

LAWYERS COMMITTEE FOR HUMAN RIGHTS - YUCOMs AND WOMAN IN
BLACH JOINT INPUT TO THE UNIVERSAL PERIODIC REVIEW

SECURITY OF HUMAN RIGHTS DEFENDERS IN SERBIA

In a society still suffering from grave consequences of several lost wars, a loss of identity¹, and unwillingness to respond to the demands of a changing world, human rights have surfaced as one of the key issues of Serbia's painful transition towards democracy. During the wars of the 1990s and in their aftermath, the elites dominating Serbian political and intellectual scene have consistently attempted (and to a large extent managed) to blame others – neighboring nations the wars were fought against, and the international community – for whatever misfortune has befallen the Serbs. Those organizations and individuals who opposed the policy of war and advocate for the promotion of human rights (especially of the victims of the atrocities of the war) are viewed as participants in the conspiracy against 'the just cause of our Nation.' NGOs engaged in these activities – and most notably their publicly exposed representatives, who in almost all cases happen to be women² – are marked as traitors and foreign mercenaries who have no empathy for Serbs as principal victims of the past wars. Such attitudes towards human rights advocates and defenders dominate the political discourse as well as the media.

There is a lack of cohesion within civil society in regards to the views on the role of civil society organizations. Whereas the most active of them argue that there can be no successful transition to democracy without *transitional justice* – which presupposes a sincere confrontation with the recent past and the role of this country's elites³ in it – there is a group of influential organizations suggesting that "there is no need to look back" and advocating "partnership with Government" in the advance towards European integration. The civil society organizations and political groups that have defined themselves as being opponents of all types of discrimination, advocates of liberal-democratic values and proponents of a critical approach towards recent history, as well as human rights defenders, are often branded as "extremists". This view of civil society organizations is often shared by the representatives of international organizations posted in Serbia, who tend to view Serbia as an emerging democracy in need of assistance and cooperation rather than pressure and confrontation with the past.

¹ Dissolution of Yugoslavia was accompanied by two major changes that the public in Serbia has been induced to perceive as loss: disappearance of a single state that would be "home to all Serbs," and a sharp social stratification which substituted the egalitarian ideology preached by Communists since the end of WW2.

² In this case political disqualification is directly coupled with gender prejudices and discrimination, which adds to the graveness of the situation in this field. Not only the women chairing these NGOs are subject to frequent attacks in the media: there have also been cases of phone threats and physical assaults in broad daylight. These attacks have been registered in relevant international human rights surveys documented by the US State Department, Amnesty International and French Human Rights Observers.

³ Opening of secret (state security) files - a *conditio sine qua non* in this respect – has been met with stubborn refusal by all governments in office since the overthrow of the **Milošević** regime in Oct. 2000.

It can certainly not be overstressed that the public scene in Serbia – indeed an emerging democracy that nevertheless has yet a long way to go before “deserving” to qualify – is broad enough for a diversity of approaches, activities and actors in the field of human rights: the variety of ways in which human rights are underestimated, jeopardized and violated being but one reason to support that view. The least this situation necessitates is to dismiss any one organization, group or individual active in the field, since there is plenty of work for all. It is equally unacceptable to attempt to turn civil society organizations into blind accessories of the government, or to disqualify or demonize them just because they express views criticizing government policies.

The media is especially indicative of the situation within Serbia: hidden behind a largely (and intentionally) misinterpreted concept of ‘freedom of expression’, much of both print and electronic⁴ media engage in outright propaganda, fabrication of false ‘facts’, groundless accusations and hate speech. Hostile attitudes – often assuming proportions of a campaign – towards the Albanian and Roma communities, but also against ethnic Serbs who have fled to Serbia from the territories claimed in Croatia, Bosnia and Kosovo frequently border into undisguised racism. The fact that such propaganda is punishable by law – and indeed forbidden by the Constitution – does not seem to impress either the proponents of such practices or the law enforcement authorities. Human rights defenders’ attempts to draw the domestic and international public’s attention to such cases of flagrant disregard of basic international human rights standards and instruments are condemned by the establishment. Human rights defenders’ attempts have also been propagated in the media as ‘treason’, ‘sale of Kosovo’, and ‘collaboration with those conspiring against Serbia.’

The wave of ‘patriotism’ funneled into the public in the last two years (especially after the independence of Kosovo declared on the 17th February 2008) is openly aimed at disqualifying and vilifying human rights activists, independent intellectuals and political groups such as the small *Liberal-Democratic Party* (LDP) – the only critical voice to be heard in Parliament after the last general election (Jan. 21, 2007).

Civil society organizations that have defined themselves as watchdogs against discrimination, hate speech and hostility towards opposing views on Serbia’s past and present include Women in Black and the Lawyers’ Committee for Human Rights. Women in Black and YUCOM work with other civil society organizations that such as the Helsinki Committee for Human Rights in Serbia, the Humanitarian Law Center, Belgrade Center for Cultural Decontamination, Youth Initiative for Human Rights and Belgrade Circle. Women in Black is a feminist antimilitarist organization that originally began as an antiwar group and has since emerged as an ardent advocate of gender issues. Women in Black cooperates regularly with similar groups in neighboring⁵ countries as

⁴ The state-owned *Serbian Broadcasting Corporation* (RTS), although defined by law as ‘public service’ independent of outside influence, has to a large extent remained what it used to be during both Communism and the **Milošević** rule: a mouthpiece of the ruling political elite and a mere propaganda tool often instrumentalized in the defamation of political opponents, individuals, and groups addressing ‘unpleasant’ issues.

⁵ *WiB* has developed a broad range of joint activities with Albanian women’s groups from Kosovo.

well as other countries, especially developing countries. The Lawyers' Committee for Human Rights (YUCOM) is an expert group specialized in legislative initiatives⁶, advocacy⁷, legal aid and publishing.

Our organizations have many common goals including the following:

- A firm belief that there can be no effective transition to a society based on functioning democratic institutions without *transitional justice*;
- Active and consequent engagement in setting standards and producing dialogue on issues pertinent to the violent dissolution of Yugoslavia and its consequences;
- Devotion to a dialogue with partners in neighboring countries, as a means of overcoming the negative heritage of the recent past and developing relations void of intolerance and hatred.

What is the general atmosphere in Serbia today?

During the last year in Serbia, a further radicalization of political tensions due to Kosovo crisis took place, which almost brought to a standstill already slow economic and social reforms. During this period, the pressure and censorship within Serbian media and towards civil society organizations strengthened further. The previous two government administrations marginalized fundamental issues such as the democratic development of the country, setting up the autonomous judiciary system, civil control of the police, and strengthening the minority rights. They succeeded in marginalizing these fundamental issues and reforms by making nationalism and patriotism the leading issues within the public debate.

The atmosphere in Serbia is markedly grim at present, which can also be illustrated by the contents of a sms (mobile phone text message) that is being circulated round the country: "By opening this sms, you have killed a Shiptar (derogative term for Albanians). Judging by your smile, you obviously enjoyed it. Forward this sms! Let us return smile on the Serbians' faces! Long live Serbia!"

Low intensity war: Low intensity war is currently at work in Serbia, against those who refuse to accept the national consensus as it is formulated by the nationalists in the Government and in the Opposition, all those who follow the idea of the "father of the nation" Dobrica Ćosić that "We have always been winners in war and losers in peace". This permanent state of war by different means leads to:

- *Creating space for impunity and unpunished violence;* this is a consequence of the climate of glorification of war violence and crimes that was present at all levels in the 1990's;

⁶ Introduction of *conscientious objection* into the legislation and *amnesty* for political prisoners and draft dodgers (from the 1990s wars) represent direct results of campaigns conceived, designed and carried out by YUCOM and organizations such as WiB.

⁷ Cases handled by YUCOM include strategic litigation before the domestic judiciary, as well as the *European Human Rights Court* in Strasbourg and the *UN Committee on Human Rights* in Geneva.

- *Internal aggression* –which is manifested by the state (usually by proxy of “uncontrollable” extremist elements – the increasing number of movements and organizations with fundamentalist or clero-nationalist values, especially youth organizations) jeopardizing the security of all people, especially human rights activists, etc.
- *Limitations of the freedom of movement, freedom of thought and critical thinking:* From the institutional level, violence and even the physical elimination of those who think differently is encouraged – this is no longer typical only of the behavior of clerical fascist organizations, as it has now been joined by some of the ministers of the previous Government of the Republic of Serbia, especially Velja Ilić.
- *Generating enemies:* the vilification, discrediting and criminalizing of peace and human rights activists has been happening ever since the early 90’s. However, this campaign has gained vigor since the assassination of Prime Minister Z. Đinđić, particularly since the current authorities took power, led by Vojislav Koštunica. Peace and human rights activists who pledge for a discontinuity with the criminal past and seek the truth about the crimes that were committed in our name, in the belief that it is a precondition for a stable and just peace and the rule of law and democracy, have been exposed to various forms of violence and repression. The latest example is a statement given by the Director of the Government’s *Office for Human and Minority Rights*, Petar Ladjević in an interview on May 16 2008. According to him, no one can estimate the level of homophobia in Serbia. In what amounts to a misuse of this official capacity to express his personal views on homosexuality, Mr. Ladjević equalized the activities of extreme conservative circles with those of gay and lesbian organizations:

“The first reason being that no precise surveys have been conducted, and, secondly, it is my deep conviction that the surveys that have been carried out have not dealt with fully representative samples. What is certain is that there is homophobia, but the question of homophobia cannot be resolved only by putting it on the agenda merely as a question of homophobia. Human rights as a whole should be promoted: it is by means of enlightening activities that people should be made to understand that such a thing is natural and by no means sick or something like that. As far as homophobia is concerned, I personally don’t object only to the way ultra-conservative organizations react; I am equally annoyed by those who promote the right to homosexuality or differing sexual orientation, whatever it may be, who always attach an overemphasized ideological significance to it, and do not deal with it as a human rights issue and each individual’s right to free choice.”

- *Maintaining a climate of permanent danger, threats and conspiracy:* Pointing at the enemy’s face is the most important justification of repression. That is why “high treason” charges are being pressed, charges for threatening the “*constitutional order*”: this is primarily the case within media controlled by institutions close to the Government of Serbia or the ultra-right nationalistic Serbian Radical Party. These campaigns foment a climate of manhunt and lynching aimed at some human rights defenders and prominent representatives of the civil society. This atmosphere has intensified in the past few months in relation to the deliberations on the status of Kosovo, and it reached it has currently reached its peak with Kosovo’s declaration of independence.

What is the aim of low intensity war?

- *Shifting the blame to “the quislings” and producing “scapegoats”*: They are being blamed for the entire situation, for all the fiascos, for threatening the “constitutional order” (for the loss of Kosovo) with the aim to break the integrity of individuals or groups.
- *Horizontal repression*: the state apparatus is not the primary source of repression or control, because of a state of alert involving the citizens, the neighbors – a denouncing mechanism is at work;
- *The mechanism of stigmatization*: protecting the citizens from “danger” and “social embarrassment” (personified by us who are not part of the consensus), encouraging the “citizens” to deal personally with human rights defenders. For example, as reported by the daily paper *Blitz* on June 6th, 2008, the right-wing group “National Squadron” posted photos of many prominent civil society activists on their website. The photos were accompanied by offensive comments made by members of the neo-Nazi forum. The list included many local figures involved in culture and art, such as actor Lena Bogdanovic, painter Biljana Cincarevic, coordinator of Women in Black Stasa Zajovic, as well as the president of the Association of Independent Journalists, Nadezda Gace.
- *Repression of personal lives - that is to say, the production of social death*: The repressive strategy of banishment from “normal life”, attacking private lives with the aim of generating even greater vulnerability, emotional instability and insecurity and lack of safety, affecting the potential for action and bringing about change;
- *Preventing or aborting any form of self-organizing or civic solidarity*: the purpose of political repression is to *destroy the networks of solidarity* and to impose control over the “internal enemies”. For example, Women in Black’s protest was cancelled because the Ministry of Internal Affairs forbid the street performance ‘100 Years of the Struggle’ and the planned women’s peace march in honor of March 8, International Women’s Day. The official explanation given for the ban was: “It would disturb public traffic, endanger the public health and security, and endanger public property.”

What are the attitudes of WiB/YUCOM?

Therefore, civil society in Serbia is faced with serious problems and challenges, because what is actually at work is an attempt to impose a nationalist government and to lapse back into ethnic homogenization of the population, as it happened in Germany in the 1930’s and in Serbia during the period of Milošević’s rise to power. This is all hidden under the guise of the jeopardized national interests with the loss of Kosovo.

Unless we confront this criminal policy and break away from the value system that led to the wars (symbolized in the names of S. Milošević and V. Šešelj, who is currently the president of the Serbian Radical Party), there is no hope for Serbia. This is the sheer reality for the part of the civil society within Serbia that does not only sport the name of civil society, but adheres to the system of values and is actively engaged in the process of

confrontation with the past, in order to achieve a just and lasting peace. There is broad consensus within the portion of civil society arguing for transitional justice within Serbia, of which Women in Black is an integral member, that there must be accountability for the war and war crimes if there is to be a future for Serbia. This portion of civil society also demands the punishment of the organizers, executors and promoters of the crimes committed.

We have to continue striving for changes to the value systems even more vigorously:

- By opposing all relativization of crime and acceptance of violence;
- By continuing to develop the values of solidarity and mutual support;
- By launching joint actions and by strengthening coalitions of solidarity, both against the criminal past and against the policies of exclusion of the others and those who are different, against fascist and clerical fascist tendencies, homophobia, hatred and all forms of discrimination.

It is with this aim that the civilian society organizations have been demanding the political and general accountability of the previous Government, Prime Minister Koštunica, Minister Ilić (who committed and supported violence in several instances and repeatedly encouraged violent acts) and the Minister of Education Lončar (who ordered that all schools be closed on 21st February so that the teaching staff could take part in the rally, thus leaving the pupils to be in the streets and participate in organized violence, which culminated in the events that evening in the streets of Belgrade), and also of other officials who created an atmosphere of fear and violence.

Belgrade, 21st July 2008

Woman in Black team
and
YUCOM's HRD team