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Summary of Amnesty International's Concerns in the Balkans

January – June 2005

ALBANIA

This country entry has been extracted from an Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2005* (AI Index: EUR 01/012/2005), issued in December 2005. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

UN Committee against Torture

In May the UN Committee against Torture considered Albania's initial report, submitted with an eight-year delay, on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among other recommendations, the Committee called on Albania to "ensure strict application of the provisions against torture and ill-treatment, adequately qualifying, prosecuting and punishing perpetrators in a manner proportionate to the seriousness of the crimes committed." Prior to this hearing, AI had released a report in which the organization described learning of more than 105 incidents from the beginning of 2002 to the end of November 2004 in which police in Albania were alleged to have tortured or ill-treated one or more people (see *Albania: Obligations under the UN Convention against Torture – a gap between law and practice*, AI Index: EUR 11/001/2005). AI believed the true figure for such incidents was considerably higher and that many went unreported. Most incidents took place during, or in the hours immediately following, arrest. Victims complained of punches, kicks and beatings; they sometimes suffered injuries so severe that they required medical treatment or even hospitalization.

Allegations of ill-treatment

Further allegations that police had ill-treated detainees during, or in the hours following, arrest were received during the period under review.

Rrok Pepaj was arrested in Shkodër in April and charged with trafficking explosives. He subsequently filed a complaint against a named judicial police officer whom he accused of torture, forgery and "abuse of office". He alleged that following his arrest he was repeatedly kicked and beaten with truncheons by masked police officers and that while his head was crushed between two tables he was forced to sign a document that he could not see. He

suffered damage to his kidneys; in October he was reportedly still urinating blood and receiving medical treatment while in pre-trial detention.

In April police in Berat allegedly beat seven students at the Pedagogical School who were suspected of having intentionally caused electricity power cuts at their hall of residence. According to the students they were held at Berat police station for several hours where they were questioned, punched and kicked. One student reportedly alleged: "It was terrifying: when one police officer stopped, another beat you, they made you stand with your face to the wall...with your hands behind your back, and if you moved they hit you as hard as they could." He added that a police officer had deliberately kicked his legs although he had informed him that he had recently fractured his leg. Police sources denied that the students had been ill-treated.

The director and the chief of the police guards of Tirana prison 302 were dismissed in April after a number of remand prisoners made allegations of physical and psychological ill-treatment. In the same month two police officers were suspended from duty pending an investigation into allegations made by a convicted prisoner, Miti Mitro, held at Lushnjë police station, that they had beaten him. They had apparently wished to punish him for having spoken in an insulting manner to a colleague of theirs.

In January Construction Police Forces, reinforced by police officers from Tirana Police Station no.2 demolished sheds, the homes of 18 Romani families, in the vicinity of the Student City in Tirana, leaving them without shelter. The Roma claimed that the Construction Police showed them a document ordering the demolition which lacked the seal of the issuing institution and was in other ways incorrectly formulated, and that when they protested they were physically assaulted and racially abused. The Albanian Human Rights Group (AHRG), which investigated this incident, concluded that police officers had struck Bukurie Shukriu [f], inflicting visible bruises. AHRG, emphasising the poverty and discrimination to which Roma communities are generally subjected, called on Tirana municipality to provide at least temporary housing, while acknowledging that the Roma were not legally occupying the sheds. The police authorities denied that the Roma had been ill-treated or racially abused.

Impunity

In May Tirana Appeal Court confirmed the acquittal of two police officers on a charge of "arbitrary acts" relating to a complaint made by Beqir Kaba that he had been tortured by police officers in Peshkopi in May 2004. According to a press report the prosecutor had sent the case for trial despite Beqir Kaba's having subsequently withdrawn his allegations. In 2004 the Ombudsman's Office had investigated Beqir Kaba's complaint, and recommended that criminal proceedings be started against the two police officers and three others. The Ombudsman noted that Beqir Kaba's allegations were supported by photographs and by a medical forensic report. The Ombudsman also found that Beqir Kaba had been detained beyond the relevant time-limit and that police officers had inaccurately recorded his period in detention and had searched his home without respecting legal procedures.

In June police officers arrested Ali Shabani, a taxi driver from Korçë, when he failed to stop his car as requested by traffic police. Later he was taken by police to hospital, apparently with severe head injuries. His family alleged that police officers had beaten and injured him, and that two days after the incident police were still refusing them access to him in hospital. According to the police, however, Ali Shabani was arrested for resisting police officers in the performance of their duties and had injured himself by striking his head against a wall. A local prosecutor reportedly declined to investigate a complaint filed by Ali Shabani, who subsequently brought a civil suit against the police.

Conditions of detention

Conditions in pre-trial detention premises in police stations generally continued to be harsh, with severe overcrowding, very poor diet, hygiene and sanitation and inadequate medical care. Convicted prisoners for whom there was insufficient space in prisons continued to be held in remand centres, sharing cell accommodation with remand prisoners and sometimes with children (between 14 and 17 years old), in violation of the law. These conditions led to frequent protests by detainees. Following inspections in January and February the Ombudsman confirmed overcrowding and unacceptable standards of hygiene in remand cells in Koplik and Fier police stations. In May remand cells in Pogradec police station were closed down, which reportedly led to a rise in the number of detainees and worsening conditions in Korçë police station. However, in March a new prison in Lezhë was opened as part of an EU-assisted plan to improve the infrastructure of the penitentiary system and a number of convicted and remand prisoners were transferred there, which to some extent reduced overcrowding.

Domestic Violence against Women

Surveys indicated that domestic violence was common, and that up to 40 per cent of women, of all ages and social groups, had on one or more occasions suffered psychological and/or physical violence. Women rarely reported such incidents to the police, having little confidence that they would receive help. Even when victims of domestic violence did file complaints, they reportedly often withdrew them, fearing the retaliation of their partners. At least three women were arrested on charges of killing partners whom they claimed had persistently subjected them to physical and psychological violence.

The law did not adequately protect victims of domestic violence, for whom there were limited support services provided by non-governmental organizations (NGOs). The Criminal Code did not specifically criminalize domestic violence. In January an NGO, the Citizens' Advocacy Office, initiated public debate on a draft law which it proposed to combat domestic violence.

Trafficking

According to official figures, between January and June 62 people were prosecuted for trafficking women for prostitution, and 13 people for child-trafficking. A number of traffickers were convicted at trials before district courts and the Serious Crimes Court. The latter court imposed sentences of up to 17 years' imprisonment on traffickers. However,

difficulties in implementing a witness protection law, adopted in 2004, meant that many victims of trafficking were unwilling to testify against their traffickers for fear of reprisal. There were also concerns that traffickers or their families were using bribes or threats to induce relatives of those victims who did testify to persuade them to withdraw their testimony. Reception centres for victims of trafficking and refugees were opened at Shëngjin and Kakavijë border points, and several other similar reception centres were reportedly due to be opened later.

The government approved a national strategy to combat child trafficking in February. In March Astrit Shaqiri was extradited from Greece. He had been sentenced *in absentia* to 15 years' imprisonment by Elbasan district court for trafficking a boy to Greece in 2001 and forcing him to work as a beggar. In June three men were referred for trial to the Serious Crimes Court on a charge of trafficking babies to Greece.

BOSNIA AND HERZEGOVINA

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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 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 and then endorsed by the UN Security Council. Approximately 7,000 troops of the European Union (EU)-led peacekeeping force EUFOR remained in BiH to ensure the implementation of the Dayton Peace Agreement and to contribute to a safe and secure environment in BiH. In addition to EUFOR, about 150 North Atlantic Treaty Organisation (NATO) troops remained in the territory of BiH, reportedly to provide support to the International Criminal Tribunal for the former Yugoslavia (Tribunal) with regard to the detention of persons indicted for war crimes, to combat “terrorism” and to assist the BiH authorities in defence reform. The European Union Police Mission, composed of approximately 500 police officers and other personnel, remained tasked with monitoring and supervising the activities of the local police.

In January Pero Bukejlović of the Serbian Democratic Party (Srpska Demokratska Stranka, SDS), was appointed prime minister of the RS. Also in January, the police restructuring commission, which had been set up by the High Representative in July 2004 to present proposals for police reform, issued its recommendations which included the establishment of a single police structure at the state level and the creation of cross-entity police areas. However, negotiations between ruling and opposition political parties on implementing police reform collapsed in May, after representatives of the SDS withdrew their initial support for the proposed reform. On 30 May the RS National Assembly adopted a conclusion opposing the creation of cross-entity local police regions.

In May the European Commission’s Consultative Task Force decided not to give the go-ahead to the start of negotiations on a Stabilization and Association Agreement with the EU, reportedly over the failure to reach an agreement on police reform and to adopt a law on the Public Broadcasting System.

The special Human Rights Commission within the BiH Constitutional Court continued to deal with the backlog of cases registered with the Human Rights Chamber before its closure in December 2003. Between January 2004 and June 2005 the Commission had resolved 4,182 applications while 4,759 remained pending.

War crimes and crimes against humanity

International investigations and prosecutions

The Tribunal continued to try alleged perpetrators of war crimes and crimes against humanity committed during the violent collapse of Yugoslavia. In June Theodor Meron, addressing the UN Security Council, noted that the Tribunal would not meet the 2008 deadline to complete all trials. Under the terms of the “completion strategy”, laid down in Security Council Resolutions 1503 and 1534, the Tribunal had completed all investigations and indictments for war crimes, crimes against humanity and genocide at the end of 2004 and is expected to complete all trials by 2008 and all cases, including appeals, by 2010.

In line with the Tribunal’s “completion strategy” a number of indictments, the last ones before the closing down of the Tribunal, were confirmed and unsealed between February and April. In the first months of 2005 a significant number of indictees voluntarily surrendered to the Tribunal and were transferred to the Hague.

The trial continued of former president of the Federal Republic of Yugoslavia, Slobodan Milošević, who is accused of war crimes and crimes against humanity for his alleged involvement in the wars in Croatia, BiH and Kosovo. Slobodan Milošević is also accused of having planned, instigated, ordered, committed or otherwise aided and abetted genocide, in connection with his alleged role in the war in BiH. In June the prosecution presented the court with a footage of members of a Serb paramilitary unit (the “Scorpions”) executing six Bosniak prisoners from Srebrenica in July 1995. The video may be of particular significance in proving the direct involvement of the authorities in Belgrade in crimes committed in BiH during the war, as the “Scorpions” were alleged to be under the control of the Serbian authorities when the crimes were committed.

In January Savo Todović, indicted by the Tribunal for war crimes and crimes against humanity, including the torture and killing in 1992-93 of non-Serbs detained in the Foča prison, voluntarily surrendered to the RS authorities and was subsequently transferred to the Hague. Also in January, Vidoje Blagojević and Dragan Jokić were sentenced by the Tribunal to 18 and nine years’ imprisonment respectively, for their role, as Bosnian Serb Army (Vojaska Republike Srpske, VRS) officers, in the killing of thousands of Bosniak men and boys in the aftermath of the fall of Srebrenica in July 1995.

In February former VRS officers Zdravko Tolimir, Radivoje Miletić and Milan Gvero were indicted by the Tribunal on charges of war crimes and crimes against humanity, including murder and deportation, committed against the Bosniak population in the Srebrenica and Žepa enclaves. The indictment alleges that the accused were part of a joint criminal enterprise, the purpose of which was to force the Bosniak population out of the Srebrenica and Žepa areas to areas outside the control of the RS from 11 March 1995 through the end of August 1995. Radivoje Miletić and Milan Gvero surrendered voluntarily and were transferred to the Hague. Zdravko Tolimir remained at large at the end of June. Also in February the Tribunal indicted Rasim Delić, former Commander of the Main Staff of the Army of Bosnia and Herzegovina (Armija Bosne i Hercegovine, ABiH), for murder, cruel

treatment and rape committed in 1993 and 1995 against the non-Bosniak population. Following his indictment, the accused voluntarily surrendered to the Tribunal.

Momčilo Perišić, former Chief of Staff of the Yugoslav People's Army, was indicted by the Tribunal in February and charges were made public in March. He is accused of war crimes and crimes against humanity committed during the wars in BiH and Croatia, including his alleged role in crimes committed against the civilian population during the siege of Sarajevo and against non-Serbs after the fall of Srebrenica. Momčilo Perišić voluntarily surrendered to the Tribunal in March. The indictment against former RS interior minister Mićo Stanišić, confirmed in February, was also unsealed in March. He is accused of war crimes and crimes against humanity, including persecutions, extermination, murder and torture, committed as part of a joint criminal enterprise aimed at permanently removing non-Serbs from areas under Bosnian Serb control. Following his indictment, Mićo Stanišić voluntarily surrendered to the Tribunal.

In March former sub-commander of the RS military police Gojko Janković, indicted by the Tribunal for torture and rape committed by Bosnian Serb forces against non-Serb women detained in Foča, voluntarily surrendered to the Tribunal and was transferred to the Hague. Former VRS officers Drago Nikolić and Vinko Pandurević, accused of war crimes, crimes against humanity and genocide for their alleged role in the Srebrenica massacre, also voluntarily surrendered to the Tribunal in March. Former VRS officers Ljubomir Borovčanin, Vujadin Popović, and Milorad Trbić (whose indictment for murder as a crime against humanity was confirmed in March and unsealed in April) voluntarily surrendered to the Tribunal in April.

In May the Tribunal decided for the first time to refer one of its indictments to a national jurisdiction. Following a request of the Prosecutor, the case of former Bosnian Serb soldier Radovan Stanković was referred to the War Crimes Chamber of the BiH State Court (see below). Radovan Stanković is accused of the enslavement and rape of non-Serb women detained in Foča. In 2004 and 2005 the Tribunal Prosecutors had asked for the transfer of a number of cases involving 10 people accused of crimes committed in BiH to local courts in the former Yugoslavia, a step that appears to be dictated by the tight deadline imposed by the "completion strategy".

In June the Tribunal acquitted Naser Orić, former ABiH officer and commander of the Territorial Defence in Srebrenica, of the charge of plunder on the grounds that the prosecution had failed to adduce evidence capable of supporting a conviction. Naser Orić remains on trial for the remaining charges of murder, cruel treatment and wanton destruction, committed in 1992-93 against Bosnian Serbs in the Srebrenica area.

Cooperation between the RS authorities and the Tribunal remained inadequate. So far not a single person indicted by the Tribunal has been arrested by the RS police. The RS authorities have pledged to improve their poor record of cooperation with the Tribunal through a policy of "voluntary surrenders". Despite its limited successes, which resulted in the first transfers of indictees from the RS, or with the assistance of the RS authorities, such a policy is in violation of the obligation of the RS to cooperate fully with the Tribunal including

by arresting and transferring to the Tribunal's custody indicted suspects. A total of 10 publicly indicted suspects remained at large at the end of June, the majority of them thought to be residing in or regularly travelling between Serbia and Montenegro and the RS.

Domestic investigations and prosecutions

The War Crimes Chamber within the BiH State Court became operational in March 2005 amid continuing concerns over the lack of financial and other resources needed to meet its requirements and to ensure its long-term sustainability. The Chamber, which is partly staffed by international judges and prosecutors, is expected to employ only local judges at the end of a five-year period. The War Crimes Chamber will only try cases referred by the Tribunal and particularly sensitive cases, while a large number of cases will continue to be dealt with by courts at the entity level.

The domestic criminal justice system continued to fail to take steps to actively prosecute alleged perpetrators. A major factor in fostering this continuing impunity was the lack of political will to tackle impunity and the lack of cooperation between the FBiH and RS judiciary and police forces. Victims and witnesses, as well as courts, particularly in proceedings conducted at the entities' courts, remained without adequate protection from harassment, intimidation and threats. However, some trials for war crimes opened or continued before local courts.

In January the Sarajevo Cantonal Court sentenced Veselin Čančar to four years and six months of imprisonment for crimes committed against the civilian population detained by the Bosnian Serb forces in Foča. Also in January, former ABiH member Salem Pinjić was found guilty by the Mostar Cantonal Court of the murder in 1992 of a Bosnian Serb woman in the village of Bradina, near Konjic. Former RS policeman Boban Šimšić, suspected of having committed war crimes against the civilian population in the Višegrad area, voluntarily surrendered to EUFOR troops in January and was subsequently transferred to the custody of the FBiH authorities. In May the War Crimes Chamber, to which the case had been referred by the Goražde Cantonal Court, decided that the suspect would be tried at the BiH State Court.

In February the first war crimes trial against Bosnian Serb suspects ever held in the RS ended at the Banja Luka District Court with the acquittal of 11 former police officers from Prijedor of charges of having illegally detained Father Tomislav Matanović, a Roman Catholic priest, and his parents in 1995. Tomislav Matanović and his parents had "disappeared" in 1995 and their bodies were found in 2001 near Prijedor, with close-range gunshot wounds. The investigation into the murder of Tomislav Matanović and his parents is reportedly still ongoing.

In March Dragoje Paunović, suspected of having committed war crimes in Rogatica in 1992, voluntarily surrendered to the office of the Chief Prosecutor of the Sarajevo Canton. The RS police reportedly arrested former VRS officer Marko Samardžija, accused of having committed war crimes in the Ključ municipality. Marko Samardžija was subsequently transferred to the custody of the local authorities in Bihać, FBiH, where he is expected to stand trial.

In June Tomo Mihajlović, former member of the RS police, was sentenced to four years of imprisonment by the Zenica Cantonal Court for crimes he had committed in summer 1992 against the non-Serb population in the Teslić area. Also in June former member of a Bosnian Serb paramilitary group Goran Vasić was sentenced to six years' imprisonment by the Sarajevo Cantonal Court for cruel and inhuman treatment of prisoners of war in 1992 detained in the Sarajevo suburb of Nedžarići. Goran Vasić was acquitted of other charges of war crimes against the civilian population. The RS police, with the support of EUFOR, arrested in June 11 persons, reportedly including serving RS police officers, suspected of having committed war crimes in Srebrenica.

Unresolved 'disappearances' and Srebrenica commission

According to the International Committee of the Red Cross, approximately 15,000 persons who went missing during the 1992-1995 armed conflict were still unaccounted for. Many of the missing were victims of “disappearances”, the perpetrators of which continued to enjoy impunity. In April a protocol was agreed between the BiH and entities' governments on the establishment of a state-level BiH Institute for Missing Persons.

In June the exhumation was completed of a secondary mass grave in Liplje, near Zvornik, containing the incomplete bodies of approximately 240 people. The mortal remains are believed to be of victims of the Srebrenica massacre. Of the approximately 8,000 Bosniaks killed and “disappeared” in Srebrenica after the town fell to the VRS in July 1995, to date around 2,000 have been exhumed and identified.

In January the RS appointed a working group to investigate whether any persons named as suspected perpetrators in the final report of the commission which had been established by the RS authorities to investigate the Srebrenica massacre, still held an official position in the RS or BiH institutions. The report, which contained a list of 892 individuals suspected of having been involved in the Srebrenica massacre and who were still reportedly employed in RS and BiH institutions, was presented to the High Representative in March. The High Representative recognized that the report is a “serious piece of work” but expressed its concern at the failure of the RS Ministry of the Interior and Ministry of Defence to fully cooperate with the working group and in particular at the failure of the RS authorities to provide specific data on individuals deployed in Srebrenica in July 1995. The High Representative therefore ordered that the working group be reconvened and urged the relevant RS authorities to provide all information necessary to complete the list of suspected perpetrators of crimes in Srebrenica. In April the preliminary list of 892 suspects was forwarded to the BiH Prosecutor.

Right to return in safety and with dignity

More than one million refugees and internally displaced persons (IDPs) have returned to their homes since the end of the 1992-95 war, out of an estimated 2.2 million persons who had been displaced by the conflict. According to the UN High Commissioner for Refugees field mission in BiH, between January and May 2005 approximately 3,000 refugees and IDPs returned to their pre-war homes. Of these approximately 2,600 were registered as minority

returns. In January a trilateral ministerial declaration was signed by the relevant ministers of BiH, Croatia and Serbia and Montenegro confirming the commitment of the three countries to solve all problems affecting refugee return in the region by the end of 2006.

Lack of access to employment continued to be a major factor in people's decision not to return and remain in their pre-war community. Employment opportunities were scarce in general, reflecting the weak economic situation and the difficulties of economic transition and post-war reconstruction. In addition, returnees faced discrimination on ethnic grounds when trying to find work and, in some cases, ethnically motivated harassment and attacks.

'War on terror' (update to AI Index: EUR 01/002/2005)

The six men of Algerian origin who were illegally transferred to US custody in 2002 by the FBiH authorities and detained in Guantánamo Bay, Cuba, remained in detention. In January the US District Court for the District of Columbia dismissed their petition for a writ of *habeas corpus* brought to challenge the legality of their detention. In March the BiH authorities confirmed that the BiH Council of Ministers had requested to the US authorities the release of the six men. Reportedly, the US authorities replied in April that the six men of Algerian origin will remain detained in Guantánamo Bay, allegedly because they constitute a "threat to the security" of the US and other countries.

Also in April, one of the men, Mustafa Ait Idir, filed a lawsuit in US court alleging that he had been tortured and ill-treated at Guantánamo including by slamming his body and head into a steel bed and floor; stuffing his face into the toilet and repeatedly pressing the flush button; and forcing him to lie on the floor while men jumped on his back. He stated that he was denied medical treatment after having been subjected to torture and ill-treatment and that as a result of one of the assaults, he suffered a stroke, leaving one side of his face paralysed.

Accountability of peacekeeping forces

In January 2005 members of the Starovlah family received a reply from the NATO Headquarters in Sarajevo rejecting their claim for compensation. Orthodox priest Jeremija Starovlah and his son Aleksandar Starovlah had been seriously wounded on the night of 31 March to 1 April 2004 when approximately 40 US, United Kingdom (UK) and Multinational Specialised Troops of the NATO-led Stabilisation Force (SFOR) conducted a raid in Pale in a Serbian Orthodox church and in the nearby priest's residence, reportedly in an attempt to apprehend Radovan Karadžić.

In April AI wrote to the NATO Headquarters in Sarajevo outlining the organization's concerns at the failure of NATO to provide reparations, including compensation, to the victims as well as to ensure that the circumstances of the incident in which Jeremija and Aleksandar Starovlah had been seriously wounded are promptly, thoroughly and impartially investigated. At the end of June AI had received no reply from NATO addressing the concerns raised in the letter.

CROATIA

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General and political developments

In February the Stabilization and Association Agreement between Croatia and the European Union (EU) entered into force. However, in March the EU Council decided not to begin accession talks on 17 March, as originally scheduled. These will be opened only after it is established that Croatia is fully cooperating with the International Criminal Tribunal for the former Yugoslavia (Tribunal). In June the EU Council encouraged Croatia to continue to step up efforts towards full cooperation with the Tribunal and decided to review Croatia's progress in July.

War crimes and crimes against humanity (update to AI Index: EUR 01/002/2005)

International prosecutions

Despite their pledge to fully cooperate with the Tribunal, the Croatian authorities failed to arrest and transfer to the Tribunal's custody Ante Gotovina, charged with crimes against humanity and war crimes, including the murder of at least 150 Croatian Serbs in 1995. In her address to the UN Security Council in June 2005, the Tribunal Prosecutor stated that "in the first part of this year, the efforts made by the authorities [to arrest Ante Gotovina] were neither pro-active, nor focused, and several incidents occurred where sensitive information was manipulated so as to obstruct the investigation against Gotovina and his protective networks". The Tribunal Prosecutor also noted that there were indications that Ante Gotovina could still count on active support networks, including within state institutions.

In January former Yugoslav People's Army (Jugoslovenska narodna armija – JNA) Lieutenant-General Pavle Strugar was sentenced to eight years' imprisonment for his role in attacks on civilians and the destruction of cultural property during the shelling of Dubrovnik's Old Town in December 1991.

In February the Tribunal indicted Momčilo Perišić, former JNA Chief of Staff, for war crimes and crimes against humanity committed during the wars in Croatia and Bosnia and Herzegovina (BiH), including for his alleged role in the shelling of Zagreb in 1995.

In June the Tribunal Prosecutor withdrew her application to refer the "Vukovar Three" case to a domestic jurisdiction in the former Yugoslavia, citing its highly sensitive nature and the fact that "any decision by the Chambers to transfer it would provoke deep resentment in one or the other country considered for the transfer, Serbia and Montenegro or Croatia" as reasons behind her decision. The accused, Mile Mrkšić, Miroslav Radić and

Veselin Šljivančanin, who remain in custody at the Tribunal, are all former JNA officers indicted for their alleged involvement in the removal of more than 250 non-Serbs from the Vukovar hospital and their execution at the Ovčara farm, after Vukovar fell to the JNA and Serbian forces in 1991.

Also in connection with the Ovčara massacre in 1991, the trial of six Croatian Serb defendants continued at the special War Crimes Panel within the Belgrade District Court for war crimes.

Domestic prosecutions

Trials for war crimes and crimes against humanity continued or started before local courts, often *in absentia*. In some cases these trials did not meet internationally recognized standards of fairness. In general, ethnic bias continued to affect the investigation and prosecution by the Croatian judiciary of wartime human rights violations. There continued to be widespread impunity for crimes allegedly committed by members of the Croatian Army and police forces and no new prosecutions were initiated for such crimes between January and June. Moreover, steps taken to guarantee the security and privacy of witnesses and to meet their psychological and welfare needs continued to remain insufficient.

In February three former Croatian police officers and one serving police officer, accused of having killed six captured JNA reservists in 1991, were acquitted by the Varaždin County Court. In May 2004 the Croatian Supreme Court had quashed a previous acquittal in this case by the Bjelovar County Court and ordered a retrial.

In April proceedings against 27 Croatian Serbs, Roma and Ruthenians, 16 of whom are being tried *in absentia*, reopened at the Vukovar County Court, in what is reportedly the biggest war crimes trial ever held in Croatia. The defendants, who *inter alia* are accused of having committed genocide, are suspected of having committed in 1991 and 1992 crimes against the civilian population of the village of Mikluševci, near Vukovar. The trial had initially started in 2004 on the basis of an indictment issued in 1996 against 35 suspects and was suspended upon request of the prosecutor, after it was ascertained that eight of the accused named in the indictment had meanwhile died.

In May proceedings started at the Zagreb County Court against five former members of a Croatian Ministry of the Interior unit suspected of having killed in 1991 a member of the Croatian Army and of having abducted and detained three Croatian Serbs resident in Zagreb who were later killed by unknown perpetrators in Pakračka poljana.

The trial continued at the Karlovac County Court of a former member of the Croatian special police on charges of having killed 13 disarmed JNA reservists in 1991, by firing bursts from his machine gun. His earlier acquittal by the Karlovac County Court had been overturned by the Croatian Supreme Court in 2004.

In May Croatian President Stjepan Mesić reduced by one year the prison sentence of Nikola Dragušin, former member of the Croatian Serb Army, who had been sentenced in 1996 to 20 years' imprisonment for war crimes against the civilian population committed in

Western Slavonia. In June President Mesić reduced the prison sentence of former Croatian Army officer Stjepan Grandić from 10 to eight years. Stjepan Grandić, alongside Tihomir Orešković and Mirko Norac, had been found guilty in 2003 by the Rijeka County Court of the killing of Croatian Serbs in the Gospić area in one of the first trials for war crimes held in Croatia of relatively high-level ethnic Croat perpetrators. Also in June the Croatian President reduced by three and two years respectively the prison sentences against former members of the Croatian Serb forces Damjan Vukmirović and Slobodan Bosanac. They had both been sentenced to 20 years' imprisonment for war crimes committed against the non-Serb population.

Unresolved 'disappearances' (update to AI Index: EUR 01/002/2005)

The Croatian Government Bureau for Detained and Missing Persons was still searching for approximately 1,200 missing persons, mostly from the first phase of the 1991-95 war. This figure did not include people, mostly Croatian Serbs, who went missing during operations "Storm" and "Flash" in 1995 and who in many cases were victims of "disappearances" allegedly committed by members of the Croatian Army and police forces. The perpetrators of these crimes largely continued to enjoy impunity.

Right to return (update to AI Index: EUR 01/002/2005)

Approximately 300,000 Croatian Serbs left Croatia during the 1991-95 conflict, of whom only approximately 115,000 are officially registered as having returned. According to the UN High Commissioner for Refugees, some 200,000 Croatian refugees, mostly Croatian Serbs, are still displaced in neighbouring countries and beyond. In January a trilateral ministerial declaration was signed by the relevant ministers of Croatia, BiH and Serbia and Montenegro confirming the commitment of the three countries to solve all problems affecting refugee return in the region by the end of 2006.

Many Croatian Serbs, especially those who formerly lived in urban areas, could not return because they had lost their tenancy rights to socially-owned apartments. Lengthy and in some cases unfair proceedings, particularly in lower level courts, remained a major problem for returnees pursuing their rights in court. Croatian Serbs continue to be the victim of discrimination in access to employment and in realising other economic and social rights. Some cases of violence and harassment against Croatian Serbs continued to be reported.

UN Committee on the Elimination of Discrimination against Women

In February the UN Committee on the Elimination of Discrimination against Women (CEDAW) issued its concluding comments after considering Croatia's second and third reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The CEDAW *inter alia* expressed its concern over the high incidence of domestic violence, the limited number of shelters available for women victims of violence, and the lack of clear procedures, or protocols, for law enforcement and health-care personnel who respond to cases of domestic violence. Moreover, the CEDAW was concerned at the high incidence of trafficking in women and at the fact that Croatia "has become a country of origin, transit and destination of trafficked women and girls".

The CEDAW urged the Croatian authorities to ensure that violence against women is prosecuted and punished, and to facilitate women's access to legal aid. The CEDAW urged the authorities to ensure that enough shelters are made available to women victims of violence. It called on Croatia to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and adequately respond to them. The CEDAW also urged Croatia to step up its efforts to combat trafficking in women and girls, including through the finalization and implementation of its Operative Plan for the Prevention of Trafficking.

MACEDONIA

This country entry has been extracted from an Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2005* (AI Index: EUR 01/012/2005), issued in December 2005. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

Background

Macedonia continued to expect a positive response from the European Union (EU) to its application for membership made in March 2004, and on 14 February submitted a questionnaire upon which the European Commission will largely base its Opinion on this application. Following the adoption in December 2004 of a national strategy for judicial reform, in May parliamentary deputies voted for the preparation of constitutional changes required for reform, designed to increase the efficiency and independence of the judiciary. However, the strategy had been strongly criticised by the EU, including because the government had reportedly ignored the findings of a committee of experts in drawing up the proposed changes. Legislation on witness protection was passed on 19 May.

Implementation of the Ohrid Agreement

Implementation of the Ohrid Agreement, negotiated in August 2001 following the conflict earlier in that year, continued slowly. The agreement included measures aimed at addressing discrimination against the Albanian minority, including the decentralization of powers to municipal authorities. The Organization for Security and Cooperation in Europe (OSCE) reported irregularities in the conduct of the municipal elections, including that key standards guaranteeing universal and equal suffrage and ensuring the secrecy of the ballot were not met. Irregularities in the first round of voting on 13 March apparently included stolen ballot papers, ballot box stuffing, intimidation, and group and proxy voting. Local non-governmental organizations (NGOs) also reported that many Albanian women were denied their independent right to vote. Many of these problems had been addressed by the second round on 27 March, although some irregularities persisted; the OSCE urged the authorities to ensure prompt and thorough investigations of those suspected of electoral offences.

Both Macedonian and Albanian communities had separate concerns about the law submitted to parliament on 26 May concerning the right of ethnic minorities in municipalities where they make up over half of the population to use a flag reflecting their ethnic identity; this right would apply to 16 ethnic Albanian and two Turkish majority municipalities (where the ethnic flag was that of another nation state), and in one Romani majority municipality. The law was passed on 15 July.

Armed opposition groups

The presence in the Skopje suburb of Kondovo of an apparently heavily armed group of ethnic Albanians led by former Albanian National Army (ANA) leader Agim Krasniqi

(Krasnikji) continued to cause concern despite an apparent negotiated end to their occupation of Kondovo at the end of 2004. On 5 June, four police officers sent to arrest Agim Krasniqi – who is indicted, according to the Ministry of the Interior, for seven criminal charges – were handcuffed, beaten and released after two hours.

On 13 May, Albanian journalist Raymonda Malecka and her father Bujar were convicted of terrorism and each sentenced to five years' imprisonment following *in camera* proceedings from which their lawyers were apparently excluded. They were found guilty of planning a criminal act against the constitutional order. Both had been arrested on 2 April, after Raymonda Malecka had visited Kondovo to conduct an interview with Agim Krasniqi; video tapes allegedly showing exercises conducted by the ANA were subsequently found in their possession.

Impunity for War Crimes

In a ruling on 4 October 2002 the International Criminal Tribunal for the former Yugoslavia (Tribunal) had gained primacy over the domestic legislature in Macedonia for “all investigations and prosecutions with regard to the ‘NLA (National Liberation Army) leadership’ case, the ‘Mavrovo Road Workers’ case, the ‘Lipkovo Water Reserve’ case and the ‘Ljuboten’ and ‘Neprošteno’ investigations”. Indictments, made public on 14 March 2005, were only issued in connection with the ‘Ljuboten’ case against former Minister of Internal Affairs Ljube Boshkovski (then in detention in Croatia) and Jovan Tarchulovski, who were transferred to the Tribunal's detention unit on 24 March and 16 March respectively. On 4 April the Macedonian authorities established a ministerial body in order to cooperate with the Tribunal in the case of the two indictees. On 25-26 April Carla del Ponte, Chief Prosecutor to the Tribunal, informed the Macedonian authorities that the remaining four cases would be returned to Macedonia, and that technical details concerning the return of these cases would be agreed between the Tribunal and the public prosecutor's office. On 20 June, Macedonian Public Prosecutor Aleksandar Prcevski reportedly stated that his office was still awaiting notification from the Tribunal of a date for the joint review of the cases, which would be considered in light of the law which granted, in March 2002, an amnesty to all those involved in the 2001 conflict, except for those accused of war crimes under the jurisdiction of the Tribunal.

AI had previously expressed concerns that the amnesty would lead to impunity for those reasonably suspected of serious human rights abuses or breaches of international humanitarian law which might not fall within the remit of the Tribunal. The organization remained concerned that the cases returned from the Tribunal, which include the abduction and murder of civilians, would not be thoroughly investigated and that the perpetrators would not be brought to justice.

Extra-judicial executions at Rashtanski Lozja in 2002 (update to AI Index: EUR 01/005/2004)

On 22 April Skopje Trial Court acquitted three former police commanders and a businessman accused of the murder of seven migrants (six Pakistanis and one Indian) killed in March 2002 at Rashtanski Lozja; the judge ruled that there was insufficient evidence to prove that the men were unlawfully killed by the Ministry of Interior on the pretext that they were international “terrorists”. Concerns were expressed by local NGOs at the conclusion of the trial, which had opened on 15 November 2004, that key witnesses, including two police officers, who had been among seven suspects originally indicted, had changed their testimony given during the initial investigation. Both the Macedonian state prosecutor and the Foreign Ministry of Pakistan indicated they would appeal the verdict. The Macedonian Helsinki Committee called for a continuation of the investigation.

Freedom of Expression (update to AI Index: EUR 65/001/2004)

On 23 June, the Bitola appeals court confirmed the verdict in the case of Jovan Vraniskovski, the Serbian bishop of the so-called Ohrid Archbishopric, who had been sentenced to 18 months’ imprisonment for allegedly inciting religious and ethnic hatred. He was given eight days in which to surrender; in January AI had considered the bishop – then detained on remand following his arrest on 12 January– to be a prisoner of conscience.

Refugees

At the end of May, concerns were expressed at the government’s intention to return some 2,000 mainly Roma refugees to Kosovo following discussions with the Kosovo authorities. Protocols on co-operation on voluntary return were reportedly under discussion.

Serbia and Montenegro (including Kosovo)

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Serbia and Montenegro

Background

Serbia and Montenegro (SCG) continued to aspire towards membership of the European Union (EU) and on 25 April, as former General Nebojša Pavković was transferred to the International Criminal Tribunal for the former Yugoslavia (Tribunal), SCG received confirmation of the opening of the first steps towards the negotiation of a Stability and Association Agreement from the EU. In May, SCG signed the Council of Europe (CoE) Convention against Trafficking in Human Beings.

In Serbia slow progress was made towards promised reforms: long-awaited legislation on the ombudsperson was finally approved by the government at the end of May; a national strategy on the reform of the judiciary was completed and submitted to the CoE at the end of June, but measures to assert democratic civilian control over the military – who were allegedly protecting suspects indicted by the Tribunal, including General Ratko Mladić – were not taken.

In Montenegro, laws on the Police and National Security, including provisions for witness protection, were adopted on 26 April.

War Crimes (Update to AI Index: EUR 01/002/2005)

In violation of SCG's international obligations as a UN member state, the Serbian authorities failed to seek out and arrest suspects indicted by the Tribunal, but continued a policy of "encouraging" their voluntarily surrender, apparently fearing a public backlash and loss of electoral support. Under political pressure from the EU and facing the withdrawal of \$10m of financial aid from the US government, in January government officials announced they were nearing "a serious breakthrough in negotiations" with suspects indicted by the Tribunal. Those who surrendered voluntarily were afforded official support in bail applications and governmental guarantees to the Tribunal. On 28 January, after intense international pressure, former commander of Priština Corps Vladimir Lazarević, indicted for war crimes and violations of the laws and customs of war in Kosovo in 1999, along with Sreten Lukić and Nebojša Pavković, surrendered to the Serbian authorities and was transferred to the Hague on 3 February. On 21 February former Bosnian Serb General Milan Gvero surrendered to the Serbian authorities and was transferred to the custody of the Tribunal on 24 February, and on 25 February, former Bosnian Serb general Radivoje Miletić surrendered and was transferred

to the Hague on 28 February. Both had been indicted for murder, persecutions, inhumane acts and deportations, constituting crimes against humanity, and murder as a violation of the laws or customs of war in connection with Srebrenica and Žepa in 1995. On 2 March, former Yugoslav Army Chief of General Staff Momčilo Perišić, indicted by the Tribunal for crimes against humanity and war crimes in Bosnia and Herzegovina (BiH), agreed to surrender and was transferred to the Tribunal on 7 March. On 10 March, former Bosnian Serb Minister of Internal Affairs of the Republika Srpska in BiH, Mico Stanišić, indicted for crimes against humanity and war crimes in connection with the war in BiH, surrendered to the Serbian authorities and was transferred on 11 March. On 15 March, Bosnian Serb Drago Nikolić surrendered to the Serb authorities and was transferred to the Hague on 17 March; he had been indicted by the Tribunal in September 2002 in connection with Srebrenica for genocide or complicity in genocide, murder, persecutions and inhuman acts as crimes against humanity and murder as war crimes. He was followed to the Tribunal by General Vinko Pandurević, indicted for Srebrenica, who announced his intention to surrender on 20 March.

On 1 April, Ljubomir Borovčanin, a Bosnian Serb indicted for genocide at Srebrenica, surrendered to the Tribunal; Serbian police general and former Interior Minister Sreten Lukić, indicted for Kosovo (see above), apparently surrendered voluntarily from his hospital bed on 4 April; on 14 April, Vujadin Popović, indicted for genocide or complicity in genocide and crimes against humanity, flew to the Hague; former general Nebojša Pavković, also indicted for Kosovo (see above), voluntarily surrendered on 24 May. On 27 April, the Humanitarian Law Centre (HLC) published allegations that indicted suspects Jovica Stanišić and Frenki Simatović, on provisional release from the Tribunal, were involved in the intimidation of former members of the *Scorpions*, apparently in connection with a video used in evidence at the Tribunal (see below).

On 1 June a video of the killing of six Bosniak civilians captured in Srebrenica and killed on mount Treskavica in BiH on 15 or 16 June 1995 by members of the former Special Anti-Terrorist Unit known as the *Scorpions*, was shown during proceedings against former president Slobodan Milošević at the Tribunal. Some 10 former members of the *Scorpions* were subsequently arrested, including one man detained by the Croatian authorities. The video, subsequently shown on Serbian television, revealed the involvement of Serbian forces in violations of international humanitarian law in Bosnia-Herzegovina and provoked both public and political reaction. Although a coalition of non governmental organizations (NGOs) called on the Serbian National Assembly to make a statement respecting the rights of the victims of Srebrenica, in June the Serbian Assembly was unable to pass a resolution condemning the massacre at Srebrenica, although the Council of Ministers of the Union of Serbia and Montenegro did so, deciding to send a state delegation to the 10th anniversary ceremony.

The trial continued before the special War Crimes Panel within the District Court of Belgrade of six Croatian Serbs indicted by Serbia's special war crimes prosecutor in connection with the Ovčara massacre near Vukovar in Croatia in 1991. However, a procedure to transfer proceedings against three former Yugoslav National Army officers, from the Tribunal to local courts in either Serbia or Croatia, was stopped after the Prosecutor's Office withdrew their

application. On 18 February five suspects were arrested for the detention and torture of at least 174 Bosniak civilians and the murder of at least 15 men at Čelopek in BiH; another suspect surrendered in June, but three remained at large. The case, which also includes indictments for the deportation to Hungary of 1822 Bosnian Muslims, had been investigated by the Tribunal and subsequently transferred in 2004 to Serbia for prosecution.

Investigations were opened in January into the alleged mass cremation of the bodies of ethnic Albanians at the Mačkatica factory in Surdulica in 1999; the HLC suggested that the leadership of the Serbian Ministry of Interior and the Security Intelligence Agency (Bezbednosno-Informativna Agencija) were attempting to prevent the facts about the case from emerging, and that witnesses had reportedly been intimidated by local police officers. In May, indictments for war crimes in connection with the transfer of the bodies of Albanians killed in Kosovo to Serbia in refrigerated trucks were again promised by the end of the year; investigations had opened in 2000.

On 14 May, former police officer, Goran Veselinović was convicted at Kraljevo District Court of war crimes and sentenced to 40 years' imprisonment for the murder of two Serb and two Albanian civilians in Mitrovica in 1999. On 17 May, Saša Cvetjan, another member of the *Scorpions*, was sentenced to 20 years' imprisonment at Belgrade District court for the killing of 14 Albanian civilians in Podujevo, after a retrial was ordered on 12 January by the Supreme Court. On 23 May, the Montenegro Supreme Court confirmed the conviction and sentencing of Nebojša Ranisavljevič for the abduction of 20 mainly Muslim civilians from a train at Štrpci railway station in February 1993; the retrial – ordered by the Supreme Court - of two suspects believed responsible for the abduction of 16 passengers from Sjeverin from a bus in Mioče continued; two suspects previously sentenced in absentia remained at large.

SLOVENIA

This country entry has been extracted from an Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2005* (AI Index: EUR 01/012/2005), issued in December 2005. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

The 'erased'

The Slovenian authorities failed to resolve the status of the so-called “erased” and to ensure that they have full access to economic and social rights, including their right to employment, pension, and health care. In 1992 some 18,305 individuals were unlawfully removed from the Slovenian registry of permanent residents. They were mainly people from other former Yugoslav republics, who had been living in Slovenia and had not acquired Slovenian citizenship, after Slovenia became independent. Of a total of approximately 18,000 individuals “erased” in 1992, some 12,000 had their permanent residence status restored, but only with effect from 1999 or later. Some 6,000 people remain without Slovenian citizenship or a permanent residence permit. Many of them live “illegally” as foreigners or stateless persons in Slovenia; others were forced to leave the country as a result of the “erasure”.

Ali Berisha, a member of a Romani/Ashkali/Egyptiani community born in 1969 on the territory of today's Kosovo (Serbia and Montenegro), was registered as a permanent resident in Maribor, in today's Slovenia, between 1987 and 1992. Ali Berisha was “erased” in 1992 from the registry of permanent residents and, following the “erasure”, in 1993 he was deported from Slovenia, for no apparent reason, to Albania. He was then sent back to Slovenia by the Albanian authorities and, from Slovenia, he subsequently moved to Germany, where he remained at the end of June. Following the rejection by the German authorities of his asylum application, Ali Berisha was informed in May by them that he would be forcibly returned to his birthplace in Kosovo. As a member of a Romani/Ashkali/Egyptiani community, in Kosovo Ali Berisha would be at risk of serious human rights abuses.

In 1999 and again in April 2003 the Slovenian Constitutional Court had recognized the unlawfulness of the removal from the registry of permanent residents of the individuals concerned and ordered the Slovenian authorities to retroactively restore their permanent resident status. The Slovenian Constitutional Court had recognized that this measure constituted a violation of the principle of equality and, in those cases where the individuals concerned had to leave Slovenia, it gave rise to a violation of their rights to a family life and to freedom of movement.

Following the 2003 Constitutional Court decision, the Slovenian Ministry of Interior had initially issued approximately 4,100 decrees retroactively restoring the status of permanent residents of the individuals concerned. However, the Slovenian authorities had stopped issuing such decrees in July 2004 and no new steps have been taken to implement the

Constitutional Court decision and to restore the rights of the “erased”. Moreover, those affected by the “erasure” continue to be denied access to full reparation, including compensation.

Segregation of Romani children in primary schools

The Slovenian authorities failed to fully integrate Romani children in the Slovenian educational system and tolerated or promoted in certain primary schools the creation of special classes for Romani children only, where in some cases a reduced or simplified curriculum is taught. AI received reports of segregation of Romani children in nursery schools as well.

In March, after protests by parents of non-Romani children against the “large share” of Romani pupils attending the Bršljin primary school, the Slovenian Ministry of Education and Sport decided to create at that school special separated classes in certain subjects for Romani children only. Following protests by parents of Romani pupils and NGOs, including AI (see below), the Minister of Education later retracted its initial proposal and reportedly suggested that different classes could be created on the basis of the pupils’ knowledge and performance in school. In April AI expressed its concerns relating to the segregation of Romani children in the Slovenian educational system in an open letter to Prime Minister Janez Janša. At the end of June the authorities had not replied addressing the concerns raised in the open letter.