj. Hard left national party, which had a paramilitary wing known as the "White Eagles". Acting leader Tomislav Nicolich <i>27.7 % (largest share of the vote to a single party) – 82 members.</i>
<b>Serbian Renewal Movement <i>Srpski Pokret Obnove (SPO)</i></b>	Founded 14 March 1990 and was one of the two main members of the coalition Zajedno. Favours a multiparty democracy, a market economy, reintroduction of the monarchy and freedom for the media, and has a nationalist dimension. President is Vuk Draskovic. Now non-parliamentary party.
<b>Social Democratic Party</b>	Founded 21 April 2002 Brought together two factions – the Social Democratic Union (SDU) and a faction of Social Democracy led by Slobodan Orlic.
<b>Social Democracy</b>	Founded 22 April 1997 President: Vuk Draskovic
<b>Socialist Party of Serbia (SPS):</b>	Formed in July 1990 from the League of



<b><i>Socijalistička Partija Srbije</i></b>	Communists of Serbia and the Social Alliance of Serbia. Nationalist in outlook. Formerly led by President Slobodan Milosevic; Head of Main Committee – Ivica Dacic <i>7.7% of vote, 21 members elected.</i>
<b>Socialist Peoples Party (SNS)</b>	Formed April 2002 Breakaway party from SPS led by Branslav Ivkovic.
<b>United Radical Party of Serbia Yugoslav Green Party</b>	Leader: Slobodan Jovic Founded 1990 President: Dragan Jovanovic
<b>The Yugoslav United Left (JUL):</b>	An alliance of 23 Left-wing organisations. Formed in 1994. Led by Milosevic's wife, Mirjana Markovic.
<b><u>SANDŽAK</u></b>	
<b>Lista for Sandzak:</b>	A coalition of five ethnic Muslim political parties based in Sandzak, including the PDA-S.
<b>Party of Democratic Action of Sandzak (PDA-S):</b>	A Muslim party, aligned with the Bosnian PDA, and advocates autonomy for the Sandzak region. Chairman, Sulejman Ugljanin.
<b><u>VOJVODINA</u></b>	
<b>Alliance of Vojvodina's Hungarians:</b>	Advocates autonomous status for Vojvodina. Founded in 1993 following split in DZVM. Chair Jozef Kasa.
<b>Coalition Vojvodina:</b>	President: Dragan Veselinov
<b>Democratic Community of Vojvodina Hungarians: (Demokratska zajednica Vojvodjanskih Madjara – DZVM)</b>	Founded in 1990 and supports interests of ethnic Hungarian minority in Vojvodina. c.20,000 members Chair: Sandor Pal
<b>Democratic League of Vojvodina <i>Liga Socijaldemokrata Vojvodine</i> (LSV)</b>	Founded 14 July 1990 President Nenad Canek
<b>Democratic Party of Reformists of</b>	Founded in 1992; President Miodrag Isakov

**Vojvodina**

**Vojvodina Coalition (KV)**

Formed in 1996 as alliance of several small Vojvodina based political parties.

President: Dragan Veselinov

**Vojvodina Democratic Opposition:**

Founded 2000

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**MONTENEGRO**

**Democratic Alliance of Albanians in Montenegro**

Chair: Mehmed Bardhi

**Democratic League of Montenegro**

Chair: Mehmed Bardhi (as above)

**Democratic Party of Socialists (DPS):**

Name changed from League of Communists of Montenegro in 1991; supports continued federation; division within the party emerged in mid-1997. Chair. Milo Djukanovic.

**League of Communists – Movement for Yugoslavia of Montenegro:**

Chair Rade Lakusic

**Liberal Alliance of Montenegro:**

Pro-independence party. Leader Miodrag Zivkovic.

**Party of Democratic Action – Montenegro:**

Slav Muslim party affiliated to the PDA of Bosnia and Herzegovina. Leader Harun Hadzic.

**Peoples Party of Montenegro:  
*Narodna Stranka Crne Gore (NSCG)***

Chair: Dragan Soc.

**Peoples Socialist Party of Montenegro:**

Leader: Dusko Jovanovic

**Social-Democratic Party of Montenegro (SDP):**

Leader Zarko Rakcevic

**Socialist People's Party of Montenegro:**

Leader Predrag Bulatovic. Pro – Milosevic party.

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**KOSOVO** Information taken from the OSCE factsheet It is Your Choice, October 2004 [10a] and Europa Regional Study, 5<sup>th</sup> edition, 2005. [1a]

<b>AAK</b>	<b>Aleanca për Ardhmërine e Kosovës</b>	<b>Alliance for the Future of Kosovo</b>	Party founded in 2002 by key ex-KLA figure Ramush Haradinaj
<b>ADK</b>	<b>Alternativa Demokratike e Kosoves</b>	<b>Democratic Alternative of Kosovo</b>	Founded 16 May 2004. Party president in October 2004 was Ms. Edita Tahiri.
<b>BK</b>	<b>Balli Kombëtar</b>	<b>National Front</b>	First established as an organisation in April 1939. Re-established as a political party in October 1991, operating as an illegal organisation until 1999. "After 1999, this political entity held two congresses that elected the party managing bodies. BK declares itself against extreme nationalism and chauvinism." [10a] The president of the party in October 2004 – Prof. Dr. Sylejman Daka.
<b>BSDAK</b>	<b>Bošnjačka Stranka Demokratske Akcije Kosova</b>	<b>Bosniac Party of Democratic Action of Kosovo</b>	The party was founded in 1990, and campaigned as the BSDAK from 2000 onwards. The president of the party in 2004 – Hilmo Kandić.
<b>IRDK</b>	<b>Indiciativa e Re Demokratike e Kosovës</b>	<b>New Democratic Initiative of Kosovo</b>	The IRDK was established in April 2001. President of the party in 2004 – Bislum Hoti.

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			Aligned alongside the AAK.
<b>GIG</b>	<b>Građanska Inicijativa Gora</b>	<b>Citizens Initiative Gora</b>	Created in 2000 as a citizens' association, and registered as a political party in 2002. President of the party in October 2004 – Rustem Ibiši.
<b>GIS</b>	<b>Građanska Inicijativa Srbija</b>	<b>Citizens Initiative 'Serbia'</b>	Originally registered in Serbia in 2000 as a citizens' association. GIS registered as a political entity for the 2004 Assembly elections. President of the party in 2004 – Slaviša Petković
<b>IQBKD</b>	<b>Inicijativa Qytetare Balli Kombëtar Demokrat</b>	<b>Citizens' Initiative Democratic National Front</b>	Known in 1946 as the Democratic National Front, aimed to be the successor of the BK [National Front]. Party president in October 2004 was Naser Bresa.
<b>KDTP</b>	<b>Kosova Demokratik Türk Partisi</b>	<b>Kosovo Democratic Turkish Party</b>	Established in 1990. Registered as a party with UNMIK in 1999. Party president in October 2004 was Mahir Yagcilar.
<b>LDK</b>	<b>Lidhja Demokratike e Kosoves</b>	<b>Democratic League of Kosovo</b>	Established on 23 December 1989. The LDK took the majority of the vote in the local and central elections of 2000, 2001, and 2002. The party president in

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			October 2004 was Dr. Ibrahim Rugova.
<b>LPK</b>	<b>Lëvizja Popullore e Kosovës</b>	<b>People's Movement of Kosovo</b>	Established on 17 February 1982. Party president in October 2004 was Emrush Xhemajli.
<b>ORA</b>	<b>ORA</b>	<b>(Citizen's List)</b>	"The Citizens List ORA is a new reformist force in the political spectrum". The association president of ORA in October 2004 was Ylber Hysa.
<b>PReK</b>	<b>Partia e Re e Kosovës</b>	<b>New Party of Kosovo</b>	Founded in April 2002. President of the party in 2004 – Bujar Bukoshi.
<b>PD</b>	<b>Partia e Drejtësisë</b>	<b>Justice Party</b>	Established 19 September 1999, and ran as a political party for the first time in the 2001 elections. The Party president was Sylejman Çerkezi in October 2004.
<b>PDAK</b>	<b>Partia Demokratike e Ashkanline të Kosovës</b>	<b>Democratic Ashkali Party of Kosovo</b>	(No details provided by PDAK to OSCE, and thus no details given in the OSCE guide)
<b>PDASHK</b>	<b>Partia Demokratike Ashkanli Shqitare e Kosovës</b>	<b>Democratic Ashkanli Albanian Party of Kosovo</b>	Established 19 december 1999. Registered with UNMIK on 21 August 2000. Party president in October 2004 was Beqir Bytyqi.
<b>PDI</b>	<b>Prizrensko-Dragaška Inicijativa</b>	<b>Prizren-Dragaš Initiative</b>	Created on 10 June 2004. Party president in October 2004 was

Serbia and Montenegro: April 2005

			Prof. Dr. Mehmed Meta.
<b>PDK</b>	<b>Partia Demokratike e Kosovës</b>	<b>Democratic Party of Kosovo</b>	Established October 1999. In October 2004, it was the second largest party in Kosovo. The party president in October 2004 was Hashim Thaçi: he was the Prime Minister until the dissolution of the Assembly in the summer of 2004.
<b>PLK</b>	<b>Partia Liberale e Kosovës</b>	<b>Liberal Party of Kosovo</b>	Established in 1991. Party president in October 2004 was Gjergj Dedaj.
<b>PNDSH</b>	<b>Partia Nationale Demokratike Shqiptare</b>	<b>Albanian National Democratic Party</b>	Established 3 May 1992, from the Albanian National Democratic Movement (LNDSH). President of the party in 2004: Rexhep Abdullahu. "PNDSH belongs to the right wing political spectrum". [10a]
<b>PREBK</b>	<b>Partia Rome e Bashkuar e Kosoves</b>	<b>United Roma Party of Kosovo</b>	Established in the summer of 2000, with the head office in Prizren. The party president in October 2004 was Mr Haxhi Zulfi Merxha.
<b>PSDK</b>	<b>Partia Socialdemokrate e Kosoves</b>	<b>Social Democratic Party of Kosovo</b>	Established 12 February 1990. Party president in October 2004 was Mrs Kaqusha Jashari.
<b>PSHDK</b>	<b>Partia Nationale</b>	<b>Albanian</b>	Established in

Serbia and Montenegro: April 2005

	<b>Demokratike Shqitare</b>	<b>Christian Democratic Party of Kosovo</b>	1990. The party is led by Mark Krasniqi, formerly with the Parliamentary Party of Kosovo.
<b>SDA</b>	<b>Stranka Demokratske Akcije</b>	<b>Party of Democratic Action</b>	Established on 14 October 1990. The party president is Dr. Numan Balić.
<b>UD</b>	<b>Unioni Demokratik</b>	<b>Democratic Union</b>	Established prior to the local elections of 2002, initially under the name Democratic Union of Gjakova (UDGJ). Established as a Kosovo-wide party in October 2004. The party president in October 2004 was Mentor Kaçi.
<b>UNIKOMB</b>	<b>Partia e Unitetit Kombëtar Shqiptar</b>	<b>Albanian Party of National Unity</b>	Founded on 5 May 1991 by Halil Alidemaj. Stood as part of AAK in the 2001 election, subsequently left AAK.
<b>Vakat</b>	<b>Koalicija 'Vakat'</b>	<b>Coalition 'VAKAT'</b>	Formed in June 2004 out of three parties: the Democratic Party of the Bosniacs (DSB), Democratic Party Vatan (DSV), Bosniac Party of Kosovo (BSK) "The coalition represents the interests of the Bosniaks of Kosovo (and those who declare themselves as Gorani)." [10a]



**ANNEX C    PROMINENT PEOPLE**

Agani, Fehmi (deceased) Artemije, Radosavljevic	Moderate leader, former Vice President of LDK Bishop, Head of Serb Orthodox Church in Kosovo, moderate
Balic, Numan Bokan, Dragoslav Brovina, Flora	Bosniac member of Transitional Council (KTC). Ultra-nationalist politician. Serb paramilitary leader. Kosovar human rights activist, became presidential candidate for PDK
Buja, Rame	PDK member. Former KLA political directorate and former member of LDK.
Bukoshi, Bujar	Founder member of LDK with Rugova but since have become rivals. Also bitter rivals with KLA. Prime Minister of parallel Government 1991.
Bulatovic, Momir	Leader of Montenegrin opposition party. Previously President of Montenegro until 1997.
Ceku, Agim	Former KLA commander, now heads Kosovo Protection Corps (KPC). Has been cited for war crimes when in Croatian army. Supervised demilitarisation of KLA.
Cosic, Dobrica	Influential Serbian nationalist writer seen as spiritual father of Serbs. President of FRY from 1992-93.
Covic, Nebojsa Demaci, Adem	Deputy Prime Minister of Serbia Leader of the Parliamentary Party of Kosovo until 1998. Relatively moderate, has been critical of Thaci. Influence declining.
Djindjic, Zoran (deceased) Draskovic, Vuk	Assassinated former Prime Minister of Serbia. Charismatic Serbian opposition leader, now marginalised
Djukanovic, Milo Haekkerup, Hans	Prime Minister of Montenegro, former President. Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Hajrizi, Mehmet	Former LDK leader now in LDSH. Member of Transitional Council.
Halimi, Riza	Mayor of Presevo and ethnic Albanian political leader
Holkeri, Harri	Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Haradinaj, Ramush	AAK leader, ex-KLA commander, former Prime Minister.
Haxhiu, Baton Hyseni, Hydajet Ivanovic, Oliver Ivanovic, Milan Kavaja, Burhan	Editor of newspaper <i>Koha Ditore</i> Leading figure in LBD Kosovo Povratak member of Kosovo Assembly. Serb “bridgwatcher” leader in Mitrovica Ethnic Albanian Head of Trepca mine, imprisoned after miners” strike of 1989.
Kostunica, Vojislav Kosumi, Bajram	Former President of FRY. Leader of PPK, Vice President of AAK.

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Kouchner, Bernard	Former Special Representative of the UN Secretary General in Kosovo - Head of UNMIK.
Krasniqi, Mark	Leader of Christian Democratic Party.
Lilic, Zoran	Former President of FRY (from 1993-97).
Mahmuti, Bardyl	PDK Secretary for Foreign Relations.
Markovic, Mirjana	Slobodan Milosevic's wife. Was powerful and influential figure. Belgrade university professor. Leader of the JUL.
Micic, Natasa	Speaker of the Serbian Assembly, currently acting President
Mihailovic, Dusan	President of New Democracy (ND), Serbian Interior Minister.
Milosevic, Slobodan	Former President of FRY, now on trial by ICTY for a range of charges.
Mladic, Ratko	General Commander of Bosnian Serb Army from 1992. Previously Commander of Knin Corps. Indicted for war crimes.
Morina, Zef	Prominent Christian Democratic Party member.
Petersen, Søren Jessen	Fifth UN SRSG for Kosovo
Qosja, Rexhep	Former leader of LDSH and overall leader of LBD coalition. Former member of Transitional Council (KTC). Former member of Interim Administrative Council, influence declining. Now with PDK.
Rakitic, Slobodan	President of Democratic Movement of Serbia (Depos).
Rexhepi, Bajram	Former major of Mitrovica (PDK), now Prime Minister of Kosovo Assembly
Rugova, Ibrahim	LDK founder and President, who advocated peaceful resistance. Principal moderate ethnic Albanian figure in Kosovo. Now President of Kosovo Assembly.
Rev. Sava Janjic	Aka Father Sava and "Cybermonk". Voice of tolerance.
Selimi, Rexhep	Prominent KLA member.
Selimi, Sylejman	Former Commander in chief of the KLA, appointed February 1999
Seselj, Vojislav	Leader of ultra-nationalist Serbian Radical Party. MP in Serbian Parliament. Commanded paramilitary unit during the war.
Shala, Blerim	Editor of magazine "Zeri". Member of KTC.
Shala, Shaban	KPC Commander Zone1.
Shukriu, Edi	Member of LDK presidency.
Solevic, Miroslav	Kosovo Serb activist.
Steiner, Michael	Former UN SRSG for Kosovo, Head of UNMIK
Surroi, Veton	Publisher of "Koha Ditore" newspaper. Politically independent. Founder of the PPK, but has been critical of all parties.
Tahiri, Edita	Close associate of Rugova, key LDK figure.
Thaci, Hashim	Key political leader associated with KLA. Now PDK.

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Trajkovic, Momcilo	Was PM of Provisional Government. Member of Interim Administrative Council. Chairman of FRY Committee for Co-operation with UNMIK. President of Kosovo Serbian Resistance Movement (SPO) Critic of Milosevic, would like to see cantonisation of Kosovo.
Trajkovic, Rada	Kosovo Serb representative on Interim Administrative Council. Member of Democratic Xion Party of Serbia (PMSS). Former member of Serb Radical Party.
Vllasi, Azem	Ethnic Albanian Kosovo Party leader. jailed in 1989 after Milosevic pledged to arrest him at mass rally. Released in April 1990. No influence.
Vujanovic, Filip	Former Prime Minister of Montenegro, currently acting President
Zivkovic, Zoran	Prime Minister of Serbia

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**ANNEX D**

DOS  
EU  
FRY  
IAC  
ICTY  
JIAS  
JNA  
JUL  
KFOR  
KLA  
KPC  
KPS  
KTC  
KVM  
MUP  
NATO  
NGO  
OMiK  
OSCE  
PDK  
SAM  
SCG  
SDS  
SFRY  
SPS  
SRSG  
TMK  
UCK  
UCPMB  
UN  
UNHCR  
UNIP  
UNMIK  
UNMIK CivPol  
UNMIK ORC  
UNSCR  
VJ

**ABBREVIATIONS**

Democratic Opposition of Serbia  
European Union  
Federal Republic of Yugoslavia  
Interim Administrative Council  
International Criminal Tribunal for the former Yugoslavia  
Joint Interim Administration Structure  
Former Yugoslavia Peoples" Army  
Yugoslav United Left Party  
Kosovo Force  
Kosovo Liberation Army (aka UCK)  
Kosovo Protection Corps  
Kosovo Police Force (local police force)  
Kosovo Transition Council  
Kosovo Verification Mission  
Serb Special Police  
North Atlantic Treaty Organisation  
Non-Governmental Organisations  
OSCE Mission in Kosovo  
Organisation for Security and Co-operation in Europe  
Democratic Party of Kosovo  
Serbia and Montenegro  
Srpska Crna Gora = SaM  
Serbian Democratic Party  
Socialist Federal Republic of Yugoslavia  
Socialist Party of Serbia  
Special Representative of the (UN) Secretary General  
Albanian abbreviation for KPC  
Ushtria Clirimtare e Kosoves (Albanian for KLA)  
Ushtria Clirimtare e Medvedja, Presheve Bujanovac  
United Nations  
United Nations High Commissioner for Refugees  
United Nations International Police  
United Nations Mission in Kosovo  
UNMIK Civilian Police  
UNMIK Office of Communities and Returns  
United Nations Security Council Resolution  
FRY Army

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