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Human Rights and Democracy Violation Early Warning *Weekly Newsletter* No. 3

1. The Kosovo issue and official Serbia's refusal to come to terms with the former province's independence declared on February 17, continues to overshadow the large problems the country's economy and society are suffering from as a consequence of 1990s wars waged (and lost) against former Yugoslav federated Republics.

Serbia's authorities – as well as much of its political class – are engineering a massive propaganda offensive under the slogan "Kosovo is Serbia", whereby the ethnic Albanian majority is arrogantly disregarded and ethnic Serb minority unscrupulously manipulated. In order to underline these claims, government agencies continue to instigate, provoke or facilitate incidents in the Northern part of Kosovo and thus maintain a low-intensity conflict threatening to escalate and endanger regional stability. After the incidents with medical supplies for a Serb-controlled hospital and the occupation of a courthouse in Kosovska Mitrovica (see *EWS Newsletter* No. 2¹), Belgrade is taking additional steps aimed not only to further complicate the situation on the ground, but create another dispute on the international arena: Government Kosovo Minister **Slobodan Samardžić** handed March 21 to a Deputy UNMIK Administrator in Kosovo a proposal to be submitted to the United Nations, that would create "the functional separation of Serbs and Albanians" within Kosovo – a step clearly intended not only to partition the territory, but also to institutionalize segregation in it.

2. As the election campaign in Serbia (parliamentary and local elections are scheduled for May 11) gains momentum, Kosovo threatens to become the dominant issue and a powerful instrument of winning voters' favor. Whereas the Prime Minister of the caretaker Government **Vojislav Koštunica** continues refusing to even contemplate a EU-membership unless Serbia is explicitly "guaranteed full territorial integrity" (i.e. revocation of Kosovo's independence and recognition thereof), President of the Republic, **Boris**

¹ These and other incidents fit into a broader scheme of the so-called *Action Plan* devised by various ministries and government agencies. The top secret *Action Plan* contains measures to be taken against countries that recognize Kosovo's independence. Defense Minister **Dragan Šutanovac** complained that its contents had not been made known to him in spite of his portfolio.





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Tadić sees the main reason for Serbia's accession to the EU in the ability "to block Kosovo's EU-membership".

3. In a reaction to a demand by thirteen NGOs that *Radio-Television Serbia* (RTS) General Manager **Aleksandar Tijanić's** responsibility for an act of misuse of the public broadcasting service as an instrument to demonize political opponents (see EWS Newsletter No. 2) be examined and appropriate measures taken, *Republic Broadcasting Agency's* (RRA) Council – instead of replying to NGOs' motion – issued a statement emphasizing that it represents "no martial court that would pass judgments on the basis of media reports". By reacting as depicted, RRA openly took sides with the RTS General Manager and put the plaintiff into an unequal position although the complaint was issued because of a violation of the *Law on Broadcasting* and aimed to remind the nominally independent body what its prerogatives as defined by law are.

4. At a public debate organized March 21 by the Ministry of Labor and Social Affairs, the Report of the *UN Committee to Eliminate Discrimination against Women* was presented in Belgrade. The Report stated that Serbia must step up efforts to raise public awareness that the subordinated position of women should be changed. Serbia must work to change the patriarchal pattern which keeps women in an unequal position, as well as examine and promote unbiased and positive attitude towards women, the Report states.

5. **Solomon Opaku**, a soccer player from Ghana who had been hired by a soccer club in the Western Serbian town of Čačak, decided to terminate his contract and leave Serbia as a consequence of repeated harassment including physical assaults by local racist soccer "fans". Such assaults involving other African players have been taking place in Čačak and elsewhere in Serbia previous years as well.

6. Seven parliamentary election terms after the introduction of the multiparty system (1990) and three after **Slobodan Milošević's** fall (2000) Serbia remains to be one of the very few European countries where the position, role and treatment of nongovernmental organizations and other forms of civic associations are not regulated by law. A draft *Law on Associations* has been in parliamentary procedure for seven years pending debate and adoption. Meanwhile NGOs are treated (and taxed) the same way as any other legal or business entity. Absence of a clearly defined legal framework that would correspond with European standards creates a favorable environment for negative campaigns against NGOs and civic society in general.





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7. Since the admission of Serbia to the *Council of Europe* (2003), the *European Human Rights Court* has decided on 16 petitions filed by citizens of Serbia. Six disputes were resolved by means of amicable settlements or unilateral declaration. Only one of these judgments has been implemented so far, a report of Serbia's Representative at the Court, **Slavoljub Carić**, states. The right to a trial within a reasonable timeframe and failure to implement judgments constitute the main shortcomings.

8. On February 20 an open letter signed by *Swedish Helsinki Committee* General Secretary **Robert Haardh**, *US National Endowment for Democracy* President **Carl Gershman** and *Impunity Watch* Executive Director **Nico Rosen** was sent to Serbian President **Boris Tadić**, Prime Minister **Vojislav Koštunica** and Speaker of Parliament **Oliver Dulić**, expressing concern over repeated acts of intimidation – including demonization in the media, physical assaults and public calls for lynch – against human rights activists and organizations, independent and critically-minded journalists and public figures. The letter contains a large number of examples substantiating the assessment that the persons and organizations concerned need protection, and state organs should take measures to put an end to such actions. There has been no reaction by any of the addressees to date.

9. Extreme nationalist groups' efforts to bring about a boycott of bakeries owned by ethnic Albanian in the northern city of Sombor, launched in mid-February (see EWS Newsletter No. 1) were revived on March 21 by means of distributing a large number of leaflets calling on the population to boycott them. It was as late as a whole month since the action was first launched that President of the Republic, **Boris Tadić**, called for an "urgent investigation" of the matter.

10. The US Department of State 2007 *Human Rights Report* devotes considerable attention to the state of affairs in Serbia in this respect (see full text at: <http://www.state.gov/g/drl/rls/hrrpt/2007/100583.htm>). Despite some inaccuracy, basically benevolent attitude toward the country's authorities and assessments that reflect wishful thinking rather than a fair account, the Report offers good insight into this segment of Serbia's condition. Special attention is paid to the role and position of NGOs and human rights defenders including the dangers of the environment they act in.

11. Serbia endorses the Chinese Government's crackdown on Tibetan protesters and "reiterates its principled support to the 'single China' policy and respect of China's sovereignty and territorial integrity", Serbian Ministry for Foreign Affairs underlines in a





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statement on March 20: "Serbia holds the view that Tibet represents China's internal affair, and endorses the Chinese Government's policy on Tibet as an autonomous region".

12. Belgrade *Press* daily carried on March 19. an article titled "Ethnic Cleansing in Merkator" – another "contribution" to the campaign against Slovenia (current EU-Chair) as one of the first countries to recognize Kosovo's independence. The article points at the removal of a retail store belonging to a Serb company from the Slovene-owned shopping mall chain *Merkator* in Belgrade, and underlines that Slovenes not only manifest hostility towards Serbia in the Kosovo case, but carry out ethnic cleansing in the field of business as well. *Merkator* shopping malls in Belgrade and other Serbian cities were targets of a number of assaults and bomb threats in the weeks following Kosovo's independence and its recognition by Slovenia.

13. An NGO caravan touring Serb enclaves in Kosovo was attacked by a group of 50 to 60 Serb extremists in the town of Štrpce in south-eastern Kosovo. The group included *Helsinki Human Rights Committee* in Serbia Chairperson **Sonja Biserko**, *Center for Cultural Decontamination* Director **Borka Pavićević**, *Belgrade Circle* Chairman Prof. **Obrad Savić** and *Socialdemocratic Women Circle* Member **Vera Marković**, as well as representatives of several NGOs from different parts of Serbia. The attack in Štrpce followed a range of very successful talks the group had conducted with representatives of Serb communities confined to several towns and villages in Kosovo. Extremist groups behind these acts of hate speech and hate crime aim at "proving" that a multi-ethnic Kosovo is not possible and all those who advocate it are traitors and unwelcome in Serb-controlled areas.

14. The EWS Newsletter No. 2 pointed at the growing number of bomb threats to judicial institutions and the statement in which the Supreme Court of Serbia's Chief Justice **Vida Petrović-Škero** dismissed them as having become "a fashion". In what appears to be the materialization of those threats, the southern Serbian city of Knjaževac was a scene of a lethal assault: a bomb planted at the gate of Municipal Court Judge **Dragiša Cvejić's** house exploded and killed him on March 21. Although the background of this case has not yet been explained, it represents another example of increasing insecurity of the institutions and the society as a whole as well. Provoked by this action *Independent association of judges* requested setting up of special judiciary polices units. This suggestion was submitted without detailed description of the authorities and necessary elements.





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15. The first two issues of the *EWS Newsletter* met a very warm welcome in broad circles of civil society, independent media, human rights groups and prominent individuals at home and abroad. There was only one negative reaction: **Ms. Mirjana Nikolić** of the *Association of Magistrate Judges of Serbia* sent us a message of protest claiming that the *Newsletter* conducts partisan policies and implying that there is no human rights violation in Serbia. In its reply to these allegations, the EWS team prompted **Ms. Nikolić** to specify what political party's views are advocated, and pointed out that the number of cases brought before the *European Human Rights Court* and the *UN Committee on Human Rights* testify to the extent human rights are respected in Serbia.

* * *

Outlook:

With the Kosovo issue and the election campaign dominating in all walks of life in present-day Serbia, it is to be expected that institutions will continue to be subject to manipulation and misuse. It is realistic to assess that such environment will not be favorable for citizens who seek adequate means of protection of their basic rights. With Parliament dissolved and a caretaker Government which arbitrarily and on a case-to-case basis determines what it is in charge of, the *Constitutional Petition* remains to be one of the main instruments for the protection of human rights. As the Constitutional Court consists of justices delegated by political parties, there will be some time before this institute becomes functional and effective.

