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Human Rights Watch Memorandum on the Western Balkans

Prepared for EU Foreign Ministers' informal meeting
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Human Rights Watch welcomes the opportunity to highlight a number of pressing concerns pertaining to the Western Balkans in advance of the informal Gymnich meeting of EU foreign ministers in Salzburg on March 10-11, during which relations with the countries of the region will be discussed. Below we provide a summary overview of these concerns, structured along three broad themes – Kosovo, accountability for war crimes throughout the region, and concerns in areas other than war crimes accountability in two of the countries (Croatia and Serbia and Montenegro) – and offer a number of concrete suggestions for specific steps the EU should take to address them.¹

Kosovo

Status negotiations

Despite recent progress toward resolving the future status of Kosovo, with the first of a series of discussions between Belgrade and Pristina beginning just a few weeks ago, the human rights situation in the province remains bleak. This conclusion is underscored by the comprehensive review of the situation in Kosovo carried out by the U.N. Secretary-General's Special Envoy Kai Eide in October 2005, as well as the more recent report by the Secretary-General to the Security Council on the international administration in Kosovo, submitted in January 2006. In the latter report, the Secretary-General makes the disturbing observation that despite progress on status preparations, there were “delays or setbacks in most areas of standards implementation.”

Current human rights concerns in Kosovo include impunity and access to justice, and the protection of minorities, including the return of displaced

¹ For a more detailed overview of Human Rights Watch's concerns regarding human rights developments in the countries of the Western Balkans, see our World Report 2006, available at <http://www.hrw.org/wr2k6/>.

persons and refugees to their homes. It is crucial that these human rights concerns and overall progress on standards implementation are at the heart of the status negotiations. The European Union and its member states have a crucial role to play in ensuring a success of the negotiations, and the measure of that success must include progress on these critical issues.

It is also of paramount importance that EU member states remain committed to ensuring that the international community and the national provisional institutions of self-government (PISG) adhere to their fundamental human rights commitments. This will require sustained diplomatic and financial investment in the future of Kosovo, regardless of its political status.

Impunity and access to justice

While the challenges in establishing a new justice system in Kosovo are considerable, progress to date has been disappointing. The failure to bring to justice many of those responsible for serious crimes has created a climate of impunity that recent efforts have done little to change. Shortcomings in the justice system include: a growing backlog of cases; shortage of qualified judges; virtually nonexistent mechanisms for witness protection and relocation; poorly-trained and inadequately supported investigators and prosecutors; inadequate defense counsel; perceptions of bias by local judges; and problematic sentencing practices. The problems embedded in the justice system are further exacerbated by the poor quality and tardiness of police investigations. These problems affect all communities living in Kosovo, undermining confidence in the criminal justice system and the rule of law as a whole.

The poor record on prosecuting war crimes and post-war inter-ethnic and political violence also persists. The criminal justice response to the March 2004 violence is an excellent case in point. While at first the figures would appear to indicate a dramatic improvement in the numbers of prosecutions as compared to those relating to war crimes – almost 450 cases as compared to less than two dozen – the reality is that most of them were for minor offences, with only around half completed two years later. Where adjudicated, cases often resulted in the imposition of only minor penalties or fines, at times below minimum sentencing guidelines.

The problems with the criminal justice system are mirrored in Kosovo's civil courts. An extreme case backlog (up to 60,000 according to some estimates), limited access to the courts for ethnic minorities, and failure to implement court decisions, are among the chief obstacles that persist.

Our research also indicates that there are no case management or tracking systems in place, with the exception of a few relatively new pilot projects. A previously designed databasing system remains unimplemented in the local courts, while international judges track their involvement in cases through a separate system. There is inadequate oversight over the local judiciary. As a result of these deficiencies, it is unclear what the real backlog is, how long it takes to adjudicate cases, and whether there are particular patterns of case management or adjudication that require attention.

The ability of prosecutors, both local and international, to effectively participate in the judicial process is also cause for concern. They face similar case management challenges as the judiciary, frequently find themselves having to adjust their work according to changing political priorities, and are chronically understaffed and under-resourced. Another problem stems from the strict separation between local and international prosecutors, with the latter retaining jurisdictional

power to take over certain sensitive cases while local prosecutors are left to pursue ordinary cases in local courts, providing little opportunity for interaction and sharing of experience. The further transfer of judicial and criminal justice powers from the United Nations mission to local Ministries of Justice and Interior underscore the importance of urgent action by the international community in concert with the provisional governments to address the deficiencies in the justice system, and to establish effective mechanisms for its oversight and evaluation.

Protection of minorities: limited freedom of movement and returns

The security situation in Kosovo remains fragile. While rates of reported inter-ethnic crime generally fell in 2005, many organizations working with minorities suspect that the decrease simply reflects greater physical separation and lack of interaction between communities since major clashes between majority Albanians and Serbs and widespread rioting in March 2004. There has been an increase in serious security incidents, including those targeting Kosovo Serbs—a development highlighted by the Secretary-General in his report on Kosovo to the Security Council in January 2006. Low-level harassment and intimidation remain frequent reminders of the divide between communities in some areas.

Minorities also continue to suffer from widespread discrimination in employment and access to public services such as health care, education, and the courts. Roma communities are particularly affected. Their living conditions in the northern part of the province have been a serious source of concern for some time now, prompting the European Roma Rights Center to file an application in February 2006 with the European Court of Human Rights on behalf of 184 Romani citizens of Kosovo against the interim U.N. administration (UNMIK) alleging violations of their right to life and freedom from torture and discrimination among others.

Progress on returns of the more than 200,000 Kosovar minorities displaced since the conflict in 1999 has been limited. The latest figures indicate that less than 5% of the refugees and internally displaced persons have returned, with further suggestion of a decrease in returns and a simultaneous increase in minority departures and property sales.

Returns that do take place are often incomplete or partial returns, predominantly to rural and mono-ethnic areas. Efforts to facilitate the return of the 4,100 persons displaced by the March 2004 riots has been patchy. Although many of the homes destroyed or damaged by March 2004 riots have been reconstructed—albeit not without serious shortcomings about the quality of rebuilding—few of the displaced have returned to reconstructed homes in their former communities, preferring instead to remain in metal containers set up as temporary housing, in settlements on the outskirts of towns, in unaffected minority enclaves, or outside Kosovo.

In March 2005, UNHCR revised its findings on protection needs of minorities in Kosovo, and concluded that while individual cases should continue to be assessed, there was no longer a security basis for blocking forcible returns of Ashkaelia, Egyptian, Bosniak and Gorani minorities (By contrast Serbs and Roma are judged to remain at generalized risk). On that basis, UNMIK relaxed its forced returns policy, which has resulted in an increase in forced returns from western Europe, especially of the first three groups, despite concerns from NGOs in Kosovo about the sustainability of such returns.

Reduced human rights monitoring capacity

The transformation of the Ombudsperson's office from an international to a local institution at the end of 2005 raised concerns about the office's ability to effectively monitor the activities of UNMIK and other international and national bodies, bringing into question the continued existence of an important mechanism of accountability in Kosovo. Indeed, steps appear to have been taken just a few weeks ago to eliminate the institution's ability to monitor the international administration in Kosovo and to limit its access to certain facilities, including prisons.

In our opinion, the international administration requires careful monitoring by an independent body to ensure that it respects the rights of Kosovo citizens and abides by international human rights standards. With civil society in Kosovo still weak, the Ombudsperson's office is one of the few institutions to perform that role and the only independent institution vested with adequate jurisdiction in this field. Moreover, transparent monitoring of public institutions in Kosovo is a fundamental prerequisite to a functioning democratic society founded on the notion of rule of law.

Recommendations for EU action relating to Kosovo:

- Use the pivotal role of the EU in the status negotiations to ensure that progress on standards—including a functioning justice system that creates accountability for crimes and reflects a strong gender and child dimension, the protection of minority rights, and progress on sustainable return—is at the heart of any settlement for Kosovo;
- Consider a comprehensive review of the current functioning of the justice system—both local and internationally-supported aspects of the system—to evaluate the material and political resources necessary to ensure accountability through criminal prosecutions;
- Ensure that no-one from Kosovo deemed by UNHCR to be in need of continued international protection, including Serbs and Roma, is subject to involuntary return from the European Union to Kosovo, and ensure that any returns from the E.U. are carried out in safety and in dignity;
- Support initiatives aimed at combating discrimination against minorities in access to employment, education, social welfare, and health services, and measures promoting access for minorities to administrative offices and courts;
- Seek clarity around the recent restructuring of the Ombudsperson's mandate and ensure that adequate capacity to engage in human rights monitoring and oversight of key public institutions, such as prisons, exist, either through the establishment of alternative monitoring mechanisms or by reinstating the Ombudsperson's full mandate.

Accountability for War Crimes

Lack of cooperation by Serbia and Montenegro with the ICTY

In her recent report to the Security Council in December 2005, as well as in recent public statements, ICTY Prosecutor Carla Del Ponte has raised serious concerns about Serbia and Montenegro's (SCG) failure to fully cooperate with the tribunal. At the beginning of 2005, in an encouraging move, SCG authorities convinced sixteen war crimes indictees to voluntarily surrender to The Hague. In her recent statements, the Prosecutor has noted that SCG's cooperation deteriorated in the second half of 2005. This lack of cooperation is illustrated by the failure of the authorities in SCG to take decisive steps to locate and arrest wartime commander of

the Bosnian Serb forces, General Ratko Mladic, as well as other ICTY indictees believed to be on the territory of SCG, and to allow the Tribunal access to national files and documents it has long requested.

The successful implementation of the ICTY's mandate, including its completion strategy, depends upon the arrest and transfer of all indictees who remain at large, including Mladic and Radovan Karadzic, the wartime Bosnian Serb leader. Ten years have passed since the Srebrenica massacre, yet those most responsible continue to escape justice.² The Srebrenica trial is likely to start in mid-2006 and it is crucial that Mladic join his co-accused on the bench. SCG authorities must do their utmost to ensure that Mladic and other ICTY indictees still at large and within their reach be transferred to the tribunal without further delay.

E.U. pressure, including through Council conclusions, the Commission's regular reports, and overall through the Stabilization and Association process, has been a key factor in improved cooperation by the governments of the Western Balkans with the ICTY. As Prosecutor Del Ponte pointed out in her speech to the UN Security Council last December, "Experience shows that the political pressure from the European Union and the United States is the most significant factor encouraging the States of the former Yugoslavia to transfer indictees to The Hague."

The recent arrest of General Ante Gotovina in Tenerife, Spain, as a result of information provided by Croatian authorities, underscores the importance of E.U. consistency and determination in ensuring full cooperation with the ICTY from all states in the region. E.U. willingness to suspend accession negotiations with Croatia over the arrest of Gotovina sent an important signal in the region that must be followed through.

In this regard, Human Rights Watch welcomes the February 27, 2006 conclusions by the E.U. General Affairs and External Relations Council (GAERC), which emphasized that "full cooperation with the ICTY must be achieved to ensure that the SAA negotiations are not disrupted." The E.U. must be prepared to act on these conclusions if the ICTY Prosecutor continues to report lack of full cooperation on the part of SCG.

Supporting fair and effective domestic war crimes trials in the region

The ICTY will only be able to prosecute a limited number of persons accused of war crimes. Full justice therefore depends on the countries of the region sharing responsibility for dealing with past abuses. Presently Bosnia and Herzegovina (hereafter Bosnia), Croatia and SCG (including Kosovo) are, to varying degrees, engaged in efforts to deal with the legacy of their past in their own courts. However, based on extensive research, we are concerned that national courts continue to leave many war crimes unpunished and struggle to meet internationally recognized fair trial and due process standards.³

² For a more comprehensive Human Rights Watch commentary on impunity for the perpetrators of the Srebrenica massacre, see "*Safe Areas*" for Srebrenica's Most Wanted: A Decade of Failure to Apprehend Karadzic and Mladic, published in June 2005 and available at <http://hrw.org/backgrounder/eca/srebrenica0605/>.

³ For a detailed overview of Human Rights Watch's concerns pertaining to domestic war crimes trials in the Western Balkans, see Human Rights Watch, "Justice at Risk: War Crimes Trials in Croatia, Bosnia and Herzegovina, and Serbia and Montenegro," *A Human Rights Watch Report*, vol. 18, no.1(D), October 2004, [online] <http://hrw.org/reports/2004/icty1004/>.

We believe that this matter requires immediate attention and action on the part of the E.U. The Union's institutions should encourage and assist the states in the region to engage in the necessary reforms that will enable them to implement fairly and effectively their legal obligations to prosecute serious violations of humanitarian law committed during the conflicts.

Human Rights Watch is convinced that the Stabilization and Association process has a central role to play in meeting this objective. This approach is entirely consistent with the E.U.'s commitment to promote human rights and the rule of law in the region. It is also complementary to the E.U.'s dedication to ensure the successful completion of the ICTY's mandate.

We welcome the Commission's inclusion of references to national war crimes trials in the 2005 progress reports on Croatia, Bosnia, and SCG. We regret, however, that the GAERC has not adopted conclusions on the matter since October 2003, when it stressed "the importance of strengthening national judicial systems and to improve their capacity to prosecute cases transferred from the ICTY."

Specialized chambers – the War Crimes Chamber in Sarajevo

Bosnia, Croatia, and SCG, have each taken a significant step toward effective war crimes prosecutions by creating specialized mechanisms to prosecute and adjudicate such cases. As these mechanisms have just begun to operate, it is too early to make conclusive assessments of their impact on the fairness of proceedings in the region.

The establishment of the War Crimes Chamber in Sarajevo (WCC) is a case in point. Initiated by the ICTY and the Office of the High Representative and funded by the European Commission and a number of E.U. member states, the WCC is part of the State Court of Bosnia and has the mandate to try cases referred to it by the ICTY as well as the most serious war crimes cases initiated locally. Since the WCC began operations in March 2005, it has already issued indictments in locally initiated cases, including a December 2005 indictment against 11 ethnic Serbs for crimes committed in Srebrenica. The ICTY has already referred two of its cases to the chamber and additional referrals are expected.

While our research on the WCC indicates that it can deliver fair trials for defendants, we are concerned that its performance could be undercut because of inadequate funding and insufficient numbers of prosecutors and investigators to manage the current caseload effectively.⁴

Proceedings in other national courts

Despite the creation of specialized chambers, other ordinary courts in Bosnia and in Croatia will retain jurisdiction to hear war crimes cases. Since they will not hear cases referred to from the ICTY, these courts have not received the same international scrutiny as the specialized chambers referred to above. But their ability to conduct fair and effective war crimes trials is an important factor to the success of accountability efforts in the region as a whole.

⁴ For a more detailed analysis of the Sarajevo War Crimes Chamber, see Human Rights Watch, "Looking for Justice: The War Crimes Chamber in Bosnia and Herzegovina," *A Human Rights Watch Report*, vol. 18, no.1(D), February 2006, [online] <http://hrw.org/reports/2006/ij0206/>.

Human Rights Watch has conducted extensive trial monitoring and found that domestic war crimes prosecutions throughout the region have been marred by serious problems, including ethnic bias on the part of prosecutors and judges, inadequate cooperation by the police in the conduct of investigations, insufficient cooperation between states on judicial matters, ineffective witness protection programs, and lack of political will.

Nowhere in the region have these problems been more acute than in Republika Srpska, where some of the worst war crimes in Bosnia and Herzegovina were committed. Almost half of the individuals indicted by the ICTY are Bosnian Serbs. However, for most of the past decade there has been effective impunity for war crimes in Republika Srpska. As of November 2005, only two war crimes trials had been completed there.

In late 2005, however, war crimes prosecutions began to gain momentum in Republika Srpska. In two trials completed in November and December respectively, a court in Banja Luka convicted a total of four ethnic Serbs on war crimes charges, and one Serb was convicted in the town of Trebinje in December. As of early February 2006, a war crimes trial against an ethnic Serb was ongoing in Trebinje district court, and another one involving a Serb defendant in Banja Luka district court. Prosecutors in charge of war crimes prosecutions in several parts of Republika Srpska were also nearing completion of other investigations.⁵

This new impetus towards prosecuting war crimes in Republika Srpska creates a significant opportunity to reform the criminal justice system. At present, war crimes prosecutions in Republika Srpska are hampered by a range of obstacles. These include limited prosecutorial resources, including shortages of support staff and lack of investigative capacity, and an expanding case load; the absence of specialist war crimes prosecutors, reflecting both a lack of expertise in humanitarian law and the fact that the mandate of prosecutors is not focused exclusively on war crimes cases; insufficient assistance by Republika Srpska police, coupled with a failure to make use of evidence available from other sources; witness intimidation and fatigue; and the non-availability of suspects.

For the recent progress in Republika Srpska to be sustained, it is important that authorities there, in conjunction with the national authorities in Bosnia, take positive action to enhance the capacity and effectiveness of district prosecutors' offices, including by introducing professional investigators in the prosecutorial offices, and increasing the number of prosecutors in districts where the growing number of war crimes investigations so requires. Prosecutorial offices should also make greater use of law clerks in war crimes prosecutions, and make full use of available sources of information relevant to the investigation, including information gathered by nongovernmental organizations, and ICTY transcripts and other material.

Recommendations for E.U. action pertaining to war crimes accountability:

- Reaffirm, at every opportunity, privately and publicly, that full cooperation with the ICTY remains a fundamental condition for deepening of relations between the E.U. and the countries of the Western Balkans;

⁵ These and other cases are documented in a forthcoming Human Rights Watch report on war crimes trials in Republika Srpska, "A Chance for Justice? War Crimes Prosecutions in Bosnia's Serb Republic," *A Human Rights Watch Report*, Vol. 18 No. 9 (D), March 2006.

- Reiterate during bilateral discussions with SCG officials that continuing negotiations on the Stabilization and Association Agreement (SAA) will take full account of the ICTY's evaluation of SCG cooperation, and call on SCG authorities to deploy all efforts to ensure the prompt arrest and transfer of all remaining indictees to the ICTY;
- In determining whether to suspend or to proceed with SAA negotiations, take full account of the evaluation of the ICTY Prosecutor on SCG cooperation with the ICTY;
- Emphasize the importance the E.U. attaches to fair and effective domestic war crimes prosecutions in all bilateral and multilateral dialogues with government officials from the region, and re-affirm the E.U.'s commitment to support efforts to ensure that those proceedings are fair and effective;
- Adopt GAERC conclusions to underscore the importance the E.U. places on fair and effective domestic war crimes prosecutions in the Western Balkans;
- Pledge continued E.U. financial support to the WCC in Sarajevo.

Additional human rights concerns in Croatia and Serbia and Montenegro

Croatia

Human Rights Watch's main concerns on Croatia beyond war crimes accountability include the lack of progress in resolving the issue of tenancy rights stripped from tens of thousands of Croatian Serbs during the war; an increase in the number of ethnically motivated incidents against Croatian Serbs; and, the under-representation of the Serb minority in the state administration, the judiciary, and the executive bodies and administration of self-government units.

Lack of progress in resolving the issue of tenancy rights in socially-owned property

Croatian authorities terminated the tenancy rights of up to thirty thousand Serb families after they fled their apartments during and after the war. A majority of the socially-owned apartments were located in Zagreb, Split, Osijek, and other big cities in the areas controlled by the central government during the war. In June 2003, the Croatian cabinet adopted a set of measures to enable former tenancy rights holders in these areas to rent or purchase government-built apartments at below-market rates. Almost three years after the enactment of the program, there has been no tangible progress in its implementation. As of November 2005, only a dozen former tenancy rights holders had benefited from the program.⁶ In addition, beneficiaries who wish to purchase property must pay sixty percent of the market value of the property, which is beyond the means of most returns. The government's scheme cannot be said to be a meaningful form of reparation or compensation for the past dispossession, which remain unavailable to Serb former tenancy right holders.

Ethnically motivated incidents against Croatian Serbs

In a troubling development, violent acts against ethnic Serbs saw a sudden increase during the past year. The May 18 killing of eighty-one-year-old Dusan Vidic in his house in Karin, near Benkovac, was particularly shocking. Other incidents included beating of returnees, damaging

⁶ For a fuller analysis of the obstacles to refugee returns to Croatia, see Human Rights Watch's May 2004 briefing paper "Croatia Returns Update," available at <http://hrw.org/backgrounder/eca/croatia0504/> and "Broken Promises: Impediments to Refugee Return to Croatia," *A Human Rights Watch Report*, Vol. 15 no. (6) D, September 2003, [online] <http://www.hrw.org/reports/2003/croatia0903/>.

vehicles with Serbian registration plates, writing graffiti calling for murder of Serbs, and bomb explosions next to the premises of a Serb political party in Vukovar and in the municipal assembly buildings in two majority Serb villages. A recent survey by the leading association of the Croatian Serbs, the Serb Democratic Forum, lists and describes forty-nine incidents that occurred during 2005.⁷ In all but a few cases the police failed to apprehend the perpetrators. In most return areas, there are few or no Serbs in the police, which adds to the sense of insecurity among the local minority population.

Under-representation of Serbs and other minorities in public office

Limited economic opportunities for minority returnees, partly caused by employment discrimination, also greatly impedes return. A December 2002 Constitutional Law on National Minorities (CLNM) obliges the state to ensure proportionate representation of minorities in the state administration and the judiciary, as well as the executive bodies and administration of self-government units. In most areas, there are no Serb returnees in the judiciary, the regional offices of the state ministries, and the local self-government structures. Private entrepreneurs, although not bound by the law to hire Serbs, have proved to be more willing to do so than government agencies.

Tackling the problems described above would be possible if the government had the necessary political will. This is best illustrated by the example of neighboring Bosnia, where former tenancy rights holders have been able to repossess their homes, significant progress has been made in employing members of various ethnic groups in the judiciary and the state administration, and ethnically motivated incidents are less frequent than in Croatia although the destructive effects of the war had been far greater. It is crucial that the E.U. use its influence through the accession process to ensure that Croatia makes progress in removing the remaining obstacles to return, and respecting the rights of minorities.

Recommendations for E.U. action in Croatia:

The E.U. should call on Croatian authorities to:

- implement the June 2003 program that would enable former tenancy rights holders in the areas outside the areas of special state concern to rent or purchase government-built apartments at below-market rates;
- take appropriate preventive measures to protect Serb communities from attacks, and investigate thoroughly all reports and incidents of ethnic violence;
- intensify efforts to ensure greater participation of minorities in the police;
- make public statistical data, broken down by geographical area, of the implementation of the legal provisions on proportionate representation of minorities in the state administration and the judiciary, as well as the executive bodies and administration of self-government units; and
- develop a system of targeted monitoring of minority employment in the state administration and the judiciary, as well as the executive bodies and administration of self-government units, and intervene, through the involvement of pertinent ministries, in cases in which employment discrimination on ethnic grounds is apparent.

⁷ The report is available at http://www.sdf.hr/eng/news/2005_incident.html.

Serbia and Montenegro

In addition to slow progress on the issue war crimes accountability, intimidation of ethnic minorities and the treatment of human rights defenders in Serbia and Montenegro remain the principal human rights concerns in the country.

Ethnically motivated attacks

Compared to the previous year, in 2005 incidents of ethnically motivated attacks decreased in the Vojvodina region of northern Serbia, but intensified in other parts of the country, often taking the form of anti-Semitic and anti-Muslim graffiti, as well as physical assaults on Roma.⁸ Criminal and misdemeanor sentences against the perpetrators of ethnically motivated crimes were light. Following strong international criticism of these trends, government officials have become more robust in condemning offenses against minorities. Public prosecutors have also begun to invoke a provision in the Penal Code criminalizing incitement to ethnic, racial and religious hatred, which allows for harsher sentencing for ethnic violence.

These developments notwithstanding, there is a risk of further violence against some minorities in Serbia, particularly ethnic Albanians and Muslims, if Serbia is perceived to be faring badly in the Kosovo status negotiations. For these reasons, it remains important to demand from Belgrade that it ensure that minorities are adequately protected and that those responsible for ethnically motivated attacks are held accountable to the fullest extent of the law.

Campaign against human rights defenders

High-profile government officials, mainly those belonging to Prime Minister Vojislav Kostunica's Democratic Party of Serbia, have in the past eight months often expressed hostility towards leading human rights defenders. The head of the State Security Service, Rade Bulatovic, and Minister for Capital Investments, Velimir Ilic, suggested in July and September 2005 that leading human rights organizations in Serbia were working for unspecified foreign powers. Media close to the government have argued that Serbia should impose strict limitations on the work of human rights organizations, in a vein similar to that in Russia.

In June and July 2005, the head of the parliamentary group of Prime Minister Kostunica's Democratic Party of Serbia repeatedly expressed contempt for "characters like Natasa Kandic," one of Serbia's most prominent human rights activists, while Justice Minister Stojkovic accused Kandic of indifference to Serb victims of war crimes. Physical assaults on Serbian Helsinki Committee Director Sonja Biserko and break-ins at her home and at the home of well-known human rights lawyer Biljana Kovacevic-Vuco during 2005 appeared to be the work of Serbian extremists incited by such statements. These three leading activists were frequently subject to verbal harassment in public.

Recommendations for E.U. action in Serbia and Montenegro:

The E.U. should call on the authorities of Serbia and Montenegro to:

⁸ For more information about ethnic violence against minorities in Serbia, see Human Rights Watch, "Dangerous Indifference: Violence against Minorities in Serbia," *A Human Rights Watch Report*, Vol. 17 No 7 (D), October 2005, [online] <http://hrw.org/reports/2005/serbia1005/>.

- take all appropriate preventive measures to protect non-Serb communities from attacks, and investigate thoroughly all reports and incidents of ethnic violence;
- intensify efforts to ensure greater participation of minorities in the police;
- consider legislation that would allow for the imposition of greater sentences for ethnically aggravated forms of offenses against the person, property, public order, and similar offenses;
- refrain from making derogatory and hostile statements against Serbian human rights organizations, and accept the legitimacy of their work as indispensable contribution to developing respect for human rights in the transition to full-fledged democracy;
- Ensure that the legislative reforms underway permit NGOs and human rights defenders to operate freely and without government interference. The reform effort should be based on a consultative process taking full account of the views of civil society.