



Human Rights Watch  
UPR Submission

**Serbia**

July 2008

This submission outlines Human Rights Watch's key concerns in Serbia. Minority communities remain vulnerable, and in some cases are subject to harassment and intimidation. There was an upsurge in such incidents in the wake of Kosovo's declaration of independence in February 2008. Independent media and human rights defenders also faced pressure during that period, underscoring the often difficult climate in which they operate. Serbia's large internally displaced persons and refugees are marginalized and in some cases vulnerable. Serbia's equivocal attitude to war crimes accountability is demonstrated by its continued failure to arrest indicted war crimes suspect Ratko Mladic and otherwise to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Human Rights Watch recognizes the political ambiguities surrounding the current status of Kosovo. In light of the serious human rights concerns that persist in Kosovo, scrutiny by international human rights bodies remains vital. We therefore urge the Human Rights Council to ensure that Kosovo is subject to the Universal Periodic Review process and other human rights monitoring in an appropriate and robust fashion. Our concerns on the human rights situation in Kosovo are available on our website: <http://hrw.org/doc?t=kosovo>.

## **1. The Human Rights of Minority Communities**

Minority communities in Serbia remain marginalized and in some cases are subject to harassment and intimidation. Roma face substandard economic and social conditions and instances of verbal abuse or physical assault. Places of worship, cemeteries and community centers belonging to religious minorities are the subject of attack. Perpetrators are rarely identified or brought to justice.

In the weeks following Kosovo's declaration of independence on February 17, 2008, there were numerous reports of harassment and intimidation of minorities, primarily targeting ethnic Albanians. These acts included the destruction of breaking windows and other property damage, arson attacks on business premises and cars, vandalizing Albanian homes with racist graffiti, protests in front of Albanian homes, and, in one city, a prolonged boycott of an Albanian-owned business, coupled with the distribution of inflammatory leaflets calling on citizens "not to shop where the business profits go to guns and drugs in Kosovo."

National authorities sent contradictory messages about the attacks on Albanian-owned businesses. Some politicians tried to diminish the significance of the attacks, while others promptly condemned them. Municipal authorities frequently remained passive, but there were a few notable exceptions, when mayors visited the victims and promptly denounced attacks on minorities.

The police largely failed to protect minority-owned property during public demonstrations in the days immediately following the independence declaration. But after the initial mass protests had subsided, the police did take steps to safeguard minority-owned businesses, placing officers in front of shops, and intensifying patrols in areas where damage had previously occurred.

According to Human Rights Watch's research findings, to date the criminal justice system has not dealt seriously with attacks on Albanian-owned properties. Criminal proceedings have only been opened in a small number of cases, largely against "unknown perpetrators." The failure echoes the inadequate response of the police and criminal justice system to violence against Albanians and other ethnic minorities

in 2003 and 2004. The lackluster response overall is unlikely to serve as a deterrent for future violence.

The government has failed to address widespread confusion about whether those whose property was damaged can claim compensation. One national official announced on March 2, 2008 that municipalities would be responsible for compensating uninsured property owners for the damage that occurred, but other national and local officials have stated that compensation must be sought through private law suits against the perpetrators.

## **2. Harassment and intimidation of human rights defenders and journalists**

Human rights activists and independent journalists in Serbia face threats and violence, and operate in a general climate of hostility. Police investigations into acts against these groups rarely, if ever, result in suspects being charged and prosecuted.

There was an upsurge in incidents following Kosovo's declaration of independence. The then-opposition Socialist Party of Serbia (SPS) collected signatures to file a criminal complaint against Natasa Kandic, executive director of the Humanitarian Law Center, in February 2008, accusing her of acting against the constitutional order and threatening the state's independence and integrity by attending the session of the Kosovo Parliament when it declared independence.

Separately, the independent news organization B92 also received threats in February 2008, and an attempt was made to set fire to its offices during mass protests in Belgrade on February 21. The police did protect B92 during the protests and set up a police cordon to block those wanting to set fire to the premises.

## **3. Status of the IDPs and Refugees**

Around 6,000 displaced persons from Bosnia and Herzegovina, Croatia, and Kosovo remain in collective centers in Serbia, often in substandard conditions. IDPs and refugees continue to experience severe problems obtaining documentation and accessing housing and employment.

In particular, Roma IDPs continue to face substandard economic and social conditions as well as instances of verbal abuse and physical assault. Forced removals of Roma refugees from Western Europe continue, including Kosovo Roma refugees sent to certain areas of Serbia, placing an undue burden on the already limited resources within Roma communities in the absence of any programs to assist involuntary returnees.

#### **4. War Crimes Accountability**

Indicted war crimes suspects, including Ratko Mladic, Radovan Karadzic, and Goran Hadzic, remain at large. The Serbian government has played a role in the transfer of a number of suspects wanted by the ICTY, including most recently Zdravko Tolimir (June 2007) and Stojan Zupljanin (June 2008). But it has failed to apprehend Ratko Mladic, despite repeated commitments he would be brought to justice. The International Court of Justice last year determined that Serbia was in continuing breach of its obligations under the Convention for the Prevention and Punishment of Genocide for its failure to arrest Mladic and fully cooperate with the ICTY.

The Belgrade War Crimes Chamber has made some progress in its efforts to hold alleged perpetrators accountable for wartime abuses, despite limited funding, inadequate political support, and little public awareness of its work. The Chief Prosecutor of the War Crimes Chamber is subject to ongoing security threats, including death threats following the arrest of indicted ICTY suspect Stojan Zupljanin in June 2008.

#### **Recommendations**

We hope to see the Universal Periodic Review of Serbia reflect the concerns outlined in our submission and encourage Serbian authorities in its outcome document to take the following steps:

##### Ethnic and religious minorities

- Publicly and unequivocally condemn all instances of violence, harassment, intimidation, and other offenses against ethnic and religious minorities.

- Ensure the impartiality of police investigations and a full investigation of an alleged offense prior to dismissing the possibility of an ethnic or religious motivation.
- Honor the publicly-given promise to compensate members of ethnic minority whose property was deliberately damaged or destroyed following Kosovo's declaration of independence.
- Take all appropriate preventive measures to protect minority and other vulnerable individuals and communities from attacks, instead of waiting until violence is underway to respond.
- Protect the property of victims of violence, in addition to their bodily integrity.
- Improve access to education and social services for Roma and other minorities.

#### Human rights defenders and journalists

- The government should publicly and unequivocally condemn all instances of violence, harassment and intimidation directed against human rights defenders and journalists.
- The police force should investigate thoroughly all reports and incidents of violence, harassment and intimidation against human rights defenders and journalists.

#### Refugees and internally displaced persons

- Improve access to education, housing, and social services for refugees and IDPs.
- Seek to move IDPs and refugees in safety and dignity from collective centers to more appropriate housing and to improve living conditions in collective centers.
- Provide sufficient assistance for the resettlement within Serbia of IDPs and refugees moved from collective centers or forcibly returned to Serbia from other countries.

#### War crimes accountability

- Apprehend Ratko Mladic and the other remaining fugitives in Serbian territory sought by the ICTY and transfer them to the tribunal.

- Provide the necessary resources—including security—to judicial authorities to investigate and prosecute war crimes thoroughly and impartially.
- Refrain from political interference in domestic war crimes prosecutions.