

Repression Against Human Rights Defenders

September 2018 - December 2018

Dossier no. 13



Women in Black is an activist group and a network of feminist - antimilitaristic orientation, made up of women of different generational and ethnic backgrounds, educational levels, social status, lifestyles and sexual choices. Women in Black were founded on October 9th, 1991 in Belgrade.

Since the beginning of Women in Black (1991), they face various forms of repression, both by state and non-state actors.

Due to the escalation of repression against activists and of Women in Black at the beginning of 2014, Women in Black began to compile Dossiers that deal with attacks on activists in an analytical and systematic way. Dossier no. 13 deals with events from September 2018 to December 2018.

In the first part of this file we deal with actual attacks, as well as the development of the situation regarding to the previous attacks in the mentioned period. In the second part we will look at the current political and social context in Serbia.

Valjevo Case – the rejection of a constitutional appeal by the Constitutional Court

Due to the misdemeanor of judiciary of the Republic of Serbia in case of the attack on activists of Women in Black on 08.07.2014 in Valjevo, the Higher Public Prosecutor's Office in Valjevo, the High Court in Valjevo and the Appellate Court, who violated constitutional rights, guaranteed to those injured to equal legal protection without discrimination under Article 21 of the Constitution of the Republic of Serbia, as well as the right to equal protection of rights before the courts and other state bodies stipulated in Article 36 of the Constitution of the Republic of Serbia, Women in Black on 23.06.2017 appeal to the Constitutional Court of the Republic of Serbia.

The Constitutional Court decided on 17.09.2018 to dismissed the constitutional appeal. The reasoning states that the Constitutional Court, "found that they disputed acts contained a detailed and clear explanation, based on a constitutionally acceptable interpretation of the law". As further stated in the reasoning, the Constitutional Court finds that there has been no violation of any appellant's right, and in that sense there is no discrimination. In the opinion of the Constitutional Court, the appellant's were granted access to judiciary and provided with equal legal protection.

This decision of the Constitutional Court has exhausted all legal possibilities in the Republic of Serbia, and Women in Black will send appeal to the European Court of Human Rights in Strasbourg.



Informer Case – rejection of Women in Black appeal

In the proceedings against the owner, editor-in-chief of Informer, Dragan Vucicevic, on the complaint of the Woman in Black, the High Court in Belgrade on March 8, 2018 issued a verdict rejecting the claim as unfounded. From the confusing reasoning of Judge Slobodan Keranovic's verdict, there are no clear reasons for rejecting the claim. Although the court found that content of Informer's article was fully false and aimed at violating the reputation of the plaintiff by and "creating in society an intolerance to this association and its activists, inciting condemn the environment, hostility and violence against this group". Wrongly and narrowly interpreting the the law, Judge Keranovic rejected the claim as unfounded. On 04.04.2018 an appeal was submitted against this decision due to substantial violations of the procedure, the erroneous and incompletely established factual situation and the misapplication of the substantive law.



The Appellate Court ruled on October 18th 2018 to dismiss the appeal and to confirm the decision of the High Court.

Women in Black filed appeal Constitutional Court on October 29th, 2018 .

Threat messages on the door of Women in Black office

During night 22nd/23rd February 2018, members of the far right organization "Zavetnici" put posters on the premises of several NGOs on which it was written: "Foreign agents - closed from March 4th"! The Women in Black office was also targeted. The police came and investigate the scene. At the request of the police, Women in Black on March 5th 2018, delivered video from a security camera showing two people who were putting the threatening messages. On March 26th, 2018 we officially requested from police to inform us about the undertaken actions to detect the perpetrators.²



In a letter dated on December 16th, 2018, the Police Station Savski venac informed us that "so far they did not identify the perpetrators of the crime, and that they continue to work on the case."

This response is identical to the the others we received the before. In the above letter, although we asked for it, it was not stated what actions were taken. 10 months have passed since the this attack.

Interruption of the screening of the movie "Kosovo Gezuar/Nazdravlje"

On March 29th 2018 in the Dom omladine in Belgrade, on the "March Documentary Film Festival", a screening of the film "Kosovo Gezuar / Nazdravlje" was held, which speaks about the friendship of Albanians and Serbs in Kosovo. The screening of the film was attended by activists of Women in Black. After the start of the screening of several members of far right organi-

1 <http://rs.n1info.com/a366756/Bg-lzbori/Zavetnici-ponovo-lepili-plakate-na-Kucu-ljudskih-prava.html>
2 Dopis od 26.03.2018.

sation "Zavetnici" entered the cinema and stood in front of the cinema screen and raised their posters and banners, insulting and threatening the audience and preventing viewers from watching the movie. After a few minutes, the police came, and these people left the cinema.³ At the moment when this happened, a friend of the Women in Black activist T.P. was very upset and stressed, and she was accompanied by T.P. left the cinema. The group of persons who were obviously part of the group that participated in the interruption of the screening was threatened and insulted T.P. in front of the cinema.⁴

Women in Black on April 13th, 2018 pressed charges against two persons identified as members of the leadership of the "Zavetnici" organization, as well as several other N.N. persons who participated in this event.⁵ Also, on the basis of the Law on Free Access to Information of Public Importance, we sent on April 13th, 2018 request to police, to provide us with a police report (official note) on the mentioned event.⁶

Police Directorate - Department of Public Order on May 4th sent us a police report on the event. It states that a persons who have interrupted the screening of the film will be subject to misdemeanor charges, for committing the offense referred to in Art. 8. p. 1 of the Law on Public Order and Peace (Irresponsible or Ruthless Behavior).⁷



The proceedings against Vedran Ćosić and several other members of the Zavetnici organization are currently underway in front of the court in Belgrade.

Attack during street action in Belgrade on June 17th 2016

On June 17th 2016 in Belgrade, on the Republic Square, the street action "We Remember Women Raped in War" was organized by Women in Black, marking the International Day for the Fight against Sexual Violence in Conflict. On that occasion, several persons, some of them members of the right-wing organization "Zavetnici", who were previously known for their attacks on activists of Women in Black, threatened and insulted the activist who participated. One of the attackers approached all the participants of the gathering and photographed them individually from close proximity. Among the attackers was Nemanja Ristic, who has already been convicted for the most serious crimes (including murder) and against whom numerous criminal charges have been filed for endangering security. During the rally, the assailants placed a wreath in front of the activists and, with inscription "may your soul rest in peace". The police did not respond to these actions.⁸

Criminal charges against Nemanja Ristic and several other N.N. persons, for criminal offenses of endangering security and preventing and hindering public gathering was submitted on June 24th, 2016 to the Public Prosecutor's Office in Belgrade.

Prosecutor's Office in Belgrade, in almost 30 months after the filing of the criminal complaint, despite numerous requests we filed asking information about the undertaken actions regarding this criminal complaint, never informed us.

On December 4th 2018, we have sent request for access to information of public importance⁹ to the Public Prosecutor's

3 <http://rs.n1info.com/a375670/Vesti/Policija-izbacila-Zavetnike.html>

4 Izjava T.P. od 30.03.2018.

5 Prekršajna prijava od 13.04.2018.

6 Zahtev za pristup informaciji od javnog značaja od 13.04.2018.

7 Odeljenje za javni red i mir - Dopis od 04.05.2018.

8 Beleška o protestu od 17.06.2016.

9 Zahtev za pristup informacijama od javnog značaja od 04.12.2018.

Office, asking again information on this case.

Public Prosecutor's Office in a letter from December 20th 2018¹⁰, informed us that it rejected our request, on the grounds that the requested information does not represent information of public importance.

Complaint on the work of the police, related to the street action "We remember - 26 years since the beginning of the war in BH", April 6th, 2018

On the occasion of the event "We remember - 26 years since the beginning of the war in BH", held on April 6th, 2018, Women in Black filed a complaint on the work of police.

In the course of the procedure, we had talks with the representatives of the police units that were present at the event. During the interview with the police officers of the Directorate for Public Order we were given their opinion that their members acted in accordance with the law. As they stated: "there was no violation of public order, no physical contact, nor violation of the law on public gatherings". In conversation with police officers of the Police Brigade, we were also presented with their view that our complaint is not groundless. The members of the Police Brigade stated: "that Spasic had expressed the views of his association through a megaphone", "that during the meeting there were no insults or verbal threats"... Upon the pronouncement of police officers, according to the legal procedure, the procedure moves before the MIA commission, which should decide on the complaint.



The complaint was submitted on April 20th, 2018, and although the Law on Police, in Article 235, foresees that the complaint procedure can last for a maximum of 60 days, at the time of writing this Dossier, the procedure, 6 months after the expiry of the legal deadline, has not yet been completed.

Women in Black sent a letter on 04.12.2018. to the Ministry of Internal Affairs - the Internal Control Department, which is in charge of the procedure, with a request to inform us of the outcome of the complaint. At the time of writing of this Dossier, we did not get any answer.

Political and social context

In the period covered by this Dossier, all the trends that we pointed out in the previous period, the erosion of institutions and the rule of law, the pressure on the opposition political parties, NGOs and any critical attitude towards the authorities, the escalation of nationalist rhetoric, the denial of war crimes, and the promotion of war criminals continued.

As we have already stated in previous files, Serbia can be considered as an authoritarian state.

This period marked the beginning of civil protests against the authorities.

10 Dopis Osnovnog javnog tužilaštva u Beogradu od 20.12.2018.

Lack of conditions for free elections

The autocratic regime led by Aleksandar Vucic, through almost complete control over the media, as well as abuses of state resources, completely spoiled the elections, as an expression of the free will of the citizens. Under current conditions, it is almost impossible to expect the government to be overturned in elections.

In December, elections were held in four municipalities. Government, as in the previous elections, applied the same strategy. By directing all possible party resources to these four small municipalities, abusing state resources for campaign purposes, directly pressing the voters, as well as opposition candidates, the electoral process was brutally influenced.¹¹ The results of these elections best illustrate their illegitimacy. The ruling coalition won between 70% and 84% of votes.¹²

In November, an opposition politician was beaten up in Krusevac when he came to promote his party.¹³ This attack triggered, already dissatisfied citizens to come out to mass protests. These protests take place since 08.12.2018. on every Saturday and are aimed at stopping violence and creating conditions for free elections.¹⁴

Media Terror

The government reached complete control of the media. This control is done in two ways. The first is the direct control of the media, they represent a powerful fist of government for attacking opponents and a platform to conduct shameless campaigns against all who are critical of the authorities. This group of media includes all leading television and daily newspapers. The other way of control is achieved by the spread of fear, part of the media that is in this way under control, does not participate directly in the propaganda of the authorities, but from fear, does not dare to announce any criticism at the expense of the authorities. In Serbia, there are five televisions with national coverage, three of which are under the direct control of the government. The remaining two were owned by a Greek company until recently. These two televisions belong to that group of media controlled by the government through fear. In November, these two televisions, for an amount of 180 million euros, were bought by a person close to the authorities, and now all five televisions with national coverage are directly under the control of the authorities. About the unscrupulousness of power, says the fact that the new "owner", obtain the money for the purchase of these two televisions, from a sale of his company, a smaller cable operator, just a few days before the purchase of television. The buyer of this company is Telekom Srbija, a state-owned company. The cost of 200 million euros is, according to expert estimates, 5 times bigger than the real one. This is just another in a series of evidence that authorities abuse state resources for personal interests.¹⁵

Negation of war crimes and promotion of war criminals

In simple terms, Serbia is a country where war criminals are considered as heroes. This can be illustrated by two examples. In October, the Ministry of Defense published the books of the convicted war criminals Nebojsa Pavkovic and Ljubisa Lazarevic. In these books, they deny the crimes committed against the civilian population in Kosovo. The Minister of

11 <http://rs.n1info.com/Vesti/a444666/CRTA-Izbore-u-Lucanima-obelezile-nepravilnosti-i-pritisci.html>

12 <http://rs.n1info.com/Vesti/a444490/Lokalni-izbori-u-Lucanima-Kladovu-Doljevcu-i-Kuli.html>

13 <http://rs.n1info.com/Vesti/a438333/Borko-Stefanovic-napadnut-u-Krusevcu.html>

14 <http://rs.n1info.com/Vesti/a448146/Protest-1-od-5-miliona-u-Beogradu.html>

15 <https://www.vreme.com/cms/view.php?id=1641164>

Defense was also present at the promotion of this book.¹⁶ In November, the convicted war criminal Ratko Mladic, responsible, among other things, for the genocide in Srebrenica, was allowed to join the live program over the phone of one of the most watched television channels, under direct control of the government. To make the thing even more bizarre, it was a comedy show, named "Good Morning Serbia", and during the time Mladic was a part of the show, one of the guests in the studio was also a convicted war criminal Vojislav Seselj.¹⁷



Kosovo

The situation in Kosovo, twenty years after the war and ten years after the declaration of independence, is relatively stable. Incidents that have an ethnic background are happening, but their scope and frequency are smaller.

Kosovo's biggest problems are, as in Serbia and other countries of the region, poverty, crime and corruption. Nevertheless, the authorities of Serbia and Kosovo are artificially creating tensions, placing Kosovo in the public focus in order to shift the focus from the fundamental problems that citizens of Serbia and Kosovo are facing.

As an illustration of the atmosphere created by the government through its media, we provide data from the research conducted by the journalists of the Raskrikavanje portal. Analyzing the front pages of the three daily newspapers Informer, Alo and Srpski Telegraf, which are a powerful media fist of the regime, it was found that over 730 "fake news" were published on. Among these, 265 are about armed conflicts with neighboring countries. The matrix is always the same, neighboring countries are preparing to attack the Serbs or provoke incidents. None of these "reliable" predictions and information have come true.¹⁸

An additional problem is the fact that the opposition parties largely accepting this game of government and also put putting Kosovo in the focus of their policy.

The lack of reaction from the international community

The international community, and above all the European Union, do not react to the disastrous state of democracy and human rights in Serbia. Through the process of accession and accession negotiations, the European Union has a wide space to influence the authorities in Serbia, but it does not use it. On the contrary, with the exception of formal and empty phrases on the "need for further advancement of democracy and the rule of law", EU officials openly support the autocratic regime of Alexander Vucic.

Taking into account what policies are currently taking place in member states, from the openly racist agenda to the abolition of labor rights, under the false excuse of "increasing competitiveness" and actually in achieving the sole goal of neo-liberalism - the maximization of the profits of the owners of capital, it is clear that Vucic Serbia fits to these new standards of the European Union.

16 <http://www.mod.gov.rs/lat/13197/promocija-ratnog-dnevnika-general-a-pavkovica-na-sajmu-knjiga-13197>

17 <http://rs.n1info.com/Vesti/a436318/Ratko-Mladic-iz-Haga-u-jutarnjem-programu-Hepi-televizije.html>

18 <https://www.raskrikavanje.rs/page.php?id=346&fbclid=IwAR3VAK-xf5tWBAUpTqHbqu2in-dzUjkXC9LNbucHHCNSCse8c4UVGGsVRZ4>

Refugees / Migrants

In Serbia, the situation is unchanged, there are about 4000 people in camps, of which about 3000 are those who have been in camps for more than two years, mostly families with children. Despite the enormous amount of money Serbia receives from European refugee / migrant funds (over 100 million euros since 2015), there are no results in terms of integration, although at least “on paper” there are numerous integration programs. Although they spent more than two years in Serbia, despite that large part of them also learned the language, due to the lack of any help from the state of Serbia, refugees / migrants lose hope and deciding to continue further through the Balkan route. The Republic of Serbia did not show any will that at least to a portion of refugees / migrants offer the possibility to permanently remain in Serbia. It can be said that the Serbian authorities are doing everything to discourage refugees / migrants from thinking about their future in Serbia.



Currently there are no large numbers of refugees / migrants in the streets of Belgrade, the largest number is in camps. Despite the fact that there are free places in the camps, frequent situations is that the Commissariat and the police in various ways make it impossible for refugees / migrants to be admitted to some of the camps. It happens that although they are located in Belgrade, they are directed to camps in the south of Serbia that are 300km from Belgrade, despite the fact that there are free spaces in camps around Belgrade.

Conclusion

From all of the above, we can conclude that the situation in Serbia is worsening and entering the phase of even greater repression. Verbal violence and media terror against the everyone critical towards authorities have been completely normalized and have become part of the public discourse. What is worrying is that we are currently in the phase of normalizing physical violence. In the case of Women in Black, this normalization has already happened, but now it is expanding across the society, wherever there are some critical voices.

Consequences of government propaganda are devastating, and some of the most important segments of it are spreading of nationalism and the raising of ethnic tensions. All this reflected in the creation of a conflicting atmosphere, which is very hostile for human rights defenders, especially the activists of Women in Black and other related groups, organizations and individuals who are promoting peace and and asking responsibility for war crimes.

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Belgrade, January 17th 2019*