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SERBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

In 2009, as part of the process of drawing closer to the European Union, Serbia implemented a large number of the reforms required for deregulation of the visa system¹. On March 25, 2009, the Serbian Parliament adopted a draft law against discrimination that defined a legal framework for the protection of all Serbian citizens, whatever their political, religious or sexual orientation or their state of health, whether physical or mental. Despite pressure from the Orthodox Church and conservative opinion that spurred the Government to adopt amendments restricting sexual and religious freedoms, the law was adopted without major changes². Welcomed by human rights organisations, it will come into force at the beginning of 2010.

Serbia must nonetheless ensure resolution of the criminal proceedings opened against Mr. Ratko Mladić and Mr. Goran Hadžić, indicted by the International Criminal Court and still on the run.

In addition, extremist groups continued to carry out violent acts of a racist or homophobic nature, which the authorities seem incapable of combating, although first steps have been recently taken in this direction. On September 26, 2009, the police arrested around thirty activists from extreme right-wing groups, including the head of the extreme right-wing group "Obraz", Mr. Mladen Obradović. At the end of 2009, these organisations were being investigated and key political figures and authorities also called for a ban on "Obraz" and the "1389" movement³ and their dissolution. However, the ban on demonstrators who marched on November 9,

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1/ With regard to this, lifting of the Schengen visa system came into effect on December 19, 2009.

2/ The law prohibits all discrimination, whether racial, national, social or denominational and provides protection against political, cultural, linguistic, physical or psychological discrimination. It also provides for the appointment of a commissioner for the protection of equality responsible for defining violations of this legislation and for taking warning and prevention measures. Fines of up to 10,000 to 100,000 dinars (105 to 1,050 euros) are planned.

3/ The Prosecutor of the Republic of Serbia called for the Supreme Court of Serbia to ban the extreme right-wing groups "Obraz" and "1389" in September 2009. Similarly, at the end of February 2009, the Secretary of State for Human Rights and Minorities, Mr. Marko Karadzic, called for "Obraz" to be banned and petitioned the court to verify the constitutionality and legitimacy of its activities. As of the end of 2009, the Supreme Court had not yet issued a ruling and the court was still considering the case.

2009, the International Day Against Fascism, Racism, Anti-Semitism and Xenophobia, prohibiting them from approaching the Parliament although they had initially been authorised to do so, was interpreted as a sign of the Government's refusal to fully assume its responsibilities in combating extreme right-wing groups⁴. Human rights defenders complained in general about the lack of political will to protect them from attacks by extreme right-wing groups and to guarantee their rights fully. Furthermore, no sentence resulted from the complaints filed by defenders who were attacked in 2008, which creates a climate of impunity and insecurity that is prejudicial to the work of civil society protagonists.

LGBT defenders are still threatened and their freedom of assembly is frequently flouted

In 2009, defenders of lesbian, gay, bisexual and transgender rights (LGBT) were again subject to violence by extremist groups and suffered from the State's lack of willingness to guarantee their right to freedom of expression and ensure their protection. As an example, the organisation "Gay Straight Alliance" (GSA) encountered numerous problems in organising a press conference to announce the publication of a report on the situation of the rights of homosexuals in Serbia. The press conference, which was to be held on February 26, 2009 at the press centre in the Sava conference centre, was cancelled by the centre's management on February 24, as the use of the premises by an organisation for the promotion and defence of the rights of homosexuals was deemed "inappropriate". The conference was finally held on March 9 in the town of Kragujevas. Defenders who participated were attacked and insulted by young members of extreme right-wing groups (including "Naši", "Obraz", "1389" and hooligans), who threw stones at the windows and doors of the building where the conference was being held, at the same time making death threats⁵. Three of these members were later arrested.

Neither did the Serbian State guarantee freedom of peaceful assembly for defenders of LGBT rights, banning the "Belgrade Pride" parade from taking place as planned on September 20, 2009. Following the organising committee's announcement of the precise date of the event, extreme right-wing organisations launched an intimidation campaign, threatening to invite themselves along to prevent it from taking place and scrawling homophobic slogans such as "death to gays" on the walls of Belgrade. In

4/ The demonstration had been organised by the Women in Black organisation, the lesbian rights organisation Labris (*Organizacija za lezbejska ljudska prava* - "Labris") and the Centre for Peace and Democracy Development (CAA).

420 5/ See CAA.

parallel, the “Gay Pride” organisation committee made recommendations to the police services to ensure safety at the event, recommendations that were not taken into account. Two weeks before the event was held, the media published calls for violence made by extreme right-wing organisations⁶. On September 19, the organisation committee met the Prime Minister, who presented a letter from the police chief banning the event from the centre of Belgrade due to “considerable risk”⁷. Despite their commitments⁸ and under pressure from extremist groups, the authorities failed in their duty to guarantee LGBT defenders their right to peaceful assembly and freedom of expression. On October 19, five members of the Belgrade Pride organisation committee filed a complaint before the Constitutional Court, which had still not issued a ruling as of the end of 2009⁹. The Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe expressed their regret following the cancellation of the Gay Pride, recalling the fundamental freedoms of assembly and expression¹⁰.

Attacks on defenders remain unpunished

At the end of 2009, those responsible for the assassination attempt on the independent journalist Mr. **Dejan Anastasijevic**, who had in particular investigated war crimes committed during the war and the illegal activities of the police and the secret services, had still not been identified. On April 14, 2007, a bomb had been thrown into the room of the journalist. Similarly, as of November 2009, no enquiry had been opened into attacks on the Humanitarian Law Centre (HLC) premises and threats against its Director, Ms. **Nataša Kandić**, who had been the subject of a slander campaign in 2008 because of her opinions on the independence of Kosovo. Such a climate of impunity merely encourages attacks against Serbian human rights defenders.

6/ The Helsinki Committee denounced a “campaign of fear” started by the police and the media to sabotage the parade.

7/ See CAA.

8/ On September 18, 2009, Serbian President Boris Tadic declared that the State would protect LGBT activists who took part in the parade and “would do everything possible to protect citizens without taking into consideration their religious, sexual or political persuasion”.

9/ See Belgrade Pride, www.belgradepride.rs.

10/ See Press Release issued by the OSCE Mission and the European Commission Delegation and the Council of Europe’s Office in Serbia, September 21, 2009.