

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 70/009/2003 (Public)
News Service No: 075
3 April 2003

Embargo Date: 3 April 2003 00:01 GMT

Serbia and Montenegro: Accession to the Council of Europe

Serbia and Montenegro must use its accession today to the Council of Europe as an opportunity to fully address its legacy of human rights violations and abuses, Amnesty International said as it released its report *Serbia and Montenegro: Amnesty International's concerns in Serbia and Montenegro* (AI Index EUR 70/004/2003) (1).

Following the turmoil in Serbia after the assassination of Prime Minister Zoran Djindjic on 12 March, Amnesty International also expressed its concern at aspects of the emergency regulations that might give rise to human rights violations, especially the ruling allowing the Ministry of the Interior to detain people for up to 30 days without access to a lawyer.

"Given the continuing prevalence of police torture and ill-treatment of detainees, such a period of incommunicado detention of hundreds of suspects can only be a cause for concern," Amnesty International declared.

The organization called for all those responsible for Prime Minister Djindjic's assassination to be brought to justice, but underlined that attempts to do so must be carried out with respect for international standards and must not resort to torture.

The organization continues to receive allegations of torture and ill-treatment by police throughout the country, but said that "there appears an apparent lack of will by the authorities to adequately address this issue, thereby perpetuating a climate of impunity similar to that which exists in relation to war crimes and crimes against humanity."

In one example, on 5 December 2002, a 24-year-old student, Milan Jezdovic, was allegedly tortured to death in Belgrade police station after being arrested with eight others. All reportedly stated that the police put sealed plastic bags over their heads and that some of them were beaten and tortured with electric shocks. Some reported hearing Milan Jezdovic screaming that he could not breathe, due to the bag over his head.

"Serbia and Montenegro's accession to the Council of Europe is an opportunity for the Council of Europe to facilitate Serbia and Montenegro's implementation of its international human rights obligations," Amnesty International said.

"It is an ideal opportunity for the country to overcome the climate of impunity for human rights

violations, including war crimes and ongoing police torture and ill-treatment."

Amnesty International welcomed the final uncovering of the fate of former Serbian President Ivan Stambolic, who "disappeared" in August 2000 and was subsequently extra-judicially executed.

"All those involved in the murder of Ivan Stambolic and other political murders must be brought to justice," Amnesty International declared.

The organization also welcomed the current initiative from the ruling coalition to remove the stipulation in Article 39 of the Law on Cooperation with the International Criminal Tribunal for the former Yugoslavia (the Tribunal) which allows only transferral to the Tribunal of those indicted before the law came into force in April 2002.

"Those responsible for human rights abuses and violations, including war crimes and crimes against humanity, must be brought to justice to create the conditions for the respect and protection of human rights," Amnesty International stated.

"The hundreds of cases of enforced 'disappearances' and abductions in connection with the wars in former Yugoslavia need to be resolved."

"While over 1,100 bodies have so far been exhumed in Serbia, hundreds of others remain missing and there appears a complete lack of will in finding the perpetrators of these crimes: even when a mass grave was located in an official site like a police training compound."

Amnesty International considers the suffering endured by relatives of the "disappeared" in their attempts to establish what happened to their family members, to amount to a violation of their right to freedom from torture and inhuman or degrading treatment. The organization urged the authorities of Serbia and Montenegro to ensure reparation to the relatives of those "disappeared" and abducted.

"The authorities of Serbia and Montenegro appear to be failing to take adequate measures to protect people from attacks by non-state actors on account of their ethnicity or sexual orientation, and to bring those responsible for such abuses to justice," Amnesty International said.

The organization is also concerned at the continuing discrimination against Roma, especially Kosovo Roma displaced following the 1999 conflict. Amnesty International called on the authorities to implement laws and policies to end institutionalized racism and widespread discrimination against Roma.

Some conscientious objectors to military service continue to be imprisoned, and despite the recognition of the right to conscientious objection in the new constitutional charter, there is no non-punitive and genuine alternative civilian service for conscientious objectors in Serbia and Montenegro.

The organization also expressed its concern at reported moves by the Justice Minister's party, the Christian Democratic Party of Serbia, to try and reintroduce the death penalty.

Notes:

1. The Amnesty International report does not cover Kosovo which since July 1999 has been under control of the United Nations Mission in Kosovo (UNMIK).
2. Amnesty International makes a distinction between "disappearances" and abductions, the former being perpetrated by state authorities and the latter by non-state actors.

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