

The Balkans

Summary of Amnesty International's Concerns in the Region

January – June 2007

FOREWORD

This bulletin contains information about Amnesty International's main concerns in the Balkans between January and June 2007.

A number of individual country reports have been issued on the concerns featured in this bulletin. References to these are made under the relevant country entry. In addition, more detailed information about particular incidents or concerns may be found in Urgent Actions and News Service Items issued by AI.

ALBANIA

Background

Local elections took place on 18 February, following a campaign period accompanied by arguments about technical aspects of the voting procedure, and mutual accusations of malpractices and corruption. The Albanian Helsinki Committee (AHC) criticized the hate-speech used by political parties and their exaggerated promises to the electorate. The elections took place, nonetheless, without major disturbances.

In April the Minister for Integration initiated a review of the national action plan towards implementing the commitments made in a Stabilization and Association Agreement which had been ratified by the European Parliament in September 2006.

In May the Parliamentary Assembly of the Council of Europe (PACE) applauded the progress made by Albania since joining the Council of Europe in 1995, but urged the authorities *inter alia* to adopt without delay amendments to the Civil and Criminal Codes to decriminalize libel and reform civil defamation provisions; to "enforce speedily" recommendations made in July 2006 by the European Committee for the Prevention of Torture (CPT) and ensure the effective implementation of the Framework Convention on the Protection of National Minorities. The PACE also called on Albania to "implement effectively" the law on the prevention of domestic violence.

By the end of June, government and opposition leaders had failed to agree on a presidential candidate to replace President Alfred Moisiu, whose mandate was due to expire on July 24.

Death Penalty

On 6 February Albania officially ratified Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms

(ECHR), thereby abolishing the death penalty in all circumstances. In April Parliament subsequently adopted amendments to the Military Criminal Code revoking all provisions providing for the death penalty, which had been abolished for ordinary crimes in 2000.

Torture and ill-treatment

Amendments to Article 86 of the Criminal Code (CC) ("Torture and any other degrading or inhuman treatment") introduced in February adopted the definition of torture as set out in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). The previous wording of Article 86 had been so vague that it failed to define the elements of the crime of torture and ill-treatment, and consequently had been criticized in 2005 by the UN Committee against Torture, which called for its amendment. The minimum penalty for this offence was reduced from five to four years' imprisonment; the maximum penalty remained 10 years' imprisonment, except in cases resulting in permanent injury or death which was punishable under Article 87 by up to 20 years' imprisonment.

However, other articles of the CC under which those suspected of torture and ill-treatment (not resulting in death or permanent injury) have previously been indicted, in particular Article 250 ("arbitrary acts) were not abolished or amended. AI was concerned that in practice police who ill-treat detainees may continue to be charged with such offences, which are generally punished by non-custodial penalties – fines or suspended prison sentences. (In separate trial proceedings before Tirana District Court two police officers were convicted of "arbitrary acts" in February and May respectively, and sentenced to fines.)

At the end of the period under review the Albanian authorities had not yet given the

CPT permission to publish its report on its visit to Albania in March 2006.

Police custody

According to a press report, at a meeting in January with the Ministry of the Interior to review the work of the police during 2006, the Ombudsperson referred to 18 complaints received concerning ill-treatment by police, of which six, on investigation, had been found to be justified. There had also been 149 other complaints, relating to breaches of procedure, arbitrary fines, corruption, or other forms of misconduct. The Ombudsperson reportedly cited a case which had occurred a few days earlier, in which three men were taken to Tirana police station no.3 for an administrative check of their identity, despite the fact that they had their identification documents. They were held at the police station from midnight until 9.30am without any check or questioning. According to the Ombudsperson, after 9.30am they were questioned by police and beaten with a plastic hose: "An examination of them showed clear marks of the violence used by the police officers".

The case of Eriguert Ceka (update to AI Index: EUR 11/005/2005)

On 23 January Mirdita District Court issued its ruling in a civil compensation suit brought by the mother of Eriguert Ceka, who died following ill-treatment in police custody in July 2004. The Court ordered Mirdita Police Station to pay Eriguert Ceka's mother 2,301,750 leks' compensation (approximately 19,208 euro) for the death of her son and for the pain and suffering caused by her loss.

In May 2004 Eriguert Ceka, aged 17, was arrested and remanded in custody on a charge of theft at Mirdita Police Station. On 5 July 2004 he became severely ill, and in the early hours of the next morning – after he had fallen into a coma – he was taken to Tirana Military Hospital where he died on 8 July 2004.

On 10 December 2004 Tirana District Court convicted Gjon Reçi, a police officer on duty in the remand section of Mirdita Police Station, of contravening guard service rules, but failed to establish how Eriguert Ceka had died. Gjon Reçi was sentenced to a year's imprisonment, reduced to eight months. However, on 18 January 2005 Tirana Military Appeal Court found that Gjon Reçi had hit Eriguert Ceka, causing him to fall and injure his head, and that his death was caused by this injury. The Court convicted Gjon Reçi of "contravening guard service regulations with serious consequences" and sentenced him to three years' imprisonment. However, Gjon Reçi had already been released after serving eight months' imprisonment, and the Court suspended the remainder of his sentence.

Conditions of detention and prisons

In January the Ombudsman called on the Director General of Prisons to take measures against the ill-treatment of prisoners by guards; he referred to several incidents of ill-treatment, the most recent of which had taken place on 12 January at Roghozhinë prison. Also in January, parliament adopted an amnesty law which resulted in the release of some 400 prisoners and a temporary reduction in prison over-crowding. However, by the end of June there were a reported 750 prisoners in prisons in excess of capacity.

By the end of February, responsibility for remand detention had finally been transferred from the Ministry of Interior to the Ministry of Justice, and many remand prisoners held in police stations had been moved to prisons. However, AHC monitors who visited remand facilities in Korça (attached to Korça police station) in April, while welcoming improvements in the treatment of detainees, also noted that conditions remained very poor. Cells were over-crowded (81 persons were held in cells with capacity for between 45 and 60 persons), and were humid, lacking in light and with inadequate ventilation. Little

attention was paid to cleanliness or sanitation, and in the absence of beds detainees slept on mattresses on the floor. Medical care for detainees failed to meet the relevant regulations, while social workers or educationalists were not available in the facility.

In May the Ombudsperson reminded the Prime Minister of his undertaking to have telephone cabins installed in police stations and prisons to enable detainees who had been ill-treated to make complaints to the relevant ministries. He also called on the Minister of Justice to ensure that the Commission for Supervising the Execution of Prison Sentences resumed its functions. This Commission, to which prisoners may complain about violations of their rights, had reportedly not operated since 2005.

Also in May a draft of a new regulation governing the treatment of prisoners in prisons was sent to the Ministry of Justice. This reportedly provided for the education of prisoners who had not completed basic nine-year schooling, for improved access to family and lawyers, and the regulation of prisoners' working conditions. It also provided for disciplinary measures for guards who ill-treated prisoners.

At the end of June new improved food rations for prisoners were introduced.

Enforced "disappearance" and impunity: the case of Remzi Hoxha (update to AI Index: EUR 01/005/2004)

Little progress was reported in the investigation reopened in October 2006 into the "disappearance" of Remzi Hoxha, an Albanian from Macedonia, who was taken from his workplace in Tirana on 21 October 1995 by men in civilian clothes driving a car reportedly belonging to the National Information Service (ShIK), the secret police. In March the Albanian press reported that prosecutors investigating the disappearance of Remzi Hoxha considered that there was evidence to support a

charge of "torture resulting in death", under Article 87 CC, an offence which was not amnestied in 1997 when many other offences, including "torture" (Article 86 CC) were amnestied. At the end of March, Arben Sefgjini, a former ShIK officer who had been arrested in 2003 in connection with Remzi Hoxha's enforced disappearance, but was released in 2004 under the terms of the 1997 amnesty, was appointed Director General of the Office of Enforcement of Civil Court Decisions.

In February Albania was among 57 countries which signed the UN International Convention for the Protection of All People from Enforced Disappearances, adopted by the General Assembly on 20 December 2006.

Domestic violence (update to AI Index: EUR 01/001/2007)

The law "On Measures against Violence in Family Relations" drafted by a coalition of domestic non governmental organizations (NGOs), and which had been adopted by the parliament in December 2006, entered into force on 1 June 2007. This civil law aims both to prevent such violence and to introduce procedures to give victims of domestic violence effective protection. Article 25 requires the government to issue enabling legislation within three months of the law coming into force (i.e. by 1 September); no progress in drafting such legislation was reported by the end of June.

A press report in February noted an increase in the reporting of domestic violence in the capital, Tirana, towards the end of December 2006 and throughout January 2007. However, prosecutors had reportedly expressed concerns that they were obliged to stop proceedings in all these cases because the injured party withdrew the complaint. Prosecutors and psychologists were apparently alarmed that failure to prosecute violent spouses might lead to further physical and psychological violence.

In March the chief of police for Elbasan held a meeting attended by the Director General of Police and other senior police, local government and education officials and NGOs, at which he noted an increase in reports of domestic violence in the district during the 15-month period covering 2006 and the first three months of 2007. According to the Chief of Police, out of 54 cases reported some 20 involved serious violence by men against their wives including two murders, two attempted murders, 11 threats, two woundings, two beatings and one case in which property was destroyed.

In April the Director General of State Police undertook to establish domestic violence units, as foreseen in the new law. A domestic violence unit was established within the Directorate of Serious Crimes, with overall responsibility for the establishment of such units in major centres of population. By June one such domestic violence unit had been set up in Tirana.

From March onwards the Organization for Security and Co-operation in Europe (OSCE) together with the Council of Europe and NGOs organized training for lawyers, judges, prosecutors and police.

Trafficking in human beings

On 6 February Albania ratified the Council of Europe's Convention on Action against Trafficking in Human Beings. On 7 February OSCE officials and officials from the Albanian Ministries of the Interior, Tourism and Culture, Youth and Sport signed a memorandum which requires Albania to draft a code of conduct for tourist operators in Albania guaranteeing the protection of children from sexual exploitation. This code is to be based on the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, a project initiated by the international NGO End Child Prostitution, Pornography and Trafficking (ECPAT), co-funded by the UN Children's Fund (UNICEF) and developed

with the support of the World Tourism Organization.

Witness protection continued to be weak, although efforts at improvement were made. At the end of 2006 the Office for the Protection of Witnesses was up-graded to Directorate level, and in May 2007 Directorate employees received training on witness protection from the OSCE and the Police Assistance Mission of the European Commission to Albania (PAMECA). In April 2007 the Government approved standards for the treatment of victims of trafficking, proposed by the Ministry of Labour and Social Affairs. These covered social support, accommodation, information, medical, psychological and material care, education, employment, training and measures for social protection.

According to official statistics, during 2006 there were 103 prosecutions relating to charges of trafficking women for forced prostitution, and 11 to charges of trafficking children. Over the same period, 12 people were convicted of trafficking women for prostitution, and six people for trafficking children.

In January 2007 the Serious Crimes Court sentenced Fatos Kapllani and Arben Osmani to 16 and 15 years' imprisonment respectively for trafficking children to Greece and forcing them to work as prostitutes or beggars. The court found that the two men had targeted families living in great poverty and persuaded the children's parents to let them be trafficked, and that they had ill-treated children who resisted their orders. In February 2007 it was reported that two Albanian women, a Greek woman and a Greek lawyer had been arrested in Thessaloniki, Greece, on a charge of selling the baby of one of the Albanian women to a Greek couple.

Reported arrests and convictions of defendants accused of trafficking women for prostitution included the conviction of Spartak Balilaj by the Serious Crimes Court in January. The court found him guilty of

trafficking his girlfriend in 2001 and forcing her to work as a prostitute in the UK. He was sentenced to seven years' imprisonment.

Access to Housing

AI appealed to the authorities in May following concerns that 15 people in the town of Korça, who were orphaned as children, the majority of them women in their twenties and thirties, would find themselves homeless, as they were due to be evicted from a student hall in which they had been living – in some cases for 15 years – in advance of its renovation (see AI Index: EUR 11/001/2007). A similar threat reportedly hung over some 40 other adults who were orphaned as children in Shkodër. The Albanian authorities had failed to ensure them adequate alternative accommodation in breach both of domestic law providing for orphans and Albania's obligations under international and regional human rights standards.

Following demonstrations by the Korça orphans, the press on 2 June reported that the city authorities had decided to find temporary accommodation for them and to pay their rent pending a durable solution to their housing problems. However, the orphans themselves were reportedly not directly informed of this decision and remained wary of broken promises.

In the event, the orphans gained a further reprieve. Works on the student hall came to a halt later in June 2007, when the private firm entrusted with the renovation was deprived of its licence following an industrial accident at a student hall in Tirana for which it was held responsible.

Counter-terrorism

In June a report by Dick Marty for the PACE clarified Albania's role in the unlawful rendition of Khaled el-Masri, a German national of Lebanese origin (see *Partners in Crime: Europe's role in US renditions*, AI Index: EUR 01/008/2006). Khaled el-Masri

had been unlawfully transferred to the US authorities in Macedonia and flown to Kabul where he had been held for over four months. He subsequently alleged that on his return he had been dropped on the Albanian side of the Macedonian border, before he was flown back to Germany from Tirana airport. Senator Marty, on the basis of flight reports, confirmed that Khaled el Masri was flown out of Kabul on 28 May 2004 on board a CIA-chartered Gulfstream aircraft to Berat-Kuçova Aerodrome, a military airbase in Albania, before being driven to the border in an apparent attempt to suggest that he had returned to Macedonia.

Eight men who had been unlawfully detained by the US authorities in Guantánamo Bay, including an Algerian, an Egyptian, an Uzbek and five Uighurs from China remained in Albania after the government in 2006 had agreed with the US government to provide them with asylum, following their release from detention. In June the Italian daily *La Repubblica* reported that the US State Department had asked Albania to give refuge to 15 other detainees, but that this request had been refused.

BOSNIA AND HERZEGOVINA

General and political developments

Bosnia and Herzegovina (BiH) remained divided in two semi-autonomous entities, the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), with a special administrative status granted to the Brčko District. The international community continued to exert significant influence over the political process in BiH, as part of the civilian implementation of the Dayton Peace Agreement, led by a High Representative whose nomination is proposed by the Peace Implementation Council (PIC), an

intergovernmental body that monitors implementation of the Dayton Peace Agreement. Preparations to close down the Office of the High Representative (OHR) in 2007, which had been ongoing since mid-2006, were halted after the PIC decided in February against the closure of the OHR including as a result of the lack of progress in the process of political reform and of the backlash of nationalist rhetoric that had accompanied the general elections held in October 2006.

Following the October 2006 elections, in February a new State government took office, headed by Prime Minister Nikola Špirić of the Alliance of Independent Social Democrats (Savez nezavisnih socijaldemokrata, SNSD). The government coalition also includes six other parties.

Also in February, the European Union (EU) Political and Security Committee gave final approval to reduce the number of troops of the EU-led peacekeeping force EUFOR from approximately 6,000 to 2,500. EUFOR's reconfiguration and the withdrawal of troops was completed at the end of the period under review. In addition to EUFOR, a small North Atlantic Treaty Organisation (NATO) presence remained in BiH, mainly to assist the BiH authorities in defence reform and also ostensibly providing support to the International Criminal Tribunal for the former Yugoslavia (Tribunal) with regard to the detention of persons indicted for war crimes.

Following the judgement in February by the International Court of Justice (ICJ) in the case BiH vs. Serbia and Montenegro (see below), local residents of Srebrenica, mainly Bosniak (Bosnian Muslim) returnees, formed a coalition to request a special status for Srebrenica outside the RS. Although demands to separate Srebrenica from the RS were rejected by the RS leadership, extra funding was earmarked by the RS government to promote development in Srebrenica and in April a high level coordination group, composed by representatives of the OHR, the RS and

BiH authorities, was created to address the social and economic problems affecting the municipality.

No progress was made by BiH towards EU integration. Although technical talks between the EU and BiH on a Stabilisation and Association Agreement (SAA) were completed, the EU made the signing of the SAA conditional to progress in the areas of police reform, cooperation with the Tribunal, the reform of public broadcasting and public administration. However, at the end of the period under review political parties failed in particular to reach an agreement on police reform.

War crimes and crimes against humanity (update to AI Index: EUR 01/001/2007)

International investigations and prosecutions

The Tribunal continued to try alleged perpetrators of war crimes and crimes against humanity committed during the violent collapse of Yugoslavia. Under the terms of the "completion strategy", laid down in UN Security Council Resolutions 1503 and 1534, the Tribunal was expected to complete all trials including appeals, by 2010. As a result of the tight deadlines imposed by the "completion strategy", the Tribunal continued with its policy of referring cases involving lower level perpetrators to national jurisdictions in the former Yugoslavia. In April the Tribunal's referral bench decided to transfer the case of Milan and Sredoje Lukić to BiH. The two former members of a Bosnian Serb paramilitary group are indicted on counts of war crimes and crimes against humanity committed against the non-Serb population in the Višegrad area, including persecutions, extermination, murder, inhuman acts and cruel treatment. In June the case of Milorad Trbić was transferred to BiH, following a decision by the Referral Bench in April. He is accused of genocide, conspiracy to commit genocide, as well as crimes against humanity and war crimes for his alleged

role, as a Captain in the Bosnian Serb Army (Vojska Republike Srpske, VRS) in the systematic killing of thousands of Bosniak men and boys in Srebrenica in 1995.

In April the Tribunal's Appeals Chamber reversed certain first instance convictions against Radoslav Brđanin in particular with regard to the commission of torture in detention camps by members of Bosnian Serb forces in north-western BiH and the wanton destruction of cities, towns or villages in the municipality of Bosanska Krupa and reduced his sentence to 30 years' imprisonment. Radoslav Brđanin, a former Bosnian Serb leader, had been sentenced by the Trial Chamber in 2004 to 32 years' imprisonment for crimes against humanity and war crimes committed against the non-Serb population.

Also in April, Dragan Zelenović, a former member of a VRS military unit in Foča, was found guilty of torture and rape committed against Bosniak women and girls in 1992. He was sentenced to 15 years' imprisonment.

In May, the Appeals Chamber partly reversed Vidoje Blagojević's first instance conviction finding him not guilty of complicity in genocide and reducing the sentence of 18 years' imprisonment imposed on Vidoje Blagojević in 2005 by the Trial Chamber to a sentence of 15 years' imprisonment. A former VRS officer, Vidoje Blagojević had been also found guilty of murder, persecutions, and inhuman acts committed against non-Serbs.

In June Tribunal indictee Zdravko Tolimir was transferred to the Tribunal's custody after having been arrested at the border between Serbia and BiH by the RS police, reportedly acting after a tip-off by the Serbian police. Zdravko Tolimir, former Assistant Commander for Intelligence and Security of the VRS Main Staff, is accused of genocide, conspiracy to commit genocide, crimes against humanity and war crimes for his alleged role in the killing of thousands of

Bosniak men and boys in Srebrenica in 1995.

Cooperation between BiH and RS authorities and the Tribunal improved. In June, in her address to the UN Security Council, the Tribunal Prosecutor stated that BiH's level of cooperation with her office had progressed in recent months and was now generally satisfactory. She pointed to improved coordination between the State and entity level institutions in targeting the fugitives' support networks and welcomed the role of BiH and the RS in facilitating the arrest and transfer of Zdravko Tolimir to the Tribunal.

In February the ICJ ruled in the case of BiH vs. Serbia and Montenegro confirming that genocide was committed in Srebrenica in 1995. The judgement, which is binding, found that Serbia did not commit or was complicit in genocide but that it had violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) by having failed to act to prevent genocide in Srebrenica and by having failed to transfer Ratko Mladić, indicted *inter alia* for genocide and complicity in genocide, to the Tribunal. The ICJ decided that Serbia should immediately take effective steps to ensure full compliance with its obligation under the Genocide Convention, and to transfer individuals accused of genocide, as well as other indictees, to the Tribunal.

Domestic investigations and prosecutions

War crimes proceedings before domestic courts continued, including at the War Crimes Chamber (WCC) within the BiH State Court, although efforts to bring perpetrators to justice remained insufficient to provide justice to the victims given the scale of the crimes committed and the potentially huge number of crimes to be investigated and prosecuted. In February a joint financing agreement was signed by the BiH Ministry of Justice, the Registry of

the Court and the BiH Prosecutor's Office and the development agencies and authorities of a number of European countries. The donors have pledged approximately 8 million Euros for the period 2007-2009 to support the work of the BiH State Court and Prosecutor Office.

In January, an Appellate Panel at the BiH State Court revoked the first instance verdict in the case of Boban Šimšić and ordered a retrial. Boban Šimšić had been found guilty in 2006 of having assisted members of the VRS in committing in 1992 the crimes of enforced disappearance and rape of Bosniak civilians in the Višegrad area. A retrial started in March.

In February, Gojko Janković, a former leader of a military unit of the Foča Brigade of the VRS, was sentenced to 34 years' imprisonment for crimes against humanity including murders, torture, rape, sexual slavery, and forcible transfer of population, committed against the Bosniak population in the Foča municipality in 1992 and 1993.

In March Radisav Ljubinac, a former member of Bosnian Serb forces, was found guilty of crimes against humanity committed against non-Serbs in the Rogatica area and sentenced to 10 years' imprisonment. In particular, he was found guilty of having taken part in the forcible transfer of non-Serbs, of having inflicted great suffering or serious physical or mental injuries on detained civilians and of having driven 27 civilians to the village of Duljevac, where they were used as human shields during an attack by the VRS.

Also in March, an Appeal Panel increased the prison sentence imposed on Radovan Stanković from 16 to 20 years. He had been convicted in 2006 of having participated in the enslavement, torture, forced pregnancy and persecution of women held in detention by Bosnian Serb forces in 1992 in the Foča municipality. The case of Radovan Stanković was the first which had been transferred from the Tribunal to BiH. Radovan Stanković escaped

from detention in May, while he was being escorted to a medical examination outside the prison. Following the escape, the director and the deputy director of the Foča Prison, where he was detained, were sacked by the RS Minister of Justice and criminal charges were brought against prison guards who were escorting Radovan Stanković when he escaped.

In April the appeal filed by Marko Samardžija was partly upheld and a retrial was ordered. Marko Samardžija, former VRS commander in the Ključ area, had been found guilty of crimes against humanity in 2006 and sentenced to 26 years' imprisonment, including for his role in the killing of at least 144 Bosniak detained men.

Also in April, former member of Bosnian Serb forces Radmilo Vuković received a prison sentence of five years and six months having been found guilty of the physical abuse and repeated rape in 1992 of a woman in Miljevina, in the Foča municipality.

Goran and Zoran Damjanović were found guilty of war crimes they committed against the non-Serb population as members of the VRS in 1992 in the Sarajevo area. They were sentenced to 12 and 10 years' imprisonment respectively. Also in June, a former member of the VRS was found not guilty and acquitted of all charges of crimes against humanity of which he was accused.

Gojko Kličković, former Prime Minister of the RS between 1996 and 1998, was extradited from Serbia to BiH in June. He had been arrested in Belgrade in 2006 and was suspected of having committed crimes against humanity against the non-Serb population during the initial phase of the 1992-95 war.

Some war crimes trials of low-level perpetrators were also held in local entity courts, which continued to face difficulties in dealing with war crimes cases, including as a result of lack of staff and other

resources. In these proceedings, victims and witnesses remained without adequate protection from harassment, intimidation and threats including as a result of a failure to implement existing witness protection legislation.

In January, in proceedings at the Mostar Cantonal Court, eight former members of the Army of Bosnia and Herzegovina were found guilty of the inhuman treatment in 1993 of Bosnian Croat detainees in the Mostar municipality, some of whom died as a result. The accused were sentenced to between one and four years' imprisonment.

In February, the Sarajevo Cantonal Court sentenced Predrag Mišković, a former member of Bosnian Serb forces, to eight years' imprisonment for war crimes against the civilian population committed in the Sarajevo suburb of Grbavica. Predrag Mišković was found guilty of taking part in the ill-treatment and rape of a Bosniak woman in 1992.

In April the trial of Kosta Kostić, a former member of Bosnian Serb forces, ended at the Brčko Basic Court with a guilty verdict and a prison sentence of 15 years. He was found guilty of having participated in the murder of 14 non-Serb civilians and in the rape of a non-Serb woman. Two other co-defendants were acquitted.

In May Dominik Ilijašević, former member of the Croatian Defence Council, (Hrvatsko vijeće obrane, HVO), the war-time Bosnian Croat armed forces, was sentenced at the Zenica Cantonal Court to 15 years' imprisonment for war crimes, including for his role in the killing of 38 non-Croat civilians in the village of Stupni Do in 1993.

Proceedings at the Sarajevo Cantonal Court were ongoing against a man suspected of having committed, as a member of Bosnian Serb forces, war crimes against the civilian population and prisoners of war. The indictment *inter alia* alleges that the suspect was involved in the beating and abduction of Vladimir and Radislav Mađura

from their home in Ilidža, a suburb of Sarajevo. The bodies of Vladimir and Radislav Mađura had been exhumed and identified in 2004.

Enforced disappearances (update to AI Index: EUR 01/001/2007)

According to estimates by the International Commission on Missing Persons (ICMP), over 13,000 persons who went missing during the 1992-1995 war were still unaccounted for. Many of the missing were victims of enforced disappearances, whose perpetrators continued to enjoy impunity.

Progress continued to be slow in transferring competencies from the missing persons commissions of the FBiH and the RS to the national Missing Persons Institute (MPI). In May BiH Prime Minister Nikola Špirić pledged to take the necessary measures to make the MPI operational and in June the BiH Council of Ministers nominated its appointed members to the Steering Board of the MPI.

In May the bodies of 28 victims were exhumed from a mass grave in Sokolac, near Sarajevo. The remains are thought to be those of non-Serb detainees of the Kula detention camp, run by Bosnian Serb authorities. In June four complete and 44 incomplete skeletons were exhumed from a mass grave in the Zeleni Jadar area, near Srebrenica. The bodies are believed to be those of victims of killings by members of the VRS in and around Srebrenica in 1995.

Although in December 2006 a commission tasked with investigating the enforced disappearance of Avdo Palić had been reactivated, reported attempts to locate his mortal remains were unsuccessful. ABiH Colonel Avdo Palić had "disappeared" after reportedly being forcibly taken by VRS soldiers from the UN Protection Force compound in Žepa on 27 July 1995. He had gone there to negotiate the evacuation of civilians from the town which had just surrendered to the VRS.

Right to return (update to AI Index: EUR 01/001/2007)

Since the end of the war, out of an estimated 2.2 million people displaced during the conflict, more than a million refugees and internally displaced persons were estimated to have returned to their homes. Progress in the return of those still displaced was limited. The Office of the UN High Commissioner for Refugees in BiH registered approximately 800 returns between January and March. Of these, approximately 700 were returns in a minority situation.

In the period under review the security situation for returnees and members of minority communities improved. Reportedly, initial investigation into the murder in May of a Bosnian Croat returnee in Banja Luka suggested that the crime was not ethnically motivated.

Minority returnees continued to face discrimination in access to economic and social rights. Lack of access to employment continued to be a major obstacle to the sustainable return of refugees and the internally displaced. The unemployment rate was high in general, reflecting the weak economic situation and difficulties of economic transition and post-war reconstruction. In addition, returnees faced discrimination on ethnic grounds. Budget resources to cover the cost of claims for severance pay of those workers who were unfairly dismissed during the war remained insufficient.

'War on terror' (update to AI Index: EUR 01/001/2007)

The six men of Algerian origin who in 2002 were unlawfully transferred by the authorities in BiH to US custody and detained in Guantánamo Bay, Cuba, remained in detention. The BiH authorities continued to fail to take meaningful steps to assist the men and ensure their release.

In January, the European Court of Human Rights decided to grant priority treatment

to applications filed in September 2006 on behalf of the six men detained in Guantánamo. The applications claim that the failure of the authorities in BiH to implement binding decisions by domestic courts and to act to protect the rights of the detainees is in violation of a number of provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols No. 6 and No. 13.

Also in January, the European Parliament's Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners adopted its final report. The report *inter alia* condemned the extraordinary rendition in 2002 of the six men of Algerian origin acknowledging that they were abducted in Sarajevo, handed over to US soldiers and then flown to Guantánamo Bay, where they remain detained without trial or legal guarantees. The report welcomed the fact that the Government of BiH is the only European government that does not deny its participation in such an extraordinary rendition and has accepted formal responsibility for its illegal actions. However, it regretted that the steps undertaken by the BiH authorities have not yet resulted in the release of the six men from Guantánamo.

The BiH State Commission for the Revision of Decisions on Naturalization of Foreign Citizens, which had begun its work in March 2006, continued its activities amidst numerous statements to the media by politicians to the effect that those stripped of their citizenship, and in particular those deemed to represent a "threat to BiH's national security" would be deported. Moreover, it was reported that the Commission concluded that only three of the six men of Algerian origin detained in Guantánamo were BiH citizens. The Commission can propose to the BiH Council of Ministers to withdraw the citizenship of, among others, those who are deemed to have obtained it not in accordance with the

relevant regulations, or on the basis of false information, in those cases where the individuals affected would not be rendered stateless. Reportedly, the activities of the Commission could affect approximately 1,500 individuals, many of whom reportedly came to BiH to join Bosniak forces as volunteer foreign fighters during the 1992-95 war, or to work for Islamic charities during and after the war.

In May AI, the Helsinki Committee for Human Rights in BiH and Human Rights Watch sent an open letter to the BiH authorities raising their concern about the deportation, extradition or other removal of those stripped of their citizenship to countries where they would be at risk of serious human rights abuses. The organizations urged the authorities in BiH to safeguard the fundamental rights of those who could be subjected to removal after having been stripped of their BiH citizenship.

Discrimination against Roma (update to AI Index: EUR 01/001/2007)

Members of Romani communities continued to suffer discrimination in the enjoyment of their human rights. Primary school attendance rates for Romani children were low and extreme poverty remained one of the main causes of the exclusion of Roma from education. Moreover, Romani language, culture and traditions were not included in a systematic way in school curricula. Insufficient progress was made by the authorities at state, entity and cantonal level, in the implementation of the 2004 Action Plan on the Educational Needs of Roma and Members of Other National Minorities. A Council for National Minorities of Bosnia and Herzegovina, tasked with overseeing the implementation of the Action Plan, was not yet operational.

In April, representatives of Romani refugees from Kosovo who remain in BiH expressed concern about the authorities' plans to lift their temporary admission (protection) on 30 June 2007. According to UNHCR, some 3,057 persons from Kosovo remained in BiH,

of whom approximately 27 per cent are Roma. AI considers that many members of minority communities from Kosovo, including Roma, continue to remain in need of international protection.

In June the Council of Europe's Commissioner for Human Rights urged the BiH authorities not to withdraw temporary admission permits for Kosovo refugees at the set deadline of 30 June and called for a lasting solution to be found for those refugees who could not return to Kosovo involving the granting of asylum, a permanent residence permit or citizenship. On 28 June, the BiH Council of Ministers extended for a further 90 days the temporary admission status of refugees from Kosovo.

Violence against Women (update to AI Index: EUR 01/001/2007)

The reported incidence of domestic violence remained high. In the first six months of 2007, Cantonal Ministries of Internal Affairs in the FBiH recorded 377 criminal acts of violence in the family, eight more than in the corresponding period of 2006. However, both local non-governmental organizations and police authorities estimated that a significant proportion of cases of domestic violence went unreported.

BiH continued to be a country of origin, transit, and destination for women and girls trafficked for the purpose of sexual exploitation. In March the BiH Council of Ministers adopted its Operational Plan for the Implementation of the State Action Plan for combating trafficking in human beings and illegal migration for 2007. The Operational Plan *inter alia* envisaged the ratification, by June 2007, of the Council of Europe Convention on Action against Trafficking in Human Beings and a number of legislative measures and the coordination of different institutions involved in combating trafficking and in providing assistance to victims. At the end of the period under review, BiH had not yet

ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

In June the BiH Council of Minister adopted the Annual Report on state of human trafficking and illegal immigration in BiH and implementation of the Action Plan for combating human trafficking and illegal immigration in BiH for 2006. The document reported a decrease in the number of foreign victims of trafficking and an increase in the number of BiH citizens who had been trafficked

Human rights defenders

In February member and co-founder of the RS Helsinki Committee for Human Rights Duško Kondor died from injuries after being attacked by persons with machine gun fire in his own apartment in Bijeljina (see AI Index: EUR 63/001/2007). His daughter was seriously wounded in the attack. Duško Kondor had repeatedly reported death threats to the RS police. However, no security measures had been undertaken by the RS police to protect him. Following the murder, local police arrested two persons on suspicion that they took part in the murder. Reportedly, police investigation indicated that the murder was not in direct connection with the activities of Duško Kondor as a human rights activist.

CROATIA

General and political developments

Croatia continued to pursue the objective of full integration into the European Union (EU). At the end of the period under review, 10 negotiating chapters of the *acquis communautaire* (the body of EU common rights and obligations that candidate countries must accept) had been opened. The main purpose of the negotiations is to demonstrate Croatia's capacity to adopt EU law and to translate each of the 35 chapters

of the *acquis communautaire* into national legislation.

The future of the Organization for Security and Co-operation in Europe (OSCE) Mission to Croatia continued to be discussed, after the Mission's activities in the areas of media and electoral legislation, police reform, civil society development and political and educational rights of minorities had ceased in December 2006. AI wrote in May to key OSCE member countries urging them to ensure that ongoing discussions on the future of the OSCE Mission to Croatia be conducted taking into account the significant gaps that remain in the areas of rule of law and war crimes investigations and prosecutions (see below). AI called for continued international human rights monitoring and assistance in these areas, including through an international presence on the ground with a significant human rights component. In her statement to the UN Security Council in June, the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (Tribunal) stated that "[s]ince the question whether the OSCE should continue to monitor trials in Croatia is being debated, I wish to re-affirm the importance of the monitoring process carried out by the OSCE and recommend that it pursue this activity in Zagreb".

War crimes and crimes against humanity (update to AI Index: EUR 01/001/2007)

International prosecutions

In February the Tribunal found Croatian freelance journalist Domagoj Margetić guilty of contempt of the Tribunal. He was sentenced to three months' imprisonment and to a fine of 10,000 Euros for having published on his internet site a complete confidential witness list containing the names of witnesses who had testified in the case against Croatian Army General Tihomir Blaškić, which included a significant number of protected witnesses. The identity of protected witnesses had been also revealed

in a number of accompanying articles by Domagoj Margetić.

In March the Tribunal's Appeals Chamber rejected an Appeal by Vladimir Kovačević against a decision in November 2006 of the Tribunal's Referral Bench ordering the transfer of his case to Serbia. The accused, a former commander of the Yugoslav People's Army, was suspected of having committed war crimes, including murder, cruel treatment and attacks on civilians, during an attack on the Croatian City of Dubrovnik. Vladimir Kovačević had been declared unfit to stand trial in 2006 on mental health grounds.

In June Milan Martić, who held various leadership positions in the self-proclaimed Serbian Autonomous District (Srpska autonomna oblast, SAO) and Republic of Serbian Krajina (Republika Srpska Krajina, RSK) was found guilty of various counts of crimes against humanity and war crimes, including persecutions, murder, torture, deportation, forcible transfer and attacks on civilians, and sentenced to 35 year's imprisonment, for his role in crimes committed against non-Serbs in areas under Croatian Serb control. He was acquitted of the charge of extermination as a crime against humanity. The Tribunal *inter alia* found that Milan Martić took part in a joint criminal enterprise whose purpose was "the establishment of an ethnically Serb territory through the displacement of the Croat and other non-Serb population".

Domestic investigations and prosecutions

A considerable number of trials for war crimes continued or started before Croatian courts and the Croatian judiciary continued to actively investigate and prosecute war-time human rights violations. However, in the vast majority of cases, criminal proceedings were related to cases where the victims were ethnic Croats. The practice of holding trials *in absentia* continued, usually against Croatian Serb accused. There continued to be widespread impunity

for crimes allegedly committed by members of the Croatian Army and Croatian police forces, despite some steps taken with a view to investigating and prosecuting cases of war crimes against Croatian Serbs.

Proceedings against Branimir Glavaš for his alleged involvement in war crimes, including murders, committed against Croatian Serb civilians continued. Following an earlier suspension of proceedings in December 2006, due to a reported deterioration in the suspect's health after a hunger strike, Branimir Glavaš was again declared fit to follow proceedings in February. In April an indictment was issued by the office of the Osijek County Prosecutor in the so-called "Sellotape" case, charging Branimir Glavaš and six other indictees with the unlawful arrest, torture and killing of Croatian Serb civilians in Osijek in 1991. In May he was also indicted in a second case, the so-called "Garage" case, which had been transferred to the Zagreb County Court in 2006. The indictment alleges that, in 1991, in his capacity as secretary of the Osijek Municipal Secretariat for National Defence and commander of the First Osijek Battalion, Branimir Glavaš failed to prevent his subordinates from detaining, ill-treating and killing civilians and directly participated in some of the crimes. Also in May, the Croatian Supreme Court decided the transfer of the "Sellotape" case as well to Zagreb, following a request by the Chief State Prosecutor, aimed *inter alia* at reducing pressure on witnesses. Branimir Glavaš had formerly been a local leader of the ruling Croatian Democratic Union (Hrvatska demokratska zajednica, HDZ) Party in the Osijek region.

In a separate case, after proceedings at the Osijek County Court which ended in March, two former members of Croatian forces were sentenced to 14 and three years' imprisonment for their roles in war crimes, including murders, committed against Croatian Serbs in the Osijek region in 1991.

Despite significant developments with regard to crimes committed against Croatian Serbs in Osijek, in other areas there was no progress in tackling impunity for crimes allegedly committed by members of the Croatian Army and police forces. Proceedings in Sisak, for example, remained still at the "pre-investigative" stage. According to local organizations, more than 100 people, mostly Croatian Serbs, were victims of murders or enforced disappearances allegedly committed in 1991-92 by Croatian forces.

In June the trial started at the Zagreb County Court against Rahim Ademi and Mirko Norac. The accused are former Croatian Army commanders and are suspected of having committed war crimes against Croatian Serbs during military operations in the so-called "Medak pocket" in 1993. Their case had been transferred by the Tribunal to Croatia in November 2005.

Missing persons and enforced disappearances (update to AI Index: EUR 01/001/2007)

Despite the recent creation in 2006 of a unified list of approximately 2,100 persons who went missing during the war, in various public statements, the Croatian authorities continued to claim that they were still searching for approximately 1,100 missing persons, mostly from the first phase of the 1991-95 war. This figure does not include people, mostly Croatian Serbs, who went missing during military operations "Storm" and "Flash" in 1995.

Many of those reported as missing are believed to be victims of enforced disappearances. Impunity for these crimes, especially with regard to those allegedly committed by the Croatian Army and Croatian police forces, remained widespread.

In June the remains of approximately 160 people, were reportedly exhumed from a mass grave in the town of Petrinja. The mortal remains were believed to be those of

Croatian Serbs killed during military operation "Storm".

Right to return (update to AI Index: EUR 01/001/2007)

At least 300,000 Croatian Serbs left Croatia during the 1991-95 war, of whom only approximately 130,000 are officially registered as having returned. This figure is widely considered to be an overestimation of the real numbers of those who have returned and remained in Croatia. A survey commissioned by the United Nations High Commissioner for Refugees (UNHCR) and published in May estimated that less than half of registered returnees live in Croatia.

Croatian Serbs continued to be victims of discrimination in access to employment and in realising other economic and social rights. Many Croatian Serbs, especially those who formerly lived in urban areas, could not return because they had lost their occupancy/tenancy rights to socially-owned apartments. Implementation of existing programmes to provide "housing care" to former occupancy/tenancy rights holder remained slow. According to the OSCE Mission to Croatia, approximately 8,500 applications for "housing care" were pending at the end of the period under review, despite pledges by the authorities to accelerate the processing of applications. Among those who had formerly lived in private properties, and who have formally repossessed their homes, some could not return because their homes had been rendered uninhabitable by looting and devastation.

In May the Croatian Government adopted a Civil Service Employment Plan setting targets for the employment of members of minority communities in the public administration. Despite provisions in the Constitutional Law on the Rights of National Minorities providing for proportional representation of minorities in the State administration, progress in this area has been slow.

Impunity for past serious ethnically motivated attacks continued, including the murder in 2005 of an elderly Croatian Serb man in Karin, near Zadar. To AI's knowledge, no progress was made in the investigation of this crime.

Discrimination against Roma

Members of Romani communities in Croatia lacked full access to primary education, especially in geographical areas not covered by existing governmental and other programmes to promote the inclusion of Roma in education.

Although "Roma only" classes were increasingly rare, Romani children still experienced discriminatory treatment because of teachers' negative stereotyping and low expectations. Romani children with little or no command of the Croatian language faced extreme difficulties when they started school. The languages spoken by Roma in Croatia were not used in schools, unlike other minority languages. The majority of Romani children remained excluded from pre-school programmes (see also AI Index: EUR 05/002/2006).

In June a report supported by the Open Society Institute, a non-governmental organization, and the World Bank, presented an assessment of progress in implementing the objectives to which countries taking part in the Decade of Roma Inclusion have committed. Croatia ranked sixth out of nine countries which have joined the Decade of Roma inclusion. The report highlighted that the authorities have introduced a range of measures, especially with regard to education, which however remain sporadic and need to be integrated into more systemic policies. The report further noted that "Croatia does not have a systematic policy to deal with the challenges of improving the health status among the Roma population". The Decade of Roma Inclusion is a regional intergovernmental initiative launched in 2005 "to reduce disparities in key economic and human development outcomes for

Roma through implementing policy reforms and programs designed to break the vicious cycle of poverty and exclusion".

In May, in the case of *Šečić v. Croatia*, the European Court of Human Rights found Croatia in violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), prohibiting torture or inhuman or degrading treatment or punishment, as well as of Article 3 in conjunction with Article 14, the latter prohibiting discrimination in the enjoyment of the rights and freedoms set forth in the European Convention on Human Rights. Šemso Šečić, a Romani man, had been attacked in 1999 by two men who beat him all over his body with wooden planks shouting racial abuse and, as a result, had sustained multiple rib fractures. Following the attack, the Croatian authorities failed to promptly, thoroughly and impartially investigate this crime, whose perpetrators have remained unpunished.

Violence against women (update to AI Index: EUR 01/001/2007)

Croatia was reported as being increasingly a country of destination for women and girls victims of trafficking for the purpose of sexual exploitation. It remained a country of transit for trafficking victims. In April the Delegation of the EU Commission to Croatia and the Office of Human Rights of the Government of Croatia presented a EU-funded project to combat trafficking in human beings. The project *inter alia* aims at improving coordination between the Croatian police forces and the office of the State Prosecutor in investigating and prosecuting the cases of trafficking in human beings as well as the cooperation among law enforcement agencies, social welfare institutions, non-governmental organizations and international organization, with the aim of improving protection for victims of trafficking.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

In March the CPT published its report following a visit in 2003 to a number of detention facilities and social care and psychiatric establishments. The CPT found that allegations of ill-treatment of persons in police custody, although diminishing in number since the last CPT visit, continued to remain a problem. The CPT also received allegations of ill-treatment of detainees in prison establishments in Osijek, Split, and in the Lepoglava Prison. The CPT *inter alia* called on the Croatian authorities to ensure that senior police officers remind their subordinates that ill-treatment, including verbal abuse, is not acceptable and will be the subject of severe sanctions; a thorough and independent inquiry is carried out into the allegations of ill-treatment of inmates by prison staff at Split County Prison in April 2003; and a clear message is delivered to prison officers in establishments throughout the country that all forms of ill-treatment, including verbal abuse, are not acceptable and will be the subject of severe sanctions.

MACEDONIA

Political Developments

At the end of January two ethnic Albanian parties, the Democratic Union for Integration (Demokratska Unija za Integracija, DUI; in Albanian, Bashkimi Demokratik për Integrim) and the Party for Democratic Prosperity (Partija za Demokratski Prosperitet, in Albanian, Partia e prosperiteti demokratike) left the parliament accusing the government of breaching the Ohrid Agreement, which concluded the 2001 internal conflict. At the end of May, the DUI agreed to return following an agreement with the ruling party, the Internal Macedonian

Revolutionary Organization-Democratic Party for Macedonian National Unity, (Vnatrešno-Makedonska Revoluciona Organizacija-Demokratska Partija za Makedonsko Nacionalno Edinstvo, VMRO-DPMNE) under the supervision of US and European Union (EU) ambassadors. Agreements on the adoption of laws on the rights of members of the former National Liberation Movement (NLA) and introducing Albanian as the second official language were not implemented by the end of the period.

In February the EU Enlargement Commissioner Olli Rehn expressed alarm at the slow pace of implementing the reforms set out in a Stabilization and Association Agreement with the EU. In April the Council of Europe urged the authorities to speed up their reforms on decentralization, the police, justice, rule of law and in combating organized crime and corruption.

In May the Council of Europe proposed a motion to take measures to "to clarify the allegedly suspicious death" of former President Boris Trajkovski, who died in a plane crash together with eight members of his staff, over Mostar in Bosnia and Herzegovina in February 2004.

Impunity for War Crimes (update to AI Index: EUR 01/001/2007)

The trial of former Minister of Internal Affairs Ljube Boškovski opened on 16 April at the International Criminal Tribunal for former Yugoslavia (Tribunal). He had been indicted in 2005, for violations of the laws and customs of war, including for his failure to investigate, prevent or punish his co-indicted, Johan Tarčulovski, an Escort Inspector in the President's Security Unit. Johan Tarčulovski was indicted for the detention and cruel treatment of ethnic Albanians in the village of Ljuboten in August 2001 when seven ethnic Albanian men died and over 100 more were detained and subjected to torture and ill-treatment.

On 12 January government representatives met with the President and Prosecutor of

the Tribunal to discuss inter alia the draft Law on Cooperation (adopted on 5 June), in preparation for the return to Macedonia of four cases over which the Tribunal had seized primacy, but for which indictments had not been issued. The cases were not returned in January as previously announced; in June, a spokesperson for the Office of the Prosecutor, reportedly stated that the cases would be transferred to Macedonia later in the year, following the training of prosecutors and judges and the introduction of new legislation. On 29 March the Organization for Security and Co-operation in Europe (OSCE) began training judges and prosecutors in international humanitarian law.

No further progress was reported on the whereabouts of three ethnic Albanians – Sultan Memeti, Hajredin Halimi and Ruzdi Veliu – who are believed to have been “disappeared” by the Macedonian authorities during the 2001 internal conflict.

Armed opposition groups (update to AI Index: EUR 01/012/2005 and AI Index: EUR 01/007/2006)

Ethnic Albanians Agim Krasniqi and Shekat Ramadani were convicted of kidnapping and causing general danger, and sentenced in absentia to 18 month's imprisonment on 3 January, for the attempted kidnapping in October 2004 of Sheval Muaremi during a period when Agim Krasniqi, a former NLA leader had taken control of the Skopje suburb of Kondovo, threatening to bomb the capital.

On 16 February Agim Krasniqi and other members of the Kondovo group were acquitted of charges related to their control of Kondovo. Lawyers for Albanian journalists Bujar and Rajmonda Malecka, charged with terrorism and sentenced in 2005 to five years' imprisonment for possession of a video of Agim Krasniqi and other members of the Kondovo group apparently conducting military exercises, stated that they would demand a retrial; they had already been released.

Counter-terrorism (update to AI Index: EUR 01/017/2006, EUR 01/001/2007, see also Albania entry)

On 18 May 2007 a Macedonian parliamentary committee, in a closed hearing of written statements by the Ministry of the Interior and on behalf of Khaled el-Masri, a German citizen of Lebanese descent, concluded that the security services had not overstepped their powers in relation to his detention. The authorities had allegedly held him for 23 days in 2003 in a Skopje hotel, before rendering him to the US authorities at Skopje airport, from where he was flown to Afghanistan.

The committee chair noted that unless provided with “strong evidence” to the contrary, the committee would continue to believe the Ministry, but were ready to cooperate with the investigations conducted by the Parliamentary Assembly of the Council of Europe (PACE). In June a report by the PACE concluded that the Macedonian authorities' account had become “utterly untenable”, and urged the authorities at the highest level to cooperate in establishing the truth about the rendition of Khaled El-Masri.

Torture, ill-treatment and possible extra-judicial execution

In January 2007 the Helsinki Committee for Human Rights in Macedonia initiated a project which aimed to provide free legal assistance and representation to alleged victims of torture and ill-treatment. Cases of torture, ill-treatment and a death in custody were reported in which the Internal Control and Professional Standards Sector of the Ministry of the Interior had failed to conduct investigations according to internal procedures, domestic law, and international standards. In June NGOs raised concerns that the draft Law on the Public Prosecution Office failed to prescribe time-limits within which investigations, including into alleged

torture and ill-treatment, should be conducted and the victims informed of the outcome.

On 15 February, the European Court of Human Rights held in the case of Pejrušan Jašar, a Macedonian national of Romani ethnic origin from Štip, that there has been a violation of Article 3 of the European Convention on Human Rights (the right not to be subjected to torture or other ill-treatment) due to the failure of the authorities to conduct an effective investigation into the applicant's allegations. Pejrušan Jašar alleged that he had been beaten during his detention in police custody in 1998, and that the authorities had failed to carry out an investigation into his complaint of ill-treatment. Macedonia was ordered to pay Pejrušan Jašar some 3,000 euros in non-pecuniary damages.

In February, the investigative judge appointed to investigate the death in custody of Sabri Asani - an ethnic Albanian arrested in 2000 in connection with the killing of three police officers on 1 January 2000 - reported that 20 witnesses had been examined in connection with his possible extra-judicial execution. The investigation opened in November 2005; no further progress was reported.

Discrimination against minorities

On 23 February the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted their opinion on Macedonia's implementation of the convention by "the former Yugoslav Republic of Macedonia". Their opinion had not been made public by the end of June. The authorities remained reluctant to consider a draft law on discrimination, proposed by NGOs.

In May, the UN Committee on the Elimination of Racial Discrimination (CERD) found Macedonia in breach of its obligations towards the Romani community in Macedonia, including with respect to citizenship, language; and access to

documentation. Recognizing that many Roma were unable to access basic rights through a lack of documentation the CERD urged Macedonia to "remove all administrative obstacles that currently prevent Roma from obtaining personal documents that are necessary for the enjoyment of economic, social and cultural rights, such as employment, health care, social security and education". The CERD also expressed concerns about the education of ethnic Albanian, ethnic Turkish children and Romani children, and urged Macedonia to address discrimination in employment against women, Roma and members of other ethnic minorities through the adoption of measures to combat discrimination in the workplace giving effect to the 2006 Law on Labour Relations.

A report on progress made by the nine countries participating in the Decade of Roma Inclusion ranked Macedonia in seventh place, noting that where measures had been taken towards implementation of the action plan, they had largely been carried out by Romani and other domestic NGOs in conjunction with international NGOs, and with international funding.

Refugees from Kosovo (update to AI Index: EUR 01/001/2007)

An estimated 1,920 predominantly Roma and Ashkalia from Kosovo who remained in Macedonia had been denied refugee status under the Law of Asylum and Temporary Protection, but had been granted temporary protection. Contrary to reports circulating in May, some 458 persons (whose applications for asylum had been refused or temporary protection had ceased) were not forcibly deported after interventions from UNHCR, the UN refugee agency. In response to concerns expressed by the PACE, the Macedonian authorities publicly stated that they would not be deported until after the status of Kosovo had been resolved. Members of the PACE had raised concerns about the process by which persons seeking protection had received a determination of their status, including the lack of

transparency in the appeals process, failure to evaluate the merits of appeals and negative decisions based on the application of an internal flight alternative – which UNHCR had advised was not an option.

Violence against women (update to AI Index: EUR 01/001/2007)

Although many measures set out in the Council of Europe's Convention on Action against Trafficking in Human Beings were in force, Macedonia failed to ratify the Convention. In February a Memorandum of Understanding (MoU) was signed between the Ministry of Interior and the Ministry of Labour and Social Policy, establishing protocols for the protection of trafficked children, including the presence of social workers during police raids. The Interior Ministry also signed a MoU on cooperation with an NGO providing shelter for an increasing number of internally trafficked persons.

MONTENEGRO

General and political developments

On 15 March Montenegro signed a Stabilization and Association Agreement (SAA) with the European Union (EU), the first step towards membership of the EU.

On 3 May the parliament passed a Law on Gender Equality. Later in May the Ministry of Foreign Affairs concluded an agreement with the US government not to surrender any US citizens to the International Criminal Court, which violated decisions by the European Union and which AI considered to be unlawful. Requests to discuss the agreement in parliament were dismissed on the grounds that such agreements did not require parliamentary approval.

On 11 May Montenegro joined the Council of Europe, following an agreement on 12

March by the Parliamentary Assembly of the Council of Europe's political committee. On accession, Montenegro agreed to fulfil certain obligations, which included: cooperation with the International Criminal Tribunal for the former Yugoslavia (Tribunal); the resolution of past human rights violations and war crimes; and the prompt initiation of independent, impartial and effective investigations into allegations of torture or other ill-treatment, (included after lobbying by AI). Other conditions included the implementation of the strategy and action plan for the Decade of Roma Inclusion (see below); increased efforts in combating trafficking in human beings and the provision of adequate assistance and protection to the victims. Montenegro was also required to issue personal documentation to internally displaced persons and refugees, and adopt measures to ensure their access to basic economic, social and political rights in order to prevent persons, especially from Kosovo, from becoming stateless.

In June the Venice Commission, the Council of Europe's advisory body on constitutional matters, published recommendations on a draft constitution for Montenegro. The recommendations included that the section on human rights and freedoms be amended to correspond more fully with the rights set out in the European Convention on Human Rights (ECHR), some of which were not fully guaranteed. They called for provisions on the independence of the judiciary, including the appointment and dismissal of judges and on the functions and composition of the Judicial Council to be amended and for provisions related to discrimination against minorities to be more fully and clearly articulated.

Impunity for War Crimes

On 17 June the Montenegrin authorities took part in the arrest in Budva of Vlastimir Djordjević, indicted by the Tribunal for war crimes in Kosovo, and previously believed to be at large in Russia (see entry on Serbia).

The right to redress and reparation for the families of the "disappeared" (update to AI Index: EUR 66/001/2006)

Civil proceedings continued against the state of Montenegro in connection with the enforced disappearance in 1992 of some 83 Bosniak civilians from Montenegro to territory in the Republic of Bosnia and Herzegovina (BiH) then under Bosnian Serb control (Republika Srpska).

Out of 22 first instance judgments received by the end of June, two claims were rejected, including on the basis that siblings of a victim were ineligible for compensation. In 20 cases, Montenegro was found responsible for deaths of the Bosniak civilians and compensation of between 15-30,000 euros was awarded to family members for emotional suffering due to the death of their relative. Claims for the violation of the rights of the relatives under Article 3 (the right not to be subjected to torture or other ill-treatment) of the ECHR for the pain and suffering caused by the authorities' failure to provide information as to the fate and whereabouts of their relatives were all rejected.

There was little consistency in the compensation awarded to two men who had survived deportation to Foča prison (Kazneno-Popravni Dom), where detainees were routinely subjected to beatings amounting to torture and others killed. Rasim Hanjalić, who had been detained for 26 months, was awarded 208,000 euros, while Ekrem Čemo, who spent 28 months in Foča, was awarded only 30,000 euros.

The state appealed against each decision on the basis of a statute of limitations, and the lack of a causal link between the actions of the Montenegro police and the deaths of persons in BiH. Little progress was made in criminal proceedings related to the arrests and enforced disappearances; Momir Bulatović, former president of the republic of Montenegro, twice failed to appear in

response to a summons from the investigative judge.

Torture and ill-treatment (update to AI Index: EUR 01/001/2007)

In March the Head of the Section for Internal Control within the Ministry of the Interior announced the results of an internal investigation into allegations of the torture and ill-treatment of some 17 ethnic Albanian men during their arrest and subsequent detention in Podgorica police station between 9 to 12 September 2006. They had been detained during the so-called Orlov let (Eagle's flight) arrest operation, which had the stated aim of countering terrorism. The internal investigation had established that the detainees had been injured, but had found no evidence of how the men's injuries had been inflicted or to suggest that police officers had abused their position.

The state prosecutor only then opened investigations based on a criminal complaint made by seven of the detained men in September 2006, and on 2 June complained that he been unable to obtain information from the police about the identity of officers who might be suspected of ill-treatment. The names of officers involved in interrogations of the detained men were made public by a relative, based on evidence in proceedings against the 17 men which opened on 14 May at Podgorica District Court. Proceedings were not conducted in accordance with the criminal procedure code, including in the use of evidence unlawfully seized from the defendants. The judge refused to exclude testimonies which defendants stated had been extracted under duress, but instead – until his decision was overturned by the Appeal Court – excluded testimonies of nine suspects who had not been advised of their right to use their own language before being questioned by the police.

Possible extrajudicial executions and political killings (update to AI Index: EUR 01/001/2007)

In January the trial started of 10 defendants indicted in August 2006 suspected of the murder in August 2005 of former chief of the Montenegrin police Slavoljub Šćekić. According to, his sister, Slavica Šćekić, he had received death threats in the course of an investigation into bomb attacks on the construction site of a new hotel in Bečići, thought to have been carried out by an organized criminal group. The trial had not concluded by the end of June.

No suspect was identified for the murder on 24 October of Srdjan Vojičić, driver of the right wing author Jevrem Brković who was attacked in the same incident.

Human Rights Defender at Risk

In May, over 70 non-governmental organizations (NGOs) petitioned the government calling for an investigation into threats against the life of journalist Aleksandar (Saša) Zeković, a member of the Council for the Civilian Control of Police in Montenegro. In April, after taking part in a radio programme about the 1992 enforced disappearances (see above), Aleksandar Zeković had received telephone calls from an individual accusing him of working against the interest of the state, and threatening to make public photographs of his private life. After his neighbours informed him that they believed that he had been followed and filmed, Aleksandar Zeković requested the authorities to inform him whether he was under surveillance; the president of the Supreme Court refused to provide this information citing state security concerns.

Police refused to accept in evidence a mobile-phone recording of one such call. Some of the calls were broadcast by a local radio station which received allegations that the voice was that of the bodyguard of the Chief of Security of the Montenegrin police

force; this was denied by the authorities. Aleksandar Zeković was subsequently provided with police protection, only during working hours, and an investigation was reportedly opened; by the end of June, no progress had been reported.

Roma refugees from Kosovo (update to AI Index EUR: 01/001/2007)

The Ministry of Interior in February opened discussions with the Kosovo authorities on the return of an estimated 16,000 refugees to Kosovo, despite recommendations by UNHCR, the UN refugee agency, that Roma, who made up the majority of such, persons should not be returned. Romani refugees had been denied the right to seek international protection in the absence of additional legislation required to implement the 2006 Law on Asylum, and AI remained concerned that they might be forcibly returned to Kosovo at the end of July when a Memorandum of Understanding between the UN Interim Administration Mission in Kosovo (UNMIK) and the Montenegrin authorities was due to cease.

UNHCR reported that a further 2,000 people were awaiting decisions on displaced person status, and that up to 6,500 persons without documentation remained at risk of statelessness. Between November 2006 and May 2007, UNHCR had assisted in 146 cases in obtaining proof of birth and/or nationality, so that displaced persons/refugees might access basic social, economic and political rights.

Minority Rights

The Romani community continued to be denied access to political, social and economic rights. A May 2007 report from international NGO Save the Children had established that Romani children, including the children of Romani refugees from Kosovo, were particularly vulnerable to trafficking because of poverty and a denial of the right to education (with some 87 per cent of the population estimated to be illiterate). In June a survey (supported by

the Open Society Institute and the World Bank) of the nine states participating in the Decade of Roma Inclusion, ranked Montenegro in ninth place in terms of government input towards achieving the aims of the decade.

Trafficking in Persons

Women's NGOs in April organized a seminar on trafficking in persons, attended by representatives of Interior Ministries, labour inspectors and tourist agencies in Montenegro, Serbia and Bosnia and Herzegovina. Arguing that measures to combat trafficking had focussed only on trafficking for forced prostitution, the seminar aimed, *inter alia*, to encourage collaboration – especially during the tourist season – in addressing cases of forced labour. Travel and tourism businesses had been encouraged by the Organisation for Security and Co-operation in Europe to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in 2006. Montenegro has signed but not ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

SERBIA (INCLUDING KOSOVO)

General and political developments

Following elections on 21 January in which no party gained a majority of seats in the parliament, Serbia remained without a government until 11 May, when agreement on a was finally reached between (former) Prime Minister Vojislav Koštunica of the Democratic Party of Serbia (Demokratska stranka Srbije, DSS) and (former) President Boris Tadić of the Democratic Party, (Demokratska stranka, DS) to form a government. The right-wing Serbian Radical Party (Srpska radikalna stranka, SRS) remained the largest party in parliament.

Negotiations with the European Union (EU) on Serbia's Stabilization and Association Agreement resumed in June, having been suspended for over a year due to Serbia's continuing lack of cooperation with the International Criminal Tribunal for the former Yugoslavia (Tribunal).

On 11 May Serbia assumed the Chair of the Committee of Ministers of the Council of Europe; AI expressed concerns that Serbia had failed to fulfil the commitments made on joining the Council of Europe in 2003.

Final status of Kosovo

Kosovo remained part of Serbia - administered by the UN Interim Administration Mission in Kosovo (UNMIK). Talks on the future status of Kosovo had concluded in October 2006 without agreement between Serbia and Kosovo. At the end of January Martti Ahtisaari, the UN Secretary General's Special Envoy for the Future Status Process for Kosovo (Special Envoy), presented his draft "Comprehensive Proposal for the Final Status of Kosovo" to the Contact Group (France, Germany, Italy, Russia, United Kingdom and USA), and to Serbia and Kosovo's negotiating teams on 2 February. Serbia refused to accept the proposal, in particular on the grounds that it violated Serbia's sovereignty and territorial integrity. Further negotiations amending the proposal were held in Vienna from 21 February; Serbia again rejected the plan on 9 March.

The final "Comprehensive Proposal for the Kosovo Status Settlement" (Ahtisaari Plan), accompanied by a short "Report" was presented to the UN Security Council (SC) on 26 March, in which the Special Envoy called for Kosovo to be granted "independence supervised by the international community". The Ahtisaari Plan proposed that the Kosovo authorities would have jurisdiction over all legislative, executive and judicial matters, with a European Security and Defence Policy (ESDP) mission responsible for international

judiciary and prosecutors and an international police force, under the authority of an International Civilian Representative with overall responsibility for ensuring the implementation of the settlement. The plan provided for the protection of Serbian cultural and religious heritage; the right to return of refugees; the protection of minority communities, and the establishment of majority-Serb municipalities.

With the exception of Russia (on whose initiative a delegation from the SC travelled to Kosovo at the end of April), the Contact Group advocated implementation of the Ahtisaari Plan. No agreement on an SC resolution had been reached by the end of June; a succession of resolutions proposed by the EU and US were rejected by Russia, who suggested it might use its veto in the SC. In Kosovo, proposals for a unilateral declaration of independence in the absence of such a resolution were mooted.

The process of transferring government responsibilities from UNMIK to the Provisional Institutions of Self Government (PISG) in Kosovo continued.

Impunity for war crimes: proceedings at the Tribunal (update to AI Index: EUR 01/001/2007)

Carla del Ponte, Chief Prosecutor to the Tribunal, continued to express serious concerns at the lack of cooperation by the Serbian authorities, until the arrest of former Bosnian Serb general Zdravko Tolimir on 31 May. The Assistant Commander for Intelligence and Security of the Bosnian Serb Army had been indicted for genocide and crimes against humanity on charges including conspiracy to commit genocide, extermination, murder, persecutions, forcible transfer and deportation of the Bosnian Muslim population, including in Srebrenica and Žepa. He was reportedly arrested in the Republika Srpska (RS) in Bosnia and Herzegovina (BiH), near the border with Serbia, as a result of a tip-off by the

Serbian police. The arrest was made by RS police, assisted by the EU-led peacekeeping force (EUFOR) in BiH and by BiH state police.

Zdravko Tolimir surrendered to the Tribunal on 1 June, but claimed on 4 June that he had been arrested in Serbia and unlawfully transferred across the border. On 17 June, in cooperation with the Tribunal and the Montenegrin authorities, Serbian police arrested former general Vlastimir Đorđević – indicted for war crimes in Kosovo, and previously believed to be at large in Russia – in the Montenegrin seaside resort of Budva.

Proceedings continued against former Yugoslav National Army (JNA) officers known as the "Vukovar Three", indicted for crimes against humanity and violations of the laws or customs of war for their responsibility for the evacuation of at least 264 Croatian men and two women from Vukovar Hospital in 1991, and their subsequent murder.

Proceedings continued against six senior political, police and military officials indicted for crimes against humanity and violations of the laws and customs of war in Kosovo. Former deputy Serbian president Milan Milutinović, former deputy prime minister Nikola Šainović, former General Chief of Staff (later Minister of Defence) Dragoljub Odžanić, former police colonel general Sreten Lukić (later Assistant Interior Minister), former Yugoslav Army colonel generals Nebojša Pavković and Vladimir Lazarević were jointly charged with crimes against humanity and grave violations of the Geneva Convention.

In June, the Chief Prosecutor criticised the Kosovo Police Service (KPS) for failing to protect some 15 prosecution witnesses due to testify against Ramush Haradinaj, fearing that insufficient evidence against the former Kosovo Liberation Army (KLA) leader and former Prime Minister of Kosovo might lead to proceedings being dropped.

On 26 February, the International Court of Justice (ICJ) ruled in a case brought by BiH that while Serbia had not committed genocide at Srebrenica, Serbia had breached the Genocide Convention by failing to prevent genocide at Srebrenica and to punish those responsible for it; the ICJ called on Serbia to honour its obligations under the Genocide Convention by handing former general Ratko Mladić, indicted for genocide and complicity in genocide, over to the Tribunal.

Serbia

Domestic war crimes trials (update to AI Index: EUR 01/001/2007)

Between 32 and 35 cases of war crimes were reportedly under investigation by the War Crimes Chamber of the Belgrade District Court although the number of prosecutions remained low.

On 11 April four former members of the "Scorpions" paramilitary unit were convicted of war crimes for the killing in 1995 of six Bosniak civilians from Srebrenica at Godinjske bare near Trnovo in BiH, and sentenced to between five and 20 years' imprisonment. The prosecutor appealed the acquittal of one defendant and the five-year sentence of one of the convicted men.

The Humanitarian Law Centre, a non-governmental organization (NGO), considered decisions by the Supreme Court reversing guilty verdicts in cases appealed from the War Crimes Chamber to be unfounded. The court had in December 2006 overturned the conviction for war crimes of JNA soldiers who took part in the murder of non-Serbs at Ovčara farm in 1991 (see "Vukovar Three", above); the retrial began in March.

The trial continued of eight former police officers indicted on 25 April 2006 for the murder of 48 ethnic Albanian civilians in

Suva Reka in March 1999. Proceedings had opened in October 2006.

The war crimes prosecutor Vladimir Vučković, assisted by the Tuzla cantonal prosecutor, continued investigations into the killing and deportation of Bosniaks by Serbian paramilitary forces near Zvornik in BiH in June 1992.

Enforced disappearances

On 28 February four further suspects were arrested on suspicion of murder of the three Albanian-American Bytiçi brothers in Kosovo in July 1999.

Seven years after investigations opened, indictments had still not been issued in connection with the transfer in 1999 of the bodies of ethnic Albanians in refrigerated trucks to Serbia. On 4 June exhumations commenced at the instigation of the war crimes prosecutor at the alleged site of a mass grave in a quarry on the border with Kosovo thought to contain up to 500 bodies reportedly buried in 1999; no bodies were found.

Political killings (update to AI Index: EUR 01/007/2005)

On 16 February Milorad "Legija" Luković-Ulemek and Radomir Marković were convicted in a retrial and again sentenced to 15 years' imprisonment each for the 1999 assassination attempt on former foreign minister Vuk Drasković.

On 23 May Milorad "Legija" Luković-Ulemek and Žveždan Jovanović were convicted and sentenced to 40 years' imprisonment in prison for their respective roles in the murder of former president Zoran Djindjić. Ten others were convicted (five in absentia) and sentenced to between eight and 37 years imprisonment. During the 41-month trial several witnesses had been killed and both judges in the case threatened.

Discrimination against minorities

Between January and April the NGO Youth Initiative for Human Rights documented 61 ethnically and religiously motivated incidents, including cases of "hate-speech" against Albanians, Croats, Bosniaks, Hungarians, Roma, Ruthenians and Vlachs, ranging from attacks with explosive devices to verbal abuse by fans at football matches.

Law enforcement officers often failed to bring perpetrators to justice: Zivota Milanovic, a member of the Hindu religious community in Jagodina, who had been assaulted five times since 2001, was on 29 June stabbed in the stomach, arms and legs after opening his door to his assailant who falsely claimed to be a police officer.

In June, the UN Committee on the Elimination of Discrimination against Women (CEDAW) urged Serbia to address inadequate health-care services for women, especially for Roma and rural women, including access to information and counselling on family planning. CEDAW also noted that illiteracy rates were "alarmingly high" and urged the authorities to pay "special attention ... to achieving equal access [to education] for marginalized groups of women and girls, in particular of the Roma minority". UNICEF, the UN children's agency, reported that "Over 80 per cent of Roma children living in Roma settlements are poor and practically all indicators point to their unacceptable deprivation and multidimensional discrimination".

Detentions in counter-terrorism operations (update to AI Index EUR 01/001/2007)

In 18 March four men believed to be of the Wahhabi faith from Novi Pazar were arrested on suspicion of allegedly planning terrorist operations and charged with conspiring against Serbia's security and constitutional order; a fifth man Nedžad Memić fled and is still at large. Two other men were later arrested after the discovery

of an alleged Wahhabi camp near Sjenica in mid-March. Another man, Ismail Prentić, was killed in a similar raid in the village of Donja Trnava near Novi Pazar. Another three men were arrested in June.

AI was concerned about the arrest and subsequent detention of Bekto Memić, the father of Nedžad Memić. Initially arrested on 17 March in connection with the search for his son, he was released seven days later. Aged 68 and in poor health, he was again arrested on 13 April at a clinic in Novi Pazar where he was receiving treatment. According to his family he was ill-treated on the journey to the hospital wing of Belgrade central prison, where he has been held in investigative detention on charges of alleged terrorism and the unlawful possession of weapons.

In a separate development, on 4 April Ižet Fijuljanin was convicted and sentenced for the attempted murder of three members of the Wahhabi faith in November 2006 after they had allegedly tried to take over a mosque in Novi Pazar.

Human Rights Defenders (update to AI Index: EUR 70/016/2005)

In June a coalition of NGOs including Women in Black, the Lawyers Committee for Human Rights and The Anti-Trafficking Centre called on the Serbian Parliament to apply the UN Declaration on Human Rights Defenders. They highlighted the risks, including physical violence, prosecutions and public stigmatization, to which women defenders in Serbia were exposed, and the impunity enjoyed by the perpetrators of such attacks.

Violence against women

In their consideration of Serbia's report on implementation of the UN Convention on the Elimination of Discrimination against Women (Women's Convention), the Committee for the Elimination of Discrimination against Women (CEDAW) expressed concern at the prevalence of

domestic violence and the apparent reduction in penalties. They recommended the adoption of a national action plan on gender equality and the adoption of a law to consolidate existing provisions within the Criminal Code. CEDAW similarly urged Serbia to adopt a draft National Plan against Human Trafficking.

Kosovo

International scrutiny

(UNMIK) failed to provide responses to the UN Human Rights Committee (HRC) in connection with impunity for war crimes, including enforced disappearances, and conditions for the return of refugees, requested within six months of the HRC's consideration of UNMIK's report in July 2006. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in March visited places of detention in Kosovo including police stations, prisons, psychiatric institutions and the NATO-led Kosovo Force (KFOR) detention centre at US Camp Bondsteel.

Impunity for the International community

In February Marek Nowicki, the former international Ombudsperson in Kosovo, was appointed chair of the Human Rights Advisory Panel (HRAP), established in March 2006 to provide persons in Kosovo with access to remedies for acts and omissions by UNMIK. The HRAP had not convened by the end of June.

On 30 May the Grand Chamber of the European Court of Human Rights ruled inadmissible two cases in which persons in Kosovo sought redress and reparations for violations of their rights by members of KFOR. The court considered that the acts and omissions of UNMIK and KFOR could not be attributed to the respondent states (France and Norway), did not take place on

the territory of those states nor by a decision of their authorities.

Agim Behrani had sought redress under Article 2 of the European Convention on Human Rights (on the right to life) in the case of his 12-year-old son Gadaf, who had been killed in May 2000 by an unexploded cluster bomb, which a multi-national contingent of KFOR led by France had failed to detonate or mark; his younger son Bekim was severely injured. The second applicant, Ruzdhi Saramati had complained about the deprivation of his liberty by the commander of KFOR (at that time a Norwegian) and the denial of access to a court where he might challenge the legality of his detention, from 13 July 2001 until 26 January 2002, despite orders for his release issued by the Supreme Court in June 2001.

Unlawful killings by UNMIK Civilian Police

Mon Balaj and Arbën Xheladini were killed and Zenel Zeneli seriously injured during a demonstration on 10 February, called by the NGO Vetëvendosje (Self Determination) against the Atishaari plan. An investigation by the UNMIK Department of Justice established that the men had been killed by members of the Romanian Formed Police Unit, who had been deployed to the largely non-violent demonstration, and had discharged apparently out-of-date rubber bullets which killed and injured the men (see also AI Index: EUR 70/002/2007).

Despite requests by UNMIK and by AI, on 21 March 2007 the Romanian authorities withdrew from Kosovo 11 police officers who had been assisting the investigation and who were reportedly in possession of crucial information. Two reports on the investigation, in April and June, concluded that the deaths of Mon Balaj and Arbën Xheladini were caused by "improper deployment of rubber bullets by at least one and perhaps two Romanian gunners", but that there was insufficient evidence to bring a criminal prosecution. The June report also criticised the complete

breakdown of UNMIK police's command and control operation on 10 February.

Fair trial standards: detention rights

The International Helsinki Federation (IHF) expressed concerns about the legality of the detention of Albin Kurti, leader of Vetëvendosje, detained on offences relating to the 10 February demonstration; charges relating to endangering the lives of UN personnel were dropped in June. The judge had refused the IHF access to Albin Kurti while in pre-trial detention on the grounds that he was a "category A" detainee, exclusively under the jurisdiction of the international community. In May, without having been charged, Albin Kurti was released into house arrest, where he was prohibited from contact with the media or with Vetëvendosje; AI considered detention without charge under such conditions to be tantamount to deprivation of liberty. The IHF was also concerned about reports of collusion between the international judge and the prosecution in determining the conditions of his release.

AI was very concerned at the detention for 15 months of A.B, an Indian national and mother of two children, who was arrested on 23 February 2006 on charges related to the smuggling of migrants (her full name is known to AI). She was initially held for 45 days without any evidence being provided to her defence lawyer. Repeated appeals against her detention failed. She was indicted on 29 December 2006; according to her defence lawyer, her contact with him until that date had been limited to four five-minute phone conversations. A.B. remained in detention until 1 June, when she was released having agreed to plea to lesser charges for which she was given a two-year suspended sentence, and ordered to leave Kosovo. No evidence was presented in court. She remained in Kosovo at the end of June, unable to leave to join her children in India, as the prosecutor had yet to return her passport.

Inter-ethnic and return-related violence

In February, the HLC reported that although members of some minority communities had enjoyed increased freedom of movement and integration, this was not the case for Serbs and Roma. Ethnically motivated attacks continued and perpetrators were only occasionally brought to justice. Most attacks involved the stoning of buses carrying Serb passengers by Albanian youths. In some cases, grenades or other explosive devices were thrown at buses or houses, including in north Mitrovica/ë. Roma and other minority groups reportedly informed KFOR that they no longer reported such incidents.

Orthodox churches were looted or vandalized on 34 occasions between 19 February and 1 June. In March the windows of the Orthodox Church of St. John the Baptist in the centre of Pejë/Peć were broken, as were those of St. Nicholas church in Pristina; an attack with a rocket propelled grenade on the Orthodox monastery in Dečan/Deçani in [date] was widely condemned; the Kosovo Police Service (KPS) reported that a suspect had been identified, but had failed to arrest him by the end of the period under review.

An Ashkali male was shot dead by unknown individuals outside his home in April. His funeral on 9 May, was reportedly attended by Ashkali community leaders from across Kosovo who reportedly requested that the KPS, KFOR and UNMIK protect their community against further violent attacks and warned that similar incidents could lead to a mass exodus of Ashkalis from Kosovo.

AI expressed concerns at plans by EU and Council of Europe member states to forcibly return to Kosovo up to 90,000 persons with temporary protection status, and including persons from minority communities, before conditions for their return in safety and security could be established.

Enforced disappearances and abductions

According to the International Committee of the Red Cross 2,087 persons, including 1,300 Albanians, 500 Serbs and 200 members of other minorities remained unaccounted for. On 16-17 May in Ohrid, Macedonia, a conference organised by the International Commission on Missing Persons (ICMP), brought together both Serbian and Albanian relatives of the missing. The ICMP expressed concerns over the transfer of competencies to the PISG Ministry of Justice.

Exhumations by the Office of Missing Persons and Forensics (OMPF) continued. Between 23 and 25 May 2007, for example, 10 previously unidentified bodies were exhumed from Piskote cemetery near Prizren; on 29 May 2007, OMPF staff examined a potential mass grave site located near the village of Rëvatskë/Rvatska in Leposaviq/Leposavic, believed to hold the bodies of some 27 Kosovo Albanians from Mitrovicë/Mitrovica. On 31 May the OMPF exhumed two bodies, believed to be those of a Kosovo Serb couple missing since the war, from the village of Zallq/Žac, in Istog/Istok.

In June the Acting Ombudsperson found that the competent authorities had failed to conduct an effective investigation into the enforced disappearance on June 1999 of N.N. Although the Ombudsperson had initially addressed the failure of UNMIK police to conduct an investigation, the withdrawal of his jurisdiction over UNMIK limited the report to the conduct of the KPS and the district public prosecutor (DPP), who having been informed of the case in October 2004 had failed to conduct an investigation with due diligence. Neither UNMIK police nor the KPS had responded to the few requests made by the DPP in the case.

Violence against women

Trafficking of women into forced prostitution continued; according to the KPS the majority of them were internally trafficked within Kosovo. Concerns were raised about the continued failure to implement an administrative directive giving effect to provisions in the 2001 trafficking regulation, providing assistance and support to trafficked persons.

The Ombudsperson reported on the continuing failure of the judiciary to implement the provisions of UNMIK Regulation No. 2003/12, "On Protection against Domestic Violence", relating to protection orders, which were not issued within the time specified by law.

In June the CEDAW requested UNMIK and the PISG to provide a report on the implementation of the Women's Convention no later than in June 2008.

SLOVENIA

The "erased" (update to AI Index: EUR 001/001/2007)

The Slovenian authorities failed to restore the status of a group of people known as the "erased" and to ensure that they have full access to economic and social rights, including their right to employment, pensions and health care. Moreover, those affected by the "erasure" continue to be denied access to full reparation, including compensation. The "erased" include at least 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. Of those "erased" in 1992, some 12,000 had their permanent residence status restored, but only with effect from 1999 or later. Others have remained without Slovenian citizenship or a permanent residence permit.

The Slovenian government continued to claim it was seeking a solution to the problems of the "erased" through the adoption of a constitutional law allowing for the restoration of the status of permanent residents of the "erased", on a case-by-case basis. Reportedly, opposition parties have insisted that the issue should be resolved in accordance with existing Slovenian Constitutional Court decisions, which have required that the status of permanent residents of those affected by the "erasure" be restored retroactively. The adoption of a constitutional law requires a wide consensus and a two-thirds majority in the Slovenian parliament. Moreover, the proposal to deal with the issue of the "erased" through a constitutional law has been criticized, including by organizations of the "erased", for deliberately delaying a solution of the problem, for being an attempt to circumvent existing Constitutional Court decisions and for excluding other forms of reparation for the human rights violations suffered as a result of the "erasure".

In February the European Commission against Racism and Intolerance (ECRI) made public its third report on Slovenia, which had been adopted in June 2006. ECRI inter alia deplored "the fact that, as a result of the non-implementation by the Slovenian authorities of the decision of the Constitutional Court, it is still not possible for approximately 6,000 people to regain the rights of which they were unlawfully stripped over fifteen years ago". ECRI urged the Slovenian authorities to restore the rights of the "erased" and called for the "resumption and finalization of the process of issuing supplementary decisions granting retroactive permanent residence rights, and the adoption of a legal framework enabling those 'erased' persons who have not yet secured permanent residence or Slovenian citizenship to have their rights reinstated in a manner that is as fair and generous as possible".

In May the European Court of Human Rights issued a partial decision on the admissibility of an application filed in 2006 by 11 "erased" people, claiming that the "erasure" resulted in violations of a number of rights enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. Having decided to examine the admissibility and merits of the case together, the European Court of Human Rights considered that, on the basis of the case file, it could not determine the admissibility of the complaint concerning the overall situation affecting the applicants and the failure to afford retrospective recognition of permanent residence (Article 8), the lack of an effective legal remedy in that respect (Article 13), the allegedly discriminatory treatment (Article 14) and the denial of pension benefits (Article 1 of Protocol No. 1). The European Court of Human Rights decided to give notice of these parts of the application to Slovenia to submit its written observations. Other parts of the application were declared inadmissible.

Discrimination against Roma (update to AI Index: EUR 001/001/2007)

The Slovenian authorities failed to fully integrate Romani children in the Slovenian educational system and tolerated in some cases the creation of special groups for Romani children, where often a reduced or simplified curriculum is taught. On 3 May AI wrote to the Slovenian Minister of Education and Sport, requesting information and clarifications on a recently conducted evaluation of the so-called "Bršljin model", which is being implemented at the Bršljin School in Novo Mesto. This model provides for the creation of separate groups of children experiencing difficulties in certain subjects. Teachers in Bršljin admit that such groups are composed mostly, and in some cases only, of Romani pupils. This model had been criticized in Slovenia by education experts for being de facto a continuation of the old segregation approach. The Slovenian authorities had

claimed, including in communication with AI, that evaluation of the "Bršljin model", has shown that such model does not result in the segregation of Romani children and that it simply involves the temporary placement of pupils in groups for those children who do not perform sufficiently well in certain subjects. However, at the end of the period under review, AI had not received further details on the evaluation and its outcome.

In its third report on Slovenia (see above), ECRI called on the Slovenian authorities to ensure that all measures provided for in the Strategy for the Education of Roma in the Republic of Slovenia are implemented in practice and that time frames, resources, responsibilities, outcomes and monitoring mechanisms are clearly set out in order to facilitate implementation; to ensure that no Roma child without learning disabilities is sent to a special needs school; to promptly address any instances of separate Roma classes in schools; to strengthen their efforts to: recruit a number of Roma teaching assistants that meets the needs; improve participation of Roma children in pre-school education; extend provision of Romani language classes; ensure that curricula for all children reflect Roma culture, history and identity and promote appreciation for diversity.

In April a Law on the Romani Community in the Republic of Slovenia entered into force with the purpose of regulating the legal status of the Romani community. The Law has a very limited number of provisions dealing with the inclusion of Roma in education which stipulate that the Republic of Slovenia should create the conditions for the inclusion of Roma in education and for an improvement in their educational level including through a policy of scholarships. The Law however does not define in detail the framework through which the right to education of members of Romani communities is to be fully realized.

In June residents of Cesta v Gorice, on the outskirts of Ljubljana, protested against plans to resettle there members of the

Strojan family, who had previously lived in the village of Ambrus. Since October 2006, they had mostly continued to live in temporary accommodation after having been forced to leave their homes under police escort, when targeted in ethnically motivated attacks by ethnic Slovenes. Impunity remained for the perpetrators of ethnically motivated attacks which had forced the Strojan family to leave Ambrus.