

Serbia and Montenegro

The Writing on the Wall: Serbian Human Rights Defenders at Risk

Introduction

Amnesty International is concerned at the apparent increase in the incidence of threats and attacks on individual human rights defenders and human rights non-governmental organizations (NGOs) in Serbia. The right of both individuals and NGOs to work for the protection and promotion of human rights is recognized as legitimate in international standards. Such standards also oblige states, as part of their own responsibilities with regard to human rights, to ensure that human rights defenders are protected in their work. Amnesty International believes that the Serbian authorities have failed to exercise these responsibilities, leaving threats and attacks unchallenged and therefore human rights defenders at risk. Indeed, in some cases it appears that the authorities themselves may have been behind such threats and attacks.

This document describes a campaign of harassment and intimidation against human rights defenders, and the failure of the Serbian authorities to provide those attacked with protection and redress. It ends with a series of recommendations to the authorities which, if implemented, Amnesty International believes would significantly improve both the protection of human rights defenders, and their ability to contribute positively to the promotion and protection of human rights in Serbia and Montenegro.

Human rights defenders at risk – the background

Over the past year several Serbian NGOs have been subjected to repeated and apparently systematic intimidation. Such intimidation has included public threats - in the form of graffiti on their premises; verbal and written threats; apparent “burglaries” and threats of legal action or the opening of what appear to be malicious prosecutions. There have also been a number of physical attacks on human rights defenders and lawyers. These incidents have taken place against a background of increasing concern about the independence of the media, and threats against members of the independent media.

Amnesty International notes that the campaign of harassment and intimidation appears to focus in particular on the female leaders of some of those organizations. As well as facing the same forms of intimidation experienced by their male colleagues¹, they also face discrimination, sexual abuse and derogatory accusations related specifically to their status as women. These have included verbal and written attacks describing women human rights defenders as “whores”, or accusations that Women in Black (Žene u crnom) are involved in

¹ NGOs report that verbal threats have included warnings that they will end up under a car, or with “rocks around their neck in the bottom of the River Sava”; they have also been called “Zionist collaborators”, “Serbian scum” and “paid scoundrels that need to be exterminated”.

the organization of women for prostitution (see below). Amnesty International notes the important role that women such as Nataša Kandić of the Humanitarian Law Centre, (Fond za Humanitarno pravo, HLC), Sonja Biserko of the Serbian Helsinki Committee for Human Rights (Helsinki Odbor za ljudska prava u Srbiji, Helsinki Committee) Biljana Kovačević-Vučo of the Centre for Cultural Decontamination (Centar za kulturnu dekontaminaciju) and Staša Zajović of Women in Black have played in challenging the dominant narrative of the wars in the Balkans, and their role in exposing and demanding accountability for war crimes.

Amnesty International notes that some threats have been made by individual members of the government, or by members of political parties with which the government is in coalition. Other threats – especially against organizations which have reported on the intimidation of witnesses in war crimes trials – may originate with members of the security forces themselves.

Amnesty International also notes that these attacks are startlingly reminiscent – in their nature, if not yet in their degree – of the clampdown on human rights defenders, journalists and opposition activists which dogged the final days of the presidency of Slobodan Milošević.²

Amnesty International considers that the lack of political will by the authorities – in some cases amounting to an active opposition – to address impunity for war crimes has, along with a weak and politically influenced judiciary, and an army and police force with an interest in preserving the climate of impunity for past violations, have allowed this wave of attacks against human rights defenders to go unchallenged.

Although the perpetrators of the majority of incidents remain unknown, it is reasonably suspected that they are the work of individuals or of right-wing nationalist groups, which have previously targeted these NGOs. Where abuses have been perpetrated by private individuals or groups, and where a state has failed to take effective action to prevent, investigate, prosecute and punish such abuses, Amnesty International considers that authorities may be held responsible for those abuses of human rights.

In this case, Amnesty International considers that the Serbian authorities have failed to exercise due diligence in preventing, investigating attacks on human rights defenders and in bringing the perpetrators to justice.³

² In the organization's *Annual Report 2001*, Amnesty International noted that: "[this] period ... saw an increase in the frequency and severity of reported human rights violations ... The majority of these violations were directed at opposition activists, independent journalists and conscientious objectors to military service. They included arbitrary detention, ill-treatment, unfair trials and prosecutions on political grounds". See Amnesty International, *Annual Report 2001*, p. 269.

³ For the failure of the authorities to bring to justice the perpetrators of ethnic violence, also believed to be affiliated with ultra-nationalist groups, see Human Rights Watch, *Serbia: Dangerous Indifference: Violence Against Minorities in Serbia*, HRW Volume.17, No. 7 (d), October 2005.

The UN Declaration on Human Rights Defenders

In 1998, in recognition of the role played by human rights defenders in the protection of human rights – and indeed of the dangers they face in doing so – the United Nations adopted by consensus a Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms, (UN Declaration on Human Rights Defenders).⁴

The UN Declaration on Human Rights Defenders calls on authorities at all levels of government to explicitly commit themselves to promoting respect for human rights, and to the protection of human rights defenders.

Article 2 of the UN Declaration on Human Rights Defenders states that:

Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

Further, Article 12 provides that:

1. *Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
2. *The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*
3. *In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*

⁴ UN/RES/53/144, *Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, adopted at the 85th Plenary Meeting, UN General Assembly, 9 December 1998. Even though the Declaration is not legally binding as a treaty, it draws on existing binding international standards and has been adopted the UN General Assembly and reflects its consensus. The Declaration provides a framework for the work of human rights defenders, and in addition to setting out their rights and responsibilities, provides guidance for states in its implementation.

The Srebrenica factor

Most of the human rights defenders targeted are members of a coalition of NGOs which have, over the past year, been engaged in a programme called “Facing the Past” (Suočavanje sa prošlošću)⁵ commemorating the 10th anniversary of the end of the war in Bosnia and Herzegovina (BiH), and in particular, the anniversary of the massacre at Srebrenica in July 1995. This campaign aimed to challenge the continuing climate of impunity for war crimes, and to encourage both the Serbian authorities, and the people of Serbia, to acknowledge the truth and facts about the past.⁶

It is noticeable that both threats and attacks increased in frequency and severity in the period leading up to, and directly following, the anniversary of the massacre at Srebrenica, and that such actions appeared to be specifically directed at members of human rights and other organisations who have sought to challenge the climate of impunity enjoyed by members of the Serbian police, paramilitary and military forces (many of them still employed by the state) and political leaders, for the massive violations of international humanitarian and human rights law which took place in the wars in Bosnia and Herzegovina and in Kosovo.

The organizations involved in the coalition, with offices in Belgrade, include the Youth Initiative for Human Rights (Inicijativa mladih za ljudska prava), the Helsinki Committee, the Belgrade Circle (Beogradski krug), the Centre for Cultural Decontamination, the Lawyers’ Committee for Human Rights (Komitet pravnika za ljudska prava, YUCOM), Women in Black, Civic Initiatives (Građanske inicijative) and the HLC.⁷

At the end of May 2005, the “Facing the Past” NGO coalition requested the Serbian Assembly to adopt a “Declaration on the State of Serbia’s Obligation To Undertake All Measures Aimed at Protecting the Rights of the Victims of War Crimes, Particularly the Rights of the Victims of the Srebrenica Genocide.”⁸ The Assembly was unwilling to pass such a resolution.

Amnesty International notes that in September 2002, on accession to the Council of Europe, Serbia and Montenegro agreed to fulfil a number of commitments, including under Section 12 (iv), Human rights (c.) “to inform the people of Serbia about the crimes committed

⁵ Known by some NGOs as “Dealing with the Past”.

⁶ For the Serbian government’s failure to fully cooperate with the International Criminal Tribunal for the former Yugoslavia, see *Serbia and Montenegro: A wasted year. The continuing failure to fulfil key human rights commitments made to the Council of Europe*, AI Index 70/005/2005, 22 March 2005, and “Serbia and Montenegro” in *Concerns in Europe January to June 2005*, AI Index EUR 01/012/2005.

⁷ Amnesty International wishes to thank those organizations mentioned in this report for their assistance in providing further information on incidents documented in this report.

⁸ The Serbian Assembly was unable to pass a resolution condemning the massacre at Srebrenica, although the Council of Ministers of the Union of Serbia and Montenegro did so, deciding to send a state delegation to the 10th anniversary ceremony.

by the regime of Slobodan Milošević, not only against the other peoples of the region but also against the Serbs”.⁹

Yet, following the showing on national television of a video of the killing of six Bosniaks from Srebrenica in 1995 by members of the Scorpions, a Serbian paramilitary formation, representatives of several political parties, including some in coalition with the present government, accused the Humanitarian Law Centre and the other NGOs of conducting an anti-Serbian campaign.

These parties included the Serbian Radical Party (Srpska radikalna stranka, SRS), nominally headed by Vojislav Šešelj, now indicted by and in the custody of the International Criminal Tribunal for the former Yugoslavia (Tribunal), the Democratic Party of Serbia (Demokratska stranka Srbije, DSS) and the Socialist Party of Serbia (Socijalistička Partija Srbije, SPS), formerly headed by Slobodan Milošević who is now on trial at the Tribunal.

In a press release dated 28 July 2005, the HLC alleged that the Serbian Government was conducting a campaign against NGOs dealing with the past:

“T[h]rough public assaults and confrontation against NGOs, members of the Serbian Government and other state administration bodies, directly offer support to radical groups and grant the space for public lynch [sic] over those who only provide facts on Serbian role in war operations on territory of ex Yugoslavia. [The] Serbian Parliament speaks about several NGO representatives as of ‘immoral, insignificant persons, whose work is aimed against Serbia.’”¹⁰

Humanitarian Law Centre

Over the past year, the HLC has been subjected to graffiti at their premises. On the night of 4 - 5 November 2004, a swastika was sprayed over the nameplate at the entrance to the HLC building;¹¹ a star of David was painted on the plaque on 22 March 2005, and anti-Semitic graffiti – including references to the director Nataša Kandić as a “Jewish pawn” – was written on the wall opposite the building; the plaque was again sprayed on 11 July.¹² Referring to such events, Biljana Kovačević-Vučo of the Centre for Cultural Decontamination wrote:

⁹ For the full list of commitments see Parliamentary Assembly of the Council of Europe, *Opinion No. 239 (2002), The Federal Republic of Yugoslavia’s application for membership of the Council of Europe* [Serbia and Montenegro was known as the Federal Republic of Yugoslavia until February 2003], adopted 24 September 2002.

¹⁰ HLC, *Vlasti u Srbiji podstiču kampanju protiv nevladinih organizacija koje se bave suočavanjem sa prošlošću*, (Serbian Government reinforces campaign against NGOs dealing with the past), 28 July 2005.

¹¹ This was signed Combat 18, a radical right-wing organization which exists across Europe; two youths were seen by the building’s owners to spray the swastika; *Grffiti: Unpunishable Form of Incitement to Hate*, HLC: 0201-1343-2, 9 November 2004.

¹² HLC Report, *Attacks on Non-governmental Organizations, Media and Courts in Serbia*, 20 August 2005 and 14 September 2005; see also HLC, 019-018-1, 22 March 2005.

*“Those who uncover the crimes are seen as the main culprits and extremists. Those who speak up about the crimes are treated as criminals.”*¹³

The HLC in particular appears to be targeted by both right wing groups and the authorities because of their continued challenging of impunity for war crimes, and to their allegations that members of the state security forces continue to be involved in the intimidation of witnesses to those crimes. On 23 December 2004, for example, the HLC published detailed allegations about the burning of corpses of Kosovo Albanian civilians in the furnaces of the Mačkatica factory in Surdulica on 16 and 24 May 1999. The HLC reported that the alleged incinerations were part of a large-scale operation - which included the secret burial of hundreds of Kosovo Albanians in mass graves at Batajnica, Petrovo Selo and Bajina Bašta - by the Serbian authorities to try to conceal massive human rights abuses committed by the security forces in Kosovo in 1998 and 1999.

The HLC subsequently reported on 16 January 2005 that, following the publication of their allegations, members of the police and the Serbian State Security Agency (Bezbednosno-Informativna Agencija, BIA) implicated in their report had threatened a number of people in Surdulica, Vladičin Han and Vranje with the aim of intimidating them so that they would not give evidence.

For example, a customs officer from Vladičin Han was allegedly repeatedly threatened by security officials who, due to her contact with the HLC on another unrelated matter, suspected her of being one of the HLC’s ‘informants’. On 30 December 2004 the local head of the BIA, allegedly approached her in a café in Vladičin Han, and in the presence of witnesses, said: *“I’m now identifying the enemy; I have already identified some of them. And my enemies end up three metres under the ground.”* In March 2005, Amnesty International expressed the organization’s extreme concern at reports of this death threat, alleged to have been made openly by a member of the security forces.¹⁴

The HLC made further allegations about the intimidation of potential witnesses in April 2005, when it became known that a video tape showing the killing of six Bosniaks in 1995, allegedly by members of the Scorpions, was in circulation. For example, Jovan Mirilo, suspected in the past of having provided information to the police, (and who appears to have made the Scorpions video tape available to the Tribunal), temporarily left his home town of Šid following a threat to his life on 3 March 2005, allegedly by former members of the Scorpions and officials within the Ministry of the Interior in Šid.¹⁵

¹³ Biljana Kovačević-Vučo, quoted in Staša Zajović, “A Feminist Approach to Dealing with the Past and Transitional Justice – Experiences from Serbia”, paper presented to Women in Black conference, August 2005.

¹⁴ See *Serbia and Montenegro: A wasted year. The continuing failure to fulfil key human rights commitments made to the Council of Europe*, AI Index 70/005/2005, 22 March 2005, p. 10.

¹⁵ See also interview with Jovan Mirilo, (while on holiday in Switzerland), Agence France-Presse, “Man threatened after making public Srebrenica massacre video”, 14 August 2005; see also Austrian daily, *Die Presse* 17 August. According to an e-mail received by AI from Nataša Kandić, Executive Director of HLC: “This tape was given to HLC and ICTY by its owner, now [a] protected witness, who will testify in ICTY on [the] tragic events shown in the tape.”

Nataša Kandić was instrumental in ensuring that the video was broadcast on Serbian national television. She, along with some of the media who showed it, has been singled out for attacks (see later section for threats against the media). Others involved in the same case have also been threatened.

On 28 June, Tomislav Nikolić, current leader¹⁶ of the SRS lodged criminal charges of slander against Nataša Kandić, as well as against Veran Matić of the independent media station B92¹⁷, which had broadcast HLC reports. The action was brought following allegations by the HLC that Tomislav Nikolić had been involved in the November and December 1991 killings of some 50 elderly residents of the Croatian village of Antin by Serb paramilitary forces.¹⁸ However on 23 July Aleksandar Vučić, the general secretary of the SRS, declared that if [civil] proceedings against Nataša Kandić were not brought to a close by 15 October, “I’m promising them half a million people on the streets of Belgrade.”¹⁹ The criminal charges against Nataša Kandić were rejected by the prosecutor on 22 August.

However, the Belgrade District Prosecutor subsequently opened criminal proceedings against Nataša Kandić on 9 November 2005, on charges of slander, in relation to an interview on given to B92 TV on 13 June, in which she criticised the authorities for failing to address the past. This is reportedly the first time in 15 years that a case of slander has been brought on the basis of a verbal, rather than a written statement.²⁰

Two lawyers associated with the HLC were subjected to physical attacks: on 21 July 2005, Tatomir Leković was assaulted in the middle of Kragujevac, subsequently suffering injuries to his head and body; it is believed that the assault was related to Tatomir Leković’s activities in connection with the 10th anniversary of Srebrenica. Before the attacks, Tatomir Leković removed his family to a temporary safe place outside the town following threats. On 30 July, another lawyer associated with both the HLC and the Leskovac Committee for Human Rights was assaulted by a police officer (see below).

Helsinki Committee for Human Rights

¹⁶ See p. 3.

¹⁷ B92 was founded in Belgrade in 1989 as a local radio station; the independent media company now includes a regional radio station, a national television network and an internet news site.

¹⁸ See HLC Press release 019-085-1, 23 June 2005.

¹⁹ Quoted in almost all media, including *Večernje Novosti*, *Blic*, *Politika* and *Danas*; no such demonstrations had taken place by the end of October.

²⁰ In December 2002, a joint declaration by the United Nations (UN) Special Rapporteur on Freedom of Expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression condemned criminal defamation as an unjustifiable restriction on freedom of expression. Furthermore, Amnesty International believes that there should be no crime or offence concerning the honour of a state, and supports Principle 7 (b) of The Johannesburg Principles on National Security, Freedom of Expression and Access to Information which states that, “[n]o one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials”.

Like the HLC, the Helsinki Committee has continued to raise questions about impunity for war crimes and the failure of the authorities to bring perpetrators to justice. According to the Helsinki Committee, their director Sonja Biserko has been physically attacked on several occasions in front of her residential building, and her apartment broken into. She has also been accused, in the Belgrade weekly *Tabloid* (of 8 September 2005), of being a Croatian spy – allegations made apparently on the basis that the Helsinki Committee has worked closely with the refugee organization *Hoću Kući* (“I want to go home”). The article also included personal details, including her home address and information about members of her family.²¹

On 16 October, as Sonja Biserko was taking part in a broadcast on Radio B92, an anonymous text message was received at the station, informing them that a bomb had been placed in a rubbish bin outside the studio. This was reportedly the third such bomb-scare at the studio (see later section for threats against the media).

Like the HLC, the Helsinki Committee has also been targeted by graffiti, with messages sprayed on their office walls including “Sectarians get the hell out of Serbia”, as well as anti-Semitic graffiti.

Women in Black

Women in Black, a women’s anti-war organization which since 1991 has opposed Serbia’s involvement in the Balkan wars and challenged impunity for war crimes, has also been subjected to harassment both by the authorities²² and the media, as well as physical attacks and threats from non-state actors including members of right-wing groups.

In February 2005, following an accusation by an individual known to them, Women in Black (and coordinator Staša Zajović in particular) were subjected to a criminal investigation on suspicion of involvement in the organization of prostitution.²³ On 6 April 2005, Staša Zajović was invited for an interview at the Department of Organized Crime and Prostitution at the Ministry of Internal Affairs, and questioned for three hours in the presence of her lawyer. Further unannounced visits to the organization’s office in Belgrade to “check the accusation that Women in Black are involved with prostitution” took place in February, March, April and May. The following month, the organisation received four visits (on 6, 8, 10 and 16 June) by police from the ministry’s Economic Crimes Department, again connected with allegations of involvement with prostitution. On 26 August, according to Women in Black, two officials from the Economic Crimes Department again visited the office and questioned Staša Zajović on the same charges.²⁴ Amnesty International considers that these

²¹ Reported in *Danas*, 15 September 2005, *Sonja Biserko: Brinem za svoju Bezbednost* (“I’m concerned for my safety”).

²² *FRY: Bojan Aleksov and Women in Black - human rights defenders at risk*, 18 August 2000, AI Index EUR 70/039/2000, News Service Nr. 159.

²³ For Women in Black’s work on women’s human rights, see <http://www.wib-zeneucnom-belgrade.org>

²⁴ “The latest pressures against Women in Black, Belgrade”, public announcement to international Women in Black e-mail list, 28 August 2005; see also *Pretnje Staši Zajović* (Threats to Staša Zajović), *Danas* 7 July 2005;

allegations are transparently unfounded, and that their pursuit by the authorities represents unwarranted harassment.

In addition, in the run-up to the anniversary of the Srebrenica massacre, Women in Black reportedly received “tens of threats” per day. On the anniversary itself, tear gas was thrown at a silent vigil organized by the organization and attended by members of other human rights NGOs. Police officers present reportedly failed to intervene in order to prevent the incident, although they did arrest nine young men after the attack,²⁵ and Staša Zajović was subsequently requested to attend as a witness to their identification; at the time of writing Women in Black had received no further information on any further developments in this case.

Women in Black have previously been subjected to attacks by non-state actors, including organizations of young right-wing extreme nationalists such as *Obraz* (Honour), the Fatherland Movement of Serbia and extreme nationalist organizations associated with the Serbian Orthodox Church including *Sveti Stefan*.

Youth Initiative for Human Rights

The Youth Initiative for Human Rights’ public awareness programme about Srebrenica included around 30 large billboards erected in different locations including Belgrade, Novi Sad, Niš and Čačak, bearing photographs taken in and inspired by the 1995 events in Srebrenica and the message, “For you to see, to know, to remember” (“*Da vidiš, da znaš, da pamtiš*”). Almost every billboard was subsequently sprayed or defaced with the phrases “Knife, Wire, Srebrenica” (*Nož, žica, Srebrenica*), “There will be a re-run” (*Biće repriza*) and “*ustaše*”, referring to the Croatian forces from the Second World War. In an interview with Human Rights Watch the director of the Youth Initiative for Human Rights, who had been present at one such incident, reported having seen the police talk to the perpetrators, who were then allowed to leave and no further action was reported against them.²⁶

Outside Belgrade

On 15 August 2005, Dobrosav Nesić,²⁷ the Director of the Leskovac Committee for Human Rights, contacted Amnesty International after their office was broken into on the night of 10-11 August; a camera and a lap-top computer containing their database and details of cases on which they were working had been taken. Dobrosav Nesić, a former Amnesty International prisoner of conscience, told Amnesty International: “*We have to admit we feel a bit scared for our families and even threatened for our lives*”. Members of the Committee had recently

on 17 October, a Ministry official visited the organization’s office with the aim of “establishing better cooperation between this association and the Ministry of Interior”

²⁵ *Suzavac na Srebrenicu* (Tear-gas against Srebrenica), *Danas*, 11 July 2005.

²⁶ HRW, *Dangerous Indifference*, p. 26, n. 189.

²⁷ For previous threats, see: *Federal Republic of Yugoslavia, Violation of the right to freedom of expression: Dobrosav Nesić, possible prisoner of conscience*, AI Index: EUR 70/006/99, 1 February 1999.

visited Kosovo with the HLC as part of their investigations into the Mačkatica incinerations. A few weeks earlier on 31 July, Dragutin Vidosavljević, a lawyer working with the Committee, was reportedly badly beaten by Goran Veličković, a police officer who allegedly told him that ‘just as he had slaughtered people in Kosovo, he would slaughter Vidosavljević’. Dragutin Vidosavljević had recently represented a client who was himself reportedly severely beaten by Goran Veličković in July 2003.²⁸

Similar graffiti to that seen in Belgrade, and signed by an organization calling itself Nacionalni stroj (National Formation), appeared in other towns including Vranje, Zajecar and Sremska Mitrovica.

Threats against the media

On 7 September, the Association of Independent Electronic Media (Asocijacija Nezavisnih Elektronskih Medija, ANEM) issued a statement “*protest[ing] strongly at the continuing campaign of intimidation which has now extended beyond journalists to activists of non-governmental organisations.*”²⁹

Many of the verbal attacks made by politicians against human rights defenders have been widely reported in the mainstream media, which have also expressed their own – often derogatory – opinions of the eight NGOs and their leaders.³⁰ However, journalists themselves have also been under threat, including a reporter and the editor of the independent Belgrade daily newspaper, *Danas*.³¹

B92, and its director and editor in chief Veran Matić, may have been singled out for attacks following the showing on 1 June 2005 of a video of the killing of six Bosniak civilians captured in Srebrenica.³² The six men were shot on mount Treskavica in Bosnia and Herzegovina on 15 or 16 June 1995 by members of the former Serbian Special Anti-Terrorist Unit -- known as the Scorpions. The video, which had been shown earlier the same day during ongoing proceedings against former President Slobodan Milošević at the Tribunal at the Hague, revealed the involvement of Serbian forces in violations of international humanitarian law in Bosnia and Herzegovina.

Following an interview with Nataša Kandić of the HLC, the radio station reported on 14 July that they had received an anonymous phone call, stating that a bomb had been placed in the building as a result of the station’s “anti-Serbian campaign” and would explode within an hour. This was reportedly the second such threat received by the station. The station also

²⁸ Emails received by Amnesty International from Leskovac Committee for Human Rights.

²⁹ ANEM, *Nova Zastrășivanja*, (Intimidation Campaign Continues), <http://www.anem.org.yu/>, retrieved 7 September 2005.

³⁰ “NGOs conduct anti-Serb campaign” (NVO vode antisrpsku kampanju), *Kurir*, 25 June 2005, p. 2.

³¹ *Danas*, “Pretnje Bojanu Tončiću” (Threats against Bojan Tončić), 13 April 2005, p. 3; *Danas*, “Brutalna pretnja glavnom uredniku Danasa”, (Danas editor-in-chief receives brutal threat), 13 June 2005, p. 3.

³² The video was also shown on state television.

reported that it received daily threats, mainly through its internet site. Such threats had intensified since the showing of the video.

Tomislav Nikolić, leader of the Serbian Radical Party (SRS), also lodged criminal charges of slander against Veran Matić after Radio B92 broadcast HLC reports relating to the killings of some 50 elderly residents of the Croatian village of Antin by Serb paramilitary forces (see the section on the HLC above). These criminal charges, like those against Nataša Kandić of the HLC, were also rejected by the prosecutor on 22 August.

In Vranje in southern Serbia on 6 September, Saša Stojković, the current affairs editor of Radio OK, was allegedly verbally attacked and threatened with physical violence by two SRS members of the Vranje Municipal Council. Two days later, he reportedly received a phone call from Nenad Stošić the head of the municipal council who threatened to have him arrested because of an opinion poll commissioned by the station, but at that time unaided by them, and which Nenad Stošić believed was critical of the council.³³

The attacks on certain sections of the media came at a time when the Serbian Parliament had adopted draft amendments to the Broadcast Act. Independent media organizations had raised concerns at proposals to postpone the transition of Radio-Television Serbia (Radio televizija Srbije, RTS) from a state controlled service to an independent public service broadcasting organization, and delay the proposed privatization of local media until 2008.

Government Responses

To date, the government has made no official response to appeals from the NGOs concerned; neither have the authorities shown due diligence in opening investigations into the alleged threats and attacks. Indeed, Amnesty International considers that members of the Serbian government have, in some cases, merely reinforced the climate of impunity for attacks against the NGOs.

At the beginning of June, for example, Rade Bulatović, head of the Security Information Agency (Bezbednosno-Informativna Agencija, BIA), reportedly announced that the agency “carefully watches the activities of those NGOs who are working against the interests of the Republic of Serbia”. In language redolent of accusations made against NGOs by the government of Slobodan Milošević in 2000, he also accused them of “abusing their NGO status and [being] mostly financed by centres situated abroad to promote their political and security assignments ...”³⁴ Rade Bulatović has reportedly not responded to an open letter sent by the eight NGOs asking for elaboration of this statement.³⁵

³³ ANEM, *Local Government leaders harass Vranje Journalist*, 16 September 2005.

³⁴ Danas, *Lov na veštice*, (The witch-hunt), 7 July 2005, <http://www.danas.co.yu/20050707/dijalog1.html>

³⁵ See <http://www.helsinki.org.yu/doc/other/BIA-english.pdf>

Verbal threats, including threats of legal action, have also been made by the Minister for Capital Investments and chair of the New Serbia Party, Velimir Ilić³⁶, and by his media advisor Petar Lazović, both of whom are alleged to have made death threats against Veran Matić of B92 and used insulting language and behaviour towards other members of B92 staff at a press conference.³⁷

Although the government appears to have taken no action to curb Velimir Ilić, the Minister for Culture and Information, Dragan Kojadinović, reportedly dismissed his advisor, rock-star Bora Djordjević, for making statements in support of Velimir Ilić and against B92, apparently stating: “It seems to me that the [next thing to happen is] to pull out a gun and shoot at a journalist, which happened in the Milošević era”.³⁸

Amnesty International is also concerned that little or no action appears to have been taken by the authorities, including the police and judiciary, to bring to justice non-state actors suspected of threats and attacks against human rights defenders, even where there is evidence to suggest that attacks are motivated by, or intend to incite, national, ethnic or religious discrimination. Article 51 of the Serbia and Montenegro Charter on Human and Minority Rights and Civil Liberties, states that: “Any provocation of and incitement to ethnic, racial, religious and other inequality, as well as provocation and stirring up of national, ethnic, racial, religious and other hatred and intolerance, shall be prohibited and punishable”. Further, Article 134 of the Serbian Penal Code prohibits national, racial or religious hatred, discord or intolerance among people and national minorities.³⁹

Prosecutions, where they have occurred, have generally not been brought under Article 134, but under public order legislation, and often through the misdemeanour courts, even in cases where the intent to incite racial hatred appears evident.⁴⁰

The phantom of Slobodan Milošević

³⁶ Velimir Ilić is a former member of the Serbian Renewal Movement and in 1996 was elected mayor of Čačak; he co-founded the New Serbia party, which split from the SPS in 1998.

³⁷ B92, *Ministar Ilić: B92 za psihijatriju* (English headline, “Charming Minister!”), 15 August 2005.

³⁸ B92, *Sledi smena Bore Đorđevića* (English headline, “Advisor fired for comments”), 22 August 2005; ANEM, *Minister Warns Journalists may be shot*, 23 August 2005.

³⁹ In a very small number of cases where a racial element to the crime is clear, prosecutions have been brought under Article 134 (1) “Whoever incites to or inflames national, racial or religious hatred, discord or intolerance among people and national minorities living in Serbia and Montenegro, shall be punished by one to five years’ imprisonment”; section(2) of the same article make provision for increased sentencing – up to eight years - where the act is committed through coercion or ill-treatment, jeopardizing safety or causing damage to other people’s belongings, including the desecration of monuments or tombs; section (3) provides for up to ten year’s imprisonment where the perpetrator commits the offence as an abuse of office or powers, or if the offence resulted in riots. For the failure of the Serbian authorities to use Article 134, see HRW, *Dangerous Indifference*, pp. 47-50.

⁴⁰ Three suspects were arrested for placing anti-Semitic posters and graffiti on various locations in Belgrade, including at the Jewish cemetery and at the offices of the HLC, the Helsinki Committee and B92, calling the heads of these organizations “Jewish pawns”; the three men subsequently charged under Article 12 (1) of the Misdemeanours Act, for “indecent, impudent and ruthless behaviour” and sentenced on 23 March to ten days imprisonment, *ibid.*, p. 30-31.

These attacks on both the media and on human rights defenders are reminiscent of the last years of the government of Slobodan Milošević when opposition activists, including the youth and student movement Otpor! (Resistance!), experienced increasing harassment from the authorities, including unlawful and arbitrary detentions, torture and ill-treatment.⁴¹ Indeed, among those suspected or known to be responsible for threats against human rights defenders are many allies of Slobodan Milošević who still retain positions of authority and political influence under the current government of Vojislav Koštunica.

Amnesty International is therefore particularly concerned that on 5 August 2005 charges against Marko Milošević, the son of the former President, who had been convicted *in absentia* for threatening to attack a member of the Otpor! movement in Požarevac with a chainsaw,⁴² were dropped by the authorities, reportedly because of the withdrawal of a statement made by the victim, Zoran Milovanović.⁴³ According to Zoran Milovanović's mother, the statement was withdrawn because of threats received by the family. Belgrade daily newspaper *Blic* also reported that another member of Otpor! involved in the case, Momčilo Veljković, and his family, had received death threats in a letter signed by the "Serbian Death Squadron" (Srpski eskadron smrti).⁴⁴ This was reportedly the second such letter received by Momčilo Veljković within two weeks.

According to the UK newspaper *The Financial Times* (18 August 2005), Velimir Ilić reportedly admitted that he had also told Zoran Milovanović that it would be "human and Christian" of him to revise his testimony. At the same time, the Institute for War and Peace Reporting (IWPR) reported that according to a senior source in the judiciary, the Deputy District Prosecutor Dimitar Krstev withdrew the charges under pressure from Serbian State Prosecutor Slobodan Janković. These allegations are denied by Dimitar Krstev.⁴⁵ As a further indication of the continuing influence of the Milošević family an international arrest warrant for Marko Milošević's mother, Mira Milošević, wanted on charges of corruption, was dropped in July, but after domestic and international pressure, was re-issued on 15 September 2005.

In addition, both the independent media and former government ministers increasingly suggest that a return to the spirit of the Milošević era is expected, following a deal by the Prime Minister Vojislav Koštunica's minority government with the SPS, formerly led by Slobodan Milošević. The editor of B92, Veran Matić, observed: "the situation is even more complicated than under Milošević. The world now views the government as democratic,

⁴¹ News Service Nr. 170, *FRY: "Resistance" in the firing line -- growing harassment of student activists*, 5 September 2000, AI Index EUR 70/045/2000

⁴² See, News Service: 82/00, *Federal Republic of Yugoslavia: increasing pressure on opposition groups*, AI Index: EUR 70/21/00, 5 May 2000.

⁴³ B92, *Kako je nestala motorna testera*, (How was the chainsaw created?), 8 August 2005; it remains unclear to Amnesty International how such charges may be dropped following conviction *in absentia*.

⁴⁴ *Blic*, *Nove pretnje smrću zbog Marka Miloševića* (New death threat because of Marko Milošević), 3 September 2005.

⁴⁵ IWPR, *Serbian Prosecutors Accused of Serving Politicians*, B.C.R. No 572, 25 August 2005.

but all key pillars of Milošević's regime are being rehabilitated."⁴⁶ Similar views have been expressed by former Serbian Minister of Justice Vladan Batić⁴⁷ and the former Minister of Foreign Affairs for Serbia and Montenegro Goran Svilanović.⁴⁸

Recommendations

The campaign of harassment and intimidation against human rights defenders in Serbia must end. Authorities at all levels of government must explicitly commit themselves to promoting respect for human rights, and to guaranteeing that everyone in Serbia is able to exercise these rights fully and freely. Human rights defenders must be able to carry out their legitimate activities, and be afforded all relevant protection while doing so. There can be no impunity for perpetrators of human rights abuses.

To this end, Amnesty International is calling on the Serbian authorities to ensure that the principles contained in the UN Declaration on Human Rights Defenders are fully incorporated into national law and mechanisms for the protection of human rights.

Specifically, Amnesty International calls on the authorities to end impunity for attacks on human rights defenders in Serbia, by:

- Taking action to thoroughly, promptly and impartially investigate all threats and attacks against human rights defenders, to identify the perpetrators and to bring those responsible to justice;
- Investigating all threats and attacks against members of the independent media, and similarly to bring to justice those responsible;
- Implementing the relevant provisions of the Constitution of Serbia and Montenegro and to enforce and implement existing legislation prohibiting the dissemination of racial, religious and ethnic hatred;
- Taking effective action to ensure all public servants, including within the Ministry of the Interior, act to recognise the legitimacy of the work of human rights defenders and to abstain from making unsubstantiated allegations against human rights defenders. Statements of this nature must be publicly countered and appropriate measures applied to sanction those responsible.
- Taking effective action to sanction state officials who abuse the criminal process to the detriment of members of human rights and social organizations with the

⁴⁶ RFE/RL South Slavic and Albanian Languages Service, 16 August 2005.

⁴⁷ Vladan Batić was arrested on 28 September, apparently in connection with the release of a suspect during "Operation Sabre", which followed the assassination of President Zoran Djindjić; he was released two days later.

⁴⁸ *Der Spiegel*, "Serbia goes back to the past: 'The Milošević Era Has Returned'", 22 August, 2005 <http://service.spiegel.de/cache/international/0,1518,370952,00.html>.

intention of harassing them or curtailing their legitimate activities for the defence of human rights and fundamental freedoms;

- Ensuring that any criminal proceedings brought against HRDs are independent and impartial;

Amnesty International also calls on the Prime Minister and the Serbian Government:

- To end the climate of silence and denial relating to war crimes, in accordance with their obligations to the Council of Europe, and in particular their commitment: “to inform the people of Serbia about the crimes committed by the regime of Slobodan Milošević, not only against the other peoples of the region but also against the Serbs”;
- To ensure that the perpetrators of war crimes, crimes against humanity and genocide are brought to justice, including at the International Criminal Tribunal for the former Yugoslavia, at the War Crimes court in Belgrade and in other domestic courts in Serbia.

Amnesty International also calls on the international community, and in particular the member states of both the Council of Europe and the European Union, to raise Amnesty International’s concerns on human rights defenders in all relevant bilateral and multilateral meetings with Serbian authorities. In particular, the organization calls on:

- The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe to more closely monitor the situation of human rights defenders, as part of its continuing reporting and monitoring of human rights concerns in Serbia and Montenegro;
- The European Union (EU) institutions to implement the provisions of the EU guidelines on Human Rights Defenders in its bilateral relations with Serbia-Montenegro. Amnesty International specifically calls on:
 - the EU Troika meetings with Serbia and Montenegro to actively make use of the Guidelines in their political exchanges;
 - the Delegation of the European Commission to Serbia and Montenegro to actively promote and use the Guidelines as a tool in its interactions with national authorities and civil society; and
 - the European Parliament to apply the Human Rights Guidelines and the Guidelines on Human Rights defenders in particular during inter-parliamentary meetings.