

Repression against human rights defenders

Attacks on Women in Black:

February 2017 - July 2017.

Dossier No. 9



Women in Black are an activist group and network of feminist-antimilitarist orientation, it consists of women of different generations and ethnicities, educational levels, social status, life styles and sexual choices. Women in Black were founded on October 9th 1991 in Belgrade.

Since the beginning of their work (1991), Women in Black have been confronted with various forms of repression, by both state and non-state actors.

From the beginning of our work, we were very often and we still are the targets of attacks, because we advocate human rights of others and of different (in ethnical, political, sexual aspects). Nevertheless, as women's peace group, we have had most problems because of our insisting on all levels on responsibilities for war and war crimes committed in our name.

Due to the escalation of repression against activists 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. 9 deals with events in the period from February 2017 to July 2017. What marked this period was the decision of the Appellate Court in Belgrade in the Počuča case, the decision of the Appellate Court in Belgrade in the Valjevo case and the violence campaign of extremist groups on the occasion of the events organized by Women in Black and other human rights organizations.

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

Počuča Case

We remind that Radomir Počuča on 25.03.2014, at that time, a spokesman for the Special Police Unit of the MIA Serbia, through his Facebook account, openly called for the lynching of Women in Black. After starting of the court procedure, Počuča fled to Ukraine, where he joined pro-Russian rebels, but after few months he moved to Moscow. After 18 months on the run, in March 2016 he returned to the country. He was arrested while illegally crossing the border. Although his intention was clearly not to stand on trial, the Court had not ordered custody.

In April 2016, the trial began. Počuča during the trial, was asked by the victims lawyer, what does it means his sentence "...given by the pussy..." and he replied that it means "to „share“ few slaps". In this way, he explicitly acknowledged that it was the call to violence against Women in Black. Women in Black in his testimony confirmed that due to Počučas calls for lynching, they had a feeling of vulnerability. In this way, all the conditions to pass a guilty verdict were present. Nevertheless on 14.12. 2016, Judge Tatjana Sretenović brought acquittal in the trial against Radomir Pocuče for the crime of endangering the safety of activists of Women in Black. On June 9th 2017 The Appellate Court has announced that it has confirmed the first-instance Verdict by which Radomir Počuča was acquitted of charges of endangering the safety of activists of the Women in Black organization.¹

After nearly seven months of the first instance verdict, the High Court in Belgrade delivered the verdict to the Women in Black and it was possible to review its content. Although the decision itself to release the defendant was incomprehensible and scandalous, the explanation of the decision is in absolute discord with logic and common sense. We want to emphasize few especially problematic parts:

1 <http://rs.n1info.com/a274977/Vesti/Vesti/Apelacioni-sud-Pocuca-nije-ugrozio-sigurnost-Zena-u-crnom.html>



In the explanation of the verdict, Judge Sretenovic takes the accused's alleged patriotism as justification for violence: "The court accepted the defense of the defendant Radomir Pučuka, who was consistent, clear and detailed... the defendant made clear that only motives for bringing this message, were more patriotic in nature, than the nature that would indicate the motive to threatened someone security."

By verdict explanation, an unequivocal call for a lynch is presented as "an opinion": "The published message begins with the word "I think", which does not imply his intention or incitement to do something, but exclusively his thinking about the subject event."

Subject statement in the opinion of Judge Sretenovic: "... contains the defendant's opinion regarding the activities of Women in Black, but not a statement that the defendant or the persons he listed as members of the hooligans groups will harmed someone"

Judge in the subject statement sees no threat: "The written status does not contain a clear and unequivocal threat"

One of the most scandalous parts of the verdicts explanation is the part in which the judge use the testimony of the victim Stasa Zajovic, in which she says that Women in Black have been a frequent target of threats and attacks since its founding, as a fact that supports the defendant. With this meaningless logic, the court implies that individuals or organizations that are frequent targets of attack should have a higher threshold of "tolerance" for violence, and that, in their case, violence against them is a "normal" phenomenon.²

As we have already stated Appellate Court in Belgrade on April 13th, Issued the Verdict, rejecting the appeal and confirming the first instance verdict. Appellate Court still did not delivered the verdict to the injured parties, even almost 3 months after the decision was made, only a short statement was published on the court's website. The statement states that the Court of Appeal upholds and accepts all the contested parts and views of the first instance verdict.

Valjevo Case

We remind that on July 8th, 2014, Women in Black, together with cyclists who went to Srebrenica, held a peace action in Valjevo, on the occasion of the anniversary of genocide in Srebrenica. On that occasion, a large group of people gathered, who threatened and insulted the activists, spreading hatred against Bosniaks, Croats and Albanians. At the end of the gathering, they physically attacked the participants of the action and on that occasion, four activists and three policemen were injured.

High Public Prosecutor's Office in Valjevo after the conducted investigations on March 16th, 2015 filed to High Court in Valjevo, an indictment against eight people for the criminal offense of spreading national, racial and religious hatred and intolerance.

In the evidence, among others there were footage of the entire event, where the suspects are seen threatening and insulting: "We will kill you, fucking Muslims", "we wish, you to be annihilated ", "we will slaughter you Ustashas", "Muslim whores" "Hey Sjenica new Srebrenica, hey Pazar new Vukovar", etc.. the physical attack itself as well can be seen. Also, all the police officers who were questioned in their statements said that the suspects had offended and threatened activists, physically attacked them, and shouted slogans of hatred on a religious and national basis, stating the terms they used.

The High Court in Valjevo with the decision K.br. 11/15 from May 20th 2015, brought by Judge Mitar Đenisic, rejected the indictment on the grounds that: "... the injured persons are not members of the Bosniak people or Muslims, so there can be no talk about the criminal offense of Spreading national, racial and religious hatred and intolerance."³

High Public Prosecutor's Office in Valjevo appealed against this decision, but the Appellate Court in Belgrade rejected the appeal and confirmed the decision of the High Court in Valjevo.⁴

2 High Court in Belgrade, Verdict from December 14th 2017

3 High Court in Valjevo, Decision from May 20th 2015

4 Appellate Court in Belgrade, Decision Kž2 1166/15

High Public Prosecutor's Office then on March 30th 2016 filed a new indictment against seven people for committing a criminal offense of Violent behavior at a sports event or a public gathering.

The High Court in Valjevo again with its decision K.br.24 / 16 from May 25th 2016 rejected this indictment, stating in the reasoning "... that the indictment is based on the same factual situation, as well as the previous indictment for the same event, which has already been rejected, that it is "res iudicata" and that for that reason it was not possible to resume the procedure again"⁵ Judge Mitar Djenisic, the same judge who rejected the first indictment, brought this Decision. Appellate Court in Belgrade confirmed this decision and thus ended a possibility for any other attempt to prosecute those responsible for this attack.⁶ Although the Appellate Court in Belgrade made this decision on July 5th 2016, it did not inform the injured party. It was only in May 2017, after several requests by the injured parties, that the High Court in Valjevo submitted the requested decisions in the case.

Analyzing these decisions leads to the conclusion that the judicial authorities - the Higher Public Prosecutor's Office, the High Court and the Appellate Court, in an extremely rigid manner and in a manner contrary to the intention of the legislator, interpret the existence of crimes that are fundamental to the respect of human rights. Also, based on the actions of the Higher Public Prosecutor's Office and the High Court in Valjevo, omissions in their work on this case, a reasonable suspicion can be expressed that they have acted with the intention of the perpetrators being acquitted.

This acts of judicial authorities violates the rights of the victims for equal legal protection without discrimination from Article 21 of the Constitution of the Republic of Serbia, as well as the right to equal protection of rights before courts and other state bodies from Article 36 of the Constitution of the Republic of Serbia. From these reasons and Women in Black on June 23rd 2017, submitted a constitutional appeal to the Constitutional Court of the Republic of Serbia.⁷

Attacks on activists during events they organized

Although the events and actions organized by Women in Black and other related organizations have often been targeted by extremist groups, we are witnessing that the number of these attacks has been increasing lately, and the attacks are more organized. On May 30th on the Faculty of Political Sciences of the University of Belgrade, a debate organized by Women in Black was held, at which a book and a film about the Women's Court were presented. A group of dozens of members of extremist organizations, at one point, interrupted the debate, loudly singing and shouting nationalist slogans, as well as showing images of war criminal Ratko Mladic. The interruption lasted for several minutes, after which the persons who interrupt left the event and the debate was continued. The people who interrupt the event, stayed in front of the building in which the debate was held and on several occasions, during and after the event, they were threatening visitors who were in front of the building.⁸



From 31. 05. to 03. 06. 2017 in Belgrade was held the Miredita / Dobar dan festival, which aims at cultural exchange and promotion of cooperation between Serbia and Kosovo. During the program, visitors were insulted, threatened by extreme right-wing groups. Also, some programs were disturbed by them. In the media and social networks, a lynch atmosphere is created, numerous calls were made to prevent the festival from taking place at any costs.^{9,10}



5 Higher Court in Valjevo, Decision K.br. 24/16

6 Appellate Court in Belgrade, Decision Kž2 1093/2016

7 Constitutional appeal from June 23rd 2017

8 <http://rs.n1info.com/a252636/Vesti/Vesti/Prekinuta-tribina-Zena-u-crnom-na-FPN-u.html>

9 <http://rs.n1info.com/a253135/Vesti/Vesti/Fantomke-i-plasticno-oruzje-na-festivalu-Mirdita-dobar-dan.html>

10 <http://rs.n1info.com/a273347/Vesti/Vesti/Srpski-rodoljubi-ispred-CZKD.html>

The documentary film "Albanian women are our sisters" that speaks about the resistance to the war in Kosovo and the solidarity of the citizens of Serbia and Kosovo was shown on the last day of the festival Miredita / Dobar dan. The film also partly talks about the actions of Women in Black of solidarity with Albanian activists in Kosovo during the 1999 bombing. It should be noted that the name of the film "Albanian women are our sisters" was taken from the Women in Black who on March 8th, 1995 for the first time during the protest raised this banner and because of that experienced physical attack, which continued on numerous occasions. After this screening, the film was to be shown in several cities in Serbia. Projection in Nis, scheduled for 22. 06. was not held because a group of members of extreme right-wing organizations gathered in front of the cinema where the projection was supposed to be. In the presence of the police, they threatened visitors, insulted them, threw stones on them. At one point several people managed to enter the hall and again threatened visitors, the police did not respond. Due to all this and because of the safety of visitors, the organizers canceled the screening of the film.¹¹ Projection in Kraljevo, scheduled for 23. 06. was also canceled, due to the threat of extreme right-wing groups.¹² On June 26th a projection of documentary film "Kosovo, nazdravlje, gezur" was held in Novi Sad, which speaks about friendship between Serbs and Albanians in Kosovo. The projection was also hindered by extreme right-wing organizations that, in addition to the threat and insult of the visitor, entered the hall and violently interrupted the screening. Despite all this, the projection is continued.¹³ In all these cases, the same matrix was used, primarily through the media and social networks, meaningless lies about the content of the program were spread and they were followed by threats and calls to hinder and prevent the events.



Women in Black on July 10th 2017 In Belgrade were marking the anniversary of the genocide in Srebrenica. This action, as every year, was planned to be held on the Republic Square, in front of the monument to Prince Michael. The gathering has been properly reported to the police. Upon the arrival of activists and citizens to the Republic Square, at a place where the gathering was supposed to take place, there was already a group of people, among which there were a large number of members of extreme right-wing organizations. Radomir Počuča, who has been suspended sentenced for participating in the war in Ukraine and was recently acquitted of the criminal act of endangering the security of Women in Black activists, Miša Vacić, convicted for attacks on LGBT people, who until recently was adviser in the Government of Aleksandar Vučić, Milovan Drecun, a journalist who stood out in the wars with spreading hatred towards other nations, especially towards the Albanians in Kosovo, today the MP of the Serbian Progressive Party and the chairman of the assembly committee for Kosovo. A large number of members of the extremist organization Zavetnici, as well as the neo-Nazi organization Alternativa, were noticed. The police moved the citizens who came to the gathering of Women in Black to the other end of the Republic Square, surrounded them, and practically restricted movement, as well as access to the gathering. Activists and citizens who wanted to join had problems, because the police did not allow them to join. At the same time, members of the right-wing organizations freely moved, retrieved, threatened and insulted the citizens who came to honor the victims of the genocide in Srebrenica. The police told us that the note about the right-wing gathering was received during



11 <http://rs.n1info.com/a277925/Vesti/Vesti/U-Nisu-prekinuta-projkcija-filma-Albanke-su-nase-sestre.html>

12 <https://insajder.net/sr/sajt/vazno/5441/U-Ni%C5%A1u-i-Kraljevu-otkazane-projkcije-filma-Albanke-su-na%C5%A1e-sestre-Obraz-preuzeo-odgovornost-u-Ni%C5%A1u.htm>

13 http://www.b92.net/info/vesti/index.php?yyyy=2017&mm=06&dd=12&nav_category=12&nav_id=1271262

the day. According to the law, each public meeting must be reported 5 days prior to the maintenance to the police. When we asked the policeman about this, he responded: "They called the Cabinet of the Minister of Interior". Although they had the right to ban it, because it is scheduled at the same time and at the same location as Women in Black gathering, by persons known for violent behaviour, and with the sole purpose to prevent and hinder a Women in Black action, the police allowed this "counter-protest" set by extreme right-wingers.¹⁴

The next day, July 11th 2017, in front of the Presidents Office in Belgrade, a candlelight action was held for the victims of genocide in Srebrenica organized by the Youth Initiative for Human Rights. This rally was also hampered by extreme right-wingers, including members of the Obraz organization, which was banned by the Constitutional Court. The people who were at the rally were offended, and they were also openly threatened. Ballons filled with water were thrown on participants. The police did not respond.¹⁵



Informer Case

On November 9th, the Informer is published front page article "WOMEN IN BLACK LARGEST FOREIGN MERCENARIES: West gave them 1,587,596 euros to accuse Serbia for war crimes".¹⁶ This article states that the Women in Black received in the last two years fore mentioned amount of money in order to "attack and destabilize the state of Serbia". They cited the donors, as well as the amounts of money that are given, and the organization Women in Black was called "anti-Serb". "Source" for the information contained herein is "an unnamed source, whose identity is known to the editor". The release from November 12th states that that person has "received serious threats because of information provided by to the informer." In the November 9th edition, in the first plan was put photos of coordinator of Women in Black, Stasa Zajović and a with big figures numbers 1,587,596 euro were printed. It was a clear insinuation that she personally got this amount of money. The data published in the article are completely inaccurate. Women in Black for that period, from the donors and for specific projects got almost ten times less money than what is was stated in the text. It is interesting that none of the actual donors of Women in Black was not mentioned in the text, but are listed donors who never or in a given period are not funded projects of Women in Black.

Women in Black filed a lawsuit against Informer for a damaging of reputation. So far, two preparatory hearings have been held, and for September 26th, 2017, the main hearing is scheduled, on which the defendant Dragan Vucicevic, the owner and editor of Informer and on behalf of Women in Black, Stasa Zajovic will testify. After a hearing held on July 14th, while in front of the court building, Staša Zajović was giving a statement to the journalists, an unknown person insulted and threatened to her.¹⁷

Political and social context

As in previous reports, we can again point out that the rise of authoritarian tendencies of the authorities continues, as well as the strengthening of extremist and war crimes discourses.

The presidential elections were held on April 2nd, 2017. The election campaign, as well as the elections, were held in absolutely irregular conditions. The presence of the candidate Aleksandar Vucic in the media was dominant, almost absolute. Media

14 http://www.danas.rs/drustvo.55.html?news_id=350733&title=Scenska+akcija+%26quot%3BSrebrenica+8372%26quot%3B+n+a+Trgu+republike

15 <http://rs.n1info.com/a282643/Vesti/Vesti/Policija-sprecava-odrzavanje-skupa-Inicijative-mladih.html>

16 <http://informer.rs/vesti/politika/101988/ZENE-CRNOM-NAJVECI-STRANI-PLACENICI-Zapad-dao-evra-optuzuju-Srbiju-ratne-zlocine>

17 <http://rs.n1info.com/a283464/Vesti/Vesti/Zene-u-crnom-tuzile-Inormer-i-Vucicevica.html>

controlled by the authorities were brutal in attacks on opposition candidates, as well as many other people who dared to criticize government candidate. The attacks were largely on the personal level. State authorities, as well as public companies, have been abused, both for the purpose of campaigning, and for the purpose of blackmailing citizens to vote for government candidate.

In reaction to these elections, spontaneous protests of citizens, which lasted several weeks, were launched in several cities in Serbia. Participants of the protest were targeted by the media under the control of the authorities, they were called traitors, drug addicts, alcoholics, "Soros followers", etc. .

The election of Aleksandar Vucic as president and his performance in the first months of the mandate showed that institutions and the rule of law were further downgraded. According to the Constitution, the Republic of Serbia is a parliamentary democracy, in which almost all executive power is exercised by the Government, and the President of the state has a mainly protocolary function. By acting in the place of the President, Aleksandar Vučić violates the Constitution and demolishes the institution of the Government and the Prime Minister, usurping their powers. Ana Brnabić was elected as the new prime minister. President Vucic has already humiliated the new prime minister at the during announcement that she will be a candidate for a PM, saying that she will be in charge of economic issues, and that Ivica Dacic will be in charge of political issues, making the PM, as well as the entire Government, only formal subjects, and essentially making of them persons who will execute the orders of the President, which is contrary to the Constitution of the Republic of Serbia.

On the day Aleksandar Vucic lay down the presidential oath, in front of the Parliament building, as well as in the surrounding area, unknown civilians were attacking citizens who wanted to protest against Vucic's election as president. On that occasion, journalists and photo reporters who were reporting from the event were also attacked. It was later discovered that unknown civilians who in the presence of the police harassed the citizens and journalists are members of so-called "Security of the Serbian Progressive Party". Although it has been more than a month since the events, that there are videos of the incidents and that the perpetrators have been identified, the state authorities have not yet reacted.¹⁸

The negation of crime and the creation of a warlike atmosphere remain a constant of this ruling elite. The matrix is already established. On the one hand, Aleksandar Vucic "sends messages of peace and cooperation in the region", on the other side his subordinates, as well as the media under his control, are the main source of spreading intolerance and hatred. Aleksandar Vulin, who, from the position of the Minister of Labor, spread hatred, xenophobia and chauvinism, was recently appointed Minister of Defense. A paradigmatic is also the case of the arrest of Ramush Haradinaj by the French police, and according to Serbia's warrant for war crimes during the Kosovo war. Serbia officially requested that his extradited, so he can be prosecuted in Serbia. Although, in addition to other conditions, one of the most important conditions for extradition is the circumstance that the person to be extradited will have a fair trial in the country to which he will be extradited, that did not prevent all the highest statesmen in Serbia, the President, the Prime Minister, Minister of Justice, Minister of Interior and other high officials of Serbia to gave inappropriate and irresponsible statements on this case and to named accused Haradinaj, before the trial they are called, a killer, a criminal, a butcher etc. This contributed to the decision of the French court to reject Serbia's extradition request, and it was stated in the reasoning of the decision that court's was not convinced that the accused in Serbia will have a fair trial. All this indicates that the real goal was not to prosecute the accused and to bring justice for the victims, but the aim was to continue hatred and seek alibi for organized crimes by Serbia against Albanians during the Kosovo war.

Taking into account the wider context and often mention of the "international community" officials, that "stability" is the key word in the region, motives for this kind of government in Belgrade can be identified. Vucic, who through the tools of his power apparently "starting fires" in the region, at the same time appears as someone who "extinguishes" these fires, as a "stability factor," to whom, for the sake of "stability", "international community" close an eye, when he diminishes human rights and undermines the rule of law. By agreeing to this game, the "international community", and above all the European Union, are at risk of pushing the whole region towards „putinisation“.

In the context of the activities of human rights organizations, we must especially emphasize the increasingly difficult conditions for the work of organizations and activists. From the cases we described in the first part of this file, it can be seen that the



pressure is getting stronger. We can now speak of widespread organized attacks and systematic pressures, which are certainly the result of wrong doing of authorities in cases of previous attacks. This impunity certainly encouraged the extremists to raise their attacks to a higher level, as well as their frequency. What is particularly worrying is that actions of extremist organizations which are behind the attack are getting openly support by the authorities. Here is an example of the neo-Nazi organization "Alternativa", which participated in all of the above attacks. The founder of this organization, Stefan Simic, was in Ukraine, where he fought on the pro-Russian side. After his return, he got suspended sentence, as did all other Serbian citizens who participated in the conflict. In March last year he participated in the attack on the social center "Oktobar" in Belgrade. On that occasion, several persons were injured, one person was seriously injured and the premises of the center were demolished. Simic again got suspended sentence for this criminal offense. All this did not bother the Minister of Culture Vladan Vukosavljevic to officially receive the delegation of "Alternativa" in the premises of the Ministry of Culture and to talk to them about the law on "protecting the Cyrillic alphabet".¹⁹ Also in the premises of the Belgrade municipality of Savski venac, in which the Serbian Progressive Party has a majority, promotion of the book of the sentenced war criminal Veselin Slijivancanin was organized by „Alternativa”.²⁰ On July 11th Vladimir Đukanović, tv host and MP of Serbian Progressive Party, hosted in his TV show Stefan Simić. Đukanović praised Simić and „Alternativa” for their work and attacks on rallies organized by human rights organizations.²¹

We want also to point out the continuation of refugee drama. At the beginning of May, Serbian authorities forcibly evicted refugees from the barracks near the bus station. Although with minimal living conditions, these barracks were a temporary home for more than a thousand refugees. Under the influence of force and excavators, this place, which was the embodiment of solidarity and the collective effort of refugees, activists and citizens, disappeared overnight. All the excuses that the authorities used to justify these actions drop off after only a month. Particularly embarrassing, were claims, that all this is done for the benefit of refugees. Although the organization of Women in Black is prohibited to enter the camps, through refugees with whom we are in daily contact we are informed about events in the camps. One of the main "arguments" that the authorities used to convince refugees to move to camps was a security issue. From numerous refugee testimonies, we conclude that security in camps, although under the control of the police and the Commissariat, is significantly worse than in the barracks. Neither the camp conditions are much better than those in the barracks, which is scandalous, taking into account the huge amounts of money Serbia receives from the international community for the care of refugees. The state terror of refugees continued, which implies illegal deportation, as well as forced relocation to distant camps, as was recently the case when 150 refugees were forcibly transferred from the camp in Obrenovac to a camp in Presevo, which among the refugees, is notorious for illegal deportations to Macedonia and Bulgaria. There are numerous testimonies of refugees on brutality and systemic terror by the Croatian and Hungarian police. A large number of refugees who were arrested when crossing the border were beaten and robbed by the police of these countries.

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Belgrade, July 15th 2017*

19 <https://insajder.net/sr/sajt/vazno/5417/sastanak-ministra-kulture-i-desni-ara.htm>

20 http://www.rtv.rs/sr_lat/drustvo/predstavljeni-knjiga-veselina-slijivancanina_835634.html

21 <https://www.youtube.com/watch?v=7SHN1u5j1Gw>

