



YUCOM

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Human Rights and Democracy Violation Early Warning *Weekly Newsletter* No. 4

The initiative to establish a service that would alert all those who cherish human rights and democratic values to occurrences or dangers of violation of human rights and disregard of democratic principles and institutions in Serbia, has proven justified and timely. The first three issues of our Newsletter met a very favorable echo¹ in domestic, foreign and international circles: a large number of institutions, government agencies and NGOs, as well as embassies, media and a diversity of groups and individual peace and human rights activists expressed their warm welcome and encouraged us to carry on this endeavor.

The previous week was marked by the accelerating election campaign as May 11 approaches when a new Parliament of Serbia and Provincial Assembly in Vojvodina, as well as municipalities throughout the country are to be elected. These elections – that many observers tend to mark as another “referendum on Serbia’s future”, and blow out of any reasonable proportions – comes in as a suitable smokescreen for a variety of grave economic and social problems such as high unemployment, endemic corruption (also in the ranks of the estranged political elites), (self)isolation and creeping xenophobia, underdeveloped and barely functioning institutional system.

1. The caretaker government continues to trespass its competences defined by the Constitution (Art. 128 stipulates that a caretaker government can perform only a limited number of duties precisely defined by law): since the dissolution of Parliament the Government has debated several documents whose importance goes beyond the scope of “current affairs”: draft laws on *Political Parties* and *Regional Development*, as well as *Youth Work Strategy* have been discussed by Government regardless of the fact that no parliament is in place to discuss and adopt them.

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¹ After the message sent by **Ms. Mirjana Nikolić** (on behalf?) of the *Association of Magistrate Judges of Serbia* (EWS Newsletter No. 3), there was only one more negative reaction: in a message received from **Mr. Ivan Samardžić**, a diplomat posted at the Serbian Mission to the EU Headquarters in Brussels, the EWS Team was requested to “stop sending these stupidities” – an unfortunate example of the misapprehension of the developments in Serbia as an opportunity to make more efforts to render it a better place for all.





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2. The recently enacted *Local Self-government Act* and the *Law on the Capital City* contain provisions contrary to the media legislation, since they stipulate that municipalities can establish and control electronic and print media of local interest, whereas the media legislation contains a mandatory provision that all media founded, owned or controlled by municipalities and other territorial units were to be privatized before April 2006. This deadline has been postponed on a number of occasions since, and the process has not been completed. The new development in this area has legal coverage in Art. 50 of the Constitution, which stipulate that "anyone shall have the right to found or publish print or electronic media", which includes municipalities, cities and the State.

It is in this way that political parties secure their influence on the media, which goes directly contrary to European and international standards in this field.

3. In the wake of the judicial scandal around the **Petakov** trial (see EWS Newsletter No. 2), new charges are pressed against the defendant who was already sentenced to pay a high fine for slander: **Bishop Irinej** – apparently encouraged by the outcome of the previous trial - filed a new lawsuit against **Z. Petakov** accusing him of hate speech.

4. Prior to entering a court room where a hearing in the case **Aleksandar Tijanić vs. Biljana Kovačević-Vučo**² was to take place, a bystander who disagrees with **Mr. Tijanić's** track record in demonizing the assassinated Prime Minister **Zoran Djindjić**, was brutally attacked by him and received a fist blow in the head. Asked about the incident, **Mr. Tijanić** confirmed that it had taken place and tried to belittle his responsibility by stating that "it was only a fatherly slap" – a clear indication that domestic violence is a household item in his case.

The media gave a conspicuously big publicity to the incident. Apart from very few exceptions, the media coverage was limited to conveying and advertising **Mr. Tijanić's** account of what happened and his self-appointed role of a victim in the incident.

5. Manipulation with the public broadcasting service (RTS) continues unabated: 13 NGOs addressed to the RTS Managing Board a demand that abuse of authority by General Manager **Aleksandar Tijanić** and his dismissal be put on the agenda. In a statement made available to the media, the Managing Board informed that it supported the General

² The General Manager of the state-owned *Serbian Broadcasting Corporation* (RTS) pressed charges against the Chairwoman of the *Lawyers' Committee for Human Rights* (YUCOM) after the publication of the book titled *The Case of Civil Servant Aleksandar Tijanić* – a selection of quotations from his journalistic *oeuvre* intended to substantiate his inaptitude to occupy the highly sensitive and responsible post of the Head of the public broadcasting service. The charges **Tijanić** pressed include copyright infringement, slander and libel, and are dealt with in several separate lawsuits.





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Manager and rejected the NGOs' demand "without debate". It is in this manner that the Board abused its privilege and took a politically motivated decision detrimental to the law.

6. Prof. **Oliver Antić**, a very prominent lecturer and former Dean of the University of Belgrade *Law School* took part in a Q&A talk show broadcast on B92 TV during the weekend March 23 and 24. Asked what the European Union means for Serbia, he replied: "The same what the *Third Reich* means for the Jews".

7. Another shipment of drugs and medical supplies intended for hospitals in the Serb-controlled parts of Kosovo was halted at the Kosovo border by UNMIK *Customs Authority* on grounds of incomplete paperwork: a certificate issued by *Kosovo Drugs Administration* is missing because Serbian authorities refuse to apply for it since that would mean that they recognize Kosovo's independence. Like the previous one several weeks ago, this case indicates that such practice will establish itself as a routine in manipulating those patients' plight for daily political purposes.

8. "Patriotic" parties and media in Serbia had considerable expectations from the ethnic Serbs' political parties in Croatia after the proclamation of Kosovo's independence: in a range of radio and TV shows, as well as in numerous contributions to print media, there was a fully fledged campaign aimed at pressuring the *Independent Democratic Serb Party* (SDSS), a partner in Prime Minister **Ivo Sanader's** coalition Government of Croatia, to leave the government out of protest against Croatia's recognition of Kosovo's independence.

After the SDSS' decision to remain in government while expressing disagreement with its decision on Kosovo, the campaign in Serbia took a sharp turn and targeted SDSS Deputy President **Milorad Pupovac** as a "traitor", "political prostitute" and "ustaša"³. High ranking officials of Prime Minister **Koštunica's** *Democratic Party of Serbia* (DSS), the *Serbian Radical Party* (SRS) and the *Socialist Party of Serbia* (SPS) are in the forefront of this offensive against **Mr. Pupovac**.

9. After having banned a panel devoted to the 5th anniversary of the assassination of Prime Minister **Zoran Djindjić** and Serbia's European future under the pretext that it did not want to be involved in politicized discussions (see EWS Newsletter No. 2), the management of the Belgrade University *Law School* allowed a panel with a special guest star from Moscow: **Alexandr G. Dugin**, an obscure expert in "geopolitics" held a public lecture followed by a discussion on Russia's role in Balkan developments. **Prof. Dugin** argued, *inter alia*, that a third world war is inevitable and that only Russia can stop the

³ *Ustashi* – an extremist and chauvinist political movement and a *quisling* ally to German occupiers during the WW 2 in Croatia, which committed countless war crimes mostly against Serb civilian population. This term is presently used in Serbia to denominate archenemies of Serbdom.





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American – with nuclear arms, of course. He added that Russian troops should intervene in Kosovo and regain it for Serbia.

10. According to a UNHCR report 338,000 persons applied 2007 for political asylum in 43 developed countries, 10% up from 306,300 in 2006. The largest number of applications (45.200) was filed by Iraqi citizens, followed by 18,800 from the Russian Federation, 17,100 from China, 15,400 from Serbia and 14,300 from Pakistan.

Outlook:

As the election campaign in Serbia progresses and assumes features and proportions of a fierce propaganda war abundant in hate speech, critically minded NGOs, human and minority rights organizations and other groups outside of the mainstream "patriotic" homogenization around Kosovo run the growing risk of becoming *collateral damage* in this conflict. Use and misuse of the media in this context is symptomatic and alarming. It is also to be expected that the caretaker Government of Serbia – regardless of deep division that splits it - will continue to act outside and against the constitutional and legal framework.

