

FEDERAL REPUBLIC OF YUGOSLAVIA

CURTAILING POLITICAL DISSENT: SERBIA'S CAMPAIGN OF VIOLENCE AND HARASSMENT AGAINST GOVERNMENT CRITICS

SUMMARY	3
RECOMMENDATIONS.....	4
To the Government of Serbia.....	4
To the Governments of Serbia and the Federal Republic of Yugoslavia (FRY)	5
To the United Nations	5
To the Organization for Security and Cooperation in Europe.....	5
To the Council of Europe.....	5
To the European Union.....	5
To the United States Government.....	6
THE CAMPAIGN AGAINST THE POLITICAL OPPOSITION.....	6
Leadership of Democratic Party (DS) Persecuted	8
Other Opposition Leaders Threatened with Criminal Prosecution.....	9
Physical Violence against Opposition Party Activists.....	10
Violence against Members of DS and Other Opposition Parties	10
The Use of Firearms by Officials of the Ruling Parties	11
Violent Suppression of Anti-government Protests	12
Armed Assaults upon Opposition Premises	14
Other Measures to Harass Opposition Supporters.....	14
THE FAILURE TO INVESTIGATE SUSPICIOUS DEATHS, THREATS, AND ATTACKS ON GOVERNMENT CRITICS	15
The Assassination of Slavko Curuvija	15
Car Accident or Murder?	16
Bomb Explosion at the House of the DS President in Valjevo	19

Djindjic Alleges Assassination Threat	19
Journalists' Cars are Burned.....	20
THE PROSECUTIONS OF NGO ACTIVISTS AND INTELLECTUALS	21
Dobrosav Nestic and the Council for Human Rights in Leskovac	21
Charges of Espionage against Intellectuals and NGO Activists	21
Branko Jelen, Peter Wallace, and Steve Pratt	22
Miroslav Hadzic and Bodo Weber.....	23
THE SUPPRESSION OF INDEPENDENT JOURNALISM	25
Criminal Prosecutions of Journalists	25
Zoran Lukovic and Srdjan Jankovic	25
Vojkan Ristic	25
Nebojsa Ristic.....	26
Suppression of Free Expression through Serbia's Law on Public Information	26
Other Forms of Pressure upon the Media.....	30
THE PROSECUTIONS OF ORDINARY CITIZENS OPPOSED TO THE GOVERNMENT.....	31
"Insulting the Yugoslav President".....	31
Biserka Apic	32
Boban Miletic	33
Djordje Rajkovic.....	33
Prosecution of Conveners of Protests.....	33
Svetozar Fistic and Slobodan Karaleic.....	33
Ivan Novkovic	34
Milorad Mitic and Bratislav Stamenkovic	34
Bogoljub Arsenijevic	35
ACKNOWLEDGMENTS	37

SUMMARY

The Serbian and Yugoslav governments have consistently used repressive measures—unfair trials, harassment, and violence—against opposition politicians, street demonstrators, and independent domestic critics. But the past year has seen an increase in abuses against opposition parties, the independent media, student organizations, independent trade unions, nongovernmental organizations (NGOs), and civic activists in Serbia—in short, against anyone who potentially threatens the ruling elite's grip on power.

The abuses began to gain momentum in early 1999, as the threat of war with NATO hung over Serbia. High fines were imposed on a number of independent media outlets, while the state-controlled media labeled government critics "collaborators" with Serbia's enemies. The repression intensified during the NATO bombing of Yugoslavia (March to June 1999), when a state of war was in effect. Feeling under threat, many individuals fled the country or sought safety in Yugoslavia's other republic, Montenegro, which remained neutral in the war.

Government abuses have not abated since the end of the war. To the contrary, the government has increasingly used violence against street demonstrations by opposition parties and university students. Journalists have been convicted on a variety of charges and fined or given prison sentences for their writing and broadcasting.

Public prosecutors have announced criminal proceedings against opposition leaders because of their public statements. Criminal and misdemeanor proceedings have been initiated against opposition politicians and ordinary citizens who have publicly or even privately criticized the authorities. In a typical case, Biserka Apic from Sremska Mitrovica was convicted of defamation of the Yugoslav president Slobodan Milosevic on May 26, 1999, and sentenced to four months imprisonment, for having uttered the following words in the presence of her co-workers: "Shut up, Josip; you let that jackass be the president of your country and lead you like sheep over the past ten years, and throughout these ten years we've been in war."

NGO activists and intellectuals communicating with foreign colleagues have been prosecuted, or indirectly threatened with prosecution, for "espionage." The police on numerous occasions have interrogated opposition politicians and student activists from the Otpor (Resistance) group, with the sole purpose of intimidating the dissenters.

Demonstrations organized by the opposition coalition Alliance for Change or by university students have met a violent police response. The riot police in Belgrade beat peaceful protesters on a number of occasions. The authorities engaged civilian thugs to disperse the protests and to beat or arrest dissenters.

The authorities tried to discourage criticism by arbitrarily applying the provisions of the penal code and the law on public information, resulting in a severe crackdown against independent media. The fines have been aimed at financial exhaustion of the media and at deterring public criticism of the government's policies. The latter is illustrated by a December 23, 1999, decision of a misdemeanor judge in Vranje to fine *Vranjske* magazine 1,000,000 (U.S. \$26,000) dinars because it published a report by the Serbian Helsinki Committee for Human Rights about repression of the ethnic Albanians in Serbia's southern municipalities.

As this report went to press, the level of harassment had reached new levels, through increasing use of force by unidentified thugs against opponents of the government and intensified government efforts to close down the independent broadcast media. On February 26, 2000, short-haired men in leather jackets attacked and beat student Milos Dosen as he was taking down a poster of the student group Otpor; the event was videotaped by a neighbor and shown on local television, and witnesses identified the number plate of the van used by the perpetrators. The police failed to investigate, however, and the plate number turned out not to be registered. Zarko Korac, leader of the Social Democratic Party, was beaten up in early March outside his apartment when he returned from the inauguration of the new Croatian president, Stipe Mesic. On March 6, five men wearing police uniforms beat a technician and security guard at the Studio B Television transmitter and took away the transmission equipment; the Serbian Ministry of Interior

denied that the Serbian police had been involved, but—as with other cases outlined in this report—has failed to solve the crime. Jan Svetlik, opposition councillor in Zrenjanin, was abducted on April 5 by two unknown assailants and kept out of town for several hours during the session of the local parliament; Svetlik's absence from the session allowed Serbia's ruling Socialist Party of Serbia (SPS) to retain its parliamentary majority even though two SPS members had defected to the opposition. Once again, the police failed to identify the perpetrators.

During February and March, another eight print and electronic media enterprises were fined for alleged violations of the Law on Public Information. One of them, Television Studio B, was fined 450,000 dinars (U.S. \$39,000) for remarks made by a guest during a live broadcast on the station. The Yugoslavian Ministry of Telecommunications closed down six independent television and radio stations in March, and threatened to close more. The current tide of repression against the media was preceded by a threat of violence against independent journalists by Serbian Prime Minister Vojislav Seselj at a February 10 press conference.¹

The stepped-up repression is a sign that the ruling coalition—SPS, Yugoslav Left (JUL), and Serbian Radical Party (SRS)—feels increasingly vulnerable to political defeat, either at the polls or on the streets. Especially since the NATO war, there has been palpable discontent with policies of Slobodan Milosevic which have led to Serbia's political isolation and economic deprivation, not to mention hundreds of thousands of victims in armed conflicts throughout the former Yugoslavia. Since the war with NATO, opinion polls have shown a steady decline in support for the authorities and strengthening of the support for opposition. The government's response to popular dissatisfaction has been further attempts to silence those who organize or speak out.

RECOMMENDATIONS

To the Government of Serbia:

- Ensure that governmental officials and the state media cease threatening and harassing opposition parties and politicians;
- Review the criminal convictions and charges which appear to be based solely on protected political activity and/or association, including the cases identified in this report, and take steps to remedy any abuse of justice;
- Launch an inquiry into the beating of opposition demonstrators at the September 29 and 30, 1999, protests, and student demonstrators at the November 9 march, make public the inquiry's findings, and initiate disciplinary and/or criminal proceedings against those found responsible;
- Cease the practice of beating peaceful demonstrators to disperse them and ensure that the perpetrators of such beatings are brought to justice; ensure that all law enforcement bodies comply with international standards governing policing, including the U.N. Code of Conduct for Law Enforcement Officials (1979), including the prohibition of the use of force, except when strictly necessary;
- Carry out a thorough and impartial investigation into the murder of Slavko Curuvija, director of the daily *Dnevni telegraf* and the magazine *Evropljanin*. Human Rights Watch recalls that on May 7, 1999, the Serbian deputy information minister stated that the authorities would soon give a full account of the assassination; as the investigation has produced no result, Human Rights Watch calls on the government to establish an independent commission of inquiry, comprised of impartial, competent, and independent individuals, in accord with the U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989);
- Establish a similar investigative mechanism for the October 3, 1999, accident in which four colleagues and bodyguards of Vuk Draskovic were killed;

¹ See Human Rights Watch press release, *Serbian Deputy Minister Threatens Independent Media With Violence*, February 1999. Human Rights Watch April 2000, Vol. 12, No. 6 (D)

- Cease the practice of police interrogations ("informative talks") solely for the purpose of harassment, to which members of opposition parties, human rights defenders, and student activists are routinely subjected, in violation of the Yugoslav law on criminal procedure;
- Rescind the draconian 1998 Public Information Law, which serves as a basis for the persecution of the independent media, and prepare new media laws and regulations.

To the Governments of Serbia and the Federal Republic of Yugoslavia (FRY):

- Create conditions conducive to the holding of free and fair elections, required by law to take place in 2000, and respect and implement the results thereof;
- Launch an inquiry into the allegations of torture of Bogoljub Arsenijevic, Bodo Weber, and Steven Pratt, make public the inquiry's findings and bring those deemed responsible for abuse to justice. Human Rights Watch recalls that Yugoslavia ratified the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on September 10, 1991; under the convention, each State Party is bound to ensure that its competent authorities proceed to a prompt and impartial investigation wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.

To the United Nations:

- Request that the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression undertake a mission in the FRY with a view to conducting a study on freedom of expression;
- The High Commissioner for Human Rights should continue to monitor closely political trials in Serbia through her office in Belgrade.

To the Organization for Security and Cooperation in Europe:

- Deny FRY readmission to the OSCE until clear signs of improvements in the country's human rights record are identified by the Office of Democratic Institutions and Human Rights;
- The OSCE Representative on Freedom of the Media should continue his efforts to monitor restrictions on freedom of the press in Serbia, intervene in specific cases, and keep the Permanent Council regularly briefed of his findings and recommendations.

To the Council of Europe:

- Increase support for the nongovernmental sector and the independent media, including through exchanges and their participation in Council of Europe seminars, meetings, hearings, and other fora;
- Refuse any consideration of the application for admission to the Council of Europe filed by FRY until there have been significant improvements in the human rights situation, including implementation of the recommendations to the FRY and Serbian authorities contained in this report;
- Council of Europe institutions and representatives should continue their unequivocal condemnation of human rights violations perpetrated against members of nongovernmental organizations, the media, and opposition figures, such as those detailed in this report.

To the European Union:

- Increase support for the nongovernmental sector, independent academics, and independent media;

- Highlight the situation of the nongovernmental sector and media in the work of the Human Rights Working Table of the Southeast Europe Stability Pact and enlist the Working Table to develop a concrete strategy enhancing financial, political, and logistical support for nongovernmental organizations and independent media in FRY;
- Expand the list of Serbian and Yugoslav officials and individuals who are instrumental to the repressive policies of President Milosevic's government, to which the issuance of visas to the European Union member states is prohibited;
- Consider steps to improve implementation of the European Union freeze of the assets of Serbian and Yugoslav officials, until significant improvements in the human rights situation have occurred.

To the United States Government:

- Take steps to reduce the impact of sanctions on municipalities in Serbia in which nongovernmental organizations and independent media operate free of pressure from the local authorities;
- Increase funding for training programs, technical development, and human rights awareness for the nongovernmental sector;
- Increase support for the nongovernmental sector and the independent media, including through exchanges and study tours.

THE CAMPAIGN AGAINST THE POLITICAL OPPOSITION

Since the introduction of the multi-party system in Serbia in 1990, the government has publicly accused opposition leaders of treason, lack of patriotism, an intention to gain power by illegal means, and other misdeeds. During and after the war with NATO (March to June 1999), the state-controlled media and government officials launched their fiercest anti-opposition campaign so far. The primary target of the attacks was the Alliance for Change, the informal coalition of opposition parties. Four state officials have been most consistent in their accusations against the alliance and other opposition formations: Serbian Prime Minister Mirko Marjanovic, President of the Serbian Parliament Dragan Tomic, Yugoslav Secretary of Information Goran Matic, and Yugoslav Minister of Telecommunications Ivan Markovic. They initiated a campaign against the opposition in September, three months after the NATO intervention. Marjanovic accused the alliance leaders of being "traitors whose minds are in the NATO alliance, and only their hands and legs in Serbia; ...[T]hey are nothing else but mercenaries in foreign pay who serve the continued aggression against our country..."² Tomic stated that "there are two sides in Serbia – one is for Serbia, and the other is for NATO."³ Matic called "the NATO opposition" a Trojan horse serving the continued aggression against Yugoslavia,⁴ and Markovic compared the Alliance for Change with 1930s Nazi squads.⁵

After September 21, when the Alliance for Change initiated a series of evening rallies throughout Serbia, the campaign of accusations intensified, with Slobodan Milosevic and his wife Mirjana Markovic joining in. On October 11, on the occasion of opening of a railway station in Leskovac, Milosevic spoke before tens of thousands of his supporters:

² V. Ristic, "Izdajnici pale zemlju" (Traitors Set the Country on Fire), *Danas* (Belgrade), September 8, 1999, p. 1.

³ "Na politickoj sceni Srbije dve strane – za Srbiju i za NATO" (Two Sides on the Serbian Political Scene – for Serbia and for NATO), *Politika* (Belgrade), Sept. 4, 1999, p. 14.

⁴ "Cilj NATO opozicije je produzena agresija" (NATO Opposition's Goal Is A Prolonged Aggression), *Politika*, Sept. 18, 1999, p. 14.

⁵ "Djindjic je nacista" (Djindjic as a Fascist), *Glas Javnosti* (Belgrade), Sept. 20, 1999, April 2000, Vol. 12, No. 6 (D)

"[T]hose who drag through the streets of our towns in evening hours...are mostly cowards, blackmailers, and flatterers. During the bombing they did not don their uniforms or reach for their guns; many ran away from the country and waited for the bombing to stop before returning here.... [W]ith stones in their hands and with the vocabulary they learned in the offices of our killers, they threaten to destroy what we have managed to defend from NATO and what we have rebuilt after it was ruined by NATO. The only thing they seek is to usher this country into a civil war through violence, wherein external support would be accompanied by the representatives of its donors with a Serbian, or—why not—a German or a Saxon surname."⁶

In an interview given in October to the Vatican weekly "Famiglia Cristiana," and widely publicized in the Serbian government-controlled media, Mirjana Markovic repeated her husband's accusations:

"When the bombardment stopped, most of those who had run away from the country, almost all of them, returned to the country with new tasks. As the attempt to occupy Yugoslavia, i.e. Serbia, failed, a new way leading to bloodshed in Yugoslavia, i.e. Serbia, was looked for and found. The new way is actually a tested old way, and it is called civil war."⁷

The common thread in the accusations has been that opposition politicians are trying to incite violence and civil war in Serbia. The accusations stands in stark contrast to the facts: in the five months in which hundreds of opposition rallies were held (July - November 1999), there were only four minor incidents in which acts of violence by opposition supporters were reported.⁸ At the same time, the government has used violence a number of times against the opposition, and dozens of opposition activists and supporters have been beaten by police and thugs believed to be working for the government.⁹ A bomb exploded in the house of an opposition politician,¹⁰ and a Molotov cocktail exploded in the office of an opposition party.¹¹ The government also failed to conduct a proper investigation into the assassination of a prominent journalist critical of the Serbian authorities and into the deaths of five bodyguards and colleagues of opposition leaders.¹²

The use of threats and violence has been accompanied by the increasing use of legal proceedings against the opposition.

Leadership of Democratic Party (DS) Persecuted

⁶ "Mala i ranjena Srbija obnavlja se brzinom leta projektila koji su je razarali" (A Small and Wounded Serbia Recovers at the Speed of Missiles Used to Destroy It), *Politika*, October 12, 1999, p. 14.

⁷ "Moja zemlja je sada najveće gradiliste na svetu" (My Country Is the Biggest Construction-Site in the World Now) (transcript of the interview by Mirjana Markovic to *Famiglia Cristiana*), *Politika*, October 20, 1999, p. 5.

⁸ On September 21, in the course of a protest march in Kragujevac, an unknown person broke a window at the building of the District Headquarters. (See Z. Radovanovic, "Organizovali neprijavljene skupove u pokretu" (Organized Gatherings in Movement Without a Prior Notification), *Danas*, November 20-21, 1999, p. 14.) During the demonstrations in Cacak on October 1, a window at the local SPS headquarters was broken. (See "Jedno staklo, dve prijave" (One Glass, Two Charges), *Glas Javnosti*, October 7, 1999, p.2). On October 2, after a rally in the center of Belgrade, somebody threw a Molotov cocktail at the municipal office of the SRS in Zemun, 10 kilometers away. (D.D., "Radikali optuzuju SZP, DS odbacuje odgovornost" (Radicals Accuse Alliance for Change, DS Denies Responsibility), *Danas*, October 4, 1999, p. 5.) On October 14 in Nis, an individual from the Alliance for Change demonstrators threw a stone at a bus driving supporters of Serbian president Milan Milutinovic, who that day was on an official visit to the city. (Z. Miladinovic, "Specijalci razdvajali pristalice SZP i SPS" (Special Police Separated SZP and SPS Supporters), *Danas*, October 15, 1999, p.3.).

⁹ See below, Physical violence against opposition party activists, and Bogoljub Arsenijevic.

¹⁰ See below, Bomb explosion at the house of the DS president in Valjevo.

¹¹ See below, Armed assaults upon opposition premises.

¹² See below, Assassination of Slavko Curuvija, Car incident or murder?, and Djindjic April 2000, Vol. 1, No. 6 (D)

On March 11, 1999, the SPS leadership in Nis, the second largest town in Serbia, requested state organs to “undertake all measures prescribed by the Tax Law and Penal Code” against Zoran Zivkovic, mayor of Nis and vice-president of DS, one of the leading opposition parties in Serbia. The ruling Socialist Party of Serbia (SPS) claimed that the private enterprise Tehnomeding, which Zivkovic previously owned, had been involved in illegal activities.¹³ On March 24, two weeks after the SPS request, the NATO bombardments of Federal Republic of Yugoslavia (hereinafter Yugoslavia) started. There have been no reports since of a proceeding against Zivkovic.

During the NATO war with Yugoslavia, Zoran Djindjic, president of the DS, criticized both the intervention and the policy of the Serbian and federal authorities, and he advocated the removal of Slobodan Milosevic from power. State media intensified its fierce campaign against Djindjic. On May 6, a commentary attacking Djindjic was read on the Serbian Radio-Television (RTS), and on May 13, two commentaries written in a similar vein appeared on RTS¹⁴ and in the newspaper *Politika*.¹⁵ Along with Milo Djukanovic, president of Montenegro, Djindjic was accused of being a servant of the NATO alliance and a proponent of the intervention. The RTS commentary ended by concluding that history will remember Djindjic and Djukanovic as “most miserable scions of the Serbian and Montenegrin nation.” The accusations against Djindjic were similar to those made in the state media against Slavko Curuvija, a prominent journalist from Belgrade who was killed by unknown attackers in mid-April.¹⁶ Djindjic left Belgrade shortly after the verbal attacks and found refuge in Montenegro during the war.

After the state of war was abrogated by the Yugoslav parliament on June 26, a military judge initiated an investigation into Djindjic’s alleged evasion of military service during the NATO intervention. Djindjic returned to Belgrade nevertheless, and on July 28 he appeared at a hearing before the military court. On August 9, the court notified Djindjic’s lawyers that there was no basis for the prosecution, since the order to report for military service had not been properly delivered to Djindjic.

Djindjic has continued to be a leading figure in the Alliance for Change, to which the DS belongs, demanding the resignation of Milosevic and early elections under international supervision. Media under the government’s control have continued to attack him and regularly refer to him as a “traitor.”

On June 15, Goran Vesic, a member of the DS Main Council and president of its press relations office, was sentenced in absentia by the military court in the city of Uzice to two years in prison for evading mobilization during the NATO intervention.¹⁷ In his statements to the media, Vesic claimed that he had not received any order to report.¹⁸ The order, he said, was left on April 2 at the apartment of his parents, in the city of Kraljevo, even though Vesic has been residing in Belgrade since 1991.¹⁹ That Vesic has been living in Belgrade for the past eight years was confirmed in a notice sent on July 29 by the commander of the Kraljevo police station to the competent military court in Uzice.²⁰ Since May 1999, Vesic has been residing in Montenegro, out of reach of the Serbian authorities and the army.

Other Opposition Leaders Threatened with Criminal Prosecution

¹³ Zoran Miladinovic, “Vlast zamazuje oci upropascenim gradjanima” (Government Blinds the Citizens Brought to Disaster), *Danas*, March 12, 1999.

¹⁴ The transcript of the commentary can be found in “O Djukanovicu i Djindjicu” (On Djukanovic and Djindjic), *Dan* (Podgorica), May 16, 1999, p. 9.

¹⁵ “Prodane duse Djukanovic i Djindjic” (Sold Souls: Djukanovic and Djindjic), *Politika*, May 13, 1999, p. 11.

¹⁶ See below, Assassination of Slavko Curuvija.

¹⁷ Judgment of the Military Court at the Uzice Military District Command, No. K. 116/99, June 15, 1999 (on file with Human Rights Watch).

¹⁸ Miroslav Filipovic, “Vojni poziv zadenut za vrata” (Order to Report for Military Service Hanged at the Door), *Danas*, July 12, 1999, p. 3.

¹⁹ V. Mekterovic, “Zasto nije ratovao Marko Milosevic” (Why Hasn’t Marko Milosevic Fought in the War?), *Reporter* (Banja Luka, Bosnia and Herzegovina), July 21, 1999, p. 26.

²⁰ *Human Rights Watch*.

Velimir Ilic is the mayor of Cacak, a city in the central part of Serbia, and president of Srbija Zajedno ("Serbia Together"), an opposition party belonging to the Alliance for Change. On May 10, four persons were killed in Cacak in a NATO attack on a target in the central residential zone. Ilic visited the site just after the incident and expressed anger that the army had located its vehicles in the zone, against the wishes of the local residents. His words were recorded by a journalist and broadcast that evening on Radio Free Europe's Serbian-language program. On the evening of May 19, radio amateurs informed Ilic that a military police patrol was on its way to his house to arrest him. He stayed in hiding in the villages around Cacak for the next forty days, according to media reports.²¹

Throughout the period, both the military and the civilian authorities remained silent on the status of Ilic's case, and it has never been confirmed that charges against him were in preparation. Ilic appeared in public again on June 29, as a speaker at a rally organized in Cacak by the Alliance for Change, and he has participated in numerous opposition rallies since.

Vesna Pesic, former president of the opposition Civic Union and a 1997 nominee for the Nobel Peace Prize, was threatened with criminal prosecution after her speech at an opposition rally in Vrsac, a town in Vojvodina province, on August 12. At the rally, she said that "there will be no more pardons," and "if needed, the Romanian model will be enacted in Serbia."²² The phrase "the Romanian model" is understood in Yugoslav political jargon to mean the forceful overthrow of the regime, as occurred in 1989, resulting in the lynching of the former Romanian president Nicolai Ceausescu and his wife Elena. Three days after the Vrsac rally, Serbian Prime Minister Mirko Marjanovic said Vesna Pesic was "a killer hired by NATO" and accused her party of being a "terrorist organization."²³ A few days later, a district public prosecutor confirmed to the media that his office had requested the police to investigate whether Pesic committed an offense. The offense in question, in the words of the prosecutor, was "incitement to the forceful change of the constitutional order, or some other deed."²⁴ In a statement released on August 19, the Presidency of the European Union expressed its concern over a possible prosecution.²⁵ In mid-October the Public Prosecutor was still awaiting the police report, on the basis of which he would make a decision on Pesic's prosecution.²⁶ There have been no reported developments in the case since then.

On September 10, a municipal prosecutor in Belgrade filed a motion for a preliminary investigation of Zarko Jokanovic, vice-president of the executive board of the opposition New Democracy party. The motion referred to a criminal violation of article 218 of the penal code of the Republic of Serbia ("Circulating False Statements"),²⁷ allegedly committed by Jokanovic at a press conference held a week earlier. Jokanovic had claimed that Serbian president Milan Milutinovic might be under house arrest, since he had fallen out of favor with Slobodan Milosevic and his wife Mirjana Markovic. According to Jokanovic, Milutinovic's life was at stake.²⁸ As of January 2000, the prosecutor had not filed an indictment against Jokanovic.

²¹ Dragan Todorovic, "Gde se krio Velja Ilic" (Where was Velja Ilic Hiding), *Vreme* (Belgrade), July 10, p. 6.

²² "Zastrasivanje naroda pred miting" (Intimidation on the Eve of the Rally), *Danas*, August 19, 1999, p. 3.

²³ "Savez za promene teroristicka organizacija" (Alliance for Change – a Terrorist Organization), *Danas*, August 16, 1999, p.

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²⁴ A.M., "Proveravamo sta je Vesna Pesic rekla" (We Are Checking What Mrs. Pesic Said), *Danas*, August 19, 1999, p. 3.

²⁵ Declaration by the Presidency of the European Union concerning the Federal Republic of Yugoslavia, August 19, 1999.

²⁶ M.M., "Bez dokaza" (No Evidence), *Glas Javnosti*, October 9, 1999, p. 3.

²⁷ "Whoever disseminates false news or statements aimed at causing disquietude among citizens, or at disturbing public order or peace, or at obstructing the enforcement of decisions and measures of state organs and institutions, will be punished by imprisonment of up to three years." Krivicni Zakon Republike Srbije (Penal Code of Republic of Serbia), (Ministry of Justice and Official Gazette eds., Belgrade 1998), article 218 (unofficial translation by Human Rights Watch).

²⁸ President Milutinovic had not appeared in public in the weeks preceding Jokanovic's statement, causing speculation that Milutinovic, one of the five Yugoslav officials indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) for crimes committed against ethnic Albanians in Kosovo, was looking for ways to dissociate himself from the leadership and Human Rights Watch with foreign governments and the ICTY. April 2000, Vol. 12, No. 6 (D)

Two government representatives filed private charges in September and October against Alliance for Change leaders because of their statements at anti-government rallies. Milovan Bojic, deputy Serbian prime minister and a physician by profession, brought a charge of slander against eleven speakers at a September 22 rally in Belgrade, where demonstrators held a “trial” of the government because of the poor state of the Serbian health-care system.²⁹ A similar “trial” was held in Belgrade at a September 24 rally, this time because of the state of the Serbian banking system. Borka Vucic, federal minister for relations with international financial institutions, sued Vuk Obradovic,³⁰ one of the Alliance for Change leaders at the time.³¹ None of the trials based on the charges by Bojic or Vucic had begun at the time of writing.

Physical Violence against Opposition Party Activists

The federal parliament ended the state of war on June 26, 1999. In the wake of the decision, the opposition parties, most of which had ceased their activities during the NATO intervention, restarted their activities. They launched a campaign demanding the resignation of FRY president Slobodan Milosevic which included a series of public rallies and the signing of a petition for Milosevic’s removal. At the beginning of the campaign, the police refrained from using force to disperse street demonstrators, although some people were detained. Four activists of the opposition League of Social Democrats of Vojvodina were detained on July 1 while distributing leaflets inviting residents of Novi Sad to a rally against Milosevic. They were released several hours after their arrest.³² On July 2, in Sabac, three members of DS who tried to gather signatures for a petition against Milosevic were summoned to the local police station. Dusan Petrovic, chief of the Sabac branch of the party, and his two colleagues, Nikola Lazarevic and Zoran Misic, were brought to the station for an “informative talk,” following the removal by the police of the street stand where the petition was being signed.³³

Gradually, more radical measures were employed, including the use of force. In at least one instance, the victims and witnesses recognized members of one of the ruling parties (JUL) as perpetrators of a violent attack against opposition activists. Descriptions in the media of other incidents suggest that professional and well-trained thugs were systematically employed. Human Rights Watch is not aware of any investigation to identify and punish those responsible for these arbitrary attacks, nor has any member of the Serbian ruling coalition (SPS, JUL, SRS) condemned the violence. Coupled with an intense state media campaign against the opposition, this suggests that the campaign of violence was tolerated, if not encouraged, by the authorities.

Violence against Members of DS and Other Opposition Parties

The first in a series of violent incidents occurred while the NATO intervention was still underway. On May 8, two nights after the RTS journalist and JUL official Tatjana Lenard attacked the Democratic Party in a commentary read in the main RTS news program, dozens of apparent civilians shattered the windows and damaged the façade of the DS headquarters in central Belgrade. The police did not intervene to disperse the mob. DS officials claimed that the action was well orchestrated. The most active among the protesters were young thugs with short hair in leather jackets, they said, a description which since the mid-1990s has regularly appeared in accounts of the violence used against the government’s opponents. Also, DS officials told Human Rights Watch that a bus was seen transporting the protesters to the street around the corner from the office.³⁴ Over the weekend of July 10-11, the offices of three major opposition parties—DS, SPO, and Democratic Party of Serbia (DSS)—were also stoned by unidentified persons in Zajecar.³⁵

²⁹ M. Vujovic, “Sudjenje ima politicku pozadinu” (Trial With Political Background), *Danas*, October 6, 1999, p. 11.

³⁰ “Borka Vucic tuzila Vuka Obradovica” (Borka Vucic Sued Vuk Obradovic), *Glas Javnosti*, October 15, 1999, p. 7.

³¹ Social Democracy, the party over which Obradovic presides, quit the alliance on October 22, 1999, rejecting the proposed concept of the alliance’s transformation into an election coalition.

³² B.O., “Hapsenje aktivista LSV” (Arrest of LSV Activists), *Danas*, July 3-4, 1999, p. 5.

³³ S. Durmanovic, “Sta (ni)je preporucljivo?” (What Is (Not) Recommended?), *Danas*, July 9, 1999, p. 11.

³⁴ Human Rights Watch interview with Aleksandar Djukic, DS Information Service, Belgrade, September 14, 1999.

³⁵ “Kamenovane prostorije DS, SPO i DSS u Zajecaru” (Premises of DS, SPO and DSS Stoned in Zajecar), *Danas*, July 12,

In the period from July 12-15, activists of the DS in Belgrade collecting signatures for the resignation of Milosevic were subjected to several physical attacks by thugs who appeared after the police had unsuccessfully tried to persuade the DS activists to remove their street stands. Two DS members were beaten on July 13 in Belgrade's Terazije Square by a group of JUL activists. According to press reports, the DS members recognized one of the them.³⁶ On July 15, eight short haired men in sweat suits ran out of two cars near a DS stand and beat some activists—mostly women—who were collecting signatures for the petition.³⁷

On July 26, on the eve of a rally organized by the Alliance for Change in Sabac, a person whom the alliance representatives identified as “an SPS activist” pulled a gun on the DS leader Zoran Djindjic.³⁸

In August, after the termination of the petition campaign, the harassment against the DS and other parties ceased being violent. On the night of September 7, however, and then again on September 10, unknown perpetrators broke into the DS office in the southern city of Vranje and stole the office equipment. On October 4, the same thing happened in Valjevo.³⁹ On December 12, a DS office in Sremska Mitrovica was ransacked; the fact that the furniture was damaged but nothing was taken away from the office led the DS to conclude that the perpetrators wanted to intimidate the party activists.⁴⁰

Opposition parties and activists were not the only ones to be subjected to violence. Victims also included members of the independent trade union Nezavisnost (Independence), which during July also organized for the petition against Milosevic. The police did not formally forbid these actions, but tried to make the Nezavisnost activists remove their stands and collect signatures on their own premises. As a rule, the trade union activists refused to obey the orders. On July 16, unknown individuals attacked members of Nezavisnost who were collecting signatures in Belgrade's Terazije Square. According to a statement released by the trade union, two men in plain clothes ran out of a car, punched a trade unionist (Milan Matejak), and then ran away.⁴¹

The Use of Firearms by Officials of the Ruling Parties

Anonymous actors and low-ranking members of the ruling parties have not been the only ones to resort to violence when intimidating government opponents. Two members of the SPS occupying important positions as heads of districts⁴² in the south of Serbia have used fire arms to intimidate local opponents.

³⁶ “Clanovi JUL-a pretukli aktiviste DS na Terazijama” (Members of JUL Beat DS Activists in Terazije), *Vijesti* (Podgorica), July 14, 1999, p. 2.

³⁷ DS press release, July 15, 1999.

³⁸ Slobodan Durmanovic, “Svilanovic: Zbog Miloseviceve politike Srbi su danas okuzeni” (Svilanovic: Due To Milosevic's Politics, Serbs Are Nowadays Plagued), *Danas*, July 27, 1999, p. 3.

³⁹ B.V., “Pokradena DS” (DS Robbed), *Glas javnosti*, October 6, 1999, p. 7.

⁴⁰ “Demolirane prostorije DS i SZP u Sremskoj Mitrovici” (DS And Alliance for Change Premises in Sremska Mitrovica Ransacked), *Danas*, December 13, 1999, p. 24.

⁴¹ S.L., “Uzvraticemo istom merom” (We'll Answer Tit for Tat), *Danas*, July 17-18, 1999, p. 3.

⁴² Serbia is divided into twenty-seven districts, the heads of which are appointed by the government and operate as its arms in
Human Rights Watch 12 April 2000, Vol. 12, No. 6 (D)

On July 6, some of the participants in an anti-government rally in Leskovac damaged the house of Zivojin Stefanovic, head of the Jablanicki district and an SPS official.⁴³ Stefanovic then went into the yard of Dobrosav Nesic, a local human rights activist,⁴⁴ pulled a gun, and threatened to kill Nesic and members of his family. Nesic was absent during the incident. A police patrol intervened and led Stefanovic away, the media reported.⁴⁵ On July 22, Nesic filed a charge against Stefanovic for the crime of "causing general danger" under article 187 of Serbia's penal code. On December 7, the public prosecutor in Leskovac rejected the charge.⁴⁶

On July 8, during an opposition rally by the Alliance for Change at the central square in Prokuplje, Ratko Zecevic, a prominent member of the ruling Socialist Party of Serbia (SPS) fired several bullets into the air from a building adjacent to the square. Zecevic, head of the Toplicki district and president of the local branch of the SPS, had unsuccessfully tried to prevent the rally when it was announced a week earlier. On July 6, the local SPS announced that it would also stage a rally at the same location and time as that planned by the opposition.⁴⁷ Since only a small number of SPS supporters gathered at the square, the SPS canceled its counter-demonstration and it was then that Zecevic climbed to the balcony of his party's office and fired several shots into the air.

Violent Suppression of Anti-government Protests

Starting on September 21, a series of peaceful anti-government protests were organized daily by the Alliance for Change, continuing for several weeks. On September 29, the police forcibly dispersed demonstrators in Belgrade, beating and injuring dozens.⁴⁸ An estimated 20,000 people⁴⁹ intended to march from Belgrade's central Terazije Square to Dedinje Hill, an elite neighborhood where Slobodan Milosevic lives. Around 9:00 p.m., the protesters were met on the corner of Kneza Milosa and Nemanjina Streets by approximately two hundred policemen in full riot gear. A police commander called for the protesters to disperse since "movement through Kneza Milosa Street is not allowed." Alliance for Change leaders then asked the demonstrators to walk along another street in order to avoid violence, but most refused to move. As a Human Rights Watch researcher present at the spot witnessed, three water cannons and three armored personnel carriers with automatic weapons were placed behind the police cordon confronting the protesters. Around 9:45 p.m., another cordon of police approached the demonstrators from Nemanjina Street and began forcibly to disperse and beat the crowd. Policemen wielded truncheons against people who were on the ground in a prone position and clearly not offering any resistance. Others were beaten in other streets in the city center, long after the protesters had dispersed from the corner of Kneza Milosa and Nemanjina Streets. Between forty-five and sixty individuals sought medical care as a result of the beatings, according to the Alliance for Change. Journalists were also attacked, even after they had identified themselves as press. A correspondent for the independent Beta news agency and cameramen from CNN and SKY news were beaten, and the latter two had their cameras destroyed, according to the independent Radio Index. Commenting the next day on the attacks on the journalists, Vojislav Seselj, deputy Serbian prime minister and head of SRS, said: "Some journalists long for a beating."⁵⁰

⁴³ Five individuals were convicted and sentenced to eight-month prison sentences on September 6, 1999. "Petorici demonstranata po osam mjeseci zatvora" (Eight Months in Prison for Five Demonstrators), *Vijesti*, September 7, 1999, p. 3.

⁴⁴ See below, Prosecution of NGO Activists and Intellectuals: Dobrosav Nesic and Council for Human Rights in Leskovac.

⁴⁵ Elena Grujic and Vojkan Ristic, "Gest vredan mesec dana zatvora" (Gesture Worth One Month of Imprisonment), *Vreme*, July 10, 1999, p. 3.

⁴⁶ Zoran Rakic, "Zalba putuje u Zenevu" (Appeal Travels to Geneva), *Danas*, December 8, 1999, p. 13. Similarly, Yugoslav human rights groups have noticed that in cases of private charges against policemen who overstep their competence, public attorneys as a rule refrain from prosecution. See Belgrade Center of Human Rights, Human Rights in Yugoslavia 1998 (Vojin Dimitrijevic ed., Belgrade, 1999), p. 239; see also Humanitarian Law Center, Spotlight Report No. 28: Human Rights in Federal Republic of Yugoslavia, 1998 Report (Belgrade, 1999), p. 18. A charge against a prominent member of the ruling party represents a comparable case.

⁴⁷ "SPS u Prokuplju pozvala clanstvo na kontramiting" (SPS in Prokuplje Invited its Membership to a Counter-Rally), *Vijesti*, July 7, 1999, p. 4.

⁴⁸ See Human Rights Watch press release, Police Violence in Serbia Condemned, September 30, 1999.

⁴⁹ Steven Erlanger, "Police Disrupt March to Milosevic's House," *New York Times*, September 30, 1999.

⁵⁰ S. Cosic, "Protestne setnje na Dedinje ugrozavaju zivot politicara" (Protest Marches to Dedinje Endanger the Life of Politicians), *Danas*, October 1, 1999, p. 3.

Pavic Obradovic, vice president of the political party Social Democracy, was beaten, and another vice president from the party, Slobodan Orlic, was arrested in front of the party's office, two kilometers away.⁵¹

According to Serbia's Law on Citizens' Gatherings, marches must be announced to the police five days in advance of the planned event.⁵² The police are then obliged to issue a response to the request; failure to do so is considered approval for the march. Vladan Batic, coordinator of the Alliance for Change, told Human Rights Watch that the alliance had informed the Belgrade police ahead of the deadline for the march, but that the police had failed to respond.

The next day the police again resorted to force to disperse some 40,000 demonstrators⁵³ who were passing the Brankov bridge, which connects the old and the new parts of Belgrade. The first to be hit by a policeman was Zoran Djindjic, as he was approaching the police commander to negotiate the removal of the police cordon from the bridge. As the Belgrade independent media reported, at least twenty persons were hurt, three of whom with serious injuries.⁵⁴ An eyewitness, an elderly inhabitant of New Belgrade who was passing by during the event, told Human Rights Watch that he saw the police taking the detained demonstrators behind the police cordons where they were severely beaten and then thrown into police cars.⁵⁵

On October 13, two dozen short-haired young men attacked a group of approximately one hundred Alliance for Change supporters who had gathered in New Belgrade before walking to the center of Belgrade for an alliance rally. The men were armed with firearms and carried baseball bats, which they used to beat some alliance supporters. During the one minute long event, the police were standing idly aside, according to media reports.⁵⁶ Six people were hurt.⁵⁷

On November 9, the police forces in Belgrade used excessive force to disperse a march of some 2,500 thousand students who were demanding early parliamentary elections in Serbia. The police intervened at two locations in the center of Belgrade, within the span of ten minutes, and reportedly injured forty students. Witnesses claim that during the second intervention the special police units brutally beat students, including numerous female students who were present. The march, organized by the Otpor (Resistance) group, was held on the day the Serbian parliament was in session, and it had been announced to the police as required by the Serbian Law on Public Gatherings. The police approved the march, but not the route proposed by Otpor. As Ivan Markovic, a student leader, told Human Rights Watch:

The route they approved included tiny side streets. Nobody would notice the march that way. So we changed the route almost from the start. A group of approximately thirty policemen in full riot gear stopped us after two miles, in Generala Zdanova St. I asked to speak to their commander, so that we could return peacefully to where we came from. But they didn't even want to talk, and after five minutes they started pushing us back. We, from the head of the column, invited other students via megaphone to start moving back. And they did so, but slowly, since it was not simple to make thousands of people move in the opposite direction. That is when the police started beating us. Some students responded by pulling out garbage containers and setting them up as barricades. As I was told afterwards, some also threw stones at the police, but I did not see that. Between twenty and thirty students were beaten there. After five or ten minutes we again formed a column and marched toward the center, to the square where we gathered before the march. But another police cordon blocked the street, at the intersection of the Revolution Boulevard and Kneza Milosa St. The angry students heckled them. After a couple of minutes they started beating us. They were more brutal than the first group, but there was more space to run away, so less students were hurt there.⁵⁸

⁵² Law on Citizens' Gatherings (1992), article 6 (2).

⁵³ "Yugoslav Police Attack Protesters," *AP*, September 30, 1999.

⁵⁴ "Preksinoc troje demonstranata tesko povredjeno" (Three Demonstrators Seriously Injured Two Nights Ago), *Danas*, October 2-3, 1999, p. 8.

⁵⁵ Human Rights Watch interview with O.R., Belgrade, October 17, 1999.

⁵⁶ "Bejzbol palicama po okupljenim 'setacima'" (Baseball Bats against the 'Marchers'), *Danas*, October 14, p. 12.

⁵⁷ "Odgovornost Jovice Bosnica, nacelnika SUP-a Novi Beograd" (Responsibility of Jovica Bosnic, Head of New Belgrade Police), *Danas*, October 15, 1999, p. 11.

⁵⁸ Human Rights Watch interview with Ivan Marovic, Belgrade, November 16, 1999. April 2000, Vol. 12, No. 6 (D)

On November 10, the head of the Belgrade Police Directorate, Slobodan Zivanovic, told Tanjug news agency that "a group of hooligans caused the incident yesterday, trying to force its way to the building of the People's Assembly of the Republic of Serbia, during its special session."⁵⁹ Zivanovic reminded the public that the Law on Public Gatherings prohibits such gatherings in front of the parliament building or in its vicinity during a parliamentary session. The locations at which the police beat the students, however, were a mile from the parliament. Ivan Marovic claims that students did not intend to walk to the parliament building and insists that the police attacked the students only after they began to return to the square at which the march had begun.⁶⁰

Armed Assaults upon Opposition Premises

The seat of the Democratic Party (DS) in Nis was attacked on November 20, when, according to the Information Bureau of the DS branch in Nis, unknown perpetrators threw a Molotov cocktail through the glass doors and caused a fire.⁶¹ A Molotov cocktail exploded on the night of January 8 at the house of Dragan Bogdanovic, Alliance for Change activist in the Valjevo area.⁶² In the same city, a day later, someone shot at the premises of the Civic Resistance, a local non-party group which since its inception in mid-1999 has vociferously opposed the government.⁶³

Other Measures to Harass Opposition Supporters

Nikola Djurickovic, the man in charge of the audio equipment for the Alliance for Change demonstrations in Belgrade, was sentenced to seven days in prison on September 27, on charges that he had not reported his private change of address to the police (from Berane, Montenegro, to Belgrade). He was released by an appeals court on September 30.

After mid-October 1999, the efforts of the authorities to stop or hinder street protests focused on the prevention of the production and distribution of the newsletter *Promene* (Changes), which was issued by the alliance as a daily bulletin about the protests. Serbia's Ministry of Information charged the printing house with violating the Law on Public Information. It claimed that *Promene* was not a bulletin, but a newspaper within the meaning of the law, and as such it should be registered with the ministry. Since *Promene* was not registered, its publication was illegal. Slavoljub Kacarevic, director of ABC Grafika, the printing house that was printing *Promene*, reminded the public that in 1998 the printer on several occasions published similar bulletins for a ruling party (JUL), and "nobody raised the issue of its registration then."⁶⁴ In a series of decisions during October and November, each referring to the publication of separate issues of *Promene* as distinct misdemeanors, a magistrate in Belgrade fined ABC Grafika more than three million dinars (U.S. \$100,000).⁶⁵ Cedomir Jovanovic, the informal editor of *Promene* and a functionary in the DS, was ordered to pay 320,000 dinars (U.S. \$10,000).⁶⁶

⁵⁹ "Efikasnom intervencijom policije uspostavljen javni red i mir" (Public Order and Peace Established by an Efficient Police Intervention), *Politika*, November 11, 1999, p. 15.

⁶⁰ Human Rights Watch interview with Ivan Marovic.

⁶¹ Z. Miladinovic, "Molotovljev koktel zapalio sediste demokrata u Nisu" (Molotov Cocktail Caused Fire in the Democrats' Seat in Nis), *Danas*, November 22, 1999, p. 4. The local branch of the SPS condemned the assault and observed that five days earlier unknown individuals broke a glass portal at the entrance to the party's offices. Ibid.

⁶² M.Z.D., "Motovoljev koktel na kucu aktiviste SZP" (Molotov Cocktail at the House of an Alliance for Change Activist), *Danas*, January 10, 2000, p. 10.

⁶³ M.Z.D., "Pucano u prostorije Gradjanskog otpora" (A Shot at the Premises of the Civic Resistance), *Danas*, January 11, 2000, p. 28.

⁶⁴ M.T., "I dalje stampamo bilten" (We Keep Printing the Bulletin), *Glas Javnosti*, October 19, 1999, p. 2 (report from a press conference by Slavoljub Kacarevic).

⁶⁵ "Jos 1.208.000 dinara kazne" (Additional 1,208,000 Dinars of Punishment), *Danas*, November 11, 1999, p. 13.

⁶⁶ Human Rights Watch, "Zaplatim" (I Won't Pay), *Glas Javnosti*, October 29, 1999, p. 5.

April 2000, Vol. 12, No. 6 (D)

In November the street protests gradually waned, and the Alliance for Change refocused its activities on joining forces with other opposition parties—primarily with the Serbian Renewal Movement (SPO)—in order to exert pressure on the government to call for early parliamentary elections. The protests in the open continued in another form and with different actors, and government repression lessened. Students organized in the Otpor (Resistance) movement carried out a number of outdoor actions of a symbolic character, aimed at ridiculing the government and expressing dissatisfaction with the situation in Serbia.⁶⁷ The authorities regularly responded by detaining Otpor activists for several hours, during which they were exposed to so-called informative talks—actually interrogations with a dubious legal foundation. Under the Yugoslav Code of Criminal Procedure, police can gather information from citizens when there is reasonable doubt that a felony has been committed. As a rule, however, at “informative talks” the police interrogate a person about his or her political opinions and activities that are unrelated to any specific crimes.

THE FAILURE TO INVESTIGATE SUSPICIOUS DEATHS, THREATS, AND ATTACKS ON GOVERNMENT CRITICS

The Assassination of Slavko Curuvija

Unknown perpetrators murdered journalist Slavko Curuvija, the director of the daily newspaper *Dnevni Telegraph* and the weekly magazine *Evropljanin*, on April 11, 1999, during the third week of the NATO intervention. The killing had a chilling effect on the media and other critical voices in Serbia.

Five days before the murder, a commentary was read in the main TV news program accusing Curuvija of supporting the NATO bombardments. Curuvija's friends and colleagues, however, claimed that Curuvija had actually condemned the NATO intervention.⁶⁸

In fact, Curuvija's troubles with the regime had begun much earlier. A former friend of Mirjana Markovic, the wife of Slobodan Milosevic, Curuvija had distanced himself from the government at least a year before his killing. Since then, *Dnevni Telegraph* and *Evropljanin* had published a number of articles highly critical of the authorities and Serbian nationalism.

On three occasions during 1998 Curuvija's journals were found to have violated Serbia's Law On Public Information and ordered to pay a total of 4,050,000 dinars (U.S. \$200,000 at the time of the rulings) in fines.⁶⁹ On March 8, 1999, he and two *Dnevni Telegraph* journalists were convicted and each sentenced to five months in prison for publishing an article which, in the opinion of the court, suggested the involvement of Serbian Deputy Prime Minister Milovan Bojic in an assassination case.⁷⁰ Curuvija continued issuing both newspapers until the beginning of the war (March 24), when he ceased publishing *Dnevni Telegraph* and *Evropljanin*.

⁶⁷ The actions included, among others, a public expression of condolences to Slobodan Milosevic after the death of the Croatian president Franjo Tudjman, whose authoritarian rule in many respects mirrored Milosevic's; parody of the government's “post-war reconstruction-of-bridges campaign”; distribution of bread to pensioners in Kragujevac during the visit of the Serbian Prime Minister Mirko Marjanovic; and the organization of a mass New Year's Eve party by the Julian calendar (January 14) at the central square in Belgrade, ending at midnight due to the “absence of anything to celebrate in Serbia.”

⁶⁸ See, for example, press release by the Association of Independent Electronic Media – ANEM, “Prominent independent journalist Slavko Curuvija murdered,” Belgrade, April 12, 1999, located at <http://www.ifex.org/alerts/view.html?id=4585>.

⁶⁹ *Evropljanin* was punished with a 2.4 million dinar fine on October 24; *Dnevni telegraf* was punished with a 1.2 million fine on November 9, and fined 450.000 on December 9. Dragoljub Petrovic, “Okovi za slobodnu rec” (Shackles for Free Word), *Glas Javnosti*, October 17, 1999, p. 5.

⁷⁰ Rights Watch press release, “Attacks on the Serbian Media Called ‘Alarm’,” April 2000, Vol. 12, No. 6 (D)

In an interview published one month after the end of the NATO air campaign, Vuk Draskovic, who was a deputy federal prime minister during the first half of the war, claimed that, in his capacity as a minister, he had prevented other assassinations. Draskovic had used certain “words and threats” at a session of the federal government held one day after the murder of Curuvija, he said, but refused to offer details.⁷¹ The veracity of his statement can not be confirmed. In May 1999, Radmila Visic, Serbian deputy minister of information, rejected speculations of government involvement in the killing; in a meeting with Aidan White, general secretary of the International Federation of Journalists, she said that Curuvija “was not killed for political or professional reasons,” and that the police would “soon give a full account” of the assassination.⁷² As of January 2000, nine months after the murder, no such results have been communicated to the public.

Car Accident or Murder?

In October, in the midst of the series of daily street protests organized by the Alliance for Change throughout Serbia, opinion polls indicated, for the first time since Milosevic's rise to power, a clear advantage in favor of the opposition: the Alliance for Change, SPO, and several smaller parties and coalitions.⁷³ By that time it had also become clear that the SPO, which had participated in the federal government until April 1999, was siding with the opposition. In this context a number of violent incidents occurred in which opposition party members were injured or killed or their homes attacked, these including a suspicious car accident which killed four members of the SPO and injured SPO leader Vuk Draskovic. The police have not identified the perpetrators in any of the cases.

On October 3, Vuk Draskovic, president of the SPO, the strongest opposition party in Serbia, was traveling in a three-car convoy near Lazarevac, some fifty kilometers south of Belgrade, when a Mercedes truck coming from the other direction suddenly crossed into the oncoming traffic and hit his car, while the vehicle behind him drove into the truck and exploded. An SPO official who was in Draskovic's car and three security guards in the car behind died, and Draskovic suffered minor injuries.⁷⁴ According to media reports, there were no signs of the truck's braking at the spot. The truck was damaged and ended up off the road, but the driver ran away.⁷⁵

Four days after the accident, Dragisa Dinic, the assistant head of the public security section in the Serbian Ministry of Interior, blamed the victims of the crash. He claimed the SPO officials were speeding, and that the consequences

⁷¹ Interview with Vuk Draskovic, in Uros Komlenovic, “Srbija je umorna od pretnji i mrznje” (Serbia Is Tired of Threats and Hatred), *Vreme*, July 24, 1999, p. 12-13 (box “Specili smo streljanja po kratkom postupku” (We Prevented Summary Executions)).

⁷² “Curuvija nije ubijen iz politickih razloga” (Curuvija Was Not Killed for Political Reasons) (Beta), *Danas*, May 8-9, 1999.

⁷³ The results of an opinion poll prepared by the Belgrade agency Medium showed that in early October, 23 percent of the population of Belgrade gave its preference to the Alliance for Change, 11 percent to SPO, and 8 percent to other opposition parties; on the opposite side, the SPS-JUL coalition received 16.5 percent of preferences, and SRS 8.4 percent. See “Mitinzi povecali rejting Saveza za promene” (Rallies Increased the Standing of the Alliance for Change), *Blic* (Belgrade), October 4, 1999, p. 2. At the same time, the Scan agency (Novi Sad) found that in Serbia's northern province of Vojvodina the Alliance For Change had 13 percent of the potential votes, SPO 6.5 percent, other opposition parties 10 percent, SPS-JUL coalition 14.4 percent, and SRS 4.4 percent. Lj.N., “Pad popularnosti SPS” (Decline Of the Popularity Of SPS), *Blic*, October 7, 1999, p. 3. A survey undertaken in October by the Washington D.C.-based National Democratic Institute For International Affairs found even bigger advantage in favor of the opposition: in a forced choice ballot test, 47 percent of the interviewees said they would vote for the Alliance for Change or the parties joined thereto, 11 for SPO, 18 for SPS-JUL, and 9 for SRS; in an open-ended question, the Alliance for Change won 30 percent of preferences, three parties belonging to the Alliance -- DS, Civil Alliance, and Social Democracy -- won 4.1, and 1 percent respectively, SPO won 9 percent, other opposition parties 6 percent, SPS 16 percent, JUL 2 percent, and SRS 7 percent. National Democratic Institute For International Affairs, Serbia Issues Poll, prepared by Penn, Schoen & Berland Associates Inc., October 24, 1999 (on file with Human Rights Watch).

⁷⁴ The victims were: Veselin Boskovic, brother of Draskovic's wife and director of the Belgrade Board for Municipal Building Sites; Zvonko Osmajlic, manager of the sports center Tasmajdan in Belgrade and long-time chief of Draskovic's security staff; Vusur Rakocevic, manager of the “Pionir” sports hall in Belgrade and Draskovic's security guard; and Dragan Vusurevic, security guard.

⁷⁵ “Borovic: Neverovatno je da ‘nema’ vozaca kamiona” (Borovic: It is Incredible that the Driver ‘Disappeared’), *Blic*, October 4, 1999, p. 8.

would not have been so grave had the SPO cars respected the speed limit. Dinic said “it was estimated” that, instead of driving the prescribed eighty kilometers an hour, the two cars reached a speed of 150 kilometers an hour.⁷⁶ Draskovic denied that the convoy was speeding.⁷⁷

⁷⁶ “Automobili SPO isli prebrzo” (SPO Cars Drove Too Fast), *Danas*, October 9-10, 1999, p. 3.

⁷⁷ “Sigurno se izmislila verzija udesa” (A False Version of the Incident is Being Prepared), *Glasnik Srpski*, October 2, 1999, p. 10.

Controversial claims, accusations, and the death of an alleged key witness marred the investigation of the case, feeding speculations that the authorities tried to hide the truth about the accident. Draskovic and the SPO claimed to have established that there are only sixteen trucks of the type involved in the accident in all of Yugoslavia.⁷⁸ The police have thus far said they have been unable to identify the owner of the truck or to find out who drove it on the day of the incident. As Draskovic and his lawyer told the media, the plate number found on the truck (BG 994-704) turned out not to exist in the official registry. In addition, they said, the truck was loaded with thirty tons of sand, which they speculated might have been intended to increase its stability at the moment of impact.⁷⁹ At the end of October, an SPO team of lawyers announced that a witness, Miroslav Macika, said he had seen a car picking up the driver of the truck and driving him away from near the scene of the incident. Macika promptly denied the SPO statement and claimed that on October 3 he was 300 kilometers away from Belgrade.⁸⁰ SPO replied in response that Macika's statement was videotaped and brought a charge against Macika for false testimony.⁸¹

On November 20, SPO issued a statement claiming that the truck was the property of the Serbian State Security Service. SPO said that information about the truck and other vehicles used for special tasks is kept in a separate registry managed by the police and accused the State Security Service of removing the files about the vehicles from the registry, one day after the incident.⁸² On November 25, SPO announced that a federal customs officer, who in 1996 had signed the form assigning the truck to the State Security, was killed in what they claimed was a staged car accident on November 21, also near Lazarevac.⁸³ SPO claims were repudiated in a written statement by the competent investigating judge, who concluded that the customs officer died in "one among many and typical car accidents in the Lazarevac area."⁸⁴

On December 3, SPO issued a long statement recapitulating the findings of the parallel "investigation" conducted by its team of experts. In addition to the information it had distributed in its earlier statements, SPO maintained that, two days before the October 3 incident, the Mercedes truck was repaired in a garage on the road where the incident eventually occurred, and the expenses for the repair were paid by the State Security Service. According to the SPO, members of the secret police allegedly visited the garage one day after the incident and warned the employees to keep silent about the repair.⁸⁵ On December 6, SPO brought charges for murder and attempted murder against the head of the Serbian State Security Service, Radomir Markovic, and the head of the Belgrade branch of the State Security Service, Milan Radonjic.⁸⁶

⁷⁸ H.M., "Cinjenice ukazuju na zlocin" ('Facts Indicate a Crime'), *Danas*, October 11, 1999, p. 3

⁷⁹ Ibid.; Z. Panovic, "Ubistvo iz namere, ne iz nehata" (Premeditated Murder, Not Negligence), *Danas*, October 13, 1999, p. 4.

⁸⁰ A. Panic, "Svedok SPO tvrdi da nije ni bio na mestu nesrece" (SPO Witness Claims He Was Not Present at the Location of the Accident), *Politika*, October 30, 1999, p. 20.

⁸¹ "Novo saslanje brace Macika" (New Hearing for Macika Brothers), *Danas*, November 17, 1999, p. 3.

⁸² "Kamion sa peskom vlasništvo SDB" (Truck with Sand Property of the State Security Service), *Glas Javnosti*, November 21, 1999, p. 7.

⁸³ M.B., "Ubice ucutkale Petra Rajica" (Killers Silenced Petar Rajic), *Danas*, November 26, 1999, p. 1.

⁸⁴ "Nastradao u prevrnutom dzipu" (Died in a Turned-Over Jeep), *Glas Javnosti*, December 1, 1999, p. 8.

⁸⁵ "Brutalnim ubistvima protiv promena u Srbiji" (Brutal Assassinations to Prevent Changes in Serbia) (text of the SPO statement), *Danas*, December 4-5, 1999, p. 4.

⁸⁶ M.T., "Imamo dokaze da je MUP pogresio" (We Have Proofs that the Police Were Erroneous), *Glas Javnosti*, December 7,

As a response to the series of statements by the SPO, the first municipal public prosecutor in Belgrade demanded a probe into the accusations made by the party—on suspicion that it had committed the crimes of defamation and dissemination of false news.⁸⁷ This request was followed within days by a statement of the municipal public prosecutor in Lazarevac, which established that the Mercedes truck, repaired near Lazarevac two days before the fatal accident, was indeed the property of the State Security Service, but was not the truck that participated in the accident.⁸⁸ On December 29, the district prosecutor in Belgrade, to whom the SPO had brought the charge against the two high State Security officials, rejected the charges. The basis for the rejection was the failure to identify the truck owned by the State Security Service—the only Mercedes of the kind acknowledged to be owned by the service—as the truck engaged in the accident. According to the statement by the prosecutor, an employee at the garage said he repaired the truck belonging to the State Security Service, and after the October 3 accident he recognized the truck, in good shape, at the State Security's special unit parking lot.⁸⁹ The truck, however, had a different licence plate from the one involved in the accident.

Just after the judiciary absolved the authorities from responsibility for the October 3 incident, the government launched a propaganda offensive against Draskovic, its ally in the federal executive before April 1999. The federal minister of information, Goran Matic, accused Draskovic of having contacts with the chiefs of foreign intelligence agencies.⁹⁰ A daily controlled by the government wrote that Draskovic “received a task to turn Serbs against Serbs, after the unsuccessful NATO aggression.”⁹¹ Another governmental daily wrote:

Such pure and brutal treason is without precedent in Serbian history. Turkish, Austro-Hungarian, and German toadies and cowards in those times succeeded in hiding their faces under various masks—impotence of the small before the big, postponement of the resistance for better times, expression of patriotism in another way, etc. Here, for the first time, the treason has only one face, without a mask, its own—traitorous—face. (...) It has been clear for a long time that Vuk Draskovic is not a hero. In spite of the stimuli he uses, he has been organizing street violence for ten years, with financial, political, and—particularly—psychological aid from some Western governments. On his own, without these governments and the stimuli, he is the crying and fearful husband of a raging wife.⁹²

At the same time that the government was carrying out its defamatory campaign against Draskovic and other political activists were facing ongoing harassment, SPO and other opposition parties have come close to forming a firm alliance for future elections. A series of meetings resulted in the signing of documents about common strategy in the struggle for free and fair parliamentary elections in Serbia. Also, the opinion polls continued to show a comfortable advantage for the opposition parties.⁹³ The increasingly aggressive tone of the accusations against Draskovic and other

⁸⁷ A. Panic, “SPO osumnjicen za sirenje laznihi vesti i klevete” (SPO Suspected of Dissemination of False News and of Defamation), *Politika*, December 11, 1999, p. 20.

⁸⁸ “Nema nikakvih dokaza da je kamion koji je uestvovao u nezgodi vlasništvo Drzavne bezbednosti” (No Evidence that the Truck that Participated in the Accident Belongs to the State Security) (statement of the Lazarevac public Prosecutor), *Politika*, December 21, 1999, p. 20.

⁸⁹ “Odbacena tuzba Srpskog Pokreta Obnove” (SPO Charge Rejected) (statement by the district public prosecutor in Belgrade), *Politika*, December 30, 1999, p. 19.

⁹⁰ “Draskovic se u vise navrata sastajao sa pripadnicima francuske obavestajne sluzbe” (Draskovic Met on a Number of Occasion with Members of the French Intelligence Service), *Politika*, January 9, 2000, p. 14.

⁹¹ “Novi zadatak” (New Task) (transcript of the editorial originally published in *Politika Ekspres*), *Politika*, January 9, 2000, p. 14.

⁹² “Odabran da amnestira NATO od zlocina” (Selected to Pardon NATO for the Crimes) (transcript of an editorial originally published in *Borba*), *Politika*, January 10, 2000, p. 14.

⁹³ In January, according to a survey conducted by the Center for Political Research at the Institute of Social Sciences, the ruling SPS, SRS, and JUL enjoyed support of 17 percent of the population, while the support for the major opposition blocks—Alliance for Change, SPO, and Democratic Party of Serbia (DSS)—amounted to 22 percent. I. Stojkovic, “Uspesni samo zajedno” (Successful Only if Together), *Glas Javnosti*, January 28, 2000. The newspaper article presenting the results did not mention the percentage of those who would vote for other, minor, opposition parties, but they have traditionally at least 5 percent,

opposition figures clearly reflects the government's concern about the erosion of its legitimacy and the strengthening of the opposition.

Bomb Explosion at the House of the DS President in Valjevo

On October 17, at 3.50 a.m., a bomb exploded on the terrace of the house of Nebojsa Andric, president of the DS municipal board in Valjevo and correspondent of the Radio Free Europe in South Slavic languages. Andric was the speaker at the September Alliance for Change rallies held in Belgrade. He also spoke at an October 4 rally in Valjevo, where he accused local SPS leaders getting richer while the rest of the population was struggling with poverty.

Andric's wife, who was nine months pregnant, was also in the house at the time of the explosion. Nobody was hurt, but the house was badly damaged.⁹⁴ Andric told Human Rights Watch:

The terrace is on the back side of the house, facing the yard. The person—or persons—who threw the bomb must have jumped in from my neighbor's yard. The sleeping room faces the street. If they had wanted to kill me, they would have thrown the bomb from the street into the room. This time around, my political adversaries apparently wanted only to intimidate me.⁹⁵

As of early December, Andric was not aware of any investigation by the police to find the perpetrators. Instead, as he told Human Rights Watch, the police detained him on December 1, at the border crossing between FRY and Hungary, and interrogated him for three hours about his trip to Hungary and the meetings he had there.⁹⁶

Djindjic Alleges Assassination Threat

At a press conference held on October 20, Zoran Djindjic revealed details which, he claimed, indicated a government plan to assassinate him. That evening he gave further details in a live interview to the Radio Free Europe program in South Slavic languages. Sources within the police, he said, informed him that the police and state security service were compiling a dossier of Djindjic's daily activities. His apartment building and its surroundings, as well as two locations near Belgrade where he occasionally resides, had been photographed, he claimed, and a record had been made of the routes Djindjic uses on his way to and from home. According to Djindjic, the police were investigating his security guards and collecting information about the type of weapons they use.⁹⁷

In the same interview, Djindjic said he decided to reveal this information as a means of protection after statements by Goran Matic, federal secretary of information, and Milosevic's wife Mirjana Markovic. On October 18, Matic said that "a subversive-destructive chain of incidents and provocations, ostensibly against the opposition, is in preparation. Foreign intelligence services and their domestic aides are behind this, and their actions would be ascribed to the authorities."⁹⁸ The statement was widely interpreted as an attempt to provide an alibi for the authorities should they resort to physical elimination as a means of silencing the opposition. Around the same date, in an interview with the Vatican newspaper *Famiglia Cristiana*, Markovic accused Djindjic of being the "chief NATO collaborator" and a proponent of the forceful overthrow of the government. She claimed that Djindjic had "escaped" from the country during the war and then advised NATO on the selection of targets in Serbia.⁹⁹

⁹⁴ "Bomba na zgradu predsednika DS u Valjevu" (Bomb at the House of the President of DS in Valjevo), *Danas*, October 18, 1999, p. 13.

⁹⁵ Human Rights Watch telephone interview with Nebojsa Andric, November 15, 1999.

⁹⁶ Human Rights Watch telephone interview with Nebojsa Andric, December 5, 1999.

⁹⁷ Interview with Zoran Djindjic, Radio Free Europe, program in South Slavic languages, October 20/21, 1999.

⁹⁸ M. Petric, "Na potezu montirane provokacije i incident" (Next Step: Staged Provocations and Incidents), *Politika*, October 19, 1999, p. 14.

⁹⁹ "Moja zemlja je sada najveće gradiliste na svetu" (My Country is the Biggest Building Site in the World Now) (transcript of the interview by Mirjana Markovic to "Famiglia Cristiana"), *Politika*, October 20, 1999, p. 5. The accusation of his "escape" from the country at the time of the NATO intervention was used often by the state media. Djindjic responded by saying that, during the war, he spent only three hours abroad, during which time he visited German Prime Minister Gerhard Schroeder. B. Vojnic, "Direktan poziv na linc" (Direct Invitation to Lynching), *Glas Javnosti*, October 19, 1999, p. 3. Leaders of other opposition parties stayed in Serbia throughout the entire period; one of them—Goran Svilanovic, president of the Civic Alliance—was in Belgrade.

Two weeks after Djindjic claimed that the government was preparing his assassination, a former chief of the DS security staff was found dead in his Belgrade apartment. On November 6 the independent newspaper *Glas javnosti* cited unidentified sources in the Belgrade police as stating that Branislav Vasiljevic, thirty-six, committed suicide on the night of November 4.¹⁰⁰ According to a Belgrade investigating judge in charge of the case, initial findings also suggested that Vasiljevic killed himself.¹⁰¹ But Zoran Djindjic and the DS openly questioned this interpretation. They pointed to the fact that Vasiljevic had recently married and become a father, and that on the day of his death he met a number of people all of whom claimed he was in a good mood.¹⁰² Although Vasiljevic withdrew from political activities in 1997 and was managing a bakery, he had occasionally accompanied Djindjic to rallies believed to be risky.¹⁰³ He was seen, for example, next to Djindjic at the opposition rallies in September and October in Belgrade, and on one occasion was said to have prevented a dozen thugs from attacking a group of Alliance for Change supporters in New Belgrade.¹⁰⁴

Journalists' Cars are Burned

On October 27, at around 9.20 p.m., the work car of Slavoljub Kacarevic, director of the independent *Glas Javnosti* newspaper and of the ABC Grafika printing house, burst into flames at a parking lot in the center of Belgrade.¹⁰⁵ Kacarevic, who was not in the car at the time, refrained from calling the event an assassination attempt, but admitted he was "scared."¹⁰⁶ The event occurred one week after the beginning of a judicial proceeding against ABC Grafika, initiated by the Serbian Ministry of Information (see above, Other measures to harass opposition supporters). The Belgrade police announced on November 2 that Kacarevic's car caught fire because of improper engine installations.¹⁰⁷

Two weeks later, on November 11, a car belonging to a director of an independent radio station burst into flames. This second incident raised doubts in many journalists' minds that the car burnings were accidents. In the second case, flames engulfed the car of Andreja Rakocevic, director of Radio Globus in Kraljevo, on November 11, a few hundred meters after he began driving home.¹⁰⁸ Rakocevic was able to escape unharmed. His radio station has been struggling for years against government attempts to hinder its work by denying it a broadcast license and by confiscating its transmitter.¹⁰⁹ It is presently the only privately owned independent radio station in central Serbia that covers political issues. In September 1999 the station was robbed twice; both times the robbers took away the broadcasting equipment, and not the more expensive equipment—such as computers—which was not directly related to broadcasting.¹¹⁰

THE PROSECUTIONS OF NGO ACTIVISTS AND INTELLECTUALS

Dobrosav Nesic and the Council for Human Rights in Leskovac

¹⁰⁰ S. Kraljevic, "Samoubistvo ili zlocin" (Suicide or Crime), *Glas Javnosti*, November 6, 1999, p. 5.

¹⁰¹ Statement of Dobrivoje Gerasimovic, investigating judge in the District court in Belgrade, in D.J.V. and J.R., "DS vodi paralelnu istragu" (DS Conducts Parallel Investigation), *Glas Javnosti*, November 9, 1999, p. 7.

¹⁰² Ibid.; see also S. Kraljevic, "Samoubistvo ili zlocin."

¹⁰³ V.Z.C., "Tuga i sumnja" (Sorrow And Doubt), *Danas*, November 8, 1999, p. 5.

¹⁰⁴ Ibid.; see also S. Kraljevic, "Samoubistvo ili zlocin" (photo taken at a recent rally in Belgrade).

¹⁰⁵ J.K., "Izgoreo automobil direktora Glasa Javnosti" (Car of the Director of Glas Javnosti Burst into Flames), *Danas*, October 29, 1999, p. 5.

¹⁰⁶ J.K., "Izgoreo automobil direktora Glasa Javnosti."

¹⁰⁷ A.S., "Kacarevicev automobil izgoreo zbog lose instalacije" (Kacarevic's Car Burned Down due to Bad Installations).

¹⁰⁸ M.Filipovic, "Izgoreo automobil direktora Radio Globusa" (Car of The Radio Globus's Director on Fire), *Danas*, November 12, 1999, p. 13.

¹⁰⁹ Perica Gunjic, "Ipak se okreće" (Yet It Is Moving On), *Glas Javnosti*, October 24, 1999, p. 10 (interview with Andreja Rakocevic).

¹¹⁰ See M. Filipovic, "Radio 'Globus' Opustosen" (Radio 'Globus' Ravaged), *Danas*, September 13, 1999, p. 5; see also M.F., "Roman Ristic and Radio Globus" (Radio Globus Robbed Again), *Danas*, September 27, 1999, p. 24; *Human Rights Watch*, April 2000, Vol. 12, No. 6 (D).

From May 13 to June 12, Dobrosav Nesic, fifty, head of the Council for Human Rights in Leskovac, served a jail sentence for violating Serbia's Law on Public Information. It is the first and only time the law, adopted in October 1998 and criticized domestically and abroad for its restrictions on the free press, has been used against an NGO. The charge was based on an article published in the December 1998 edition of the council's magazine *Prava coveka* (Rights of Man), edited by Nesic. The article accused Radio Leskovac—a public radio station controlled by the local branch of Serbia's ruling SPS—of “primitivism” and of not reporting the misdeeds of the local SPS politicians. The most powerful of them, Zivojin Stefanovic, head of the Jablanicki district to which Leskovac belongs, attacked the magazine on January 11 as an “extended arm” of Serbia's “foreign enemies.” On January 14, SPS-dominated Radio Leskovac filed charges against the magazine and its editor.

In a January 21 decision, the municipal magistrate found that the sentence under contention in the article was untrue and that the article's publication constituted a “misuse of the freedom of public information,” as set forth in the Law on Public Information.¹¹¹ As the editor-in-chief of the magazine, Nesic was fined 70,000 dinars (U.S. \$3,500 at the time of the ruling).¹¹² Since he was unable to pay the fine, he spent thirty days in jail, as allowed by law.¹¹³ The January 21 ruling also included a 100,000 dinars (U.S. \$5,000) fine on the Council for Human Rights, as the publisher of the magazine. In Serbia, these are extremely high fines that very few persons or organizations are able to pay. Nesic and the magazine thus risk the impounding of their properties, as prescribed by the Law on Public Information.

For years Nesic and the Leskovac Council were the most active human rights defenders in the southern part of Serbia, the traditional stronghold of Milosevic's SPS party. In July and September 1998, for example, the council organized two round-tables of Serbian and Kosovo Albanian intellectuals,¹¹⁴ which, in the context of the armed conflict in Kosovo at the time, particularly irritated the nationalist parties in power in Serbia. After serving his sentence in May and June 1999, Nesic received anonymous threats over the telephone that he would “lose his head unless he shortens his tongue.”¹¹⁵ On January 17, 2000, Nesic stated that the State Security Service requested for the third time that he submit information on the funding of the *Prava coveka* magazine. Nesic also said that he had presented all the information about the newspaper when it was registered, so therefore the repeated attention by State Security was only aimed at intimidating him.¹¹⁶

Charges of Espionage against Intellectuals and NGO Activists

During the NATO intervention, Yugoslav authorities arrested five intellectuals and NGO workers—foreigners and Yugoslav nationals—on suspicion of espionage for NATO countries. Three were convicted and eventually pardoned, and two were not tried. A clear threat of similar legal action hangs over the many Yugoslav intellectuals and NGO activists who are, by the nature of their work, in frequent contacts with foreigners.

Branko Jelen, Peter Wallace, and Steve Pratt

¹¹¹ Decision of the Municipal Magistrate in Leskovac, No. 1246/99-5 and 1281/99-5, January 21, 1999 (on file with Human Rights Watch). The decision was based on article 69 of the Law on Public Information, which provides: “The following persons shall be punished for misuse of the freedom of public information through publication of untruths which hurt rights of a person: 1) founder and publisher...; 2) responsible editor and responsible representative of the founder and the publisher...” Law on Public Information, *Sluzbeni glasnik Republike Srbije* (Official Gazette of the Republic of Serbia), No. 36/98, October 20, 1998, article 69.

¹¹² Each day in jail is considered equivalent to sixty dinars of the fine. After his release Nesic still owed 68,200 dinars, which the authorities were still trying to collect as of mid-November.

¹¹³ Human Rights Watch interview with Dobrosav Nesic, Belgrade, September 5, 1999.

¹¹⁴ Bojan Tonic, “Ratni obracun vlasti na jugu Srbije” (War Countdown By the Authorities At the South Of Serbia), *Republika* (Belgrade), no. 213-215, June 1-31, 1999, p. 11-12.

¹¹⁵ Human Rights Watch interview with Dobrosav Nesic, Belgrade, September 5, 1999.

¹¹⁶ Human Rights Watch interview with TETA news agency, January 17, 2000. 25

On May 29, 1999, a military court in Belgrade convicted three workers of the Australian branch of Care International on charges of espionage. The court sentenced Steve Pratt, fifty, to twelve years in prison, Peter Wallace, thirty, to four years, and Branko Jelen, thirty-three and of Yugoslav nationality, to six years.¹¹⁷ On July 13, the Supreme Military Court reduced the sentences to eight, one, and three years respectively.¹¹⁸ On September 1, Yugoslav President Slobodan Milosevic pardoned Pratt and Wallace,¹¹⁹ after months-long initiatives by the Australian authorities and telephone requests by prominent foreign politicians and public figures. On December 31, the government also freed Branko Jelen. Malcolm Fraser, Care's chairman in Australia and a former prime minister, attributed the release of Jelen to international pressure from figures like U.N. Secretary General Kofi Annan, as well as the Australian and Greek foreign ministers.¹²⁰ Fraser himself had met with Slobodan Milosevic in late November in Belgrade,¹²¹ and on December 22—ten days before Jelen's release—he published an editorial in the *International Herald Tribune* criticizing the NATO intervention and the overall Western policy toward Serbia.¹²²

Pratt and Wallace were arrested on March 31 at the Yugoslavia—Croatia border, as they were leaving the country, and Jelen was arrested on April 8 in Nis, his hometown. The grounds for their conviction was found mostly in their activities in Kosovo in 1998 and 1999 prior to the war between NATO and the Federal Republic of Yugoslavia which began on March 24, 1999. Jelen and Wallace were found guilty of delivering reports to Pratt on developments in the areas where the Yugoslav Army (VJ) and Serbian police (MUP) were fighting or preparing offensives against the Kosovo Liberation Army (KLA). According to the verdict, Pratt was compiling reports and sending them to the Australian section of Care International, as well as to the Care sections in some NATO countries, such as Great Britain, the United States, and Germany.¹²³ The accused claimed that the information they collected was used exclusively for the humanitarian organization's purposes. The safety situation, they said, was crucial to the organization's planning.¹²⁴ In their appeals, they also claimed that most of the information found to constitute "military secrets" by the trial court had been published in the Yugoslav media¹²⁵ or openly used by the UNHCR and OSCE in Kosovo.¹²⁶

¹¹⁷ Judgment of the Military Court at the 1st Army Command, IK No. 14/99, May 29, 1999 (on file with Human Rights Watch), p. 4-5.

¹¹⁸ Judgment of the Supreme Military Court, IIK No. 472/99, July 13, 1999 (on file with Human Rights Watch), p. 2.

¹¹⁹ "I Jelena na slobodu" (To Release Jelen Too), *Glas Javnosti*, September 3, 1999, p. 9.

¹²⁰ "Aid Worker, Jailed as Spy, Is Released in Yugoslavia," *AFP*, January 2, 2000.

¹²¹ "Milosevic Met Former Australian Premier, Head of CARE," *AFP*, November 24, 1999.

¹²² Malcolm Fraser, "Western Policy Toward Serbia Has Been Biased," *International Herald Tribune*, December 22, 1999.

¹²³ Judgment of the Military Court at the 1st Army Command, p. 6-7.

¹²⁴ *Ibid.*, p. 7-9; see also Judgment of the Supreme Military Court, p. 11 (complaint by Pratt).

¹²⁵ Judgment of the Supreme Military Court, p. 14, 15, and 17 (complaint by Jelen).

¹²⁶ Human Rights Watch, Complaint by Pratt, 14 (Jelen), and 20 (Wallace).

The military trial court, however, found that the information “undoubtedly [represented] confidential military data,”¹²⁷ and that delivering such data to a foreign organization constituted espionage under the terms of article 128 (1) of the FRY Penal Code.¹²⁸ The court refrained from declaring Care International an espionage organization,¹²⁹ but found that handing over information of the kind to any foreign organization amounts to espionage. The Supreme Military Court concluded that information does not lose its confidential character even if it has already been “leaked” and published in newspapers.¹³⁰ This court also stopped short of branding Care International an espionage organization, and even acknowledged that it is impossible to establish how NATO used the information delivered by Pratt to Care sections in some NATO countries. But the court’s decision hints that Care International, being a humanitarian organization, was considered likely to be involved in spying activities:

It is well-known that the [NATO member] states have systematically collected [confidential] information not only through specialized intelligence agencies, but also through nongovernmental international organizations, including humanitarian ones. ... It is not a coincidence that governments of NATO countries subsidize [national branches of Care International].¹³¹

After their release, Pratt and Wallace returned to Australia, where Pratt stated that his public confession of guilt, recorded and broadcasted on Serbian Television during the NATO intervention, was fabricated. Pratt explained that the statement was dictated to him sentence by sentence.¹³² One of the defense attorneys in the case, Ivan Jankovic, told Human Rights Watch that Pratt was threatened with execution during the investigation; his televised confession, however, was not used in the proceedings.¹³³

Miroslav Hadzic and Bodo Weber

¹²⁷ The following is the information mentioned in the verdict as representing secret military data provided for Pratt by Jelen and Wallace: a) information provided by Jelen: KLA surrounded 20 policemen and 200 Serbian civilians in the village of Kijevo; police forces concentrated on the road Pristina-Pec and are waiting for “a green light” from the Government to act (July 1, 1998); Arkan’s “Tigers” [Serbian paramilitary formation led by Zeljko Raznatovic Arkan, indicted before the ICTY because of the crimes he had purportedly committed in the wars in the territory of the former Yugoslavia] are trying to recruit Serbian refugees from Croatia residing in Kosovo, but these oppose it (July 6, 1998); one refugee and four other persons died in the NATO bombing of the Pristina airport (March 28, 1999); and, an Army depot near Nis was hit, as well as two refugee camps in the town of Kursumlija, with eight refugees killed; eight or nine military barracks were hit too (March 29, 1999; the Supreme Military Court found that the Military Court in Belgrade erred in this point, since the information provided by Jelen mentioned ordinary barracks (huts), and not military ones. Judgment of the Supreme Military Court, p. 42); b) information provided by Wallace: security situation in Kosovo, including a March 18, 1999, report on the regroupment of the Yugoslav army and police forces around the village of Srbica. Judgment of the Military Court in Belgrade, p. 2-3.

¹²⁸ Ibid., p. 14-15; the pertinent provision in the Penal Code is worded as follows: “Whoever communicates, delivers, or makes accessible to a foreign state, foreign organization, or a person working for them, secret military, economic, or official data or documents, will be punished by imprisonment for a minimum of three years.” *Krivicni zakon Savezne Republike Jugoslavije, sa objasnjenjima i uputstvima* (Penal Code of the Federal Republic of Yugoslavia, with Explanations and Instructions), 2nd amended edition (Mitar Kokolj ed., Belgrade 1995), article 128 (1). The law defines as “secret” not only “the military, economic, or official data and documents declared as such by a law, other regulation or decision of a competent organ,” but also “those data and documents which are accessible to a limited circle of people, and which are to be held secret, as their disclosure would have particularly grave consequences for the security and defense of the country or for its economic interests.” Ibid., article 128 (6).

¹²⁹ A week after the release of Pratt and Wallace, Care’s program director Malcolm Fraser met with Bratislava Morina, Yugoslav minister for refugees, IDPs, and humanitarian aid, and discussed re-launching Care’s activities in FRY. See “Za sto brzu humanitarnu pomoc Jugoslaviji” (As Urgent Humanitarian Assistance To Yugoslavia As Possible), *Politika*, September 8, 1999, p. 2. On November 23, Fraser and Morina signed a memorandum on Care’s future activities in FRY. Sanja Cosic, “Malkolm Frejzer najavio dvostruko vecu pomoc” (Malcolm Fraser Announced a Doubling of the Aid), *Danas*, November 24, 1999, p. 5.

¹³⁰ Judgment of the Supreme Military Court, p. 36-37.

¹³¹ Judgment of the Supreme Military Court, p. 45-46.

¹³² “Moje priznanje je fabrikovano” (‘My Confession Was Fabricated’), *Blic*, September 14, p. 8.

¹³³ Human Rights Watch interview with Ivan Jankovic, attorney, Belgrade, November 17, 1999.

Another foreigner arrested during the NATO intervention on suspicion of espionage, Bodo Weber from Germany, was released before any trial began, but was subjected to physical and psychological torture in detention. His Yugoslav colleague remained in jail for almost two months because of their contacts.

Weber is a post-graduate student of political science and East European history at the University of Frankfurt on Main. Fluent in Serbo-Croatian, he traveled frequently to the former Yugoslavia and had established contacts with Yugoslav NGO activists. In the week preceding the NATO air-campaign against Yugoslavia, he was in Belgrade conducting research for his masters' thesis on the political system in Republika Srpska (BH) 1990-1995. On April 4, the day his visa was due to expire, he was arrested at the border between Yugoslavia and Croatia. The police took him to the nearby town of Sremska Mitrovica, where he was held until April 12. As Weber explained to Human Rights Watch, his interrogators used force to extract a confession that he was spying for the German intelligence agency Bundesnachrichtendienst (BND):

The first time they beat me was at the border post, during the interrogation following my arrest, when they made me translate parts of my diary and I tried to "soften" some phrases in the translation. On the same day they took me to Sremska Mitrovica, where I stayed until April 12. During the night I was handcuffed and tied to a sofa or a radiator. I was first interrogated there by two men who said they were from the VJ intelligence service, but I saw the Ministry of Interior designation on the documents they had. They beat me and forced me to "admit" I was a BND spy. Eventually, three more interrogating teams spoke with me, and they said they did not believe in the spying story, so they wanted the "real truth" from me. They were particularly interested in my contacts with Miroslav Hadzic, a Belgrade military analyst with whom I had met. During the six days in Sremska Mitrovica, they were constantly threatening me with death, and in the last couple of days they announced three times that on the following day I would be executed.

On April 12, three persons in civilian clothes drove me to Belgrade. In a military jail, while I was filling in some form, an officer asked me about my health, and I said I didn't hear very well because of the beating in Mitrovica. When I said this, two soldiers started beating me, and asked: "Can you hear better now?" Then I was taken to a cell where I stayed for another month. The treatment by the interrogators—from military intelligence, as they introduced themselves—was mostly correct, but once they threatened they would take me to a bridge "to be attacked by NATO" and leave me there. The guards in the prison severely beat me four times, during the night, when their superiors were absent. On May 9, a guard put a gun to my head and pulled the trigger. The gun turned out to be empty.¹³⁴

The authorities opened a formal investigation against Weber on charges of espionage on May 7. He was accused of having collected information for the German organization Ohne Rüstung Leben (Living Without Weapons), which, in the opinion of the investigating judge, was an espionage organization. The information related to the activities of the Yugoslav Army (VJ) and the Serbian police (MUP), activities of the KLA, the attitude of Serbian intellectuals towards the authorities, the status of nongovernmental organizations in Yugoslavia, the political situation in Vojvodina, Kosovo, Sandzak, and the cities of Nis and Kragujevac, and relations between Serbia and Montenegro. After the war with NATO began, he was alleged to have collected information for another "espionage" organization—the magazine *Perspektiven* (Perspectives) from Frankfurt—about the effects of NATO's raids on Yugoslav air-defense systems, barracks, and factories, and on the reactions of the Serbian people. Finally, he was accused of obtaining from Miroslav Hadzic, a former VJ officer who is now an independent analyst in Belgrade, written materials from the 1980s and early 1990s prepared for the former Yugoslav People's Army.¹³⁵

¹³⁴ Human Rights Watch e-mail communication with Bodo Weber, September 15, 1999.

¹³⁵ Decision on the investigation of Bodo Weber, Military Court at the 1st Army Command, KI No. 11/99, May 7, 1999 (on file with Human Rights Watch). The basis for the charge against Weber was article 128 (3) of the Yugoslav penal code: "Whoever joins a foreign intelligence service, collects information, or contributes in any other way to its work, shall be punished by imprisonment ranging from one to ten years." If committed during a state of war, the offense is punishable with a minimum ten-year imprisonment.

On May 11, however, the Supreme Military Prosecutor suspended further prosecution. Weber was released on the same day, and on May 13 he left Yugoslavia. Miroslav Hadzic—who was arrested in connection with the same charges—was released two weeks later. On June 3, the 1st Army Military Court declined to uphold the indictment against him. In the opinion of the court, the brochures he lent to Weber did not contain military data that in 1999 would amount to military secrets.¹³⁶

THE SUPPRESSION OF INDEPENDENT JOURNALISM

Manipulation of the news media and the suppression of free speech have been among the pillars of Slobodan Milosevic's rule since he came to power in Serbia in the late 1980s. The government, however, has never managed to establish full control over the electronic and print media. Prior to 1996-1997, several newspapers and radio and TV stations were oases of free expression and criticism of the government, although their audiences and impact could not match that of the government-controlled RTS (Radio Television Serbia). In 1996-97, the opposition parties won municipal elections in most of Serbia's urban centers, and the parties supporting Slobodan Milosevic consequently lost control over the newspapers, TV, and radio stations founded by the local assemblies. A network of local media opposed to the central government has since been able to cover a major portion of Serbia's territory.

Since 1998 the Serbian government has engaged in an attempt to reduce the impact of the media it does not control, chiefly by refusing to issue licenses to the electronic media and by imposing enormous fines on newspapers charged with violations of the Law on Public Information (1998). During and after the NATO intervention (March - June 1999), the government resorted to new forms of repression against the media it does not control and continued to exact fines from the "disobedient" media under the Law on Public Information. The punitive use of this media law has been accompanied by verbal threats and announcements of more repression to come.

Criminal Prosecutions of Journalists

Zoran Lukovic and Srdjan Jankovic

¹³⁶ Human Rights Watch, Military Court at the 1st Army Command, No. 26/99, June 3, 1999 (on file with Human Rights Watch).
29
April 2000, Vol. 12, No. 4 (D)

Zoran Lukovic and Srdjan Jankovic, former journalists at *Dnevni Telegraph* wrote the article that led to their and Slavko Curuvija's March 8, 1999, conviction and five-month imprisonment. The article stated that Dr. Aleksandar Popovic had been assassinated in November 1998, shortly after he had accused his hospital's director, Milovan Bojic, who is also a Serbian deputy prime minister, of misusing hospital funds. Bojic sued Lukovic, Jankovic, and Slavko Curuvija, the director of the newspaper, for insinuating that he was involved in the assassination. A municipal court in Belgrade found them guilty of violating article 218 of the Serbian penal code, which prohibits "circulating false statements aimed at causing disquietude among citizens, or at disturbing public order or peace...."¹³⁷ The appeal by Lukovic and Jankovic against the verdict was rejected on May 14 by the district court in Belgrade. The final verdict was delivered to Lukovic and Jankovic on July 14, but their lawyer filed a request for a postponement of the execution of the sentence and the court granted a three-month postponement. In the meantime Lukovic and Jankovic moved to Montenegro, which did not enforce the Serbian court's judgment.

Vojkan Ristic

During the NATO intervention, Vojkan Ristic, correspondent from Vranje for several independent newspapers from Belgrade and head of the local branch of the Council for Human Rights (Leskovac), was sentenced to thirty days imprisonment because he resided out of Vranje for more than twenty-four hours without reporting his change of temporary residence to the police.¹³⁸ He served his wartime sentence from April 26 to May 25. The duty to report promptly a change of residence was established by a wartime decree issued on April 1 by Serbian President Milan Milutinovic.¹³⁹

¹³⁷ For the wording of article 218 see above, footnote 27.

¹³⁸ Bojan Tonic, "Ratni obracun vlasti na jugu Srbije" (War Countdown by the Authorities at the South of Serbia), *Republika*, June 1-31, 1999, p. 11-12.

¹³⁹ Uredba o prebivalistu gradjana za vreme ratnog stanja (Decree On the Residence Of Citizens During A State Of War), *Official Gazette of the Republic of Serbia*, no. 17/99, April 2, 1999, Vol. 12, No. 6 (D).

Throughout the war most citizens ignored the obligation to report changes of residence, considering it nothing more than a bureaucratic measure of no significance. Very few people were charged for violation of the decree during the state of war,¹⁴⁰ which indicates the arbitrary use of the law in Ristic's case, because of his activities as a journalist and human rights activist. For years he has been openly critical of Dragan Tomic, Serbian deputy prime minister and director of Simpo, an industrial giant in the south of Serbia, where Vranje is located. In February 1998, State Security agents in Vranje subjected Ristic to a fifteen-hour interrogation because of his articles.¹⁴¹

Nebojsa Ristic

Nebojsa Ristic, editor in chief of Soko Television, a private, independent TV station in the Serbian town of Sokobanja (near Nis), was sentenced on April 23, 1999, to one year of imprisonment for the "circulation of false statements" aimed at disturbing citizens during the state of war. His offense was to place two political posters on the outer window of the TV station. One poster had a message criticizing the Serbian Law on Public Information: "Free press - Made In Serbia." Ristic hung the poster on March 27, in protest against a recent decision of the Federal Ministry of Telecommunications that TV Soko stop broadcasting its program and re-broadcasting some foreign TV programs. The second poster, hung in November 1998, said "Resistance is the answer! It can not be done in any other way. It will be too late. When somebody close to you dies of hunger. When they start killing in the streets. And poison the last source.... It will be too late. This is not a system. This is a disease. Bite the system! Come to your senses! Live! Resistance." The text was created by the student group Otpor (Resistance) and distributed through the media, as well as in the form of posters. In the opinion of the Sokobanja court, by hanging the posters, Ristic had circulated false statements "unsuitable to the given conditions of a state of war."¹⁴² The court ruled that these "false statements" were aimed at "causing malaise or disquietude among citizens, as well as at obstructing the enforcement of decisions and measures of state organs," citing article 218 of the Serbian penal code.¹⁴³

The crime of "causing malaise among citizens" was eliminated in 1991, when the Serbian Constitutional Court declared this part of article 218 unconstitutional.¹⁴⁴ But the decision of the Sokobanja Municipal Court¹⁴⁵ is of particular concern because it reintroduces into Yugoslav legal practice the concept of the so-called verbal crime (*verbalni delikt*): the punishing of the expression of views not favored by the government. By penalizing the expression of such views, the courts act as the competent authorities in establishing "truth" on contentious political issues, and—by imposing the threat of penal prosecution—prevent one side in the debate from expressing its position. The posters displayed by Nebojsa Ristic did not contain any statement of facts that could be true or false: one was a judgment that the media in Serbia is not free, and the other was an invitation to show resistance to the authorities. The prosecution extends the constraints previously imposed through the media law to non-media forms of expression.

Suppression of Free Expression through Serbia's Law on Public Information

During the war with NATO, informal but very effective censorship was imposed on all Serbian media, with strict pre-publication or pre-broadcasting control applying to all forms of journalism. At other times, the government has invoked restrictive provision of Serbia's 1998 Law On Public Information to deter independent reporting and opinion by punishing independent media with high fines.

¹⁴⁰ See below, Svetozar Fisic and Slobodan Karaleic.

¹⁴¹ See Humanitarian Law Center, Spotlight Report no. 28: Human Rights in the Federal Republic of Yugoslavia, 1998 Report (Belgrade, 1999), p. 21.

¹⁴² Judgment of the municipal court in Sokobanja, K. No. 48/99, April 23, 1999 (on file with Human Rights Watch), p. 3.

¹⁴³ Ibid. For the wording of article 218, see above, footnote 27.

¹⁴⁴ Decision of the Constitutional Court of Serbia, IK No. 58/91, *Sluzbeni glasnik Republike Srbije* (Official Gazette of the Republic of Serbia), No. 75/91.

¹⁴⁵ The verdict was confirmed on June 6 by the district court in Zajecar. Judgment of the district court in Zajecar, No. Kz 1599, Human Rights Watch (on file with Human Rights Watch). April 2000, Vol. 12, No. 6 (D)

The circumstances of the law's enactment and the record of its application have shown its primary purpose to have been the restricting of speech critical of the government and to oblige journalists to exercise self-censorship. The law was adopted on October 20, 1998, as the NATO alliance was threatening to launch air strikes against Serbia. Two weeks earlier, on October 9, the Serbian government had adopted a decree that prohibited re-broadcasting of the BBC, Voice of America, and other foreign programs in the Serbian language. As of January 2000, fifteen months after the law's enactment, Serbian and Montenegrin independent media had been punished for violations of the media law on thirty-one occasions, and the average fine had been 420,000 dinars; pro-government newspapers were fined six times, and the fine averaged 143,000 dinars.¹⁴⁶ Apart from the fines incurred for published information, some sixty media law fines, amounting to 3.2 million dinars (U.S. \$100,000) were imposed in October and November 1999 upon the ABC Grafika printing house, ostensibly because the house was printing a newsletter not registered with the Serbian Ministry of Information.¹⁴⁷

Decisions on alleged breaches of the law are made by magistrates who, unlike judges in criminal courts, are appointed by the Serbian government and have no security of tenure—they can be dismissed at will by the executive.¹⁴⁸ Magistrates' judicial independence in practice is therefore severely compromised.

Article 69 of the media law is the provision used most frequently against media critical of the government:

For abuse of the freedom of public information by publicizing untruths which violate the rights of the individual in the public media from Articles 4 and 11 of this law, punished for a misdemeanor will be:

- 1) the founder and publisher - with a fine of 100,000.00 to 300,000.00 new dinars;
- 2) the responsible editor and party responsible to the founder and publisher - with a fine of 50,000.00 to 150,000.00 new dinars.¹⁴⁹

The rights of the individual spelled out in article 11,¹⁵⁰ violation of which implies unusually high fines by Yugoslav standards, are defined as "respect of human dignity" and "honor," as well as "the right to a private life."¹⁵¹ These terms allow room for arbitrary application.¹⁵² The record of the law's implementation shows that its primary beneficiaries have not been ordinary citizens concerned about infringements upon their privacy and honor, but members of the ruling elite concerned with preserving their grip on power.

¹⁴⁶ Kosovo Albanian newspapers were fined four times (in March 1999, just prior to the NATO intervention), with an average 1,330,000-dinar fine.

¹⁴⁷ See above, Campaign Against the Political Opposition: Other Forms of Suppression.

¹⁴⁸ Serbia's Misdemeanors Act stipulates: "Magistrates shall be appointed and revoked by the Government of the Republic of Serbia, on the proposal of the Minister of Justice." *Zakon o prekršajima* (Misdemeanors Act), (Branislava Petrovic ed., Belgrade 1996), article 98 (1). "A magistrate shall be relieved of his duty against his will:...3. if it is established that he performs his duty unprofessionally and unconscionably." Ibid., article 108. "In carrying out of their duties, the misdemeanors organs...are responsible to the Government of the Republic of Serbia." Ibid., article 86 (2).

¹⁴⁹ *Zakon o javnom informisanju* (Law On Public Information), *Sluzbeni glasnik Republike Srbije* (Official Gazette of the Republic of Serbia), No. 36/98, October 20, 1998 (English translation from the B2-92 radio station's website, located at http://www.freeb92.net/media/legal_repression/index.html).

¹⁵⁰ Law On Public Information, article 11: "Public information must respect the inviolability of human dignity and the right to a private life by the individual. A public media may not publicize or reproduce information, articles or facts which violate the honor and dignity of the individual, contain insulting expressions and rude words. If a public media publicizes untruthful information which violates the dignity or interest of the legal or physical entity to which the information pertains, or which insults the honor or integrity of the individual, brings out or transmits untruthful statements about his life, knowledge, abilities, or in another manner insults his dignity, that person has the right to file petition with the jurisdictional court for compensation for damages from the founder and/or publisher of the public media, responsible editor and author of the information."

¹⁵¹ The other provision referred to in article 69—article 4—in fact does not mention any individual rights, but mandates a media obligation to inform the public "truthfully, in a timely manner, and fully."

¹⁵² An analysis of the law made by the Washington D.C. law firm Covington & Burling points to this feature of the provision.

The acts proscribed by article 69 amount to slander/libel, which is already prohibited under Serbia's penal code,¹⁵³ so a person who deems his or her reputation was hurt can press charges on that basis. The Law on Public Information enables the government to prosecute its critics by bypassing the more stringent conditions set down in penal legislation. Whereas the Serbian penal code leaves room for acquittal if the defendant shows he had a well-founded reason to believe that the published information was true,¹⁵⁴ the Law on Public Information does not provide for such defense. Under article 72 (5) of the Law on Public Information, the only defense against the charge of falsity is proof that the published information is true.

The editor and the publisher will be exempted from responsibility for publishing a false statement by a third person only if it was taken from a parliamentary debate, from written material created by a state agency, or from an official statement by the agency.¹⁵⁵ If the published falsity was contained in a political party's press release, spoken at a press conference, or uttered in a (live) interview, the media can be punished. Six newspapers and one TV station were fined on these grounds in the autumn of 1999.

The political weekly *Cacanski Glas* was fined on September 9 and September 11 for publishing a statement by the Cacak branch of the SPO about alleged misdeeds of two local commissioners of the Ministry of Finance.¹⁵⁶ The newspaper was initially ordered to pay 350,000 dinars (U.S. \$11,700 at the rate prevailing at the time of sentencing), but on October 7, the magistrate board of appeals in Kraljevo joined the two sentences and ordered *Cacanski glas* to pay a total of 200,000 dinars (U.S. \$6,500).¹⁵⁷ The *Glas javnosti* daily was fined 200,000 dinars on September 29 for publishing statements by the opposition politicians in Valjevo criticizing the president of the local Red Cross.¹⁵⁸ *Narodne Novine* from Nis, the only daily newspaper south of Belgrade not controlled by the Serbian government, was fined 200,000 dinars on October 17 for publishing a statement by the Nis city government. The city authorities, opposed to the SPS-JUL-SRS coalition in power in Serbia, stated that Zoran Arandjelovic, a high SPS official and director of the state-owned Nis Tobacco Industry enterprise (DIN), was earning more than 100,000 dinars a month. Arandjelovic and DIN sued, claiming that the highest salary in DIN was 16,269 dinars.¹⁵⁹ On December 6, two newspapers and a TV station in Belgrade were fined for publishing a statement by the opposition SPO party alleging the Serbian Radical Party's involvement in the alleged assassination attempt against Vuk Draskovic in the October 3 car accident near Lazarevac. (See above, Car accident or murder?) The *Danas* newspaper was fined 360,000 dinars (U.S. \$10,000), *Blic*—310,000 dinars (U.S. \$8,600), and television station Studio B another 300,000 dinars.¹⁶⁰ On December 23, a misdemeanor judge in Vranje fined *Vranjske* magazine with 1,000,000 (U.S. \$26,000) dinars because it published a report by the Serbian Helsinki Committee for Human Rights which, in the opinion of the judge, incited ethnic hatred with "false claims" about repression of the ethnic Albanians in Serbia's southern municipalities.¹⁶¹

¹⁵³ Article 92 of the Serbian penal code.

¹⁵⁴ "If the accused proves veracity of his statement, or if he proves that he had a well-founded reason to believe in the veracity, he shall not be punished for libel/slander, although he may be punished for insult..." Penal Code of the Republic of Serbia, article 92 (4).

¹⁵⁵ Law on Public Information, article 63: "The author, responsible editor, publisher and founder are not responsible for damages or incomplete information loyally transmitted from a public parliamentary debate in a legislative committee or the material from a state agency or if it was issued upon a request of the jurisdictional state agency as an announcement."

¹⁵⁶ "*Cacanski glas* kaznjen sa 200,000 dinara" (*Cacanski glas* Punished With a 200,000 Dinar Fine), *Glas Javnosti*, Sep 10, 1999, p. 20; A. Arsenijevic, "Povucena tuzba protiv urednika" (Charge Against Editor Withdrawn), *Danas*, September 11-12, 1999, p. 5; "*Cacanski glas* opet kaznjen" (*Cacanski glas* Punished Again), *Glas Javnosti*, September 12, 1999, p. 9.

¹⁵⁷ "Preinacena kazna *Cacanskom glasu*" (Punishment of *Cacanski Glas* Modified), *Danas*, October 8, 1999, p. 24.

¹⁵⁸ "*Glas javnosti* i glavni urednik kaznjeni sa 200,000 dinara" (*Glas Javnosti* and Its Editor Fined 200,000 Dinars), *Danas*, September 30, 1999, p. 24.

¹⁵⁹ See "Zoran Arandjelovic tuzio niske *Narodne novine*" (Zoran Arandjelovic Sued Nis *Narodne Novine*), *Blic*, October 19, 1999, p. 8, and Z. Miladinovic, "Niske *Narodne novine* kaznjene sa 200,000 dinara" (Nis *Narodne Novine* Fined 200,000 Dinars), *Danas*, October 20, 1999, p. 3.

¹⁶⁰ See I.K., "*Blic i Danas platili kaznu*" (*Blic and Danas Paid the Fine*), *Danas*, December 10, 1999, p. 1.

¹⁶¹ Human Rights Watch, "A misdemeanor judge in Vranje, No. II B 315/99, December 23, 1999 (on file with Human Rights Watch)." (B)

The law's procedural provisions impose such time constraints as to make impossible the preparation of any meaningful defense. The respondent has a maximum of twenty-four hours to prepare a defense—effectively, to prove the veracity of a statement—from the moment he or she was served a summons.¹⁶² A magistrate can decide a case even if the respondent was not informed about any proceedings against him: article 72 (4) of the law stipulates that summons to the respondent will be deemed served if the notice of the hearing was given through the media, and article 72 (6) authorizes the magistrate to make a decision if the respondent did not appear at the hearing. These provisions have been applied several times, most recently against the Belgrade news magazine *Profil*, which on August 15 was fined 150,000 dinars. The editor of the magazine told newspapers that he learned about the proceedings and the sentence only when the amount was removed from the newspaper's bank account.¹⁶³

Since the NATO intervention, two main national dailies critical of the government —*Danas* and *Glas javnosti*—have been the principal targets for fines under the Law on Public Information.

Misdemeanors judges have fined *Glas javnosti* three times since the NATO intervention: on September 29 (200,000 dinars) (see above), October 12 (270,000 dinars), and November 10 (200,000 dinars). The October 12 conviction was based on a charge brought by Zoran Lilic, former president of Yugoslavia, now adviser to President Milosevic. Lilic sued *Glas javnosti* for publishing an article alleging Lilic had met on September 5 in Montenegro with Robert Gelbard, former U.S. special envoy for the Balkans.¹⁶⁴ The November 10 conviction resulted from a charge by a married couple from Novi Sad. They sued because in January 1999 *Glas javnosti* wrote that their son had been the driver of a car that crashed in an accident killing him and one more person in the car. They said their son actually was sitting next to the driver. The editor of the newspaper told media that the family rejected his proposal to publish a correction of the information which was originally published by mistake.¹⁶⁵ The case is illustrative of the misuse of the law by magistrates who directly depend on the government: a magistrate imposed a high fine on a newspaper critical of the authorities, for what appears to have been an accidental error in facts.

Danas has twice been sentenced to pay fines after charges were brought by Vojislav Seselj, president of the SRS and deputy prime minister in the Serbian government. On October 26, a misdemeanor judge in Belgrade imposed a fine of 280,000 dinars (U.S. \$ 9,000) on the publisher and the director of the newspaper, because of an article attributing to Seselj a statement that ethnic Montenegrins living in Serbia would be expelled or forced to wear yellow badges should Montenegro secede from Yugoslavia.¹⁶⁶ On December 6, *Danas* was sentenced to pay a fine of 360,000 dinars (U.S. \$10,000) for publishing SPO allegations about the SRS. (See above). Another person from the government's circles initiated proceedings against *Glas javnosti* which led to a punishment of the newspaper. Dusan Djordjevic, director of the state news agency Tanjug, claimed that an article published in *Danas* on December 18, 1999, about the employees' working conditions in Tanjug, represented an abuse of the freedom of public information.¹⁶⁷ On January 21, 2000, a misdemeanor judge in Belgrade ruled in Djordjevic's favor and ordered *Danas* to pay a 270,000-dinar fine.

¹⁶² Under the terms of the Law on Public Information, a magistrate must hold a hearing within twenty-four hours after receipt of a charge against the alleged wrongdoer (article 72 (2)). The respondent has to present proof of the information's veracity by the end of the hearing (article 72 (5)). The proceedings have to be completed within twenty-four hours after the deliverance of the subpoena to the respondent (article 72 (7)).

¹⁶³ "Profil kaznjen sa 150,000 dinara" (*Profil* Fined 150,000 Dinars), *Danas*, August 17, 1999, p. 24.

¹⁶⁴ See "Glas Javnosti kaznjen sa 270,000 dinara" (*Glas Javnosti* Fined 270,000 Dinars), *Danas*, October 13, 1999, p. 24.

¹⁶⁵ "Jos 1,208,000 dinara kazne" (1,208,000 Dinars More as a Fine), *Danas*, November 11, 1999, p. 13.

¹⁶⁶ See "Odgovorni su i kaznjavaju se..." (The Following Are Responsible and Will Be Punished:...) (text of the October 26 ruling by the Misdemeanor Judge in Belgrade), *Danas*, October 28, 1999, p. 13.

¹⁶⁷ "Glas Javnosti kaznjen sa 270,000 dinara" (270,000-Dinar Fine), *Danas*, January 22, 2000.

In Kikinda, a northern town governed by a coalition of parties opposed to Slobodan Milosevic, a local SPS politician, between September 1999 and January 2000, sued the *Kikindske* weekly, edited by members of the opposition parties, five times. SPS politician Rajo Popovic sued Zeljko Bodrozic, editor of *Kikindske* and member of the Civic Alliance of Serbia, and Dusan Francuski, director of the company publishing the newspaper and member of the League of Social Democrats of Vojvodina. In two of the five proceedings *Kikindske* was fined 200,000 dinars — on October 8¹⁶⁸ and December 21.¹⁶⁹

In spite of the draconian measures increasingly employed against the independent media, state officials and ruling parties have repeatedly stated that the Law on Public Information requires more robust implementation. In a New Year interview, Slobodan Milosevic said that those dissatisfied with the Law on Public Information are “under foreign control,” and he complained that “lately the implementation [of the law] is very weak.”¹⁷⁰ A party belonging to the ruling coalition, Yugoslav Left (JUL), found in a November session presided over by Milosevic’s wife Mirjana Markovic that “it is necessary to decontaminate the sphere of public information, and of the journalistic profession in particular,” since “the fifth column within the media has been used for continued aggression against Yugoslavia.”¹⁷¹ Another member of the ruling coalition, Serbian Radical Party (SRS), accused the “self-proclaimed independent media” of “superseding even the most notorious producers of lies, such as CNN, BBC, Sky News, and others whose information policy amounts to a crime.”¹⁷²

Other Forms of Pressure upon the Media

On April 2, 1999, one week after the beginning of the NATO intervention, the authorities took over the most influential independent media outlet, Radio B-92, and appointed a new editorial team. Journalists and technical staff all refused to work with the new management. After the war, the original B-92 team resumed transmitting its program, from a different studio, this time under the name “B2-92”. The program is transmitted on a frequency of Studio B, a Belgrade public radio station controlled by the opposition SPO party. On August 5, then minister of telecommunications, Dojcilo Radojevic, told Studio B to stop transmitting the B2-92 program on its third frequency.¹⁷³ The demand was ignored by Studio B and B2-92. On November 22, Deputy Serbian Information Minister Miljkan Karlicic warned the Radio B2-92 newsroom that the program was not registered with the ministry and warned that staff should immediately apply for registration if they wished to continue broadcasting. The director and editor-in-chief of Studio B replied that Radio B2-92 was “not a radio station but the legitimately registered third channel of Studio B radio.”¹⁷⁴ The authorities have not taken further steps in order to silence the radio station.

¹⁶⁸ S. Jakonic, “*Kikindske* kaznjene sa 200,000 dinara” (*Kikindske* Fined 200,000 Dinars), *Danas*, October 9-10, 1999, p. 15-16.

¹⁶⁹ S. Jakonic, “*Kikindske* ponovo kaznjene” (*Kikindske* Punished Again), *Danas*, December 22, 1999, p. 4.

¹⁷⁰ H.D.A., “Verujem da ce nas narod u sledecem veku docekati spokojstvo i blagostanje koje je i zaslužio” (I Believe the New Century Will Bring to Our People Peace and Prosperity it Deserves) (interview with Slobodan Milosevic), *Politika*, December 31, 1999 - January 3, 2000, p. 3.

¹⁷¹ “Neophodna dekontaminacija novinarske profesije” (Decontamination of the Journalistic Profession Necessary) (statement by the Yugoslav Left - JUL), *Danas*, November 25, 1999, p. 3.

¹⁷² “Ode srpskim neprijateljima” (Odes for Serbian Enemies) (statement by the Serbian Radical Party), *Danas*, December 2, 1999, p. 4.

¹⁷³ “Prekinuti rad B2-92” (To Terminate Operating of B2-92), *Danas*, August 6, 1999, p. 22.

¹⁷⁴ See press release by the Association of Independent Electronic Media – ANEM, “Unlicensed broadcaster: Serbian Human Rights Watch” Belgrade, November 24, 1999, located at [http://www.ifex.org/alerts/vi April 2000, Vol. 12, No. 6 \(D\) 35](http://www.ifex.org/alerts/vi April 2000, Vol. 12, No. 6 (D) 35)

The authorities have increasingly resorted to frequent inspections by the so-called financial police to exert pressure on independent media. The financial police are under the jurisdiction of the Serbian Directorate of Public Revenues, and their mandate is to monitor the legality of the financial dealings of enterprises. *Danas* and *Glas javnosti* have most frequently been subjected to these inspections, and the *Danas* editorial team publicly complained of having to "spend more time dealing with the financial police than with our regular work."¹⁷⁵ On September 30, inspectors closed down *Glas javnosti* because its three employees allegedly lacked proper social security documents. Director Slavoljub Kacarevic told Human Rights Watch that the three actually had all necessary documentation, but the financial police simply disregarded this fact.¹⁷⁶ The closure came during the Serbian government's campaign to suppress by all means the Alliance for Change protests in Belgrade: on September 29 and September 30, the day of the closure, the police used brutal force to disperse peaceful marches by opposition supporters. *Glas javnosti* was covering the events extensively, and the printing house owned by Kacarevic, ABC Grafika, was printing the newsletter of the protest movement at the time.¹⁷⁷ On October 3, the financial police unsealed the newspaper's office and *Glas javnosti* resumed publication.

A number of electronic media function without formal status since, almost two years after they submitted applications at the February 1998 bid for frequencies, they have not received decisions from the Federal Ministry of Telecommunications. Only two out of fifty radio and TV stations belonging to the Association of Independent Electronic Media (ANEM) have been licenced since February 1998.¹⁷⁸

Privately owned media have not been the only ones whose work has been hindered. Since late 1999 the Belgrade public TV station Studio B, controlled by the SPO, has accused the Serbian police of disrupting its signal when its news program is on the air in the evening. New Federal Telecommunications Minister Ivan Markovic responded that the program was disrupted from neighboring Croatia, and that the accusations made by the Studio B director Ivan Kojadinovic were part of "a campaign [designed] by NATO."¹⁷⁹ On January 15, 2000, unknown individuals stole essential transmission equipment from the Studio B's transponder unit on Mount Kosmaj. More than two million viewers were unable to receive the station's signal thereafter. The Association of Independent Electronic Media (ANEM) blamed the authorities for the sabotage. ANEM claimed that the act occurred "after the station had taken measures to neutralize the signal disruption and began presenting the platforms of [other] opposition parties."¹⁸⁰

THE PROSECUTIONS OF ORDINARY CITIZENS OPPOSED TO THE GOVERNMENT

"Insulting the Yugoslav President"

¹⁷⁵ "Danajski dar" (Danean Present), *Danas*, November 12, 1999, p. 7.

¹⁷⁶ Human Rights Watch interview with Slavoljub Kacarevic, Belgrade, October 1, 1999.

¹⁷⁷ See above, Other measures to harass opposition supporters.

¹⁷⁸ Human Rights Watch interview with Branislav Zivkovic, lawyer for ANEM, Belgrade, November 24, 1999.

¹⁷⁹ "Deo kampanje protiv SRJ" (Part Of the Campaign Against FRY), *Glas javnosti*, October 9, 1999, p. 5.

¹⁸⁰ Human Rights Watch transmission Sabotaged," ANEM press release, January 16, 2000.

April 2000, Vol. 12, No. 6 (D)

Serbian and federal law enable an individual performing a political duty to file a private suit, like any other citizen, if he or she thinks that another person has insulted or defamed him or her. If, however, the insult or defamatory remark is connected to the functionary's performance of an official duty, it is a separate offense (under article 157 of the Yugoslav penal code) on which the public prosecutor is authorized to act.¹⁸¹ While there were no reports of the use of this provision to suppress freedom of speech in 1998 or in the first three months of 1999, there were several cases in the period during and after the NATO war. All of these cases dealt with the defamation of President Milosevic (no legal action was taken against the Serbian state media for its continuous denigration of Milo Djukanovic, president of Montenegro, even though the Serbian penal code prohibits defamation of both Serbian and Montenegrin officials).¹⁸²

Biserka Apic

As mentioned earlier, Biserka Apic, forty-three, from Sremska Mitrovica was convicted of defamation on May 26, and sentenced to four months imprisonment for violating article 157 (1) of the Yugoslav penal code.¹⁸³ In the opinion of the district court in Sremska Mitrovica, Apic committed the offense on April 28 by uttering the following words in the presence of four colleagues: "Shut up, Josip; you let that jackass be the president of your country and to lead you like sheep over the past ten years, and throughout these ten years we've been in war."¹⁸⁴ She was also alleged to have said, on the same occasion, that the blame for the NATO bombardment of Yugoslavia was not to be put on Clinton and NATO, but on the people of Serbia, and that the culprit responsible for the war was Slobodan Milosevic. After the court in Sremska Mitrovica rendered the judgment, Apic was released until the Supreme Court of Serbia ruled on her appeal. Oral argument was presented before the Supreme Court on November 9, but the court had not rendered a decision as of January 2000.

The decision of the district court states that "it is sufficient for the existence of this offense that the accused made derogatory remarks...in a closed circle of people, i.e., at her office."¹⁸⁵ However, the two most authoritative commentaries to the penal code provide no basis for such a conclusion. A commentary co-authored by Zoran Stojanovic, Belgrade Law School professor and president of the Yugoslav Committee for Gathering Data on Crimes Committed against Humanity and International Law, explicitly states that "[for this offense to exist] the statement has to be public (it can not be a statement or a discussion in a closed circle of people)."¹⁸⁶ Ljubisa Lazarevic, another Belgrade Law School professor, fails to give a clear answer in his commentary: in his opinion, the phrase "public exposure [to ridicule]" cannot be construed through the number of persons present alone, but "through an observation of the overall circumstances of the case."¹⁸⁷

¹⁸¹ "(1) Whoever exposes to ridicule in public the FRY, its flag, coat of arms or anthem, the president of the FRY, the federal assembly, Federal Government, Yugoslav Army, presidents of the chambers in the Federal Assembly, or president of the Federal Government, in connection with performance of their duties, will be punished by imprisonment of up to 3 years; (2) Perpetrators will not be punished for exposing to ridicule the superior organs or representatives of the organs, if the derogatory remarks were made in a scientific, literary or artistic work, in serious criticism, in performance of official duties, in the exercise of the profession of a journalist, in political and other social activity in the defense of a right or in protection of justified interest, if the manner of expression and other circumstances do not indicate that the statement was made with the intention to denigrate; or, if the author proves the veracity of the statements, or proves that there were justified reasons to believe that the statement made or reproduced was true." *Krivicni zakon Savezne Republike Jugoslavije, sa objasnjenjima i uputstvima* (Penal Code of the Federal Republic of Yugoslavia, with Explanations and Instructions), 2nd amended edition, Belgrade, 1995, article 157.

¹⁸² While the FRY penal code (article 157) protects federal officials from defamation, Serbia's penal code (article 98) protects, using analogous wording, functionaries at the level of the two republics (Serbia and Montenegro).

¹⁸³ Decision of the district court in Sremska Mitrovica, No. K: 45/99 (on file with Human Rights Watch).

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., p. 8.

¹⁸⁶ Obrad Peric and Zoran Stojanovic, *Krivicno pravo, Posebni deo* (Criminal Law, Specific Crimes) (2nd ed, Belgrade 1998), p. 36.

¹⁸⁷ Ljubisa Lazarevic, *Krivicno pravo Jugoslavije, Posebni deo* (Yugoslav Criminal Law, Specific Crimes) (Belgrade 1998), p. 497.

The official records of the proceedings offer an unclear picture of what Apic actually said before her colleagues. Two witnesses claimed that they heard her uttering the words referred to in the verdict, while the other two could not remember exactly what she had said. Apic claimed that the target of her words was not Slobodan Milosevic, whom she did not mention by name at all, but the people, who “uncritically follow a leader, just as sheep follow an ass.”¹⁸⁸

Apart from the issue of what exactly was uttered on the specific occasion and how many people were present, the crux of the matter is the manner in which Yugoslav legislation defines the domain of free speech and how the Serbian courts interpret this domain. Like article 218 of Serbia’s penal code,¹⁸⁹ article 157 imposes severe limits on the expression of personal views, and it vests courts with the power to determine authoritatively the “truth” in contentious political issues. The decision in the case of Biserka Apic affirms that a court is the proper forum for establishing the truth on a political issue (the political responsibility of Slobodan Milosevic for the war in Yugoslavia). And for an ordinary citizen, unprotected by a “scientific, artistic, [etc.]” veil, to express a different view means “to make a derogatory remark” and to be subject to penal prosecution. The courts thereby become a powerful tool in curtailing freedom of expression.

Boban Miletic

Those who employ “ridiculing remarks” in a literary work do not enjoy sufficient protection of the law. If a prosecutor and a judge find that such remarks were made without the intention to denigrate, the author passes muster (article 157 (2) of the Yugoslav Penal Code). If, however, the judicial bodies recognize such an intention on the part of the author, he or she can face penal prosecution and punishment.

¹⁸⁸ Decision of the District court in Sremska Mitrovica, No. K: 45/99 (on file with Human Rights Watch), para. 3.

¹⁸⁹ Human Rights Watch, note 27.

In February 1999, the district public prosecutor in the eastern Serbian town of Zajecar indicted Boban Miletic Bapsi, a writer from the nearby town of Knjazevac, for ridiculing the state and its president, Slobodan Milosevic. Miletic's controversial book of aphorisms, in which the prosecutor found evidence of the offense, was published in November 1998. Among the aphorisms that the prosecutor found violated the penal code are: "Leader, go to the top of Beogradjanka [skyscraper] and take a step forward; it would be a small step for you, and a big one for Serbia," "Milosescu, you'll end up worse than Ceausescu," and, "In a country of abnormal people, it is normal that the most abnormal rules." The prosecutor found that sentences like these were not humorous or satirical—which would exempt the writer from prosecution—but were made with an intent to denigrate.¹⁹⁰ As of January 2000, the trial had not begun.

Djordje Rajkovic

A retired waiter from a village near Knjazevac, Djordje Rajkovic was indicted at the beginning of August for insulting President Milosevic, the federal government, and the army¹⁹¹ during a private conversation in a bar. According to the indictment, on July 15, 1999, Rajkovic publicly exposed Milosevic, the government, and the army to ridicule "in connection with their performance of their duties," by uttering the following words: "Slobodan Milosevic created a strong police which protects him, he weakened the army, he is a thief and should be replaced;" and, "the motherf...r sold the country, sold Kosovo, sold the people." Rajkovic was alleged to have said these words on the terrace of a bar in Knjazevac in the presence of several people.¹⁹² The trial began on October 26 before the district court in Zajecar. On November 16, Rajkovic was given a three-month suspended sentence. As Rajkovic's lawyer explained to Human Rights Watch, the court found Rajkovic guilty, but prescribed a light punishment because, in the early 1990s, Rajkovic had been captured and tortured by the Croatian army.¹⁹³

Prosecution of Conveners of Protests

Svetozar Fistic and Slobodan Karaleic

Two internally displaced persons (IDPs) from Prizren (Kosovo) were sentenced on June 21 for organizing a protest staged by ethnic Serbian IDPs from Kosovo in Belgrade on the same day. Svetozar Fistic, who is also the president of the Democratic Party branch in Prizren, and Slobodan Karaleic were sentenced to thirty days of imprisonment.

The rally was organized to oppose the Serbian government's campaign of returning Serbs who had fled or been forced from Kosovo after the withdrawal of the Serbian and Yugoslav armed forces in mid-June.¹⁹⁴ Fistic himself had left Kosovo six days before the rally and his arrest.

¹⁹⁰ Indictment by District Prosecutor in Zajecar, No. K 13/99 (on file with Human Rights Watch).

¹⁹¹ D. Vitomirovic, "Kafanski svedoci brane ugled SRJ" (Witnesses From a Bar Protect Reputation of FRY), *Danas*, August 12, 1999, p. 10.

¹⁹² Ibid.

¹⁹³ Human Rights Watch telephone interview with Miodrag Nikolov, defense attorney of Djordje Rajkovic, November 16, 1999.

¹⁹⁴ See Human Rights Watch, "Abuses Against Serbs and Roma in the New Kosovo," *A Human Rights Watch Report*, vol. 11, Human Rights Watch, 1999.

At the beginning of the rally, a police officer warned Fistic that the rally was canceled, because of a war decree forbidding public gatherings which was still in force although the NATO intervention had ended two weeks before.¹⁹⁵ The rally took place as the Serbian authorities were trying to downplay the significance and magnitude of the Kosovo Serbs' plight. Fistic and Karaleic were found guilty of disturbing public peace and order and of failing to report within twenty-four hours "changes of temporary residence," which they were obliged to do on the basis of a decree issued by Serbian president Milan Milutinovic at the beginning of the NATO intervention. As Fistic noted in an interview after his release from prison, "[I]f it really had been for the change of residence, they would have arrested at least 250 persons present at the rally."¹⁹⁶

Fistic was again detained by the police on October 25 in Belgrade. He was distributing copies of the daily bulletin *Promene* (Change), issued by the Alliance for Change during the street protests in Belgrade and other Serbian cities. The police confiscated the bulletins and detained Fistic for one hour in the police station.¹⁹⁷

Ivan Novkovic

On July 6, a magistrate in Leskovac convicted Ivan Novkovic, thirty-four, and sentenced him to thirty days of imprisonment for gathering citizens in public rallies that were not authorized by the authorities.¹⁹⁸ According to the magistrate's ruling, at a rally held in Leskovac on July 5 Novkovic had "gathered" citizens and invited them to attend another unauthorized rally, to be held the next day. The prosecution witnesses, two police inspectors, said that they had heard Novkovic inviting the participants to the July 6 rally, although Novkovic denied this. In violation of the Serbian Misdemeanors Act (article 197), the magistrate did not allow him to confront the witnesses. Nor was Novkovic advised of his right to retain a lawyer.¹⁹⁹

During Novkovic's stay in jail, penal proceedings against him were initiated, and an indictment was filed on August 9. It related to the videotape Novkovic played on the evening of July 1 in which Novkovic stated that Zivojin Stefanovic, in his capacity as the head of Jablanicki district, had sent more than 30,000 people to army units serving in Kosovo and that he had brought the economy of the district to a collapse. The public prosecutor found these allegations untrue and harmful to Stefanovic's honor and reputation. He called them "an abuse of official position," for which imprisonment of up to five years is prescribed by law.²⁰⁰ He called Novkovic a "responsible person" who had used his official status in the TV enterprise and committed an offense.²⁰¹ Novkovic's lawyers claimed that he could not have committed such a crime, as he is only a technician at the station with no official position to abuse.²⁰²

At the end of September, Novkovic was fired from the TV station.²⁰³ His trial began on October 25, but had not ended as of January 2000.

Milorad Mitic and Bratislav Stamenkovic

¹⁹⁵ D. Petrovic, "Krenuo sam kod predsednika, stigao u 'Padinjak'" (I Went to the President, But I Arrived to a Jail), *Glas Javnosti*, July 25, 1999, p. 11.

¹⁹⁶ Ibid.

¹⁹⁷ Priveden Fistic (Fistic Detained), *Glas Javnosti*, October 26, 1999, p. 2.

¹⁹⁸ Decision of the Municipal Magistrate in Leskovac, No. 7068/99-8, July 6, 1999 (on file with Human Rights Watch).

¹⁹⁹ Human Rights Watch interview with Gradimir Nalic, lawyer in the Yugoslav Committee for Human Rights, Belgrade, September 6, 1999.

²⁰⁰ "Official person who uses his position...and inflicts harm upon another person or violates his or her rights, shall be punished by six-months to five-years of imprisonment." *Penal Code of the Republic of Serbia* (Ministry of Justice and Official Gazette eds., Belgrade 1998), article 242 (1).

²⁰¹ M.J., "Novkovic osumnjicen za zloupotrebu položaja" (Novkovic Suspected of Abusing His Position), *Glas Javnosti*, July 23, 1999, p. 8.

²⁰² M.Z.L., "Novkovicjevi advokati optimisti" (Novkovic's Lawyers are Optimistic), *Glas Javnosti*, July 27, 1999, p. 6.

²⁰³ Human Rights Watch, "Novkovic dobio otkaz" (Ivan Novkovic Fired), *Blic*, October 4, 1999, April 2000, Vol. 12, No. 6 (D).

Protest rallies in Leskovac continued in July and August for forty-five consecutive days. Throughout this period, a number of local residents were exposed to pressure by the police, in the form of “informative talks” in which they were persuaded to “avoid” the rallies.²⁰⁴ Another form of intimidation was the imprisonment of those who spoke at the rallies. One of them, Milorad Mitic, was sentenced on July 8 to sixty days imprisonment. He had also been convicted of offenses during the large-scale 1996-1997 demonstrations against the government.²⁰⁵ In the period between the 1996-1997 protests and the July 1999 events, Mitic was convicted several times of violations of traffic regulations, in what local human rights defenders described as continued legal harassment by local authorities who have targeted him as a vocal critic of the government.²⁰⁶ His latest stint of imprisonment was punishment for his participation on the first three days of the protest rallies in Leskovac, where Mitic, who fought in Kosovo, addressed the crowd in a Yugoslav Army uniform. Like Ivan Novkovic (see above), Mitic was convicted on a charge of “gathering citizens in a public rally that was not authorized by the authorities.”²⁰⁷

Bratislav Stamenkovic, one of the participants in the protests in Leskovac and another returnee from the war in Kosovo, served twenty-five days in prison, from July 13 to April 7.²⁰⁸ He was charged with gathering citizens without previous notification of the gathering to the police. Stamenkovic had spoken at the previous six gatherings, but was prosecuted only because of his alleged organization of the July 12 rally. He explained to Human Rights Watch:

I suppose they punished me because on July 12, I invited the audience to walk the next day to the prison in which Ivan Novkovic was serving his sentence, and to express their discontent there. The magistrate interpreted these words as my invitation to “attack the prison.” Formally, however, I was found guilty of organizing an unauthorized rally. However, at some point before my arrest the local branch of the Serbian Renewal Movement had assumed the organizational aspect of the rallies, precisely for the purpose of preventing harassment of us, ordinary citizens, unprotected by membership in a political party. So the SPO was announcing the rallies in advance. The police never responded with either an express authorization or a prohibition of the rallies.²⁰⁹

The Serbian Law on Citizens’ Gatherings stipulates that, in order to prohibit a gathering, the police must express their intent to do so. Failure to announce a prohibition means that the rally is authorized. In spite of this, the magistrate found that Stamenkovic violated the law.

Bogoljub Arsenijevic

In another Serbian city—Valjevo—thousands of people responded to the invitation of local painter Bogoljub Arsenijevic to attend an anti-government rally on July 12. Approximately 15,000 gathered on the central square that day, making it the biggest rally in Valjevo over the past ten years. After the rally, several thousand demonstrators walked in the direction of the SPS-controlled municipal assembly. In clashes with the police, several civilians and three policemen were hurt, and some windows and furniture in the building were damaged.²¹⁰

²⁰⁴ Human Rights Watch interview with Bratislav Stamenkovic, member of the Civic Parliament in Leskovac, Belgrade, September 5, 1999.

²⁰⁵ See Human Rights Watch, “Discouraging Democracy: Elections and Human Rights in Serbia,” *A Human Rights Watch Report*, vol. 9, no. 11 (D), September 1997.

²⁰⁶ Human Rights Watch interview with Gradimir Nalic, lawyer in Yugoslav Lawyers Committee for Human Rights, attorney of Milorad Mitic and Bratislav Stamenkovic, Belgrade, September 6, 1999.

²⁰⁷ Decision of the municipal magistrate in Leskovac, No. 7072/99-8, July 8, 1999 (on file with Human Rights Watch).

²⁰⁸ Human Rights Watch interview with Gradimir Nalic, Belgrade, September 6, 1999.

²⁰⁹ Human Rights Watch interview with Bratislav Stamenkovic.

²¹⁰ J. Stojic, “Arsenijevic se tereti za cetiri krivicna dela” (Arsenijevic Charged With Four Crimes), *Politika*, August 19, 1999.

After the rally, Arsenijevic went into hiding for one month. On August 17, however, he was arrested and severely beaten while leaving the Belgrade office of the Movement for Democratic Serbia, a newly founded opposition party led by former VJ head, General Momcilo Perisic. As Arsenijevic described in a statement secretly recorded during a visit by his wife in the Belgrade Prison hospital, the four persons who captured and beat him were not policemen but thugs employed by a private agency and hired for that occasion.²¹¹ His jaw was broken and he suffered from internal bleeding.²¹²

At his first appearance before the investigating judge, on Aug 19, Arsenijevic was unable to give any statement due to his injuries.²¹³ Although the doctor at the Valjevo Emergency Clinical Hospital recommended that Arsenijevic be transferred immediately to a Belgrade hospital, this was not done until four days later. On August 25, Arsenijevic underwent an operation on his jaw in Belgrade, after which he was sent back to Valjevo prison. On September 17, he was indicted on a charge of obstructing police officers under article 23 of the Serbian Law on Public Order and Peace.

Other than his fractured jaw, his injuries were not dealt with for weeks after the police attack. His condition therefore deteriorated in the Valjevo prison and, at the beginning of October, Arsenijevic was again sent to the main prison hospital in Belgrade. There, he began a hunger strike there to demand a transfer to the civilian hospital in Valjevo. On October 11, unconscious, he was transferred to the hospital.

The police and judiciary bodies in Serbia have shown no intention to investigate and punish those responsible for Arsenijevic's beating. On October 4, four of Arsenijevic's friends and relatives who had protested before the Valjevo court were detained for five hours by the police. One of the detainees told Human Rights Watch that an inspector at the police station "threatened to kill the detainees" while they were being held.²¹⁴

Arsenijevic's trial began on October 28 in the district court in Valjevo, and on November 15 the court sentenced him to three years in prison. Human Rights Watch observed the October 25 session, at which five policemen, witnesses for the prosecution, testified. Their accounts of the July 12 events were contradictory, particularly with regard to the description of Arsenijevic's alleged use of physical violence in the municipality building and the circumstances in which two policemen were injured. One of the defense attorneys, a lawyer with Belgrade's Humanitarian Law Center, told Human Rights Watch that at another session, on November 11, ten defense witnesses testified that the policemen were hurt outside of the building, and not in Arsenijevic's vicinity.²¹⁵ Independent media reports on the trial match the account given by the lawyer.²¹⁶ In an oral explanation of the November 15 verdict, the presiding judge Djunic acknowledged contradictions in the policemen's testimonies; he nevertheless claimed that Arsenijevic's responsibility was firmly established. He did not explain the court's refusal to consider the testimonies given by the non-police witnesses.

As of January 2000, Arsenijevic was in prison awaiting the outcome of appeal proceedings before the Supreme Court of Serbia. In January, an independent association of journalists submitted a request for a pardon on his behalf to the Serbian president Milan Milutinovic. From prison Arsenijevic, however, said he rejected the idea of a pardon either from Milan Milutinovic or Slobodan Milosevic, despite his aggravated health condition.²¹⁷

²¹¹ The transcript of the Arsenijevic's account of the event was published in Z. Stanojevic ed., "Kako me policija prebila i uhapsila" (This Is How the Police Beat and Arrested Me), *Vreme*, September 11, 1999, p. 15.

²¹² "Maki prebacen u valjevski Urgentni centar" (Maki Transferred to Valjevo's Emergency Clinical Hospital), *Danas*, August 18, 1999, p. 22.

²¹³ N.A., "Bez izjave zbog jakih bolova" (No Statement Because of Severe Pain), *Danas*, August 20, 1999, p. 22.

²¹⁴ Human Rights Watch telephone interview with member of the Civic Resistance in Valjevo (name withheld), October 4, 1999.

²¹⁵ Human Rights Watch interview with Natasa Rasic, lawyer in the Humanitarian Law Center, Belgrade, November 17, 1999.

²¹⁶ "Svedoci brane Makija" (Witnesses Defend Maki), *Danas*, November 12, 1999, p. 13; Dragan Todorovic, "Miloseviceva posledica" (Consequence of Milosevic), *Vreme*, November 20, 1999.

²¹⁷ M.Z.D., "Ne zelim Milosevicevu milost" (I Don't Need Milosevic's Mercy), *Danas*, January 12, 2000, p. 22. The Human Rights Watch indicated to the media through the Valjevo Civic Resistance group. April 2000, Vol. 12, No. 6 (D)

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