

YUGOSLAVIA

(FEDERAL REPUBLIC OF)

FEDERAL REPUBLIC OF YUGOSLAVIA

Head of state: Vojislav Koštunica

Head of government: Dragiša Pešić

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

The authorities largely failed to address impunity for war crimes in Bosnia-Herzegovina, Croatia and Kosovo. Detainees were frequently ill-treated and sometimes tortured in police custody, allegedly resulting in at least one death in custody. Roma, especially internally displaced people (IDPs) from Kosovo, continued to face severe discrimination. An estimated 230,000 Serbian and Romani IDPs from Kosovo remained in the Federal Republic of Yugoslavia (FRY), along with 390,000 refugees from Bosnia-Herzegovina and Croatia. Some conscientious objectors to military service were imprisoned. In Kosovo, the UN Mission in Kosovo (UNMIK) arrested some former members of the Kosovo Liberation Army (KLA) and some were tried and imprisoned for abuses against civilians in 1999. Ethnically motivated attacks and severe discrimination against minorities continued in Kosovo. The NATO-led peace-keeping Kosovo Force (KFOR) failed to adhere to international standards when detaining suspects.

Background

In March, under pressure from the European Union, the Belgrade agreement was signed. This envisaged the two republics of Serbia and Montenegro remaining in a loose union with an option for either party to secede after three years. In September the Parliamentary Assembly of the Council of Europe voted to allow the FRY to join the Council of Europe, once a new constitution was finalized. It was agreed in December but not formally accepted by the end of 2002. Pending the new constitutional arrangements, Montenegro did not recognize new federal laws. Presidential elections in Serbia in October and December, and in Montenegro in December, failed to produce results because the turnouts were below the minimum required. General elections in Montenegro in October gave an outright majority to President Milo Djukanović's pro-independence party, and in November he resigned as President of Montenegro to become its Prime Minister.

Sporadic armed incidents continued in the Preševo valley in southern Serbia, scene of clashes in 2001 between Serb security forces and an armed ethnic Albanian group. However, the situation there continued to stabilize. Municipal elections in July resulted in ethnic Albanian majorities in both Preševo and Bujanovac.

UNMIK continued to administer Kosovo, with the Special Representative of the UN Secretary-General holding governmental powers. The Kosovo Assembly, the Provisional Institution of Self Government, met for the first time on 4

March. It appointed Ibrahim Rugova of the Democratic League of Kosovo (LDK) as President and Bajram Rexhepi of the Democratic Party of Kosovo as Prime Minister. Municipal elections in October were won by the LDK. In the ethnically divided town of Mitrovica, where there had been riots in April with Serbs attacking UNMIK officials, a Serb boycott resulted in an Albanian administration. Measures were taken to remove the Serbian parallel administrative structures previously supported by Serbia in the Serb-dominated north of the town.

Serbia and Montenegro

Death penalty abolished

The Serbian parliament abolished the death penalty for all crimes in February and the Montenegrin parliament did so in June.

Rule of law and administration of justice

In March a new federal criminal procedure code was adopted which allowed detainees immediate access to defence counsel. However, police could detain people for up to 24 hours under the petty crimes law, or for up to four hours for questioning as witnesses, without access to counsel. There continued to be no domestic law defining torture as a crime. The police force remained almost totally unreconstructed and in many areas used ill-treatment as a routine part of police work. Some progress was made to reform the administration of justice but the judiciary remained largely unchanged.

The courts continued to award compensation in 66 cases alleging violations by the Serbian police against members of the opposition group *Otpor* (Resistance) in 2000.

War crimes

The trial of former President Slobodan Milošević, accused of responsibility for war crimes committed in Croatia, Bosnia-Herzegovina and Kosovo, began in February before the International Criminal Tribunal for the Former Yugoslavia (Tribunal). In April the Federal parliament passed a law on cooperation with the Tribunal which was widely criticized, mainly because it was only applicable to those already indicted when the law came into force. Following the adoption of the law, the authorities issued arrest warrants for 17 people indicted. However, only one person was arrested and transferred to the Tribunal while five others surrendered voluntarily, apparently due to external economic pressure, principally from the USA. The authorities imposed severe restrictions on access by the Tribunal to documents and witnesses, and displayed a virtually complete lack of will to arrest those indicted.

There was some limited progress in domestic trials for war crimes.

✉ In September in Montenegro, Nebojša Ranisavljević was sentenced to 15 years' imprisonment for taking part in the abduction and subsequent murder of 19 Muslims and one ethnic Croat from the Belgrade-Bar train at Štrpci in Bosnia-Herzegovina in 1993. He was the only person to be arrested and charged despite evidence presented in the four-year-long trial of the involvement of a paramilitary group in the abduction and murders. Documents were produced which clearly demonstrated that former political and military authorities knew about the planning of such abductions.

☞ In June and October respectively, Dragutin Dragičević and Djordje Sefić were arrested for the abduction and murder in October 1992 of 17 Muslims, 16 of whom were taken from a bus in Bosnia-Herzegovina. Seven other people were indicted in the case.

☞ In July in Prokuplje, former soldier Ivan Nikolić was sentenced to eight years' imprisonment for killing two ethnic Albanian civilians. This was the first domestic war crime trial outside Kosovo of a Serb accused in connection with violations committed in the Kosovo conflict.

☞ In October in Niš, two army officers and two reservists were convicted of war crimes and sentenced to between three and seven years' imprisonment for killing two ethnic Albanians.

Widespread public opposition to such trials was shown by large demonstrations outside the court in Prokuplje. The presiding judge was repeatedly threatened. In November a trial in Prokuplje of two police reservists charged with murdering 19 Albanians was transferred, reportedly because of threats against the prosecutor.

Exhumations

There were further exhumations from mass graves of the bodies of ethnic Albanians transported from Kosovo to Serbia during the 1999 NATO campaign. In February, three protocols were signed establishing collaboration between UNMIK and the FRY on cross-boundary repatriation of identified remains, exchange of forensic expertise and joint verification teams on hidden prisons. The exhumations were monitored and aided by the International Commission on Missing Persons. Other exhumations of bodies of Croats and Bosnians from the wars of 1991-1995 began in March after years of inter-governmental negotiations, and 223 bodies were exhumed. A DNA laboratory was set up to assist in identifying victims.

Roma

Discrimination against Roma continued, despite the adoption in February of a federal Law on the Protection of Rights and Freedoms of National Minorities. Some 30,000 to 40,000 Roma lived in unhygienic settlements with few or no services in Belgrade alone. Roma continued to suffer disproportionately from unemployment. There were frequent attacks on Roma by racist groups, with little apparent protection afforded to the Roma by the authorities. Roma were also regularly reported as victims of ill-treatment by the police.

The majority of Roma who fled Kosovo after July 1999 continued to face severe problems, exacerbated by difficulties in obtaining registration. Some officials reportedly refused to issue identity cards to people who had the necessary documentation. Roma without adequate documentation or evidence of citizenship were routinely denied access to health and social welfare, and children were discriminated against in the provision of education. In April and November Kosovo Roma were evicted from their makeshift homes in the Belgrade Autokomanda neighbourhood.

Police ill-treatment and impunity

Ill-treatment by law enforcement officers continued to be widespread, allegedly resulting in at least one death in custody. Few police officers were convicted of ill-treatment, and the sentences imposed were generally below six months

and often suspended (a sentence of six months or more leads to dismissal from the police force). The sole reported exception occurred in January, when the Serbian Supreme Court raised to 18 months a policeman's previous sentence of 10 months' imprisonment for ill-treatment.

☞ In June, 18-year-old Nenad Miljković was reportedly tortured by being beaten on the soles of his feet by three policemen at Vučje police station near Leskovac. They were trying to force him to confess to a theft.

☞ On 18 August, 23-year-old Nenad Tasić was arrested and taken to the police station in Vranje. There he was allegedly beaten by two officers with truncheons to try and make him disclose information. He was taken unconscious to Vranje hospital, then rushed to Niš for an emergency brain operation. He suffered severe brain damage and remained in a coma until 2 September.

☞ On 8 November, two Roma brothers, M.Š. aged 13 and A.Š. aged 11, were arrested in Nikšić in Montenegro on suspicion of theft. Both were allegedly beaten on the soles of their feet and on their bodies with truncheons by two policemen. M.Š. was also allegedly kicked on the head, and A.Š. threatened with a knife.

☞ On 5 December, 24-year-old Milan Jezdović was allegedly tortured to death in Belgrade police station after being arrested on suspicion of drug dealing. The eight people arrested with him all reportedly stated that the police put sealed plastic bags over their heads and some alleged that they were beaten and tortured with electric shocks. Some reported hearing Milan Jezdović screaming that he could not breathe. An official autopsy found that he had died of a heart attack, but a second doctor found burn marks on his head consistent with electric shocks.

Excessive use of force

☞ On 9 June Agim Agushi, an ethnic Albanian from Miratovac village, was shot dead by a soldier near the Macedonian border. He was apparently suspected of smuggling by a lone soldier on border duty and killed after failing to obey an order to stop. The soldier was reportedly suspended.

Conscientious objectors

The law did not provide for a genuine alternative civilian service and at least seven people were tried and sentenced, and at least two imprisoned, for conscientious objection to military service.

☞ On 24 April, Jehovah's Witness Nenad Kostović was tried and imprisoned for four months for refusing military service. He was subsequently called up again and faced the possibility of a second trial and sentence.

Kosovo (Kosova)

War crimes and impunity

Serbs previously convicted of war crimes or genocide by panels with a majority of ethnic Albanian judges continued to receive retrials. In several cases, lesser charges were preferred or sentences were reduced. UNMIK arrested and charged some former KLA members for crimes committed in 1998 and 1999, and in December four leading former KLA members were sentenced to between three and 15 years' imprisonment for the unlawful detention and murder of four Albanians in June 1999.

In April the Chief Prosecutor for the Tribunal confirmed that investigations had been opened into three KLA suspects.

Minorities

Attacks against minorities by racist groups continued throughout 2002, although on a lesser scale than in previous years, and the perpetrators enjoyed virtual impunity. In many areas, freedom of movement for members of minorities was dependent on KFOR protection. Minorities faced discrimination in access to employment, medical care and education. Few IDPs and refugees returned, although there was some increase.

Ethnic Albanian prisoners in Serbian jails

From March to May, more than 160 ethnic Albanians were transferred from Serbian jails to Kosovo after agreement between UNMIK and the FRY authorities. Most had been transported to Serbia in July 1999 and subsequently convicted after unfair trials. Following review of their cases by international judges and prosecutors, 106 were released.

'Disappearances' and abductions

The international civilian police force (CIVPOL) Missing Persons' Unit made limited progress in identifying the "disappeared" and abducted and there were some further exhumations of burial sites. However, few steps were taken to investigate the estimated 4,000 outstanding cases of "disappearance" and abduction, especially those of the estimated 1,200 Serbs, Roma and members of other minority groups abducted by the KLA or others after the entry of KFOR into Kosovo.

Trafficking in women and girls

Women and girls continued to be trafficked into Kosovo for the purposes of prostitution, despite more rigorous measures to implement the applicable law and the appointment of a Victim Assistance Coordinator in March. About 60 per cent of the victims reportedly came from Moldova.

KFOR Detentions

KFOR continued to arrest and illegally detain people.

☞ In July, three foreign Islamic humanitarian aid workers, Muhamed Zentagui, Redouane Guesmia and Ameer Sofiane, were arrested and detained for between 43 and 51 days without any judicial authorization.

Impunity for the international community

☞ An Austrian CIVPOL officer suspected of the torture and ill-treatment of an ethnic Albanian detainee was arrested in February after his immunity from prosecution – enjoyed by all UNMIK personnel – was waived. However, he was reportedly driven by Austrian officers across the border into Macedonia and then flown to Austria. The Austrian government, despite an international arrest warrant, refused to extradite or prosecute him.

AI country reports/visits

Reports

- Federal Republic of Yugoslavia: Amnesty International's concerns in the Federal Republic of Yugoslavia (AI Index: EUR 70/010/2002)
- Federal Republic of Yugoslavia (Kosovo): International officials flout international law (AI Index: EUR 70/008/2002)

Visits

AI delegates visited Kosovo in March and Serbia in July to conduct research.