

Humanitarian Law Center – individual contributions for Universal Periodic Review, Serbia, June 2008

About the Humanitarian Law Center

The Humanitarian Law Center (HLC) helps post-Yugoslav societies re-establish the rule of law and come to terms with the legacy of large-scale past human rights abuses, in order to prevent their recurrence, to ensure accountability, and to serve justice. HLC was founded in 1992 by human rights defender Natasa Kandic to document human rights violations committed during the armed conflicts in the former Yugoslavia, and to provide legal aid and protection to victims of past human rights abuses before national courts. 40 dedicated professionals, with expertise in human rights and transitional justice, work for HLC. The organisation has offices located in Belgrade, Serbia, and Pristina, Kosovo. HLC implements a victim-centered transitional justice programme which is realized through three units: Documentation and Memory, Justice and Institutional Reform and Public information and Outreach.

Cooperation with the Hague Tribunal

- I. In order to fulfil its mandate the Hague Tribunal relies heavily on cooperation from the Republic of Serbia. Serbia's cooperation is, however, incomplete on three counts: 1) the Serbian Ministry of Interior and Military continue to withhold documents requested by the Office of the Prosecutor, 2) the Serbian Ministry of Interior has as recently as April 2008, interfered with a Hague Tribunal protected witness, and 3) Serbia has ignored the ICJ judgement in the Genocide case of Bosnia vs. Serbia, failing to take measures to ensure full compliance with its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide to punish acts of genocide, and failing to transfer individuals accused of genocide or any of those other acts for trial by the International Criminal Tribunal for the former Yugoslavia, and to co-operate fully with that Tribunal;
- II. Serbia has provided only limited access to archives and documents held by the Serbian Ministry of Interior and Military that are crucial for ongoing trials, such as the Milutinovic case, and those that are about to begin in the near future. Withholding documents requested by the Hague Tribunal the Office of the Prosecutor constitutes a serious failure to cooperate with the Hague Tribunal; it hinders the prosecution of cases for egregious violations of human rights perpetrated on a massive scale, and is a significant obstacle to bringing perpetrators to justice and justice to the victims.
- III. The Serbian Ministry of Interior has interfered with a Hague Tribunal protected witness – thereby seriously endangering the basic cooperation of the Republic of Serbia with The Hague Tribunal. The family of protected witness VS-033 in the Vojislav Šešelj case told the Humanitarian Law Center that members of the Serbian Ministry of Interior entered two of his apartments in Belgrade on 16 April 2008 without a search warrant or a decision for undertaking any other police activity. They harassed the son of witness VS-033, believing he was witness VS-033, and threatened his mother. HLC believes that the Serbian Ministry of Interior is acting on the conclusions and directions of the Hague indictee Vojislav Šešelj which he presented in court on 2 April 2008.

- IV. Above all, Serbia has failed to cooperate with the Hague Tribunal in apprehending the remaining three fugitives - Ratko Mladić, Radovan Karadžić, and Goran Hadžić. The International Court of Justice in its judgment in the Genocide case, Bosnia vs. Serbia, decided that Serbia should “immediately take effective steps to ensure full compliance with its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide to punish acts of genocide as defined by Article II of the Convention, or any of the other acts proscribed by Article III of the Convention, and to transfer individuals accused of genocide or any of those other acts for trial by the International Criminal Tribunal for the former Yugoslavia, and to co-operate fully with that Tribunal.”

Human Rights Defenders in Serbia

- V. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. In Serbia, however, human rights defenders carry out their activities in an oppressive climate of fear and with considerable risk of reprisal. The radicalization of the Serbian political scene and society since Kosovo’s declaration of independence on 17 February 2007 has put the country’s human rights defenders, liberally-oriented politicians and investigative journalists in an especially vulnerable position.
- VI. Commenting in parliamentary session the day after the declaration of independence, Leader of the opposition Socialist Party of Serbia (SPS), Ivica Dacic, demanded the work of “all political parties and NGOs who recognize independent Kosovo” be banned. The next day, the Socialist Party of Serbia announced that it had begun collecting signatures to bring a criminal complaint against human rights defender, and Executive Director of the Humanitarian Law Center, Natasa Kandic solely because she was in the Kosovo assembly when the Declaration of Independence was adopted.
- VII. After the adoption of the Declaration of Independence in the Kosovo Central Assembly, several articles published in high-circulation newspapers attacked Ms. Kandic because she was present at the session of the Kosovo Central Assembly. Articles such as Natasa, the Woman Who No Longer Exists, published in the daily Vecernje novosti, and Kandic at the Siptar Celebration, Traitor, and Allegedly a Guest, all found in the Kurir tabloid, echo those published before the assassination of Serbian journalist Slavko Curuvija at the beginning of the NATO bombing in 1999. These articles, also published on the Internet, resulted in reader comments full of hate speech and open demands for attacks on Ms. Kandic.
- VIII. During protests on 19 February 2008 in all major cities in Serbia, attended by hundreds of people, demonstrators reportedly called for the murder of ethnic Albanians. In Kragujevac a fast food restaurant run by Gorani (a Bosnian

speaking ethnic minority from Kosovo) was vandalized. In Bor, windows of a confectionery shop also run by a Gorani were smashed, as were those of cars. The riots in Belgrade and other cities in Serbia were followed by attacks on journalists. According to various media sources, TV B92, TV Studio B, TV RTL and Public Broadcasting Service of Serbia were attacked. No arrests were made in relation to those attacks.

- IX. Hate speech by the outgoing Serbian government officials and members of the National Assembly and against human rights defenders has not been followed by proper reaction of relevant officials. Following the declaration of independence of Kosovo, some public officials even justified violence on the streets of Serbia. In the TV show Poligraf aired by TV B92 on February 18, 2008), Mr. Slobodan
- X. Samardzic, the then-Minister for Kosovo, said that he does not support violence but justified attacks on checkpoints at the Kosovo border as “legitimate and in line with the policy of Serbia.”
- XI. On 24 February 2008 Politika carried the statement of then-Infrastructure Minister, Velimir Ilic, in which he demanded the arrest of Ms. Kandic and others. “There are traitors in Serbia who legitimize themselves. Who was standing next to Hashim Thaci when he announced the independence of the false state? I call on the responsible organs to arrest the trash that has been an embarrassment to Serbia for years”. Since then, people approach Ms. Kandic on the street and threaten her using the exact words that Minister Ilic used.
- XII. On 28 February 2008, the then-Infrastructure Minister accused the Liberal Democratic Party of organizing disturbances and said that “it is a traitorous group which would sell the country for a sack of pork scratchings” [sic]. Responding to the question: are people that think differently from the government safe in Serbia, the Minister replied that the authorities could not defend people “who say that Kosovo is not ours”.
- XIII. The campaign of the tabloid press against the Humanitarian Law Center and its Executive Director, calling on citizens to take concrete measures against “traitors”, has already yielded worrying results. Serbian fashion designer V.R. ordered her retailers not to permit Ms. Kandic to enter her shops. A restaurant owner has also sent a message to Ms. Kandic telling her not to come to his restaurant.
- XIV. From the Hague Tribunal, Vojislav Seselj, leader of the Serbian Radical Party, charged in 14 counts of the indictment with the crimes committed in about a dozen locations in Croatia, Bosnia and Herzegovina, and Vojvodina (Serbia) has since his trial began in November 2007 led a sustained attack on Ms. Kandic. The Serbian dailies Politika, Pravda and Glass javnosti in their 3 April 2008 issues all devoted extensive coverage of Vojislav Seselj’s cross-examination of protected prosecution witness VS003, in which Seselj accused the witness of having been prepared by the Humanitarian Law Center, of having been paid by the Humanitarian Law Center to give testimony against him, and of having collaborated with Ms. Kandic and investigative journalist Dejan Anastasijevic in

the bomb attack on Anastasijevic's home on 14 April 2007. Such accusations are intended to discredit the important work of the Humanitarian Law Center and its Executive Director which aim at combating impunity for war crimes and human rights violations perpetrated in the armed conflicts in the 1990s in the former Yugoslavia.

- XV. The comments and actions of the Socialist Party of Serbia, the Serbian Infrastructure Minister, the Serbian Minister for Kosovo, the leader of the Serbian Radical Party and the tabloid press have radicalized a population already in the grip of nationalist fervour, and seek to marginalize voices of civil society and the non-governmental sector that promote the protection of human rights and justice for victims. Such comments and actions, which are contrary to the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, therefore not only push society to the extreme right of the political spectrum and create a climate in which violence is acceptable, but also pose a significant threat to the security and work of human rights defenders.