

ANNUAL REPORT 1999

Federal Republic of Yugoslavia (Serbia and Montenegro)

IHF Focus:

Serbia [1]

Elections; freedom of expression and the media; independence of the judiciary; fair trial; protection of ethnic minorities; citizenship; protection of refugees and displaced persons; accountability for war crimes; social rights

Human rights developments in Serbia were greatly influenced by the federal and local elections held in November 1996 and their aftermath as well as by the September 1997 elections for the Serbian parliament and presidency.

The government of the Federal Republic of Yugoslavia (FRY) annulled the results of the 1996 local elections, won largely by the opposition, claiming that, despite confirmation of the results by the OSCE, irregularities had taken place. The government's decision to ignore the results sparked mass protests which continued into early 1997 with police using brutal violence in their attempts to disperse demonstrators. Hundreds were beaten up, many of them severely. The FRY government eventually acknowledged the election results as late as 22 February, apparently only in response to massive international pressure.

The Serbian presidential elections were won by the federal Foreign Minister Milan Milutinovic, an ally of Slobodan Milosevic, in a fourth vote on 21 December. The OSCE judged the presidential elections to have been "fundamentally flawed;" the ruling Socialist Party had denied full access for other parties to the vote counting process, and the state-run media had taken sides with the candidate of the ruling party.

The growing support for Vojislav Seselj's ultra-nationalist Serbian Radical Party (SRS) demonstrated the increasing radicalization of Serbian society. In the deteriorating economic and social situation, many regarded the SRS as the only key to solving the immense problems. Local monitors expressed fears that this political radicalization could lead to unrest and, with further momentum, could result in an upsurge in human rights violations as had already occurred on a smaller scale in municipalities where the SRS was the ruling party.

For months after the elections, Serbia was without a new government. Serbian state

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agencies were paralyzed and the jurisdiction of Serbia-Montenegro was therefore de facto transferred to the federal level. This happened at a time when the federal parliament had held only one session since its constitution in late 1996.

Freedom of Expression and the Media

Throughout the 1990s, the government and the opposition fought over control of the media. The elections in 1997 clearly reflected the important role played by the media in shaping public opinion. It became clear for the first time that the opposition also regarded the media's primary role as to operate as its mouthpiece; the changes in control of local government in many municipalities led to an abrupt switch in political loyalty of local radio and television stations in favor of the new local leadership. Most Serbian media organizations were share-holding companies of mixed or private ownership, some owned by individuals. Only a few could escape direct or indirect control by the government.

The truly independent media was forced to endure grave financial difficulties. For example, the production costs for independent media were much higher than those of the state-owned media, which were exempted from taxes and customs duties. As a result, it was possible to sell state-run newspapers at a lower price. Also, the allocation of frequencies for the electronic media directly affected their chances of attaining good audience ratings

The Broadcast Media

The only nationwide electronic media, Radio Television Serbia (RTS), was under the direct control of the government. Its board was directly appointed by the government, which also ensured that RTS reporting was in line with government policy. This became particularly clear during the 1997 elections, when Radio Television Serbia's coverage clearly favored the ruling Socialist Party.

Many radio and television stations operated without licenses, but the authorities principally scrutinized independent stations while tolerating the illegal operation of those loyal to the government.

- Prior to the presidential elections, the Ministry for Transport and Communications temporarily closed down some 170 local radio and television stations which did not have licenses to operate. The principal targets were stations in those towns where

the opposition had won in local elections.

The Serbian Ministry for Information worked throughout 1997 on drafting a new information law, but no draft law was in fact presented. Local monitors believed that the law would make government control over the media even stricter and would include provisions to further hinder the operation of the independent media.

The Press

The professional level of the press sank throughout the 1990s, reaching its lowest level in 1997. The main reason for this appeared to be the exhaustion of journalists and editors struggling with both financial problems and political pressure. Noteworthy exceptions were the dailies Nasa Borba and Danas as well as the periodical Vreme, all of which managed to maintain professional standards.

The independent press also suffered from indirect forms of governmental control; paper supply and distribution were controlled by government. Although privately owned, many papers and periodicals had close links to the government, a situation which was reflected in their reporting.

Independence of the Judiciary and Fair Trial

Political pressure was placed on the judiciary, reducing its independence. Moreover, there were no legal regulations for the nomination of judges, their terms in office or transfer to other courts, the funding of courts, and disciplinary measures. This made the whole judicial system vulnerable to political influence and corruption and led to politically motivated rulings.

Furthermore, local authorities often refused to execute court decisions if the rulings contradicted their political opinions or interests. Many law enforcement officials considered it their right to re-assess the validity of a court decision before executing it.

Legal proceedings regarding the failure of the government to pay legally guaranteed social security benefits appeared likely to face indefinite postponement.

Protection of Ethnic Minorities [2]

Ethnic minority groups were divided into different categories according to their legal status, ranging from the most privileged "national minorities"(Albanians[3], Hungarians, Romanians, Bulgarian, Slovaks, Ruthenians and Turks) through so-called "new minorities" (primarily Croats and Muslims), whose status remained largely undefined, to "ethnic groups" (Roma, Wallachians and Jews) who had the least rights. Non-Serbs made up some 37 percent of individuals living in the FRY. The population's ethnic make up changed radically during the 1990s, with the inflow of ethnic Serbs from neighboring countries and the emigration of particularly ethnic Croats and Hungarians.

Harassment and open hostility towards ethnic minorities in Vojvodina and Sandjak decreased in the course of 1997 but discrimination continued and intensified - particularly in housing and employment - with ultra-nationalists gaining more power in local government.

Legal provisions in the FRY generally provided for sufficient formal protection of minorities. However, these provisions were not implemented, due to either a lack of political will or funding. For example, it became increasingly difficult to institute new classes for minority-language education in primary and secondary level outside the principal minority areas, and school books in minority languages had not been published for years for secondary level. The rights of national minorities to use their language in courts, to have documents issued in their language, and to have names of streets, public places and administrative bodies shown in minority languages in multilingual municipalities were no longer always implemented, although these rights were guaranteed by law.

The Law on the Restriction of Property Transactions[4] (1989) allowed for discrimination, manipulation and bribery to the detriment of minorities. It was nearly impossible for members of a minority group to obtain the permission required by law to sell or buy property. If they filed a complaint to a court of law and the court ruled in their favor, the executive branch refused to implement the court decision or postponed implementation even for years. Court proceedings, particularly in civil litigation, were prolonged without any justifiable reason.

The curricula in some elementary and secondary schools falsified information concerning history, geography and culture and spread hatred and intolerance towards non-Serbs.

The Hungarian Minority [5]

The Hungarian minority numbered about 340,000[6] individuals (17 percent of the total population), most of whom lived in Vojvodina. The 1992 federal constitution and the 1990 Serbian constitution abolished Vojvodina's autonomy, thereby affecting the status of minorities living there. Between 1991 and 1997, some 35,000 Hungarians emigrated, most of them young, well-educated people. Many left in fear of being drafted into the Yugoslav army, others due to overall insecurity in an environment of "quiet ethnic cleansing."

According to the Democratic Party of Hungarians in Vojvodina (DSVM), local Serbian Radical Party authorities have systematically settled ethnic Serbs from Bosnia - Herzegovina in predominantly Hungarian-held areas, allotting them undeveloped land to build their houses. Over 40 percent of refugees received by Serbia were living in Vojvodina, leading to increasing ethnic tension.

Ethnic Hungarians complained that their under-representation in the political sphere was due to the reorganization of constituencies in a way which favored large political parties. They also reported that the law on local elections was not being respected.

- An extreme example was the conduct of the August elections for the Assembly of the Neighborhood Community in Debeljaca, municipality of Kovin in Banat. The elections were held on the basis of the Bill on Local Self-Government instead of the proper law regulating such elections. The Bill considerably restricted the right of non-Serbs or Montenegrins to run for office in the elections.

In Novi Sad, street signs and those of public administration bodies were not in minority languages as stipulated by law but only in the Serbian language. Multilingual signs had been removed when the Serbian Radical Party came into power in that town in 1993 and all subsequent attempts by the Hungarian and other minorities to re-establish the former practice had been rejected.

- In the municipalities of Zrenjanin and Secanj, where Hungarian was an official language, administrative proceedings were nevertheless conducted only in Serbian.

The Croatian Minority

According to the 1991 census, the ethnic Croat population in the FRY had then totaled about 250,000. About 75,000 of them had lived in Vojvodina. Between 1992

and 1997, over 40,000 were estimated to have left Serbia.

The Agreement on the Normalization of Relations Between the Republic of Croatia and the Federal Republic of Yugoslavia defined the status of Croats in Serbia so vaguely that it was not clear if they were recognized as a "national minority." The inflow into Serbia of Serbs from Eastern Slavonia following its reintegration into the republic of Croatia increased tensions in Vojvodina.

The main problems of the Croat minority concerned difficulties in obtaining Yugoslav citizenship and problems associated with being non-citizens[7]. However, even those Croats who were Serbian citizens faced discrimination in employment; very few Croats were working in the administration, police forces, judiciary and educational field and few held leading posts in industry or financial institutions.

In many municipalities with large populations of Serb refugees, Croat property was illegally appropriated by local authorities or by refugees with the consent of the authorities. In many cases, Croat-owned or leased houses or apartments were broken into and occupied while the residents were on vacation. Court decisions in favor of legal owners were simply ignored.

An extreme example concerned the municipality of Zemun near Belgrade, where the leader of the Serb Radical Party Vojislav Seselj was mayor. In Zemun, lists of non-Serbs were drawn up in order to evict them from their homes, deny their children access to education, dismiss them from work, etc.

- An ethnic Croat family named Barbakic was on vacation when they learned that their apartment had been broken into with permission from the municipal authorities. Upon their return they found that a member of the Serb Radical Party who was editor of the paper Zemunske Novine had moved into their apartment. The local court ruled that the apartment be returned to the Barbakic family pending a court decision on the charges raised by the family against the new resident for trespassing. This ruling was not enforced.

The Roma

According to the 1991 census, the FRY had a Roma population of 143,000 (1.3 percent of the total population). However, the real number was believed to be much higher, since many Roma registered as Serbs either because of the low status of Roma or fearing discrimination. According to the Romany Congress Party, the

number of Roma in FRY exceeded 500,000. Roma had the status of an "ethnic group" but they were seeking recognition as a "national minority" which would guarantee them certain rights such as the right to school education and information in their own language.

Roma were in the poorest situation economically of all ethnic groups in the FRY. Their proportional unemployment rate was the highest and the wages of those employed were the lowest. Roma were also the most numerous ethnic minority group among recipients of social benefits.

About 80 percent of Roma in the FRY were illiterate, very few had secondary education and virtually none had higher education. This could be attributed to poor knowledge of the Serbian language; absence of pre-school education; lack of parental education (the majority being illiterate); and financial problems. Also, the importance of a high school education was not valued highly by many adult Roma. Discrimination against Roma also kept many Roma children away from schools, many of which did not accept Roma children precisely because they were harassed by other children. Many Roma children found themselves in special classes not due to special educational or medical needs but due to their insufficient knowledge of the Serbian language.

Most Roma lived in ghetto-type separate communities on the outskirts of towns. Their housing standards were generally very bad. Poor sanitation and food quality resulted in illnesses among the Roma inhabitants.

Roma participation in political life was extremely low. The largest Roma cultural organization was Matica Romska, founded in 1996 in Novi Sad. This organization lobbied for the preservation of Roma identity and for the collective interests of the minority, such as school education in their languages.

Discrimination against Roma was widespread, based on stereotypes of Roma as lazy, dirty, criminal and violent. They were refused service in restaurants and pubs, their children were not accepted in kindergartens, and in some cases they were not even allowed to bury their dead in Serb cemeteries.

Roma were often subjected to violence, both by civilians - particularly skinheads - and law enforcement officials.

- On 19 October, 13-year-old Dusko Jovanovic was beaten to death by skinheads in

Belgrade, in plain sight of many passers-by. Subsequently, harassment and direct violence against Roma increased all over the FRY; for example, Roma houses were set on fire, anti-Roma graffiti appeared written on walls, and Roma children were beaten up.

Muslim-Bosniaks in Sandjak [8]

As elsewhere in the FRY, the signing of the Dayton Agreement did not put an end to violations of minority rights in Sandjak. Muslim-Bosniaks, who made up about 54 percent of the total population in Sandjak, were recognized by neither the Serbian nor Montenegrin constitution as an ethnic minority, thus they did not even have formal guarantees for the realization of minority rights. Moreover, they continued to be discriminated against in all spheres of life, including commerce, culture, education, and health care. In the curricula of primary and secondary education, the existence of the Muslim-Bosniak ethnicity was explicitly denied.

In 1997 and early 1998, Muslim-Bosniaks were no longer subjected to large-scale direct physical violence as had been the case in previous years. Still, some attacks were committed on Muslim-Bosniaks or their property by unknown perpetrators in 1997, all of them during Orthodox religious holidays. None of these were investigated by the local police and the perpetrators remained at large.

- In the night of 6-7 January 1997 (Orthodox Boxing Day), a bomb was thrown at the business facility "Dzin" in Priboj, owned by Munir Dzankovic. The same night Priboj news stands were turned over, and shops owned by Muslims-Bosniaks were damaged.

- The Hasanaga mosque in Priboj was attacked on Orthodox New Year's Eve, and on 16 January 1997, Muslim hodza (clergyman) Arslan Duranki was killed. The perpetrator was declared not accountable for this act although he was nonetheless able to carry out his work as an engineer in a state-run company.

House-searches of Muslim-Bosniak homes continued, under the pretext of searching for illegal weapons. In the course of these searches, individuals were harassed and ill-treated. Other forms of police harassment included summoning people to police stations where they were interrogated for no obvious reason and often ill-treated.

- In mid-February, the police carried out large-scale searches in the village of Dudevo (Gjenica), officially in order to confiscate weapons. None were found but the police

harassed and ill-treated people during the searches.

Serbian officers at the check-points on the Serbian/Montenegrin border stopped Muslim-Bosniaks, searched them and prevented them from crossing the border. They also harassed local villagers.

Muslim-Bosniak recruits to the Yugoslav Army were ill-treated by officers or by other recruits. The army's presence in Sandjak created an atmosphere of insecurity and fear. Military exercises were carried out in regions where local residents were directly endangered; in at least three cases in 1997, civilian houses were targeted during exercises.

Muslim-Bosniaks were underrepresented in the judicial system; in 1997, only 24 of the 75 judges and two out of 13 presidents of courts were Muslim-Bosniaks, all others being Serbs or Montenegrins. This fact also influenced the operation of courts. In addition to ethnic origin, social status greatly affected the outcome of court proceedings in Sandjak.

Serb authorities attempted to hinder Muslim-Bosniaks from gaining proper representation in political life.

- On 10 June 1997, six months after the coalition of Bosniak parties had taken over the local government in Novi Pazar, the Serbian government decided to remove the legally elected leadership and the municipality was placed under receivership. As of April 1998, the work of local government was still being administered by the receivers.

- Prior to the parliamentary elections in September 1997, the Electoral Board No. 24 refused to register the joint electoral list of the Democratic Reform Party of Muslim-Bosniaks and the SDA-Rasim Ljajic, without giving any explanations. Two shops owned by the family members of Dzazair Murati, the leader of the list, were closed by the police on the basis of a court order.

Following the victory of Milo Djukanovic in the elections for the Montenegrin presidency, Muslim-Bosniaks and ethnic Albanians - the majority of whom had voted for him - were slandered as enemies by the supporters of the former Montenegrin president, Momir Bulatovic, and were openly threatened.

The return of refugees and displaced persons to Sandjak proved difficult. Some 60-

80,000 individuals from Sandjak were estimated to have left Sandjak after the Yugoslav conflict broke out. The Yugoslav authorities not only failed to assist refugees and displaced persons to return, they also took direct measures to hinder their return; at least 378 people were denied entry.

Some 1,000 people among those resident in Sandjak in 1997 were displaced persons. However, the Yugoslav authorities failed to provide them with appropriate support and militant local civilians hindered the return of Bosniak families.

- Six Bosniak families were unable to return to UNHCR-sponsored new houses in the Bukovica region near Pljevlja. Similar difficulties were faced in villages around Priboj where returning Bosniaks found land mines had been placed around their houses.

Citizenship

On the basis of article 47 of the Law on Yugoslav Nationality, 31 December 1997 was the deadline for citizens of former Yugoslavia to submit their citizenship applications. This possibility applied to those who were not yet citizens of other former Yugoslav republics. In practice the law was applied to former Yugoslav citizens who either were born in Serbia-Montenegro or had lived there for long periods of time.

Many individuals faced great difficulties in meeting the deadline. The main problem was the large number of documents needed for the citizenship application. This resulted in long delays at the office of the Ministry of the Interior which, as the only office issuing residence certificates, took on average six weeks to issue the certificates. Only on 30 December did the federal government extend the deadline for applications.

Moreover, local monitors expressed their fear that the processing of the applications would take an extremely long time. It appeared that the Federal Ministry of the Interior had not been processing citizenship applications since 1994 and therefore had a huge backlog in applications. This caused great difficulties to the applicants: they did not have any identity documents and could not apply for passports; they could not sell or purchase real property; they could not inherit; they were unable to validate diplomas from other countries; they could not practice law; they were unable to elect or run in elections. In practice, only ethnic Serb applicants were able to receive a special permission for real property transactions while their citizenship

application was pending.

Protection of Refugees and Displaced Persons

As of the end of 1997, an estimated 600,000 refugees, mainly from other former Yugoslav republics were living in Serbia. The status of refugees and displaced persons remained one of the most serious humanitarian and political problems in Serbia. The government failed to adopt a functioning and comprehensive policy for their protection, partly due to a lack of political will, and partly because of increasing economic difficulties. By and large, refugees were left to their own devices. The already inadequate humanitarian aid was often misused or was haphazardly distributed. Conditions in refugee camps were very poor, and in response the Serbian Commissariat for Refugees planned to close them. Increasing numbers of refugees attempted to solve their problems by emigrating to third countries.

Many of those who remained expressed a wish to return to their homes but were unable to do so because of complex problems, including difficulties obtaining the restitution of their pre-war property (Croatia) or the fact that they were not able to return to the area where they had lived (Bosnia-Herzegovina). Extremely poor conditions in refugee camps added to their desperate situation as did the fact that official propaganda portrayed their countries of origin as hostile states.

Of great importance to Serb refugees from Croatia was the issuing of Croatian citizenship documents and other documentation to some 154,000 Serbs living in Eastern Slavonia.

The biggest question for most refugees was whether they would manage to obtain Yugoslav citizenship (see above). Some 30,000 had applied for this by the end of 1997.

According to the Helsinki Committee in Serbia, only dual citizenship for refugees from Croatia would solve many problems related to their rights, particularly those concerning property. The fact that it was impossible for them to obtain any documents from diplomatic representatives or with help from relatives in Croatia added to the bureaucratic hurdles. In addition, sometimes archives from which, for example, birth certificates should have been retrieved were missing. Where records were held in Serbia, refugees found they had no access to them.

Another unsolved problem concerned the fate of missing persons. In addition to the distress caused to surviving relatives by the loss of the missing person, the failure to establish the fact of death hindered the processing of inheritance, pension and real property claims. In 1997, not a single case concerning missing persons was known to have been solved.

Accountability for War Crimes

The FRY continued its policy not to hand over indicted war criminals to the International Criminal Tribunal (ICTY) in the Hague. For example, Miroslav Radic and Slobodan Miljkovic, both indicted by the ICTY, resided in the FRY. Veselin Sljivanin, charged with murdering over 200 hospital patients in the Croatian city of Vukovar in 1991, taught military tactics at the military academy in Belgrade. General Ratko Mladic, one of the most notorious indictees, visited Belgrade in June for his son's wedding.[9]

More than 50 eminent Serbian intellectuals signed a declaration seeking an amnesty for indicted war criminal Radovan Karadzic. Serbian Orthodox Patriarch Pavle also gave his support to the declaration.

Social Rights

The worsening economy led to restrictions of several basic social rights and cuts in social benefits. A large number of workers were ordered to take forced holidays, receiving minimum and irregular pay. Employers often failed to pay pension contributions. It appeared that ever more members of ethnic minorities, political opposition groupings or organized trade unions were the first to be fired and the last to be hired.

The legal right to free medical care was not fully implemented. For example, patients requiring major surgery were asked to pay for medication, bandages and other necessities.

Children and other vulnerable groups suffered most from the economic crisis. Tensions within families and deteriorating living conditions affected children in particular, and cases of juvenile delinquency and drug addiction were on the increase.

IHF Focus:

Kosovo [10]

Right to life; misconduct by law enforcement officials; torture and ill-treatment; independence of the judiciary; fair trial; right to privacy; right to association; cultural, economic and social rights.

Human rights violations in Kosovo remained a serious concern throughout 1997. In early 1998, abuses escalated, resulting in violent attacks against Serbian officials by the Kosovo Liberation Army which had claimed responsibility for killing several Serbian police officers since early 1996. The Serbian special police attacks on ethnic Albanians - ostensibly searching for members of the Liberation Army - resulted in gross abuses against ethnic Albanian civilians, including several summary executions. The IHF expressed its fear that the murders and terror by Serb police units were premeditated elements of a program of "ethnic cleansing", aimed at forcing Albanians to accept a new political reality, and at creating a rump Kosovo free of Albanians.[11]

Systematic and institutionalized forms of abuse against ethnic Albanians included violations of the right to life; politically motivated trials; torture and ill-treatment of detainees; unfair judicial proceedings; intrusion in family life; and violations of social and cultural rights such as the right to medical care, education and cultural expression.

The parallel existence of two societies continued in Kosovo: the official, Serbian, society with state-run institutions and the ethnic Albanian infrastructure covering many spheres of daily life.

Statistics provided by the Council for the Defense of Human Rights and Fundamental Freedoms (CDHRF) on violations against ethnic Albanians reflected the tragic reality: the organization registered 35 cases of violent death, five of which resulting from police torture; 5,031 cases of ill-treatment or torture; 596 arbitrary arrests; 803 persons summoned to police stations plus another 480 taken there for "informative talks"; 425 family homes raided. In addition, the organization registered over 10,000 other incidents of human rights violations by Serbian police or civilians against ethnic Albanians.

Political trials of ethnic Albanians alleged to be members of the Kosovo Liberation

Army were held in 1997. In three trials in May, July and December, 52 ethnic Albanians faced charges including "hostile activity," "endangering territorial integrity," and "terrorism." All but two of these were sentenced by the District Court in Prishtina to prison sentences ranging from two to 20 years.

The judicial proceedings violated numerous international due process standards: courts failed to present sufficient relevant evidence; rulings were based on "confessions" extracted under torture; and the work of legal counsel was seriously restricted.

House-searches, officially looking for illegal weapons, represented one of the most common forms of harassment in Kosovo. Under the same pretext, at least 854 Albanians were taken to police stations, arrested, beaten, threatened and ordered to report again.

The CDHRF recorded 1,740 cases of physical torture, 600 of them resulting in serious injuries. The most frequently used methods included hitting with truncheons, wooden sticks or sharp objects and kicking. At least five ethnic Albanians died as a direct result of torture or its consequences.

- On 22 February 1997, Besnik M. Restelica, an engineer from Podujeva was arrested. He died eight days later in prison as a result of torture.

- On 16 October 1997, Jonuz Zeneli from the village of Ballaban near Prishtina died in the hospital of the Central Prison in Belgrade. He had been arrested on 30 April.

In the field of education, the situation deteriorated in the fall of 1997 following the failure of Serb authorities to abide by the 1996 Agreement of Understanding and open local schools to ethnic Albanians[12]. In addition to extremely difficult material conditions, Albanian students and teachers also faced police violence and harassment: in 1997, 57 cases of police intrusion in educational institutions were registered and 295 educational activists were subjected to ill-treatment. During most raids upon the alternative schools run by Albanians, school documentation was confiscated and education workers taken for "informative talks."

All sporting and cultural facilities remained closed for Albanians which forced them to develop their own such activities under very difficult conditions. A total of 31 sports workers were reported to have been ill-treated.

In the fall of 1997, the Students' Independent Union of the University of Prishtina organized massive peaceful protests calling for unconditional access to school and university facilities for Albanians. Demonstrations were held in all major towns. During these protests, police used excessive force against protesters. CDHRF registered 537 cases of ill-treatment during the protest held on 1 October alone. On 29 October and 30 December 1997, further cases of police brutality were recorded.

Journalists have been harassed and threatened. At least 40 ethnic Albanian or foreign journalists or workers of humanitarian organizations were ill-treated by law enforcement officials in 1997.

As a result of almost a decade of repression, tens of thousands of Albanians have fled Kosovo. Meanwhile, tens of thousands of Serb refugees from Croatia, Bosnia-Herzegovina, and Albania have been settled in Kosovo, all part of official attempts to make Kosovo "ethnically clean."

The total exclusion of the Albanian language from administration and public service was nearly completed by the end of 1997. The names of settlements, institutions, firms, squares, etc. were all written in Serbian with Cyrillic alphabet, while Albanian historical and cultural monuments were replaced by new ones depicting Serbian personalities.

The evictions of ethnic Albanians from their homes continued in 1997. At least 31 Albanian families had to give their homes to Serbian families. Twenty-one Albanians were dismissed from their jobs.

Looting of Albanian businesses, particularly of market stands, was a common phenomenon.

On 6 March 1998, the IHF called upon the Contact Group and the UN Security Council to take immediate steps to prevent further summary executions, torture and ethnic cleansing by Serbian police units in Kosovo. It recommended that the Contact Group members agree on a common strategy aimed at ending the use of terror by both sides and leading to internationally mediated negotiations seeking a political solution for Kosovo. The IHF also renewed its call for a "Dayton-like" process, emphasizing that only a similar investment of political energy can prevent further massive human rights violations and violations of international humanitarian law. It also called on the Contact Group to propose a resolution to the UN Security Council establishing that the situation in Kosovo is a "serious threat to international peace

and security," a resolution which would provide for stronger international involvement in Kosovo.[13]

Also in March 1998, Human Rights Watch sent an open letter to Judge Louise Arbour, Chief Prosecutor of the ICTY, calling upon the Tribunal to launch immediate investigations on the reported atrocities and to announce its intention to prosecute those responsible. The organizations denounced violence used against civilians as severe violations of international humanitarian law.[14]

In early 1998, the international community became more responsive to reporting by local and international human rights NGOs. The UN High Commissioner for Human Rights, Mary Robinson, asked the Yugoslav President to allow the UN special rapporteur on extra-judicial, summary or arbitrary executions to visit Kosovo and to open an office in Prishtina. The EU withdrew trade preferences from Yugoslavia for 1998 because the country had failed to meet minimum human rights criteria and fulfil other requirements set out in a report on disputed local polls. On 13 March 1998, EU foreign ministers meeting in Edinburgh agreed, among other things, to renew the EU's demand to open an office in Prishtina; to continue pressure on the Belgrade government to open dialogue with the Kosovar Albanian leadership; and to appoint former Spanish prime minister Felipe Gonzalez as EU mediator for negotiations between Kosovo and the FRY government. Already before that, the EU's Political Committee had on 3 March concluded that the Kosovo issue could no longer be regarded as an internal matter for the FRY. [15]

The Council of Europe on 27 January 1998 called on Kosovar political leaders to condemn any manifestations of violence and terrorism and appealed to the Yugoslav authorities to initiate Serb-Albanian dialogue. The Council of Europe also emphasized that it neither supported Kosovo's secession nor endorsed the FRY official view that Kosovo is merely an "internal matter." The president of its Parliamentary Assembly, Leni Fischer, set out during her visit to Kosovo the Council of Europe's proposal that the authorities in Belgrade determine a certain degree of autonomy for Kosovo, including proper representation of the ethnic Albanian population in administrative bodies, the police, and in health care and the educational system, to reflect the percentage of ethnic Albanians among the Kosovo population.[16]

IHF Focus :
Montenegro [17]

Elections; freedom of religion; independence of the judiciary; fair trial; protection of minorities; accountability for war crimes.

Political tension in Montenegro mounted significantly during 1997, particularly following the October presidential elections won by Milo Djukanovic, former Prime Minister and the candidate of the reformist faction of the governing Democratic Party of Socialists (DPS). Djukanovic and his backers favored more autonomy for Montenegro within Yugoslavia, while the incumbent President Momir Bulatovic and his supporters in the DPS were close allies of Serbia's leader Slobodan Milosevic.

The OSCE declared the polls fair but noted that voter lists of the first round should be reviewed before the October run-off. Djukanovic won the election despite the Serbian state-run media's open support for President Bulatovic. Bulatovic refused to accept his defeat, claiming election fraud, and his supporters initiated mass demonstrations which continued into early 1998, growing increasingly violent.

Authorities under Serbian control employed various methods to prevent the Montenegrin population from participating in political life, including elections, and from exercising their basic rights. These methods included intimidation by the military and the secret military police; interference by the army in political life; and spreading rumours about the possible introduction of a state of emergency. The state-owned media in Serbia disseminated political propaganda and hate speech, provoking artificial divisions among the population in Montenegro. The Montenegrin economy was exhausted through open obstruction of deals with foreign countries and blockades at borders with Serbia by Serbian officials.

Freedom of Religion

The constitution of Montenegro (article 11) stipulated that Montenegro was a secular state. It also guaranteed equality between different religious groups as well as freedom of thought, conscience, religion and belief.

Nevertheless, religious discrimination continued. Authorities treated the Serbian Orthodox Church as a state church, subordinating other religious groups to its control. The Serbian Orthodox Church refused recognition to the Montenegrin Orthodox Church which had been abolished in 1920 but subsequently restored. Requests by the Montenegrin Orthodox Church for the return of its buildings, which

had been confiscated in 1920 and given to the Serbian Orthodox Church, were ignored. Possessing no church buildings, the Montenegrin Orthodox Church was forced to hold its religious services in secular premises or outdoors. Its believers and priests, particularly Bishop Miras Dedejic, were frequently defamed by the media loyal to the government.

Also Muslims were subjected to hate speech. They were not allowed to build new mosques or other religious sites or to renovate existing buildings.

The Catholic Church was occasionally targeted by the same media, particularly by those published in Belgrade, although to a lesser extent than in recent years. It also faced problems regarding church property.

- The question regarding the ownership of the Petka Church remained unsolved. The church had been built in the 15th century by both Orthodox and Catholic believers in Sutomore (Spicansko Polje), and the two churches shared property rights. Despite this, the local board of the Serbian Orthodox Church and local authorities did not allow Catholics to use the church building.

Believers and pastors of the Seventh Day Adventists and Jehovah's Witnesses faced numerous problems despite both religions being legally registered in Montenegro. Their building and renovating activities were constantly obstructed by unidentified persons, sometimes using force, supposedly at the behest of the local board of the Serbian Orthodox Church. Montenegrin authorities failed to protect the victims.

Independence of the Judiciary and Fair Trial

The Montenegrin Helsinki Committee for Human Rights continued its project on the "Independence and Impartiality of Judiciary, Right to Fair Trial and Political Proceedings." It observed over 20 politically motivated court cases.

The Montenegrin judiciary remained part of the state apparatus, which resulted in politically-colored court proceedings and misuse of the judicial system. Moreover, the constitution of Montenegro and the corresponding laws did not guarantee all internationally accepted fair trial standards. In addition, judges continued to be nominated on the basis of their political affiliation rather than qualifications.

Montenegrin President Momir Bulatovic and senior DPS officials were involved in two

politically motivated proceedings against the opposition.

- On 10 March, the Municipal Court in Niksic sentenced the leader of the oppositional People's Party, Novak Kilibarda, to pay more than USD 15,000 to President Bulatovic and President of the National Assembly Svetozar Marovic for slandering both men during the parliamentary election campaign in 1996. Apparently under pressure from the secret police, the court was unable to carry out proceedings properly. The presiding judge was dismissed illegally and the president of the court, Miomir Perunovic, took over the case. He had publicly prejudged the outcome of the case while still under the jurisdiction of the first judge. Kilibarda was not allowed to defend himself, and the court did not respect equality of the parties.

- A similar trial was conducted against Slavko Perovic, leader of the Liberal Association of Montenegro. The verdict was declared without giving the accused a possibility for defense.

- Seven legal proceedings, two of them on criminal charges, were pending against Veseljko Koprivica, a journalist and editor of Liberal (belonging to the Liberal Association of Montenegro). Koprivica was accused, among other things, of slander because of an article written by journalist Milo Djurdjevac, published in Liberal in September 1994. Djurdjevac wrote that 16 journalists of the state-owned media might soon face trial at the International Criminal Tribunal at The Hague for spreading war propaganda, racial, national and religious hatred during the Yugoslav crisis. The author himself was never charged. The proceedings before the municipal court were riddled with violations of international standards. The defendant was not allowed to give testimony; the court refused to hear evidence of the defense; and the prosecution did not present their evidence against the defendant. Moreover, the court of appeal in Podgorica later revoked the original verdict, but Koprivica and the Liberal Association of Montenegro were not informed about this.

Police officers frequently ill-treated or even tortured detainees with impunity. In one case in 1997, the police, under public pressure, were charged with ill-treatment.

- In the fall of 1997, police officers Dejan Knezevic and Srecko Scepanovic faced trial for subjecting 15-year-old Miljan Despotovic to a brutal beating during a concert in Podgorica on 26 June. They were acquitted because of a supposed lack of evidence, even though the incident had been witnessed by several people. The court openly expressed its antipathy towards the lawyer of Despotovic, and rejected his proposals for the reconstruction of the incident and for calling expert witnesses. The accused

officers were allowed to carry weapons in the courtroom. The fact that Knezevic is the son of the Federal minister of justice apparently affected the outcome of the trial.

Protection of Minorities

According to the 1991 census, 62 percent of the Montenegro population were ethnic Montenegrins, 15 percent were Muslims (or "Bosnians"), 10 percent were Serbs, seven percent were Albanians, and about one percent were Croats. The 1992 Montenegrin constitution guaranteed "special rights of national and ethnic groups," enabling them to preserve their ethnic, linguistic, and religious identity and to develop to their culture. However, the new constitutional guarantees for minorities were much weaker than those provided by the constitution of the Socialist Federal Republic of Yugoslavia. The latter had guaranteed special rights as "nationalities" to several minority groups, including ethnic Albanians. In contrast to that, the new constitution mentioned only Montenegrins as a "constitutive nation" and its references to ethnic minorities were vague. In practice, while formally fulfilling international standards, the new constitution stripped ethnic minorities of the rights they had previously enjoyed.

The situation of ethnic minorities in Montenegro deteriorated in 1997. The rights of the Albanian minority were increasingly ignored. Montenegrin authorities also refused to recognize academic degrees from the "Parallel" Albanian University in Prishtina, Kosovo [18], while many graduates of Tirana University had problems getting their diplomas accepted as valid, apparently for political reasons.

- Xhevdet Ulaj and Ahmet Gjonbalaj, both ethnic Albanians, graduated from the so-called "Parallel" Albanian University in Prishtina. They were subsequently charged with applying for jobs using "forged" diplomas, solely because the diplomas originated from the "Parallel" University. Ulaj and Gjonbalaj were sentenced to 90 days in prison. The court verdict openly stated that they had been sentenced in order to prevent the legitimation of the "Parallel" University in Prishtina.

Moreover, ethnic Albanians studying in Tirana faced many problems following the closure of the Montenegrin-Albanian border by the Serbian authorities.

Accountability for War Crimes

In May, the state prosecutor, deputy minister of foreign affairs and the prosecutor of

Podgorica agreed with the International Criminal Tribunal in The Hague on future cooperation. However, the agreement was heavily criticized by then President Bulatovic and his allies, and was subsequently not implemented effectively.

- In the summer of 1997, General Ratko Mladic, one of the most prominent alleged war criminals, spent his vacation at the Montenegrin seaside. No attempts were made by Montenegrin authorities to arrest him.

FOOTNOTES:

1. Unless otherwise noted, based on Report on Human Rights in Serbia for 1997
2. For ethnic Albanians, see Kosovo below.
3. Ethnic Albanians in Kosovo strongly reject a minority status in Serbia and Yugoslavia. See Kosovo, below.
4. This was adopted with a view to reducing the departure of Serbs from Kosovo and to hinder the sale of Serb property to ethnic Albanians with the aim of make Kosovo ethnically clean.
5. See Report on the Status of Hungarians, Helsinki Committee for Human Rights in Serbia, 1997.
6. According to the 1991 census.
7. See Citizenship, below.
8. Based on information from the Helsinki Committee for Human Rights in Sandjak.
9. Helsinki Section of the Human Rights Watch World Report 1998.
10. Unless otherwise noted, based on Annual Report on Violations of Human Rights and Fundamental Freedoms in Kosova in the Course of 1997, Council for the Defense of Human Rights and Freedoms, 12 January 1998, and information from the Kosovo Helsinki Committee.
11. See "Statement of the International Helsinki Federation for Human Rights on the Current Crisis in Kosovo," IHF and Helsinki Committees in Serbia, Kosovo, Montenegro, Netherlands, Norway and Sweden, 6 March 1998; "Serb Police Terror Must End; US and EU Must Mediate," IHF and Kosovo Helsinki Committee, 2 March 1998.
12. Ethnic Albanians were excluded from all levels of education in 1990 after they had refused to participate in the instruction on the basis of new predominantly Serbian curricula.
13. "Statement of the International Helsinki Federation for Human Rights on the Current Crisis in Kosovo," IHF and Helsinki Committees in Serbia, Kosovo, Montenegro, Netherlands, Norway and Sweden, 6 March 1998.

14. An open letter from Human Rights Watch to Judge Louise Arbour, Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, 7 March 1998.
15. Kosovo Spring, International Crisis Group, 24 March 1998.
16. Ibid.
17. Unless otherwise noted, based on the Annual Report 1997 of the Helsinki Committee in Montenegro.
18. The "Parallel" University began functioning in 1990, after Serbian authorities had decided to close down the Albanian-language instruction at Prishtina University.

