

YUGOSLAVIA (SERBIA AND MONTENEGRO)

Discouraging Democracy: Elections and Human Rights in Serbia

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SUMMARY

The government of the Federal Republic of Yugoslavia (comprised of Serbia and Montenegro) has demonstrated a blatant disregard for human rights during the past year. In November 1996, it annulled the results of local elections won largely by the opposition in Serbia and then beat those who protested; ethnic minorities suffered discrimination, torture and imprisonment because they are non-Serbs; the independent media was harassed; and, in violation of the Dayton Agreement, the government refused to hand indicted war criminals over to the International Criminal Tribunal for the former Yugoslavia in the Hague.

In this atmosphere of abuse, elections will be held in Serbia on September 21, 1997, to select a new republican legislature and Serbian president. But the conditions for free and fair elections do not exist. Unwilling to relinquish power, newly-elected Yugoslav President Slobodon Milošević and his ruling Socialist Party of Serbia (SPS) have taken deliberate steps to marginalize the opposition, restrict the media and undermine the electoral process.

The most recent cycle of human rights violations began when the government annulled the results of the 1996 elections. Milošević, at that time president of Serbia, ultimately recognized the opposition's victory after eighty-eight days of peaceful demonstrations, but not before police arrested and beat hundreds of demonstrators. Excessive force was used on many occasions, even against journalists and others who were clearly not part of the protests. While the state-run television and radio ignored the massive protests, the government harassed and, at times, shut down the independent media that was covering the demonstrations.

Many of these violations, such as the government's restrictions on the independent media, continued throughout 1997 and place the fairness of the September 21 elections in doubt. In July 1997, the government temporarily closed down over seventy-five independent or opposition radio and television stations, ostensibly to "establish order" in the airwaves. Other violations, like police violence against peaceful demonstrators and journalists, have never been addressed by the government. To this day, not a single government official or police officer has been held accountable for the violence that took place, even though more than sixty criminal charges have been filed with the state prosecutor by demonstrators and journalists who were beaten. Impunity for such crimes opens the door for such police abuse to occur again.

Although most western governments criticized the 1996 electoral violations and subsequent police violence, many have since taken steps to welcome Yugoslavia back into the international community. In April 1997, the European Union granted Yugoslavia preferential trade status, which gives Yugoslavia beneficial conditions when trading with E.U. countries. Then, on May 15, the European Commission approved an aid package to Yugoslavia worth U.S. \$112 million.

In this way, the E.U. has rewarded Yugoslav President Milošević for doing what he was legally obligated to do in the first place — recognize the elections — without regard for the other human rights violations that are taking place in Yugoslavia. Such concessions squander a prime source of leverage that the international community needs in order to press for urgent improvements in Milošević's human rights record and his compliance with the Dayton Agreement.

This report deals with the human rights violations that took place in Serbia from November 1996 to September 1997. It does not address violations in the November 1996 elections itself or the government's attempt to change the results, since these issues were covered by the Organization for Security and Cooperation in Europe (OSCE). Nor does it address the other serious human rights abuses in Yugoslavia, such as the persecution of ethnic Albanians in Kosovo, Muslims in Sandzak or ethnic Hungarians in Vojvodina. Other Human Rights Watch/Helsinki reports deal specifically with these issues.

RECOMMENDATIONS

Human Rights Watch/Helsinki calls on the Serbian (republican) and Yugoslav (federal) governments to:

- Investigate incidents of police abuse after the November 1996 elections and hold accountable all police officers and their superiors found responsible of using, or ordering the use of, unnecessary force, through administrative sanctions, such as dismissal, or through criminal prosecutions and sentencing.
- Open criminal investigations into the sixty-one known cases of police abuse that have already been submitted to the state prosecutor by Yugoslav citizens. If the prosecutor's office dismisses a case, it is obliged by law to notify the complainant right away so that he or she may initiate proceedings as a private prosecutor.
- Propose legal reform to enable individuals to bring legal action as a private prosecutor against police in both minor and serious cases when the public prosecutor has not responded to a complaint within a specified period of time.
- Prepare a code of conduct for law enforcement officials that addresses the prohibition of torture and all forms of police brutality, a definition of the legal use of force and conduct to safeguard human dignity and the basic rights of individuals.
- Establish an independent commission, with the participation of nongovernmental organizations and legal experts, to examine police abuse in Yugoslavia and its legal remedies. The commission should propose concrete changes in police procedure (from police training to civilian review) and Serbian and Yugoslav law to minimize police abuse and ensure that victims are able to seek redress.
- Prepare new media laws and regulations in full consultation with the independent media in Yugoslavia that guarantee freedom of expression in television and radio. Concrete changes in the Serbian Law on Radio and Television, the Laws on Connection Systems, and the Laws on Information should guarantee that broadcast licenses are distributed and regulated by an independent body without regard to political considerations. The new laws should take into account the concerns and proposals of the independent media.
- In the interim, permit all currently licensed, and all unlicensed but currently operating, radio and television stations to broadcast without interference. No regulation of the airwaves should take place until Yugoslavia has a new set of media laws and regulations that guarantee free expression in accordance with international standards.
- Ensure all parties contesting in the September 21, 1997, elections, and future elections, equal access to state television and radio, as well as to the state news agency, Tanjug.

Human Rights Watch/Helsinki calls on the international community to:

- Carefully monitor the September 21, 1997, elections and its follow-up, making public the findings. Violations in electoral procedure, as well as violations before and after the vote (such as restrictions on the media or attempts to alter the results), should be publicly condemned.
- Implement a policy of human rights conditionality for aid to Yugoslavia. The international community should establish well defined human rights benchmarks and a timetable that the Yugoslav government must abide by, with negative consequences when progress is not made. Reviews should be regular and transparent.
- In bilateral and multilateral meetings with Yugoslav government officials, discuss the issues and recommendations raised in this report, and emphasize the importance of Yugoslavia respecting its international human rights obligations.

- Provide assistance to Yugoslavia's civil society, especially local nongovernmental organizations and the independent media.

Human Rights Watch/Helsinki calls on the European Union to:

- Strongly reaffirm its principle of human rights conditionality and its readiness to respond firmly to Yugoslavia's non-compliance.
- Consider human rights conditions in Yugoslavia when reviewing Yugoslavia's preferential trade status, as is required in the April 1997 agreement between Yugoslavia and the E.U.. Lack of improvement in the key areas mentioned in the agreement (media laws, independence of the judiciary and minority rights) should result in disciplinary action against Yugoslavia and, perhaps, a revocation of the preferential trade status.

Human Rights Watch/Helsinki calls on the European Parliament to:

- Ensure that E.U. conditionality principles are implemented.
- Ask to be kept fully informed about such implementation by the European Commission and European Council on an ongoing basis.

Human Rights Watch/Helsinki calls on the Organization for Security and Cooperation in Europe (OSCE) to:

- Deny Yugoslavia readmission to the OSCE until there are concrete improvements in the country's human rights record, including respect for freedom of the press, independence of the judiciary and minority rights, as well as cooperation with the International Criminal Tribunal for the former Yugoslavia.

BACKGROUND

On November 17, 1996, municipal elections were held throughout the two republics left in the Yugoslav federation, Serbia and Montenegro. Unexpectedly, the coalition Zajedno, composed of three opposition parties, was victorious in fourteen of Serbia's nineteen largest cities. Following Zajedno's victory, the government-controlled central election commission declared that there had been what it called "unspecified irregularities" in those areas where the ruling Socialist Party of Serbia (SPS) had lost and refused to recognize the electoral results.

Shortly thereafter, demonstrators took to the streets of Belgrade and other Serbian cities to demand that the government respect the outcome of the vote. The government refused, even though a delegation from the Organization for Security and Cooperation in Europe (OSCE) confirmed the opposition's victory. The peaceful and creative demonstrations continued to take place every day despite the cold weather, gradually growing in size and strength. Two groups of demonstrators, one led by the Zajedno coalition (comprised of the Serbian Renewal Movement, the Democratic Party and the Civic Alliance), and one led by the students of Serbian universities, held daily marches for eighty-eight consecutive days that became increasingly directed against the ruling SPS and then-Serbian President Slobodon Milošević.¹ Specifically, the demonstrators demanded respect for the free vote, media freedom and political pluralism in Serbia.

The government deployed heavy police forces but tolerated the daily demonstrations for the first five weeks. Then, on December 24, the government organized a "For Serbia" rally in support of President Milošević by bussing in thousands of supporters from the countryside into Belgrade. Violent clashes between government supporters and

¹A two-term limit in the Serbian constitution prevented Milošević from running for Serbian president in the September 1997 elections. Instead, he was elected on July 15, 1997, as the president of Yugoslavia. In either position, he is the indisputable leader of Yugoslavia.

opponents resulted in numerous injuries and one death. Two days later, the police disallowed the street demonstrations in order to prevent the “blocking of traffic,” even though it had tolerated traffic disruptions for the previous five weeks.

Beginning December 26, the government used violence and arrests to silence the demonstrators. Especially at the end of December and again in the beginning of February, hundreds of peaceful demonstrators were beaten by the police or special riot forces, some of them seriously, although random incidents of police violence also took place at other times. Clearly identifiable journalists were sometimes targeted by the police. From late December to February, at least fifty people were arrested and convicted on charges of “destroying state property” or “disturbing the peace” in trials that did not comport with international standards.

At the same time, the Serbian government took steps to prevent the public from finding out about the demonstrations. The state-run television and radio — the main source of information for those outside of Belgrade — for the most part ignored the events in the streets. When indirect mention was made, the state-run media gravely distorted the causes and degree of public discontent and labeled the demonstrators “hoodlums” and “vandals.” Meanwhile, the government made deliberate efforts to silence independent media outlets.

On December 3, the government ordered Serbia’s two main independent radio stations, Radio B-92 and Radio Index, to close because they did not possess the proper broadcasting license. The stations reopened after substantial international pressure, but a number of smaller independent stations remained closed. At the same time, the government harassed the independent print media by limiting print runs and restricting newsprint supplies.

The relentless public protest and substantial international pressure finally forced the government to recognize the opposition’s victory on February 22, 1997. The Zajedno coalition stopped its demonstrations soon thereafter but the students continued their daily marches for another month until the rector of the Belgrade University resigned. To this day, no one has been held accountable for the human rights abuses that occurred during the elections or the ensuing demonstrations. At least sixty criminal charges have been filed in Serbian courts by individuals or human rights organizations against Belgrade policemen for using excessive force against demonstrators or journalists, but the state prosecutor has failed to begin any legal procedures. In addition, the state has continued its harassment of the independent media by temporarily closing down a large number of independent television and radio stations, especially as the September 1997 elections approached.

Ten opposition parties, including two former members of the Zajedno coalition (the Democratic Party and the Civic Alliance), are boycotting the September 21 elections due to the state’s control of the media and what the opposition considers a discriminatory electoral law.² The third Zajedno partner, Vuk Drasković’s Serbian Renewal Movement, will participate with Drasković as the candidate for president. The elections will be monitored by the OSCE.

POLICE VIOLENCE

Random cases of police violence occurred throughout the eighty-eight days of demonstrations. But on a few days there were clearly pre-planned attacks on peaceful demonstrators resulting in serious injuries. Through interviews with victims of police violence, as well as witnesses, Human Rights Watch/Helsinki documented that the police did not attempt to disperse demonstrators through peaceful means, and then used excessive force, even when individuals offered no resistance. A number of people were beaten on the head or other sensitive areas as they were fleeing the police or after they had fallen to the ground. In a number of cases, journalists were specifically targeted by the police, especially those with cameras (see section on the media).³

²Most ethnic Albanians from Kosovo will also boycott the vote since they do not recognize the Yugoslav state.

³Article 3 of the Serbian Law on Internal Affairs envisages that there may be circumstances in which law enforcement

According to information collected by Human Rights Watch/Helsinki from the hospitals and medical clinics in Belgrade, at least 300 people were treated for injuries caused by the police during the period of the demonstrations. In addition, many people did not go for medical treatment, either because their injuries were not very serious or because the police were taking the names of people in the state hospitals (see section on medical treatment).

A number of criminal cases have been filed with the state prosecutor against policemen who are accused of having used excessive force, as well as against their superiors, including Serbia's minister of internal affairs, Zoran Sokolović. To date, the state has not begun any investigations although it is required to do so when the evidence suggests that an illegal act has been committed (see section on seeking redress).

Case of Dejan Bulatović

The first serious case of police abuse, and the most well-known from the demonstrations, was that of Dejan Bulatović, a twenty-two-year-old activist of the opposition Serbian Renewal Movement. Bulatović was beaten by the police on two separate occasions, but the more serious incident took place on December 5. Witnesses and Mr. Bulatović himself told Human Rights Watch/Helsinki that the demonstration on that day in Belgrade was proceeding peacefully. The only thing that distinguished Mr. Bulatović from the other demonstrators was that he was marching with a large caricature doll of President Milošević in a striped black and white jail uniform. After the demonstration, Mr. Bulatović walked to a church in the center of the city to wait for his friends, where he was assaulted. He told Human Rights Watch/Helsinki:

Around 6:00 or 6:30 p.m. I felt a strong kick on the head from behind. Later the doctor stated that I fractured my skull... When they kicked me I felt something hot on my back. I thought it was sweat, but it was blood. They saw that but continued to beat me. Seven people in civilian clothes pulled guns and badges and told me to get up. They dragged me into the entrance of a building and beat me thoroughly. They said that I shamed the president in front of the world. One said, "for this crime, people will die."

Then they took me to the police headquarters on November 29 Street. That was the most terrible thing of my life. When I got there, the inspector gave me a paper and dictated what I should write. I asked for a lawyer and I got beaten again. He said "just write what I say." Of course, I refused, and I was beaten again. Finally I signed [a confession], but then I took it back...

agents may use force to fulfill their duty, but clearly stipulates that force may not be used in excess of that required for the execution of their duties. In addition, the United Nations Code of Conduct for Law Enforcement Officials states that force may be used, "only when strictly necessary and to the extent required for the performance of their duty."

Then they took me to an isolation cell. They took off my clothes and told me to put my hands on my neck. Three policemen with sticks came. I turned to look and they hit me in the face and around the back. Soon I felt a terrible pain because they put a stick in my anus. After that I was in shock. The pain was terrible. I was humiliated. But that wasn't enough. They then made jokes about it. They put me in a cold isolation cell. One policeman came in with an automatic rifle. He put it in my mouth breaking two teeth, screaming, "Do you want me to blow your brains out!" Four of them then beat me with truncheons, but first they covered me with newspaper. And then they beat me on the feet and extremities. There were about five of them and they threw water on me. It was terribly cold. I had internal and external bleeding. I can't believe that I survived.⁴

Mr. Bulatović was treated briefly at a Belgrade hospital and then returned to the police station. The next day, he was sentenced to twenty-five days imprisonment for disrupting public order. He had no access to a lawyer during the trial. According to Mr. Bulatović and the Serbian media, during the trial, the presiding judge, Mr. Glavonjić, looked at Bulatović's injuries and said, "slipped on a banana peel, did we?" The Humanitarian Law Center, a local human rights organization, has filed charges against the police for Bulatović's maltreatment in detention. However, to date, the prosecutor's office has not begun an investigation.

Violence on February 2-3

The worst violence during the demonstrations took place on the night of February 2, 1997. Based on interviews with protesters and witnesses, as well as media accounts, Human Rights Watch/Helsinki concludes that the police had a clear order to disperse the crowd with force in violation of the basic norms for police conduct as stipulated by both Yugoslav and international law.⁵ Without warning, the police sprayed the peaceful crowd with water cannons and then, as the crowd dispersed, the police attacked people from behind. Many people were beaten even though they were leaving the scene and offering no resistance to the police. Medical staff at the state-run Emergency Center told Human Rights Watch/Helsinki that approximately sixty people were treated at their center alone for injuries caused by the police, and the number of wounded is probably higher. At least eight journalists were also beaten by the police (see section on the media).

On the night of February 2, the three leaders of the Zajedno coalition — Vesna Pesić, Vuk Drasković and Zoran Djindjić — were each leading a different group of marchers through the streets of Belgrade, with the intent to meet in the center of the city. Pesić and Djindjić met in the old town, but a large force of police in riot gear armed with water cannons was stationed on the Brankov Bridge over the Sava River blocking Drasković from leading marchers from New Belgrade.

Pesić and Djindjić began to give speeches on a small makeshift stage that had been set up on their side of the river near the bridge. Meanwhile, Drasković led his marchers across another bridge and made his way to the old town. As the night progressed, many people left the area, but, according to witnesses, approximately 2,000 to 3,000 people remained on the old town side of the bridge around the stage. Around 11:30 p.m. Drasković arrived at the stage and, at that moment, the police began pushing people from behind.

Vesna Pesić was still on the stage when the police began their assault. She told Human Rights Watch/Helsinki:

They [the police] started to push people toward the stage with the police coming from behind and from the smaller streets. I told people to sit down. Vuk [Drasković] came to the stage and said that we will leave peacefully, but it was too late. They had orders to attack.

⁴Human Rights Watch/Helsinki interview with Dejan Bulatović, Belgrade, February 11, 1997.

⁵See footnote three.

They came with the water pouring on the crowd. Some of us were trapped so we went to the sidewalk. We wanted to go under the bridge and it was there that I received two blows, on the head and leg. Vuk's bodyguard covered me and he received lots of hits. He protected me and I am grateful. Many police came under the bridge. Luckily, we found one old building where we stayed for two hours in the apartment of people we didn't know.⁶

Spokesman for the Zajedno coalition, Ljuba Tadić was also beaten under the bridge. He told Human Rights Watch/Helsinki:

We tried to pass down the stairs under the bridge. Then they came to me, first an officer who said, "What are you doing here, you idiot!" I avoided the first hit and said just "do not hit my mother." Then I got hit a few times, I think five or six, I am not sure because they were on my back, the spine and kidney area. The last hit I got exactly on the spine while I was on the stairs, so I flew a few steps but landed on my feet.⁷

Human Rights Watch/Helsinki saw Mr. Tadić's medical records from the private Anlave Medical Clinic, dated February 3, 1997, which documented "bruising on the back and shoulder."⁸

One victim of police abuse was Ljiljana Djuknić, who needed an operation on her arm as a result of the beating. Visited in the hospital before the operation, she told Human Rights Watch/Helsinki:

⁶Human Rights Watch/Helsinki interview with Vesna Pesić, Belgrade, February 12, 1997.

⁷Human Rights Watch/Helsinki interview with Ljuba Tadić, Belgrade, February 13, 1997.

⁸Anlave Clinic. Protocol Nr. 257, February 2, 1997.

We started to go [from the area around the stage] and immediately from Pop Lukina Street we saw water cannons and they were mercilessly shooting at us. It was -3 ° [Celsius] and we tried to run down the hill. We went down from the bridge, walking slowly. The police followed us slowly but we did not expect them to be so bloodthirsty as to attack from behind. We walked slowly without thinking we were in danger. Suddenly, they started to run with their equipment, shields and big sticks, hitting everything in their way. One hit me hard and I fell. I think it was on the back and I fell. Then I tried to move but another came and hit me again. They hit me, I think, on the arm. They were running and beating everything like rabbits. I do not know if it was five or six or twenty hitting me. But I thought they would kill me if I tried to move so I pretended I was dead. Then they moved on to the next.⁹

Medical Treatment

The main state hospital for emergency care in Belgrade is the Emergency Center (Urgentni Klinik) near the city's center. But many people told Human Rights Watch/Helsinki that they did not want to go to the clinic because the police were taking the names and addresses of patients. Two medical assistants, who did not want to give their names, confirmed that the police took the clinic's registry book, which contains the names and addresses of all patients, on the night of February 2.¹⁰ In past years, the police have harassed those who reported to doctors that they had been beaten by the police.

In some cases, the registry at the center was changed so as not to mention the cause of injury. Rastko Kostić, who was severely beaten on February 2 (see section on the media) told Human Rights Watch/Helsinki, for example, that his documents said that he had been beaten by "unknown persons," even though he specifically reported that he had been beaten by the police.¹¹

Since many people did not trust the Emergency Center, the medical students at Belgrade University set up their own infirmary in a lecture hall at the Department of Philosophy with help from some medical professors. According to their registry, more than 500 people visited their infirmary between the date it opened, December 26, 1996 and February 10, 1997. Of these people, the medical students estimated that 30 percent were the victims of police violence.¹² The director of the private Anlave Medical Clinic in Belgrade estimated that fifty people had been treated at his clinic for serious injuries caused by the police during the demonstrations.¹³

Police Violence in Kragujevac

In Kragujevac, where the opposition had just taken over power from the SPS, a serious conflict developed on January 22 between the local government, the local population, and the Serbian police over the status of the Kragujevac television station (see section on the media). Approximately 200 policemen occupied the television station to prohibit the new directors (appointed by the opposition) from taking over. The next day, as negotiations were taking place, between 200-250 Kragujevac residents formed a blockade with about forty cars on the main road linking Kragujevac and Belgrade in order to stop more police from entering the town. Around 4:15 p.m., riot police arrived from Belgrade and dispersed the crowd with force, using truncheons against the sitting, non-violent demonstrators who offered no resistance, seriously injuring some of the people.

⁹Human Rights Watch/Helsinki interview with Ljiljana Djuknić, Belgrade, February 11, 1997.

¹⁰Human Rights Watch/Helsinki interview with two anonymous medical workers, Belgrade, February 22, 1997.

¹¹Human Rights Watch/Helsinki interview with Rastko Kostić, Belgrade, February 11, 1997.

¹²Human Rights Watch/Helsinki interview with Belgrade medical students, Belgrade, February 10, 1997.

¹³Human Rights Watch/Helsinki interview with Slobodan Ivanović, Belgrade, February 10, 1997.

According to testimony provided by three participants in the blockade, as well as two journalists from the Associated Press (AP) who were present, around 4:15 p.m. a bus and one jeep arrived from Belgrade containing a special anti-riot unit of the police. With a megaphone, a Kragujevac deputy in the federal parliament who was organizing the protest, Zoran Simonović, told the crowd to sit down. As they did, the police started to attack, without warning, striking approximately twenty people in the front rows with truncheons as the other protestors ran back toward Kragujevac. Simonović was beaten the most. After he lost consciousness, he was dragged to the side of the road where he was beaten some more. Some police officers then left him outside the front gate of the town hospital; he spent the next seven days in the hospital receiving medical treatment for severe head injuries. He told Human Rights Watch/Helsinki:

When I told people to sit, I sat myself in the front row. They [the riot police] surrounded me, I don't know how many, I think between four and seven, and started to beat me. I got hit over twenty times on my head and on the body maybe one hundred times. While I was conscious, I remember many hits on my head, then I lost consciousness. People told me that they banged my head on the road. When I woke, they pulled me to the side of the road. I tried to stand to show people that I was alive. Then two policemen beat me again and I passed out... They put me into a police van. I vomited there and wavered in and out of consciousness. I was handcuffed and driven to the police station. They said they would prosecute me for attacking a policeman.¹⁴

A lawyer for the Zajedno coalition, Zvonko Marković, visited Mr. Simonović in the hospital that first night. He told Human Rights Watch/Helsinki that Simonović had heavy bruises on the right side and back of his head.¹⁵ According to Simonović, three weeks after the attack he still had regular headaches, occasional dizziness and a light temperature at night.

Dejan Mladenović, a cameraman for AP, was on a small hill next to the road overlooking the Kragujevac resident's blockade with a colleague from AP Television, Srdjan Nedeljković. Before the attack began, the police walked up the hill, took Mladenović's camera and escorted the two cameramen to the side of the road. Dejan Mladenović told Human Rights Watch/Helsinki:

While we were standing there, the police were beating the protesters. The demonstrators were sitting. The police tried to pick them up and then they beat the people who were sitting on the ground. At least fifteen to twenty people were beaten, including an old woman.¹⁶

After the attack, Mladenović and Nedeljković, were held for one hour in the Kragujevac police station; Mr. Nedeljković was struck once in the stomach with a baton (see section on the media).

Police Violence in Other Serbian Cities

In addition to the violence in Kragujevac, the police allegedly used excessive force in a number of other cities, although Human Rights Watch/Helsinki was not able to confirm this information first-hand. According to Amnesty International, on January 23 in Kraljevo a parliamentary deputy, Marko Petrović, was beaten by the police while trying to form a traffic blockade.¹⁷ On January 28, the police reportedly beat demonstrators, including a parliamentary deputy,

¹⁴Human Rights Watch/Helsinki interview with Zoran Simonović, Kragujevac, February 14, 1997.

¹⁵Human Rights Watch/Helsinki interview with Zvonko Marković, Kragujevac, February 14, 1997.

¹⁶Human Rights Watch/Helsinki interview with Dejan Mladenović, Belgrade, February 13, 1997.

¹⁷Amnesty International Urgent Action, January 24, 1997. AI Index: E.U.R 70/01/97.

Dušan Narić, and a local councillor, Ljubiša Brkić, in Smederevska Palanka.¹⁸ According to the Zajedno coalition spokesman, Ljuba Tadić, the police also used excessive force against demonstrators in Šabac, Valjevo and Vranje, although Human Rights Watch/Helsinki did not investigate these allegations.¹⁹

Seeking Redress

¹⁸Amnesty International Action Alert, January 30, 1997. AI Index: E.U.R 70/02/97.

¹⁹Human Rights Watch/Helsinki interview with Ljuba Tadić, Belgrade, February 13, 1997.

Individuals have the right under Yugoslav law to press charges against policemen who inflict bodily harm through the use of excessive force, and the prosecutor's office is obliged to respond to such charges, either by initiating a criminal proceeding or by dismissing the case.²⁰ When the prosecutor dismisses a complaint, the injured party has the right to proceed as a private prosecutor within a specified period of time.²¹

Despite these legal guarantees, redress for police abuse is a rarity in Serbia. One notable problem is the fear of retribution by the police, which keeps some individuals from pressing charges. Lawyers and human rights organizations in Serbia that deal with police abuse told Human Rights Watch/Helsinki that many victims of police brutality are hesitant to file a complaint with the police, let alone start a legal procedure. A recent example is Živana Janković, who filed a criminal complaint on February 11, 1997, against unidentified police officers who, she claimed, had used unnecessary force against her on the night of February 2. The police subsequently charged Ms. Janković with disturbing the peace, apparently as retaliation. As of September 1, 1997, her trial was ongoing.

Even when individuals do press charges, policemen are seldom held accountable for using excessive force. The most common problem is inaction on the part of the state prosecutor, since the law sets no time limit within which the prosecutor must take action. For example, Human Rights Watch/Helsinki is aware of sixty-one cases of police abuse that have been submitted to the prosecutor since the post-election demonstrations. As of September 1, 1997, state prosecutors had not responded to any of the charges, either by accepting or dismissing the cases. One case, that of Civic Alliance leader Vesna Pesić (see section on police abuse), has gone to trial, but this is because she filed as a private prosecutor directly to the court, a procedure allowed for misdemeanor offenses (see below). On March 18, the Humanitarian Law Center (HLC), a local human rights organization, filed charges against unidentified police officers, the chief of police for the Stari Grad district in Belgrade, Miloš Vukobrat, the Belgrade chief of police, Petar Zeković, and Serbia's minister of internal affairs, Zoran Sokolović. They are accused of inflicting light and serious bodily harm, unlawful arrest, extraction of statements by force, and misfeasance in office in the period between December 27, 1996, and February 6, 1997. To date, the prosecutor's office has neither begun an investigation nor informed the HLC that it will dismiss the case.

The lack of a legally defined time limit for prosecutors to respond to a criminal case allows them to indefinitely delay a response to legitimate claims. In such cases, there is no legal remedy; the complainant may only make informal appeals to the prosecutor or the Ministry of Justice. According to an HLC lawyer dealing with many of the HLC's fifty-nine police abuse cases, Branomir Pleše, such appeals never produce results. Mr. Pleše spoke to officials in the Belgrade prosecutor's office about his cases and was told that the prosecutors were, "waiting for the police to look into the matter."²²

²⁰Abuse by a law enforcement official is treated in articles 66 and 53 of the Serbian Criminal Code and is punishable with up to three years imprisonment (for light bodily injury) and five years imprisonment (for serious bodily injury), respectively. article 45 of the Yugoslav Code of Criminal Procedure specifies the obligations of the state prosecutor to investigate or dismiss criminal complaints.

²¹Yugoslav Code of Criminal Procedure, Article 60 (4).

²²Human Rights Watch/Helsinki telephone interview with Branomir Pleše, September 2, 1997. Mr. Pleše also pointed out that, while the police should help provide information, there were other options open to the prosecutor's office, such as talking to the victim or witnesses and examining medical records.

Another problem arises when the prosecutor dismisses a case but fails to inform the complainant of the decision, even though such a notification is required by law.²³ Such a failure to notify the complainant can result in the complainant losing his or her right to proceed as a private prosecutor since, according to Yugoslav law, an individual can only proceed as a private prosecutor within three months of the prosecutor's decision to dismiss a case.²⁴ Unaware of the prosecutor's decision, the three month limit could, and on occasion does, expire without the complainant's knowledge, thereby stripping the police abuse victim of the right to prosecute his or her case.²⁵

One exception is contained in article 434 of the Yugoslav Code of Criminal Procedure, which says that an injured party may petition the court directly for redress when the alleged offense is minor (punishable by a fine or up to three years imprisonment) and the prosecutor fails to respond to the complaint within thirty days. There are no exceptions for serious offenses.

When a case is submitted directly to the court, the assigned judge must set a court date within two months of receiving the case. The trial date may be more than two months from the day the case was received, but the trial date must be set within the two month time limit.²⁶ Despite this, judges regularly postpone trial dates in cases that might be considered sensitive to the state, such as police abuse. According to a 1996 report on police abuse by the Humanitarian Law Center, "when a victim does proceed as private prosecutor, the court delays scheduling the trial, sometimes for years, although the law fixes a time limit for setting trial dates."²⁷ In addition, the presiding judge is not legally obliged to accept the case right away. He or she may refer the case to a three judge panel, which can decide that the case does not merit a trial.

In the few cases in which a police abuse complaint went to trial, the Humanitarian Law Center documented numerous due process violations that deprived the complainants of a fair trial.²⁸ Judges arbitrarily dismissed evidence, such as medical records, and refused to admit testimony by witnesses for the plaintiff. Another problem is in obtaining the presence in court of the accused police officers. In the one recent case that has gone to trial, that of Civic Alliance leader Vesna Pesić, who was maltreated by the police on February 2 (see section on police violence), the accused policeman has failed to appear in court on two occasions, most recently on September 1.²⁹ In the police's case against

²³Yugoslav Code of Criminal Procedure, article 60 (1).

²⁴Yugoslav Code of Criminal Procedure, article 60 (4).

²⁵The prosecutor may also dismiss a case after criminal proceedings have been initiated. In such cases, it is the court's responsibility to inform the complainant that his case has been dropped.

²⁶If the presiding judge exceeds this time limit, he or she must explain the delay to the president of the court. Article 279 (2) of the Yugoslav Code of Criminal Procedure empowers the president of the court to take unspecified "measures" to convene the trial when the time limit has been exceeded, but does not specify what measures may be taken.

²⁷"Law Enforcement and the Law in Federal Republic of Yugoslavia," Humanitarian Law Center, Belgrade, November 1996.

²⁸Independence of the judiciary is a constant and well-documented problem in Yugoslavia. Prosecutors, investigators and judges are mostly appointed by and remain loyal to President Milošević and the ruling SPS.

²⁹The accused is Slobodon Milovanović, a lieutenant-colonel in the Ministry of Internal Affairs of Serbia and head of the Division of Internal Affairs of the Belgrade municipality of Zemun. Mr. Milovanović is charged with inciting another to commit an offense of inflicting a light bodily injury under Article 54, Section 1 of the Serbian Penal Code in connection with article 23 of the Yugoslav Penal Code. Ms. Pesić was unable to identify the policemen who actually inflicted the injuries, but is trying to prove that they were under the immediate command of the accused. The first two hearings, set for June 26 and September 1, 1997, were postponed because Mr. Milovanović failed to appear in court. On both occasions, the lawyer for the accused presented evidence that the accused was on paid vacation, thereby justifying his absence. The next court date is set for October 28, 1997, under judge Krsto Bobot.

Živana Janković (see above), three of the involved police officers — Miroslav Stefanović, Bozidar Supić and Filip Pejović — refused to testify in a public courtroom in front of human rights monitors.

ARRESTS AND HARASSMENT

Sporadic arrests occurred throughout the demonstrations, but there were two main periods when waves of arrests took place. The first mass arrests occurred between November 26 and December 6, when an estimated twenty-four people were taken into custody. All of them were found guilty of misdemeanors — disturbing the public peace (article 12 of the Law on Public Peace) or using firearms in public (article 7) — and received sentences ranging from seven to thirty days in prison. Branomir Pleše, a lawyer with the Humanitarian Law Center, monitored some of their trials. He told Human Rights Watch/Helsinki that, “all of the defendants experienced some form of abuse, especially verbal abuse. [Dejan] Bulatović was the only serious case.”³⁰ (See section on police violence.) In addition to physical and verbal mistreatment, the defendants suffered a number of other abuses that cast serious doubt on the impartiality of the state’s investigation. According to Pleše, those who did not admit to their crimes were taken back to the scene of the demonstrations and photographed with stones in their hands at the spot where they had allegedly attacked a government building. The photographs submitted to the court were taken at night with no people present, even though the alleged stone-throwing had taken place at a busy demonstration during the day. After their release from prison for misdemeanor offenses, seven people were further charged with criminal offenses, either under article 230 of Serbia’s criminal code (participating in a group committing violence) or article 176 (damaging property). Their cases are still under investigation.

The second wave of arrests took place between February 2-4, when approximately thirty people were arrested, according to the Humanitarian Law Center, on charges ranging from disturbing the peace to damaging property. Most of these people received fines, although one was imprisoned for fifteen days. Human Rights Watch/Helsinki does not have enough information to comment on whether these arrests were based on well-founded charges but has serious concerns about the use of violence against the defendants while they were in detention. Three of the defendants told the Humanitarian Law Center that they had been physically abused either on the street or while being taken to the police station. All of them were threatened in the police stations and pressured to confess.

Arrests allegedly also took place in some other Serbian towns, although Human Rights Watch/Helsinki did not confirm the claims. According to Amnesty International, on January 23, six officials of the Zajedno coalition, Srdjan Nedeljković, Milan Kaljević, Vljeko Stojčić, Milenko Djukić, Mane Zatezalo and Radiša Savić, were arrested in Smederevo and held for three hours after they attempted to block traffic. Also in Jagodina a local opposition official, Dragan Nikolić, was reportedly arrested.³¹ According to a journalist in Požarevac, Milorad Tadić, one local activist of the Democratic Party was photographed during a Zajedno demonstration in the middle of December in Požarevac. The police subsequently went to his home, took him six kilometers outside of the city and beat him.³²

THE DECEMBER 24 PRO-GOVERNMENT RALLY

After five weeks of anti-government demonstrations, the government decided to organize a pro-government “For Serbia” rally on December 24, 1996. Thousands of government supporters were bussed into Belgrade from around the country with signs and banners in favor of the Socialist Party and then-Serbian President Milošević. According to

³⁰Human Rights Watch/Helsinki interview with Branimir Pleše, Belgrade, February 12, 1997.

³¹Amnesty International Urgent Action, January 24, 1997. AI Index: E.U.R 70/01/97.

³²Human Rights Watch/Helsinki interview with Milorad Tadić, Požarevac, February 14, 1997.

press reports from around the country, workers in state-run firms and factories were forced to attend the rally. But many individuals came of their own accord, convinced in part because of the biased reporting of the state television that the demonstrators were hoodlums intent on undermining the state.

Despite the obvious danger of conflict, the state did not take any measures to prevent clashes between pro-government demonstrators and opposition supporters, who were continuing their daily march in Belgrade. On the contrary, government supporters were continually bussed into Belgrade on the 24th, despite the rising tension. As a result, violent clashes erupted between the two sides, as well as incidents of police violence against opposition supporters. After interviews with participants in the demonstrations, witnesses, as well as media accounts, Human Rights Watch/Helsinki is not aware of any case of police abuse against pro-government demonstrators.

A journalist from the independent radio station B-92 gave this account from the scene:

The atmosphere grew heated around noon, when supporters bussed in from other parts of Serbia started arriving in the Yugoslav capital. Belgraders greeted them with jeers, hurling eggs and setting off fire-crackers. At one point, the two groups met at Terazije, the downtown square set aside for the pro-Milosevic rally; there were some 20,000 Socialist supporters and 40,000 Zajedno sympathizers. Sporadic clashes broke out around noon. Fights with sticks, fruit and vegetables, and fire-crackers lasted almost until the beginning of the pro-Milosevic counter-rally, when a cordon of riot police, ten-deep, pushed the Zajedno supporters to the Republic Square. These fights resulted in several broken heads on both sides. The first serious incident occurred in Knez Mihajlova Street around 2 p.m., when an SPS supporter, acting in full view of several photo-reporters and TV cameras, shot a citizen in the head. The wounded, Ivica Lazović, a member of the [opposition] Serbian Renewal Movement (SPO) from Boljevac, was taken to the Emergency Center in serious condition.³³

Human Rights Watch/Helsinki visited Ivica Lazović in the main Belgrade hospital, where he was recuperating from a gunshot wound to the head. He told Human Rights Watch/Helsinki that he did not know the man who shot him and does not remember much from the attack. A video of the shooting seen by Human Rights Watch/Helsinki shows a frantic man who seems to be yelling in front of Mr. Lazović. On the video, the man, later identified as Živko Sandić, drops to one knee and fires directly at Mr. Lazović, striking him in the head. Mr. Sandić is reportedly an official in the Yugoslav United Left (JUL) party run by Mira Marković, wife of President Milošević. According to Mr. Lazović, Mr. Sandić was arrested but has been released pending trial.³⁴

Another opposition supporter, Predrag Starcević, was not so lucky. Mr. Starcević was allegedly engaged in a violent confrontation between government supporters and anti-government demonstrators in the center of Belgrade and later died from his wounds, although some members of the opposition believe he was a victim of police brutality. On January 6, the pro-government newspaper, *Politika Expres*, wrote that, according to the autopsy report, Mr. Starcević had died from a heart attack induced, in part, by high levels of alcohol in his blood. But Dr. Branimir Aleksandrić, who conducted the official autopsy, refuted this claim publicly in a press conference, stating that Starcević had clear marks of physical violence on his body and that he had a very low level of alcohol in his blood. Dr. Aleksandrić later told Human Rights Watch/Helsinki that Mr. Starcević had died from internal bleeding caused by strong blows and that he had had lacerations on his head and back. On January 21, Dr. Aleksandrić was fired without an explanation from his teaching job at the police high school, where he had taught criminal medicine.³⁵

³³B-92 Summary of day's events, December 24, 1996. Reported by Aleksandar Vasović.

³⁴Human Rights Watch/Helsinki interview with Ivica Lazović, Belgrade, February 12, 1997.

³⁵Human Rights Watch/Helsinki interview with Dr. Branimir Aleksandrić, Belgrade, February 19, 1997.

RESTRICTIONS ON THE MEDIA

Since taking power in Serbia in 1989, Slobodon Milošević has taken deliberate steps to undermine the freedom of the press. The state-run Serbian television, the main source of news for most people outside of Belgrade, provides overtly biased news in favor of Milošević and the ruling SPS. Independent radio and television stations experience various forms of harassment, including the denial of broadcast licenses and arbitrary bans. During the mass demonstrations after the elections, the government went to great lengths to underplay the scale of the public protest. The state media typically portrayed the demonstrations as “a group of accidental passers-by” or “hoodlums.” Meanwhile, the government tried to silence the independent media by either closing private radio and television stations or, on occasion, using violence against journalists.

Restrictions on the independent media intensified in July 1997, apparently in an attempt to limit the free flow of information before the September 21 Serbian elections. In a coordinated action involving the Yugoslav Ministry for Transport and Telecommunications, the criminal police, the financial police and various state agencies, the government temporarily shut down over seventy-five private television and radio stations that, it claimed, were operating illegally. Many of the stations did not possess the proper broadcast license, but this was mostly due to the government's unwillingness to grant licenses to stations that broadcast critical views of the state. The government consistently used Yugoslavia's complex and contradictory broadcast laws and licensing procedures to deny licenses to the media outlets it considered “disloyal.”

Physical Abuse Against Journalists

During the demonstrations, at least twenty-five journalists were beaten by the police, even though they were clearly identifiable as journalists. Most of the attacks took place either during the period December 24-27 or on the night of February 2. On February 14, 1997, the Humanitarian Law Center filed criminal charges on behalf of twenty-one journalists who had been beaten by the police. To date, no action has been taken by the state prosecutor (see section on seeking redress). A journalist with Russian NTV, Oleg Chupin, has also filed suit against the Serbian Ministry of Internal Affairs for police abuse committed against him in Belgrade on December 26. Chupin and NTV are seeking 615,000 dinars (approximately U.S. \$109,821) in damages for his physical injuries and a video camera that was broken during the assault.

On the night of February 2 alone, at least eight journalists were beaten. One of them, Predrag Vujić, a journalist with the Beta News Agency, told Human Rights Watch/Helsinki:

I saw people running from Brankov Bridge. A strong police force was chasing them with truncheons and water cannons. The people were completely wet. I stopped at the Hotel Moscow as the people ran away. Then the police came from Terazije Street, several buses full. They were chasing and beating everything that moved.

One policeman said to me, “Go home, what are you doing here.” We tried to turn around but three or four policemen came from the other side. I saw a raised truncheon and I covered my head. I started to yell, “I am a journalist, I am a journalist!” I also had a press card hanging from my neck. But one cop, I think, hit me several times, I think four times on the back. I was lucky. My friend, a journalist from *Blic*, Marko Petrović, was beaten badly on the shoulder.³⁶

Attack on Rastko Kostić

Perhaps the most serious beating of a journalist was the case of Rastko Kostić, a twenty-year-old student who writes for the student newspaper *Znak* and was a member of the students' main protest committee. At 1:30 a.m. on

³⁶Human Rights Watch/Helsinki interview with Predrag Vujić, Belgrade, February 9, 1997.

February 3, he heard news on Radio B-92 that the police were beating demonstrators around Brankov Bridge. He grabbed his tape recorder and set out for the Republic Square in the city's center. He told Human Rights Watch/Helsinki:

There were a few hundred people in the square, all of them very angry. In one moment, a group of police came from Terazije Street onto Kolarčeva Street—about fifty of them. When they arrived, I noticed that they were not behaving professionally, but strangely. From the direction of the cordon came a man covered in blood. The crowd started to pull out cobblestones and hit the police. I stayed with a group of cameramen so as not to be associated with the crowd.

As the police approached, I turned to run away. But my recorder fell and I thought I should pick it up. I bent down and a policeman hit me and I fell. The first one did not kick me so strongly, just to knock me down. Then five policemen surrounded me and kicked and hit me with their truncheons exclusively on the head. None of the blows were on the body. One policeman was stomping with his boot on my fingers until I released the tape recorder. I dropped it and he smashed it while the others continued to beat me up. I tried to show them my press identification and said that I'm a journalist. One of them said, "you're a journalist. Great, then whistle again, journalist."³⁷ He kicked me in the mouth and broke two teeth. They beat me for about two minutes. My fingers were broken and my head was injured from the blows. They stopped when a person next to me fell down and they started beating him.³⁸

Human Rights Watch/Helsinki visited Mr. Kostić eight days after the beating. His right forearm was still in a cast due to the broken fingers, he was missing two front teeth and his head was heavily bandaged.

Attacks on Other Journalists

Sometimes journalists with video cameras were attacked by the police, even though it was obvious that they were not part of the demonstration. Maja Vidaković and her two colleagues from Brothers Karić Television were attacked on the night of February 2. She told Human Rights Watch/Helsinki:

We were on the corner with our camera. It was obvious we were journalists—we were a journalist, a cameraman [Savo Ilić] and a technician [Vanja Lazin]. We thought we are journalists so there would be no problem. We weren't protesters. We were stuck between the running crowd, a wall and the police. They hit me a couple of times in the back so I thought I should turn to face them. I looked right in his [the policeman's] eye. Nobody was attacking them. They could have just pushed the people away. Four of them rushed at me with their batons raised. But one of them said, "don't touch the girl." The camera made them very angry. First they hit the cameraman with a baton. As he started to be hit, he passed the camera to the assistant. The police were yelling, "we'll break it!" One of them grabbed it from the assistant and smashed it on the ground. I think they even did that twice. The others stomped on it. Then they took it—what was left of it—and they threw it over the fence. They had no mercy. The cameraman pretended to be dead. The assistant, trying to protect the camera, got beaten badly.

We went to the Emergency Clinic and saw about fifty people and realized that we were lucky because there was blood everywhere. The people with press cards were beaten more. And the police had no badges. None of the police were identifiable.³⁹

³⁷Whistles were the symbol of the demonstrations.

³⁸Human Rights Watch/Helsinki interview with Rastko Kostić, Belgrade, February 11, 1997.

³⁹Human Rights Watch/Helsinki interview with Maja Vidaković, Belgrade, February 11, 1997.

Based on interviews with journalists, editors and local human rights organizations, Human Rights Watch/Helsinki confirmed the following instances of police abuse against journalists during the demonstrations in Belgrade alone.

- Soni Darjević - photographer for Nedeljni Telegraph, beaten December 24
- Dejan Joksimović - journalist for Radio Index, beaten December 24
- Igor Jovanović - journalist for Radio Index, beaten on December 24
- Dragan Vučićević - journalist for Demokratija, beaten December 24
- Petar Kujundžić - photographer for Reuters, beaten December 24
- Goran Marković - Brothers Karić Television, beaten December 24
- Saša Nikolić - Brothers Karić Television, beaten December 24
- Oleg Čupin - Russian journalist from NTV, beaten December 26
- Rade Radovanović - journalist with Nezavisnost, beaten December 27
- Nikola Majdak - video production of B-92, beaten December 27
- Đorđe Nikolić - Austrian ORF Television, beaten on December 27
- Mladen Petrović - Austrian ORF Television, beaten on December 27
- Nikola Todorović - journalist with Naša Borba, beaten on December 27
- Dragoljub Petrović - journalist with Naša Borba, beaten on December 27
- Aleksandar Kostić - Brothers Karić Television, beaten on December 27
- Zoran Šaponjić - journalist with Blic, beaten on December 27
- Dušan Vukajlović - journalist with Blic, beaten on February 2
- Marko Petrović - journalist with Blic, beaten on February 2
- Predrag Vujić - journalist with Beta News Agency, beaten on February 2
- Savo Ilić - Brothers Karić Television, beaten on February 2
- Vanja Lazin - Brothers Karić Television, beaten on February 2
- Maja Vidaković - Brothers Karić Television, beaten on February 2
- Rastko Kostić - journalist with Znak, beaten on February 2
- Sergei Karazei - Ukrainian cameraman working for Reuters TV, beaten on February 2

The police also targeted journalists in Kragujevac on January 23 during an attack on Kragujevac residents who had set up a blockade on the road to Belgrade (see section on police violence). A cameraman and soundman for AP Television, Dejan Mladenović and Srdjan Nedeljković, were on a hill on the side of the road watching the police arrive. Before the police attacked, however, a few of them walked up the hill, confiscated Mladenović's film and escorted both men down to the road, where they witnessed the police action. After the attack, both were taken to the police station in Kragujevac, where they were held for one hour. According to Mr. Mladenović, the police clubbed Mr. Nedeljković once in the stomach with a baton.⁴⁰ The next day, another AP cameraman, Slobodan Djukić, was setting up his video camera in the center of Kragujevac when he was detained by the police and held without an explanation for forty-five minutes in the police station.

⁴⁰Human Rights Watch/Helsinki interview with Dejan Mladenović, Belgrade, February 13, 1997.

Restrictions on the Private Electronic Media

The broadcast media in Serbia is regulated by five laws: the Serbian Law on Radio and Television, the Laws on Connection Systems (Serbian and federal), and the Laws on Public Information (Serbian and federal). In addition, a number of state bodies are involved in regulation, including the Ministry of Transport and Telecommunications, the Ministry of Information and the commercial courts. Many of the relevant laws and regulations are contradictory and allow the government to grant or deny licenses to those stations it desires. For example, under current regulations, the Yugoslav Ministry of Transport and Telecommunications requires applicants for a broadcast license to provide proof that the station has been registered as a public media outlet at the Ministry of Information and at the appropriate commercial court. But these documents cannot be obtained without first having a license from the Ministry of Transport and Telecommunications. Even taken individually, Serbia's broadcast laws do not guarantee that licenses will be allocated on a non-discriminatory basis. Article 5 of Serbia's Law on Radio and Television gives the government a very broad discretionary right to grant licenses, while article 10 (6) of the same law allows the government to revoke licenses under vague terms.⁴¹ Article 7 of the law obliges the government to hold an open auction for frequencies once a year, but the last auction was held in 1994.

As a result, since 1989 independent radio and television stations (like Radio B-92 or Radio Boom 93) have been repeatedly denied a license without an explanation even though they apparently met all of the criteria, while stations that were either blatantly pro-Milošević or, at least, commercial and wholly uncritical (like RTV Pink or BK TV) easily obtained licenses for large parts of Serbia. The most extreme example was Radio Košava, run by Milošević's daughter, Marija, which obtained a frequency by government decree without even submitting an application.

The independent broadcast media was, therefore, severely limited in its effectiveness, leaving the state controlled television and radio to disseminate government propaganda unchallenged, as in the past. Many people in Serbia and abroad blame the state media for encouraging the war in former Yugoslavia by distorting facts and promoting xenophobic, extreme nationalist views.

Despite these barriers, Serbia's independent radio and television stations played an important role during the 1996-97 demonstrations by disseminating information, often directly from the streets, that offered an alternative to government propaganda. Unlike during the war, which was never fought inside Serbia, audiences could contrast the state media's coverage with their daily experiences at home. The daily audience of the larger stations, specifically Radio B-92 and Radio Index in Belgrade, rose to over one million. Smaller stations throughout Serbia rebroadcast B-92's transmission, thus providing many people in the countryside with an alternative to the state-run media, which was misrepresenting the purpose and scale of the demonstrations. In acknowledgment of their effectiveness, the government attempted to ban or close a large number of radio stations, including Radio B-92 itself, which responded by sending daily news over the Internet.

Most often, the state justified the closures by claiming that the station in question did not have the proper license to broadcast. In most cases, this was true, a consequence in large part of the government's persistent refusal to grant such licenses to independent radio or television stations. Many of the stations that were closed following the November 1996 elections, all of them either independent or oppositional, had been operating without interference for the past three or more years, suggesting that they were closed strictly for political reasons.

⁴¹The Serbian Law on Radio and Television, Article 5, states that licences will be given to "the applicant whose programming orientation and schedule contribute more wholly to public information in the zone of coverage..." Article 10(6) states that frequencies can be taken away "If the contents of operation and the purpose of the programming is changed, i.e. if it diverges from its programming orientation and schedule."

In May 1997, the Serbian Minister of Information, Radmila Milentijević, promised that there would be democratic reform in the electronic media and that no private television or radio station would be shut down before the September 21 elections. Despite this, on June 2, the Yugoslav Minister for Transport and Telecommunications, Dojcilo Radojević, announced the need to “establish order in the broadcast media.” All “pirate” radio and television stations, he declared, would be permanently banned if they failed to apply for a temporary broadcast license by June 30, 1997.⁴² However, the ministry did not clarify which documents were required to apply for a temporary license or on what criteria applications would be considered. According to journalists and the Association of Independent Broadcast Media, a local network of independent radio and television stations, the procedure for submitting the application was confusing and contradictory.⁴³

Shortly after the June 30 deadline, and in some cases before the deadline, the government initiated a coordinated campaign among the Ministry of Transport and Telecommunications, the criminal police, the financial police and various government agencies to shut down more than seventy-five radio and television stations across Serbia and confiscate some of their equipment without warning, even though some of the stations had submitted all of the necessary documentation. All of the closed stations were either independent, run by the opposition or commercial and unconnected to the government. They included:⁴⁴

1. Radio Boom 93 - Pozarevac (banned on 3 December 1996 - see below)
2. Radio Duga - Pozarevac (19 July 1997)
3. Radio Folk Duga - Pozarevac (19 July 1997)
4. Radio Dabar - Pozarevac (19 July 1997)
5. TV Duga - Pozarevac (19 July 1997)
6. TV Sat TV- Pozarevac (19 July 1997)
7. RTV San - Novi Pazar (27 May 1997)
8. JU Radio - Novi Pazar (27 May 1997)
9. Radio Skala - Novi Pazar (27 May 1997)
10. Radio Jedinstvo - Novi Pazar (27 May 1997)
11. Radio Pozega - Pozega (29 May 1997)
12. TV Pancevo - Pancevo (17 July 1997)
13. Radio Melos - Kraljevo (20 July 1997)
14. Radio Globus - Kraljevo (20 July 1997)
15. Radio Miks -Kraljevo (20 July 1997)
16. TV Trstenik - Trstenik
17. TV BK (banned broadcasts in the region of Pec, Kosovo, May 8, 1997)
18. Eko Radio - Cacak (14 July 1997)
19. Radio 96 - Cacak (14 July 1997)
20. Radio Star FM - Cacak (14 July 1997)
21. Radio Soliter - Cacak (14 July 1997)
22. Radio Dzoker - Cacak (14 July 1997)
23. Radio Dzenarika - Cacak (14 July 1997)
24. TV Galaksija - Cacak (14 July 1997)
25. TV Jefimija - Krusevac (21 July 1997)

⁴²*Politika*, June 2, 1997. According to the ministry, there were 333 radio stations and 146 television stations operating in Serbia without a license.

⁴³Statement of the Association of Independent Broadcast Media, July 23, 1997, and Statement of the Committee to Protect Journalists, July 25, 1997.

⁴⁴Statement of the Association of Independent Broadcast Media, July 23, 1997.

26. TV Kanal Plus - Krusevac (21 July 1997)
27. Radio Krusevac II Program - Krusevac (21 July 1997)
28. Radio OK Studio - Krusevac (21 July 1997)
29. Radio VK - Kikinda (25 June 1997)
30. Radio AMI - Kikinda (25 June 1997)
31. Radio Golf - Belgrade (8 July 1997)
32. Radio TDI - Belgrade (8 July 1997)
33. Radio Roda - Belgrade (8 July 1997)
34. Radio Stenka - Belgrade (8 July 1997)
35. Radio Top FM - Belgrade (8 July 1997)
36. Radio Ritam - Pancevo (17 July 1997)
37. Radio Safir - Pancevo (17 July 1997)
38. Radio Egeta - Brza Palanka
39. Radio Spektar - Pancevo (17 July 1997)
40. TV Kanal 10 - Kraljevo
41. Radio Puls - Kraljevo
42. Radio Amaro - Sjenica
43. Vikom Radio - Sabac
44. Radio Civija - Sabac
45. Radio AS - Sabac
46. Radio Nesvil - Bogatic
47. Radio Koceljeva - Koceljeva
48. Radio Vladimirci - Vladimirci
49. Radio TV Lotel - Loznica
50. Radio Cer - Lipolist
51. Maksi Radio - Bogatic
52. Radio OM - Loznica
53. Radio Tufa - Kladovo
54. Radio Kometa 030 - Bor
55. Radio Luna - Lunovo Selo

In late August the government announced that all of the stations would be free to broadcast until after the September elections, as the Serbian Minister of Information had originally promised. The Transport and Telecommunications Ministry said it would return the equipment it had confiscated and stop running technical checks on the stations in question. However, the ministry did not reply to requests from independent broadcasters and the Association of Independent Broadcast Media formally to rescind, rather than just postpone, the decision to close the "pirate stations."

Human Rights Watch/Helsinki recognizes the government's right to regulate the allocation of frequencies. However, Human Rights Watch/Helsinki believes that Serbia's licensing process has had the effect of restricting media pluralism and freedom of expression.⁴⁵ The timing and scale of these closures and the coordinated nature of the campaign suggests that they were a politically motivated attempt by President Milošević and the ruling Socialist Party of Serbia to restrict the independent media before the forthcoming elections. Although the closures were postponed until after the elections, the procedures against the stations could begin again once the elections are over.

The Closure of Radio B-92

⁴⁵Human Rights Watch/Helsinki interprets article 19 of the International Covenant on Civil and Political Rights, to which Yugoslavia is a party, to require that the state exercise regulatory power in a manner that ensures freedom of expression for broadcasters and listening audiences alike, including the right to disseminate and receive information, ideas and opinions from a diversity of sources.

Radio B-92 is the largest and most reputable independent radio station in Yugoslavia, and among the most influential in Eastern Europe. It provides independent news and cultural programs to the residents of Belgrade and runs projects in publishing and theater. Since its founding in May 1989, the station has had a shaky legal status. Repeatedly denied its own frequency by the state without an explanation, the station could only broadcast in an arrangement with the state's Radio Television Serbia (RTS) on its frequency 92.5 MHz, which would ultimately be suspended during B-92's coverage of the post-election demonstrations.⁴⁶

Problems began on November 27 when B-92 had its transmission signal blocked four times during a news broadcast about the protest marches. From November 28 to December 2, B-92's transmission was blocked entirely from 9:00 a.m. to 2:00 p.m.. Then, on December 3 at 3:00 p.m., the station was taken off the air altogether. Veran Matić, editor-in-chief of Radio B-92, told Human Rights Watch/Helsinki:

In the first days it [the station] was blocked during the transmissions of the news about the demonstrations. Three or four days before the ban, it was the whole program. When we broadcast MTV [Music Television] there was no problem. MTV does not bother Milošević. He likes MTV.⁴⁷

Shortly thereafter, Radio B-92 received an unstamped letter from the Federal Ministry of Transport and Telecommunications saying that the interferences in their program had been caused by "water in the cables." Then, on December 3, the station received a stamped letter from the ministry which said that there was no damage but that the station was operating "illegally" because it did not possess a valid contract with RTS, which is true, although the station had been operating on an RTS-owned frequency without interference for the past five years. The letter said:

Thorough examination of our documents showed that your radio station, B-92, does not have a working license, issued in the name of Radio B-92. The work of your station without a license is illegal. Bearing in mind that your program is broadcast on the frequency 92.5 MHz, for which Radio Television Serbia has a license, it is necessary that you submit a valid contract [that] has been signed with RTS. If you do not have a valid contract with RTS, it is required that you submit a request for a license to be issued, followed by the accompanying technical documentation, including a copy of the contract with RTS. Otherwise you will continue to be illegal and by doing so you would commit an offence under the Law on the Systems of Connections (article 141), as well as a criminal deed according to the Criminal Law of the Republic of Serbia (article 219).⁴⁸

The closure of Radio B-92 caused a domestic and international uproar. The United States government responded by allowing Radio B-92 to broadcast its programs on the frequency of the Voice of America, while B-92 journalists worked to get news out over the Internet. Under intense pressure, the Yugoslav government allowed the station to broadcast again on December 5. Then, on December 12, the station signed a ten-year contract with RTS for the frequency 92.5. But Mr. Matić told Human Rights Watch/Helsinki that refusing Radio B-92 its own frequency is "a kind of blackmail," since other problems could arise in the future. B-92's application to the Yugoslav Ministry for Transport and Telecommunications is currently under consideration.

⁴⁶B-92 obtained a contract with RTS for use of the frequency in 1989 but only for the station's start-up phase. From 1990 to 1996, the station broadcast on RTS' frequency without a contract, despite numerous attempts to obtain one. The government used the lack of a contract as justification to shut the station down in December 1996 (see below.) After intense domestic and international pressure, RTS agreed to sign a ten-year contract. B-92's application to the Yugoslav Ministry for Transport and Telecommunications for its own frequency is currently under consideration.

⁴⁷Human Rights Watch/Helsinki interview with Veran Matić, Belgrade, February 13, 1997.

⁴⁸Letter from the Federal Ministry of Transport and Communication to Radio B-92, dated December 3, 1996.

The Closure of Radio Index

The other major independent radio station in Belgrade is the student station Radio Index. Like Radio B-92, the station provides independent news and was very active in reporting on the demonstrations. Also like Radio B-92, it was banned from broadcasting on December 3.

Director and editor-in-chief of the station, Nenad Cekić, told Human Rights Watch/Helsinki: We were working normally and, without prior warning, they shut off the transmitter. We sent a fax to the Federal Ministry [for Transport and Communication]. They answered only when we got the signal back [on December 5]. They said everything is okay.⁴⁹

According to Mr. Cekić, two of his journalists were also beaten on December 24: Igor Jovanović and Dejan Joksimović (see section on police violence against journalists).

The Closure of Radio Boom 93

Located in Požarevac, hometown of Slobodan Milošević and his wife Mira Marković, Radio Boom 93 has been a thorn in the side of the government since the station began broadcasting in 1992. Unlike Radio Index and B-92, which only broadcast around Belgrade, Radio Boom 93 has provided independent news directly to the more rural areas, where President Milošević has the most support. The station also rebroadcast programs from the Voice of America, Radio Free Europe, BBC and Radio B-92, especially during the demonstrations. General manager and editor-in-chief of the station, Milorad Tadić, told Human Rights Watch/Helsinki that he was trying to run, "an urban radio station in a not very urban place."⁵⁰

Since 1992, Radio Boom 93 has been broadcasting on a temporary license. Applications for a permanent license have been repeatedly ignored or rejected without explanation by the Ministry of Transport and Telecommunication. The station submitted a bid in the last open auction for radio frequencies, held in February 1994, but was refused without an explanation.⁵¹ The station then applied to the federal ministry for a renewal of its temporary license to broadcast, but again received no response. The station repeatedly applied for renewals while continuing to broadcast until Dec. 3, 1996, when the federal inspector for radio communication informed the station that it would have to close due to the lack of a license. Radio Boom 93 filed a complaint concerning the government's decision and, on December 6, submitted a new application for a temporary license to broadcast. The federal ministry did not respond to either submission.

As noted, in May 1997, the Serbian Minister of Information, Radmila Milentijević, promised that private television and radio stations would be allowed to operate freely until the September 21 elections. Based on that statement, Radio Boom 93 decided to begin broadcasting again, even though it still did not have the proper license. On August 3 it began to broadcast again and, as far as Human Rights Watch/Helsinki is informed, it has been operating without interference.

Restrictions on Brothers Karić Television

Owned by a wealthy businessman who was a neighbor and personal friend of President Milošević, Brothers Karić Television (BK TV) began as a faithful mouthpiece of the government that reached 60 percent of the country. But a temporary switch in editorial policy took place during the anti-government demonstrations. Unlike the state television, BK TV cautiously began to report about the political opposition and the daily street protests throughout the

⁴⁹Human Rights Watch/Helsinki interview with Nenad Cekić, Belgrade, February 10, 1997.

⁵⁰Human Rights Watch/Helsinki interview with Milorad Tadić, Požarevac, February 14, 1997.

⁵¹According to Serbia's Law on Radio and Television, article 7, the government must hold an open auction for radio frequencies once per year, but these auctions rarely take place. The last auction took place in 1994.

country. Shortly thereafter, the state began to limit BK TV's broadcasts through a variety of means. The timing of the restrictions and the lack of official explanations for some of the actions against the station strongly suggest that they were politically motivated.

On March 18, approximately three months after BK TV's editorial shift, the station received a fax from the Federal Ministry of Transport and Communications warning that BK TV had not paid all of its bills—an allegation refuted by the station. Two days later, the government cut off the RTS relay stations at Avala and Jastrebac, which broadcast BK TV's program to the south of the country, including the southern cities of Jagodina, Aleksinac, Niš, Leskovac, Kragujevac, Paraćin, Čuprija, Batočina and Lapovo. On March 21, however, the relay stations were turned on again after the Commercial Court in Belgrade ruled that RTS had to reestablish the link. On March 22, the federal ministry issued a statement that said BK TV's permits had been revoked because the station had not submitted the proper technical documentation and had not paid rent for leasing the state's transmitter or antenna.⁵²

Finally, in the last week of April, the relay stations at Avala and Jasterbac broke down for unknown reasons, again cutting BK TV's broadcasts to the south of the country. RTS denied repairmen from BK TV access to the relay stations so that it could only be viewed in Belgrade, Novi Sad and Vukovar. As of September 1, BK TV's broadcasts were limited to these three cities, even though, by June 1997, the station had become less critical of Milošević once again.

In addition, the authorities closed BK TV's studio in Peć, Kosovo. In early May, a local SPS official, Miladin Ivanović, ordered without explanation that the station stop broadcasting newscasts. BK TV refused and, on May 8, Ivanović locked the studio, which is in a building owned by the SPS. On May 16, Peć residents wanted to hold a protest rally in support of the station, but their request for permission to do so was denied by the local Secretariat of Internal Affairs.⁵³ According to the New York-based Committee to Protect Journalists, a crowd gathered nevertheless. BK TV's station manager, Nebojsa Radunović, pleaded with the crowd to go home but the police detained him for two hours, dispersed the rally and confiscated BK TV's videotape of the gathering as well as the film of other photographers present.⁵⁴

Restrictions on the Independent Print Media

Although it was not placed under the same pressures as the electronic media, and does not reach as wide an audience, the independent print media also came under attack from the state during the period surrounding the 1996 elections and the subsequent demonstrations. In addition, some independent newspapers have come under direct pressure from the state in the period leading up to the 1997 elections. Careful to avoid direct restrictions on the independent print media, which would be more easily identified as political intrusions, the Serbian government has developed the more circumspect technique of using state tax organs and other regulatory agencies to hinder the work of newspapers and magazines that print news critical of the state. Financial controls, contractual difficulties raised by state agencies and banking problems appear to limit the work of the independent press.

On November 27, 1996, the state-owned Borba publishing house refused to print more than 70,000 copies of the daily tabloid *Blic*, which was covering the protests and had printed 250,000 copies a day since the beginning of the demonstrations, allegedly due to "technical reasons." In December, two independent magazines with coverage critical

⁵²"Ministry says BK TV has no 'valid permits'," Tanjug, March 22, 1997.

⁵³"Peć Police Ban Protest Rally in Support of BK Television," BETA, May 16, 1997. The Interior Ministry disallowed the demonstration because, it claimed, it would damage a newly refurbished park and would be a target for "Albanian terrorists."

⁵⁴"Government censorship and harassment of opposition television and radio broadcasters," IFEX Action Alert, May 20, 1997.

of the government, *Nin* and *Vreme*, were ordered by the publishing house to start submitting their manuscripts three days early, apparently so that their content could be reviewed with a view to censorship.

Most independent newspapers and magazines, like *Vreme* and *Naša Borba* (the most critical daily paper), also complain about the newspaper distribution system, which is controlled by the state, although newspapers did seem to be delivered throughout the country during the demonstrations. In general, a major concern is the economic pressure against the independent press, although this also did not change much during the demonstrations. Specifically, firms owned by or close to the government rarely advertise in the independent media, thereby denying the newspapers of thousands of dollars of potential income.

On June 11, 1997, the publisher of *Naša Borba*, Fininvest, was ordered to pay a \$220,000 fine for back taxes within three days, even though, according to Fininvest, a February 1997 tax inspection had not indicated any wrongdoing and Fininvest had already paid approximately \$128,500 in taxes for 1997. Then, on June 29, Fininvest's bank account was frozen on the order of the tax authorities, which, according to the publisher, has seriously compromised the paper's ability to publish regularly.⁵⁵ In early September, the government retracted its demand for back taxes and unfroze *Naša Borba's* bank account. While Human Rights Watch/Helsinki cannot evaluate the merits of the tax assessment, there is reason to fear that it was used to silence an outspoken and critical newspaper before the September elections.

Censorship in the State-run Media

Control of the state television, radio and press agency, Tanjug, has been an important political instrument for President Milošević and the ruling SPS since they assumed power. The state media's coverage around the elections was no different and even became a source of humor among the demonstrators. Among the banners at the daily marches could be seen such slogans as: "I watch the news on TV, and I also take drugs;" "Beware of the dog: he watches Serbian TV every day;" and "We are not mushrooms. Don't keep us in the dark and feed us s--t."

According to a survey conducted by the Institute for Social Sciences for the newspaper *Nezavisnost*, the television news spent an extremely disproportionate amount of time covering the ruling coalition (Socialist Party of Serbia, Yugoslav United Left and New Democracy) before the 1996 elections. From October 17 to October 23, 1996, the second daily news broadcast, shown on Channel 1, had 106 minutes of coverage for the ruling coalition compared to one minute forty-five seconds for the opposition coalition Zajedno and one minute fifty seconds for the opposition Serbian Radical Party.⁵⁶

The biased reporting continued after the elections; the demonstrations were either ignored by the state-run media or the protesters were portrayed as a gathering of "vandals" or "occasional passers-by." When half a million people marched in Belgrade on New Year's Eve the state television said that the citizens of Serbia celebrated the new year mainly "in discos and bars while others celebrated traditionally, among family."

At times, the state-run media purposefully misrepresented people's statements to fit the message the government wished to convey. Dejan Bulatović, who was severely beaten while in police custody in Belgrade and then spent twenty-five days in prison for disrupting public order (see section on police abuse), told Human Rights Watch/Helsinki about an experience he had with the state television:

When they released me from prison, a television crew was waiting. They said they were from CNN. I saw that they stressed the question, "how was the treatment in prison?" I told them that it was correct. They turned off the camera and said, "that's what we wanted to hear." I asked why they did not want

⁵⁵"*Naša Borba's* bank account frozen," IFEX Action Alert, July 30, 1997.

⁵⁶*Pravo na Sliku & Reč—The Rights to Pictures & Words*, Belgrade, December 1996, p.12.

to hear about the torture in the police station and they said, "we don't care about that. We are from RTS."⁵⁷

Milorad Tadić, director of the independent radio station Boom 93 (see section on restrictions on the private electronic media), told Human Rights Watch/Helsinki how the RTS portrayed the statements of a technician at his radio station:

RTS asked one of Boom 93's technicians at the demonstrations what she thought of RTS's coverage. She answered, "it is terrible. The lies they tell can bring nothing good to this country." That night the news showed her answering the question, "what do you think of the demonstrations."⁵⁸

⁵⁷Human Rights Watch/Helsinki interview with Dejan Bulatović, Belgrade, February 11, 1997.

⁵⁸Human Rights Watch/Helsinki interview with Milorad Tadić, Požarevac, February 14, 1997.

Some employees in the state-run or pro-government media were disciplined or fired for complaining about biased coverage. On February 21, 1997, Eleonora Prohić, a journalist for TV Politika, was fired after she protested the station's editorial policy.⁵⁹ On March 30, the director of RTS's cinema program, Mladen Popojić, was dismissed after publicly criticizing the station's news.

The Transfer of Municipal Radio and Television Stations

While many of Serbia's local television and radio stations are owned and run by the Serbian republican government, a few are owned by municipal governments. This did not present a problem as long as the SPS ruled these areas. But when the opposition took power in fourteen of Serbia's nineteen largest cities, the government was forced to hand over some of the local stations to the opposition. In at least two cities the republican government and the SPS tried to hinder the transfer.

Radio Television Kragujevac

Established in September 1996, Radio Television Kragujevac is owned by the local town hall with funding from local residents. An opposition victory in the city of 200,000 allowed the new local government to appoint a new management. But the republican government used legal, extra-legal and, finally, violent means to prevent the transfer.

On November 25, the Executive Council of the still SPS-dominated City Council decided that all property of the station should be handed over to the state television and radio, RTS. The new opposition government, which hadn't yet taken its seats in the City Hall appealed to the Commercial Court in Belgrade, which ruled that the station should not be integrated into RTS. The deadline for handing the station over to the opposition was set for January 22, 1997, but the president of the RTS managing board, Nada Popović, who is also the Serbian minister of culture, appealed the decision.

Unaware that an appeal had been filed, on January 22, at 8:00 a.m., the newly-appointed director of Radio Television Kragujevac, Vidosav Stevanović, and the new vice-director, Branislav Kovačević, arrived at the station to find approximately 200 policemen inside the building. Mr. Kovačević told Human Rights Watch/Helsinki:

We came and there were 200 special forces in the building. They blocked all the entrances and were standing in the door. About 10,000 people gathered, insisting that we should enter by force. We contacted some politicians in Belgrade and the General Director of RTS to avoid a possible tragedy. But no one replied.⁶⁰

Mr. Kovačević, Mr. Stevanović, and the Kragujevac mayor were able to keep the crowds peaceful as they tried to negotiate with the police and the government in Belgrade. The next day, negotiations took place in the Kragujevac City Hall, while the police remained in the television station. Around 2:00 p.m., a group of local residents, led by an opposition politician, Zoran Simonović, organized a blockade on the Kragujevac-Belgrade road to prevent any police forces from entering the city. A police unit arrived from Belgrade around 4:15 p.m. and used excessive force to break up the demonstration (see section on police violence), although there was no violence at the television station. On January 24, the new directors of the Kragujevac station reached an agreement with RTS in Belgrade to allow the transfer of the station. The police left the building on January 25, and the new staff began working on February 3.

⁵⁹"State controlled media journalists face sanctions," IFEX Action Alert, April 9, 1997, and *Bulletin of the Center for Anti-war Action*, Number 13, March 1997.

⁶⁰Human Rights Watch/Helsinki interview with Branislav Kovačević, Kragujevac, February 14, 1997.

The station has operated freely since then, although it is required by RTS to broadcast the state-run news twice a day. Before news broadcasts, the station apologizes to its listeners, "for having to make it listen to lies." In response, on May 11, the Serbian Minister of Information, Radmila Milentijević, threatened that, "such an act is petty and someone should pay for it,"⁶¹ although it is not yet clear if the state will take legal action. Minister Milentijević has frequently criticized the independent media in Serbia for being "financially and politically backed from abroad" and for seeking to "destroy the state's sovereignty."⁶² She has also said that Serbia has "no need for radio like Deutsche Welle, Voice of America and (Radio) Free Europe."⁶³

Television Trstenik

According to the Committee to Protect Journalists, in mid-December, the former Socialist Party manager of the local television station in Trstenik, Radovan Radović-Raka, drove off with a van, high-range transmitter and other equipment that belonged to a local factory before the station could be handed over to the opposition, which had won the local town hall.⁶⁴ As of September 1, the station was still closed.

POLICY OF THE INTERNATIONAL COMMUNITY

Isolated by the international community during the war in Bosnia, Slobodon Milošević was hailed by some as a peacemaker when he signed the Dayton Peace Agreement in December 1995. Since then, the international community has complained but taken no serious action against Milošević for his continued persecution of ethnic minorities in Serbia, harassment of the independent media (as documented in this report), and failure to hand over indicted war criminals, as required under the Dayton accords that he signed.

Conversely, Milošević has largely been rewarded for his actions. After Milošević signed the Dayton accords, most European countries reestablished full diplomatic relations and, on October 2, 1996, the United Nations lifted sanctions on Yugoslavia that had been in place for the previous four years due to the country's role in the war.⁶⁵ An outer wall of sanctions remains in place, which keeps Yugoslavia out of the international lending institutions like the World Bank and International Monetary Fund, but this is mostly due to the unilateral resolve of the United States (which has also not reestablished full diplomatic ties with Belgrade).⁶⁶

The one period of condemnation and action by the international community against human rights violations in Yugoslavia occurred during the demonstrations after the 1996 elections, albeit once foreign governments realized that the demonstrations were gaining momentum and Milošević had resorted to threats of violent suppression and bans on the independent media. An OSCE delegation to Serbia, headed by Spain's Prime Minister Felipe Gonzalez, confirmed that electoral fraud had occurred and presented Milošević with a list of recommendations to rectify the situation and

⁶¹*Dnevni Telegraph*, May 11, 1997.

⁶²"Interview with Minister Radmila Milentijević," *Borba*, February 20, 1997.

⁶³"Serbian official threaten radio over "lies" warning," Agence France Presse, May 11, 1997.

⁶⁴"Theft of television station's equipment," IFEX Action Alert, January 28, 1997.

⁶⁵Human Rights Watch/Helsinki takes no position on the imposition of sanctions as a means to punish abusive governments. However, once in place and tied to certain human rights conditions, sanctions should not be lifted until those conditions have been met.

⁶⁶U.S. officials have repeatedly stressed that the outer wall will stand until the Yugoslav government cooperates with the War Crimes Tribunal on the former Yugoslavia, stops its human rights abuses against ethnic Albanians in Kosovo and regulates its relations with the other countries of the former Yugoslavia.

promote respect for human rights, known as the “Gonzalez report.” The U.S. and European governments appropriately condemned the arrest of demonstrators, police violence and restrictions on the independent media. When Radio B-92 was closed, the U.S. government offered temporary use of the Voice of America frequency.

As soon as the election results were recognized, however, European governments resumed welcoming Milošević and the abusive Yugoslav government back into the international community. In April 1997, the E.U. granted Yugoslavia preferential trade status,⁶⁷ although the agreement will “be reviewed” if there is no progress in a number of human rights related areas, such as improvements in Serbia’s media laws, reform of the judicial system and improvements in Kosovo.⁶⁸ The E.U.’s decision to grant the preferential status was originally made in November 1996, but was postponed when the Yugoslav government’s electoral fraud and the subsequent demonstrations became headline news. On May 15, 1997, the European Commission granted Yugoslavia \$115 million in foreign aid.

⁶⁷Preferential trade status lowers the duties and quantitative restrictions on Yugoslav good that enter E.U. countries.

⁶⁸On September 15, the EU announced that the preferential trade status could be revoked if the Yugoslav government failed to meet the agreed conditions by the end of 1997, which include respect for the Dayton peace accords, full implementation of the Gonzalez report and resolution of the Kosovo problem.

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