

**Submission by:** Front Line; the International Foundation for the Protection of Human Rights Defenders (Front Line has Special Consultative Status with the Economic and Social Council of the United Nations)

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## Introduction

The following submission has been prepared based on information received from independent human rights defenders in Serbia. Front Line is an international NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN 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) adopted by General Assembly resolution 53/144 of 9 December 1998.

Front Line is extremely concerned by the ongoing acts of repression against human rights defenders (HRDs) in Serbia. HRDs are active on a wide range of civil and political, economic, social and cultural rights such as: legal aid; discrimination; lesbian, gay, bisexual, transgender and inter-sexual (LGBTI) rights; women's rights; minority rights; religious rights; disability; human rights education; and anti-trafficking. Threats and acts of harassment, negative media reporting, stigmatisation and attacks are major obstacles to the establishment of a favourable environment for human rights activities in the country and seriously hinder the work of HRDs. At particular risk are defenders working in the fields of transitional justice and minority rights.

Human rights defenders outside the capital are more vulnerable to attacks and harassment as they are more isolated and distant from the protection networks that exist in Belgrade. This situation is particularly concerning for women defenders working in rural areas.

Human rights defenders are operating in the context of a country that is in transition and that is facing challenges from both the recent past and the crimes committed during the present regime, as well as the challenges linked to the future, including with the recent declaration of the independence of Kosovo.

## Women human rights defenders (WHRDs) at risk

In Serbia many of the influential human rights organisations, working on issues such as war crimes, transitional justice, Kosovo, organised crime and corruption, are led by women. And while they have received a substantial level of public acknowledgment and support, recognising their legitimate work in raising concerns of human rights violations both past and present, this acknowledgment of their work has made them some of the most targeted individuals in Serbia.

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Woman leaders of NGOs, such as Biljana Kovacevic-Vuco (Lawyers' Committee for Human Rights – YUCOM), Natasa Kandic (Humanitarian Law Center), Sonja Biserko (Helsinki Committee for Human Rights in Serbia) and Stasa Zajovic (Women in Black), have all reported being subject of attack by both State and non-State actors, including state-controlled media, for a number of years. The forms of attack that they have reported include direct physical violence and open threats, general stigmatisation of women human rights defenders through negative media campaigns, and the filing of legal cases against them. WHRDs in Serbia have been the subject of a constant campaign, both on the basis of their human rights activities and due to their gender. As well as facing the same forms of threat and harassment as that of male human rights defenders, WHRDs in Serbia have been facing additional threats, such as discrimination, sexual abuse and derogatory remarks based on their gender.

- **Lawyers' Committee for Human Rights – YUCOM** - Biljana Kovacevic-Vuco is Director of YUCOM, founded in Belgrade in 1997, to promote the idea of the rule of law and uphold human rights in Serbia. As a result she has been insulted, attacked in the street and vilified by sections of the government and the media. YUCOM has published a number of books and expert works related to human rights in Serbia and in 2005 initiated a book series titled "Public files – not to be forgotten". The three titles in the series so far are: "The Case of Civil Servant Aleksandar Tijanic", "Vojislav Kostunica – a career" (on the current Serbian Prime Minister) and "A Plainclothes Journalist" on Zeljko Cvijanovic, a Belgrade journalist who had worked in Radovan Karadzic's propaganda team during the war in Bosnia. These books focus on naming and shaming public figures in Serbia and calling for them to be brought before the courts and held accountable for their actions. A total of 9 criminal charges and law suits have been filed against Biljana Kovacevic-Vuco since 2004.
- **Women in Black** is a women's anti-war organisation that since its inception in 1991 has non-violently opposed all forms of militarism, war, sexism and nationalism. It opposed Serbia's involvement in the Balkan wars and has since been actively challenging impunity for war crimes. Due to the nature of their work, the members of Women in Black have been subjected to threats and harassment from both State and non-State actors. Each year, commemoration events organised by Women in Black to mark the anniversary of the Srebrenica genocide have been targeted by members of right-wing groups. Prior to each year's event, the organisation has received numerous threats and in 2005, during the silent vigil to mark the tenth anniversary, tear gas was thrown at participants.

The vigil was one event that formed part of a campaign called "Facing the Past" which aimed at challenging the climate of impunity for war crimes, and encouraging the Serbian authorities, as well as the people of Serbia, to acknowledge the truth regarding the past.

In February 2005, a criminal investigation was initiated following accusations by an individual that Women in Black, and specifically the Coordinator Stasa Zajovic, were involved in the organisation of prostitution. During the course of the investigation Stasa Zajovic was brought in for questioning, the Belgrade offices were visited on a number of occasions by the police and members were questioned in relation to the accusations. The unfounded allegations constituted an attempt to discredit and disrupt the legitimate non-violent activities of the organisation and its members.

## **Repression against defenders of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Rights**

While the new constitution of Serbia is considered by many to be a very progressive piece of legislation, it makes no explicit mention of sexual orientation. LGBTI rights defenders have found themselves in a particularly vulnerable position and have reported many incidents of attack and intimidation from right-wing groups. Internet forums hosting online discussions have regularly included postings containing hate speech and advocating attacks on LGBTI groups and disruption of activities or mobilizations organised by LGBTI organisations.

Despite 25 years of LGBTI activism homosexuality was criminalised until 1994. As a result, the

pressure and aggression therefore falls mainly on the small group of LGBTI human rights defenders who have a public profile. Boris Milicevic is the Director of Gay Straight Alliance and because he is one of the few persons who are publicly out, he has been spat at in the street, refused service in restaurants and on occasion attacked.

- In April 2007, T.P. of Surcin (a suburb of Belgrade), member of the Gay Straight Alliance, began receiving threatening telephone calls. Shortly after beginning to receive threats graffiti appeared on her house signed by the 'ULTRA BOYS', a football club supporters group. A month later she received further threatening calls. On 15 May 2007 graffiti appeared near her home, with the word "lesbian", her birth date, and a current date, presumably intended to indicate her death date. T.P. reported the case to two separate police units, both of whom told her that it was not in their job description to find her protection and to investigate the offenders. On 22 May she again reported the case to the local police station, but was told that nothing could be done in the absence of the superintendent.

The only solution for gay rights defenders is often to publicly protest in order that the authorities have to do something. As a general rule the police don't go into gay bars in Belgrade but in smaller towns like Nis they regularly go in and request identification from customers. The police justify this on the basis that they have to keep a watch on all "subversive groups". It has been reported that on different occasions this information has been "leaked" into the hands of right wing groups and then people find themselves outed or dismissed from their job. A section of the new constitution says that the police can forbid any event that is "against moral values" and although it has not been used, it leaves LGBTI organisations open to allegations of non-moralistic behaviour.

### **The declaration of independence of Kosovo**

There was a reported increase in the number of threats and restrictions against human rights defenders and human rights organisations in Serbia prior to, and in reaction to, the declaration of Kosovo's independence on 18 February 2008. During a parliamentary session on 19 February 2008, Ivica Dacic, the leader of the SPS called for all non-governmental organisations that recognised Kosovo's independence to be banned.

### **Freedom of expression**

In December 2007 Serbian Ombudsperson Sasa Jankovic expressed concern that in Serbia excesses still exist that effect freedom of expression. Media organisations and journalists, particularly the radio station B92, have reported incidents of vandalism, harassment and intimidation and even bomb threats, as a result of coverage given to critical views towards the government or issues concerning the past, such as Serbia's role in the Balkans wars, as well as current issues such as Kosovan status.

- On 3 December 2007, B92 was due to host its popular show Peščanik (Hourglass) in the town of Arandjelovac, in central Serbia. The show is known in Serbia for its criticism of the current government as well as past governments, including that of Slobodan Milosevic. As the program was about to begin, the venue was stormed by approximately 200 members of the New Serbia Party and the Serbian Radical Party. Physical clashes and verbal insults ensued.
- On 14 April 2007, at approximately 2:50 am, a grenade reportedly exploded in the bedroom window of the home of Dejan Anastasijevic, prominent Serbian journalist for the Belgrade weekly *Vreme*, in the centre of Belgrade. The journalist, his wife and his fifteen-year-old daughter were all in the house at the time. It was reported that the blast from the grenade catapulted a second grenade into the street.

The failed attempt on the life of Dejan Anastasijevic was believed to be related to his work

as a journalist, and in particular his investigations into the connection between war crimes committed by Serbian military and police all over former Yugoslavia in the nineties. Dejan Anastasijevic was also among the witnesses at The Hague International War Crime Tribunal against Slobodan Milosevic.

### **Fiscal harassment of NGOs**

A property tax for citizens' associations taxes all grants received from private donors as well as foreign donors at 5%. In addition NGOs must pay 18% tax on domestic grants.

- In November 2006, the **Association for Women's Initiative** (AWIN) was visited by financial inspectors who notified them that they must pay 5% tax (according to the law on taxation of assets) on all donations they received in 2005 and 2006. AWIN was the first women's organisation to be taxed by the law on taxation of assets. As there is no specific clause in the law which exempts not-for-profit organisations from complying with the taxation on donations, NGOs are also obliged to pay on assets. Following the order to pay taxes on all donations AWIN submitted a proposal for a change in the law on assets, in which they argued that there should be a clause exempting NGOs from payment due to their not-for-profit nature. The proposal was refused.
- Also in 2006, the Lawyers Committee for Human Rights YUCOM was subjected to a financial inspection. On 29 December 2006, the Tax Authority attempted to deliver its findings, in which the organisation was ordered to pay an enormous sum, allowing YUCOM a three-day deadline to comply or reply. In the course of the inspection the authorities had confiscated important originals of financial documents, with the result that the organisation was left without a large portion of their documentation dating back to 2005.

As there is no law on NGOs in Serbia, and previous mobilisation from the NGOs did not yield positive results, NGOs are now calling on donor governments and agencies to use their influence to bring about a change in the law for not-for-profit organisations.

### **Front Line calls upon the UN to urge the authorities in Serbia to prioritise the protection of human rights defenders and in doing so to:**

1. To conduct an independent investigation into the source of threats and attacks on human rights defenders, and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report with the specific aim of identifying those responsible, publishing the results and bringing those responsible to justice;
2. Take concrete steps to publicly condemn attacks and campaigns against human rights defenders, giving recognition and importance to their legitimate activities defending the rights of others;
3. Ensure that all human rights defenders in Serbia are free to carry out their human rights activities free from persecution.