



The Case of Labor Exploitation of the Citizens of the Republic of Serbia, the Republic of Bosnia and Herzegovina and the Republic of Macedonia in the Republic of Azerbaijan

- Country of Origin Report -

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Reported by:

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Introductory Remarks:

The case of labor exploitation of the citizens of Serbia, Bosnia and Herzegovina and Macedonia in Azerbaijan is, according to its size and the number of exploited persons, one of the largest, if not the largest registered labor exploitation case in this region. According to the testimonies of workers who returned, besides the citizens of the mentioned Western Balkan countries, the citizens of Moldova and Pakistan, as well as of Azerbaijan, could be found on construction sites in this country.

NGO ASTRA received the first information about the case of the exploitation of a great number of workers from the Western Balkans in an email of 21 November 2009, and later

¹ Besides the organizations from the countries of origin of exploited workers, NGO Partnership for Social Development, Zagreb, Croatia, also took part in making this Report. This is because one number of workers returned from Azerbaijan via the Zagreb airport and hence this organization had the opportunity to talk with the workers.

that day in a telephone conversation with the representatives of ODIHR Warsaw. Soon after that, NGO ASTRA forwarded the information to NGO La Strada Bosnia and Herzegovina and NGO La Strada Open Gate Macedonia. Later, after having received the information that one group of workers should have landed to the Zagreb airport, on 6 November 2009, NGO Partnership for Social Development from Croatia was included in the case.

Already on 20 October 2009, several media from Bosnia and Herzegovina reported on this case (you can find the links of the media that covered this topic at the end of this Report). They released plenty of information and the first testimonies of the workers and their families. Some media in Serbia covered this topic within their regular reporting on the news in the region.

This case of labor exploitation was discovered some time earlier, when a certain number of international organizations and foreign embassies in Azerbaijan, as well as the local NGO Azerbaijan Migration Center, found out about it. Soon, some of them got directly involved in the provision of assistance to the exploited workers.

After the first information came out, in less than a month, a great number of exploited workers were returned to their countries of origin. Workers who returned in the last group before the completion of this Report estimate that in the construction sites in Azerbaijan there are around 50 workers who expressed their wish to return home.

Please bear in mind that all the information given in this Report have been obtained in direct communication with workers who were returned from Azerbaijan, as well as from our associates on this case. One of the reasons for making this Report is the absence of appropriate response from competent authorities in all four countries, which caused resignation among the workers who returned to their countries of origin.

These information are only preliminary and in our opinion they should be the basis for initiating an investigation by competent authorities in the Republic of Serbia, the Republic of Bosnia and Herzegovina and the Republic of Macedonia, as well as by competent authorities in the Republic of Azerbaijan.

Enclosed to this Report is a communication released by NGO Azerbaijan Migration Center (hereinafter AMC), which works in the destination country of exploited workers, on 9 November 2009.

The List of Ratified International Documents Relevant for the *Azerbaijan Case* in the Countries of Origin and Destination

Based on the preliminary data obtained from workers and the statements of the representatives of international organizations working in Azerbaijan, as well as according to the AMC's communication, we may speak of possible trafficking in human beings for the purpose of labor exploitation. For this reason, for the needs of this Report, we have made a list of international conventions of relevance for human trafficking and forced labor and of specific national legislations prohibiting human trafficking in the countries concerned.

<i>UN Convention on Transnational Organized Crime and Protocol to Prevent, Suppress and Punish</i>	<i>Council of Europe Convention on Action Against</i>	<i>ILO Convention No 29 Forced Labour</i>	<i>ILO Convention No. 105 Abolition of Forced</i>	<i>National legislations regarding trafficking in human beings</i>
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	<i>Trafficking in Human Beings, Especially Women and Children</i>	<i>Trafficking in Human Beings</i>	<i>Convention, 1930</i>	<i>Labour Convention, 1957</i>	
<i>BaH</i>	24 April 2002	11 January 2008	2 June 1993	15 November 2000	Criminal Code of the Republic of BaH, <i>Article 186</i> ²
<i>Serbia</i>	6 September 2001	14 April 2009	24 November 2000	10 July 2003	Criminal Code of the Republic of Serbia, <i>Article 388</i> ³
<i>Macedonia</i>	12 January 2005	27 May 2009	17 November 1991	15 July 2003	Criminal Code of the Republic of Macedonia <i>Article 418</i> ⁴
<i>Azerbaijan</i>	26 September 2008	n/a	19 May 1992	9 August 2000	Law of The Republic Of Azerbaijan On Fight Against Human Trafficking ⁵

² (1) Whoever takes part in the recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation, shall be punished by imprisonment for a term between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile, shall be punished by imprisonment for a term not less than five years.

(3) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(4) Whoever acting out of negligence facilitates the perpetration of the criminal offence referred to in paragraphs 1 through 3 of this Article, shall be punished by imprisonment for a term between six months and five years.

(5) "Exploitation" referred to in paragraph 1 of this Article includes, in particular, exploiting other persons by way of prostitution or of other forms of sexual exploitation, forced labour or services, slavery or slavery-like practices, serving under coercion or removal of organs for the purpose of transplantation.

³ (1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person aimed at exploiting such person's labour, forced labour, commission of offences, prostitution, other forms of sexual exploitation, begging, pornography, establishing slavery or slavery-like relation, the removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to twelve years.

(2) When the offence specified in Paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence specified in Paragraph 1 of this Article is committed against a minor, the offender shall be punished by imprisonment of not less than five years.

(4) If the offence specified in Paragraphs 1 and 3 of this Article resulted in grave bodily injury of a person, the offender shall be punished by imprisonment of five to fifteen years.

(5) If the offence specified in Paragraphs 1 and 3 of this Article resulted in death of one or more persons, the offender shall be punished by imprisonment of not less than ten years.

(6) Whoever habitually engages in offences specified in Paragraphs 1 to 3 of this Article or if the offence is committed by a group, shall be punished by imprisonment of not less than five years.

(7) If the offence specified in Paragraphs 1 to 3 of this Article is committed by an organized group, the offender shall be punished by imprisonment of not less than ten years.

(8) Whoever knew or could have known that a person is the victim of trafficking, but nevertheless made use of her/his position or facilitated another person to make use of her/his position for the purpose of exploitation referred to in Paragraph 1 of this Article, shall be punished by imprisonment of six months to five years.

(9) If the offence referred to in Paragraph 8 of this Article was committed against a minor of which fact the offender was or could have been aware, such offender shall be punished by imprisonment of one to eight years.

(10) The consent to exploitation or to the establishment of slavery or slavery-like relation referred to in paragraph 1 of this Article has no bearing on the existence of criminal offence referred to in Paragraphs 1, 2 and 6 of this Article.

⁴ 1) A person that by force, serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapability of another person, or by giving or receiving money or other benefits in order to obtain consent of a person that has control over other person, recruits, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or a similar relationship or illicit transplantation of human body parts, shall be punished with imprisonment of at least four years.

(2) A person who recruits, transports, transfers, buys and sells, harbors or receives children or juveniles for the purpose of exploitation shall be punished with at least eight years imprisonment.

(3) A person who withholds or destroys another person's identity card, passport or other identification document for the purpose of committing the crimes referred in paragraphs (1) and (2) of this article, shall be punished with at least 4 years imprisonment.

(4) A person who uses or procures the sexual services of a person with the knowledge that the person is a victim of trafficking in human beings, shall be punished with imprisonment between 6 months and 5 years.

(5) If the crime referred to in paragraph (4) is committed against a child or a juvenile, the offender shall be punished with imprisonment of minimum eight years.

(6) If the action in the paragraph (1) is committed by a legal entity, this shall be punished with a fine.

(7) The items and means of transport used in committing the crime shall be confiscated.

⁵ Please, find attached. Adopted June, 2005

Facts about the *Azerbaijan Case*

Construction company **SerbAz Project and Construction LLC** (hereinafter SerbAz) has been managing construction works on several sites in Azerbaijan in last two to three years. The investor of these construction works was the Government of Azerbaijan.

In the course of the last year, the activity of this company intensified and more workers than earlier had to be engaged. There is information that workers' rights had been to a great extent violated in the previous period, too. Violence against workers particularly escalated in the second half of this year.

According to workers, conditions in which they had to live and work were very difficult (detailed description further in the text). In addition to delays in the payment, the employer failed to paid out wages in the agreed amount. Also, wages were reduced on account of many penalties which the employer used to punish the workers for their acts during both working hours and their spare time.

The payment of wages was completely stopped on 12 and 13 October 2009, when the investor transferred assets to SerbAz, which, according to the workers, were taken by the Managing Director Božidar Vučenović, who then disappeared without trace. Moreover, some of the workers think that the discharge of some Azerbaijani officials, who had close and direct cooperation with SerbAz, which occurred in the same period, additionally aggravated the situation relating to the payment of the workers.

The owners of the company gave somehow different explanation to the media⁶. According to them, the problems arose when the Azerbaijan Government started running late with the payment. After a three-month delay, one of the owners of the company "...Milan Vučenović went to the Netherlands – where one part of the company is located - to get the money... However, the Azerbaijan Government blocked the company's account after that, which caused additional problems".

After 12 October 2009, the volume of works in the construction sites was mostly decreasing. The lists for return were made. The workers call this period "on halt".

In the mid-October, at the initiative of the workers and the brigadiers at the construction site Expo, negotiations about the payment of unpaid wages between the workers and the management began. The group for negotiations was formed, where workers' interests were represented by the brigadiers and shift managers. It was promised to the workers that the wages would be paid out in the following two-three days. However, one day later it was clear to the workers that none of the agreements would be realized, but the promises were made only to release the tension.

After they received the advance payment⁷, more than two thirds of workers stopped their work completely, and soon after, their return to the countries of origin began at an accelerated pace.

⁶ <http://www.mtsmondo.com/news/world/text.php?vest=150301#>

⁷ The workers received advance payments in the amount of US\$ 200, while those who allegedly were on the return list received US\$ 100 each.

Estimates on the Number of Workers

It is difficult to establish the exact number of workers, because several groups of workers had already left Azerbaijan when this case came into light.

It could be learnt in the media that this year more than 600 workers from the Republic of Srpska have left for Baku to work there for six months, two-thirds of whom are the citizens of Gradiška and neighboring municipalities.

In AMC's reports, it is said that during the same period there were around 500 workers in Baku and Mingachevir (346 in Baku and 150 in Mingachevir).

According to data which workers, whom we talked with, collected themselves, on 15 October 2009, there were 920-1040 workers engaged in the construction sites ran by SerbAz Company in Azerbaijan. They came to this figure based on the number of workers accommodated in "dorms"⁸. After the Hirdelan Dorm was closed, the remaining five dorms⁹ in Baku operated in full capacity. Until the first organized returns of the workers in October, 438 workers were accommodated there. Moreover, for specialists (engineers and the like) and for a smaller number of privileged workers, the company rented between 70 and 100 apartments in Baku, with 4-5 persons living in one apartment. In the construction site in Mingachevir, a town 350km away from Baku, i.e. in three homes that belonged to the construction site with the same name, there were around 205 workers, which was the full capacity of these objects.

Exploited workers were mostly young men, many of them being between 18 and 22 years of age. There were several women among them, who mostly worked in the kitchen or in administration.

About the Company – Owners, Management Structure and Hierarchy

SerbAz Project and Construction LLC, according to unofficial information that the workers managed to get¹⁰, is a Dutch-Azerbaijani company, i.e. it is registered in both these countries. Although some workers and the media said that the company was registered in Bosnia and Herzegovina and in Azerbaijan, the Republic of Srpska (BaH) Labor Inspector Radmila Puzić resolved this confusion in her statement to Blic Daily¹¹, saying that "they are not in position to take any concrete measures relating to this case, since company SerbAz does not exist in any register in the Republic of Srpska" and that they "haven't seen the contract between the workers and the employer". On the same occasion, she called on all injured workers to contact the labor inspection. Also, Milan Sladojević, Head of Economic Affairs in Gradiška municipality confirmed that they had no information about SerbAz Company.

⁸ The workers use term "dorm" to designate dormitories, i.e. houses rented by SerbAz for their accommodation.

⁹ These are the following dorms: Varovski 1, Varovski 2, Badamdar 1, Badamdar 2 and Badamdar 3.

¹⁰ It can be also heard that SerbAz is a part of a larger concern which has its capital in Russia, too.

¹¹ <http://www.blic.rs/repsrpska.php?id=116988>

SerbAz Company is not registered in the Republic of Serbia either, i.e. information on this company cannot be found at the Serbian Business Registers Agency¹².

Since June 2009, SerbAz head office was in Neftchi Health and Sport Center, Azadlig Avenue 128, Baku. It is interesting that this Center is in the jurisdiction of the Ministry for Youth and Sport, which was at the same time the investor of works on some of SerbAz's construction sites.

Data on the ownership of the company are contradictory, too. It is said that **Milan Vučenović** (living in Russia, where he has family and business contacts and several construction sites) holds 51% ownership of the Company. On the other hand, certain **Dejan Cvetković** is also mentioned as the majority owner of the company (according to some workers, he is the citizen of Serbia, originating from Valjevo, while other believe that he is the citizen of Bosnia and Herzegovina, but lived long in Serbia).

The construction sites in Azerbaijan are managed by **Božidar Božo Vučenović**, Milan Vučenović's brother. The workers describe him as a very arrogant and violent man. They say that it was him who took US\$ 21.6 intended for workers' wages.

The Vučenović brothers have property in Bosnia and Herzegovina (inter alia, enterprise *Orož* – a chain of stonemason shops and *Zrnić komerc* – enterprise for the production of PVC and aluminum doors and windows), which should be borne in mind in case of initiating proceedings against the said persons before the courts in Bosnia and Herzegovina.

The next person in the hierarchy is **Rade Ljubičić**, the citizen of Bosnia and Herzegovina, Božidar Vučenović's right hand, first technical and then financial director, as Božidar Vučenović presented him to the workers. Like Božidar, he was known for cruelty and strict regime he imposed on workers, and especially for very strict penalties. Here it should be added that the workers saw Rade Ljubičić at the Belgrade Airport on 12 November 2009 and that according to information they have, he is currently in the Republic of Serbia.

Rade Ljubičić's assistant and a man close to Božidar Vučenović is **Saša Lipovac**, who was in charge of admitting and accommodating workers. He was also very cruel to the workers. He lives with his wife in Baku, because a wanted notice has been issued against him by the Special Department for War Crimes of the Prosecutor's Office of Bosnia and Herzegovina. Lipovac and his wife Marina were taking the passports away from the workers and they were supposed to provide them permits for staying in Azerbaijan.

Nedeljko Braco Vučenović, son of Božidar and Milan Vučenović's third brother, was the main cashier (in charge of paying wages and advance payments) and was directly accountable to Božidar Vučenović. He was violent in communication with workers and on several occasions, he physically attacked some of the workers.

Božidar Vučenović's personal driver and the boss of Azeri workers in the site was certain **Samir**. The workers say that one portion of Company's property is registered under his name because he is the citizen of Azerbaijan.

Samir's brother **Jeljcin** was the chief of all "white helmets" in Mingachevir. He was especially punishing and beating the citizens of Azerbaijan. For his extreme cruelty, he was

¹² <http://www.apr.gov.rs/>

transferred from Mingachevir to the construction site Center in Baku, where he continued mistreating the workers, particularly those from Azerbaijan and Pakistan.

The next level in the hierarchy below the management were the so called “white helmets” (construction site supervisors), who were in charge of punishing workers. When talking about “white helmets”, the workers most often mentioned the following names: **Safet Turanović Sajo** (main “white helmet” and directly responsible to Božidar Vučenović), **Rasim** and **Nenad Tatić**, all three the citizens of Bosnia and Herzegovina. Thus, for example, the workers call Rasim Tatić “The Evil”, while Nenad Tatić is believed to have established, i.e. elaborated the punishing system. Nenad Tatić is currently in Banja Luka, serving the sentence for theft committed before he left for Azerbaijan.

Several workers mentioned certain “**Colonel**”, the citizen of Azerbaijan, whom they think to be former Azerbaijani police officer. He emerged in October this year, when the workers stopped working and started negotiating with the management. “Colonel” controlled workers’ return home, accompanying them to the airport, where he returned them their passports. The workers say that he was very arrogant and violent, that he was threatening them and blackmailing them with the return of their passports when they were going home and the like. “Colonel” and two more persons were the main actors in an attempt to kidnap one of the two workers who were particularly active in mobilizing protests against the company, i.e. in negotiations with the management (details further in the text). “Colonel” is believed to be the link between the management and local Minister for Culture and Sport.

Every construction site had a site chief. Site chiefs were not “white helmets”, but they had the right to punish workers. Below them in the hierarchy there were shift chiefs, whose task was, inter alia, to keep records on the number of working hours for every worker.

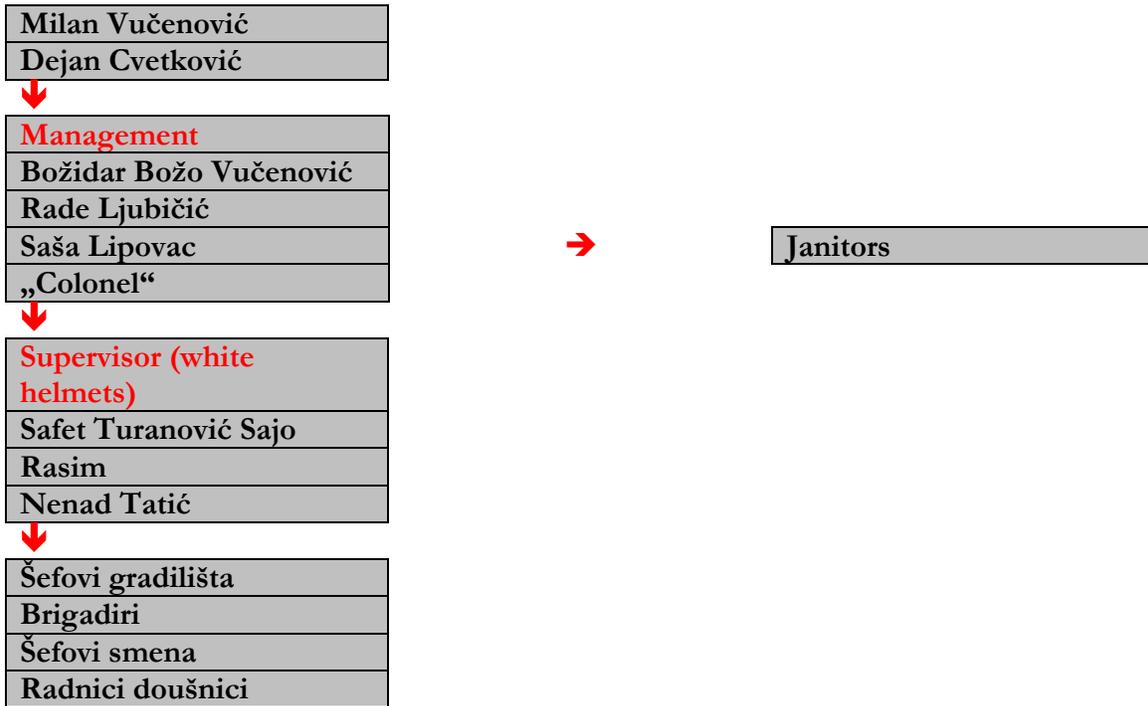
They are followed by brigadiers, who were organized according to the profession, i.e. they were responsible for the groups of workers of specific profession (e.g. brigadiers for locksmiths, brigadiers for lathe operators, etc.). They were also allowed to punish their subordinates.

Homes were run by janitors, who were at the same time responsible for discipline in there. They were also punishing workers for every violation of the house rules, but they went even further (e.g. there was a punishment for a bed not made properly). The janitors were directly responsible to Saša Lipovac, to whom they were giving the proposals for the type of penalty and the amount of fine. If a janitor did not cooperate with Lipovac, he would be punished himself. Several workers mentioned Nedžad Bešić, janitor in Badamdar 2, very obedient and loyal to Saša Lipovac.

Finally, the workers say that there were several “informants”, i.e. company people among them, who would notify the supervisor and the management of all so-called irregularities. All organizations which were waiting for the workers at the airports had the opportunity to meet the “informants”. It was obvious that the workers were reluctant to speak in the presence of these persons, while on rare occasions when the “informants” went away, they would start talking about what they had been through.

SerbAž - Company Structure and Internal Hierarchy

Owners



Recruitment of Workers

The recruitment of workers in the countries of origin was first done by Safet Turanović and then by **Miroslav Vučenović**, cousin of Božidar and Milan Vučenović. Miroslav Vučenović is the citizen of Bosnia and Herzegovina who lives in Gradiška (Brestovčina), like the majority of hired workers. Information on the employment opportunity for construction workers in Azerbaijan was spread by the word of mouth, but according to some media from Banja Luka¹³, for some time their ads could be seen around the town.

Interested workers would first contact Miroslav Vučenović. After some time, he would call them again and the workers would then personally give him the copies of their passports. On that occasion, they would fill in the “contract”, which was in the form of a questionnaire. The contract did not have any company logo or stamp. As for these contracts, after having returned from Azerbaijan, two resigned workers from Doboј took away these contracts from Miroslav Vučenović and gave them to the police. However, they say that the police brought the contract back to him the same evening.

A couple of months after they had signed the contract and given the copy of their passports to Miroslav Vučenović, who would contact the workers again and inform them on the date and place of departure, i.e. the airport from where they would leave for Baku. Workers would cover travel costs from their place of residence to the airport, while SerbAz provided plane tickets. The workers would get the tickets at the airport, i.e. at the counters of tourist agencies or airline companies at the airport.

Although the workers say that the entire recruitment went through Miroslav Vučenović, for a shorter period of time, recruitment in Živinice near Tuzla was done by a certain agency. Unfortunately, we were not able to find precise information on the name, seat or owners of this agency. The workers say that the agency charged 600 US\$ per person, while some paid

¹³ According to a journalist from one TV station from Banja Luka.

even more to ensure that they would get a job in Azerbaijan. Certain Miralem worked for the agency, who would go to the Belgrade airport to see the people off, where he would take additional 250US\$ from each of them for alleged visa costs.¹⁴ Although they were said that they would be reimbursed, they never got this money back.

As far as the citizens of Macedonia are concerned, these were the installation workers who worked on the iron construction of one part of the Expo Hall. The installation workers from Macedonia came through the company which name is not familiar to the workers we talked with; they only knew that this is the only company in Macedonia working with such grand iron constructions. After having finished their work for a Macedonian company in the construction site in Baku, in agreement with Božidar Vučenović, they started working for SerbAz.

Entering the Country and Stay in Azerbaijan (Travel Documents and Residence Permits)

Saša Lipovac, certain Samir and Sajo, and sometimes Željko Popović called Mali Pop (Little Priest), would wait for the workers in Baku, immediately taking their passports and plane tickets on arrival, with explanation that it was necessary for regulating their residence status. The workers did not have access to their travel documents until the moment of return to the country of origin.

At the very arrival, the workers were preventively informed that the management had very good connections with the Azerbaijan police.

As far as residence and work permits are concerned, the majority of workers stayed in Azerbaijan illegally. Namely, they entered the country on tourist visas which they paid for themselves (visa is obtained at the border checkpoint, i.e. at the airport). They believed that work permits would be provided for them within 30 days, which is how long entry visa is valid. One number of workers had residence visa, which they were issued after the entry visa, but they also expired in the meantime and were not renewed. All the workers whom ASTRA has been in contact with were illegally staying in Azerbaijan at the moment of return.

In the previous two years, some workers were issued “red ID cards”, i.e. identification documents for foreigners in Azerbaijan. This document does not provide right to work, but only residence in Azerbaijan. Nevertheless, this document expired for all those who had them. Some workers were told that this identification card was actually visa, but soon it turned out not to be true.

According to the workers, SerbAz had not applied for any work permit to the Azerbaijan authorities. They estimate that the company management saved (actually unlawfully kept) around EUR 1 million on the basis of not providing residence and work permits. (the costs of issuance of a work permit in Azerbaijan amount to some EUR 1000).

The workers' impression is that there was a close link between certain authorities in Baku and SerbAz management, especially bearing in mind that so many foreign workers were in the country unregistered, working mostly in the capital city.

¹⁴ Entry visa for Azerbaijan costs US\$ 40 and is obtained at the airport. As it would turn out later, almost none of the workers had legal residential or working status in this country.

The absence of identification documents and residence permit caused numerous problems for the workers in Azerbaijan. One of the more drastic examples is certainly the arrest of a family of three - spouses who both worked for SerbAz in Baku and their seven-year old son.

Namely, during a walk in Baku, the child took a photo of a car parked in front of the US Embassy. Embassy security instantly stopped them and asked for their IDs. Since they had no passports on them, the security called the police. All three of them spent seven hours at the police station. The wife, through her brother, informed other workers, who then called AMC. They managed to find out in which police station the family is kept and one of the workers, with AMC representative, went there, where they subsequently had to give their statements.

In the meantime, brother of the arrested woman, who also worked for SerbAz in Baku, asked from the management his sister's and brother's-in-law passports, but they refused to give it. Instead, they sent one Azerbaijan worker with him to go to the police and take the passport. However, this was too late, because the police, with AMC's help, already released the family from custody. Namely, passports were brought only seven hours after the police arrested the family.

It is interesting that Ana Trišić-Babić, Deputy Foreign Minister of BaH said for the media in Bosnia and Herzegovina that before October this Ministry had known nothing about several hundreds of BaH citizens in Azerbaijan, because their departure had not been reported.

Living and Working Conditions

SerbAz had several construction sites in Baku and Mingachevir, while the workers lived in collection accommodation or in private apartments.

At the beginning, there were six workers' dorms in Baku, but one was closed later (Hiderlan)¹⁵. Workers in Mingachevir lived in one collective center.

The dorms are actually big rented houses accommodating between 40 and 110 persons,. Besides this collective accommodation, there were also apartments for the groups of 4 – 5 persons rented mostly for specialized and expert personnel, while other could get there with management's recommendation. However, not all specialists lived in apartments – this was also up to Lipovac and the rest of the management.

Living conditions in these dorms were quire bad. Every dorm had bedrooms and a small living room which could admit 10-12 persons. Bedrooms had bunk beds and 12-24 workers shared one room. The number of toilets was insufficient.

In Badamdar 2, there was only one toilet where workers, 96 of them, could poo. The janitor would punish the worker who used other two toilets for that purpose. How much the fine would be depended on whether this was the first time violation or it happened before and the like.

In the same object, 96 workers had to share only three bathrooms. It was not allowed to take a shower before 9 o'clock P.M., but then they would often run out of water. The workers say that they were out of water at least four days a week. Namely, in Badamdar 1 and Badamdar 2, water was brought in cisterns from which the tanks would be filled. These tanks were the only source of water for taking shower and doing laundry. If the cistern failed to arrive, which was often, they would not have water. Also, they lacked hot water because of the

¹⁵ Until the completion of this Report, another home (Badamdar 2) was closed.

shortage of gas. Thus, for example, gas supply was cut for three months in Badamdar 2. Workers had to provide everything necessary to maintaining hygiene.

Very often these dorms were out of drinking water, which the representatives of international organizations in Baku and AMC also had the opportunity to witness.

Since the dorms had gas heating, and gas supply was not regular, it was rather cold there. Moreover, the workers say that there were not enough blankets. Electricity was often cut off for management's failure to pay the bill.

The dorms were run according to strict house rules¹⁶. The house rules, *inter alia*, regulated when and in which situations the workers were allowed to leave the object. However, by special Communication¹⁷ of 13 July, the workers were forbidden to leave the dorm whatsoever. When they protested, special passes were introduced, issued to the workers by SerbAz superiors every time they left the dorm. Coming late or not obeying house rules, including those relating to spare time, resulted in punishments.

The workers were exposed to physical punishments, threats, relocation to other construction sites, dorms and the like.

Lights in the rooms were turned off at 10 P.M. The worker who would not follow was punished.

In case of illness, the workers had to work. They were not hospitalized when this was indicated. There was not a doctor, but health care was provided by a nurse, Macedonian national, who, according to the workers, was not a general nurse by education, but dental nurse. They say that she was rather hesitant about what to write in her reports and usually corrected them in accordance with what the management told her.

The company did not want to pay for doctor visits. Thus, for example, the worker who suffered leg pain was forced to work in slippers on a job which must not be done in open footwear. His colleague got hernia for carrying heavy objects. The doctor said that he could work, but some less heavy job. He therefore asked to be transferred to the position of a doorman but was refused and had to continue working his original job, which included carrying heavy objects.

Food in the canteen at the construction sites was poor and insufficient. The workers say that it was prepared with plenty of browned flour in order to reduce the sense of hunger. They rarely had meat and never had fruit. Breakfast was identical every morning and after ten days many of them they simply stopped having breakfast. Second helping was not allowed, even if the food that remained after the meal was thrown away. Every worker we talked with in Belgrade said that they were literally starving and that they lost ten or more kilos, which had adverse impact on their physical and psychological state. It should be borne in mind that, since they were not paid regularly, the workers could not buy their own food.

The workers were delivered sandwiches in black plastic bags that are usually used for trash. They were joking that the taste of sandwiches was completely in line with their package.

From the moment when they were put "on halt" (when the works were stopped and rapid return of workers began), the workers did not have breakfast, because it was not brought to

¹⁶ See Annex 1 "House Rules"

¹⁷ See Annex 2 "Communication"

them any longer. Twice a day, they would get a canister of soup and small quantity of bread, i.e. food that was insufficient for all of them in terms of both quality and quantity.

The situation was identical in Mingachevir. From the moment when the works stopped, they were getting two meals a day. Like the workers in Baku, they say that the food was awful. They used money which their families sent them to buy food. Still, the majority of workers did not have money, so the shop owners (local population, unrelated to SerbAz) sold them food, coffee and cigarettes on credit. They could do their shopping in this way in three shops. However, when the shop owners realized the situation in the company and that the workers would not get the money, they stopped giving them groceries. Till that moment, their debt increased very much. Since they had no money, they were fishing in the river and cooked what they caught. To get some cash, they were selling their mobile phones, wedding rings and anything valuable they had.

As far as construction sites are concerned, in October 2009, SerbAz had several sites in Azerbaijan. In Baku, they worked on the construction of the Expo complex, a shopping mall near the Central Bank, on the reconstruction of a castle, on the construction of presidential palace Buta and on company's own construction site. In Mingachevir, they worked on the construction of Olympic Training and Sport Center financed by the Ministry for Youth and Sport.

The workers are using internal names for construction sites in Baku. The largest site, where the greatest number of people was engaged, is called Expo and is situated near the airport. Site Center was near the National Bank (Milli Bank). The site where, according to the workers, the old castle was reconstructed, is called Zax. For SerbAz, a central storage of 4500 m² was constructed and this site is called Mardekan. Later, the main entrance to this construction site was shut down (welded) – it is not known by whom, but the workers assume that the police did it for the sake of investigation.

Security appeared in the construction sites in October, when the workers stopped working. The workers we talked with are not sure whether this was private security or the police, since the guards were wearing uniforms similar to the police and were searching all workers and vehicles on entry into the site.

Sites Expo and Center were guarded by the police for some time, because the company told them that the workers were threatening to put structures they built on fire. We have no information whether such security is still present.

As far as working hours is concerned, shifts were supposed to last for 12 hours (day shift and night shift), which meant that, including preparations, commuting and the like, the workers would be spending 15 hours outside the dorm. The employer could prolong the working hours any time, without announcement, while workers did not have right to complain or refuse to work prolonged hours.

One of the most extreme examples with regard to the working hours occurred during the final stage of works on the Presidential Palace Buta in Baku. Nenad Tatić did not allow the workers to leave the site for 36 hours, during which they had to work non-stop. If a worker did not want or could not work that much or if he was caught sleeping, he would be punished.

In the construction sites, they worked in large workshops made of tin with rather bad ventilation. In summer, it was extremely hot and airless. The workers were making some sort of ventilator to cool down, but this could not significantly improve the situation.

There were no toilets in the workshops, but they were completely separated, like an outhouse. Toilets were dirty, without running water, soap or toilet paper.

The workers were working without standard protection gear. For some time, they were forbidden to wear working gloves. Later, they were permitted to wear the gloves, but they were of such a poor quality that they could last only one day, after which the workers were again left bare-handed. In addition, their working suits were of poor quality, too. The sparks would make the suit melt on workers, for which reason they mostly worked in their own clothes.

As mentioned earlier, the workers could not have a sick leave. The worker who could not wear shoes due to the leg condition, was forced by the management to work in slippers on the lathe operating machine, which produces plenty of scrap metal and emulsions.

Fire extinguishers were mostly out of order and scarce. The workers realized this once when the fire started which threatened to spread to the whole workshop.

In the last six months, three workers passed away in Azerbaijan. Nebojša Kasagić from Gradiška, who worked as a toolmaker in the workshop in the Expo site, died of a heart attack. His body was transported to BaH only 15 days later.

On 20 October, Telekom Srbija's Mondo web portal (<http://www.mtsmondo.com/news/world/text.php?vest=150301#>) published Miroslav Vučenović's statement who said that the worker's body would be transported to BaH in two days. It is also said that "SerbAz will cover total costs for transporting the body in the amount of US\$ 20,000, while the transport will be organized in cooperation with the Ministry of Foreign Affairs of BaH and BaH Embassy in Turkey which covers Azerbaijan on a non-resident basis.

After having been informed of the death of Nebojša Kasagić, the police paid a visit to Badamdar 2. Also, some two weeks ago, three workers who were present when Nebojša Kasagić passed away gave their statement to the police in Baku.

The second worker who passed away was from Živinice (the workers we talked with could not remember his name) and worked on the site in Mingachevir. His body was transported to BaH nine days after he died.

The third one who passed away was Almir Hodžić from Jajce, who lived in Badamdar 1. Almir Hodžić had been ill for nearly a month, for which reason he was sent home, where he died only five days later.

All three workers died of heart attack.

According to some accounts, the workers themselves were collecting money for the transportation of bodies of their deceased colleagues to Bosnia and Herzegovina. Generally, people from the management (Božidar Vučenović, Rade Ljubičić, Nedeljko Vučenović) were very often collecting money (10-50 manat¹⁸) from the workers for various purposes, allegedly to help someone.

¹⁸ Manat (AZN) is a local currency in Azerbaijan. At that moment, 1 AZN equaled 1 EUR. As of 25 November 2009, the exchange rate against EUR was 1.2034, while 1 US\$ is exchanged for 0.8025 AZN. Source: <http://www.nba.az/default.aspx?lng=en>

The workers do not know whether any investigation was run later relating to these people's deaths, besides the statements that were given, and if it was, whether it brought any results. All the workers we talked with say that awful living and working conditions in the homes and construction sites contributed to the death of their colleagues.

Agreed Wages and Their Payment

Before leaving for Azerbaijan, the rights and obligations of the workers and SerbAz company were regulated by a “contract” produced in only one copy kept by SerbAz. The contract envisaged that the wages would be paid out in cash, on a regular basis, between the first and the fifth day of the month, at an hourly rate of 5-7US\$. The hourly rate in the first month should have been 5-5.5 US\$ and to grow in the following months depending on the type of work. However, the workers received only a portion of expected payment, i.e. they were paid out according to the hourly rate of 3-4 US\$, whereby the final amount they received was reduced by US\$ 1000-3700.

The workers were promised to be receiving 50 US\$ per month as a meal allowance, but it has not been paid to anyone.

Since May until August 2009, the workers were not paid out at all, i.e. those who came to Azerbaijan in April received their first wages at the beginning of August, while those who came in May received nothing before the return.

SerbAz management advised the workers that it is “in their best interest” to leave the portion of their earnings to the company for safekeeping, as a kind of saving scheme, which some workers actually did. They never managed to collect this money again.

Fines

Every person in the construction site or in the dorm had the right to punish the workers. All penalties were imposed orally and there is no written proof of such practice. In the construction site, these were mostly fines¹⁹ amounting to 100-500 US\$, or even more in certain cases. These fines were in most cases “ordered” by Rade Ljubičić

There are only a few out of numerous examples of penalties.

The workers who worked in the small locksmith workshop, lathe operation workshop and tool making workshop were leaving work five minutes earlier to come to lunch on time, since their workshops were furthest away from the canteen. For this reason, Rade Ljubičić extended their working hours for 10 minutes, i.e. until 7.10 P.M. to compensate for starting their lunch break earlier.

Two workers used to work the night shift on the tin folding press. They brought in the material and got prepared for “winding” it, because they spent entire raw materials. At that moment, Rade Ljubičić entered the workshop and saw them standing and talking. He instantly said that they were

¹⁹ The workers use Russian word “straf” for all sorts of penalties they were exposed to by SerbAz management.

doing nothing, that they finished their shift and that they should leave the workshop right away and go home. He additionally fined them with US\$ 500 each. He told them to come to the morning shift the next day and that they would be reduced to assisting worker, which is paid less. The two workers tried to get their old jobs back with the mediation of one of the chiefs, but Rade Ljubičić immediately returned them to the assisting job, where they stayed until they returned home.

Workers who were issued permits to leave the home had to return at the time specified in the permit. They would be punished for being late or for leaving the premises without company's permit. Saša Lipovac was checking whether the workers returned on time through the janitors, who were afraid of him themselves. On several occasions, Lipovac punished the janitors for not reporting workers being late. He required the janitors to take photos of the beds in dormitories so that he could see whether the beds were made properly or not.

During his spare time, one of the workers went to sleep and left his clothes on the bed. Lipovac entered the dormitory and fined him with US\$ 50 for leaving clothes there, although there was no other place to put it. Another worker hanged his shirt on the bed because there was no room in the closet and was also fined with US\$ 50.

The workers would sometimes be wakened up at 1.30 A.M. (regular waking time was 4.30-5.00 A.M.) to measure their blood alcohol content.

In June 2009, SerbAz owners opened kiosks in the dorms (Badamdar 1, 2, 3 and Varovski 1) and in the construction sites (Expo and Center in Baku and in the site in Mingachevir), where the workers could take cigarettes and food at higher prices than in the regular shops. This was later subtracted from their wages. One worker was taken US\$ 197 on account of these costs from his April wage, although kiosks did not exist back then.

One month, Nenad Tatić, one of the key "white helmets" at the construction site Center (and before that at the construction site of the Presidential Palace), collected a total of AZN 60,000, i.e. EUR 60,000 in fines.

Punishable act	Fine
<ul style="list-style-type: none"> • Failure to make the bed properly • Leaving personal staff in the dormitory • Failure to take off shoes and put on slippers when entering the dorm • Use of toilette outside the dorm 	50 US\$
<ul style="list-style-type: none"> • Failure to produce a report at the end of the working hours • Using the toilette more than two times during the shift • Jumping the queue during the lunch at the canteen • Stopping the work for one minute • Leaving the workshop one minute earlier (two minutes = 200 \$) • Coming late from town, shop...per started hour (including on days-off) • Repeating the use of forbidden toilettes 	100 US\$
<ul style="list-style-type: none"> • Gossiping about the company's management 	200 US\$
<ul style="list-style-type: none"> • Consuming alcohol outside the working hours (1 beer) • Refusing alcohol test 	

<ul style="list-style-type: none"> • Refusing overtime work • Sleeping when it is not the sleeping time • Early termination of the “contract” • Failure to obey the time specified in the “permit to leave the camp” • Leaving the camp without permit 	500 US\$
<ul style="list-style-type: none"> • Agency fee in Gradiška • Agency fee in Živinice²⁰ 	250 US\$ 600 US\$
<ul style="list-style-type: none"> • Travel costs of the earlier return from Azerbaijan²¹ 	1800 US\$
<ul style="list-style-type: none"> • Refusing overtime work 	Additional work day

Limited Freedom and Control of Movement, Confiscation of Documents

From the first moment of them arrive in Azerbaijan, the workers were presented with the rules they were required to obey. Also, their passports and plane tickets were taken away already at the airport.

At the door of every collective accommodation unit, there were printed house rules, which the workers had to comply with. However, these rules were always changing. Since May 2009, the movement of workers was gradually limited until any form of leaving company’s premises (construction sites and dorms) was totally banned. Total limitation of the freedom of movement was carried out in two stages:

- In May 2009, it was banned to leave the premises after 7 P.M. (in the house rules, this time was initially set at 11 P.M.);
- Since 13 July 2009, the workers have been prohibited to leave company’s premises for whatever reason. They were not allowed to leave the houses they lived in. After work, they had to go straight home. If they wanted to go to a grocery store, they had to notify the janitor, who would approve their leaving. If there was a need for a longer stay outside the collective accommodation, it directly depended on Saša Lipovac’s approval.

Since the workers protested, special permits for leaving the premises were introduced. They were issued by site chiefs and Saša Lipovac. Thus, for example, at the construction site Center, permits were issued by Safet Turanović and at the construction site Expo by Zoran Kalajdžić.

The workers were issued the permits in which it was specified in what time period they were allowed to leave the premises and for what reason (going to the Internet café, groceries shopping etc.). If someone was late or left the premises without the permit, he would be punished.

The Management explained that such limitations were necessary because the workers had not had documents and if they had been stopped by the police, they would have been arrested. In that case, SerbAz would have to pay the bail and fine.

²⁰ Although the workers would have already paid to the agency for getting a job in Azerbaijan, this fee was additionally charged after they had arrived in Azerbaijan.

²¹ Such return had to be previously approved by SerbAz management, even in the situations when the workers had to go due to illness or family issues (death and the like)

In addition to not being allowed to move freely in Baku and in Mingachevir, the workers also could not leave their jobs, i.e. Azerbaijan in the situations of emergency, such as the illness, either of the worker himself or of a member of his family, even to attend the funeral.

There were several cases that the workers were not permitted to attend the funeral of their close relatives. For example, one worker was not allowed to go to his mother's funeral. Another worker asked the permission to leave, without being paid for the work done until that moment, because his 11-year old brother died, but he was rejected. Similar situations which involved workers' urgent family affairs were numerous, but the management still did not let them go.

In the section *Entering the Country and Stay in Azerbaijan (Travel Documents and Residence Permits)*, we presented in detail how travel documents were taken away from workers. In short, from the moment they landed to Baku until they boarded the plane to fly home, the workers were not in possession of their documents, which were kept at Company's head office. This fact was presented to the BaH Consul who came to Baku at the end of October to examine this case, but the workers still did not get their passports. This made them additionally resigned, hopeless and suspicious of Consul's motives.

The workers usually asked for their passports from Saša Lipovac or Rade Ljubičić, sometimes from Nedeljko Braco Vučenović. Instead of documents, they would be given various excuses: the passport was not there for some reason, it was locked in Božidar Božo Vučenović's office, who was away and nobody had the key and the like.

The family of one worker in BaH sent him money via Western Union (families were often sending money to the workers for basic needs since they had no wages). However, it nearly happened that the money was returned because management people would not give him his passport or even let him leave company's premises. Finally, one company's man accompanied him to the Western Union with the passport. At no time did this worker have the passport in his own hands.

Threats of Violence and Use of Violence

Throughout their stay in Azerbaijan, the workers were exposed to hints and/or direct threats of various penalties if they broke some of company's rules. Božidar Vučenović had his personal security, composed of Samir and several other Azerbaijan nationals. Samir carried a gun and made sure that all workers knew that. His presence was an indicator that there was a problem in the company.

In the text below, we are listing some of the most drastic examples of violence against workers.

Božidar Vučenović threatened to one of the workers who participated in negotiations that he would be killed on his doorstep. During one night shift at the site, after having heard that a worker made some accusations that included him, Božidar Vučenović attacked him, slapped him in the face and started strangling him, yelling "Defend yourself, I'm going to kill you!" Several workers were present during this incident, including night shift chief of the locksmith workshop and toolmaker. The attacked worker temporarily lost his hearing in the incident.

In the construction site Center, there were metal containers where the main office of the Company used to be situated. One of these containers was on more than one occasion used as a detention unit. One worker who worked in Mingachevir was locked there for three days. His mistake was that he brought 0.5 liter of vodka, juices and food (meat) to the dorm wishing to treat his coworkers because he was going home. Some people were assigned to guard him while he was detained (one of them is Vranješ from Kula, Republic of Serbia).

Another worker was kept for the night and beaten in these premises. He previously received news from Bosnia and Herzegovina that his parents were ill. His wife did not have money for medicines and he could not send her any. When he returned to the dorm, he expressed loudly his discontent with the management and with his own position. We had a verbal conflict with the janitor, who notified Saša Lipovac. Saša Lipovac came with three disguised men to pick up the worker and take him to the construction site, where Božidar Vučenović and Rade Ljubičić already waited for them. The workers say that Božidar Vučenović was the first to start beating this man, who fell down after the first hit. They continued beating him up during the night and brought him back to the dorm the next day. He was not allowed to leave the dorm. This worker used his family and personal connections in Bosnia and Moscow and managed to leave Azerbaijan.

The chief of lathe operating and locksmith workshop in one construction site was dismissed from position for an error in the production of hinges. The error occurred because the company gave incorrect sketch to the worker who made the hinges. Still, the chief was dismissed, his hourly rate for previous work was reduced and he was assigned to work as an ordinary worker. Dissatisfied with such decision of the management, he asked to be paid out and go home. He was paid out much less than he expected (they deducted, *inter alia*, transportation costs from his wages). This is when he was hit in the face. Although he was too scared to tell who hit him, the workers are positive that this was Nedljko Braco Vučenović, who was in charge of making payments at that period.

At the Baku Airport, two workers were beaten up by Azerbaijan national Samir, because one of them said to Božidar Vučenović, who was also present, that he should be ashamed. The second worker agreed and tried to protect his colleague, after which they were beaten up. Although the incident took place in the Airport building, the airport security did not react.

One-time Saša Lipovac took several workers out from café “Stranger” in Baku to do the alcotest in the management building. One of them refused to do the test, left the building and returned to the café. Saša Lipovac returned, too, and when the worker refused to go out, he slapped him in the face. Then Lipovac and another person grabbed him and threw him out with idea to take him to the management building again, but the worker managed to run away. He returned to the apartment, the situation somehow calmed down thanks to the mediation of other workers, but he was soon sent home.

The same night, Saša Lipovac told Safet Sajo Turanović that one worker was badmouthing the entire SerbAz management. At half past midnight, Safet Sajo Turanović came with Samir to pick up the worker, in order to take him to the management building and probably physically abuse, i.e. punish him. Božidar Božo calmed down the situation after being called by telephone by Safet. The worker is convinced that Saša Lipovac provoked this incident on purpose in order to cover up for hitting the worker at the café, thereby manipulating Samir.

Violence was mostly aimed at those workers who organized negotiations with the management and who actively fought for their rights and rights of their colleagues. For this reason, AMC had to move the two most prominent workers to a separate apartment.

On 27 October 2009, two workers who participated in negotiations, together with OSCE and AMC representatives, visited Badamdar 3. People who were staying there were out of water, so one worker and AMC driver and another man from that dorm went to buy some. On their way out, they observed black Toyota Prado and Mercedes C class on the parking lot, with three men standing on the side. They seemed to be Azerbaijan nationals. When they returned from the shop, the same men were still there, but besides the mentioned two vehicles, another car was observed at the parking lot, white Mercedes S class. Among the men standing there, they observed one Azerbaijani who used to come to SerbAz office. When they left Badamdar 3, OSCE and AMC representatives saw the same people again, as well as another car parked on the other side of the street. Both workers got in the car with AMC representative, and they left together with OSCE vehicle. Parked car followed them.

Several times they tried to get lost from their unwanted escort and at one point, in order to hide their track, the vehicle in which the workers were parted from OSCE vehicle. Hoping that they succeeded, they headed to the apartment in which the workers were accommodated for safety reasons.

Having entered the apartment, the two workers tried to cover the windows with the blanket. On the street, they observed a young man wondering around the building. At that moment, black Infiniti jeep parked in front of the building and four men came out. They were joined by two other men. One of them was Saša Lipovac, carrying a black bag. The workers suspected that he was carrying a gun in the bag. They called AMC and Joanna Qanson from the US Embassy and explained them the situation, and they then notified the police.

The workers soon heard the car horn, which sounded once shortly. Five minutes later, the same horn could be heard once again. They assume that this was a signal for the people moving around the apartment. The entire time, the two of them were standing at the window and could not move, because they were holding the blanket on the window. Their mobile phones were on silent regime. At that moment, one worker received a text message from Saša Lipovac saying that he had no credit on the phone and to call him back, probably in order to locate in which apartment he is. After the third sound of horn, the men returned to the jeep.

Five minutes later, AMC representative arrived with the police, and all of them together went to the police station, where they talked with the Marshall, who gave the workers his phone number so that they could call him if the attack repeated.

One day later, AMC representative Alovzat Alijev was attacked when he went to SerbAz premises to enquire about the lists of people who should go home and what Saša Lipovac and the group of men had been doing in front of the apartment with workers the night before. Such situations are not new or surprising for NGO human rights defenders.

However, it should be stressed here that a SerbAz officer told AMC representative on this occasion that „if they had found one of the two workers that night, he would have most likely be killed “.

AMC filed two complaints to the Yasamal Region Police, pertaining murder threats which this worker received while staying in Azerbaijan, but no response has been received to date.

On 5 November 2009, ten workers were told to come to the management building to get their wages. They called the representatives of AMC and local NGO Women's Bar Association to be present during the payment, transportation to the airport and return of the passports.

One of them, being paid out, made a comment that the amount he received was considerably smaller than what he actually earned. Wishing to protect worker's interest, AMC representative asked SerbAz to issue an official certificate on the payment made. However, 5-6 men immediately attacked him and threw him out of the building.

The workers were kept in the building for 2.5 hours, i.e. until almost 10 P.M. One of them was singled out from the group, which was waiting in the yard for their transport to the airport. SerbAz staff was insulting and threatening him. "Colonel" and several other people from SerbAz security tried then to push him into one vehicle. He does not know where they planned to take him.

However, two other workers returned and stopped them push him into the car. They refused to leave him, for which reason all three of them were put in two vehicles with "Colonel" and his people and arrived to their dorm at around 10.50 P.M.

Leaving the Country

Since October 2009, the workers in Baku stopped working altogether. In Mingachevir, the works stopped in August 2009 (it is not known whether this was due to the lack of raw materials or something else).

During this period, “Colonel” informed the workers that SerbAz did not operate any longer in Azerbaijan, without stating any reasons for this, and that from then on, they worked for certain Azerbaijan company. Asked about their unpaid wages, he told them to see with SerbAz about that.

The workers were forced to leave Azerbaijan, without possibility to choose whether and when they wanted to return home. They were returning in the groups of 10-45 persons, which was organized and paid for by SerbAz.

In workers’ opinion, collective return has been organized as the quickest and most efficient way for removing evidence and covering up the facts relating to exploitation, in which way conditions for perpetrators’ impunity have been created.

Several times a week, the company informed the workers, either by mobile phone or by delivering the list of names to the janitor, who should report to the management building for the purpose of returning home. On the day of return, on the company’s premises, they were forced to sign a document stating that they were paid out in full and that the conditions were satisfactory. Having signed that paper, they would receive a certain amount of money (reduced in a way described in the section *Agreed Wages and Their Payment*). After they left the management building, a van would wait for them to take them to the airport, where they got their passports. Some got their passports only when they got to the airport. Sometimes, the door of the management building was locked when the workers got in. Moreover, sometimes the workers were signing the statement and taking their wages and passports in the van driving to the airport or when they reached the airport.

During October, workers managed to provide AMC with the following documents:

- 1. Copies of workers the passports*
- 2. Powers of attorney (translated by one of the workers)*
- 3. Questionnaires crated by ILO (translated, filled in and signed by workers)*
- 4. “Red ID cards”, i.e. identification documents for foreigners in Azerbaijan*
- 5. List of workers (names, telephone numbers and signatures)*
- 6. All photos and videos made by the workers on construction sites and homes*
- 7. Copies of the “permits to leave the camp”*
- 8. Copies of the workers’ medical reports*
- 9. Company ID cards (scanned passports of the workers, minimized).*

The workers were returning home by plane via Vienna, Istanbul or Moscow to Belgrade, Zagreb, Skopje or Sarajevo, without any regards to their country of origin. SerbAz representatives were the only ones who had precise information about the flights that were to take the workers home. On their way to the airport and at the airport, they were surrounded by SerbAz security and could not communicate with anyone.

Since the majority of workers stayed in Azerbaijan illegally, they had problems with airport personnel on their departure, as well as at the airports where they landed. One worker says that he had to pay US\$ 600 to the airport officers to let him leave Baku.

At the passport control at Baku airport, the workers could have found themselves in one of the two scenarios: airport officers would ask for money to let them leave the country or “Colonel” would make a phone call, after which the workers would be allowed to go.

When they landed to the airports in the countries of origin, the workers were mostly buying their own bus tickets and organizing their own return to their places of residence. It is known that the representative of the Serbian Agency for Coordination of Protection of Trafficking Victims met one group of workers at the Belgrade Airport and talked with certain Goran Savić who said that he did not need any help and that he had not had any problems. According to others, this was one of the workers loyal to the management.

We do not have information on whether state authorities have organized receipt, identified (as potential victims of exploitation), offered assistance, organized transportation to the place of residence or did the risk assessment for the arriving workers.

*Risk Assessment*²²

To our knowledge, Azerbaijan authorities did not do any risk assessment relating to the safety of workers' staying or return. The authorities in the countries of origin also failed to do any risk assessment for those workers who returned.

When the problems culminated, several workers stood out for their engagement against company's management. These workers received the majority of threats from the management. To one of them, Božidar Vučenović threatened that he would be "killed on his doorstep"; the same worker also experienced an attempted murder in Baku. Although he was displaced from collective accommodation, SerbAz people kept him under permanent surveillance. AMC filed two reports pertaining to threats targeting this worker and request for protection, but no answer has been received. Since ACM as an NGO could not guarantee him safety, at their initiative and with the assistance of the police, he left Azerbaijan. He could not return home, because he did not feel safe in BaH either. No safety measures have been taken regarding this worker yet. With regard to his experience with institutions in Azerbaijan and his assessment of his own safety, he has decided not to report the case directly to the authorities, but to try to realize his rights in cooperation with the NGO sector.

It is especially alarming that Rade Ljubičić, Slaviša Kojić from Gradiška (chief of the construction site in Mingachevir) and Zoran Kalajdžić „Kalajdžija“ (chief of the site Expo in Baku) were seen at the Belgrade Airport. The reason for their arrival to the Belgrade Airport is not known.

The second worker also took part in all risky situations in which workers' safety was compromised. He was under permanent surveillance by SerbAz people. His engagement at AMC office and the fact that he could speak English, which enabled him to directly communicate with the representatives of international and nongovernmental organizations interested in the case, as well as regular contact with the BaH media, are only some of the reasons for which his safety was at risk. Only thanks to workers' awareness of the danger, they reacted properly and prevented his abduction by SerbAz security right before his expected return home.

When waiting for the workers at the airport, ASTRA representatives in Belgrade and La Strada representatives in BaH had the opportunity to see several persons who refused to say their names, and who were also waiting for the workers and telling them that everything was

²² Please bear in mind that risk assessment for trafficked persons is rarely done in SEE countries.

fine in Azerbaijan and that there was no need for spreading “lies”. The workers themselves say that these are the persons hired by SerbAz for intimidating the workers upon return.

No risk assessment was done for any worker exploited in Azerbaijan, which should have been the first step before their return, especially having in mind all acts of violence they were exposed to. Only in this way would it be made sure that the workers – trafficking victims and their families were safe.

Risk and safety assessment would require coordinated collection of information from all actors involved in the case: organizations, institutions and individuals, above all the workers. In this way, we would have better picture of their position after getting out of the situation of exploitation.

It is clear from workers’ statements that they do not feel safe after they have returned home; they feel that their safety would be particularly compromised if they tried to realize their right to indemnification for exploitation they survived.

All workers were threatened by SerbAz people, whereby it should be borne in mind that these are mainly family people whom the traffickers know, together with their families, home addresses, etc.

Many persons who participated in the exploitation of workers returned home. It is thus known that Zoran Kalajdžić, Nedeljko Braco Vučenović, Safet Sajo Turanović and Mile Vekić are currently in Gradiška. The workers are very angry because persons who treated them with utmost cruelty and stole their earnings now walk freely without any punishment and they see them every day in their towns.

Since no risk assessment was done, it was not possible to make the risk management plan either, which would include the elaboration of the scenarios of possible risks which these workers – trafficking victims and their families may encounter upon return to the country. Only in this way would it be possible to reduce all the risks to minimum and manage them efficiently.

Response from State Authorities

According to information that we have, the National Coordinator for Combating Human Trafficking in Azerbaijan submitted the report on the current human trafficking situation in Azerbaijan to the Parliament on 28 October 2009. On that occasion, he said that the situation with workers from Serbia and Bosnia and Herzegovina was not the problem of Azerbaijan, since the workers signed “contracts” with SerbAz in their home countries.

As said before, in spite of several reports filed to the police in Azerbaijan regarding the threats which the workers received and requests for protection, the police did not react. All workers we talked to so far say that none of them was asked to make a statement regarding this case while they were in Azerbaijan.

The workers sent a memo to the Azerbaijan State Prosecutor, informing him on the developments in SerbAz. Until their return to their home countries, they received no feedback on whether any procedure was initiated.

The workers also say that not even one Azerbaijan official visited them, although the authorities seem to be well informed about what was going on in SerbAz.

The workers also asked for help from BaH Ambassador in Turkey, Dragoljub Ljepoja, who sent Consul Brano Pećanac to Baku to see the workers. Pećanac and his assistant Amel came to a three-day visit on 23 October 2009, but on the first day he met the director of SerbAz. Although the workers said that they did not trust SerbAz management and that they wanted to meet the Consul alone, he visited them together with Saša Lipovac. The Consul said that he could not provide assistance, although he talked with **Azar Rahimov**, Azerbaijan Sport Minister and got information that 300 workers would stay to work, whereby he did not talk with the workers and did not know whether they wanted to stay or not. On the third day of the visit, the Consul had a meeting with workers' representatives and AMC, while one worker loyal to SerbAz was selectively translating to the Consul what the representatives of this NGO were saying about irregularities in SerbAz and their treatment of workers. After the meeting, the Consul called one of the workers and said that he checked 600 passports and that everything was alright. He also said to the worker, in a threatening voice, "to watch out whom he is cooperating with in Azerbaijan", alluding to AMC. The following article was published on Consul's visit to Baku:

http://www.mfa.gov.ba/HTML/Arhiva/Eng/S_1009/S261009_A.html

As far as countries of workers' origin are concerned, i.e. Macedonia, Serbia and Bosnia and Herzegovina, all relevant authorities have been notified. However, until the completion of this Report, we do not have information whether any measures have been taken against the persons who recruited the workers for work in Azerbaijan or against SerbAz management. Also, competent authorities of the National Referral Mechanisms failed to identify victims or to offer any assistance (transportation to the place of residence, legal or psycho-medical assistance, protection from threats).

As mentioned earlier, the representative of the Serbian Agency for Coordination of Protection of Trafficking Victims met one group of workers at the Belgrade Airport and talked with certain Goran Savić who said that he did not need any help and that he had not had any problems. According to others, this was one of the workers loyal to the management.

Chronology of NGO Activities

Since the first information about what was going on in Azerbaijan was received on 21 October 2009, nongovernmental organizations in Serbia, Bosnia and Herzegovina, Macedonia, Croatia and Azerbaijan got organized in order to provide as adequate as possible assistance to the workers:

- Regular communication and coordination of activities among NGOs from the four countries have been maintained;
- State authorities in all the countries involved have been notified of the developments in Azerbaijan (in Serbia, this is the Agency for Coordination of Protection of Trafficking Victims and the Section for Combating Cross-Border Crime of the Serbian Interior Ministry's Border Police Department);
- National Coordinators in the countries of origin have been contacted in order to inform the police at the airport to expect the arrival of workers who had been exploited in Azerbaijan.

- Whenever possible, the receipt of workers was organized at the airports in Belgrade, Sarajevo and Zagreb. Since 27 October 2009 to date, ASTRA met ten groups of workers at the Belgrade Airport (October 27 – two groups, October 30-31 and November 3, 4, 5, 6, 7 and 10). Field actions were organized to meet the workers, establish contact, possible urgent intervention and further assistance;
- La Strada BaH organized receipt for three groups of workers, two of which landed to Sarajevo and one to Zagreb. The workers were informed about the work of this organization and were given contact information for possible legal assistance (La Strada BaH and Vaša prava/Your Rights);
- The registration of SetbAz company was checked at the Serbian Business Registry Agency and it has been found that such company is not registered in Serbia;
- Other NGOs in Bosnia and Herzegovina have been contacted which could possibly provide legal and psycho-social assistance to the workers;
- For a smaller number of workers whom family or friends did not pick up at the airport, money for transport to the bus station was provided;
- Emergency accommodation was found for the worker who does not want to return to his place of residence out of fear for his safety; the costs of this accommodation are borne by the worker himself.
- The meeting was subsequently organized with six exploited workers in Belgrade.

Plans

On 12 November 2009, ASTRA representative had a meeting with six workers, where they agreed on the following:

- The workers who were at the meeting will stay in touch with their colleagues who returned or are expected to return home. As far as the workers from Serbia are concerned, upon their return ASTRA will check whether they want to make statement to the police, for which purpose the Anti Trafficking Team, and/or the Section for Combating Cross-Border Crime of the Serbian Interior Ministry's Border Police Department to find out the exact procedure.
- ASTRA will, within its capacities, offer legal assistance to the citizens of Serbia and check with La Strada BaH whether they can provide assistance to their citizens.
- ASTRA will examine whether certain international organizations could help the workers in their intention to set up an association which goal will be to gather workers exploited in Azerbaijan and maintain mutual contact in order to initiate legal action for the compensation of damages.

Requests²³:

- We request competent authorities in the Republic of Azerbaijan to provide URGENT protection and assistance to workers who are still in the territory of this country, to make the risk assessment in cooperation with competent authorities of the Republic of Serbia, Macedonia and Bosnia and Herzegovina and ensure safe return of the workers to their countries of origin, as well as to include the workers into their National Referral Mechanism. Also, we request that individual talk be made with the remaining workers in Azerbaijan, without presence of other colleagues, and in particular SerbAz management. Namely, we fear that once the dust settles, SerbAz will lose interest to return the remaining workers home, justifying such an act with their alleged wish to stay in the construction sites in Azerbaijan.

²³ Besides NGOs that prepared the Report, NGO Open Gate La Strada Macedonia, which has been informed about the case from its beginning, supports these requests.

- We request from the Republic of Azerbaijan protection for the representatives of nongovernmental and international organizations who provide assistance to the workers in the field from violence of SerbAz security and employees.
- We request the National Anti Trafficking Coordinators of Bosnia and Herzegovina, Serbia, Macedonia and Azerbaijan to make a public statement regarding this case and take appropriate measures from their jurisdiction towards starting investigation.
- We request competent authorities of Bosnia and Herzegovina, Serbia, Macedonia, Azerbaijan and the Netherlands to investigate these events and initiate appropriate legal procedures against responsible persons in their countries.
- We request external evaluation of the work of the National Referral Mechanisms in all four countries involved regarding this case, as well as the investigation of all cases of involvement of state authorities in exploitation, i.e. failures in their work.
- We request necessary prevention activities on the topic of human trafficking and exploitation to be organized for diplomatic and consular personnel in the mentioned countries.
- We request all actors involved in the provision of assistance to the workers, both in the country of destination and the countries of origin to coordinate their activities in future. Also, we request them to timely consult workers' representatives on planned steps, thereby providing them with information that will not cause additional confusion or giving them false hope and optimism.
- We request adequate assistance to be provided to the workers whose safety is most compromised, in a way it was told them before they left Azerbaijan. Also, we request support for the establishment of the Association of Workers from Azerbaijan in Bosnia and Herzegovina and financial support for their work. In case they start legal action, we request comprehensive and appropriate legal assistance to be provided for them.

The Media that Reported on the Case:

- <http://www.slobodnaevropa.org/content/serbaz/1869893.html>
- <http://www.mtsmondo.com/news/world/text.php?vest=150301>
- <http://www.blic.rs/repsrpska.php?id=116988>
- <http://www.azadliq.org/content/article/1860207.html>
- <http://www.sarajevo-x.com/bih/crnahronika/clanak/091020053>
- <http://www.mtsmondo.com/news/world/text.php?vest=150120>
- <http://www.capital.ba/drama-gradevinskih-radnika-iz-bih-u-azerbejdzanu-se-nastavlja>
- <http://www.dnevniavaz.ba/dogadjaji/aktuelno/gradjevinski-radnici-iz-bih-zarobljeni-u-azerbejdzanu>
- <http://www.facebook.com/group.php?gid=160297873044&v=info&ref=share>
- <http://www.bitno.ba/vijesti/bosna-i-hercegovina/radnici-iz-bih-zarobljeni-u-azerbejdzanu>
- http://www.rtvmo.ba/index.php?option=com_content&task=view&id=28230&Itemid=2
- <http://www.dw-world.de/dw/article/0,,4808178,00.html>
- http://www.atvbl.com/index.php?option=com_content&task=view&id=7072&Itemid=2
- <http://www.a1.com.mk/vesti/default.aspx?VestID=116254>

ASTRA – Annex to the Report

December 2009 – May 2018

- The Deputy Minister of the Interior of Azerbaijan has confirmed that “SerbAz Design and Construction” Limited Liability Company – the affiliation company of “Akora Business” Ltd functioning in West-Indies Islands of Great Britain, was registered as a legal entity at the Ministry of Justice of Azerbaijan Republic on 16 March 2007. Also, it has been confirmed that this Company is registered in the Netherlands and in Panama as an offshore company through certain foreign companies.

- **October 2009** -, the workers reported the SerbAz case directly to the police of Gradiška (where around 70% of workers came from). They gave their statements to the police and handed over the papers ("contracts") they signed, but the very next day the police returned these documents to Miroslav Vučenović. This is the main reason why the workers do not trust local police and why they believe that there are strong links between state authorities and the owners of the company.

Other workers who contacted ASTRA were from different towns/countries and they were willing to give their statements to the police and testify if necessary.

- **December 2009** - Significant changes in the SerbAz’s management happened during the first days of December 2009. According to information received from the workers who were in contact with their colleagues in Azerbaijan, the management was replaced and the company was overtaken by Dejan Cvetković and one Azerbaijan citizen, but the workers did not have any information about them.

Later on, the SerbAz was allegedly taken over by the Azerbaijani government.²⁴ At the approximately same time, at the beginning of December 2009, the Ministry of the Interior of Azerbaijan conducted an investigation into the company’s business operation and came out with a conclusion that there were no elements of human trafficking in this case.

- **December 2009** - After changes in the SerbAz’s management in December 2009, almost all workers who were in Azerbaijan at that moment received their wages in full (or almost full) amount. They were also moved from dorms to the apartments. Thus, the whole picture has been changed probably for the purpose of covering up what was really happening during the previous months. Those changes are one of the reasons why some of the remaining workers decided to stay in Azerbaijan.

Namely, according to information received in December 2009 from the workers who returned to Bosnia/Serbia but stayed in contact with those who stayed in Azerbaijan, approximately 50 to 100 workers were still in Baku (different information was received because none of the workers had a full picture, since they were not based at one place). AMC staff was informed by the Ministry of Labour that work permits were not issued to those workers because the SerbAz never applied for them.

The workers who stayed in Azerbaijan were also worried for the safety of their families. One of them did not want to leave Azerbaijan because he was married to an Azerbaijan citizen. Company’s people withheld his passport and his temporary residence permit and refused to return them to him, for which reason he could not regulate his residence status. After numerous problems²⁵, the worker had to pay a 300 US\$ fine for illegal stay in Azerbaijan (the

²⁴ AMC representative Alovzat Alyev, a meeting in Sarajevo.

²⁵ Various international organizations and foreign embassies based in Baku, Azerbaijan, assisted the worker to go through institutional procedures.

fine was paid by ITUC²⁶). Subsequently he applied for residence permit, which process was monitored by the US Embassy in Azerbaijan.

- **December 2009** - One of the leading SerbAz people, Saša Lipovac, was recruiting people for jobs in Moscow for this company. Mile Vekić was recruiting workers in Bosnia offering jobs in SerbAz in Russia. It seemed that the entire former management of SerbAz (Božidar Vučenović and others) was in Moscow organizing similar business there. On 30 January 2009 the Serbian national news agency Tanjug reported about the arrest of Saša Lipovac. He was arrested in Georgia, on his way from Moscow to Azerbaijan. Namely, the Supreme Court of the Republic of Srpska (B&H) confirmed that Lipovac had been wanted by the Bosnian authorities since 2008, after he failed to appear before the court of second instance at the trial for war crimes against Bosnian civilians from Liskovac village near Gradiška. In May 2010 Lipovac was extradited to Bosnia and Herzegovina and he started serving his sentence for the possession of narcotics. In June 2010 Lipovac was sentenced to 10 years in prison for war crimes against Bosnian civilians from the village of Liskovac committed in August 1993. In January 2011 the Supreme Court of the Republic of Srpska confirmed this sentence.

- **December 2009** - By the middle of December 2009, 20 Bosnian workers gave their statements and the office of Bosnia and Herzegovina's State Coordinator for Combating Human Trafficking and Illegal Migrations informed us that the SerbAz case was investigated and that they expect charges to be brought against twelve persons.

- **December 2009** - Regarding the Republic of Serbia, workers – citizens of Serbia - were scared and at first, they did not want to give any official statements to the police. Their knowledge about the case is based on information given by the police who talked to the Serbian workers at the airport and later from ASTRA. The Agency officially identified six workers from the SerbAz case as victims of human trafficking.

In December 2009 a group of twelve Serbian workers decided to give statements to the Serbian police (one of them was actually the citizen of Bosnia and Herzegovina). By the end of March 2010, another six workers from Serbia contacted ASTRA in order to make their statements to the police. ASTRA informed the Belgrade police accordingly. Serbian Anti-Trafficking Coordinator who is at the same time the head of the anti-trafficking unit of the Ministry of the Interior was immediately notified of the case, too. We were informed from his office that the case was sent to the Prosecutor's Office with territorial jurisdiction for the Serbian town of Šabac, as well as to the Office of Special Prosecutor for Organized Crime in Belgrade.

- **December 2009** - ITUC representatives were actively involved in this case and on 15-16 December 2009 ITUC conducted high level investigation mission to Azerbaijan.

ITUC and local trade union representatives discussed the signing dates and format of cooperation agreement at a meeting in Teslić, Bosnia and Herzegovina on 17 February 2010. The agreement between trade unions from Bosnia and Azerbaijan was later signed at a meeting in Sarajevo in March.

- **March - April 2010** - The SerbAz case was discussed at a two-day meeting in Sarajevo (BiH) on 30 March-1 April 2010. This meeting was organized by ITUC and ODIHR. It gathered all relevant actors: Azerbaijan Migration Center - AMC, Anti Trafficking Action-ASTRA (Serbia), La Strada Bosnia (BiH), La Strada Macedonia (FYRM), Partnership for

²⁶ International Trade Union Confederation, <http://www.ituc-csi.org>

Social Development (Croatia), ODIHR (Warsaw), OSCE (BiH) and Trade Union representatives from Azerbaijan and BiH. At AMC's invitation, around 20 workers from BiH also participated, as well.

The main aim of the meeting was to share information on what had been done to assist the returned migrant workers and to discuss future plans and actions in taking up legal claims on behalf of the workers. Participants were informed that state authorities in Azerbaijan dismissed this case and/or denied any role they might have in dealing with it. NGO AMC filed complaints before the court against the police and prosecutor's office because they failed to react/to investigate the case. This complaint is currently pending before the Supreme Court of Azerbaijan after being dismissed by the lower courts. The next level, if the Supreme Court should also dismiss it, would be the European Court of Human Rights. On the other hand, AMC representatives stated that an out-of-court settlement was expected before the first instance court reached a decision. It might be possible, since employers prefer not to have a court judgment against them and rather choose to reach a settlement with the victims. It is important to bear in mind that in such course of events, no criminal proceedings would be started and traffickers would not be prosecuted for their actions.

It was agreed at the meeting that the powers of attorney would be collected from workers in Bosnia, Serbia and Macedonia in order to bring civil cases to courts for unpaid wages. In terms of compensation for moral or material damages, it could be done only within or simultaneously with criminal proceedings. As the law enforcement authorities are unwilling to open a criminal case for trafficking, this avenue can not be used yet. It was decided that one of the workers who participated at this meeting, would collect the powers of attorney from the workers in Bosnia, while ASTRA would organize its collection from the Serbian workers.

Participants at the meeting shared information that SerbAz was hiring the Bulgarian workers for the same construction sites; they also recruited workers from Bosnia and Herzegovina to work in Russia. It was decided that it would be important to find out how the workers were recruited, if they had all needed travel documentation and what their employment and living conditions were. The Trade Union from Azerbaijan proposed that they could visit the construction sites in cooperation with the labor inspection to get all relevant information. On the other hand, it was decided to inform the Bulgarian trade unions and start with preparation of material in Bulgarian language in order to explain the possible dangers to the workers.

- **April 2010** - Bosnia and Herzegovina's State Coordinator for Human Trafficking and Illegal Migrations was also informed about the SerbAz case. He was also given a list of names and contacts of the Bosnian workers who were willing to give their statements. This list was regularly updated and by April 2010 the contacts of a total of 70 persons who called ASTRA were forwarded to the Bosnian State Coordinator.

- **June 2010** - US State Department's Trafficking in People Report for 2009 classified Azerbaijan in Tier 2 and on the watch list, explaining that despite overall efforts, the government demonstrated exceptionally inadequate efforts to identify and assist a significant number of victims of forced labor and did not show evidence of progress in investigating, prosecuting, convicting, and punishing complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List for the third consecutive year. (<http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>)

- **June 2010** - The workers informed ASTRA that a few of them wanted to apply for a job at one agency situated in Gračanica in one of the cantons of the Federation of Bosnia and Herzegovina (the workers refused to reveal the name of the company). This is a company

with good reputation which is also sending workers to the construction sites in Azerbaijan. However, this company was contacted by SerbAz people who “recommend” them that they should in no way hire their former workers and send them to Azerbaijan. Workers were constantly threatened that they would be arrested as illegal migrants if they ever return to Azerbaijan.

- **13th February 2012** Bozidar Vucenovic gave as a factory owner a statement for Radio television of Vojvodina about the problems with snow that he had in his factory in Irig (near Novi Sad, Serbia) <http://www.youtube.com/watch?v=-YvICGcFc>

- **Prosecution in Serbia** - By the end of June 2010, ASTRA collected nine powers of attorney from the workers with the Serbian citizenships. Other workers from Serbia decided not to sign powers of attorney and claim their rights either out of fear or because they were away working on some other destination.

The Belgrade Police Administration - Department for Aliens, where workers gave their statements, sent to the Prosecutor's Office in Šabac a report pertaining to the citizens of the Republic of Serbia and of Bosnia and Herzegovina who had been working in Azerbaijan, in order to assess whether the specific case contains some elements of trafficking in human beings pursuant to Article 388 Criminal Code of Serbia. The same report was forwarded to the Office of the Prosecutor for Organized Crime in Belgrade. NBC Interpol Belgrade was collecting information and examining the facts specified in the criminal report, after which it should have made a decision on further action.

ASTRA was in regular contact with the High Public Prosecutor's Office in Šabac, and they informed ASTRA that at the beginning of 2011 the Deputy Prosecutor, Ms Djurić Živković forwarded this entire case No Ktr-105/10 to the Prosecutors Office of Bosnia and Herzegovina – their Special Department. According to what she told us, BH Prosecutor prosecuted the identical trial in the sense of the accused persons and it was well under way in relation to the one undertaken in at the High Public Prosecutor's Office Register in Šabac. ASTRA's lawyer established that the entire case had been forwarded to the Prosecutor's Office of BH – Special Department for Organized Crime, Economic Crime and Corruption in Sarajevo, and they received the case on 24 January 2011. It was added to the case prosecuted by BH Prosecutor's Office and filed under docket number Kt-566/09.

Having checked the records of the Belgrade Higher Court and Prosecutor's Office, ASTRA's lawyer found out that the following persons were not the subject of any court proceedings: Vučenović Milan, Cvetković Dejan, Vučenović Božidar and Ljubičić Rade.

In September 2011, the Prosecutor's Office of Bosnia and Herzegovina, via the Ministry of Foreign Affairs, sent an enquiry to the Šabac Higher Court to hear as witnesses seven workers from Serbia. The hearing was held on 4 October 2011 and five of the workers who testified that day were represented by ASTRA's lawyer.

- **Prosecution in Azerbaijan** – In December 2009, the Sabail District Court rejected AMC's request to bring charges against Azerbaijan General Prosecutors Office and the Ministry of Internal Affairs for the failure to respond to the workers' exploitation case properly. The Baku Appeal Court affirmed this decision in February 2010.

However, on 12 July 2010 the Supreme Court of Azerbaijan disaffirmed the decision of the Baku Appeal Court and returned the case to the court of second instance for review. In August 2010, the Baku Appeal Court disaffirmed the decision of the Sabail District Court from December 2009 and returned the case to the same court for reviewing the case as appropriate.

On 23 December 2010, the Sabail District Court examined plaintiff's appeal against the General Prosecutor's Office and the Ministry of Internal Affairs of the Republic of

Azerbaijan and partly supported the appeal. The relevant department of the Ministry of the Internal Affairs was requested to take a relevant procedural decision on the basis of the appeal of AMC Public Union sent for investigation by the General Prosecutor's Office to the Ministry of Internal Affairs on 22 October 2009.

Part of the appeal pertaining to the claim to the General Prosecutor's Office was not supported.

The Sabail District Court examined the case against "Serbaz Layihe ve Tikinti" LLC regarding the claim of fines for the failure to pay wages timely and for material and moral damages. At the session held on 21 October 2010 the claim was rejected as groundless. An appeal was lodged against this decision to the Baku Appeal Court which decided in February 2011 not to support the complaint. Next, the appeal was lodged to the Civil Cases Board of the Azerbaijan Supreme Court, but the judge stopped the proceedings for an indefinite period of time in order to learn about the case.

Additionally, the representative of Serbaz LLC filed a motion to the Sabail District Court stating that they were not able to appear in court and asking for any further investigation to be stopped. The judge supported the motion, for which reason AMC lawyers lodged a complaint to the Court of Appeal in Baku. This court referred the case to litigation before the Sabail District Court.

The last trial session took place on 23 December 2011. The court did not approve the request for compensation of unpaid wages and for psychological and material damages. In March 2012 AMC filed an application to the European Court of Human Rights in Strasbourg on behalf of 33 workers, citizens of Bosnia and Herzegovina. On 3rd May 2012 ECHR confirmed receipt of application filed with the Court on behalf of Seudin and Others against Azerbaijan and gave following number: **20116/12**.

On 18th June 2012 by mail and fax, the Court informed Applicants that application filed with the Court has not been signed by one of the representatives and requested to submit duly completed application form signed by the relevant representative before 13 August 2012.

On 10th August 2012 AMC sent the signed application form and Power of Attorneys from each of the applicants to the Court.

Beside this process, two other proceedings are conducted before the Azerbaijan Supreme Court for the two groups of injured workers: Varka Almin et al (84 persons) and Kahriae Demir et al (144 citizens of Bosnia and Herzegovina against "Serbaz Layihe ve Tikirti" LCC).

On December 19th, 2012, the Civil Collegium of the Supreme Court discussed the appeal of Kahriae Demir et al against the decision of the Baku Court of Appeal in connection with the payment of unpaid wages and compensation of non-material damages. The Supreme Court revoked the judgment of the Baku Court of Appeal of May 31st, 2012 and returned the case for a new trial.

In the case Varka Almin et al, the Civil Collegiums of the Supreme Court by its decision of 27th December 2012 revoked the decision of the Civil Collegiums of Baku Appeal Court of 14 June 2012 and sent complaint back to Baku Appeal Court for re-examination.

On 6th March, 2013 hearing on appeal of plaintiffs Varka Almin and others (84 Bosnian-Herzegovina citizens) against "SERBAZ Layihe ve Tikinti" LLC was held in Civil Collegiums of Baku Appeal Court and was postponed to 3rd April, 2013. The representative of the defendant was requested to present labour contracts and other documents concerning activities of SERBAZ Layihe ve Tikinti" LLC in Azerbaijan.

On February 2014, AMC lawyers sent the letter to European Court of Human Rights asking the status of the case 20116/12. On March 2014 they received letter from the Court confirming the receipt of the signed applications and Power of Attorneys. In the letter it is also stated that they will be informed about any decision taken by the Court further.

On 6th July 2017, the Court decided to communicate the application lodged by 33 Bosnian nationals who complained that they had been subjected to human trafficking and forced labour at the construction sites in Azerbaijan. The parties are requested to provide, where relevant and available, the necessary documentary evidence in support of their replies and submissions (in addition to what has already been submitted with the application form).

- **Prosecution in Bosnia and Herzegovina** – Investigation of the State Protection and Investigation Agency (SIPA) in the SERBAZ case resulted in filing the complaint against 13 persons. The indictment was confirmed on the 7th July 2014 by the Bosnia and Herzegovina Court on the reasonable doubt that the abovementioned persons committed the criminal offense of organized crime related to human trafficking for the purpose of labour exploitation (article 250 in relation to article 186 of the Criminal Code of Bosnia and Herzegovina) of several hundred persons in Azerbaijan and criminal offense of money laundry (article 209 of the Criminal code of Bosnia and Herzegovina).

The accused are:

1. Vučenović Božo, born on 6th January 1960 in Ljubačevo, citizen of BiH and Serbia;
2. Vučenović Milan, born on 21st October 1962 in Bosanska Gradiška, citizen of BiH and Serbia;
3. Ljubičić Rade, born on 14th May 1972 in Gradiška, citizen of BiH;
4. Lipovac Saša, born on 28th February 1970 in Nova Gradiška, Croatia, citizen of BiH;
5. Turanović Safet, born on 22nd January 1972 in Jajce, citizen of BiH;
6. Turanović Rasim, born on 10th August 1967 in Jajce, citizen of BiH;
7. Tatić Nenad, born on 27th April 1982 in Bosanska Gradiška, citizen of BiH;
8. Kojić Slaviša, born on 28th February 1977 in Bosanska Gradiška, citizen of BiH and Serbia;
9. Dmitrović Zoran, born on 28th May 1962 in Bosanska Gradiška, citizen of BiH;
10. Kalajdžić Zoran, born on 05th May 1971 in Bosanska Gradiška, citizen of BiH;
11. Ćirić Novak, born on 25th November 1983 in Bosanska Gradiška, citizen of BiH;
12. Vučenović Nedeljko, born on 28th February 1989 in Bosanska Gradiška, citizen of BiH;
13. Vučenović Miroslav, born on 04th August 1962 in Bosanska Gradiška, citizen of BiH.

The trial started on 12th November 2014 and the process for trafficking in persons is still underway for the main accused.

In June 2017, the State Court accepted a plea agreement that Tatić Nenad signed with the Prosecutor's Office. He was sentenced to the imprisonment of two years for organized crime and human trafficking suspended on 4 years (<http://detektor.ba/nenadu-taticu-uslovna-kazna-za-trgovinu-ljudima>). Before him, Lipovac Saša also made the plea agreement with the Prosecutor's Office. He was sentenced to the imprisonment of one year and nine months (<https://www.oslobodjenje.ba/vijesti/crna-hronika/potpisan-i-drugi-sporazum>).

In March 2018, Bosnian prosecutor for organized crime made the plea agreement with Ćirić Novak and Kojić Slaviša, accused for money laundering, trafficking and labor exploitation. They were given suspended sentence of 1 year, which was changed to the sentence of 90 days of community service (<https://www.oslobodjenje.ba/dosjei/teme/zatvor-zamijenili-zametlu-i-lopatsu-354685>).

Special Prosecutor Office in The Republika Srpska raised charges against Vučenović Srpko from Gradiška for money laundry (article 280, paragraph 3 in relation to article 1 of the Criminal code of Republika Srpska). He was accused for receiving the payments, without any legal ground, in the total amount of 2.2 million KM, that was acquired through human trafficking. The payments were made by his brothers Milan Vučenović and Božo Vučenović

who are accused in the process in Bosnia and Herzegovina for human trafficking and money laundry. They were making payments using the off-shore companies in New Zealand, Panama and Great Britain, as well as through private individuals from Azerbaijan. The money was later used for the purchase of lands, buildings and other equipments in order to hide its origin.

In December 2017, the Court of Bosnia and Herzegovina sentenced Vukenović Srpko to one year of imprisonment and a fine of 30,000KM (15270€) for money laundering caused by human trafficking in Azerbaijan (<https://ba.voanews.com/a/4145672.html>).

In Belgrade, May 2018