

## TABLE OF CONTENTS

<b>FOREWORD</b> .....	<b>III</b>
<b>ALBANIA</b> .....	<b>IV</b>
Background.....	IV
Domestic violence.....	IV
Trafficking.....	IV
Conditions of detention: .....	V
Torture and ill-treatment.....	VI
Access to housing - adult orphans denied the right to adequate housing.....	VI
<b>BOSNIA AND HERZEGOVINA</b> .....	<b>VI</b>
General and political developments.....	VI
War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007).....	VII
<i>International prosecutions</i> .....	VII
<i>Domestic investigations and prosecutions</i> .....	VII
Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007).....	VIII
Right to return (update to AI Index: EUR 01/010/2007).....	IX
‘War on terror’ (update to AI Index: EUR 01/010/2007).....	IX
Ill-treatment in prisons and by the police.....	IX
Discrimination against Roma.....	X
Violence against women .....	X
<b>CROATIA</b> .....	<b>X</b>
General and political developments.....	X
War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007).....	XI
<i>International prosecutions</i> .....	XI
<i>Domestic investigations and prosecutions</i> .....	XI
Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007).....	XII
Right to return (update to AI Index: EUR 01/010/2007).....	XII
Discrimination against Roma.....	XIII
Violence against women .....	XIII
Lesbian, gay, bisexual and transgender rights.....	XIII
<b>MACEDONIA</b> .....	<b>XIII</b>
General and political Developments.....	XIII
Impunity for War Crimes .....	XIV
Armed opposition groups .....	XIV
Counter-terrorism .....	XIV
Torture, ill-treatment and possible extra-judicial execution.....	XV
Discrimination against minorities .....	XV
Refugees from Kosovo .....	XVI
Discrimination, including violence against women.....	XVI
<b>MONTENEGRO</b> .....	<b>XVI</b>
General and political developments.....	XVI
Impunity for war crimes, including the right to redress and reparation for the families of the “disappeared” (update to AI Index: EUR 66/001/2006).....	XVI
Unfair trial (update to AI Index EUR 01/010/2007).....	XVII
Torture and ill-treatment (Update to AI Index: EUR 01/010/2007).....	XVII
Possible extrajudicial executions and political killings (Update to AI Index: EUR 01/001/2007); freedom of expression .....	XVII
Human Rights Defender at Risk.....	XVIII
Roma refugees from Kosovo.....	XVIII
Trafficking in human beings .....	XVIII
<b>SERBIA</b> .....	<b>XVIII</b>
General and political developments.....	XVIII
Final status of Kosovo.....	XVIII
Impunity for war crimes: proceedings at the Tribunal (Update to AI Index: EUR 01/001/2007).....	XVIII
Serbia.....	XIX
<i>Domestic war crimes trials, including enforced disappearances</i> .....	XIX
<i>Torture and ill-treatment</i> .....	XIX
<i>Discrimination against minorities</i> .....	XX

---

II

*Europe and Central Asia*  
*Summary of Amnesty International's Concerns in the Balkans, July- December*  
*2007*

---

<i>The Sandžak</i> .....	XX
<i>Human Rights Defenders (HRDs)</i> .....	XXI
<i>Violence against women</i> .....	XXI
Kosovo.....	XXI
<i>Impunity for the international community</i> .....	XXI
<i>Unlawful killings [Update to AI Index: EUR 01/001/2007]</i> .....	XXI
<i>Fair trial standards</i> .....	XXII
<i>Impunity for war crimes, including enforced disappearances and abductions</i> .....	XXII
<i>Minority rights</i> .....	XXII
<i>The right to return</i> .....	XXII
<i>Violence against women</i> .....	XXIII
<b>SLOVENIA</b> .....	<b>XXIII</b>
<i>The “erased” (update to AI Index: EUR 001/010/2007)</i> .....	XXIII
<i>Discrimination against Roma (update to AI Index: EUR 001/010/2007)</i> .....	XXIII

# **Europe and Central Asia**

## **Summary of Amnesty International's Concerns in the Balkans**

### **July- December 2007**

---

#### **FOREWORD**

---

This bulletin contains information about Amnesty International's main concerns in the Balkans between July and December 2007.

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by AI.

---

## **ALBANIA**

---

### **Background**

In July Bamir Topi was elected President of Albania, replacing Alfred Moisiu.

The ruling Democratic Party continued to criticize the Prosecutor General Theodor Sollaku and demand his dismissal. At the end of November President Topi dismissed the Prosecutor General, on questionable legal grounds, and appointed his successor, Ina Rama.

The European Commissioner for Human Rights, Thomas Hammerberg, visited Albania in November and emphasised the need for an independent judicial system and clear rules for the appointment of office-holders and for the limitation of mandates. He also noted continuing corruption among the judiciary and police ill-treatment, as well as prison overcrowding and instances of the illegal detention of minors in remand cells together with adults.

In September Albania ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and in November the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts.

In November the Ambassador of the European Commission in Tirana called on Albania to revoke or amend its bilateral agreement with the USA of 2003 committing it not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court (ICC), on the grounds that this agreement did not accord with Albania's plans for European integration.

### **Domestic violence**

Domestic violence continued to be widespread; the number of incidents reported to the authorities increased, although it was not clear whether this

reflected an actual rise in incidents or a greater willingness on part of victims to seek assistance. As in the past, few cases of domestic violence reached the courts, unless they resulted in death or very serious injury. However, in July Tirana court issued the first emergency protection order under the provisions of the law "On Measures against Violence in Family Relations" which had come into force a month previously. In this case, the court prohibited a man from threatening, attacking or communicating directly with his ex-wife and two children for two weeks pending a further court hearing arising out of the complaint about violence she had filed against him. At the subsequent court hearing the court extended the protection order for a further three months.

Another reported precedent was the conviction in December of Tomor Merja on a charge of inducing his wife, by repeated ill-treatment, to commit suicide. He was sentenced to 20 months' imprisonment. There were at least three other cases during the period under review in which men were charged with this offence.

In October officials of the Ministry of Labour, Social Affairs and Equal Opportunities held meetings with officials from Albania's 12 regions and urged them to ensure that the Law "On Measures against Violence in Family Relations" was implemented. In November a special unit dealing with domestic violence and the protection of minors was established within the Tirana police force.

### **Trafficking**

According to police sources, the trafficking of women and children decreased sharply in 2007, with 13 reported cases in which the victims were women and seven cases involving children. However, non-governmental organizations apparently suspected that considerably more cases went unreported. The Serious Crimes Court convicted eight men of trafficking women for forced prostitution, and two other

defendants of trafficking children for exploitation as beggars. Trial proceedings against nine men on charges of trafficking women for forced prostitution, and against five other people for trafficking children, had not been concluded by the end of the year.

In July four defendants, one of them a woman, were sentenced to between seven and 13 years' imprisonment by Fier district court on charges relating to trafficking a woman to Italy and exploiting her for prostitution. In November trial proceedings (in absentia) started against Sokol Ruko before the Serious Crimes Court on a charge of having trafficked two minors (brothers) to Italy to work as beggars, between 2002 and 2003.

Witness protection remained problematic and victims of trafficking were often reluctant to report their traffickers for fear of reprisals. According to an article in *Koha Jonë* (an Albanian daily newspaper), in November police reportedly initiated charges of "failing to report a crime" against a 17-year-old girl from Kuçova after she refused to identify the people she claimed had trafficked her to Italy for forced prostitution at the age of 14.

#### **Conditions of detention:**

In July all remand prisoners being held in police stations were transferred to prisons or remand centres (under the authority of the Ministry of Justice). While this meant an improvement in their conditions and treatment, it exacerbated prison overcrowding. Two new prisons and a remand centre which were due to be opened had not been completed by the end of the year. As a consequence, the total prisoner population, including convicted and remand prisoners, stood at 4,638 in October: 1,172 prisoners above capacity.

In September the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) published its report on its visit to Albania in March 2006, during which it visited remand facilities in Durrës and Fier police stations and cells at two police stations in Tirana. The ECPT criticized "deplorable conditions" in Durrës, Fier and the holding cells in Tirana

police station no.4, as well as inadequate health care – described as "particularly problematic and, in a number of cases, even inexistent" at Fier remand facility. In November, the Albanian Helsinki Committee criticized conditions at Vloera remand prison, where 92 detainees were being held in cells with a capacity of only 46. They included five minors aged between 14 and 17 years, who were held in cells with adults, in breach of the law.

For lack of space, a number of remand prisoners were returned to, or remained in, police stations, in breach of the law. In September commissioners from the Ombudsperson's Office reportedly found that 16 detainees were being held at Tirana police headquarters in four cells designed to hold only one person each. According to police officers, a few days earlier as many as 36 detainees had been held there, three of them convicted prisoners.

There were also concerns about the lack of adequate medical care and medication for prisoners. The director of Peqin high security prison referred in September to the shortage of medication for some 20 prisoners suffering from chronic cardiovascular and pulmonary diseases.

The lack of a hospital dedicated to mentally ill prisoners and overcrowding in the Psychiatric Section of Tirana Prison Hospital meant that mentally ill prisoners were often held together with other prisoners, both in prisons and in remand facilities. In December the European Court of Human Rights found against Albania in a case brought by Ilir Dybeku, a prisoner suffering from a chronic mental disorder, who in 2003 was convicted of murder. Since 2002 he had been held in prisons together with other prisoners in good health, and treated as an ordinary prisoner, apart from two short periods in Tirana Prison Hospital. His family had on several occasions filed complaints with the competent authorities alleging that he had been denied adequate medical treatment, resulting in a deterioration of his health. Their complaints were dismissed. In his application to the European Court of Human Rights, Ilir Dybeku alleged that his detention conditions and the medical treatment he received in prison were not appropriate given his state of

health. The Court upheld his complaint, finding that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

### **Torture and ill-treatment**

In its report (see above) the ECPT also noted that it had received a number of allegations from detainees that they had been subjected to "deliberate physical ill-treatment whilst in *police custody*, in particular, during police questioning." In addition, a number of remand prisoners held at Durrës police station had told the ECPT that members of the facility's special intervention force had handcuffed them, and after placing a helmet on their heads had beaten them about the head with hard objects.

Reported incidents of police ill-treatment during the period under review included an account by Elton Qyno, a journalist, who in August witnessed several police officers brutally punch and kick an acquaintance of his, Ilir Nastimi, at a police station in Tirana Student City.

While commissioners from the Ombudsperson's office were inspecting conditions at Vlora remand prison in November, they heard that a detainee, Ilirian Malaj, had the same day been punched and beaten with a truncheon by prison guards after he protested about a cell search. Ilirian Malaj had visible injuries, later confirmed by a medical forensic examination, and his account was supported by other detainees. The Ombudsperson called for an investigation on charges of torture against four named guards.

In November Korça court awarded 400,000 leks' compensation (approximately 3,300 euros), to the family of Gazmend Tahirllari, who died in 2003 after being beaten by police officers during arrest. His family complained that the compensation was derisory, and said they planned to appeal the court's decision.

### **Access to housing - adult orphans denied the right to adequate housing**

Over 45,000 families were registered as homeless, and among the most vulnerable groups affected were some 340 people who had been orphaned as children and brought up in state institutions. In violation of domestic law, the state had failed to provide them with adequate housing when they reached adulthood and completed secondary school, and they could not afford to buy or rent housing on the open market. Many of them had been living for years in squalid conditions, sharing a single room with several others, in dilapidated school residence halls, without security of tenure. Amnesty International documented its concerns in a report published in November, *Albania: "No place to call home" - Adult orphans and the right to housing* (AI Index: EUR 11/005/2007).

In November the government signed an agreement with the Council of Europe Development Bank (CEB) under which the CEB granted a subsidized loan to the government to cover 60 per cent of the costs of a project to construct social rental housing for low-income homeless families and individuals. This housing is to consist of some 1,100 apartments, to be built in a number of larger towns in Albania by the end of 2010. Under Albanian law, adult orphans up to the age of 30 are among the vulnerable groups to be granted priority when these apartments are allocated. However, Amnesty International remained concerned that, as a small group with little leverage, adult orphans might, as in the past, be overlooked when the apartments are allocated.

## **BOSNIA AND HERZEGOVINA**

### **General and political developments**

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), with a special administrative status granted to the Brčko District. The international community

continued to exert significant influence over the political process in BiH, as part of the civilian implementation of the Dayton Peace Agreement, led by a High Representative whose nomination is proposed by the Peace Implementation Council (PIC), an intergovernmental body that monitors implementation of the Dayton Peace Agreement. In July Slovak diplomat Miroslav Lajčák assumed office as the new High Representative and as the European Union (EU) Special Representative in BiH, replacing Christian Schwarz-Schilling.

EUFOR, a EU-led peacekeeping force of approximately 2,500 troops, continued to be stationed in BiH and in November the UN Security Council extended its mandate for another year. In addition, a small North Atlantic Treaty Organisation (NATO) presence remained in BiH, mainly to assist the BiH authorities in defence reform and also ostensibly providing support to the International Criminal Tribunal for the former Yugoslavia (Tribunal) with regard to the detention of persons indicted for war crimes. The EU also operates a police mission in BiH, the EUPM, assisting local authorities in conducting investigations, with a particular focus on organized crime.

The period under review was marked by political paralysis and delays in implementing reforms. In October, the High Representative enacted legislation amending the Law on the Council of Ministers of Bosnia and Herzegovina and proposed changes to the rules of procedures of the two chambers of the BiH Parliament. Such changes were aimed at modifying quorum requirements for the functioning of these institutions and at reducing possibilities for ministers or parliamentarians to obstruct the activities of these bodies. BiH Prime Minister Nikola Špirić resigned in November to express his disagreement with the High Representative's decision.

The situation of political crisis appeared to improve in December, when the BiH Council of Ministers adopted an action plan for the implementation of police reform, one of the main issues of contention among BiH politicians and a precondition set by the EU

for the conclusion of a Stabilisation and Association Agreement (SAA) with BiH. The EU finally initialled the SAA shortly after the adoption of the action plan. Also in December, Nikola Špirić was reappointed as Prime Minister and reconfirmed by the BiH Parliament.

### **War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007)**

#### *International prosecutions*

The International Criminal Tribunal for the former Yugoslavia (Tribunal) continued to try alleged perpetrators of war crimes and crimes against humanity committed during the violent collapse of Yugoslavia. Under the terms of the "completion strategy", laid down in UN Security Council Resolutions 1503 and 1534, the Tribunal was expected to complete all trials including appeals, by 2010.

In July the Tribunal's Appeals Chamber granted the appeal by Milan Lukić against the transfer of his case to BiH and ordered that the trial be held at the Tribunal. Subsequently, the Tribunal's Referral Bench revoked a previous decision to refer the case of co-accused Sredoje Lukić to BiH, allowing for a joint trial to be held at the Tribunal.

In December the Tribunal sentenced former Bosnian Serb Army (VRS) commander Dragomir Milošević to 33 years' imprisonment for war crimes and crimes against humanity, including murder and inhuman acts committed during the Sarajevo siege in a campaign of sniping and shelling which resulted in many civilian casualties.

Cooperation between the Tribunal and BiH and RS authorities appeared to have improved, with the Tribunal Prosecutor stating in June that BiH's level of cooperation with her office had progressed in recent months and was now generally satisfactory.

#### *Domestic investigations and prosecutions*

War crimes proceedings before domestic courts continued, including at the War Crimes Chamber (WCC) within the BiH State Court, although efforts to bring perpetrators

to justice remained insufficient to provide justice to the victims given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted. Convictions also covered crimes of sexual violence, although survivors and witnesses in some cases were not provided with adequate protection and support.

In July, Niset Ramić, a former member of the Territorial Defence of the Republic of Bosnia and Herzegovina, was sentenced by the WCC to 30 years' imprisonment for war crimes, including murders, committed against Bosnian Serb civilians in the Visoko area in 1992. The verdict was confirmed on appeal in November.

Also in July, war-time RS Minister of Justice Momčilo Mandić, was acquitted of charges of war crimes and crimes against humanity by the WCC.

In August, following a retrial before an appellate panel, former member of the RS police forces Boban Šimšić was found guilty of crimes against humanity committed against the Bosniak (Bosnian Muslim) civilian population in the Višegrad area, including murder, torture, rape and enforced disappearance of persons. His sentence was increased from five to 14 year's imprisonment.

Former RS police officer Nenad Tanasković was found guilty in August on various counts of crimes against humanity committed against the non-Serb population in the Višegrad area and sentenced to 12 year's imprisonment.

In September, the WCC convicted Krešo Lučić, a former commander of the Croatian Defence Council (HVO), the Bosnian Croat armed forces, of crimes against humanity and sentenced him to six years' imprisonment. He was found guilty in particular of having unlawfully imprisoned, tortured and committed other inhuman acts against Bosniak civilians.

The WCC sentenced former VRS member Jadranko Palić to 28 years' imprisonment in November for crimes against humanity and war crimes committed against non-Serbs in the Sanski Most area. These crimes include

the murder of civilians and the rape of a Bosniak woman, committed in 1992.

Some war crimes trials of low-level perpetrators were also held in local entity courts, which continued to face difficulties in dealing with war crimes cases, including as a result of lack of staff and other resources. In these proceedings, victims and witnesses remained without adequate protection from harassment, intimidation and threats.

In October, Branislav Berjan, a former member of the VRS, was sentenced to seven years' imprisonment for war crimes against non-Serbs, following proceedings at the Sarajevo Cantonal Court. He was found guilty inter alia of crimes committed against Vladimir and Radislav Mađura, who were abducted from their home in Ilidža, a suburb of Sarajevo, in 1992. Their fate and whereabouts remained unknown until 2004, when their bodies were exhumed and identified.

The third retrial for war crimes of four former members of the HVO continued before the Mostar Cantonal Court. The defendants are charged with being responsible for the detention and subsequent enforced disappearance of 13 Army of Bosnia and Herzegovina (ABiH) soldiers in 1993. Two previous acquittals were quashed by the FBiH Supreme Court.

#### **Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007)**

According to estimates by the International Commission on Missing Persons, over 13,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of enforced disappearances, whose perpetrators continued to enjoy impunity.

Progress continued to be slow in transferring competencies from the missing persons commissions of the FBiH and the RS to the national Missing Persons Institute (MPI). In November the BiH Council of Ministers adopted a number of documents, including the MPI's statute, with a view to finally enable the MPI to begin its activities.

In October, the exhumation of a mass grave in Zeleni Jadar, near Srebrenica, uncovered 34 complete and 192 incomplete skeletons, believed to be the remains of victims killed in 1995 by Bosnian Serb forces. In November, the exhumation of a mass grave in Kamenica uncovered 76 complete and 540 incomplete bodies, also believed to be of Srebrenica victims.

Although in December 2006 a commission tasked with investigating the enforced disappearance of Avdo Palić had been reactivated, reported attempts to locate his mortal remains and to investigate his enforced disappearance were unsuccessful. ABiH Colonel Avdo Palić had disappeared after reportedly being forcibly taken by VRS soldiers from the UN Protection Force compound in Žepa on 27 July 1995. He had gone there to negotiate the evacuation of civilians from the town which had just surrendered to the VRS.

**Right to return (update to AI Index: EUR 01/010/2007)**

Since the end of the war, out of an estimated 2.2 million people displaced during the conflict, more than a million refugees and internally displaced persons were estimated to have returned to their homes. There was an increase in the number of registered returns during the second half of 2007. The Office of the UN High Commissioner for Refugees in BiH registered approximately 6,000 returns between July and December. Of these, approximately 5,500 were returns in a minority situation.

Minority returnees continued to face discrimination in access to economic and social rights. Lack of access to employment continued to be a major obstacle to the sustainable return of refugees and the internally displaced. The unemployment rate was high in general, reflecting the weak economic situation and difficulties of economic transition and post-war reconstruction. In addition, returnees faced discrimination on ethnic grounds.

**'War on terror' (update to AI Index: EUR 01/010/2007)**

The six men of Algerian origin who in 2002 were unlawfully transferred by the authorities in BiH to US custody remained in detention at Guantánamo Bay, Cuba. In August the BiH authorities reportedly requested guarantees from the US authorities that the detainees would not be subjected to the death penalty, torture, and ill-treatment.

The BiH State Commission for the Revision of Decisions on Naturalization of Foreign Citizens, which had begun its work in March 2006, continued its activities amidst statements to the media by politicians to the effect that those stripped of their citizenship, and in particular those deemed to represent a "threat to BiH's national security", would be deported. The Commission can propose to the BiH Council of Ministers to withdraw the citizenship of, among others, those who are deemed to have obtained it not in accordance with the relevant regulations, or on the basis of false information, in those cases where the individuals affected would not be rendered stateless. Reportedly, the activities of the Commission could affect approximately 1,500 individuals, many of whom reportedly came to BiH to join Bosniak forces as volunteer foreign fighters during the 1992-95 war, or to work for Islamic charities during and after the war.

There were continuing concerns about the expulsion of those stripped of their citizenship to countries where they would be at risk of serious human rights abuses. In December a man of Algerian origin was deported to Algeria after having been stripped of BiH citizenship following a review of his status by the Commission.

**Ill-treatment in prisons and by the police**

There were reports of ill-treatment by members of police forces and in prisons. Impunity for those responsible prevailed. The trial of three Sarajevo Canton police officers suspected of having ill-treated a young man started in April 2007 before the Sarajevo

Municipal Court, and was continuing at the end of the period under review. Proceedings had been instigated following the broadcast on the internet of a video allegedly showing one of the police officers beating the victim.

In July the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its preliminary observations following its visit to BiH in March 2007. The CPT highlighted "a considerable number of allegations of physical ill-treatment by the police", mostly during questioning by the police, involving kicks and punches to various parts of the body as well as blows with batons. The CPT also reported numerous allegations of ill-treatment of prisoners by prison staff in Zenica Prison as well as inter-prisoner violence, which appeared to be "prevalent in the prisons visited".

#### **Discrimination against Roma**

Members of Romani communities continued to suffer discrimination. Primary school attendance rates for Romani children were low and extreme poverty remained one of the main causes of the exclusion of Roma from education. Insufficient progress was made by the authorities at state, entity and cantonal level, in the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities.

The FBiH authorities allocated funds for the purchase and distribution of textbooks to Romani and other vulnerable pupils in the school year 2007/08. However, in some cases cantonal and municipal social welfare authorities reportedly failed to distribute textbooks to Romani pupils. More progress in this regard was reported in the RS. No meaningful steps were taken by the authorities in BiH to include in a systematic way Romani language, culture and traditions in school curricula.

#### **Violence against women**

The incidence of domestic violence remained high. Between July and December, the authorities in the FBiH recorded 398 criminal acts of violence in the family, a slight increase from the figure relative to the first six months of the year. Both in the RS and in the FBiH shelters for victims of domestic violence were facing financial difficulties and in some cases were dependent on financing from foreign donors.

BiH continued to be a country of origin, transit, and destination for women and girls trafficked for the purpose of sexual exploitation. In July the BiH Council of Ministers adopted a set of rules on the protection of victims and witnesses of human trafficking who are citizens of Bosnia and Herzegovina, as a way to facilitate the activities of social welfare and health protection organs at the entity and cantonal level. It is estimated that approximately one third of victims of trafficking in BiH are BiH citizens.

---

## **CROATIA**

---

#### **General and political developments**

Croatia continued to pursue full integration into the European Union (EU). In November, the EU Commission issued its progress report on Croatia which noted that there remained widespread impunity for war crimes committed against Croatian Serbs and that many crimes committed by members of Croatian forces remained unprosecuted "often due to a combination of a lack of evidence, unwillingness of witnesses to come forward and less than proactive approach of police and prosecutors". The report also highlighted a number of obstacles to the sustainable return of Croatian Serbs including with regard to their access to housing.

Following parliamentary elections in November, the ruling conservative party Croatian Democratic Union (Hrvatska demokratska zajednica – HDZ) was confirmed as the first party in the Croatian parliament. The HDZ was closely followed by the centre-left Social Democratic Party of Croatia (Socijaldemokratska partija

Hrvatske). Both parties needed the support of junior coalition parties to form a government. Coalition talks were ongoing at the end of 2007.

In December the Organization for Security and Co-operation in Europe (OSCE) Permanent Council decided to close the OSCE Mission to Croatia. It was decided to maintain an OSCE office in Zagreb to carry out activities related to war crimes trials and to report on the implementation of the government's "housing care" programmes (see below).

**War crimes and crimes against humanity (update to AI Index: EUR 01/010/2007)**

*International prosecutions*

International prosecutions continued at the International Criminal Tribunal for the former Yugoslavia (Tribunal). In June, Milan Martić, who held various leadership positions in the self-proclaimed Serbian Autonomous District (Srpska autonomna oblast) and Republic of Serbian Krajina (Republika Srpska Krajina) was found guilty of various counts of crimes against humanity and war crimes committed against non-Serbs in areas under Croatian Serb control. He was sentenced to 35 year's imprisonment. The Tribunal found that Milan Martić took part in a joint criminal enterprise whose purpose was "the establishment of an ethnically Serb territory through the displacement of the Croat and other non-Serb population".

In September, former Yugoslav People's Army (Jugoslovenska narodna armija – JNA) officers Mile Mrkšić and Veselin Šljivančanin were sentenced to 20 and five year's imprisonment respectively for their roles in war crimes committed in 1991 in Ovčara, near Vukovar. Mile Mrkšić was found guilty of murder, for having aided and abetted the murder of 194 non-Serbs who had been removed from the Vukovar Hospital, and of the torture and cruel treatment of prisoners of war in Ovčara. Veselin Šljivančanin was found guilty of torture, for having aided and abetted the torture of prisoners of war. A third co-defendant, Miroslav Radić, was acquitted of all charges. The verdict in this

case provoked strong negative reactions in Croatia including by the Prime Minister and the President, for its perceived leniency. Appeals against the two guilty verdicts were filed by the prosecution and the accused.

*Domestic investigations and prosecutions*

A considerable number of trials for war crimes continued or started before Croatian courts and the Croatian judiciary continued to actively investigate and prosecute war-time human rights violations. However, in the vast majority of cases, criminal proceedings were related to cases where the victims were ethnic Croats. The practice of holding trials *in absentia* continued, usually against Croatian Serb accused. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and Croatian police forces, despite some steps taken with a view to investigating and prosecuting cases of war crimes against Croatian Serbs.

The trial at the Zagreb County Court against Rahim Ademi and Mirko Norac continued. This case had been transferred by the Tribunal to Croatia in November 2005. The accused are former Croatian Army commanders and are suspected of having committed war crimes, including murders, inhuman treatment and plunder and wanton destruction of property, against Croatian Serb civilians and prisoners of war during military operations in the so-called "Medak pocket" in 1993. The OSCE Mission to Croatia, which was monitoring proceedings, reported that in September and October 26 prosecution witnesses, including 10 "endangered" witnesses, failed to testify during the trial. The vast majority of these witnesses reside or are believed to reside in Serbia.

Proceedings continued against Branimir Glavaš for his alleged involvement in war crimes committed against Croatian Serb civilians in and around Osijek. Branimir Glavaš had formerly been a local leader of the HDZ in the Osijek region and, between 1990 and 1992, was secretary of the Osijek Municipal Secretariat for National Defence. Branimir Glavaš and six other indictees are charged with the unlawful arrest, torture and killing of Croatian Serb civilians in Osijek in

1991. He is also charged with having failed in 1991 to prevent his subordinates from detaining, ill-treating and killing civilians and with having directly participated in some of the crimes, in his capacity as local military leader. Proceedings against Branimir Glavaš were transferred to Zagreb, following requests by the Chief State Prosecutor, aimed inter alia at reducing pressure on witnesses. The trial before the Zagreb County Court started in October. Following elections in November (see above), Branimir Glavaš was re-elected as a member of Parliament with the Croatian Democratic Alliance of Slavonija and Baranja (Hrvatski demokratski savez Slavonije i Baranje).

In December, following a retrial at the Varaždin County Court, four former Croatian police officers were sentenced to between three and four years' imprisonment for their roles in the murder of six captured JNA soldiers in 1991 near Bjelovar. Two previous acquittals had been quashed by the Croatian Supreme Court.

Despite significant developments, most notably with regard to crimes committed against Croatian Serbs in Osijek, elsewhere in Croatia no meaningful steps were taken to tackle impunity for crimes allegedly committed by members of the Croatian Army and police forces. No progress was made in the investigation of such crimes in Sisak, for example, where according to local organizations more than 100 people, mostly Croatian Serbs, were allegedly murdered in 1991-92 by Croatian forces.

In October, Željko Peratovic, a freelance journalist who has reported extensively on war crimes in Croatia, was detained on suspicion of having revealed state secrets on his internet blog. He was released on the following day after having been questioned by the police.

**Missing persons and enforced disappearances (update to AI Index: EUR 01/010/2007)**

Approximately 2,000 persons were officially recorded as missing; many of them were believed to be victims of enforced disappearances. Impunity for these crimes,

especially with regard to those allegedly committed by the Croatian Army and Croatian police forces, remained widespread.

In public statements, the Croatian authorities continued to distinguish between approximately 1,100 missing persons, mostly from the first phase of the 1991-95 war and a remaining 900 persons, mostly Croatian Serbs, who went missing during military operations "Storm" and "Flash" in 1995.

In October, at a regional conference hosted in Croatia by the International Commission for Missing Persons (ICMP), representatives of associations of relatives of missing persons called inter alia for improved cooperation between Croatian authorities and the ICMP in the field of DNA identification and for a full exchange of information and documentation between Serbia and Croatia, with a view to clarifying the fate and whereabouts of the missing.

**Right to return (update to AI Index: EUR 01/010/2007)**

At least 300,000 Croatian Serbs left Croatia during the 1991-95 war, of whom only approximately 130,000 are officially recorded as having returned, a figure widely considered to be an overestimation of the real numbers of those who have returned. In 2007, approximately 2,100 refugees were registered by the UN's refugee agency, UNHCR, as having returned to Croatia.

Croatian Serbs continued to be victims of discrimination in access to employment and in realising other economic and social rights. Many Croatian Serbs could not return because they had lost their rights to socially-owned apartments. Implementation of existing programmes to provide "housing care" to former tenants and occupants remained slow.

Among those who had formerly lived in private properties, and who have formally repossessed their homes, some could not return because their homes had been made uninhabitable by looting and devastation.

### **Discrimination against Roma**

Members of Romani communities in Croatia lacked full access to primary education, especially in geographical areas not covered by existing governmental and other programmes to promote the inclusion of Roma in education.

Some reports pointed to the continuing existence of "Roma only" classes in certain primary schools and Romani children still experienced discriminatory treatment because of teachers' negative stereotyping and low expectations. Romani children with little or no command of the Croatian language faced extreme difficulties when they started school. The languages spoken by Roma in Croatia were not used in schools, unlike other minority languages. The majority of Romani children remained excluded from pre-school programmes

### **Violence against women**

Croatia was reported as being increasingly a country of destination for women and girls victims of trafficking for the purpose of sexual exploitation. It remained a country of transit for trafficking victims. In September Croatia ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In December the Croatian government adopted a 2008 operational plan to fight human trafficking encompassing inter alia measures to facilitate the granting of temporary residence to foreign victims of trafficking and foreseeing the definition of a protocol of cooperation between the Ministry of Interior, the Ministry of Health and Social Care and non-governmental organizations to provide assistance and protection to victims.

### **Lesbian, gay, bisexual and transgender rights**

In July, participants in a Lesbian, Gay, Bisexual and Transgender (LGBT) Pride march, the Zagreb Pride, were attacked physically and verbally by counter-

demonstrators. Reportedly, as a result of the attacks two participants required hospitalization, while 12 others suffered minor injuries. In some cases, police authorities reportedly failed to adequately respond to homophobic attacks.

Hate crime charges were brought against one of the suspected attackers, including for allegedly having attempted to throw a Molotov cocktail against participants in the Zagreb Pride. The trial against the suspect started at the Zagreb Municipal Court in December.

---

## **MACEDONIA**

---

### **General and political Developments**

Reforms set out in a Stabilization and Association Agreement with the European Union (EU) were delayed or were not implemented. In its November 2007 report the European Commission noted limited progress in the field of human rights and called for "significant additional efforts" to be made, including in relation to the police and judiciary.

On 25 September a verbal dispute in the parliament during a debate on the amendments to the electoral code between the leader of the Party for Democratic Prosperity (PDP) and members of the Democratic Union for Integration (DUI) in the parliament degenerated into a fist-fight between ethnic Albanian parties. A reporter from A1 Television was slapped in the face by security officials from the DUI and a crew from TV ALSAT was detained while filming the police outside the building (see below).

In August parliament waived the immunity from prosecution of former prime minister and defence minister Vlado Buckovski in connection with charges related to an arms deal in 2001, although he was not detained.

In November the Council of Europe reported on their investigation opened in May into the allegedly suspicious death of former President Boris Trajkovski, in a plane crash together with eight members of his staff, over Mostar in Bosnia and Herzegovina in February 2004. They concluded that the crash was most likely accidental but that

further enquiries were needed in relation to "worrying inconsistencies".

### **Impunity for War Crimes**

The trial of former Minister of Internal Affairs Ljube Boškovski continued before the International Criminal Tribunal for former Yugoslavia (Tribunal). He had been indicted in 2005 for violations of the laws and customs of war, including for his failure to investigate, prevent or punish his co-defendant, Johan Tarčulovski, an Escort Inspector in the President's Security Unit. The latter was indicted for the detention and cruel treatment of ethnic Albanians in the village of Ljuboten in August 2001 when seven ethnic Albanian men died and over 100 more were detained and subjected to torture and ill-treatment.

In December Albanian political parties expressed their opposition in parliament to the return to Macedonia of four cases over which the Tribunal had seized primacy, but for which the Tribunal had not issued indictments. The DUI and the Democratic Party of Albanians, (DPA) considered the return of the cases to be in violation of an Amnesty Law adopted in March 2001, which had applied to all those involved in the 2001 armed conflict except for those accused of war crimes under the jurisdiction of the Tribunal.

No further progress was reported on the whereabouts of three ethnic Albanians – Sultan Memeti, Hajredin Halimi and Ruzdi Veliu – alleged to have been "disappeared" by the Macedonian authorities during the 2001 internal conflict.

### **Armed opposition groups**

On 7 August government buildings were attacked by two grenades fired from a rocket-propelled launcher; to date no suspects have been identified. On 2 September Xhemal Iseini (a.k.a. Jamie Shea), was arrested after having escaped from Idrizovo prison on 21 August, while attending his mother's funeral. Xhemal Iseini had been sentenced to seven years' imprisonment for planting a bomb on the Skopje –Belgrade

railway. The director of Idrizovo prison was dismissed for his faulty judgment in granting Xhemal Iseini leave of absence with only two guards to accompany him.

The security situation deteriorated: armed opposition groups effectively controlled areas near the border with Kosovo. On 10 September ethnic Albanian police commander Fatmir Halili was killed and two police officers wounded in Vaksince on the Kosovo border during the course of an attempted arrest; two ethnic Albanians, Skender Halili and Xheladin Hiseni, were killed.

Amnesty International expressed concerns in November at the possible excessive use of force by the Macedonian special forces in operation "Mountain Storm", which aimed to capture members of armed opposition groups, including several men who in August had escaped from Dubrava prison in Kosovo, and who had been hiding in the area close to the border with Kosovo. One escapee, Xhavit Morina, former commander of an armed opposition group known as the Albanian National Army, had already been killed by persons unknown near Tetovo on 1 November. During the operation in Brodec village six people were killed and 13 arrested. Witnesses reported to the Macedonian Helsinki Committee that the detained men were beaten while handcuffed and lying on the ground; five of the men were hospitalized for several days after reportedly resisting arrest. An internal investigation by the Ministry of Interior concluded: "the use of firearms by police officers was appropriate, proportionate, justified and necessary", and that the detainees had been injured while resisting arrest.

### **Counter-terrorism**

No action was taken by the authorities to bring to justice members of the security forces alleged to have participated between December 2003 and January 2004 in the arrest and unlawful detention of German citizen Khaled El-Masri before transferring him to the US authorities (see AI Index: EUR 01/007/2006). The government also failed to

cooperate with the Council of Europe in establishing the truth about his rendition.

**Torture, ill-treatment and possible extra-judicial execution**

The European Committee for the Prevention of Torture visited Macedonia in October. The non governmental organization (NGO) the Macedonian Helsinki Committee reported continued allegations of ill-treatment by the police, but also informed Amnesty International that following a decision by the European Court of Human Rights in the case of Perushan Jarushar (see AI Index AI Index: EUR 01/010/2007), there had been some improvement in disciplinary procedures conducted by the Internal Control and Professional Standards Sector of the Ministry of the Interior. Complaints against the special "Alfa" police continued and were seldom sustained. In cases where persons who had been ill-treated by the police sought reparations including compensation, NGOs reported that police officers summoned as witnesses often failed to appear in court

On 26 September, the day after the parliamentary incident (see above), Igor Ljubovcevski, a TV ALSAT cameraman, was beaten and his camera broken by police on the road to Tetovo, after he had filmed them as they stopped a vehicle containing two DUI members of parliament. He was reportedly taken to hospital in Skopje with two broken ribs and bruising on his back and chest. The Organization for Security and Co-operation in Europe and the Journalists' Association of Macedonia condemned this and other attacks by the police on journalists. The Ombudsperson opened an inquiry, and the Minister of Interior an internal investigation, although neither reported their conclusions before the end of the year.

In October and November the Ombudsperson undertook visits to prisons in Macedonia to inform prisoners of their rights; post-boxes in which complaints could be sent to the Ombudsperson's Office were installed in all Punitive-Correctional Institutions.

No further progress was reported in an investigation into the death in custody of Sabri Asani - an ethnic Albanian arrested in 2000 in connection with the killing of three police officers on 1 January 2000 (see AI Index: EUR 65/03/00).

**Discrimination against minorities**

Some provisions of the Ohrid Agreement (which concluded the 2001 internal conflict, and which primarily aimed to end discrimination against the ethnic Albanian community) still remained to be implemented. The authorities also failed to implement recommendations made in 2006 and earlier in the year by UN treaty body committees which had urged the adoption of temporary special measures to address discrimination against ethnic minorities and ethnic minority women in particular.

In July a report by the NGO DecadeWatch on progress made by nine countries participating in the Decade of Roma Inclusion ranked Macedonia in seventh place, noting that where measures had been taken towards implementation of Macedonia's Action Plan for the Decade, they had largely been carried out by Romani and other domestic NGOs in conjunction with international NGOs, and with international funding. Following a report issued by Amnesty International in December on discrimination against Romani women and girls, including in access to education, employment and health-care (see AI Index: 65/004/2007), the Ministry of Education reported that measures introduced earlier in the year to ensure free transport to school for all primary school children would be extended to secondary school pupils.

Also in December the authorities began to consider the introduction of anti-discrimination legislation. Muslim women in predominantly ethnic Albanian-inhabited Tetovo demanded a change in the law to allow them to wear the headscarf in photographs for travel documents.

### **Refugees from Kosovo**

Some 1,860 refugees remained in Macedonia. The majority were Roma and Ashkalia refugees from Kosovo who had been granted temporary "asylum for humanitarian protection", or those whose applications for asylum had been rejected in procedures which in many cases were flawed by a failure to consider the circumstances of individual applications for asylum. The state failed to guarantee these refugees access to social and economic rights. Many feared forcible deportation.

### **Discrimination, including violence against women**

Although legislation in force reflected measures set out in the Council of Europe's Convention on Action against Trafficking in Human Beings, Macedonia had failed to ratify the Convention by the end of the year. Measures to give effect to the 2006 Law on Equality between Men and Women, including the recruitment of lawyers and other staff required to implement the legislation, were not in place by December

## **MONTENEGRO**

### **General and political developments**

A new Constitution was adopted in October, which failed to fully satisfy the previous recommendations of the Council of Europe's Venice Commission on compatibility with rights set out in the European Convention on Human Rights (ECHR). In December the Venice Commission expressed continued concerns about certain provisions including on the independence of the judiciary, access to a legal remedy at the European Court of Human Rights and the restrictive definition of minorities.

Also in October Montenegro signed a Stabilization and Association Agreement with the European Union. In December the European Council urged that the new Constitution be implemented in accordance with European standards, and that reforms were needed to strengthen the rule of law and combat corruption and organized crime. Also in December Montenegro concluded an agreement with the USA on the destruction

of small arms and light weapons as part of NATO's Partnership for Peace programme.

### **Impunity for war crimes, including the right to redress and reparation for the families of the "disappeared" (update to AI Index: EUR 66/001/2006).**

In July the Senior State Prosecutor filed a request with the High Court to open an investigation against six persons suspected of war crimes against Croatian civilians and prisoners of war at the Morinj detention centre in early 1991-2; no progress was reported by the end of the year. In August Montenegro concluded an agreement with Croatia on reparations in relation to military attacks launched on Dubrovnik in 1991 from Montenegrin territory.

By the end of the period under review no progress had been made in bringing to justice six former police officers suspected in February 2006 of the arrest and subsequent enforced disappearance of 83 Bosniak civilians, who were "deported" from Montenegro to territory under Bosnian Serb control in the Republic of Bosnia and Herzegovina in May 1992. At the end of August the State Prosecutor's Office denied media reports that charges had been laid against Ulcinj police chief Sreten Glendža in connection with the deportations, although earlier in the month the prosecutor had requested evidence be gathered in his case. In September, the former President of the then republic of Montenegro, Momir Bulatović, was questioned by the Podgorica High Court Judge; he had twice failed to appear in response to a summons from the investigative judge.

Civil proceedings continued against the state of Montenegro in connection with the enforced disappearances. By the end of the year, in 25 of out 38 first instance decisions Montenegro was found responsible for the deaths of the "deported" Bosniak civilians; compensation was awarded to family

members for the emotional suffering caused by the death of their relative. The court rejected all claims for the violation of the relatives' rights under Article 3 of the ECHR for the pain and suffering caused by the authorities' failure to provide information as to the fate and whereabouts of their relatives. The state appealed each decision.

**Unfair trial (update to AI Index EUR 01/010/2007).**

Proceedings continued against 17 ethnic Albanian men arrested during the Orlov let (Eagle's flight) operation in September 2006 and indicted for preparing to endanger the constitutional order and security of Montenegro. Relatives expressed concerns for the deteriorating health of some of the detained men and at the length of proceedings. Amnesty International considered that the trial was not conducted in accordance with the criminal procedure code, or fair trial standards, including in the use of unlawfully seized evidence and the use of testimonies which defendants stated had been extracted under duress (see below).

**Torture and ill-treatment (Update to AI Index: EUR 01/010/2007).**

Torture and ill-treatment continued, including during arrest and detention: the non-governmental Youth Initiative for Human Rights documented some 23 cases between September and October 2007 alone. Victims were often charged with obstruction of police officers, while police officers were rarely charged.

A criminal investigation by the state prosecutor continued into allegations of torture and ill-treatment brought by seven of the men detained during the Orlov let arrest operation (above). By November four police officers were reportedly under investigation, although the men's lawyers had not been informed of this development.

No progress was reported in an investigation into allegations that in 2005 special police

officers had beaten detainees held in the detention unit at Spuz prison.

**Possible extrajudicial executions and political killings (Update to AI Index: EUR 01/001/2007); freedom of expression**

The trial continued of 10 defendants indicted in August 2006 on suspicion of the murder in August 2005 of former Montenegrin police chief Slavoljub Šćekić. In November the judge (whose identity is protected) reportedly refused to grant permission for protected witnesses to testify via video link. Komnen Radović, a journalist at the Montenegrin daily *Vijesti* was reportedly attacked in the street by the defendant's lawyer Zoran Vukčević, who was apparently unhappy with the newspaper's reporting of the trial. Zoran Vukčević was charged with "physical attack and threatening behaviour".

On 1 September, Zeljko Ivanović, director of *Vijesti* was attacked; three "minor criminals" were subsequently arrested and indicted, although eye witnesses stated in proceedings that the defendants did not resemble the assailants. Zeljko Ivanović alleged this was an attempt to cover up a politically motivated attack related to the independence of the media. Proceedings for defamation were brought against Zeljko Ivanović and a former editor for defamation by former prime minister Milo Djukanović, requesting 1 million euros in compensation for remarks made by Zeljko Ivanović following the attack, which described it as a "greeting card" from the family of Milo Djukanović.

On 1 November, Tufik Softić, head of a local radio station in Berane, was hospitalized after being beaten with baseball bats by two unknown assailants. He had previously reported threats to his life. Although two suspects were arrested they were shortly released and investigations continued at the end of the year.

No one was brought to justice for the murder of Dusko Jovanović, editor of *Dan* in May 2004. An appeal by the prosecution against the decision to acquit the sole suspect Damir

Mandić had not been heard by the end of the year.

The parliamentary committee on defence and security in December questioned police director Veselin Veljović in relation to the failure to date of the police investigation into the murder in October 2006 of Srdjan Vojičić, driver of novelist Jevrem Brković.

#### **Human Rights Defender at Risk**

No progress was made in an investigation into alleged threatening telephone calls made in May to Aleksandar Zeković, a member of the Council for the Civilian Control of Police related to his reporting on cases of enforced disappearances (above).

#### **Roma refugees from Kosovo**

In July an estimated 16,000 predominantly Roma refugees from Kosovo were concerned that they might be forcibly returned to Kosovo in violation of recommendations by the UN's refugee agency (UNHCR), when a Memorandum of Understanding between the Kosovo and the Montenegrin authorities was due to cease. These refugees considered by the Montenegrin authorities – despite the country's independence – to be internally displaced persons, remained at risk of forcible return at the end of the year. Some 1,870 still awaited decisions on displaced person status. A further 8,527 refugees from Bosnia and Herzegovina or Croatia also remained in Montenegro. The Council of Europe, on Montenegro's accession, had required the authorities to issue personal documentation to displaced persons and refugees; ensure their access to social, economic, and political rights and prevent those without documentation from becoming stateless.

#### **Trafficking in human beings**

The Council of Europe called for increased efforts in the provision of assistance and protection to victims of trafficking, in accordance with the Convention on Action against Trafficking in Human Beings, which Montenegro signed but did not ratify. In

October the government and non governmental organizations signed a Memorandum on Cooperation for Combating Trafficking in Human Beings.

## **SERBIA**

#### **General and political developments**

Negotiations with the European Union (EU) on Serbia's Stabilization and Association Agreement (SAA) continued having resumed in June, after their suspension following Serbia's failure to cooperate with the International Criminal Tribunal for the former Yugoslavia (Tribunal). The SAA was initialled on 7 November, although concerns remained about Serbia's failure to arrest and surrender suspects indicted by the Tribunal.

Elections held in Kosovo in November were won by the Democratic Party of Kosovo, led by Hashim Thaçi, former political leader of the Kosova Liberation Army (KLA).

#### **Final status of Kosovo**

Kosovo remained part of Serbia, administered under UN Security Council (SC) Resolution 1244/99 by the UN Interim Administration Mission in Kosovo (UNMIK). Permanent members of the UN SC failed to reach agreement on a resolution on the future status of Kosovo in July. The UN Secretary General charged a Troika, representing the EU, Russia and the USA, to facilitate continued talks between the Serbian authorities and the Kosovo Albanians. No agreement on a final settlement was reached by December, although Hashim Thaçi, the new prime minister, was dissuaded by the EU and US from making an immediate and unilateral declaration of independence.

#### **Impunity for war crimes: proceedings at the Tribunal (Update to AI Index: EUR 01/001/2007).**

While noting some improvement in other aspects of Serbia's cooperation with the Tribunal, the Chief Prosecutor continued to express concerns at the lack of cooperation by the Serbian authorities in failing to

surrender four remaining suspects indicted by the Tribunal including former Bosnian Serb general Ratko Mladić and former Bosnian Serb leader Radovan Karadžić.

Proceedings continued against Ramush Haradinaj, former KLA leader and former Prime Minister of Kosovo, indicted with Idriz Balaj and Lahi Brahimaj for crimes against humanity and violations of the law or customs of war in Kosovo. Charges related to the period of internal armed conflict between March and September 1998 when Ramush Haradinaj was Commander of the Dukagjin Operational Zone, and include the torture, deportation or forcible transfer of Serbs, Roma, Egyptian and Albanian civilians, murder and rape. By November three prosecution witnesses had been indicted by the Tribunal for contempt of court because of their refusal to testify; concerns were expressed about the failure of witness protection in this particular case.

Proceedings continued against six senior political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo in 1999. They include former deputy Serbian president Milan Milutinović, former deputy prime minister Nikola Šainović, former General Chief of Staff Dragoljub Odjanić, former police colonel general Sreten Lukić, former Yugoslav Army colonel generals Nebojša Pavković and Vladimir Lazarević. They had been charged with a joint criminal enterprise with the aim of ensuring Serbian control over Kosovo and charged with for the deportations, forcible transfer, murder and persecution of ethnic Albanians between January and June 1999.

In September the trial concluded of three Yugoslav People's Army officers known as the "Vukovar Three", indicted for command responsibility in relation to the killing of 194 mainly Croatian prisoners of war and civilians at Ovčara farm in Croatia (see Croatia entry). For the continuing retrial of lower ranking officers indicted for their participation in the same crime, see below.

Also in September, the Appeals Chamber upheld the conviction in 2005 of Haradin Balaj, sentenced to 13 years' imprisonment for the murder of at least 22 Serbs and

Albanians, their illegal imprisonment, torture and inhuman treatment. The acquittal of two other former KLA members was upheld.

The trial of Vojislav Šešelj recommenced (after the defendant's hunger strike) in November. Despite his detention since 2003 Vojislav Šešelj remained the leader of the Serbian Radical Party. He had been indicted for crimes against humanity and violations of the laws or customs of war, including for the persecution and forcible deportation of non-Serbs in both Croatia and Bosnia and Herzegovina (BiH) between August 1991 and September 1993.

### **Serbia**

#### *Domestic war crimes trials, including enforced disappearances*

A retrial continued of 14 low-ranking volunteer soldiers charged with the murder of Croatian prisoners of war and civilians at Ovčara farm in 1991 (see "Vukovar Three", above).

Seven years after investigations opened, indictments had still not been issued in connection with the transfer to Serbia in 1999 of the bodies of at least 800 ethnic Albanians in refrigerated trucks. The trial continued of eight former police officers indicted on 25 April 2006 for the murder of 48 ethnic Albanian civilians in Suva Reka in Kosovo in March 1999; their bodies had been found at Ministry of Interior property at Batajnica in Serbia.

Proceedings continued against serving police officers Sreten Popović and Miloš Stojanović, indicted for the murder of the three Albanian-American Bytici brothers in Kosovo in July 1999; the trial was reportedly marred by interruptions and abuse from police "observers".

#### *Torture and ill-treatment*

Although there was an apparent decline in the number of reported cases of alleged torture and ill-treatment, non-governmental organizations (NGOs) continued to receive such complaints. In two cases reported in October in Leskovac and Kruševac, police officers were reportedly suspended pending

criminal investigations, but there was a general lack of will to address such complaints, which prompted some NGOs to suggest that collusion between the police and judiciary was assisting impunity.

The Niš District Prosecutor had reportedly made no progress in relation to 31 criminal complaints brought on behalf of prisoners at Niš prison in November 2006 by the Leskovac Committee for Human Rights. Prisoners had alleged that Ministry of Interior police officers, brought in to contain what was described as a rebellion, had used excessive force.

Impunity persisted in relation to previous allegations of torture and ill-treatment, including in relation to arrests in 2003 during Operation Sabre which followed the murder of former prime minister Zoran Đinđić.

In November, the international NGO Mental Disability Rights International (MDRI) concluded in a report on psychiatric institutions in Serbia that "placement in a Serbian institution [is] life threatening for both children and adults". The authorities later in November published their own report dismissing the MDRI's findings.

#### *Discrimination against minorities*

Cases of ethnically and religiously motivated attacks continued, including against Albanians, Croats, Bosniaks, Hungarians, Roma, Ruthenians and Vlachs, ranging from attacks with explosive devices, hate-speech and verbal abuse by fans at football matches. Law enforcement officers often failed to bring perpetrators to justice.

In November the NGO Youth Initiative for Human Rights applied to the European Court of Human Rights on behalf of Života Milanović, a member of the Hindu religious community in Jagodina, who had been assaulted five times since 2001, including being stabbed in the stomach, arms and legs on 29 June. The application alleged Serbia's failure to protect his right to life, provide an efficient legal remedy and ensure freedom from torture and discrimination.

Roma NGOs reported that although at least one attack a day took place on members of Roma communities, and that such attacks

were increasingly being reported to the police, impunity persisted for the perpetrators. In December, in response to protests by local residents to a plan to build 10 apartments for socially vulnerable persons including Roma, the mayor of the town of Topola in central Serbia stated on his website that these new buildings on the edge of the town would be surrounded by a wire fence to prevent Romani persons from coming into the town centre. In Belgrade the authorities refused to make public possible sites for the relocation of 237 Romani families living under a bridge due for reconstruction, fearing similar discriminatory reaction.

#### *The Sandžak*

Political disputes and violent clashes, including shootings, between rival political groupings and faith communities within the Bosniak community continued in Novi Pazar. In November Serbian human rights organizations expressed concerns at increasing anti-Islamic statements in the media which masked continued discrimination against the Bosniak community, including a failure to implement provisions of the Council of Europe's Framework Convention on the Protection of National Minorities.

At least nine men arrested earlier in the year, and believed to be of the Wahhabi faith, were indicted in September for conspiring against Serbia's security and constitutional order. One suspect, Nedžad Memić, remained at large until 28 December, when he was arrested in France, where he sought international protection.

Bekto Memić, aged 68 and in poor health, was arrested on 17 March in connection with the search for his son, Nedžad Memić. He was released seven days later, then re-arrested on 13 April at a clinic in Novi Pazar while receiving treatment. Family members reported that he was ill-treated en route to the hospital wing of Belgrade central prison, where he was held at the end of the year on charges of alleged terrorism and the unlawful possession of weapons.

*Human Rights Defenders (HRDs)*

In July Maja Stojanović, convicted in November 2005 for displaying posters calling for Ratko Mladić to be arrested and surrendered to the Tribunal, was required by Niš District court to serve 10 days imprisonment following her refusal to pay a fine imposed by the court (see AI Index: EUR 70/011/2007). Amnesty International considered her a potential prisoner of conscience, and appealed against her detention. Following an expression of support in her case by President Boris Tadić, NGOs paid the fine on her behalf. In September the Special Representative of the UN Secretary-General on the situation of Human Rights Defenders paid a visit to Serbia, with a special emphasis on women HRDs and defenders of sexual minorities.

*Violence against women*

During November and December the Autonomous Women's Centre in Belgrade launched a national campaign to encourage the public to report of cases of domestic violence and called on national and municipal public services to protect and prevent such violence. They reported that in Serbia one woman was killed each week by a partner or ex-partner.

Trafficking of persons, including women for the purposes of forced prostitution, continued. NGOs reported on cases of several persons who had apparently disappeared and who were believed to have been trafficked. In July in Novi Sad eight persons including several members of the same family were convicted and sentenced for the trafficking of girls into forced prostitution, and for procurement. In December a Bosnian Serb was convicted of trafficking and sentenced to five years' imprisonment for the trafficking of girls from Niš in Serbia to Banja Luka in BiH, where they believed they would be employed as waitresses.

**Kosovo**

*Impunity for the international community*

UNMIK failed to implement measures ensuring access to redress and reparations

for violations of rights by members of the international community. The Human Rights Advisory Panel (HRAP), which had been introduced into law in March 2006 to provide remedies for acts and omissions by UNMIK, was not convened by the Special Representative of the UN Secretary General until November, despite the appointment of the panel in February.

The appointment of a new Ombudsperson was postponed in October after Amnesty International and other national and international NGOs had expressed concerns that the process by which the new Ombudsperson was to be appointed by the Kosovo Assembly had failed to adhere to procedures set down in law, that candidates failed to meet the criteria for the post, and at allegations of political interference in the selection process (see AI Index: EUR 70/013/2007). In November, the UNMIK Office of Legal Affairs informed the NGO Human Rights Watch that the Acting Ombudsperson did have jurisdiction over acts of omissions by UNMIK. The Acting Ombudsperson had requested clarification on his role since February 2006, when an UNMIK regulation was considered, including by the UN Human Rights Committee to have withdrawn his jurisdiction.

On 18 August seven men convicted of serious crimes, including members of the armed opposition groups known as the Albanian National Army, escaped from Dubrava prison reportedly with the assistance of prison guards, after accomplices fired rockets and bullets from outside the prison. They were either recaptured or killed by the Macedonian authorities in October (see Macedonia entry).

*Unlawful killings [Update to AI Index: EUR 01/001/2007]*

No criminal investigation was opened by the UNMIK Department of Justice following their final report in June into the unlawful killing in February of Mon Balaj and Arben Xheladini and the serious injury of Zenel Zeneli during a demonstration called by the NGO Vetëvendosje (Self Determination) in February (see AI Index: EUR 70/002/2007). In July the Romanian authorities reported

that they had opened an investigation into allegations made by UNMIK that Mon Balaj and Arben Xheladini had been killed by members of the Romanian Formed Police Unit, who had discharged apparently out-of-date rubber bullets, which killed and injured the men. In December the HRAP announced that they would consider an application by the families of Mon Balaj and Arben Xheladini who had requested that a criminal investigation be opened into the unlawful killings.

Failures within the command and control system, identified in the June report, resulted in the introduction of new procedures for public order policing, but no investigations were opened to establish whether senior officers bore criminal responsibility for the deaths.

#### *Fair trial standards*

There were concerns that the trial of Albin Kurti, leader of Vetëvendosje charged in connection with his organization of and participation in the demonstration of 10 February, was not conducted in accordance with law applicable in Kosovo or international standards for fair trial. Amnesty International attended proceedings in December: the organization considered that the prosecution appeared to be politicized and proceedings before a panel of international judges demonstrated a lack of independence by the judiciary (see AI Index: EUR 70/014/2007. Albin Kurti remained under house arrest at the end of the year.

#### *Impunity for war crimes, including enforced disappearances and abductions*

UNMIK failed to report to the Human Rights Committee, as required in 2006, on measures taken to address impunity for war crimes including enforced disappearances. A lack of prompt and effective investigations, the absence of witness protection, a backlog of appeal cases and a declining number of international judiciary and prosecutors to consider cases of war crimes, contributed to continuing impunity for these crimes.

Impunity remained in over 3,000 cases of enforced disappearances and abductions. Relatives of the missing complained at being repeatedly interviewed when new UNMIK

police contingents took over cases; prosecutors complained that witnesses refused to come forward.

Some 1,998 missing persons remained unaccounted for at the end of the year, including 1,300 Albanians, 500 Serbs and 200 members of other minorities. Exhumations of mortal remains were conducted by the Office of Missing Persons and Forensics within the Department of Justice; more than 400 exhumed bodies remained unidentified.

#### *Minority rights*

Serbs and Roma continued to experience both real and perceived restrictions on their freedom of movement.

Most attacks involved the stoning of buses carrying Serb passengers by Albanian youths. In some cases, grenades or other explosive devices were thrown at buses or houses. Roma reportedly informed the NATO-led Kosovo Force (KFOR) that they no longer reported such incidents. Orthodox churches continued to be looted or vandalized. A bus carrying Albanians through the Serb-dominated north was attacked in September, and in November a mixed ethnicity women's centre in north Mitrovica/ë was attacked. Although there were relatively few reported incidents in this period, security concerns were heightened in the context of the failure of talks on the status of Kosovo.

Perpetrators of inter-ethnic attacks were only occasionally brought to justice. Some 600 to 700 cases remained unresolved from the inter-ethnic violence of March 2004, although progress was made in a few long-standing cases. In October an ethnic Albanian was arrested on suspicion of involvement of the murder of 14 Serb men in a field near Staro Gračko in July 1999. In October proceedings opened against Florim Ejupi, indicted for the bombing of the Niš Express bus near Podujevo/ë in February 2001, in which 12 Serbs were killed and 22 severely injured.

#### *The right to return*

Some Roma who had lived in lead contaminated camps were among 280 individuals who returned to new

accommodation in the Roma neighbourhood of south Mitrovica/ë; the majority were unable to return until further funding for rebuilding was raised. Serbs displaced in March 2004 felt unable to return to their homes, and remained in temporary accommodation. In Leposavić/Leposaviq in northern Kosovo Romani families were expected to live without access to basic amenities and under threat of eviction. There was little coordination by the government of return and reintegration agreements, although some municipal authorities assisted voluntary return. Some EU and Council of Europe member states planned to forcibly return to Kosovo persons from minority communities, before conditions for their return in safety and security were established.

#### *Violence against women*

Trafficking of women into forced prostitution continued, the majority were internally trafficked or trafficked from Albania. Despite frequent reports of arrests for trafficking in persons there were few prosecutions. The authorities also failed to implement an administrative directive giving effect to provisions in the 2001 trafficking regulation, providing assistance and support to trafficked persons.

In July the Organization for Security and Co-operation in Europe reported on the failure of the judiciary to fully implement UNMIK Regulation No. 2003/12, "On Protection against Domestic Violence", including in relation to protection orders, which were not decided within the time specified by law, and so failed to protect women from violence. The Prosecutor's Office also failed to show due diligence in ensuring the prosecution ex officio of criminal offences relating to domestic violence, as required by law.

---

## **SLOVENIA**

---

### **The "erased" (update to AI Index: EUR 001/010/2007)**

The Slovenian authorities failed to restore the status of permanent residents of a group of people known as the "erased" and to ensure that they have full access to

economic and social rights. The authorities failed to explicitly and publicly recognize the discriminatory nature of the "erasure", and those affected by it continued to be denied access to full reparation, including compensation.

The "erased" include at least 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. While some were forcibly expelled, many lost their jobs and/or could no longer be legally employed. They have had no, or limited, access to comprehensive healthcare after 1992, in some cases with serious consequences for their health. Of those "erased" in 1992, thousands remained without Slovenian citizenship or a permanent residence permit.

In October the government presented to parliament a draft constitutional law, which was intended to resolve the status of the "erased". AI called for the withdrawal of the draft law which, as it was presented to parliament, continued to violate the human rights of the "erased" and further aggravated their disadvantaged position. The draft law maintained discriminatory treatment of the "erased", provided new legal grounds for more discriminatory actions by the authorities, including the possibility to revise decisions on individual cases where permanent residency has been restored, and failed to retroactively restore the status of permanent residents of all the "erased". The draft also disclaimed responsibility by state bodies for the "erasure" and explicitly excluded the possibility of compensation for the human rights violations suffered by the "erased".

### **Discrimination against Roma (update to AI Index: EUR 001/010/2007)**

The authorities failed to fully integrate Romani children in education and tolerated in certain primary schools the creation of special groups for Romani children, where in some cases a reduced curriculum was taught.

The so-called "Bršljin model", used at the Bršljin elementary school in the city of Novo Mesto, provided for the creation of separate groups for pupils who do not perform sufficiently well in certain subjects. These are intended as "catch-up groups" and, at least in theory, would allow for pupils to return to mainstream groups. Teachers in Bršljin admitted that such groups were composed mostly, and sometimes exclusively, of Roma.

The Slovenian authorities continued to claim that evaluation of the "Bršljin model" has shown that such a model does not result in the segregation of Romani children and that it simply involves the temporary placement of pupils in groups for those children who do not perform sufficiently well in certain subjects. However, at the end of the period under review, AI had not received further details on the evaluation and its outcome. AI was informed that the "Bršljin model" was still being developed with a view to ensuring that the placement in "catch-up" groups would be temporary in nature.

In addition, little progress was made in integrating Romani languages and culture in school curricula and teaching materials in a comprehensive way. Educational activities focused on Romani culture were mostly left to the initiative of individual teachers and schools.