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Organization: Helsinki Citizens' Assembly Banjaluka

UPR pre-session oral statement

1. Presentation of the Organisation

Helsinki Citizens' Assembly Banjaluka (hCa BL), established in 1996, is non-governmental, non-profit, human rights organization that has been working on peacebuilding and reconciliation and strengthening the marginalized groups to be more active in political and public life. We work on local, national and regional level in cooperation with CSOs of various backgrounds and profiles all over Bosnia and Herzegovina and beyond.

2. Has the state organized consultations related to 3rd Universal Periodic Review?

My organization did not receive any invitation to participate in the consultation on the drafting of the national report, nor is aware that the consultation has taken place. On the other hand, there is the *BiH Civil Society Initiative for UPR*, which is an informal coalition of 12 civil society organisations from across Bosnia and Herzegovina that prepared Joint Submission for the 3rd UPR on the State of Human Rights Situation in Bosnia and Herzegovina. The report was submitted in March this year.

3. Theme

The statement addresses the issue of the right to freedom of assembly in Bosnia and Herzegovina and provides an overview that clearly shows that this right is seriously endangered. The statement is supported by concrete examples that have occurred in BiH over the last four years.

4. What has been done between the second and third reports/reviews?

Although in the second UPR cycle there was only one recommendation for BiH from Lithuania¹ that directly concerned freedom of assembly, in the last four years many things have happened that you need to know and which deserve your attention and new concrete recommendations for the state.

Freedom of assembly in Bosnia and Herzegovina is still seen as a security threat, instead of as a human right.

I will present disturbing and dangerous trends aimed at narrowing space and opportunities for public gatherings that we have recorded in BiH between 2nd and 3rd cycles, which include:

► **Unreasonable demands for the organizers of public assemblies to pay additional fees to private security agencies, medical care, fire insurance;**

Example: BH Pride² – The organizer of BH Pride Organizational Committee was **asked to pay** 60 000 KM or 30 000 EUR for security and concrete barricades. Even though the Pride March

¹ *Protect freedom of assembly and hold accountable any police officers involved* (Lithuania). However, the recommendations of some other countries (Canada, Belgium, Netherlands, Slovakia, Norway) were taken into account when drafting this statement. These recommendations concern the human rights defenders in general and call for their protection and condemnation of attacks against HRD.

² Bosnia and Herzegovina's Pride March was successfully held on 8th September 2019 in Sarajevo.

was estimated as a gathering of the great risk, the amount asked was excessively high implying that state agencies had wanted to discourage and dissuade of the organization of the Pride.

► **Misunderstanding what constitutes spontaneous assemblies and the unjustified and excessive use of police force against people who had gathered to protest peacefully;**

Examples:

My colleague Nela Porobic has already spoken about the **brave women of Kruscica** who have been protesting for months trying to save their river and who have been subjected to a police attack and misdemeanor charges. I will talk about “**Justice for David**” group gatherings as a drastic example of violating the rights of people to gather, move and express their opinions. After the murder of young man David Dragicevic in March 2018, people, led by his parents, began to **spontaneously** gather in the main square in Banjaluka seeking the names of the killers to be discovered.

David's father Davor Dragicevic and the group "Justice for David" had been protesting for months until the end of 2018, when the police banned further gathering of this group. After police intervention in December 2018, more than 20 members of the Justice for David group were arrested while the father was forced to leave the country. In total, members or supporters of the Justice for David group received more than 200 misdemeanor charges and 18 criminal charges from September last year to June this year. Even a woman, who operated loud strings and could not even speak, received a misdemeanor report for shouting loudly. There was also one attempted murder of a journalist reporting from the “Justice for David” gatherings.

Transparency International BiH filed 3 criminal charges against several police officers from Banja Luka because of Violent behaviour and Violation of human dignity through abuse of official position or authority. The charges were backed up by videos (showing police officers using physical force) and testimonies by journalists and politicians who claimed to have been subjected to physical abuse in the police station. Nothing has been done yet regarding these criminal charges. Answer to the very simple question “Who killed David?” is still missing, and the group Justice for David is forbidden to gather, and against several members of the group there are on-going misdemeanour or criminal proceedings.

► **Unjustifiably placing great responsibility on organizers and stewards for maintaining public law and order;**

Example: 8 March (International Women’s Day) peaceful protest walking in Banjaluka (8. March 2019)

After the end of the March, the organizers and all stewards faced the threat of misdemeanor charges for “failing to prevent disturbance of peace and order and have not clearly written inscription “steward” on their vests”. What the police had seen as disturbance was a noise - loud shouting slogans during the protest walking. When asked how they measured the noise, we were told that this was a subjective assessment by the police. This completely trivializes/ downgrades the purpose of public gatherings where people come exactly to speak publicly and loudly their messages and requests.

► **An increase in restrictions on places where assemblies may be held**

All requests submitted by the Justice for David group from January to the present day for organizing a public assembly on the main square in city center, the usual place for organizing public assemblies in Banja Luka, were rejected. At the same time, they allowed concerts and sports events to be organized in the same square.

In addition, this group was also forbidden to gather in front of the church to light candles for the slain David. People who gathered in and around the church in a public park were legitimized daily. This not only jeopardized their right to public assembly, but also the right to freedom of movement.

Another case of violation of this right was recorded in March 2018, when SOC asked for permission to hold a public event on the square in front of BBI mall in Sarajevo. The event was supposed to commemorate International Transgender Day of Visibility. The permission was denied even though SOC had already organized an event in front of the BBI mall without any security concerns.

► **Announcements of passing new restrictive public assembly laws**

Both entities prepared draft laws on public assembly, but both were rated by legal experts as incompatible with international standards.

CSOs rate them as restrictive. The Draft Law on Public Assembly of Republic Srpska envisages measures limiting the time when a public assembly can be organized, the duration of an assembly, as well as places where it can be held, and provides additional burdens for organizers and stewards, including legal liability for damage that the participants of the assembly might caused.

5. Recommendations

- All laws on public gathering must be aligned with international standards, in particular with the OSCE Guidelines for Peaceful Assembly and The report of the Special Rapporteur on the rights to freedom of peaceful assembly and of associations.
In existing laws on public assembly in BiH notification procedure should be simplified and administrative burden for organizers of public assembly should be reduced.
- An independent external body should be established to supervise all aspects of police work to ensure that is in line with international human rights standards. The internal control mechanisms of the police should be reinforced and developed so as the citizens are more aware of their effectiveness.
- Prosecutors' Offices as well as local and higher courts must operate with respect of human rights' principles and work independently of political influences when investigating and forming charges against assembly organisers, leaders, stewards and other participants.
- The role of the Institution of Ombudsman should be enhanced and strengthened in regards to the freedom of assembly and the Ombudsman should issue a Special Report on Freedom of assembly in BiH.
- Repression against members and supporters of Justice for David group must stop.