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Serbia: Respect the rights of the disappeared

Amnesty International today published its [Submission to the Committee on Enforced Disappearances](#). The report outlines Serbia's failure to implement the International Convention for the Protection of All Persons from Enforced Disappearance.

Amnesty International concludes that the Serbian authorities have failed to take any measures to implement the Convention, since the country ratified it in 2011, and makes a series of recommendations to the Serbian government, including to guarantee the rights of the disappeared and their family members.

Amnesty International is particularly concerned that Serbia has failed to implement the Convention, given the thousands of cases of enforced disappearance carried out by Serbian military, police and paramilitary forces during the wars of the 1990s.

Even though these enforced disappearances took place during the 1990s, under international law, they are considered to be a continuing crime until the fate and whereabouts of the disappeared person are established. Under the Convention, Serbia is obliged to investigate and prosecute these crimes, and provide reparation – including compensation – to the survivors or victims' relatives.

Serbia has made gradual process over the years in recovering the bodies of the disappeared. However, Serbia has in the vast majority of cases, failed to provide relatives with information on their fate, or to bring those suspected of criminal responsibility to trial. In the absence of a law prohibiting enforced disappearance, and with the exception of high ranking government officials convicted at the International Criminal Tribunal for the former Yugoslavia, none of those allegedly responsible, for example, for the enforced disappearance of more than 3,500 Kosovo Albanians which took place during the 1998-99 internal and international armed conflicts in Kosovo have been brought to justice.

The European Court of Human Rights, the UN Human Rights Committee and the Human Rights Chamber in Bosnia and Herzegovina, have all recognized that the pain and suffering caused to the relatives of the missing by a state's continued failure to investigate and provide the relatives with information about their fate and the whereabouts of their missing is a continuing violation of the prohibition against torture and other ill-treatment.

The government has even denied its own citizens access to reparation for their loss of a family member during the wars of the 90s. The current Law on Civilian Victims of War, for example, requires relatives to declare their missing family member dead if they wish to apply for a small monthly pension. They receive fewer benefits than the relatives of a missing serviceman, and the relatives of missing civilians disappeared outside of Serbia are denied access to the status of civilian victim of war, and thus any compensation.

The Committee on Enforced Disappearances will review Serbia's implementation of the Convention in February 2015. Amnesty International has called on Serbia to:

- Amend legislation to include enforced disappearance, as defined in the Convention, as a separate and distinct crime in the criminal code, and in Article 371, Crimes against Humanity;
- Investigate past enforced disappearances, either as a crime against humanity, war crime or random or isolated act, and punish all those responsible, including commanding officers and officials who may have ordered or failed to prevent enforced disappearances;
- Define the “victim” of enforced disappearances in accordance with the Convention, and ensure that the relatives of the disappeared are guaranteed the right to the truth and the right to fair and adequate compensation and other forms of reparation.

The report is available at <http://www.amnesty.org/en/library/info/EUR70/001/2015/en>

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org