

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: AL SRB 3/2025
(Please use this reference in your reply)

5 May 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning public statements and pressure on prosecution officials from the President, in the context of the investigation into the alleged use of what is believed to be a sonic weapon against one of the largest peaceful protests in Belgrade.

Special Procedures mandate holders have already expressed their concerns about the event surrounding these protests in SRB 2/2025, sent on 2 April 2025.

According to the information received:

On 15 March, Belgrade witnessed what has been called the largest protest in Serbia's history. The information suggests that independent estimates of the number of participants ranged between 275,000 and 325,000, with the possibility of even higher numbers. These protests were linked to the tragedy that occurred on 1 November 2024, when a concrete canopy collapsed outside Novi Sad's renovated railway station at 11:52 a.m., killing 15 people and critically injuring several others, which sparked immediate public outcry and criticism over alleged corruption, lack of transparency, and negligence surrounding the station's reconstruction.

On that same day, tens of thousands of people remained on the streets for hours, filling key squares, streets, and bridges. At 7:11 p.m., a powerful sonic airwave disrupted the peaceful gathering during the observation of a 15-minute period of silence for the 15 victims of the 1 November tragedy in Novi Sad. Participants in the gathering in Belgrade heard a loud and unpleasant sound accompanied by a sudden push of air, vibrations and a string wave, that 'struck them from behind', near the Presidential palace.

The sound caused an immediate disbandment of peaceful protestors and created a stampede, panic and injuries. Some of the protestors fainted, fell and vomited, presented rapid heartbeats, hearing problems, increase in body heat, body weakness, disorientation, leg paralysis and excessive sweating. Cases of epileptic seizure and heart attacks were also recorded. Many presented emotional and psychological distress. The intensity and duration of symptoms varied: for some protestors, reactions lasted few minutes, while for others they persisted for hours or longer. People were also injured from the stampede,

causing scrapes, sprained ankles, falls, bruises, etc.

Reports further describe that this airwave emanated from an unknown weapon or dangerous means for crowd control and suppression, which was deployed from one or more locations by unidentified individuals as a means of crowd control and suppression of protests. A call for swift investigations was heard throughout the country.

Reaction from high-level authorities and investigation into the incident

In the evening of 15 March, the Ministry of Interior denied possessing or using a sonic weapon, and the President made a similar statement that also used offensive language and accused the opposition of “making up the sound canons.”

Information suggests that on 16 March, the President requested the prosecution of all those who publicly stated that a sonic weapon was used rather than investigating the incident. The information further suggests that this request appears to have been aimed at inducing fear and self-censorship in the public, by using the prosecution service to investigate the victims of the sonic wave. The statement would have had a chilling effect as well on the media and citizens, presumably attempting to not allow the coverage and comments from deviating from the official (presidential) narrative about the events at the 15 March protest.

Reports describe equivocal statements about the investigation into the serious incident that may constitute pressure on the prosecution service and impede its work. For instance, on 16 March, the President of the Republic attended a government session and stated: "I ask you, Madam Popović [Minister of Justice], that both the Ministry of Justice and the Prosecutor's Office take action. Either prosecute those who used [the sonic weapon]—although we know they hadn't, but let it be investigated, let proceedings be initiated—or prosecute all those who publicly spread such an outrageous lie." The information suggests that although formally calling on the authorities to establish the truth, the President was, in fact, already suggesting the outcome in advance.

Shortly thereafter, on the same day, the Ministry of Justice, the Ministry of Interior, the Ministry of Defense, and health institutions, along with the prosecution service, began fulfilling the demands and requests of the President of the Republic to investigate the victims who were denouncing the attack.

The Higher Public Prosecutor's Office in Belgrade issued a statement announcing that it had instructed the First Basic Public Prosecutor's Office in Belgrade "to open a case and order the identification of individuals who spread such false information in public," on the grounds of reasonable suspicion that the criminal offense of causing panic and disorder had been committed.

In the morning on 17 March, the President of the Republic announced that the "investigation [...] will be fully completed within 48 hours" and that afterward, "all those responsible for such brutal fabrications and lies will be held

accountable before the law." That same day, the police interrogated one of the human right lawyers from Belgrade Center for Human Rights, about the reports that NGOs received from citizens, which was the basis for communications in the media on 16 March.

It was only sometime later that the First Basic Public Prosecutor's Office in Belgrade sent a statement to the media announcing that it had opened a case and instructed the Ministry of Internal Affairs to "determine exactly what had happened [...], specifically whether a pyrotechnic device, a weapon, or another generally dangerous means had been used that could have endangered the lives and safety of the gathered citizens". Further on 18 March, the First Basic Public Prosecutor's Office in Belgrade issued a statement to the media, indicating that, based on the reports collected so far, it appears that the so-called sound cannon was not used by any organizational units or security personnel at the protest. The prosecutor's office stated that it would continue working to determine the cause of the citizens' reaction during the critical incident.

On 19 March, reports indicate that an individual was taken into detention in accordance with the order from the Higher Public Prosecutor's Office in Belgrade presumably to punish statements about the sonic event. For instance, an individual from Niš was taken into custody and to provide a statement as part of the pre-investigation procedure for the criminal offense of causing panic and disorder.

While the President continued to deny the possession of this illegal weapon, on 19 March, the Minister of Internal Affairs, stated that the vehicle filmed near the National Assembly of Serbia, was equipped with LRAD (Long Range Acoustic Device), commonly known as an acoustic cannon, belongs to the gendarmerie. However, he also noted that the vehicle did not move and the device was not activated.

Reports describe mounting pressure on those working in the administration of justice, such as prosecutors and judges. On 22 March, the President threatened police officers and public prosecutors, stating that any such officials "who do not wish to protect state order and the law will be replaced."

On 26 March, judges and prosecutors signed on to a public statement denouncing that with the actions around the 15 March incident, the President of the Republic had "written a new chapter in the twelve-year-long subjugation and humiliation of the judiciary."

The statement highlighted: "(...) Today, the President of the Republic disapproves of prosecutors who fail to meet his expectations; tomorrow, it could be judges, attorneys, or even any citizen who refuses to follow political orders from an unauthorized institution. That's why we believe the time has come for judges and prosecutors who have thus far remained silent to raise their voices and oppose this kind of interference".

Media reports indicate that, at the time of writing this letter, the statement had been signed by over 600 judges and prosecutors—an exceptionally rare

occurrence in a profession where most officials avoid public exposure. This represents just under 20 percent of all judicial officeholders in the country.

The information suggests that this pressure on judges and prosecutors is not new, but rather an ongoing pattern. International human rights mechanisms, as well as regional entities, have expressed concerns in the past¹ pointing out that effectiveness and independence of the Serbian judiciary is often compromised by political influence, and frequent allegations of interference in high-profile cases, external pressures impacting the impartiality of judges and the fairness of legal proceedings were noted, which resulted in a lower level of trust in the judiciary.

Without prejudging the accuracy of the information received, I wish to express concern at reports indicating that prosecutors and other justice officials in Serbia are being subjected to public disparagement and harassment by high-ranking officials.

I recall that according to international human rights standards, lawyers, judicial officers and prosecutors must be able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability. Article 14 of the International Covenant on Civil and Political Rights (ICCPR), the Basic Principles on the Independence of the Judiciary, establish that States must ensure that those who perform a judicial function are free from interferences, intimidations, obstacles or harassments. A fundamental principle of judicial independence is that judges must not be subject to threats nor run the risk of suffering harm due to their work or the content of their independent decisions and rulings. Public excoriation of judges and prosecutors by officials of the executive may amount to harassment and could have a direct, intimidating effect.

I am further concerned by allegations that describe the reported instrumentalization by the President of the prosecution service to criminalize public speech about an event of great public importance. I have expressed concern in my reports about instrumentalization of prosecutors, and pressure which may compromise their ability to act impartially, especially in cases involving prominent political figures. I recall that I recommended States to take measures to ensure that prosecutors be insulated from politically motivated punishment or reward for undertaking their professional duties (A/HRC/56/62, paragraph 72).

Verbal attacks are of special concern when they come from government officials. Some of these statements by government officials may amount to interference in the independence the judiciary and improper interference in the legal profession. Politicians and public officials “play an important role in shaping the media agenda, public debate and opinion and that, as a result, ethical behaviour and attitudes on their part, including in their public communications, are essential for promoting the rule of law, the protection of human rights, and for ensuring public trust in democratic systems of governance”².

¹ [upr43-hc-letter-upr-serbia-en.pdf; 862952fa-6e79-44c4-b629-174a441e3d2e_en; 3c8c2d7f-bff7-44eb-b868-414730cc5902_en](#)

² 2021 JOINT DECLARATION ON POLITICIANS AND PUBLIC OFFICIALS AND FREEDOM OF EXPRESSION

I recall in addition that public officials should not make statements that are likely to promote intolerance, discrimination or dis/misinformation and should, instead, take advantage of their leadership positions to counter these social harms and to promote intercultural understanding and respect for diversity. I would like to highlight that the exercise of the rights provided for under article 19 of ICCPR carry with it special duties and responsibilities, in this instance, we highlight the respect of the rights or reputations of others.

Incitement and threats against justice operators, including at the international level, can diminish the rule of law, jeopardize the judges' and lawyers' personal and professional interests, and undermine judicial independence.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide updates on the progress of investigations into the incident.
3. Please provide information on the measures taken to protect and ensure the respect of justice operators in Serbia, namely judges and prosecutors.
4. Please provide the measures taken to ensure that judges and prosecutors are able to work without undue interference and harassment in Serbia.
5. Please provide information on the legal and institutional safeguards in place to guarantee the independence and impartiality of judicial appointments, promotions, and disciplinary proceedings, including the role of the High Judicial Council and State Prosecutorial Council.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), succeeded to by Serbia on 12 March 2001.

As it relates the right to a fair trial, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice; and provides a set of procedural guarantees that must be made available to all persons, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

Article 14 of the ICCPR establishes the right to fair proceedings before a competent, independent and impartial tribunal established by law. In this regard, general comment No. 32 (2007) of the United Nations Human Rights Committee notes that the element of independence requires the judiciary to be free from political interference by the executive branch, as well as the legislature. The Committee notes in particular that a situation where the executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (general comment No. 32, para. 19).

I would like to bring attention to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy), 26 August-6 September 1985).

- Principle 1 provides that the independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
- Principle 2 provides that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
- Principle 4 states that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.
- Principle 6 entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are

respected.

Regarding the measures taken against prosecutors, I would like to refer your Excellency's Government to the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular:

- Guideline 4, which states: "States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability";
- Guideline 8, which states: "Prosecutors like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional disadvantage by reason of their lawful action or their membership in a lawful organization. In exercising these rights, prosecutors shall always conduct themselves in accordance with the law and the recognized standards and ethics of their profession."
- Guideline 9, which states: Prosecutors shall be free to form and join professional associations or other organizations to represent their interests, to promote their professional training and to protect their status."
- Guideline 11, which states: "Prosecutors shall perform an active role in criminal proceedings, including institution of prosecution and, where authorized by law or consistent with local practice, in the investigation of crime, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest";
- Guideline 15, which states: "Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences";
- Guideline 17, which states: "In countries where prosecutors are vested with discretionary functions, the law or published rules or regulations shall provide guidelines to enhance fairness and consistency of approach in taking decisions in the prosecution process, including institution or waiver of prosecution."
- Guideline 21, which states: "Disciplinary offences of prosecutors shall be based on law or lawful regulations. Complaints against prosecutors which allege that they acted in a manner clearly out of the range of

professional standards shall be processed expeditiously and fairly under appropriate procedures. Prosecutors shall have the right to a fair hearing. The decision shall be subject to independent review”; and

- Guideline 22, which states: “Disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision. They shall be determined in accordance with the law, the code of professional conduct and other established standards and ethics and in the light of the present Guidelines”

The ICCPR imposes the obligation on States parties “to respect and to ensure” all the rights in the Covenant (art. 2 (1)); to take legal and other measures to achieve this purpose (art. 2 (2)); and to pursue accountability and provide effective remedies for violations of Covenant rights (art. 2 (3)). The obligation of States parties regarding the right of peaceful assembly thus comprises these various elements, although the right may in some cases be restricted. States are obliged, not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause. (CCPR/C/GC/37).

Articles 19 and 21 of the ICCPR guarantee the rights to freedom of opinion and expression, and of peaceful assembly. These rights can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HRC/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

Where the presence of law enforcement officials is required, their action should be focused on facilitating the assembly and enabling it to take place as intended, with the objective of minimizing the potential for injury to any person and damage to property. Law enforcement officials are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination, and those using force must be accountable with the requirements enshrined in international law, guided by standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement (CCPR/C/GC/37).

Besides, the dispersion of an assembly must be a last resort option, only used in exceptional cases when “the assembly as such is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests. In all cases, the law enforcement rules on use of force must be strictly followed. Conditions for ordering the dispersal of an assembly should be set out in domestic law, and only a duly authorized official may order the dispersal of a peaceful assembly”. (CCPR/C/GC/37, para 85).

Public authorities also have specific duties to protect citizens from harm being perpetrated by private or non-state entities such as those in the context of public protests. Standing by or taking inappropriate or inadequate action also implicates a State’s due diligence responsibilities to protect its citizens, and depending on the full scope of circumstances this obligation includes protecting citizens from harm tantamount to torture or other cruel, inhuman or degrading treatment or punishment (See Committee against Torture, *Dzemajl et al. v. Yugoslavia*, CAT/C/29/D/161/2000). As the Human Rights Committee stated, “all law enforcement officials responsible for policing assemblies must be suitably equipped, including where needed with appropriate and fit-for-purpose less-lethal weapons and protective equipment. States parties must ensure that all weapons, including less-lethal weapons, are subject to strict independent testing, and that officers deployed with them receive specific training, and must evaluate and monitor the impact of weapons on the rights of those affected. Law enforcement agencies must be alert to the potentially discriminatory impacts of certain policing tactics, including in the context of new technologies, and must address them” (CCPR/C/GC/37, para. 81).