



## **Three Freedoms Under the Magnifying Glass**

### **Violations of Basic Human Rights in Serbia**

**17 - 30 December, 2021**

#### **Freedom of Expression**

#### **Targeting of Activists in Sabac**

In the early morning hours of December 17, 2021, [posters in the format of "arrest warrants"](#) appeared on the streets of Sabac, with the editor-in-chief of the *Podrinjske portal* Isidora Kovacevic, Sabac lawyer Dragan Mijailovic and a minor on it. The *Podrinjske portal* stated that this targeting is proof that journalists in Serbia are the most endangered and that they are without any protection. They stated that this case was encouraged by the atmosphere before the upcoming elections, as well as by exposing embezzlements in connection with the mayor of Sabac, Aleksandar Pajic, which *Podrinjske* wrote about earlier. [In a statement for N1 television from December 20, 2021](#), Kovacevic stated that she was not sure whether the arrest warrants are still in place in the city, because she did not leave the house because she felt unsafe. The Coalition for Media Freedom and the Three Freedoms Platform [reacted to this case](#), calling on the authorities to urgently find the perpetrators, ie those who ordered and printed these posters.

## **N1 Journalist Insulted While Reporting from Local Parliament's Session**

[N1 TV journalist Milan Nikic](#) received insults during his stay and reporting from the building of the local parliament in Batocina during the session of this institution. Nikic said that councilors of the ruling Serbian Progressive Party and the president of this municipality, Zdravko Mladenovic, threatened him, and among other things, asked him if he had announced his arrival at the session, called him a "ram", and told him to go out of the hall, while Mladenovic threatened to call security and the police, but neither of them came. Nikic stated that he did not argue with the councilors, but asked for an answer to the question whether the session is public or not, as well as that he tried to announce his arrival, but no one answered on the official number of this institution. [The Independent Journalists' Association of Serbia \(NUNS\) reacted to this case](#), condemning the behavior of local officials from Batocina, who upset their colleague Nikic so much that he said that the incident worsened his health condition. It is stated that the Law on Local Self-Government, in Article 35 of this regulation, stipulates that "municipal assembly sessions are public" and that "the Municipal Assembly may decide not to hold a public session for security reasons and other reasons determined by law." Since there was no violation of the law because there was no notification that the session was closed, NUNS called for the responsibility of local officials and stated that it is necessary to determine whether there is a basis for a crime in this incident.

## **Security Information Agency Intimidates Activist**

**Natasa Kandic, on behalf of the Regional Commission for the Establishment of Facts on War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former SFRY from January 1, 1991 to December 31, 2001 (RECOM), asked the Security Information Agency (BIA) to [stop the campaign of intimidation of regional peace activists](#).** The reaction came after BIA detained activist and director of *Klan Kosova* Adriatik Kelmendi at Belgrade airport, both on arrival on December 17 and on departure from Belgrade on December 19, 2021, where he took part in the 14th Post-Yugoslav Countries Transitional Justice Forum. The statement notes that the detention of Kelmendi by members of the BIA has become a practice, because he has been detained and questioned several times in previous years

about the reasons for his arrival and asked about his political views. It is stated that with this procedure, the BIA has shown that it is a semi-private institution and that it treats the citizens of Kosovo the same as in the eighties and nineties: with suspicion and humiliation of dignity.

### **Pride Info Centre Attacked**

**The Pride Info Center [was strewn with graffiti](#) glorifying convicted war criminal Ratko Mladic on the night between December 23 and 24.** According to Belgrade Pride, the Pride Info Center has been attacked as many as 11 times since its opening, and is located in the immediate vicinity of the buildings where the highest state institutions with twenty-four-hour protection are located. It is also stated that such an attack comes before the holding of EuroPride 2022, which will be organized in September next year. [The video published by Belgrade Pride](#) shows a group of 7 young men who were painting the window of the Pride Info Center that night.

### **NewsMax Adria Journalists Prevented From Working While Reporting from the National Assembly**

**The Independent Journalists' Association of Serbia (NUNS) [condemned the restriction of the work of the NewsMax Adria team](#), including the cameraman of that media and journalist Jasmina Dobrilovic, during reporting from the House of the National Assembly of the Republic of Serbia.** According to the statement, the Speaker of the National Assembly Ivica Dacic first ignored the questions of journalist Dobrilovic, and later security prevented the NewsMax Adria cameraman from filming in the hall, while Dacic started a discussion with the journalist. In the statement, NUNS emphasizes that public officials are obliged to answer questions that are asked in the public interest, especially in the building of an institution such as the National Assembly.

## **The President of the Municipality of Bujanovac Announced a Ban on the Bujanovacke portal in Connection with Monitoring the Work of the Municipal Council**

The president of the municipality of Bujanovac, Nagip Arifi, announced at the session of the Municipal Council on December 25, 2021, that the *Bujanovacke portal* [will be forbidden to report](#) from the sessions of this institution. This step comes after previous writing of the *Bujanovacke*, in which there was talk about Arifi's threats in which he warned the media not to publish his family photos. NUNS states that this "ban" is a violation of the law and that the behavior of the mayor of Bujanovac is inappropriate and inadmissible, as well as that Arifi is obliged to enable journalists to do their job without hindrance.

## **Freedom of Assembly**

### **Journalist and Activist from Senta Accused of Organizing Protest**

Journalist and activist Minja Delic from Senta [is charged with illegally organizing a public gathering](#), for which she faces a misdemeanor fine in the amount of 100,000 to 150,000 dinars. The misdemeanor in question is proscribed in the Law on Public Gatherings, in Article 12 of this Law, according to which the gathering must be previously reported to the Ministry of the Interior. Delic states that the police accused her of organizing a gathering of citizens in Senta, on December 11, 2021, and that there is only one other case of this type in Serbia in connection with environmental protests. She stated that she did invite the citizens to a gathering, but also that behind the report is the fact that she leads a small Facebook group on the topic of environmental protection in this place, and that she "obviously angered many" with her actions. She states that the goal of this report is to silence her, which should serve as an example to all others who are active in their community. She also stated that she sees this procedure as a violation of the freedom of peaceful and spontaneous assembly, but also as a kind of intimidation of that small part of the citizens who rebel in small and silent environments.

## Freedom of association

### Environmental Association Claims Police Used Unauthorized Face Recognition Software

[The \*Eko straža\* environmental association](#) announced that it received information that the Novi Sad Police used software for automatic face recognition, in order to identify participants in the environmental protests in this city. The association claims that the employees of the Ministry of the Interior confirmed that such software is used during the identification of those gathered at the protests, that it has been in use since 2019, along with descriptions of devices that use this recognition system. It is stated that one such recording device was seen by a person who is presumed to be a member of the Ministry of the Interior, who allegedly used that device to record gathered citizens in Sabac. It is also stated that this explains the received misdemeanor fines to citizens who were not identified on the spot during the mentioned protests. Bojan Perkov from the SHARE Foundation, which has been dealing with the issue of smart cameras since 2019, when Interior Minister Nebojsa Stefanovic and Police Director Vladimir Rebic announced the installation of thousands of these cameras in Belgrade, said that it could not be said with certainty that the devices serve for such recording. Perkov also states that a similar project was suspended after the Commissioner for Information of Public Importance and Personal Data Protection previously [filed a complaint](#) because the processing of personal data through the mentioned software has no basis in law. Then, the proposal of the Draft Law on Internal Affairs envisaged identification through this system, but due to the pressure of domestic and international public, the draft was withdrawn. On the basis of these allegations, the Commissioner for Information of Public Importance and Personal Data Protection reacted, asking the Ministry of the Interior to declare itself, and after receiving the answer, the Commissioner will consider the existence of grounds for reacting in accordance with the law.

## Monitoring

### **European Parliament Passes Resolution on Forced Labor on Linglong Construction Site in Zrenjanin and environmental protests in Serbia**

**[The European Parliament adopted a resolution on December 16, 2021](#), on the forced labor of 500 Vietnamese workers within the construction site of the Linglong tire factory in Zrenjanin, but also on the occasion of environmental protests organized in Serbia the previous weekend.** In this resolution, the European Parliament expresses concern over the case of forced labor, human rights violations and human trafficking in relation to 500 Vietnamese workers engaged on the Linglong construction site and calls on the Serbian authorities to investigate this case, to allow unimpeded access to construction sites and barracks to relevant actors and to inform the EU institutions about the conclusions of the mentioned investigation. Serbia is called upon to harmonize its legislation in the field of labor with that in the EU and with the international documents it has ratified. The European Parliament is also concerned about attacks by extremist and hooligan groups on peaceful protests in Serbia, exceeding the authority of the police during these protests, and called on the authorities to investigate these cases and the police's failure to protect peaceful protesters from attacks by extremist groups. Regarding the mentioned groups, the European Parliament condemned the role of hooligan groups guarding the mural dedicated to Ratko Mladic and the accompanying incidents that show the connection between the police and these groups, but is also worried because the government does not show the will to permanently remove the mural. Finally, the resolution also expresses concern over the limited duration of the public debate on the Law on Referendum and People's Initiative and amendments to the Law on Expropriation. On the same day, the Minister of the Interior, Aleksandar Vulin, [reacted to this resolution](#), stating that the members of the European Parliament "are not asked for anything in their countries, and that is why they heal their frustrations in Serbia." He also stated that the Ministry of the Interior will work according to the law, and "MEPs can only be sad about that."

## **Verdict in the Case of Setting Fire to the House of Journalist Jovanovic was Returned for a New Decision**

**On November 25, 2021, the Court of Appeals in Belgrade [revoked the first-instance verdict](#) of the Second Basic Court in Belgrade of February 23, 2021, which sentenced former president of the City Municipality of Grocka Dragoljub Simonovic and Aleksandar Marinkovic to 4 years and three months in prison, and Vladimir Mihailovic to 4 years in prison, for setting the house of journalist Milan Jovanovic on fire.** The explanation of the Court of Appeals states that there is a difference between the publicly announced verdict and the written copy of the verdict that was delivered to the participants in the criminal procedure. It is also stated that the court, changing the consequence from the basic form of the criminal offense, committed a significant violation of the procedure because the verdict did not state the reasons for the facts that are the subject of proof. It is stated that it was determined that the court changed the disposition of the verdict in relation to the indictment, without stating the reason why it was done, during which it was explained only that Jovanovic's profession was omitted, stating that the profession is not a feature of the crime. Finally, the Court of Appeals states that the first instance court, based on the evidentiary procedure, must formulate the verdict so that it states those facts that it considers proven, and omits those allegations that are not proven, and in conclusion must state clear reasons for its decision. The Independent Journalists' Association of Serbia (NUNS) also spoke [about this decision](#) of the Court of Appeals, stating that it was devastating that the verdict was annulled for procedural reasons, and that this case "rang a red alarm" because it threatens to last indefinitely. NUNS also expresses concern because journalist Jovanovic and his wife were exposed to pressure and criminalization during the trial, and the repetition of the procedure will only prolong their agony, as well as because Jovanovic was deprived of police protection.

## **The Working Group of the EU Convention for Chapter 23 Boycotted the Conversation with the Prime Minister**

**The Working Group for Chapter 23 of the National Convention on the European Union rejected the invitation to participate in the dialogue with state institutions regarding the upcoming referendum during the referendum campaign. [In the Working Group's statement to Prime Minister Brnabic](#), it was noted that taking part in a dialogue on the subject of the referendum during the referendum campaign would endanger the credibility of the National Convention, and the legitimacy of the referendum process, as per Art. 27 and 28 of the Law on Referendum and People's Initiative. Prime Minister Brnabic said that this was "a great shame for Serbia's civil society" and "a slap to democracy the likes of which Serbia has never seen before", while commenting on this decision by the Working Group.**

## **Lawsuit Against the Minister of the Interior for Insulting Albanians Rejected**

**The Court of Appeals in Belgrade [issued a verdict](#) on September 21, 2021, rejecting the appeal of the National Council of the Albanian National Minority (NSANM) regarding the verdict of the High Court in Belgrade from December 2020, rejecting the NSANM's lawsuit against Interior Minister Aleksandar Vulin for using of the derogatory term "Siptar". The mentioned lawsuit refers to several statements of Minister Vulin during 2019, in which he called Albanians a derogatory term "Siptar". It is interesting that the Court of Appeals in previous cases already determined its position on this term, ie in 2018 in the case of Anita Mitic's lawsuit against *Informer*, passing a verdict confirming the previous verdict of the Belgrade High Court, which characterized the term "Siptar" as politically incorrect and offensive in the Serbian language to Albanians living in Kosovo. On the occasion of this verdict, NSANM President Ragmi Mustafa stated that an appeal would be filed with the Constitutional Court, as well as that this case shows the situation in the judiciary in Serbia, and that it does not have enough courage to be independent in relation to the Minister of Police.**

## **Continued Broadcasting of Misdemeanor Warrants due to Participation in blockades, Associations and Organizations in Solidarity with Citizens**

**The issuance of misdemeanor warrants to citizens who participated in environmental protests throughout Serbia continued.** Many associations and organizations expressed solidarity with the affected protesters and offered them legal and financial assistance. Among them are the Civic Initiatives, which recorded 146 cases of issuing misdemeanor orders in their records, and the victims were offered to be refunded for their misdemeanor fines. On this occasion, the Civic Initiatives launched a campaign called ["Freedom is paid in Serbia"](#), in which they called on the citizens of Serbia to donate money to pay the mentioned fines. The Civic Initiatives state that the citizens defended the environment on the streets, as well as the right to a dignified life.

## **The European Court of Human Rights is Asking the Serbian Government to Rule on Attacks on Activists**

**The Youth Initiative for Human Rights (YIHR Serbia) announced that the European Court of Human Rights [ordered the Government of Serbia to answer](#) a number of questions about the steps taken to protect YIHR Serbia activists after threats following the ban on the organization's rally on November 9, 2021** in which the removal of Ratko Mladic 's mural in Belgrade was planned. Following the failure of institutions to protect activists, YIHR Serbia turned to the European Court of Human Rights, which has now instructed the government to answer questions about the steps taken to on threats and attacks on YIHR Serbia's premises, as well as the proceedings in these cases. YIHR Serbia states that the attacks on them are part of the same matrix within which the premises of the Women in Black were attacked, and whose banner with the inscription "We will never forget the genocide in Srebrenica" was forcibly stolen after a protest.