



PERMANENT MISSION OF THE REPUBLIC OF SERBIA TO THE UNITED NATIONS OFFICE, GENEVA
STALNA MISIJA REPUBLIKE SRBIJE PRI UJEDINJENIM NACIJAMA U ŽENEVI
5, chemin Thury CH-1206 Genève Tel: 022.839.33.44 Fax: 022.839.33.59
E-mail: serbian.mission@bluewin.ch

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The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to Joint urgent appeal of Special Procedures from 28 July 2014, regarding the threats, attacks and acts of intimidation against the non-governmental organization Women in Black and its members in Serbia, has the honour to disclose the Response of the Republic of Serbia in this regard.

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 11 December 2014

Office of the High Commissioner for Human Rights

GENEVA

OHCHR REGISTRY

15 DEC. 2014

Recipients :.....S.D.....
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Office for Human and Minority Rights

Department for the Promotion and the Protection of Human Rights
Belgrade

November 18, 2014

**Response to the Urgent Appeal of the UN Special Rapporteur concerning the Attack,
Threats and Acts of Intimidation against the Civil Society Organisation/NGO *Women in
Black* and Its Members**

1.

**In reference to the event on April 5, 2014, in Belgrade in front of the offices of NGO
*Women in Black***

On April 3, 2014, an activist of the Citizens' Association *Srpski Sabor Zavetnici* filed a report against the organisation of the public gathering which took place in front of the offices of the NGO *Women in Black* at 18 Jug Bogdanova St. in Belgrade, scheduled for the day after, on April 5, 2014, at 14:00 hours.

On April 5, 2014, from 14:05 to 15:00 hours, at 8 Jug Bogdanova St., a public gathering was held in support of the spokesperson of the Anti-Terrorist Unit of the Ministry of Interior Mr. Radomic Pocuca. Members and supporters of the Citizens' Association *Srpski Sabor Zavetnici* met at around 13:20 hours at the *Terazijska cesma* located in Knez Mihailova St. Ten minutes into having met, the group started walking down the Knez Mihailova St. towards Prizrenska and Jug Bogdanova St., where they were to hold the gathering. Upon reaching 8 Jug Bogdanova, members and supporters of the *Srpski Sabor Zavetnici* were stopped by the Police Brigade cordon. Since they were then prevented from reaching the office of the NGO *Women in Black* located at 18 Jug Bogdanova St., the people who had gathered started protesting in front of the police cordon where they spread a banner which stated "Is the whisper of a tired warrior who gives his life for the homeland louder than the Serb-hating widows' cries ordered with blood money?". This was when the gathering officially started. During the gathering, traffic in both directions in Jug Bogdanova St. was stopped. Around forty people attended the gathering. These were mostly members and supporters of the Citizens' Associations *Srpski Sabor Zavetnici*.

The public gathering was finished at 15:00 hours, with the members having entirely dissolved at 15:15 hours. There were no violations of public order nor was there any need for the resort to force by the City of Belgrade Police Brigade officers at any time before, during or after the gathering had finished.

In reference to the event on July 8, 2014 in Valjevo

On July 8, 2014, from 18:30 hours to 19:30 hours in Valjevo, an announced public gathering was organised at the Town Square by the NGO *Women in Black*. The gathering was attended by twelve activists who had cycled from Belgrade and another eight members of the *Women in Black* who had arrived in a van. Security for the cyclists was arranged throughout the route

by the Intervention Police Unit (8 police officers). Additionally, security for the van coming from Belgrade to Valjevo (the Town Square) was arranged. Due to the possibility of individuals or groups causing riots, a planned security for the gathering was organised in a form of additional fifty police officers being sent from the Valjevo Police Department Intervention Unit to assist the forces securing the gathering and later to arrest any rioters. Ten of these were members of the Crime Police dressed as civilians and ten were members of the Regular Police Forces.

During the course of the gathering, there were instances of violations of public order. Namely, members of the gathering, i.e., *Women in Black* activists were attacked. Police officers securing the gathering were also attacked. Forceful measures were used against eleven individuals who had violated public order and attacked the participants of the gathering and police officers. These people were also arrested and taken to the Valjevo Police Department. Participants of the *Women in Black* gathering were protected and provided with police protection on their way back to Belgrade.

2.

In reference to the event on March 25, 2014:

Proceedings were initiated on the basis of criminal charges brought to the Prosecutor's Office by the injured parties on March 31, 2014. Immediately upon receiving the criminal charges, on March 31, 2014, the Prosecutor's Office sent a Request for the Gathering of Necessary Information to the Department for the Fight Against High-Tech Crime of the Sector for Fight Against Organised Crime within the Ministry of Interior of the Republic of Serbia so to allow police officers to take all measures within their competencies towards the aim of full determination of the facts of the case.

In reference to the event on July 8, 2014 in Valjevo:

The injured parties in the event, or the women participants of the gathering and members of the Civil Society Organisation *Women in Black*, did not file special charges with the Valjevo Police Department. They were, however, interviewed as witnesses/injured parties at the Public Prosecutor's Office by the Deputy Prosecutor of the Basic Prosecutor's Office in Valjevo immediately after the public gathering had finished, since the criminal proceedings concerning the event had been initiated *ex officio*.

3.

In reference to the event on July 8, 2014 in Valjevo

Women participants of the gathering did not go to any health centres located on the territory of the Valjevo Police Department in order to receive medical assistance and no injuries were recorded. The complete case file is in the competence of the High Public Prosecutor's Office in Valjevo.

Criminal prosecution was initiated and misdemeanour charges were brought against individuals who had committed a criminal offence or an act of misdemeanour during the

gathering. The Basic Public Prosecutor in Valjevo made a direct investigation of the entire case in the Valjevo Police Department offices, took everyone's statements and the rest of the evidence. He then ordered the arrest and detention of five individuals on grounds of reasonable suspicion that they had committed the criminal offence of attack against an authorised official as defined in Article 323(3) of the Criminal Code of the Republic of Serbia, and the criminal offence of violent behaviour as defined in Article 344(2) of the Criminal Code of the Republic of Serbia. Moreover, in the regular procedure, he ordered the issuance of criminal charges against three persons for the criminal offence of disrupting an authorised official in the performance of his/her security duties or maintenance of public order as defined in Article 23(1) of the Public Order Act and for the criminal offence of jeopardising security as defined in Article 138 of the Criminal Code of the Republic of Serbia. He then ordered for misdemeanour charges to be brought against three persons for the acts of misdemeanour as defined in Article 12(1) (insolent behaviour) and Article 6(3) (insults and abuse) of the Public Order Act. Contact was also established with the President of the Magistrates' Court in Valjevo who stated that the misdemeanour charges be brought under regular proceedings.

All detainees were brought to the Basic Public Prosecutor on July 10, 2014 within the legal time line, where they were heard by the judge assigned to the previous case and where three out of five persons who had been given custody on July 8, 2014, were ordered to remain in custody on grounds of reasonable suspicion that they had committed a criminal offence of attack against an authorised official as defined in Article 323(3) of the Criminal Code of the Republic of Serbia, and a criminal offence of violent behaviour as defined in Article 344(2) of the Criminal Code of the Republic of Serbia.

Subsequent to the verifications made, it was found that the case had been within the competence of the High Public Prosecutor's Office and that on July 31, 2014, this institution had issued a direct indictment against all the below mentioned persons, including those for whom the Basic Public Prosecutor had originally ordered the filing of misdemeanour charges for the below mentioned offences, as well as a criminal offence as defined in Article 317(2) in connection to paragraph 1 of the Criminal Code of the Republic of Serbia – the incitement of national, racial and religious hatred and intolerance. Criminal charges were brought against two persons for the criminal offence defined in Article 23 of the Public Order Act and transferred to the competence of the Basic Public Prosecutor's Office.

4.

Judicial and misdemeanour proceedings are currently undergoing. Consequently, no sanctions have yet been ordered against individuals who had been charged with the respective criminal offences.

In reference to the event on March 25, 2014

Department for the Fight Against High-Tech Crime of the High Public Prosecutor's Office in Belgrade is currently running criminal proceedings against the accused Radomir Pocuca - a former spokesman of the Anti-Terrorist Unit of the Ministry of Interior of the Republic of Serbia MUP, for the criminal offence of jeopardising safety as defined in Article 138 (2) of the Criminal Code committed to the detriment of Stanislavka Zajovic - the Chairwoman of the *Women in Black*, Ljiljana Radovanovic - a *Women in Black* activist, Violeta Djikanovic - a

Women in Black activist and other persons who intended to participate in the event marking the 15th anniversary of the crime against the Serbian citizens and Albanian civilians in Kosovo, which was scheduled for March 26, 2014 in Belgrade.

In reference to the event on April 7, 2014

On April 7, 2014, police officers of the Department for the Fight Against High-Tech Crime arrested the suspect Mr. Radomir Pocuce who had been questioned on the same day as a suspect of a crime of jeopardising safety of Article 138(2) in relation to paragraph 1 of the Criminal Code by the Acting Deputy Public Prosecutor of the Department for the Fight Against High-Tech Crime within the High Public Prosecutor's Office in Belgrade. After hearing the defendant, the Acting Deputy Public Prosecutor filed a motion for the setting of custody to the High Court in Belgrade.

On April 11, 2014, the Acting Deputy Public Prosecutor interviewed the following witnesses/injured parties: Ljiljana Radovanovic and Violet Djikanovic – both *Women in Black* activists. On April 14, 2014, he interviewed Stanislavka Zajovic – the president of the *Women in Black*, also as a witness/injured party.

On April 14, 2014, the Special Prosecutor's Office for the Fight Against High-Tech Crime filed a bill of indictment KTO vtk 11/14 against the accused Radomir Pocuca for having committed the criminal offence of Jeopardising Safety as defined in Article 138(2) in relation to paragraph 1 of the Criminal Code.

The main hearing that was scheduled for June 20, 2014 was not held as a result of the attorneys-at-law strike. The second main hearing that was scheduled for July 23, 2014 was also not held due to the absence of the accused Radomir Pocuca's defence counsel. The next hearing has been scheduled for September 17, 2014.

In reference to the event on July 8, 2014 in Valjevo

The High Public Prosecutor's Office in Valjevo is running proceedings related to the event which occurred on July 8, 2014 in Valjevo. The proceedings were initiated on the basis of Valjevo Police Department criminal charges KU. No. 508/14 dated on July 9, 2014.

After the stated gathering was finished, five persons were arrested that same evening. These individuals were taken to the Prosecutor's Office where they were questioned as suspects. Finally, the court ordered custody of these individuals, which was then cancelled on July 11, 2014 by a court decision.

During the prosecutorial investigation, the injured parties were interviewed on the same evening of the event. Their interviews were done on July 8, 2014 from 21:30 hours onwards. Other persons who had been witnesses of the event were also interviewed during the investigation. Video recordings of the gathered public event were obtained, the videos were inspected/analysed and it was proposed that these be presented to court as evidence.

The High Public Prosecutor's Office in Valjevo of the High Court in Valjevo filed a bill of indictment KT-No. 83/14 dated on July 31, 2014. The bill of indictment stated that four persons had been accused of having had committed the criminal offence of inciting national, racial and religious hatred and intolerance as defined in Article 317(2) in relation to paragraph

1 of the Criminal Code. It also stated that additional four persons had been accused of having had the criminal offence of inciting national, racial and religious hatred and intolerance as defined in 317(1) of the Criminal Code.

At the time it was drafting the respective bill of indictment, the court did not schedule a hearing on the basis of the document.

5.

The competent authorities of the Republic of Serbia, primarily the Office for Cooperation with Civil Society will continue to implement measures to ensure that the right to freedom of opinion and expression, peaceful assembly and association, including the promotion of truth through the commemoration of the victims of gross violations of human rights are respected. In this regard, the Draft Action Plan for the Implementation of the Prevention and Protection against Discrimination Strategy for the period 2014 - 2018, which the Government of the Republic of Serbia adopted on October 2, 2014, prescribes measures for the strengthening of awareness with a wide circle of citizens about the necessity and the need for the prevention discrimination and respect of non-discrimination, and for the promotion of a culture of tolerance towards vulnerable social groups. The Office has been identified as one of the institutions that would participate in the implementation of these measures.

The Police Department in Valjevo is taking and will be taking measures towards the security and protection of freedom of opinion and expression, peaceful gatherings and associations, including promotion of truth through the commemoration of the victims of gross human rights violations.

We emphasise that the Prosecutor's Office has acted with utmost urgency and care in the cases referred to herein, as well as in cases with similar facts and qualifications. All the measures and actions falling under the competence of the Prosecutor's Office have thus been taken in the shortest time lines.

6.

On the territory of the Valjevo Police Department, all organisations involved in the protection of human rights and human rights defenders exercise their activities freely. The Valjevo Police Department makes plans to ensure all of these organisations' reported manifestations in public places with a sufficient number of police officers, and takes strong measures of misdemeanour and criminal prosecution against those persons who jeopardise the organisations' activities by way of misdemeanour and criminal acts.

Contact was made with the injured parties and the Prosecutor's Office shall, as it has so far, pay special care to and act urgently in taking all actions within its competence directed at the protection, discovering and criminal prosecution and adequate sanctioning of perpetrators causing damage to persons or associations fighting to defend human rights in Serbia, freedom of opinion and expression.