

Weak defense for the defenders

A briefing paper on human rights
defenders in Serbia



**CIVIL
RIGHTS
DEFENDERS**

Introduction

Civil Rights Defenders has been working in Serbia to strengthen civil society and empower human rights defenders for over 20 years. Together with our partner organisations, we work on the human rights frontline. Local human rights defenders are central to addressing human rights violations, but they are vulnerable to abuse. This briefing paper focuses on their situation.

Human rights defenders with whom Civil Rights Defenders cooperates in Serbia agree that the situation has improved tremendously since pre-2000. Nevertheless, pressures and human rights abuses persist, often with an inadequate response from the authorities, including law enforcement agencies, prosecutors and courts. Representatives of the government continue to vilify human rights defenders because of their work or activism.

Individuals standing up for human rights in Serbia are vulnerable to physical and verbal attack, to intimidation, criminal charges and, at times, violence. The Serbian authorities routinely fail to protect the right to freedom of expression, freedom of assembly and the right to a fair trial for human rights defenders.

This briefing paper has been prepared ahead of Defenders' Days, an annual capacity building conference in Stockholm for human rights defenders from some of the world's most repressive countries and regions. The objective of Defenders' Days is to advocate for international recognition of human rights defenders at risk, to increase understanding of their vital work, and to create a forum for capacity building and networking.

Abstract

Thirteen years after the democratic changes in Serbia, the great majority of the citizens of Serbia still do not believe that human rights defenders are working in the best interests of the country. Deep-rooted prejudices from the Milosevic era are ideal for impunity in cases of attacks on human rights defenders and journalists reporting on different human rights issues.

This briefing paper on human rights defenders in Serbia covers the relevant human rights standards, attacks and harassment against human rights defenders, and recommendations for the Serbian government, human rights defenders and the international community.

Serbia has ratified all major human rights instruments both in the United Nations and the Council of Europe and significantly improved legislation since 2000. The Constitution and domestic legislation provide adequate legal protection for human rights.

Human rights workers are often subject to violence and attackers are most often members of extremist or right-wing groups, such as Obraz, Nasi, and 1389, football supporters, and skinheads. Threats occur before and during events organised by human rights

defenders, or following reporting on war crimes or the situation and position of minority groups, such as the LGBT community. Moreover, many human rights workers who are dealing with sensitive issues have received a court summons on the basis of having defamed public figures.

Threats and violence against journalists covering sensitive topics are common both in Belgrade and small cities, and journalists visible in the public domain are particularly vulnerable. Journalists are barred from attending press conferences or asking certain questions, particularly in small municipalities. Harassment, threats and hacker attacks on websites to black out information on human rights violations, sometimes believed to come from government officials, have also been reported.

Independent journalists covering sensitive topics have been particularly vulnerable to defamation complaints by public officials, while courts fail to withstand pressure and attempts are made to silence investigative journalism through summonses and threats of prosecution. In several cases, journalists who have exercised their right to freedom of expression have been tried and convicted of crimes and misdemeanours.

Human rights defenders working to end discrimination against vulnerable groups have emerged as the most vulnerable to attack in recent years. This is particularly true when they themselves belong to the group concerned, above all defenders of LGBT rights. Messages that incite hatred against LGBT or ethnic minority activists are common. Those most frequently exposed to hate messages are the most visible activists, regardless of whether they are active within a human rights organisation or not, and such incidents are not reported to the police in the majority of cases.

Serbian authorities should investigate, while the judiciary must prosecute promptly and punish perpetrators of all abuses where human rights defenders are the victims. At the same time, human rights defenders must report all incidents and the international community must implement the permanent monitoring of the situation and include the situation of human rights defenders as a condition for EU accession during negotiations with the government of Serbia.

Method

This briefing paper seeks to provide an overview of the situation of human rights defenders in Serbia. It presents a selection of incidents of human rights abuses against human rights defenders in an attempt to illustrate a wider problem. The cases do not constitute a comprehensive inventory of human rights abuses against human rights defenders.

The paper is based on interviews with partners and peers, and on a range of materials, including reports and statements from our partner organisations, newspaper articles and media broadcasts.

The briefing paper covers only human rights defenders within civil society, leaving aside those who may be considered human rights defenders within the state structures or elsewhere outside civil society. We consider independent media organisations as part of civil society, even when they may be profit-making entities. Within these organisations, journalists covering issues including impunity, war crimes, corruption and other sensitive human rights related issues are considered human rights defenders.

The briefing paper covers five years – the period from 2008 to the end of 2012.

Who is a Human Rights Defender?

A human rights defender is a person who, in a peaceful manner, promotes and protects human rights:

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”¹

The UN Declaration on Human Rights Defenders provides that a human rights defender is someone who acts to promote or protect human rights.² Human rights defenders have certain obligations, including always acting in a peaceful manner, and accepting that human rights apply to everyone and everywhere. Civil Rights Defenders is active in countries where governments often fail to respect human rights, where civil society is weak and independent media restricted. Human rights defenders in these countries often face legal restrictions, threats and harassment, and at times violence.

¹ Article 1, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on December 9, 1998 (hereinafter The UN Declaration on Human Rights Defenders).

² Ibid.

1 Legal framework and human rights infrastructure

Serbia's legislative framework has improved significantly since 2000. The Constitution, international human rights obligations under the treaties the country has ratified, and domestic legislation constitute adequate legal protection of human rights.

1.1 International human rights framework applicable in Serbia

Serbia is a state party to most international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women and the International Convention on the Rights of Persons with Disabilities. As such, Serbia has wide-reaching human rights obligations, including protecting the space of individuals, groups and organisations standing up for human rights.

In 2003, Serbia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention against Torture.

However, Serbia has not fully harmonised legislation with international human rights standards. The implementation of the judgements of the European Court of Human Rights within domestic legislation is lacking, and the legal framework still leaves room for undue political influence over the judiciary. Other examples include legislation and funding for an effective system of free legal aid, which needs to be developed.

Serbia has not yet ratified the European Convention on the Recognition of the Legal Personality of International Non-governmental Organisations.³ This failure to ratify the treaty has so far had no known direct impact on the possibilities for international human rights organisations to operate in the country, but ratification would improve the safeguards.

1.2 Domestic laws and mechanisms protecting human rights defenders

The Serbian Constitution guarantees the widest range of human rights, including the right to life,⁴ freedom of assembly,⁵ the right of association,⁶ freedom of opinion and expression,⁷ the right to a fair trial,⁸ the right to liberty and security,⁹ and freedom from discrimination.¹⁰

Since 2000, no international or national human rights organisations have had problems registering with the authorities or experienced formal restrictions under the law. A law on associations was adopted in 2009, with provisions for the creation, status and operations of associations, including non-governmental organisations. The law does not have specific provisions for protecting the right to freedom of expression or association. Several other laws protect free speech in Serbia, but in 2011, the National Assembly adopted new laws that contradict this protection.¹¹ Additionally, the authorities repeatedly fail to fully enforce laws that protect the press and free speech.

In 2009, the Anti-Discrimination Law was adopted and in the following year, the Commissioner's Office for the Protection of Equality was established in order to monitor the implementation and enforcement of the law and became a new independent body to receive complaints from victims of discrimination. The law, however, is not fully enforced and the legislative framework is not adequately implemented.

In 2011, the Ombudsman Office was established as a preventive mechanism under the Optional Protocol to the Convention against Torture.

In recent years, the term 'human rights defenders' has become a phrase used by some government officials, usually in meetings with representatives of the international community in discussions on the importance of their work and their need for protection. So far, however, there is no specific protection for human rights defenders in domestic legislation.

3 Came into force on January 1, 1991.

4 Article 24, Constitution of the Republic of Serbia.

5 Article 54, Constitution of the Republic of Serbia.

6 Article 55, Constitution of the Republic of Serbia.

7 Article 46, Constitution of the Republic of Serbia.

8 Article 32, Constitution of the Republic of Serbia.

9 Article 27, Constitution of the Republic of Serbia.

10 Article 21, Constitution of the Republic of Serbia.

11 IREX, Media sustainability index 2012.

2 Attacks and harassment against human rights defenders

The following section divides cases of attacks and harassment against human rights defenders into four broad categories: human rights workers, i.e. people working within human rights organisations; independent journalists covering human rights related topics; LGBT activists; and activists belonging to ethnic minority groups.

2.1 Cases in which human rights workers have been targeted

Human rights workers face a real risk of being subjected to violence. Attackers are most often members of extremist or right-wing groups, such as *Obraz*, *Nasi*, and 1389, football supporters, and skinheads. Assaults and threats are most likely to occur before and during gatherings organised by human rights defenders, or following reporting on war crimes, the status of Kosovo, or the situation and position of minority groups.

Many human rights workers working on sensitive topics have received a court summons on the basis of having defamed public figures. Such summonses are a clear attempt to stop them from voicing concerns, communicating findings or researching sensitive issues. There are instances where human rights activists have been threatened and pressured to stop their research and to refrain from giving interviews to the media.

2.1.1 The banned public gathering of Women in Black (2008)

In 2008, the police banned the peace organisation Women in Black from holding a peace march and a gathering at Republic Square in Belgrade on International Women's Day (8 March). Although Women in Black had approached the police in advance about the event, the police banned it without explanation the day before the event. After receiving complaints, the Police Department stated that the rally was cancelled because "a gathering of informal groups and extremist fan groups was expected, which would have resulted in safety risks and the demolition of property".¹² However, on the same day several other events (e.g. The Katarina Rebraca Charity Fund and the Women's Forum of the Democratic Party) were held in close prox-

imity to Republic Square.

Women in Black filed complaints through the court system. A complaint was eventually filed to the Constitutional Court of Serbia on September 14, 2010.¹³ On March 23, 2012, the Constitutional Court decided that the Republic of Serbia had violated a number of human rights: the right to assembly, the right to a fair trial, the right to a speedy trial and the right to an effective remedy. However, this decision involved no legal repercussions for the authorities that had acted arbitrarily and violated these basic human rights. Instead, the reasoning of the judgement indicated that it was sufficient for the decision to be published in the *Sluzbeni glasnik* (the Official Gazette) of the Republic of Serbia.¹⁴

2.1.2 The banned Citizens' Response to Violence gathering

A gathering entitled Citizens' Response to Violence was organised by several human rights organisations (Civil Rights Defenders, the Youth Initiative for Human Rights, and Linet) on October 2, 2009 in Belgrade. The Youth Initiative for Human Rights (YIHR) declared the gathering through official channels and informed the police. The reason for the gathering was the murder on September 29, 2009 of a French football fan, Brice Taton, who was attacked by a large group of hooligans wielding bats as he was sitting in a sidewalk café in downtown Belgrade. Although similar gatherings were being organised in the city centre at the time, this was the only event banned by the police, without explanation. The Chief of the Stari Grad Police Station informed organisers of the ban, telling them to contact the Mayor because "the City belongs to him." When the organisers convened an emergency press conference, the Minister of the Interior telephoned one of the organisers and told her that the gathering could be held.¹⁵

2.1.3 Attack on the CK13 Youth Centre in Novi Sad

The CK13 Youth Centre in Novi Sad is an educational organisation for the encouragement and development of political activism and the social engagement of young people. In the past two years, the centre has been attacked several times:

12 See the Decision of the Constitutional Court of Serbia, No. UŽ-4078/2010, March 23, 2012.

13 The case was handled by attorneys of YUCOM, Civil Rights Defenders' local partner.

14 The case was handled by attorneys of YUCOM, Civil Rights Defenders' local partner. March 23, 2012, Civil Rights Defenders' archive.

15 Report on the Citizens' Response to Violence gathering, Civil Rights Defenders' archive.

- On the nights of March 17 and 18, 2011, the façade of the CK13 Youth Centre was covered with graffiti which read, “If you’re gay, AFANS welcomes you,”¹⁶ “Stop B92!” and “Stop the lies.”
- At around 10 pm on July 28, 2011, an unidentified person broke one of the Centre’s windows with a brick. The incident occurred during a film screening.
- At around 10 pm on August 1, 2011, an unidentified person threw an explosive device at the entrance to the courtyard of the CK13 Youth Centre. A film screening, attended by fifteen people, was taking place in the backyard at the time. Smoke from the massive explosion spread all across the yard. No one from the audience was injured.
- On the night of 10 September 2011, unidentified persons wrote hate graffiti on the Centre’s façade: fascist symbols and graffiti that read “Mercenaries – Serb haters.” The messages were directed against the activities of CK13.
- At night on 29 September 2011, three explosive devices were thrown at the Centre, two of which ignited. The explosives were thrown over the Centre’s gates into the courtyard. Visitors from abroad, who were sleeping at the Centre at the time, extinguished the fire and prevented it from spreading. No one was injured. In the investigation, the police concluded Molotov cocktails had been used.
- During the night of 19 November 2011, unidentified persons threw stones at the offices of CK13 and smashed a window.
- On the following night (20 November, 2011) two bricks and a large block of stone were thrown resulting in another window being smashed.
- On the night of 11 January 2012, unidentified persons used bricks to smash several windows. Security cameras had been installed on the CK13 Youth Centre premises after the numerous attacks, and these recorded the January 2012 attack. Although the video clearly shows the face of the perpetrator, the investigation was suspended and so far no suspects have been identified. The police informed the human rights workers that the law stipulates criminal charges can only be brought in cases where a state-owned facility is attacked, or when the amount of damage is greater than 450,000 RSD (approx 4,000 EUR).¹⁷

2.1.4 The arrest of activists from the Youth Initiative for Human Rights

At about 2am on April 1, 2010, police arrested nine activists from the Youth Initiative for Human Rights (YIHR) in Belgrade,¹⁸ who had sprayed the sidewalk in front of the Serbian Parliament with the text: “That impossible foreign word – genocide.” The operation involved about 30 YIHR activists, who were attempting to send a message to the Serbian Parliament about a Declaration adopted two days earlier condemning the crimes in Srebrenica. The Declaration did not once mention the word “genocide,” which the YIHR activists condemned as the relativization of the Srebrenica genocide against the Bosniaks.¹⁹ The graffiti had been removed an hour after it was painted. The police never explained the reasons for the arrest and the activists spent nearly six hours at the police station.

At the request of YIHR, the Ombudsman investigated the case and, in June 2011, identified procedural mistakes during the arrest. He recommended the police apologize to YIHR. That same month, YIHR received a formal apology signed by the chief of police.²⁰ This was the first time that the Serbian police had apologized to any human rights organisation.

2.1.5 Attacks and complaints against Nataša Kandic and the Humanitarian Law Center

The Humanitarian Law Center (HLC) is a leading regional non-governmental organisation documenting war crimes and grave human rights violations during the wars in former Yugoslavia. Nataša Kandic, HLC’s founder, has been subject to attacks and harassment, including by the government, ever since the organisation was established in 1992.

On February 24, 2008, the daily *Politika* quoted the Minister of Infrastructure, Velimir Ilic,²¹ who sought the arrest of Nataša Kandic: “There are traitors in Serbia and they speak out. Who was standing next to Hasim Taci when he declared Kosovo’s falsely independent state? I call on the authorities to arrest the scumbag that has been disgracing Serbia for years.” The Socialist Party of Serbia organised a petition for the arrest of Nataša Kandic.

At around 10pm on February 21, 2008, after street demonstrations in Belgrade against Kosovo’s independence, unidentified persons threw a lighted

16 AFANS is an abbreviation for Anti-Fascist Action of Novi Sad.

17 In March 2012, this amounted to approximately 4,100 EUR.

18 Civil Rights Defenders’ local partners in Serbia, Kosovo, Bosnia and Herzegovina, and Montenegro.

19 See: <http://rs.yihr.org/rs/article/35/>

20 See: <http://rs.yihr.org/rs/article/478/>

21 As of 2012, the Minister for Engineering and Urban Planning.

torch at the head office of HLC, which damaged the front door and the threshold. Security personnel of a company located next to HLC prevented the fire from spreading after the attackers had left. At around midnight, the police began an investigation, but the attackers were never identified. HLC had asked the police, via the office of Director of Police, Milorad Veljovic, to provide security for the organisation's head office during and after the demonstrations, but the request was ignored. During this period, daily tabloids called on citizens to take concrete measures against the "traitors". On February 24, 2008, the daily *Gazeta* reported that Verica Rakocevic, a fashion designer and the owner of several fashion stores, had ordered her sales personnel to ban Nataša Kandic from entering her stores.²² One restaurant owner sent a message to Nataša Kandic not to visit his restaurant and people approached her on the street, threatening her and repeating the words of Minister Ilic.

In February 2009, the Fourth Municipal Court in Belgrade issued a verdict, convicting Nataša Kandic of defamation of Tomislav Nikolic²³ on the grounds of information she had obtained when researching the issue of responsibility for crimes in Antin (Croatia) and the role of Serbian Radical Party volunteers in them.²⁴ The District Court overturned the verdict and ordered a new trial, but in the meantime the Statute of Limitations period expired.

In March 2009, HLC filed a complaint against 17 former members of the Special Police Unit of the Serbian Ministry of the Interior for crimes against Albanians in Kosovo. Nataša Kandic said in public that suspects included officers from the Independent Police Union. After the statement, 12 officers from the union filed a defamation suit against HLC and Nataša Kandic. In five cases, the court ruled that the complaint be withdrawn or dismissed; four cases are currently before the Higher Court of Appeal, while the remaining three are still at the initial trial stage, one of which has been lost by the court.²⁵ Not a single case has yet been concluded.

Similarly, on March 3, 2009, HLC filed a complaint against 16 former members of the 37th Detachment of the Special Police Unit (SPU) of the Serbian Ministry of the Interior (MUP) suspected of war crimes in 1998 and 1999 in Kosovo. Among the suspects was

Radoslav Mitrovic, commander of the 37th SPU detachment during the armed conflict in Kosovo and assistant commander of the Gendarmerie of Serbia after the war. He had been acquitted of criminal responsibility for war crimes committed in Suva Reka on March 26, 1999. HLC based its allegations on the statements of four members of MUP, who disclosed facts about a number of war crimes committed by the 37th SPU detachment in Kosovo. After the arrest of five members of the squad, protests by as many as 100 police officers began in Leskovac. The then Minister of the Interior, Ivica Dacic,²⁶ told the media on March 15, 2009 that the decision of the War Crimes Department caused "unrest and concern" among police officers. He also told the officers that "no one should have any reason for concern" and that "given how sensitive this case is, we will provide all legal assistance, because it is in the interests of MUP to prove their innocence." After that, witnesses, who had been given witness protection, were identified, and Nataša Kandic was banned from taking part in proceedings. HLC presented data questioning the code of conduct of the deputy prosecutor for war crimes, Dragoljub Stankovic, who was assigned to the case. In response to criticism, he filed a libel suit against Nataša Kandic. Proceedings are ongoing.

On January 23, 2012, HLC published a document, entitled *Dossier: Ljubisa Dikovic*, which stated that the 37th Motorized Brigade of the Yugoslav Army stationed in Kosovo, under the command of Ljubisa Dikovic, was responsible for the killing of civilians, rape, torture and beatings. Dikovic is the current Chief of Staff of the Army of Serbia, and was awarded the Order of National Hero by Slobodan Milosevic. Nataša Kandic had forwarded *Dossier* to the state prosecutor in January 2012; immediately afterwards the Minister of Defence, Dragan Sutanovac, dismissed the allegations, claiming they were false. The War Crimes Prosecutor's Office also said such suspicions had no grounds. *Dossier* is based on witness testimonies, on publicly available transcripts from the trials before the ICTY, and other publicly available data. On March 19, 2012, General Dikovic filed a defamation complaint against Nataša Kandic; proceedings are ongoing.

22 See: <http://www.nadlanu.com/pocetna/info/Natasi-Kandic-zabranjen-je-ulaz-u-moj-butik.a-2104743.html>

23 At the time the HLC requested that his role be investigated, Tomislav Nikolic was a senior official in the Serbian Radical Party; following his split from Vojislav Seselj, who has been on trial at the Hague Tribunal for War Crimes, Nikolic founded the Serbian Progressive Party, whose president he has been since 2008. In the May 2012 elections, Nikolic was elected President of Serbia.

24 The witness to this crime said, first in the HLC office, and then at the office of the War Crimes Prosecutor, that he had been in Antin when Tomislav Nikolic arrived with volunteers in October 1991. He claimed that during dinner, Nikolic was asked to demonstrate his attitude toward the Croats, after which he was sent to a nearby Croat house, from where gunshots were heard. According to this witness's statement, Nikolic was greeted with congratulations. The next day, according to the witness, the bodies of an elderly couple were taken out of the house. For this testimony, the witness asked of the court that he be transferred with his family to a third country, which the War Crimes Prosecutor could not guarantee at that moment.

25 In the case of Milan Budimir, after the reform of the judiciary, the HLC attorney was told that there was no record of such a case.

26 At the time the Minister of the Interior; as of 2012, he is the Prime Minister of Serbia.

2.1.6 Assaults on Sonja Biserko and the Helsinki Committee for Human Rights in Serbia

On 30 September 2008, extremist organisations, including 1389, staged a protest march against the Helsinki Committee for Human Rights' annual report, which described some institutions and individuals as promoting extreme nationalism.²⁷ Around 100 members of 1389 gathered in front of the Helsinki Committee's office in downtown Belgrade, shouting insults and slogans against the Committee, and leaving behind a cardboard swastika. The atmosphere was threatening, but the presence of the media and police appeared to prevent the protesters from breaking into the office.²⁸

Only a week earlier, the Helsinki Committee for Human Rights had begun to receive letters with death threats against Sonja Biserko. No suspects have ever been identified.

2.1.7 Assaults on participants in the Peace Caravan in Nis

Just after midnight on 12 May 2007, participants in the Peace Caravan in Nis were attacked by a group of skinheads at a party at the Law School Club.²⁹ The attack took place on the Law School campus, when four individuals shouted threats and insults at guests, and then threw glass bottles at them. Lazar Zivkovic, a local skinhead, hit Dario Milenkovic, one of the co-organisers of the Caravan, over the head with a bottle. The impact sent Milenkovic hurtling into a wall and he suffered serious head injuries. The attackers then fled the scene. The police also left the scene after the attack, despite requests for protection from the organisers.

Within ten minutes, a group of skinheads returned and attacked the participants again. Organisers called the police, who took some 20 minutes to arrive. On 1 November 2007, the Municipal Prosecutor issued an indictment against Lazar Zivkovic and Dusan Djordjevic for violent conduct.³⁰ They were acquitted on November 12, 2009.³¹ Unexpectedly, on November 11, 2009, the Prosecutor pressed charges against Dario Milenkovic for having attacked one of the mob members on the evening of the incident.³² The proceedings against Milenkovic are still ongoing.

2.2 Independent journalists

Recent data provided by the Independent Journalists' Association of Serbia (NUNS/IJAS) shows that threats and violence against journalists covering sensitive topics are common in small cities and in Belgrade. Journalists visible in the public domain are particularly vulnerable. In 2011 alone, NUNS/IJAS identified 27 cases of violent attacks or serious threats against journalists considered to be human rights defenders. By comparison, there were 19 such cases in 2010; 39 in 2009; and 143 in 2008.³³

There have also been cases of media organisations being hampered from reporting on certain topics, such as budget spending or tenders. At times, in particular in small municipalities, journalists are barred from attending press conferences or asking certain questions. Harassment, threats and hacker attacks on websites to black out information on human rights abuses, sometimes believed to come from government officials, have also been reported.

Independent journalists covering sensitive topics have been particularly vulnerable to defamation suits filed by public officials. Courts appear weak and routinely fail to withstand pressure, while attempts are made to silence investigative journalism through summonses and threats of prosecution. In several cases, journalists who have exercised their right to freedom of expression have been tried and convicted of crimes and misdemeanours.

2.2.1 Court proceedings in cases involving Velimir Ilic

Velimir Ilic, the leader of the New Serbia political party and a three times government minister,³⁴ is known for his insults and attacks on journalists, including at least one physical assault, in 2003. He has been a plaintiff or defendant in several court cases.

In September 2009, Velimir Ilic sued the local weekly newspaper *Cacanske novine* and its owner, Stojan Markovic, for defamation and libel concerning two articles: "A Weak Mandarin" and "Davidovic, Jovic, Sarancic, get ready". The first was satirical, or a humoresque, as the court called it. The second text was a commentary on a current issue that had been reported in the media and involved New Serbia mem-

27 Self-Isolation: Reality and Goal, Annual Report of the Helsinki Committee for Human Rights, published with the support of Civil Rights Defenders.

28 See e.g. <http://www.frontlinedefenders.org/node/1580/action>

29 The Report on the skinheads' interruption of the Peace Caravan on May 11, 2007 was compiled by the Nis-based office of the YIHR: YIHRNI-05-163-13.05.2007, Civil Rights Defenders' archive.

30 Article 344 of the Criminal Code of the Republic of Serbia.

31 The Municipal Court in Nis, kt. br. 653/09, Civil Rights Defenders' archive.

32 Office of the Public Prosecutor in Nis, kt. br. 3430/09, Civil Rights Defenders' archive.

33 Report Serbian Media scene vs. European Standards, ANEM, NUNS, Local Press, NDNV, Civil Rights Defenders, March 2012.

34 Minister for Capital Investment (2004-2007), Minister for Infrastructure (2007-2008), and Minister for Engineering and Urban Planning as of July 2012.

bers. Three separate lawsuits were filed, under the provisions of the Law on Public Information and under the Criminal Code.

The complaints under the Law on Public Information led to a swift conclusion and in 2010, the District Court in Cacak passed a judgment ordering *Cacanske novine* to pay damages of 180,000 RSD (approx. 1,600 EUR) for having damaged the honour and dignity of Velimir Ilic.³⁵ A hearing at the Court of Appeal in Kragujevac upheld the judgment. The verdict has now been appealed to the Constitutional Court.

Criminal proceedings initiated on the basis of lawsuits have been much slower. An initial conviction was overturned in a retrial ordered by the Court of Appeal in Kragujevac in late 2011.³⁶

2.2.2 Aleksandar Tijanic's cases against YUCOM

In 2005, the Lawyers Committee for Human Rights (YUCOM) published a book entitled *The Case of Civil Servant Aleksandar Tijanic*. The book consists largely of articles by Aleksandar Tijanic, the current head of the Serbian Broadcasting Corporation (RTS) and interviews with him, published or broadcast in the media between 1976 and 2004. It highlights unconcealed misogyny, and intolerance of political opponents, human rights defenders and liberal intellectuals, which according to YUCOM renders him unsuitable to be head of RTS. The book attracted much public attention and Aleksandar Tijanic filed six complaints against YUCOM³⁷ and Biljana Kovacevic Vuco, YUCOM President at the time.³⁸

Two were rejected and one on criminal defamation and libel ended due to the Statute of Limitations, while a civil case for damages for defamation and libel is still in progress.³⁹

The greatest media attention was sparked by the civil action for 8.5 million dinars compensation for copyright infringement in part related to the author's moral rights. On 11 April 2006, the Belgrade District Court decided to dismiss Aleksandar Tijanic's complaint, with an explanation that the book is not a collection of integrated texts by the claimant, but rather consists of quotes, which are only an illustration of

the controversial book itself.

However, three and a half years later, following the plaintiff's appeal to the Supreme Court of Serbia, the initial judgment of the Belgrade District Court was overturned and Aleksandar Tijanic's compensation request on the grounds of moral rights was approved. The Court ordered YUCOM to pay 200,000 RSD (approx. 1,800 EUR) and prohibited the organisation from using his copyrighted works and further circulating *The Case of Civil Servant Aleksandar Tijanic*. In addition, YUCOM was required to have the court decision published at its own expense in the *Politika* daily newspaper.⁴⁰

2.2.3 Journalists forced out of a Kula Municipal Assembly session

On 16 February 2011, security guards ejected four journalists from different media organisations from the Municipal Assembly of Kula, and took two of them to a police station. The Mayor, Zeljko Kovac, told the reporters to leave the meeting because they did not have valid accreditation, which is normally issued by the municipal administration. The two who were not taken to the police station filed a criminal complaint against the Mayor and two security guards employed by "Star Security." The case is on-going.

2.2.4 Threatening posters because of reporting on Kolubara

During February 2011, the most famous investigative TV programme, *Insider*, on the B92 television station covered violations by the state-owned company called the Power Industry of Serbia at Kolubara mine. Every Tuesday when the programme aired, the city of Lazarevac, where the headquarters of the company are located, was plastered with "obituaries for B92," threatening posters displaying the names of B92 editors and *Insider* journalists, accompanied by a list of mourners and funeral directors. Many took this as a call to violence. The media reported from the local police station that the police did not know who was behind the posters, nor was any investigation launched.

35 Case 2P15/10, Local press archive.

36 Judgment in KŽ 1-1745/11, the Court of Appeal in Kragujevac.

37 Source: www.yucom.org.rs

38 Ms Kovacevic Vuco passed away on 20 April, 2010.

39 Approximately 77,000 EUR.

40 Excerpt from the judgment of the Supreme Court of Serbia: "Article 48 of the Law on Copyright and Related Rights with prescribed limits applicable to short excerpts of authorship (the right to quote) in this case obviously does not apply. According to Article 17 of this law, the author has the exclusive right to protect the integrity of his work, in particular according to Section 2 of this article, which opposes the dissemination of this work in an altered or incomplete form, taking into account the specific technical form of communicating the work and good business practices. In doing so, according to Article 16 of this law, the author has the exclusive right to publish the work and to determine the manner in which it will be published. In this case, the right to integrity of authorship of the plaintiff (in fact, a number of his works) was violated by the public communication of such works in incomplete form, contrary to good business practices, in a manner as set forth in this procedure. By taking the quotations of the author (plaintiff) out of context, the meaning that the author wished to impart in his works has lost its basic message and acquired another, with a different emphasis, point, or value."

2.2.5 Threats against the editor of the Insider TV programme

Brankica Stankovic, editor of *Insider*, became the target of repeated death threats after the broadcast of the series *Insider: Power(lessness) of the State* in December 2009. Stankovic and a team of journalists investigated the murder of the French citizen, Brice Taton, by football hooligans in downtown Belgrade. They also looked at violent supporters groups and the inability of the state to prevent and punish violence at sporting events. After the first episode, death threats on the Internet called on Stankovic to “select her own coffin” and fans of the Partisan football team chanted death threats against her during a match.

Eight fans were arrested for the threats against her. On 16 February 2010, an indictment was issued against six of them. The leader was sentenced to 16 months in prison for endangering the safety of the journalist and for violent behaviour. Over one year later, the Court of Appeal upheld the part of the sentence that concerned violent behaviour (6 months), but overturned the judgment on the threats, sending the case to a retrial. Proceedings are ongoing. Brankica Stankovic had permanent security guards, granted to her by the police, until the end of 2009.

2.2.6 Threats to the author of the Kaziprst TV programme

Danica Vucenic, journalist and editor of the B92 programme *Kaziprst (Index Finger)*, which deals with social and political themes, received an email threat on 9 January 2009. The message, signed Major Didi, was sent to Danica Vucenic, her child, B92 employees, and their families. On 2 February 2009, the police arrested Dejan Markovic in Pancevo on suspicion of having sent the threat. He remained in custody for 30 days. However, it appears no proceedings were initiated.

2.2.7 Assault on Bosko Brankovic

During protests over the arrest of Radovan Karadzic⁴¹ in Belgrade on 24 July 2008, a group of young men attacked Bosko Brankovic, a B92 cameraman, who was covering the protests. He was seriously injured. The police arrested two suspects. Milan Savanovic was initially sentenced to 10 months house arrest by the court, while Stefan Milicevic was sentenced to six months and three years on parole. Following an appeal by the First Instance Prosecutor’s Office, the

Court of Appeal in Belgrade sentenced Savanovic to one year and Milicevic to 6 months in prison.

2.2.8 Assaults on the journalist Teofil Pancic

On 24 July 2010, Teofil Pancic, a columnist for the weekly *Vreme*, was attacked on a public bus in Belgrade. Two hooded men attacked him with metal bars. He suffered bruising and an injury to his right arm. None of the passengers who witnessed the attack did anything to stop the violence. Pancic, though injured, called the police himself. The police took him to hospital.

Security cameras had recorded the attack and the police arrested the attackers on 3 August. The Security Information Agency (BIA) took part in the identification procedure.⁴² The attackers were members of an extremist organisation *Obraz*, which is known to spread hatred against the Roma people, Albanians, members of the LGBT community, and human rights defenders. Both were charged with and convicted of violent behaviour.⁴³ The Court of Appeal increased the initial sentence of 3 months in prison for each of the perpetrators to one year.⁴⁴

2.2.9 Attack on the journalist, Vladimir Mitric

On 12 September 2005, Vladimir Mitric, a correspondent for *Vecernje Novosti*, was beaten up outside his home. He is known for his investigative work on organised crime and has written articles on the poorly executed privatizations of companies in Loznica, on human trafficking, and on smuggling. In 2006, he received the Milan Pantic Award for journalistic bravery, named after the late journalist killed in 1999.

The police identified the attacker as a former police officer, Ljubinko Todorovic. He attacked Mitric from behind with a baton, crushing his left forearm and causing other injuries. Since then, Vladimir Mitric has been living under police protection. In November 2012, following a court decision, he received 700,000 RSD (approx 7,000 EUR) compensation.

In September 2010, the Municipal Court in Loznica sentenced the assailant to six months in prison, the minimum sentence for grievous bodily harm. Both sides appealed, and in November 2011, the Court of Appeal in Belgrade increased the sentence to one year. Vladimir Mitric and journalists’ associations have called for an investigation into who ordered the attack, but there has been no response to this request.⁴⁵

41 Indicted for war crimes in Bosnia and Herzegovina, currently on trial at the Hague Tribunal.

42 See: http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=08&dd=03&nav_category=16&nav_id=449475

43 Article 344 of the Criminal Code of the Republic of Serbia.

44 The law stipulates a prison sentence of 6 months to 3 years for an offence of this kind.

45 “Convicted for beating up a journalist,” Sumadija press, November 17, 2011: <http://sumadijapress.co.rs/index-p69-ni20320-c69.html>

2.2.10 Attack on Hanibal Kovac

Hanibal Kovac, a journalist and co-owner of the local newspaper *Podrinjske novine* from Sabac, was beaten up on 5 October 2011 in the city centre, near the police station. The attacker threatened Kovac, saying he would “end up beaten or dead.” The incident occurred some ten metres from on-duty traffic police officers and within range of security cameras.

According to the victim, the attacker identified himself as the bodyguard of a medical equipment distributor who figured in an investigative piece in the paper on Sabac hospital. Journalists discovered that the hospital had run up a deficit of 120 million dinars.⁴⁶ These findings had been confirmed by the then Minister of Health, Zoran Stankovic, during his visit to Sabac a few months earlier. Sabac police launched an investigation into the deficit based on the articles.

The assailant was identified, arrested and detained for 48 hours. However, it appears he was never charged with any criminal offence. The journalists’ association, Local Press, was unable to find any indication that the police ever started an investigation into the incident.

However, on 1 March 2012, two lawsuits were filed against Hanibal Kovac under the Law on Public Information, relating to the same investigative story.⁴⁷ Kovac was accused of defamation and the director at Sabac hospital and another senior member of staff filed the suits.

2.2.11 Polygraph test because of threats

In 2010, Ljubisa Djukic, the former editor-in-chief of the *Glas Podrinja* newspaper in Sabac, started receiving anonymous letters containing threats against him. After the third such letter, he informed the police and media associations. The police ended up filing criminal charges against unidentified persons. One month later, police officers arrived unannounced at the premises of *Glas Podrinja* carrying a lie detector, requiring the journalist to undergo a polygraph test relating to the allegations of threats.

2.2.12 Complaint against a Novi Sad journalist for publishing confidential documents

In October 2011, the General Prosecutor’s Office in Novi Sad presented an indictment to Milorad Bojovic, editor of the daily *National Civil Bulletin* and to a journalist from the same paper, for an article entitled *The*

authorities completely unprepared for war, published on 9 June, 2011. The prosecution argued that the article had been based on a confidential report by the Ministry of Defence about the preparedness of the Defence Forces, and as such it jeopardized national security. “The indictment charges Jelena Spasic and Milorad Bojovic with committing the crime of disclosing official secrets and with violating the Act on the confidentiality of data⁴⁸ by publishing materials originally prepared for a meeting of the National Assembly of the Republic of Serbia, which were strictly confidential.” At the same time, the indictment states that the journalists did not intend to reveal the identity of their source. The indictment against the journalist and editor of the *National Civil Bulletin* was returned on October 22, 2011 for further investigations.

2.2.13 Threats against journalists from TV Forum, Prijepolje

In March 2010, the local Prijepolje television station, TV Forum, broadcast footage showing security guards from the municipal assembly forcing an MP out of the assembly hall. A TV crew had recorded the incident and footage was broadcast at a press conference and later on national television.

For a year following the broadcast, the journalists were the targets of harassment, and in the spring of 2011, the mayor of Prijepolje, Dragoljub Zindovic, walked into the television station demanding to see the footage. While watching, Zindovic began to insult and threaten the employees, including a cameraman whom he said would be “destroyed”.

Lawyers from Local Press filed a complaint against the Mayor to the Public Prosecutor in Prijepolje. In November 2011, charges against Zindovic were submitted to the Trial Court.⁴⁹ However, the trial has not yet begun despite lawyers submitting four motions requesting it start.

2.2.14 Threats against Dinko Gruhonjic

Dinko Gruhonjic, president of the Independent Journalists’ Association of Vojvodina, and a correspondent for Beta Vojvodina, received threats posted on an international neo-Nazi website, Stormfront. “The bastard should be killed, no discussion,” and “Dinko, we know where you live,” are messages that appeared on the site’s forum, accompanied by a photo of Gruhonjic. On the same forum, excerpts from a book by Goran

41 More than one million EUR.

42 Complaint P4/12 filed by the hospital director, Goran Miletic, and complaint P5/12 filed by Milorad Micic, hospital chief.

48 Sluzbeni glasnik RS, No. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009 and 111/2009.

49 Case K 101/11: complaint filed by the journalists Mirela Fazlic, Mihailo Moracanin and Radovan Carkilovic.

Davidovic called *The Case of the National Front*⁵⁰ were also posted. Davidovic had been sentenced to one year in prison for intruding on an anti-fascist conference held in Novi Sad in November 2005. Gruhonjic had reported on the incident.

2.2.15 The case of Dejan Anastasijevic

Dejan Anastasijevic is a renowned journalist of the Belgrade-based weekly *Vreme*, covering war crimes committed by Serbian forces in Croatia, Bosnia and Herzegovina, and Kosovo. In one of his articles in April 2007, Anastasijevic commented on the first-instance verdict in the Scorpions trial. The Scorpions were a reserve unit of the Serbian Ministry of the Interior that committed various war crimes in Croatia, Bosnia and Herzegovina and Kosovo, but in each trial the judges minimized their links with Serbian institutions. The case generated great public interest after the Humanitarian Law Center had submitted a video recording to the International Criminal Court of the Former Yugoslavia (ICTY) showing members of the so-called Scorpions killing Bosniak detainees.⁵¹ During the trial, Anastasijevic's family received several telephone threats, while anonymous persons called the *Vreme* offices to inquire after Dejan Anastasijevic's family situation. At around 3am on 14 April, an M52/75-type explosive went off on the windowsill of their apartment. A second bomb did not explode.

The shrapnel broke windows and lodged in the bedroom wall, one fragment only 20cm above the bed where Dejan Anastasijevic and his wife were sleeping at the time. Bomb fragments damaged several vehicles in front of the building and broke windows in the building across the street.

According to media reports, police initially classified the attack as the minor crime of "inciting public danger". Only when the media reported on the true nature of the case did the Municipal Public Prosecutor's Office launch an investigation into an "act of terrorism". Six months after the attack, Dejan Anastasijevic wrote that he believed the attack was to do with his testimony against Slobodan Milosevic before the ICTY, which prosecutors planned to use in the cases against Vojislav Seselj and Jovica Stanisic.^{52, 53, 54} The perpetrators were never identified. Government officials at all levels condemned the attack.

2.2.16 Pressures on the authors of the radio programme, *Pescanik (Hourglass)*

Pescanik is a multimedia portal, widely known for its radio broadcasts. Participants in the radio programme and the programme's associates on the website are intellectuals promoting civil society.

Pescanik also organises tours all over Serbia. In March 2008, the famous playwright, Biljana Srbjanovic, was a guest at an event in Pancevo. Members of the far-right group *Dveri srpske* tried to interrupt the event using force, but the audience managed to eject the attackers. Soon afterwards, *Pescanik* organisers received an anonymous telephone call saying that a bomb had been planted in the hall.

The police subsequently informed the organisers that approximately thirty members of right-wing organisations from Belgrade had been prevented from interrupting the event. Their vehicles had been stopped on the approach roads and sent back to Belgrade. However, several members of the groups had managed to get through the police cordons.

During the standoff, Biljana Srbjanovic called one of them a fool. For this remark, she was charged with violating public order, an offence punishable by a fine or up to 60 days imprisonment. The trial was on 22 May 2009, but so far there has been no decision by the court.⁵⁵

Pescanik has experienced similar interruptions designed to stop its public debates in Futog and in Arandjelovac.

On 22 January 2009, the *Pescanik* website was blocked in a synchronized attack by a number of hackers from multiple locations and was down for over a week. The next day, during the airing of its programme, a senior member of staff's car was destroyed outside the B92 building, from where the programme was broadcast at the time. No suspects have ever been identified.

2.3 LGBT activists

Human rights defenders working to end discrimination against vulnerable groups have emerged as being the most vulnerable to attack in recent years. This is particularly true when they themselves belong to the group concerned, above all defenders of LGBT (lesbian, gay, bisexual and transgender) people's rights.

50 The neo-Nazi organisation Nacionalni stroj was outlawed by the decision (VIU 171/2008) of the Constitutional Court of Serbia on June 2, 2011.

51 The video recording of the execution, along with the testimonies of unit members and eyewitnesses can be seen in the documentary *The Scorpions – A Diary* at <http://blip.tv/fhp/skorpioni-spomenar-1507433>. The publishing of the movie was supported by Civil Rights Defenders.

52 "Who planted explosives on my windowsill?" ("Ko mi je stavio bombe pod prozor"), *Vreme*, October 18, 2007, available at: <http://www.vreme.com/cms/view.php?id=516448>

53 President of the Serbian Radical Party, indicted by the ICTY for war crimes in Croatia, Bosnia and Herzegovina, and Vojvodina, case IT-03-67.

54 Former head of State Security, indicted by the ICTY for war crimes in Croatia, and Bosnia and Herzegovina, case IT-03-69.

55 Biljana Srbjanovic's statement, August 25, 2012, Civil Rights Defenders' archive.

Messages that incite hatred against LGBT activists are common. Those most frequently exposed to such messages are the most visible activists, regardless of whether they are active within a human rights organisation or not. In most instances, incitement to hatred is not reported to the police. When it has been, investigations have been slow and unimpressive, and no cases of hate speech against LGBT defenders have ever reached a conclusion.

2.3.1 Attack and discriminatory practices against the Gay Straight Alliance

The management of the Sava Congress Centre in Belgrade cancelled an LGBT conference organised by the Gay-Straight Alliance (GSA) at the last minute in early 2009. The GSA had planned to launch its Annual Report on the rights of LGBT persons in Serbia.

The assistant director of the Centre explained to journalists that “fags are not welcome anywhere. The Sava Centre is only for normal, decent people.” After a public outcry from LGBT activists, both the Mayor of Belgrade and the Director of the Centre apologized, the latter saying he “wanted to protect the participants because at stake was a high-risk event.”

Following the release of its annual report, the GSA presented it in several towns and cities. At a press conference in Kragujevac, a group of hooligans used stones to smash down the front door and break several windows at the Student Cultural Centre where the conference was being held. They hurled insults at LGBT people and journalists.

The press conference was interrupted as soon as it got underway. No one has ever been brought to account for the incident.

2.3.2 Public threats to kill LGBT people

During the preparations for Belgrade Pride in 2009, 2010 and 2011, graffiti reading “Death to faggots” and “The blood of Belgrade will be shed, gay parade will be dead” appeared at a number of locations in Belgrade and other cities. Although the graffiti addressed the entire LGBT community, it appears evident that their primary target was the Pride Parade itself, and had

particular salience for the most visible activists and Parade organisers.

In 2009, the authorities reacted to such verbal attacks. One of the instigators of the threats before the 2009 Pride Parade was Mladen Obradovic, the leader of the outlawed far-right group *Obraz*.⁵⁶ He was charged with inciting hatred and making threats to members of the LGBT community and, in March 2012, was sentenced to 10 months in prison by the First Basic Court in Belgrade.⁵⁷ The Court of Appeal overturned the decision and ordered a new trial, which will start in 2013.

Misa Vacic, spokesman for *Nasi*⁵⁸ was also indicted⁵⁹ in 2009 for spreading hatred and advocating discrimination against LGBT people. He had done so in media statements and through other materials with a threatening content. Vacic was charged with the illegal possession of firearms, found during a search of his apartment. Trial proceedings have not yet concluded.⁶⁰

2.3.3 Assaults on participants at the Queer Festival

In September 2008, ten young men wearing surgical masks attacked four participants at the Queer Festival in Belgrade, outside the Rex Cultural Centre where the festival was being held. Festival organisers believed the attackers to be members of *Obraz*.⁶¹

Ernest S. from the United States suffered the most serious injuries, ending up with concussion and a fractured arm.

Police arrested two men, but both were released. Slobodan Vukolic, Police Commissioner for the City of Belgrade, told journalists that criminal proceedings would be initiated against one of them and misdemeanor proceedings against the other.⁶² These proceedings are still pending.⁶³ The NGO Labris filed a complaint against the attackers on behalf of one of the injured activists. Neither case was completed and both are now obsolete due to the Statute of Limitations.

56 Because of its anti-constitutional activity, the organisation was outlawed by the Constitutional Court of Serbia on June 12, 2012.

57 K.23953/10, the First Trial Court in Belgrade.

58 On September 25, 2009, the Public Prosecutor of the Republic of Serbia filed a motion to the Constitutional Court of Serbia to ban the organisation. Because of the organisation's name change, the Prosecution withdrew the proposal; a new motion was filed on October 18, 2011. The process has not yet been completed.

59 K-4071/2010, The First Municipal Court in Belgrade; archive of Civil Rights Defenders.

60 Civil Rights Defenders monitors these trials in cooperation with its local partners.

61 A Review of the Fifth Belgrade Queer Festival, available at: http://www.queerbeograd.org/index.php?option=com_content&view=article&id=340:osvrt-na-peti-queer-beograd-festival-&catid=16:zapisi-sa-qb-festivala&Itemid=32

62 “Detained Assaultants on Participants at Gay Festival,” *Politika*, p. A8, 22 September, 2008.

63 Statement by a representative of Labris, March 2012.

2.3.4 Pride Parade banned in 2009

After plans to hold the second Pride Parade in September 2009 had been announced, the façades of buildings in Belgrade and other Serbian cities were covered in graffiti signed by *Obraz* and football supporters groups, calling for violence to stop the Parade. The Public Prosecutor, however, described the messages as having a “polemical tone” and “opposing views.”⁶⁴

During preparations for the Parade, members of the Organising Committee met repeatedly with the Chief of Police, representatives of the Ministry of the Interior, and the Minister for Human and Minority Rights. At these meetings, government representatives promised a substantial police presence to deter possible violence against participants. However, the day before the parade, on 19 September, the Prime Minister handed representatives of the Organising Committee an order from the Chief of Police, ordering them to change venues and to select a remote venue due to the “extremely high risk” of violence and the inability of the police to protect the participants adequately.^{65,66} The organisers interpreted this as a de facto ban on the Parade.⁶⁷

The Organising Committee filed a complaint to the Constitutional Court against the authorities for violating the right to assembly, legal protection, effective legal remedies, and protection against discrimination. In December 2011, the Constitutional Court concluded that the Police Department had violated the right of citizens to peaceful assembly and the right to a legal remedy, but that the Ministry of the Interior had not demonstrated any form of discrimination. The court’s decision was published in the *Sluzbeni glasnik* (Official Gazette) of the Republic of Serbia.

The Parade organisers also submitted an application to the European Court of Human Rights, where the case is under review.

2.3.5 Pride Parade 2010

Pride Parade on 10 October 2010 was the first public gathering solely dedicated to the human rights of the LGBT community. The thousand-strong procession was guarded by more than 5,500 police officers.

An estimated 6,000 members of far right groups trying to get to the parade participants clashed with police. The violence began at around 10am when the first stones were thrown at the police and lasted until 4.30pm.⁶⁸ Over 130 police officers and 25 others were injured; the headquarters of several political parties and RTS were also attacked. Belgrade authorities reported that property damage after the street riots was estimated at over one million Euros.⁶⁹ Clear data on the number of arrests was never published, but at the time, authorities said indictments were issued against 111 persons; 36 of them were fined and given short jail sentences, while the cases against 11 people were suspended. The others were released.

On 20 April 2011, the Higher Court in Belgrade convicted the leader of *Obraz*, Mladen Obradovic, for inciting racial hatred and other forms of discrimination, as well as violence against the police, and for organising riots during Pride Parade 2010. He was sentenced to two years in prison.⁷⁰

The indictment charged 14 other *Obraz* members who had attempted to stop the Parade. However, both the defendants and the Higher Public Prosecutor’s Office appealed the judgment. The Court of Appeal ordered a new trial, which is currently ongoing.

2.3.6 Pride Parade banned in 2011

In 2011, after the Belgrade Pride Parade was announced for 2 October, far right groups scheduled 15 public gatherings across the city on 1 and 2 October. On 30 September, the Ministry of the Interior, acting on a decision by the National Security Council, banned all gatherings on October 1 and 2 on account of the high security risks.⁷¹

The Minister of the Interior said the police had received information that *Obraz* and 1389 were preparing riots, and would prevent the police from intervening by setting old cars on fire and burning tyres. Despite the information regarding these plans, the police explained to Parade organisers that there was not enough evidence for the Prosecutor’s Office to initiate proceedings against the riot organisers.

The decision by the National Security Council, chaired by the President of the Republic, prompted

64 See: http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=09&dd=16&nav_id=381665&order=hrono

65 Decision of the Police Directorate of the Ministry of the Interior of Serbia, No. 8988/09-20, September 19, 2009.

66 Decision of the Police Directorate of the Ministry of the Interior of Serbia, September 18, 2009; Civil Rights Defenders’ archive.

67 See: http://www.b92.net/info/vesti/index.php?nav_id=382249&dd=19&mm=09&yyyy=2009

68 Hooligan Violence after the Parade: A Chronology, available at: <http://www.blic.rs/Vesti/Drustvo/211264/Divljanje-huligana-nakon-Parade-ponosa-Hronologija-dogadjaja>

69 “Riots in Belgrade,” Serbian Broadcasting Corporation, available at: <http://www.rts.rs/page/stories/sr/story/135/Hronika/777876/Neredi+u+Beogradu.html>

70 K-4264/2010, the Higher Court in Belgrade, commencement of the proceedings March 2, 2010, Civil Rights Defenders’ archive.

71 Decision of the Police Directorate of the Ministry of the Interior of Serbia, Department of Police Administration in Belgrade, Savski venac police station, No. 212-613/11, September 30, 2011, Civil Rights Defenders’ archive.

the Organising Committee of Pride Parade 2011 to file a complaint to the Constitutional Court against the authorities for having violated the constitutionally guaranteed rights to freedom of assembly, non-discrimination, and effective legal remedy.⁷² An application was also submitted to the European Court of Human Rights.

2.3.7 Pride Parade banned in 2012

In 2012, the Belgrade Pride Parade was announced for 6 October, after which far right groups scheduled public gatherings across the city for the same day. The situation was almost the same as in 2011. On 3 October, the Ministry of the Interior banned all gatherings on 6 October. The written decision does not explain the reasoning behind the ban nor make reference to the relevant law.⁷³

The Minister of the Interior and other officials stated that extremists were preparing riots. Just like a year earlier, police explained to Parade organisers that there was not enough evidence for the Prosecutor's Office to initiate proceedings against the riot organisers.

The Organising Committee of Pride Parade 2012 again filed a complaint with the Constitutional Court against the authorities for having violated constitutionally guaranteed rights to freedom of assembly, non-discrimination, and effective legal remedy. An application was also submitted to the European Court of Human Rights.

2.3.8 Assaults on participants at the Pride of Diversity in Novi Sad (2007)

Young people described as "hooligans" attacked 40 activists from the campaign All Different – All Equal, which was held as part of a music festival in Novi Sad, on the first day of the festival. An Israeli activist suffered head and arm injuries; five others were also injured.

In protest over the incident, another Pride of Diversity was held in the city of Novi Sad on the second day of the music festival, this time with a heavy police presence. Some 300 people took part in the march, which passed without incident.

On 16 July 2007, the police arrested five young men suspected of being involved in the attack. The Municipal Magistrate sentenced three of them to 40 days in

prison; the other two were also found guilty, but their sentences were suspended.⁷⁴

2.4 Ethnic minority activists

Human rights defenders from different ethnic minority groups have emerged as vulnerable to attack in recent years. However, abuses of the human rights of ethnic minority activists are mostly related to some other situation such as forced evictions, hate graffiti, etc. Messages that incite hatred against different ethnic groups (mostly Roma, Albanians, and Bosniaks) are still common in Serbia, but they target the whole community and not only ethnic minority activists. When incidents have been reported, investigations have been slow and unimpressive, and no cases of hate speech against ethnic minority activists have been concluded.

2.4.1 Hate speech against Aida Corovic

On 14 February 2011, the daily newspaper *Danas* ran an open letter entitled *Aida Corovic with Chetniks and Ljajic* by Aida Rasljanin, written on behalf of the Muslim Youth Club of the Islamic Community in Serbia. The letter accused Aida Corovic of having prepared for a "new genocide against Bosniaks" and of having been "paid to spit on her people." The text was full of insults and concluded that giving Aida Corovic any public space could have devastating consequences for inter-ethnic relations in Serbia. Civil society organisations interpreted the letter as an invitation to lynch her because of her human rights work regardless of ethnic boundaries and reminded the public that other female representatives of civil society in Sandzak were exposed to similar attacks, libel and threats by political and religious structures in the region.

2.4.2 Refusal of the Prosecutor to react in hate speech case

On 14 March 2011, the words "Death to Gypsy politicians" were written on a house in Zrenjanin where Roma activist Dobrila Nikolic lives with her children. After the incident, she prepared a criminal complaint for the Public Prosecutor's Office.

According to the Center for Development of Civil Society (CDCS), the Deputy Higher Public Prosecu-

72 Members of the National Security Council are: The President of the Republic, the Prime Minister, Defence Minister, Minister of the Interior, Minister of Justice, Army Chief of Staff, Director of the Security-Information Agency, the Head of Military Security at the Ministry of Defence and Head of Military Intelligence at the Ministry of Defence.

73 Decision of the Police Directorate of the Ministry of the Interior of Serbia, Department of Police Administration in Belgrade, Savski venac police station, No. 212-332/12, October 3, 2012, Civil Rights Defenders' archive.

74 See: <http://www.blic.rs/Vesti/Hronika/8447/Uhapseni-napadaci-na-Povorku-razlicitosti>

tor in Zrenjanin, Ms Dusanka Djordjevic, rejected the complaint from Dobrila Nikolic. In fact, the Deputy Higher Public Prosecutor tried to dissuade the victim from filing a complaint at all. After a vigorous response from CDCS, the criminal complaint was finally filed, but no perpetrators have ever been identified.

2.4.3 Juvenile Roma activist accused of hate graffiti

On the night of 14 January 2011, unknown individuals wrote abusive graffiti on several houses in a Roma settlement in the city of Pozega. By the end of March, several media quoted a press release from the police in Uzice that a young Roma was behind the graffiti. The Centre for Young Roma and 25 other organisations issued a statement demanding that the authorities respect the presumption of innocence for the young Roma activist.⁷⁵

The young man was brought to trial in April 2011, where YUCOM lawyers represented him.⁷⁶ They brought in a handwriting expert who concluded there was no match between the perpetrator and the defendant. The case was dropped.

2.4.4 The arrest of two activists during forced eviction of Roma family

On 25 October 2011, Mevljude Kurteshi and her six children were forcibly evicted from their home. The family had had to flee Kosovo after the 1999 war. Like other internally displaced Roma, she is unable to return home. She was provided with a flat in 2006 having been relocated from a housing estate known as “asbestos settlement,” which was demolished for health and safety reasons.

Police and the Municipality of Cukarica carried out the forced eviction without reason. Human rights activists tried to stop police officers from evicting Ms. Kurteshi and her six children. Police arrested two activists from the Regional Centre for Minorities, Igor Vejnovic and Marko Vasiljevic. They were released from the police station after four hours and no legal proceedings have been initiated against them so far.

⁷⁵ Civil Rights Defenders also signed this letter to the authorities.

⁷⁶ Local organisation Lawyers' Committee for Human Rights (YUCOM).

3 Conclusions and recommendations

Threats, harassment and politically motivated legal action are the reality for many human rights defenders in Serbia. The responses by the authorities are often weak and sometimes unacceptable. In some instances, public officials and politicians take an active part in and support such action. This action and inaction risks victimizing the human rights defender even further and may foster a climate of acceptance of attacks on human rights defenders, and of impunity. Serbia has obligations under international law to respect the work and space of human rights defenders and to protect them against human rights violations by others, including physical and verbal attacks, intimidation and abuse of the criminal justice system.

3.1 Recommendations to the Serbian government

To live up to these obligations, the **Serbian government must publicly speak out in support of human rights defenders** in line with the UN Declaration on Human Rights Defenders. Representatives of the authorities should also publicly condemn attacks against all human rights defenders in the strongest possible terms. The government should also commit, in public, to addressing attacks against human rights defenders as a widespread problem, in particular those most vulnerable, including independent journalists who investigate human rights related issues; human rights organisations fighting impunity for war crimes; and LGBT activists.

The **Serbian law enforcement agencies, prosecutors and courts need to ensure that allegations of attacks and threats against human rights defenders are investigated promptly** and suspected perpetrators are identified and brought to justice. It is also key that police, prosecutors and judges, at all levels, are made aware of their obligations to respect and protect human rights and that they will be held accountable for any human rights abuses they perpetrate. For instance, in the context of gatherings such as Pride, it is essential that the police take concrete action to ensure that the right of human rights defenders to freedom of assembly is guaranteed.

To ensure an **independent and authoritative analysis of the situation for human rights defenders** in Serbia, including recommendations to address shortcomings, the Serbian government should invite the UN Special Rapporteur on the Situation for Human Rights Defenders to visit the country.

3.2 Recommendations to human rights defenders, including independent journalists

In the Serbian context, **the systematic monitoring and reporting to the public of human rights violations against human rights defenders** remains highly relevant. Such monitoring should include trials and police investigations involving human rights defenders themselves – as victims or defendants, and suspected perpetrators of attacks and threats.

To ensure that human rights abuses against human rights defenders attract the right and proper attention, **human rights defenders should be encouraged to report attacks and threats to the police**. Such incidents need to be brought to the attention of the international community as well. This is especially relevant with regard to ethnic minorities, such as Roma, and mainstream human rights organisations should assist these weak groups.

3.3 Recommendations to the international community

In order to emphasise the obligations of the Serbian government to protect human rights defenders from abuses and ensure they have access to justice and effective remedies, the international community should **increase the pressure on the authorities to investigate attacks on human rights defenders promptly and effectively** and punish those responsible. The international community should also give clear and principled public support to human rights defenders ahead of sensitive activities, such as the release of reports and gatherings.

EU member states should also, in line with the EU Guidelines on Human Rights Defenders, **monitor the situation of human rights defenders** and ensure there is an updated local strategy for the implementation of the guidelines. A public version of the strategy would be a useful tool for EU member states to highlight the pressing need to address the situation of human rights defenders.

The situation of human rights defenders and an improvement on Serbia's part should be a part of the EU's demands. The EU must continue the permanent monitoring of the situation and incidents must be reflected in the EU Progress Reports for Serbia, produced annually during the EU accession process.

In order to support human rights defenders, the **local field missions of international organisations**

and Embassies should ensure that they are informed about different incidents, not only when they are covered by the media, but also when human rights defenders decide not to report incidents to the media or the police. It is important that the diplomatic community and international organisations regularly consult human rights defenders in this regard, including discussing measures to assist them.

About Civil Rights Defenders – Sweden’s international human rights organisation

Civil Rights Defenders is an international independent human rights organisation founded in Stockholm, Sweden in 1982, with the aim of defending people’s civil and political rights and empowering human rights defenders at risk.

With a long-term perspective, an active field presence, and regional expertise, we collaborate closely with local partners, striving to strengthen civil society and empower human rights defenders, including those at risk.

Together with a great number of partner organisations, we monitor the deeds and words of governments and authorities, demanding change, justice and reparations when people’s civil and political rights have been violated. We take legal action against duty bearers and power holders, and conduct lobbying and advocacy work to effect change and influence public opinion. We support efforts to ensure that people have access to independent voices to inform discussions and public debate.

Civil Rights Defenders has been operating in Serbia and the Western Balkans for over 20 years. Over the course of these two decades, we have worked with hundreds of media outlets, human rights defenders, and organisations in Serbia. Based on this tradition, today we strengthen established partnerships with around a dozen human rights groups and civil society organisations with a clear human rights mandate.



Stora Nygatan 26
111 27 Stockholm, Sweden
Phone: +46 8 545 277 30
info@civilrightsdefenders.org
civilrightsdefenders.org