

## Spotlight on

### POLICE CRACKDOWN ON OTPOR

Serbia, 2 May to 24 September 2000

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## **Introduction**

Otpor (Resistance) was initiated as a student movement in October 1998 by a group of Belgrade University students dissatisfied with the work of existing academic organizations and the failure of protests against Serbia's repressive University Law. The movement gained support at other universities in Serbia and its activists began publicly to put forward the demand for democratic changes summed up as 'free and fair elections, a free and depoliticized University, and a free and independent media'. The movement spread rapidly to many cities and towns in Serbia. Comprising small groups of students at first, Otpor grew into a mass movement of political opponents to the government. Otpor's symbol, a clenched fist, came to be recognized among the citizens as a symbol of personal courage and determination to install democratic values in Serbia. The Serbian government responded first by launching a media campaign portraying Otpor as an enemy organization, then by mounting a sweeping police action against its activists in May 2000. The election campaign in Serbia took place amid daily detention of Otpor activists.

Between the beginning of May and the middle of September 2000, the police arrested more than 2,000 Otpor activists, some 400 members of opposition political parties and about 100 activists of nongovernmental organizations (NGOs). An investigation by the Humanitarian Law Center (HLC), comprising interviews with victims of unlawful police actions and written evidence, shows that the Ministry of Internal Affairs (MUP) launched early in May a broad campaign against young people in Serbia in general and against Otpor activists in particular. The majority of detained people were up to twenty-five years of age, including some 200 between the ages of sixteen and eighteen. Some 300 Otpor activists were detained five or more times. On a number of separate occasions the police also detained thirty mothers who had taken part in Otpor actions. An analysis indicates that the police were employed in an organized and synchronized action with clear orders, instructions and objectives. Although the action was carried out throughout Serbia, its focus was clearly in Vojvodina. The uniform procedure employed in all the cases shows that the policemen acted on specific orders, deliberately and grossly violating the law and the Constitution. The determination with which members of the police force broke the law bore out their conviction that they would be exempted from any disciplinary or criminal action.

## **The Refusal to Register Otpor**

In violation of all constitutional principles and guarantees regarding fundamental human rights and freedoms, and with the object of preventing young people from participating in Serbia's political life, the Federal Ministry of Justice turned down on June 9 the application by the association Otpor to be inscribed in the register of associations, social organizations and political organizations.

The Federal Ministry of Justice invoked its power to deny such registration in cases where 'the programmatic and statutory aims of the organization and the method of their implementation are deemed to be calculated at: violently overthrowing the constitutional order; endangering the territorial integrity and independence of the country; violating the rights and freedoms of man and the citizen guaranteed by the Constitution of the FRY; inciting national, racial and religious hatred and intolerance'.

In explanation of the decision, the Federal Ministry of Justice cited some 'universally known facts', namely that 'members of the applicant (organization) have for quite some time operated illegally contrary to our regulations, organizing *inter alia* public rallies at which they are calling on the citizens to rise up in arms to violently overthrow the constitutional order; such a call was made at the recently organized rally on Mt. Ravna Gora, when the participants were urged—amid a fusillade that endangered public safety, alarmed the citizens and violated public law and order—with the words: “cease fire to save the ammunition—we shall need it later.” At the recent rally in Republic Square in Belgrade a most serious threat was made to the citizens of the FRY, namely that those who do not hold the same views as the applicants would be “hanged on lamp-posts”’.

There is no doubt that the Federal Ministry of Justice rendered its decision on the basis of political instructions and did not consider Otpor’s Statute although that was its obligation under the law. Article 2 of the Otpor Statute states: ‘The aims of Otpor are to uphold a democratic society; improve the quality of life of the citizens; propagate anti-fascist and anti-extremist ideas and warn against the danger of the spread of terrorism and violence through society; create conditions for the expression of the creativity of its members; advocate the autonomy of the University and improve the quality of study and the status of students in society; and protect the environment.’

The ‘universally known facts’ cited by the Federal Ministry of Justice have no relevance to Otpor. The applicants for registration were the founders of the citizens’ association Otpor and had no membership. The founders had not operated illegally—they submitted their application on May 24 to have their status legalized in conformity with the law, that is, by inscription in the register of associations. The applicants had never organized a rally at which they urged the citizens to rise to overthrow the constitutional order by violent means. The applicants had not organized the Mt. Ravna Gora rally on May 13 or taken part in it, and they had nothing to do with the slogans heard at the rally. At the rally in Belgrade’s Republic Square on May 14 they had made no reference to any ‘hanging on lamp-posts’.

The fact is that the Mt. Ravna Gora rally was organized by the political party Serbian Renewal Movement (SPO), which had been registered ten years previously. As to the threat that people would be hanged on lamp-posts, it was made at the opposition rally by Nenad Čanak, leader of the League of Social Democrats of Vojvodina (LSV).

By attributing to the applicants other people’s activities, speeches and slogans, the Federal Ministry of Justice rendered an illegal decision based on malicious misinterpretation of the facts with the object of excluding a whole generation of young people from the social and political life.

The Yugoslav Left (JUL) led by Mira Marković proposed in the middle of May the urgent adoption of an anti-terrorism law ostensibly to protect the state against terrorism. The motion was upheld by the Socialist Party of Serbia (SPS), which called for an ‘uncompromising showdown with terrorism’ and for the ‘political unity of all state organs in that struggle’. Before the meeting of the Federal Assembly on June 30 the text of the draft was leaked to the public, provoking a sharp reaction on the part of the law community over provisions that were incompatible with the criminal legislation of the FRY, Serbia and Montenegro. When the Federal Assembly met on June 30, it decided to defer adopting the law.

By refusing to register Otpor and making public the draft anti-terrorism law, top state organs had created the conditions in which interior-affairs organs could treat Otpor activists as persons involved in criminal activities compromising the security of the state.

### **The Formal Pretext for the Mass Police Action**

An incident in Požarevac on May 2, when the police arrested three Otpor activists on charges of attempting to murder a JUL member, served as the formal pretext to launch the sweeping police action against Otpor. The assassination in Novi Sad on May 13 of the president of the Executive Council (government) of Vojvodina and senior member of the SPS, Boško Perošević, was seized upon as a pretext to detain arbitrarily many Otpor activists and opposition party members and search their apartments. Ivan Marković, the federal minister of telecommunications and senior JUL official, directly accused Otpor and opposition parties of organizing the assassination. He also said that people 'in the leaderships of the SPO and the DS (Democratic Party), as well as in other opposition parties and in Otpor's terrorist phalanxes' were the 'terrorist executors of the intelligence services of foreign countries and their hirelings'.

The HLC established that the police employed the following operative crime-investigation methods against Otpor activists and other dissidents: detention and/or custody, 'informative conversation', photographing and fingerprinting, searching flats and seizing articles. The police applied these operative methods against persons pasting posters, distributing handbills, badges, matchboxes and other Otpor propaganda material, taking part in actions and wearing T-shirts displaying the Otpor symbol. After elections were called in Serbia the police intensified their pressure on Otpor activists to thwart their election campaign under the slogan 'He's Finished'.

The HLC investigation shows that the police acted in an arbitrary, unjustified and illegal manner because the targets of their actions were not charged with, suspected of, or connected with, the commission of any criminal offence.

Under the Law on Criminal Proceedings, the above operative crime-investigation activities carried out by the police are part of the pre-criminal proceedings and are, as a rule, regulated in greater detail by other laws and by-laws, especially by the Law on Internal Affairs and the Rules of Procedure of the Public Security Service. The Law on Criminal Proceedings stipulates that the police may detain, question, photograph and fingerprint a person, search his apartment and seize his articles only if they have grounds to suspect the commission of a prosecutable criminal offence, to discover the perpetrator of a criminal offence, or to collect or protect evidence and articles related to a criminal offence. This basic common condition must be fulfilled before the police may undertake such activities as part of the pre-criminal proceedings described above.

As the September 24 presidential and republican elections drew near, there was a marked increase in attacks by private persons on Otpor activists and citizens taking part in the election campaigns under the slogans 'He's Finished' and 'The Time Is Ripe'. The HLC established that in several cases the attackers were members of the ruling SPS-JUL coalition, and that an underage Otpor activist in Niš was ill-treated by members of the Federation of National Liberation War Veterans Associations of Yugoslavia (SUBNOR).

### **Detention and Custody in Practice**

The police adopted the practice of detaining young men and women, minors, children and other citizens who identified themselves as Otpor activists and sympathizers and had taken part in activities such as pasting posters, distributing propaganda materials, publicly criticizing the authorities in street theatre, and wearing T-shirts and badges displaying the Otpor symbol. During June, July and August, that is, before the start of the election campaign, the police would round up registered Otpor activists prior to visits by high-ranking state officials to local SPS and JUL boards and keep them in the police stations 'till the guests are gone'. Detentions of Otpor activists in connection with the SPS and JUL election campaign were so common that the public grew quite accustomed to them.

Members of the police force did not bother to conceal the fact that they were under orders to catch people wearing Otpor's T-shirts and distributing its propaganda materials and merely cited

the position of their ministry that Otpor is a banned organization. The HLC documented in July and August more than 600 detentions of young people, minors and children for wearing the 'forbidden T-shirt' in public places. In the first half of September, the majority of detained persons were Otpor activists and other citizens caught pasting Otpor stickers bearing the phrase 'He's Finished' over SPS and JUL posters or elsewhere in public places.

The HLC information indicates that during the election campaign the police stepped up their harassment of Otpor activists and other citizens taking part in the actions under the slogans 'He's Finished' and 'The Time Is Ripe'. There is evidence that, instead of questioning Otpor activists and other citizens who had already been detained, photographed and fingerprinted, the police that month focused on registering every new activist and sympathizer.

### **Detention and Custody According to the Law**

The Law on Internal Affairs empowers members of the police force to check the identity of citizens and to bring them before the proper authorities in cases provided for under the law. In doing so a police officer must identify himself if asked by the citizen to do so whether or not he is in uniform.<sup>1</sup>

The Law on Internal Affairs<sup>2</sup> prescribes that the police may restrict the movement of (or keep in custody) a person committing a breach of the peace and thereby jeopardizing the security of other citizens or the defence and security of the Republic if this cannot be prevented in any other way. Members of the police force may under the same conditions detain a person in order to establish his identity if they cannot do so by inspecting his identity papers or in any other way. The law prescribes that the detention may last up to twenty-four hours. A person kept in detention without cause or longer than twenty-four hours is entitled to judicial protection.<sup>3</sup>

In all the cases documented by the HLC the police detained Otpor activists and other citizens unlawfully, that is, in contravention of Article 11 of the Law on Internal Affairs. With the exception of one case, the detainees were not presented with a detention order. After detaining people unlawfully, the police as a rule subjected them to fingerprinting and other crime investigation procedures as if they were under suspicion of committing a criminal offence.

### **The 'Informative Conversation' in Practice**

In connection with the shooting of Boško Perošević, the police detained and questioned more than 200 Otpor activists in Novi Sad and in other towns in Serbia. The police invested these 'informative conversations' with a semblance of legality in order to cover up the clampdown on political dissent. The HLC documents shows that in all these cases the police acted unlawfully, invoking 'the procedure' and orders 'from on high'.

In about ten cases the police sent summonses for questioning without stating the reasons. In several cases the reason was given as 'informative conversation' and in one case as 'dactyloscopy' (meaning fingerprinting). During the questioning the inspectors used a uniform questionnaire. The questions were designed to establish when and why the interviewee joined Otpor, the objectives of the organization, contacts with persons abroad, the sources of finance, the allocation of functions, the identity of leaders, the political opinions of the interviewee and his relatives. In a number of cases the interviewees were asked whether there were any extremist factions or terrorist groups within Otpor. Minors and young adults were also detained and questioned about their political views.

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<sup>1</sup> The Serbian Law on Internal Affairs of the Republic of Serbia, Article 21.

<sup>2</sup> The Law on Internal Affairs of the Republic of Serbia, Article 11.

<sup>3</sup> The Law on Internal Affairs of the Republic of Serbia, Article 12, paragraph 6: 'A person detained without cause or longer than the prescribed time is entitled to compensation for damage.'

## **The 'Informative Conversation' According to the Law**

Under the Law on Criminal Proceedings, members of the police force may request information from a citizen and/or summon him for questioning only if they suspect that he has committed a criminal offence which they must prosecute by virtue of their office.<sup>4</sup> In such cases, the citizen is summoned in writing and only exceptionally orally if the matter is urgent. The summons, whether written or oral, must state clearly why the person is being summoned and in connection with what criminal offence; the offence must be specified and no vague reasons for questioning given. A person may be detained for questioning by force only if he has already failed without good reason to respond to a summons in which he was warned of the possibility of forcible action in case of default.

The Law on Criminal Proceedings stipulates that members of the police force may officially question a detained person only in connection with the circumstances relating to the reason for his detention.<sup>5</sup>

The Law on the Protection of Personal Information states explicitly that information about a person's racial background, political activities and trade union affiliation, as well as his sex life, may be collected, processed and passed on for further use only with the written consent of that person.<sup>6</sup>

## **Photographing and Fingerprinting in Practice**

The HLC investigation shows that after unlawfully detaining, keeping in custody and questioning Otpor activists, the police photographed and fingerprinted 95 per cent of them, again clearly violating the Law on Criminal Proceedings. Photographing and fingerprinting a person are operations preparatory to opening a criminal file on him, which can only be lawfully done if there is reasonable suspicion of his having committed a criminal offence. By employing these methods the police registered young unconvicted persons, mostly students and secondary-school pupils, as criminals.

## **Photographing and Fingerprinting According to the Law**

Under the Law on Criminal Proceedings, the police may photograph a person's face and fingerprint him if they have grounds to suspect his having committed a criminal offence; the photographs and fingerprints may only be used for the purposes of criminal proceedings.<sup>7</sup>

## **The Domiciliary Search and the Confiscation of Articles in Practice**

According to HLC information, in July the police searched more than 200 flats of Otpor activists and their parents; in August they raided more than 300 flats of Otpor activists and sympathizers; in September they started to raid the premises of Otpor and various NGOs and to confiscate their property and propaganda materials.

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<sup>4</sup> The Law on Criminal Proceedings, Article 151.

<sup>5</sup> The Law on Internal Affairs of the Republic of Serbia, Article 11: 'A person who commits a breach of the peace and thereby endangers the security of other citizens or the defence and security of the Republic can have his freedom of movement restricted (by detention) by the MUP if establishment of the public peace and prevention of the endangerment of the security or defence cannot be effected by other means.' Under the preceding paragraph, a person may be detained for the purpose of establishing his identity, if his identity cannot be ascertained by inspecting his identity papers or in any other way.

<sup>6</sup> The Law on the Protection of Personal Information, Article 18.

<sup>7</sup> The Law on Criminal Proceedings, Article 152.

The HLC investigation shows that the police violated the legal provisions on the searching of premises in every single case. This indicates that the police took care to leave behind as little written evidence as possible that could be used against them in future.

In ten of the cases the police issued to the owners of the flats certificates of entry for the purpose of 'searching for incriminatory evidence'. In about 100 cases the police left behind certificates citing 'confiscation of propaganda materials' as the reason for entering the flat.<sup>8</sup>

The police confiscated articles such as posters, badges, matchboxes, calendars, leaflets, flags and T-shirts displaying the Otpor symbol as well as stickers bearing the phrase 'He's Finished'. In many cases, they intimidated activists into surrendering propaganda materials by issuing the following warning during the questioning: 'If you keep any propaganda materials at home, admit now and hand them over voluntarily rather than wait for us to take them by force or to search your flat.' The HLC has evidence that the police even confiscated empty matchboxes displaying the Otpor symbol, one T-shirt and a bucketful of glue. Their priority in September was to confiscate stickers bearing the phrase 'He's Finished' and printed advice to citizens how to proceed in the event of an unlawful police action.

At the beginning of September, the police began to raid the premises of Otpor and various NGOs. In all of these cases, they entered the premises without a search warrant and the presence of witnesses and often confiscated property without issuing any receipts. In a number of cases, they not only confiscated computers, telephones and lists of collaborators and other property of these organizations without receipts but also the personal belongings of Otpor activists and members of the Centre for Free Elections and Democracy (CESID). Members of NGOs were given certificates of entry and receipts for confiscated items only in a few cases. As a rule, all Otpor activists and NGO members found on the premises were detained.

### **The Domiciliary Search and the Confiscation of Articles According to the Law**

Under the Law on Criminal Proceedings 'Authorized officials of the Ministry of Internal Affairs may enter a person's flat or other rooms without a warrant and if necessary carry out a search if the owner so wishes, if somebody has called for help, if it is necessary to apprehend the perpetrator of a criminal offence caught in the act or to ensure the safety of persons or property, if there is in the flat or in another room a person whose detention or forcible delivery is requested by an appropriate authority, if a person is there in hiding, or if it is clear that evidence could not be obtained in any other way.'<sup>9</sup>

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<sup>8</sup> Paragraph 1, Article 210 of the Law on Criminal Proceedings states: 'Authorized officials of the Ministry of Internal Affairs may enter a person's flat or other premises without a warrant and if necessary to carry out a search if the owner so wishes, if somebody has called for help, if it is necessary to apprehend the perpetrator of a criminal offence caught in the act or to ensure the safety of persons or property, if there is in the flat or in another room a person whose detention or forcible delivery is requested by an appropriate authority, if a person is there in hiding, or if it is clear that evidence could not be obtained in any other way.'

<sup>9</sup> Article 210 of the Law on Criminal Proceedings:

Paragraph 2: 'Pursuant to paragraph 1 of this Article, no procès verbal will be made up, but the holder of the flat will immediately be issued a certificate stating the reasons for the entry into the flat and/or other rooms.'

Paragraph 3: 'A search may be carried out without the presence of a witness if it is not possible to ensure his presence at once and there is a danger of deferment. The reasons for the search without the presence of a witness must be stated in the procès verbal.'

Paragraph 4: 'In carrying out an order to detain a person or deprive him of his liberty, authorized officials of the Ministry of Internal Affairs may search the person without a search warrant and without the presence of a witness if there is suspicion that the person may be in possession of a weapon or a weapon-tool, or if there is suspicion that the person may discard, hide or destroy articles that are to be taken away from him as evidence in the criminal proceedings.'

Paragraph 5: 'Authorized officials of the Ministry of Internal Affairs who have carried out a search without a search warrant shall at once submit a report thereon to the investigative judge or, if no proceedings are yet in progress, to the appropriate public prosecutor.'



Because the domiciliary search and the confiscation of articles are part of the investigative proceedings, they may be carried out after an investigation is ordered and require the authorization of the investigative judge; under Article 154 of the Law on Criminal Proceedings, such action may be taken only exceptionally as part of the pre-criminal proceedings if there is any danger of a delay.<sup>10</sup> Under this law, a flat may be searched only if there is a probability of apprehending a suspect or of discovering evidence of a criminal offence or other articles relevant to the criminal proceedings.<sup>11</sup> Such probability must be justified, not merely perceived or invented. In the cases involving the searches of flats of Otpor activists and other political dissidents, such probability did not exist. The object of the searches was apparently to discover articles displaying the Otpor symbol and propaganda materials of NGOs.

According to Article 211 of the Law on Criminal Proceedings, there are two kinds of articles that may be temporarily confiscated: those that have been used to commit a criminal offence or are intended to be used for such purpose, and those that may be used as evidence in criminal proceedings. The person in possession of such articles is first asked to surrender them voluntarily; if he refuses, the articles are seized by force; if the person denies possession of such articles, a search is made.

Under the Law on Criminal Proceedings, organs of the Ministry of Internal Affairs may temporarily confiscate articles before an investigation is launched if there is a danger of a delay, but they may do so strictly in connection with the criminal proceedings. In such a case, the police themselves issue and execute the confiscation order.<sup>12</sup>

### **The Rough Treatment of Minors<sup>13</sup>**

In their actions against young people, the police had no consideration for minors and small children and treated them as though they were guilty of misdemeanours and criminal offences.

The HLC investigation shows that none of the minors detained by the police was guilty of violent behaviour or offered any resistance to the police officers. The police had no grounds for suspicion that any of them had committed a criminal offence and had no elements to justify their action. If the police had had any problems in establishing the identity of persons of sixteen years of age and younger, they could have presented their parents with summonses requesting their children's presence at the police station. In none of the cases did the police comply with their obligation to treat the minors with special care in view of their age. On a number of occasions, the police searched the flats of minors for alleged possession of weapons without the presence of their parents or witnesses and without issuing a certificate of entry.

### **The Object of the Unlawful Police Methods**

The open and massive arrests, questioning and criminal registration of Otpor activists were calculated at intimidating the young, their parents and democratically-minded citizens and discouraging them from direct participation in Serbia's political life by making them fear for their

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<sup>10</sup> Article 154 of the Law on Criminal Proceedings: 'Organs of the Ministry of Internal Affairs may temporarily seize articles provided for under Article 211 of this Law before an investigation is started if there is a danger of a delay and search a flat or a person under the conditions laid down in Article 210 of this Law.'

<sup>11</sup> *Ibid.*, Article 151.

<sup>12</sup> The Law on Criminal Proceedings, Article 154, paragraph 1.

<sup>13</sup> The former SFRY ratified the Convention on the Rights of the Child in December 1990. It thereby undertook to implement it and to submit a report thereon to the Committee on the Rights of the Child every five years. In this sense, the FRY government has an international obligation to implement the Convention fully. Article 3 of the Convention binds all the institutions of the state to make care of the interests of the child their prime concern.

personal safety. Another object was to register Otpor's activists in order to create a database about persons given to 'criminal behaviour' with a view to applying the projected anti-terrorist law against them.

If there had been any criminal elements in Otpor's activities, the police ought to have taken the appropriate proceedings without delay as part of their duty, but they did not. Criminal proceedings were instituted in four cases in which the courts treated political activity and the right to criticize the government in public as a criminal offence.

### **The Zeal of the Police in Carrying out Their Orders**

Members of the police force exhibited considerable zeal in carrying out their orders to register Otpor activists, confiscate their propaganda materials and collect information about their political views. They treated all who invoked their human rights as 'internal enemies' and made clear that they considered any concern about human rights as 'hostile activity'. In the carrying out of orders there was a difference between local policemen and those from Kosovo, the latter openly detecting 'terrorists' and 'NATO hirelings' in Otpor activists.

A number of inspectors who questioned Otpor activists tried to exculpate themselves for being overzealous by saying they had been reprimanded 'from above' over their 'lukewarm action' against Otpor. In September the HLC documented cases of inspectors warning Otpor activists to 'take care of yourself because some day you may be detained, questioned and beaten by others, not by us'.

The conclusion that Otpor activists were the subject of a police crackdown is borne out by the fact that the law courts initiated only a relatively small number of proceedings. By occasionally instituting misdemeanour and criminal proceedings the authorities tried to keep up a semblance of law and order.

### **What the Police Did**

Between May 2 and September 24, the police questioned more than 2,000 Otpor activists and other citizens in connection with their activities in Otpor, political opinions, national affiliation and other private information. The HLC documented only twenty or so written summonses for questioning being served, though even in these cases the law was broken. In connection with the shooting of Boško Perošević, the police forcibly detained citizens without first having served them with written summonses. As a rule, those who were questioned were then fingerprinted and photographed.

#### **1. The 'Informative Conversation'**

##### **1.1. The Written Summonses**

On June 30, the police in Bač served written summonses for questioning on some ten youths including Otpor activists without giving any reasons. **Nikola Pavkov**, a DS member and Otpor activist, told the HLC that he had been detained seven or eight times before. 'I think that our being summoned had to do with the discovery by the police of a photograph in which ten or so of us are seen wearing Otpor T-shirts at a location where the government would allegedly build a sports hall. At the end of May, we had taken part in an action at that spot parodying the government's renovation and reconstruction propaganda. All those in the photograph were summoned for informative conversations regardless of whether they were Otpor activists or not. We were questioned one by one for about half an hour. They opened a file on me and photographed and fingerprinted me as if I were a criminal. The interrogators always asked the same questions about

the finances, the organization, the leader, your relatives abroad, your membership of political parties.'

**Nenad Lukić**, an SPO member and Otpor activist in Grocka near Belgrade, was among those who received a written summons. The summons requested him to report for an 'informative conversation' to an inspector named Rajković at the local police station at 9 a.m. on July 7. Lukić was kept at the station for about five hours although the questioning lasted about half an hour. During the questioning the inspector told him he had been summoned for pasting posters of an unregistered organization in the village of Umčari on June 22. Lukić said this in connection with the questioning: 'In the first ten minutes the inspector asked me what I knew about the movement Otpor, where I got the materials from, and what the clenched fist symbolized. After I'd told him I didn't know, he asked me how come I was involved with an organization I knew nothing about. When I told him I was a member of the SPO, he only asked me questions about that party for the remaining twenty minutes. He asked me, among other things, whether I supported Vuk (Dražković, the party's leader) although he had kissed the hand of (Madeleine) Albright, the aggressor who'd led our people by the nose. He said that Vuk was inciting the people to rise.' Nenad's brother Živorad Lukić was summoned in the same way the same day.

Six Otpor activists in Pećinci received written summonses on August 25, after someone had written the movement's slogans in the nearby village of Šimanovci the night before. There was a note for them to report to the deputy chief of police. All of them—Boban Parat (22), Željko Stojković (18), Aleksandar Apostolović (23), M. V. (17), Veselin Dobrić (22) and Boban Arsenijević (23)—did as they had been told.<sup>14</sup> Stojković said this in his statement to the HLC: 'In the office, deputy chief of police Kovačević urged me to admit that I'd written the graffiti. I told him it wasn't me but that I'd pasted several posters. Half an hour later he typed out my statement saying that I hadn't written the graffiti and was not an Otpor activist. He next talked to Boban and Aleksandar. When he had finished with them, he got all three of us together and said that unless we owned up to writing those graffiti he'd let us pick up the baton with which he'd beat us.' Dobrić and Stojković were then taken in a police car to Ruma to be photographed and fingerprinted.

## 1.2. The Oral Summonses

Vladimir Pavlov (29), an Otpor activist from Novi Sad, was called on his mobile phone at 7:30 a.m. on May 17 by a policeman who told him to be at the police station in an hour, not saying what the hurry was. Pavlov spent about thirteen hours at the station and was questioned by about ten inspectors. After the questioning he was taken to a crime technician to be fingerprinted and photographed. Pavlov told the HLC that for the first half hour or so he had been questioned by an inspector about the nature of Otpor as an organization and its objectives, then what he knew about the killing of Boško Perošević and whether he knew Milivoj Gutović who had been charged with the murder. Pavlov was next questioned by inspectors introducing themselves as working for the homicide department. He was taken to another police station where he was again questioned about Perošević's murder. 'They asked me what I made of the security situation in Novi Sad. They took me to an elderly inspector who questioned me about all sorts of things for about two hours. He even asked me what I thought of socialism and capitalism. Finally he asked me if I wished to be questioned with the help of a lie detector but added that I didn't have to accept. When I complained that I was tired, he phoned somebody and said, "Boss, he declined." Several other inspectors took turns, one of them saying he was from State Security.' After the questioning he was turned over to a magistrate who fined him 200 dinars for not reporting his address and another 900 dinars for appearing at public rallies in the name of Otpor, an unregistered organization.<sup>15</sup>

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<sup>14</sup> See the section Civil-Legal Protection.

<sup>15</sup> HLC, statement of Vladimir Pavlov.

Otpor activist Vladimir Ješić (21), was summoned for questioning by telephone on May 24. He said this about the questioning: 'I was first interrogated by one Krstić, who was especially interested to know whether I was the number one in Otpor in Novi Sad. He behaved correctly all the time and never raised his voice. Then a man who introduced himself as Vlado from Priština entered the office and Krstić went out. Vlado started to shout at me, accusing me of being a spy in the pay of Western countries. He had a thing about Americans in particular, saying they are giving us money to betray our country so that they could strut about. I replied that that wasn't true, that I was getting no money from any government, and that all I had was a pair of jeans and a pair of sneakers. He replied that keeping a low profile was precisely what spies did. He asked me to write out a statement and say who was giving me money, which foreign government I was in touch with, and what I talked about at rallies in Novi Sad and panel discussions in Inđija and other places and in whose name.'<sup>16</sup>

Dragan Radivojević (33), a football trainer from Ljig, was stopped by local policemen in Ljig on June 1 and told to report to the police station for a conversation. He went there the next day. The 'conversation' lasted several hours. In his statement to the HLC, he said: 'I know all those policemen because I am a football trainer and train most of their children. When I turned up at the station I saw that the policemen were embarrassed. They started by asking me what Otpor was. I replied that Otpor was probably what the Yugoslav president and our supreme commander said it was when he opened the bridge at Novi Sad. They next asked me if I knew who had pasted Otpor's posters in Ljig. I said I'd seen two men carrying the glue and posters, and that they looked like two inspectors I knew. At that moment Milenko Pecelj, a policeman from Kosovo who settled in Ljig a few years ago, came in and told me he had to have me fingerprinted. I replied that they could fingerprint themselves as criminals for all I cared, because I knew I had done nothing and would not let them open a file on me. Eventually they gave up. I finally went to see the superintendent and told him off, that what they were doing just wasn't on, that they were pulling in people over silly things. He too tried to justify himself.'

Two uniformed policemen entered the SPO office in Ub on June 21 and informed Svetislav Matić (29), an SPO member, to report to the local police station at 3 p.m. the same day. They gave him no reason for the questioning. When he turned up at the appointed time, he was told that he had been summoned because he had been seen wearing an Otpor T-shirt. In his statement to the HLC, Matić said this about the questioning, which lasted about half an hour: 'Besides asking me general questions about Otpor, the sources of finance, activities, leaders, actions and such like, inspector Rade Ivankić asked me whether I wore Otpor T-shirts. I asked him in turn whether that was forbidden by law. He said that it was but had no authority to name the law in question or to advise me where to seek the information.'<sup>17</sup>

## **2. The Detentions**

### **2.1. Forcible Delivery for Questioning**

During protest rallies of Otpor activists and opposition members in Požarevac, Novi Sad and Niš on Victory Day, May 9, the police detained more than 40 Otpor activists, opposition party members and independent media reporters.

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<sup>16</sup> HLC, statement of Vladimir Ješić.

<sup>17</sup> The police searched Matić's house on June 24 when he was away. They told his mother they were looking for an Otpor T-shirt and other propaganda materials. They left a certificate of entry into the flat and other rooms and wrote down that they had seized a cotton T-shirt with the Otpor symbol. They did not state that they had also taken two badges with the same symbol. They carried out the search without the presence of witnesses. They asked Matić's mother why her son was interested in Otpor and not in farming, and where he had bought the T-shirt.

Otpor and opposition political parties organized the protest in Požarevac over the repeated detention of Otpor activists Momčilo Veljković, Radojko Luković and Nebojša Sokolović.<sup>18</sup> The police prevented the activists and opposition supporters from marking Victory Day, whereas some 100 members of the JUL and the SPS, including the senior state official, Nikola Šainović, were permitted to do so. All approaches to the town were blocked after opposition and Otpor leaders had publicly urged people from all over the country to rally in the town. In Požarevac itself the police detained some twenty Otpor activists, opposition party members and journalists with domestic and foreign media, and stopped more than ten reporters at checkpoints on the outskirts. Eleven persons were brought before a magistrate that day on charges of a breach of the peace;<sup>19</sup> they were sentenced and committed to prison at once.

Among those detained in Požarevac were two underage Otpor activists. One of them, named B. T. (17), told the HLC how he and three of his friends, all wearing Otpor T-shirts, were detained in while handing out leaflets: ‘Two plainclothes inspectors came up to us. They took us into a store in the town centre. We entered the office of the store manager. Inside, they asked to see our identity cards. We overheard them call in a police van over the radio phone. They put a metal bar you use to move crates about to Vlada’s head and asked him if he knew what the bar was used for. They asked us the names of our schools and one of them told me I wouldn’t be able to go back. The police van arrived quickly. Before we got in, they told us to wear our T-shirts inside out so that the emblems wouldn’t show. We were escorted by about ten policemen to a traffic police checkpoint some four kilometres outside Požarevac. They took our particulars there again and let us go after three hours, that is, after the event organized by the SPS was over.’

Miljan Čubranović(23)<sup>20</sup> of Novi Sad, a photographer for the daily *Glas javnosti* and the periodical *Kibic fenster*, was among those detained in Požarevac on May 9. He said the following in his statement to the HLC: ‘The police had blocked the approaches to Požarevac, but I managed to enter the town in the company of a fellow reporter wading across some plough-fields. It was very tense in the centre of Požarevac because the regime and opposition supporters were gathered in the same place. I was standing in a group of opposition supporters when two men in SPS T-shirts came up, seized me by the upper arm and said, “Keep your mouth shut if you want no problems, or else you may lose your equipment.” They dragged me over to the crowd attending the SPS rally. Those people yelled at me and other reporters, “Hit those journalists, arrest those bastards!” After a while they took me and my colleagues from Belgrade to a police van. A uniformed policeman who was standing next to it said, “We’ve got another arrest. Isn’t that nice!” We were taken to a police station outside the town where many detained journalists, photographers and ordinary people in possession of cameras were kept. We waited in a corridor for two hours to be questioned. I was questioned by two women inspectors who asked me about my office and my particulars. They let us go in the evening and gave us back our cameras but not the films.’

Čubranović was visited by the police at his flat in Novi Sad and detained again on May 24. An inspector at the police station told Čubranović he had been detained because someone had denounced him as a ‘member of the illegal terrorist organization Otpor’. He was fingerprinted and photographed in spite of his protestations that he had nothing to do with Otpor.

Three of four Otpor activists delegated by the movement to lay wreaths at a monument to victims of fascism—an event organized by the city council—were detained in Niš on May 9. The three were detained in their flats and taken away without explanation. Aleksandar Višnjić (26) was detained for the sixth time. In the police station he was questioned for two and a half hours about Otpor activities and leaders.<sup>21</sup>

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<sup>18</sup> For more information on this case, v. Criminal Proceedings Against Otpor Activists.

<sup>19</sup> See the section Misdemeanour Proceedings.

<sup>20</sup> See the section Civil-Legal Protection.

<sup>21</sup> HLC, statement of Aleksandar Višnjić.

On the first night following the shooting of Boško Perošević, May 14, the flat of Dragan Gmizić (22), a contributor to Radio 021 of Novi Sad, was searched at 4:45 a.m. by two policemen who produced no search warrant and issued no certificate of entry. They confiscated the materials Gmizić had been given as a journalist at press conferences and ordered him to follow them to a police station. Gmizić told this in his statement to the HLC: 'They flashed a paper they said was a detention order but wouldn't let me read it. At the station, I waited half an hour before an inspector introducing himself as Stevan Krstić showed up. He asked me whether I had anything to do with the assassination of Boško Perošević. He asked me where I'd been at the time of the murder and whether anyone could confirm my alibi. When I told him I was a journalist, he asked me what I had written about the assassination. Afterwards we chatted about politics, history and other things.' Gmizić spent more than six hours at the station. He was first detained for an informative conversation on May 9 after watching, in his official capacity, a fight between men guarding the SPS office and Otpor activists. A criminal file on him was then opened.

Nenad Miletić (22) of Pančevo was visited at his flat at 9 a.m. on May 17 by two uniformed policemen—one of them, named Branko, being in charge of the patrol—and ordered to follow them. Miletić said this in his statement to the HLC: 'They didn't enter the flat because I'd asked them to wait outside till I got dressed up. I asked them if I could let my parents know, and they consented. I asked them the reason and they replied that I would be told at the station. When we got there, they took me at once to be photographed and fingerprinted. When I asked them why they were opening a file on me, they replied that such was the procedure. As to Otpor, they asked me only two questions, who its boss was and how many Otpor members there were in Pančevo. I insisted on being told why I was there but got no concrete answers. I was released after half an hour.'

The HLC documents show that the police in Subotica were in the habit of visiting and detaining Otpor activists in their flats between 4 a.m. and 8 a.m. Some activists were kept one hour, others up to twenty. Vladimir Bjelan (22) was visited at his flat by three policemen at 4:20 a.m. on May 22. They neither introduced themselves nor said why they were taking him away. It was Bjelan's third detention for questioning. He was questioned by inspectors for five hours. His account to the HLC runs as follows: 'They were interested to know why I was an Otpor activist and what the objectives of the movement were. One of the two policemen called me a terrorist and asked me, "What is it you want, who do you want to overthrow? Do you want to plant a bomb under my car?" Finally, they advised me to mind my studies and give up trying to destroy the state.' Bjelan was photographed and fingerprinted after the questioning.

Some twenty Otpor activists in Kragujevac were detained at their homes and brought in for questioning on May 15 to 30. At about 8 a.m. on May 23, Darko Busavac (24) was visited in his flat by two plainclothes inspectors who ordered him to follow them to the police station. He was questioned for one hour. He said this in his statement to the HLC: 'They introduced themselves as public security policemen. They showed me no identification and I asked for none because I knew that other Otpor activists had been brought in recently. I was questioned by a plainclothes inspectors who had all the questions already written out. He was apologetic throughout, saying that though he was well aware that none of this made any sense, he had to go through the motions anyway because the orders had come "from above". The questions he asked me related to Otpor finances, my functions in Otpor, whether the Kragujevac branch organized its actions independently or on instructions, and if so from whom. They were particularly interested in the woman who cleans our premises and has nothing to do with Otpor. They asked me several times whether she was active and what part in Otpor actions she played. The conversation with the inspector lasted about fifty minutes. After that they took me to the technical department where they fingerprinted and photographed me and opened a file on me.'

Otpor activist Darko Milenković (24) of Kragujevac was visited at his flat by two plainclothes inspectors at about 1 p.m. on May 25. They had shown their identification to his mother who had

opened the door. Milenković rang up a friend working for a local radio station and told him he was being taken away. Outside the house a third inspector was waiting in a car without police markings. On the way to the police station, the policemen collected activist Peđa Stanković who had just heard on the radio that Milenković had been detained. The two of them spent about three hours at the station. After the questioning, they were fingerprinted and photographed. Milenković said this in his statement to the HLC: 'Peđa and I made our statements separately. I went into the office of an inspector by name Dragan, I don't remember his surname. I saw that he had a list of the names of some twenty Otpor activists from Kragujevac. He asked me the following: how the money reached Otpor, who was financing Otpor, what my functions in Otpor were, did I think that Otpor was connected with the murder of Boško Perošević, did I know anybody from Vojvodina, who was printing our materials, did we organize our actions ourselves or received instructions, did we have a schedule and what our intentions were. Peđa went in after me. The inspector read out the transcript of his conversation with me and, after Peđa agreed to all the answers, merely switched the names in the header. The inspector kept saying he was not pleased that he had to question us. During the arrest and conversation I insisted on being told the reasons but got no answer.'

**Vladimir Veljković** (27), the custodian of the National Museum in Pirot, was detained for questioning three times. The shortest questioning lasted an hour and a half, and the longest four hours. The following is Veljković's statement to the HLC: 'I was first brought in on May 24, when two uniformed policemen came for me at the museum. They told me I was to go with them. My director objected and asked them the reason. They replied they needed my help regarding some incident or brawl in the town the night before. I knew they had started bringing in local activists for pasting posters. They asked me about Otpor, who its boss was, who the leader in Pirot was, who was financing us—all standard questions. I was questioned by policemen in uniform who behaved correctly. They next fingerprinted me and took me to my flat in order to search it. They gave me a report on the search, a certificate of entry into the flat and a receipt for the temporarily confiscated articles.<sup>22</sup> The record of the search and the certificate of entry into the flat cite "reasonable suspicion of there being incriminatory evidence in the flat or in other rooms". I was brought in the second time on June 14 on my return from Niš in the company of Jelena Đorđević (22), another Otpor activist. We were carrying a large quantity of materials from the Niš office such as handbills, posters and badges. We left Niš by bus at 6 p.m. The bus was stopped at the police checkpoint at Crvena Reka at about 6:30 p.m. A policeman got on and said that a person named Vladimir Veljković was to come forward so they would not have to check the identity of each passenger and keep the bus waiting. I stood up and Jelena followed suit. We were taken into the little checkpoint house and asked to empty the rucksack. They took a lot of things. The policemen had been told by radio to take us to the police station in Bela Palanka. There we were questioned about Otpor. They wanted to know how many members there were and asked other conventional questions about Otpor. We were allowed to go at about 10 p.m.'

Ivan Stanković, Nebojša Mladenović, Petar Tošić and Bratislav Stamenković<sup>23</sup> were detained in Leskovac on June 24 before a protest rally over the detention of Otpor activist Vladimir Stojković in the same town two days earlier.<sup>24</sup> The four were walking together in a street to join the crowd demanding Stojković's release from detention when, at about 7 p.m., they were approached by two policemen who told them to come along. Asked for explanation, the policemen merely repeated the order. At the station, they were kept for three hours, fingerprinted and

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<sup>22</sup> HLC documentation, receipt for temporarily confiscated articles: one handbill bearing the phrase 'Otpor Activists of Serbia, Unite!'; one handbill bearing the phrase 'Attention! I'm Looking for a Way Out - Otpor Is the Answer'; one handbill bearing the phrase 'Liberate Yourself - offer Resistance (Otpor)'; two empty matchboxes displaying the clenched fist and the inscription 'Otpor Until Victory; and one calendar. During the second search on June 14, the police took some 300 posters, badges, handbills and matchboxes. Veljković overheard someone say over the police radio: 'Take everything and don't issue a receipt.'

<sup>23</sup> See the section Civil-Legal Protection.

<sup>24</sup> See the section Criminal Proceedings.

photographed. Igor Olujić, the HLC lawyer who had arrived to defend Stojković, was brought into the station that evening. An inspector questioned him about the way the HLC was financed and the reasons for his visit to Leskovac. When Olujić asked him to account for this action, the policemen replied that “Such are the orders”.

Four Otpor activists from Ruma, including two minors, were taken for questioning from their flats on June 27. One of them had been questioned three times before and the rest twice each. G. P. (17) was detained three times: the first time at the middle of May while he and other activists were pasting posters in Ruma, while the second and third time the police came to his flat. On none of these occasions was he served a summons for questioning or told the reason for his arrest. On the second occasion, the policemen merely told his parents they were taking him away ‘in connection with Otpor’. The third time two uniformed policemen came for him at 6:30 a.m. on June 27 and ordered him to come along without an explanation. In his statement to the HLC he said: ‘I was questioned by an inspector I didn’t know. First he took my particulars and asked where my parents worked, then he started to read questions from a piece of paper. The questions related to my activities in Otpor and its organization. He was interested mostly in who financed Otpor and how, and who the leading activist in Ruma was. He questioned me for about half an hour, and I spent a total of three-and-a-half hours at the station. The previous time, my father was with me at the station. That time two inspectors whose names I don’t know asked me if I was an Otpor activist, what kind of organization it was, who was its leader, who was financing us, and to which party my parents belonged. On that occasion, they photographed and fingerprinted me.’

Goran Nešić (25), an undergraduate student at the Faculty of Agriculture in Belgrade, Otpor activist and president of the Civic Alliance of Serbia (GSS) board in Inđija, was kept at the police station on June 29 as he went there to collect his passport. An inspector questioned Nešić about Otpor for about an hour. Nešić could not be fingerprinted because his hands were greasy with a meal he had been dishing out during a humanitarian action.<sup>25</sup>

Milan Videnović (22) was visited at his house in Svrlijig on July 23 by an inspector named Sreten Jović, a policeman named Miljan Miletić and another local policeman. Jović ordered Videnović to follow him to the police station in connection with his activities in Otpor. Following is Jović’s account to the HLC about his 45-minute questioning and three-hour stay at the station: ‘The questions inspector Jović asked me were in connection with the actions I had organized last winter and generally about Otpor, that is, about its organization, financing, and the like. After that I spent three hours, on orders from commander Ljubiša Zdravković, in a room where a theft suspect was being interrogated. I waited for a crime technician to fingerprint me but he never turned up. After spending three hours in that room, inspector Jović informed me to come back at 8 a.m. tomorrow, July 24, to have a criminal file opened. I was there at the appointed time, but they were having a meeting at the station, so I waited in the corridor for two hours. When the crime technician finally appeared, I told him I would not be fingerprinted and photographed. I asked him the reasons for opening a criminal file on me and added that the law was quite specific about the conditions under which that could be done. He replied that he was acting on orders and that if necessary he would use force to open a file. A policeman was called in to take care of me in case I resisted. I didn’t, but that policemen was there the whole time it took them to open a file.’

Nebojša Bogičević (38), a member of the Otpor Council in Vrnjačka Banja, was detained at his house in Vrnjačka Banja at about 10 a.m. on July 26 by two uniformed policemen who did not introduce themselves. They told him they were taking him to an ‘informative conversation’ over his activities in Otpor. Bogičević said this about the questioning conducted by an inspector named Gočanin: ‘The inspector asked me questions about Otpor’s financing and whether anyone had volunteered to help us with the printing of the T-shirts. He told me that they had received official notification that Otpor was a terrorist organization and been ordered to treat it as such, but that

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<sup>25</sup> HLC, statement of Goran Ješić.



this was not the case in Vrnjačka Banja. The next day, July 27, Bogičević was telephoned at about 10 a.m. and told to report at the police station to have a criminal file opened in connection with his activities in Otpor. Bogičević said this in his statement to the HLC: 'At the police station I refused to have a criminal file opened. Inspector Gočanin went out to consult the commander. I waited in the corridor for about an hour. When he returned, he said that he had been ordered to open a file on me and told me to be reasonable and make no problems. After that I consented.'

Sanja Gajić (22) was detained for questioning on July 26 after two inspectors named Vještica and Čordaš searched her flat, confiscated articles and left a receipt. She was given no explanation. She was questioned for forty-five minutes by an inspector who did not introduce himself. 'He wanted to know whether I had become an Otpor activist of my own free will or been talked into it. He behaved civilly but I felt very embarrassed because that was my first visit to a police station. They fingerprinted me as though I were a criminal.'<sup>26</sup>

Zoran Andrin (32), president of the municipal board of the Liberal Alliance of Vojvodina (LSV) in Novi Bečej, and his wife Ana were detained for questioning by local policemen on July 30. The conversation lasted one hour. Andrin said this in his statement to the HLC: 'My wife Ana and I were with friends in the KCK club. There were about twenty guests inside when fifteen policemen stormed in shortly after midnight. One of them whose name I don't know started to yell at my wife for allegedly laughing at them. I rose to her defence. As if only waiting for a pretext, the policemen threw everybody out. My wife and I were pushed into a police van and whisked off to the police station. I insisted on being told the reason because I saw none, but they declined to answer. We were searched in the police station. They took my badge and several matchboxes displaying the Otpor symbol and gave me no receipt. I was later interrogated by an inspector named Budakov. I don't remember his first name. My wife was questioned by another named Todorović. The inspectors gave us no explanation for our being brought in and questioned either. The questions they asked us were in connection with the goings on at the club and our activities in Otpor.'

On August 21, the police stopped five Otpor activists in Belgrade, checked their identity cards and took them away after they admitted they belonged to the 'banned' movement. Vladimir Simić (21), J. Đ. (17), Željko Matić (23), Aleksandar Vujinović (19) and Violeta Jovanović had come from other towns in Serbia to attend an Otpor seminar in Belgrade. They were sitting in the park near the monument to Vuk Karadžić and drinking beer when uniformed policemen approached them after midnight. Asked whether he had been detained before, Simić said he had, for distributing handbills. He told the HLC that it was only then that the policemen realized they were from Otpor.

Vujinović said this to the HLC about their experience of the police station: 'We were locked up in a very small room with foul air and excrement marks on the walls. As soon as we crowded around the peephole to get some fresh air, the guard started to shout. Two inspectors flung the door open and hurled insults at us such as: "Don't these Otpor activists look frightening, I'm scared shitless" and "So you came here in hope of a fuck.'" The activists were released around 2 p.m. after being questioned, photographed and fingerprinted.

Đorđe Talović<sup>27</sup> was detained in Čačak on August 29 for addressing a public rally organized by the G-17 Plus group. During the questioning lasting one hour the police wanted to know why he had spoken because he had been forbidden to do so the previous day. They noticed that he wore an Otpor T-shirt underneath his sweatshirt, ordered him to hand it over, and gave him a receipt at his insistence. 'It was then that the "boss", a policeman wearing a badge No. 720-101, entered the room. He made me stand at attention while hurling abuse at me. "I'll have you locked away for

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<sup>26</sup> HLC documentation, receipt for confiscated articles: one T-shirt, four matchboxes, two badges, one handbill and 280 stickers with the Otpor symbol.

<sup>27</sup> See the section Civil-Legal Protection.

years, you skinhead monkey, you motherfucker!” He snatched the receipt the policemen had given me and tore it up,’ Talović told the HLC.

Otpor activists Duško Zdravković, Boris Radević and Vladan Slavković<sup>28</sup> were detained at 2 p.m. on August 31 as they left the town hall building in Kraljevo which they had visited, together with several people, to make sure their names were in the electoral register. They were released from the police station after three hours, only to be detained again at 6:30 p.m. as they drove off for the village of Žiča to attend an Otpor panel discussion. They were stopped and ordered to turn back and drive to the police station where they were kept for an hour and a half without being given any explanation.

Otpor activists Branko Ilić (21) and Miša Radonjčić (20) were detained in Arilje on September 5 before an Otpor panel discussion at which they were to speak. They were given no explanation for the detention. Ilić said this in his statement to the HLC: ‘The policemen at the station were for the most part apologetic, saying they were only following their orders. There was however a policeman from Priština who insulted me all the time. He asked me where I kept the American flag and shouted, “May you be fucked by Albright and NATO!” When I snapped back he made at me but was restrained by the commander. My mother was outside the station the whole time. A policeman shouted to her face that he would give her hell somewhere along the road.’

Aleksandar Drašković and Ivan Popović,<sup>29</sup> activists of the Civil Movement Otpor, were arrested in Belgrade at 8:30 p.m. on September 8 for carrying a banner displaying Otpor stickers during a protest walk. In the police station they were questioned about their political and trade union activities in the Union of Independent Trades Unions. The police confiscated the banner and fingerprinted them. They dispersed some thirty Civil Movement activists who had meanwhile gathered outside the station in Majke Jevrosime street by threatening to lock them up in the cellar.

Novica Stanković (44), an Otpor activist and teacher, was detained by three uniformed policemen at his school in the village of Pleš near Aleksandrovac on September 11. Following is his statement to the HLC: ‘They approached me in the corridor after a lesson and arrested me in front of the children. They cited a complaint by Jugoslav Kljajić, the owner of the cafe Opera, who said I’d defaced his premises with spray from a can, which wasn’t true. They asked me to take them to my flat. They searched it, found several posters and badges and confiscated them.’ Stanković was next taken to the police station for questioning. He had to report the following day to have a file opened and to be photographed and fingerprinted.

Dragoslav Adakelić (56), a teacher at the Nebojša Jerković primary school in the Mačva village of Prnjavor, was arrested during a physical education class on September 14. Earlier that day policemen had visited his house with a search warrant. They told Adakelić’s wife they had been tipped off by an anonymous caller that her husband kept weapons at home and that they had to check on that. During the search they found and took with them materials of the Democratic Opposition of Serbia (DOS). Adakelić said this about his treatment at the police station: ‘Two uniformed policemen entered the gymnasium at 11:55 a.m. and said they had to bring me in. When I asked them the reason, they replied, “You’ll be told everything at the station.” They took me to the station in Prnjavor where I stayed for an hour and a half. They brought me into the office of the inspector whose first question was, “Are you a NATO-ite?” I replied, “No, I’m a teacher.” They said that I and Otpor activists would end up badly.’ Adakelić was photographed, fingerprinted and given the DOS materials back.

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<sup>28</sup> See the section Civil-Legal Protection.

<sup>29</sup> See the section Civil-Legal Protection.

Otpor activist Stanko Lazendić (27), who was wanted by the police as a possible accomplice in the assassination of Boško Perošević, was deprived of his liberty during an identification check of passengers at the Sremska Rača border crossing with Republika Srpska at 3:30 a.m. on September 15. Miloš Gagić (28), who was also wanted by the police on the same grounds, was in the bus with Lazendić. His identity was not checked however and he entered Serbia without a problem. Lazendić was transferred to Novi Sad and released at 8 p.m. after questioning.

Gagić and Lazendić were in Republika Srpska when Perošević was shot. Lazendić said this in his statement to the HLC: 'At the beginning of April there were many threats against me and my family. My brother was sacked by Kertes (Mihalj, director of the Federal Customs Administration) from TV BAP in Bačka Palanka only because he is my brother. The threats started after I visited Hungary as an activist of Otpor. A guy who was with me and Gagić in Kosovo—he's not in the police though I think he's close to them—advised us in a friendly manner to leave the country and promised to secure asylum for us in Slovakia. He said that it would be better for us to stay alive and fight Milošević from abroad than stay here and get killed. He said we had until April 15 to leave the country, so we left for Republika Srpska on April 14. Boško Perošević was killed on May 13 and the police put us on the wanted file on May 15. The federal minister of information, Goran Matić, on May 14 accused Otpor of murdering Perošević and RTS announced, after transmitting a statement by the SPS, that the two of us were wanted by the police. Meanwhile nobody looked for either me or Gagić at home, nor did anybody from the police ring us up. My father was told that we were not wanted but merely required to help clarify the circumstances of Perošević's death. RTS, however, kept repeating the announcement by the Novi Sad police, saying we were on the wanted list for instigating and initiating the murder and were on the run. Gagić and I decided on September 14 to return. We consulted lawyers and friends. We wanted to be back before the elections, to prove our innocence and so to be able to vote. Earlier, our friends had informed us that our wanted posters were up at all border crossings with the notice that we were to be arrested with caution. We knew we might be taken off the bus at the border. I sat at the front and Gagić was at the back. A policeman came on and collected our identity cards. He entered my name in the computer and saw that I was wanted. After that he didn't check the documents of other passengers, including Gagić's identity card, so Gagić entered the country unnoticed. The policemen first stood around the bus for five minutes not knowing what to do next. Then they told the driver to open the rear door. A policeman came in and asked, "Which one of you is Lazendić?" I identified myself and stood up. He approached me from the back and said, "Don't make any sudden moves." I was taken out, searched and handcuffed. Witnesses say that one of them held a cocked pistol to my head, but I didn't see that. That was at about 3 a.m. I sat with them in the reception office at the crossing till 9:30 a.m. We chatted amiably and even joked about my return to the country. One of them said, "You must have heard they're going to open a bridge at Novi Sad and you want to christen it." Another put in, "No, they're opening the Fair and he wants to be there." When I told them that Gagić was also on the bus and they had missed him, they asked me half jestingly if I could reach him on mobile and tell him to come so they wouldn't be hauled over the coals.

'I was put on a police van at 9:30 a.m. and taken to Sremska Mitrovica. As I was getting inside, they asked me: "You won't try to escape, will you?" When I said I wouldn't, they took off the handcuffs. At the Sremska Mitrovica police station I was handed over to an inspector. He took me into a room, handcuffed me to a radiator, gave me a chair and an ashtray and told me to wait for inspectors from Novi Sad. They arrived in a red Golf car with civilian licence plates at 11:15 a.m. and took me to the police station on Kraljevića Marka street in Novi Sad. At the reception desk, I was ordered to remove my shoelaces and belt and to empty my pockets. They gave me a receipt for those things. That was about at 12:30 p.m. I was in their custody until 3:30 p.m. when two other inspectors arrived and took me to the provincial Interior Ministry building on Pap Pavlova street. I was first questioned by an expert for about an hour. We talked about global politics and the role of the new world order for fifty-five minutes. He said he would put me through a lie-detector test and I naturally agreed. During the test he asked me only three questions: "Do you

know who shot Boško Perošević?”, “Do you know the killer?” and “Are you in any way connected with the murder of Boško Perošević?” I wasn’t given the results of the test.

‘I was next questioned by homicide inspectors. We chewed the fat about global politics, NATO, traitors, Otpor, and so on for about two hours. They asked me, “You were with us in Kosovo. How come you’re now voting for Đinđić who’s a traitor and who fled the country during the bombing?” I asked in return how come nobody had charged Đinđić for being a traitor. It was only at the end of the questioning that they asked me how I could be so sure the murderer was not an Otpor activist. I replied that I spent virtually twenty-four hours on the Otpor premises and knew everybody who had been there and filled in a membership application form.

‘Inspectors in charge of financial crimes were the next to ask me questions. They were interested in the lease contract on the Otpor premises that I’d signed. I wrote a statement about how we found the flat, the contract I signed with the owner, how much the rent was and where we got the money from...Next thing I wrote a statement in connection with the decision by the secretary of City Council, where I work in the building inspection department, to grant me paid leave and 60 per cent pay while I was in Republika Srpska. I had to account for that decision in writing. Then a girl came in who works in the aliens department and began to ask me those commonplace questions about Otpor, such as how many members it had, who financed it, etc. I asked whether I had been arrested in connection with that or to prove that I had nothing to do with the murder. I told her that I had answered those questions many times before because since April no other Otpor activist in the country had been arrested so many times as myself. She went out and I was told that I was free and that we were through. As we were parting, they asked me what would happen to them after we’d won the election. I replied that those who’d fallen foul of the law would be tried.

‘They wouldn’t tell my father where I was for a long time, that is, while I was on Pap Pavlova and Kraljevića Marka streets. It was only after he’d arrived to report the disappearance of his son that they told him that I was at the police station for an informative conversation. My brother drove me home. At the entrance to Bačka Palanka, we were stopped by a patrol. They were about to arrest me again, but I told them I was through with them as far as the arrest warrant was concerned. They checked this over the radio and let me proceed.’

## **2.2. Detention Over Possession of Propaganda Materials**

The police detained only Otpor activists and opposition party members for pasting posters and distributing handbills. They detained and questioned literally everybody caught writing graffiti about Otpor with spray on walls and hoarding, or stencilling Otpor’s symbol: the clenched fist. The police filed some fifty misdemeanour and two criminal complaints in connection with this.<sup>30</sup>

Fifteen Otpor activists distributing handbills in the centre of Valjevo were detained on May 16. One of the detaining officers told them they were in for not having reported their gathering, while a senior inspector named Veca Ivanović said that Otpor was a banned and illegal organization. The activists were kept at the station for two hours. In the same town, at about 3:30 p.m. on July 22, the police detained three activists and confiscated some 500 posters without issuing a receipt. During the questioning a policeman wearing the badge number 161112 pulled Aleksandar Lazić (18) by the hair.<sup>31</sup> None of the activists was issued any document in connection with the detention.

Otpor activists Dragan Bosiljkić, Miloš Bjelkić and Nandor Bertok were detained in Sremska Mitrovica on May 26 for distributing DOS promotion materials.<sup>32</sup> At the police station they were

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<sup>30</sup> See the section on Misdemeanour and Criminal Proceedings.

<sup>31</sup> HLC, statement by Aleksandar Lazić.

<sup>32</sup> See the section Civil-Legal Protection.

held for three hours and questioned separately about the murder of Boško Perošević and the financing of political parties and Otpor.

Three minors, including I. M. (17), were detained in Belgrade on June 8, 15 and 22 for pasting GSS posters. Each time their brushes, glue, buckets, handcarts and posters were confiscated and no receipt issued. They were kept between five and seven hours although the questioning lasted from five to ten minutes. I. M. says he was asked who employed him, who helped him find the job (the pasting of posters), who his collaborators were and what they do, and where he meets his employers. The police opened files on all three on June 8.

Nenad Šeguljev and D. S. (17), Otpor activists from Novi Sad, were detained as they pasted posters on June 26. D. S. said this in his statement to the HLC: 'A policeman came up at 4 p.m. and said, "I've got to bring you in, you're not allowed to do that." You could see that he was embarrassed and none too glad for having run into us. Shortly afterwards, three policemen arrived in a car and drove us to the provincial MUP headquarters. They started questioning us already in the car. One of them told me, "If I were your father, I'd break your neck." They told Nenad, since that was his sixth detention, that it was about time he started thinking about the Klisa prison. In the provincial MUP headquarters, we were questioned by a policeman named Saša Barač. He asked me who financed Otpor, when I joined the movement and whether I had a membership card, and insisted on my telling him at least one name from Otpor. After a brief questioning, he dispatched us to the police station on Kraljevića Marka street. We were there questioned by an inspector. He didn't introduce himself, but I saw on his door that he was in charge of foreigners. But first of all, they opened a file on me and fingerprinted and photographed me. The inspector questioned me about my whole life. He asked me to give him the names of all my relatives and friends living abroad and to write down their phone numbers. I refused. He then asked me the nationality of my parents and grandparents, which of my grannies I visited more often, where my parents and sisters worked. Next he asked me to tell him some names from Otpor, who was the boss and who the leader, what kind of posters we pasted, who financed us, whether we had a co-ordinator, who kept us informed, how we were organized, at what time I usually arrived in Otpor premises, who conducted the meetings, which actions I had taken part in, what was my function in Otpor...When I replied that there were no functions in Otpor, he laughed and said, "Don't give me that, we're well informed." The conversation lasted an hour and a quarter. I asked the inspector whether I was now a criminal. He said I wasn't and was not to ask him why a file had been opened on me. The confiscated thirty-two posters, one brush and one bucket filled with glue. They gave us a receipt and told us we'd receive notification by post of misdemeanour charges against us.'

Two minors were detained in Belgrade at 10:30 p.m. on July 12 for pasting Otpor posters. A. G. (17) told the HLC that in spite of protests by his father he was released only after twelve hours. They were given no receipt for a brush and 400-500 posters. During the questioning the inspector asked him why he had been pasting posters precisely at the railway station, in 29. Novembra street and near the Pančevo bridge, and who had told him to put them up there.

Jan Dira (24) and Rastislav Dudaš (23), Otpor activists from Bački Petrovac, were detained as they pasted posters in the town after midnight on June 30. He said this to the HLC: 'We were intercepted by the policeman Saša Petrović. We didn't expect him to detain us because he was having a walk with his girlfriend and was obviously not on duty. After being brought in, we were forced by the duty officers to go back and tear the posters down. We were then returned to the station where we stayed until 9 a.m. I was questioned by an inspector for two hours. He asked me to tell him whether anyone had talked me into joining Otpor, whether I did that of my own free will, who was the number one man in Bački Petrovac, who financed Otpor, how we operated and what our objectives were. After the interrogation they took our particulars as well as photographed and fingerprinted us. We were released at 11 a.m.'

A total of twelve Otpor activists, including three minors, were detained in the centre of Kikinda on June 30 and July 12 for pasting posters bearing the phrases 'Otpor, Because I Love Serbia' and 'This Is the Picture of Milošević's Rule', the latter showing a photograph of four policemen clubbing a man on the ground. T. P. (17), a secondary school pupil, was detained in a group of seven activists on June 30. Following is her statement to the HLC: 'We were pasting posters in the centre of the town on posts erected for that purpose. At 2 p.m. two policemen first checked our identity cards and then took us to the police station after consulting their bosses. When they found out I was underage, they permitted me to ring up my parents. However, a policeman stood next to me and told me what to say. I was only permitted to say that I'd been detained. I was summoned to an informative conversation at 9:30 a.m. I was questioned by two inspectors. They insisted on my telling them who our boss was and who initiated our actions, how Otpor was organized, who was paying the organization and whether violent action was being considered. They asked me whether I got any money from Otpor for what I was doing. They took down the names of my parents and where they worked. They let me go at about 10 a.m.' Marko Aleksić (23) was detained on June 30 and asked who had talked him into joining Otpor, who was financing them, how they had come by the premises and where the recruitment materials with the names of Otpor activists were kept. Aleksić's brother Nikola (18) was asked at the police station by an uniformed policeman why he had not gone to Kosovo to fight instead of causing trouble here. The police confiscated their posters, brushes and buckets with glue.<sup>33</sup>

Eight citizens—two members of the opposition DS and DSS parties, one member of the G-17 Plus group, and five Otpor activists including a minor—were detained in Gornji Milanovac on July 12 for pasting Otpor posters. They were kept less than an hour. Only their particulars were taken.<sup>34</sup>

Dragan Bijelić (28) and Saša Gujanac (28), members of the Association of Independent Trade Unions in Nova Varoš, were distributing handbills and pasting Association posters after regularly informing the police of a rally. They were detained by policemen named Vojko Radiković and Mirsad (surname unknown) at about 11 p.m. The posters were confiscated and a receipt issued. They were told they had been detained for not reporting a public rally. They were kept at the police station for three hours, of which their questioning by an inspector named Zoran Zvornjaković took an hour and a half. After the questioning, Bijelić and Gujanac had to tear down the posters in the presence of policemen.

Dejan Cvetković (19), Darko Pavlović (20) and Slobodan Ćirić (36) were detained by a uniformed policeman around noon on July 26 for pasting Otpor posters on the transformer station in Šabac. He confiscated some 500 posters and told them he was under orders to detain anybody he saw pasting Otpor posters. They were kept at the police station for an hour. The questioning, conducted by the chief of police in Šabac with the help of a questionnaire, lasted some forty-five minutes. Cvetković told the HLC that the inspector told Ćirić threateningly, 'We'll meet in town', whereupon Ćirić reached out his hand and suggested they could get the thing over with right there and then. The inspector reached for his pistol and snapped that he was the law.

Milovan Jovanović (18) and three friends were pasting Otpor posters at a location reserved for the purpose in Niš on July 27. He told the HLC what followed: 'At 3:15 p.m. a policeman came along and checked our identity cards. Then he ordered us to follow him to the police station 250 metres away. He gave us no explanation for detaining us. We spent an hour at the station. While we were waiting for an informative conversation, the duty policeman yelled at us, called us guttersnipes and bums, and said if he were to have his way he'd have us work on a farm. The informative conversation with inspector Branislav Timotijević lasted about half an hour. He asked me who Otpor's boss was and who financed the movement. I asked him in turn why there were two SPS calendars on his desk and why there were several SPS posters on display at the station. He didn't

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<sup>33</sup> See the section Civil-Legal Protection.

<sup>34</sup> HLC, statement by the detained minor.

reply. They took from us some 250 Otpor posters, a bucket with glue and a brush. We were given a receipt for these things.'

At about 7 p.m. on July 31 in Pirot, ten young people who had been detained before were detached by the police from a group of more than 100 citizens holding posters bearing the phrase 'The People Are Otpor'. They were taken to the police station in a police van. At the station, they were questioned separately. All of them had to write down statements dictated to them by the inspector. Those who had not been fingerprinted before were fingerprinted on that occasion. According to Jelena Đorđević (22), the text of the statements they signed ran as follows: 'By this voluntary statement I confirm that I have taken part in poster-pasting and that as a member of Otpor I have participated in actions involving the pasting of posters.'

Twelve young men and women, including four minors, were detained in Kuršumlija on August 6 for pasting Otpor posters. They were questioned about where they usually met, who their contacts in Belgrade and Niš were, who their boss was and who gave them the money. When they inquired why they had been detained, a policeman replied that they had 'soiled the town'.

A group of Otpor activists were detained in Pančevo on August 14 for distributing DOS handbills. Ivan Malek, Mak Kabadaja, Branislav Vukosavljević, Nikola Orlov, Jelena Živanović and Tamara Petrušić<sup>35</sup> were kept at the police station for about four hours. They were released after being questioned, photographed and fingerprinted.

On August 18, the police in Knić detained four Otpor activists in their flats after being tipped off that they had been pasting posters with the Otpor symbol the night before. Mića Pantović (27) was brought to the police station together with Dejan Petković (29), Bogoljub Bogičević (28), and Nebojša Tomović (26). 'The commander was very rude. He threatened to have both Dejan and his wife dismissed from the state firms for which they worked,' Pantović told the HLC. They were released at 11 p.m. with the proviso that they take down every single poster they had pasted and bring their T-shirts displaying the Otpor symbol to the station the next morning.

'We took down a number of posters that night. The commander had told us to remove them all or he would beat us at each post on which he saw a clenched fist. We were turned back three times to unglue some more posters and each time they dispatched a patrol to make sure we had. Finally, at about 2 p.m., the commander showed up and told us we were free to go. We were given no document regarding our detention and no receipt,' Pantović said.

Police confiscated a large quantity of propaganda material from Otpor activists in Belgrade on August 22 and 26 and detained six of them. Igor Gajić said in his statement to the HLC that he had been told on August 22: 'Whatever happens, you're the first to be arrested.' Slobodan Prvulov, who was detained on August 26, told the HLC that none of the policemen they saw at the station on Majke Jevrosime street wore a badge and that they divided the Otpor material (matchboxes, stickers and T-shirts) among themselves.

A group of Otpor activists was detained on August 24 for distributing Otpor propaganda material on the Danube Embankment in Zemun. Vladimir and Igor Novicki, Jelena Stevanović, Ramadan Tuhin, Željko Ćirić, Dušan Kerečki, Vanja Petrović, Branko Bobanović, Zdravko Stevanović and Milan Marjanović were bundled into two police vans and taken to a police station. Tuhin<sup>36</sup> told the HLC that they were photographed and fingerprinted.

Igor Ignjatović (21), Gordana Ristić (26) and an Austrian citizen named Gabriela were detained in Bačka Palanka on August 29 for throwing Otpor handbills from a moving car. Ignjatović told the

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<sup>35</sup> See the section on Civil-Legal Protection.

<sup>36</sup> See the section on Civil-Legal Protection.

HLC: 'At about 2:45 a.m. a police car cut in in front of ours. When we reached the station they searched our car and found some fifty handbills, six badges and a spray can. They asked us where we had sprayed the slogans. I replied that we had done it at only one place. A policeman tore up my statement and made me write a new one, dictating a list of places where we were supposed to have written the slogans.' The activists were also questioned by a municipal-services inspector, who told them he would bring charges against them for defiling the town.

Jelena Radovanović (19),<sup>37</sup> an Otpor activist, was detained in Čačak on August 29, after police searched her rucksack and found in it the movement's badges and stickers bearing the phrase 'The Time Is Ripe'. She was going to watch the home side Borac in a football match in the company of friends and was stopped and searched at the entrance to the stadium. She was driven to the station where she was photographed and fingerprinted. An inspector named Domanović questioned her about Otpor and her political views. He let her go after an hour and a half.

Otpor activists Branislav Omorac (19) and Dejan Gaćeša (34) were detained in Pančevo around midnight on September 1 for pasting stickers bearing the phrase 'He's Finished'. They were fingerprinted and photographed, and released after being held for seven hours. All the material found in their bags (about 300 stickers bearing the phrases 'The Time Is Ripe' and 'He's Finished', two car spray cans, a G-17 bulletin and an Otpor badge) was confiscated and a receipt issued. 'When we rose from the benches sometime during the night because we were nervous with all that waiting, a policeman shouted, "Sit down, you're interfering with police work!" We were not insulted or humiliated in any other way, but the very detention was a humiliating affair,' Omorac told the HLC.

Four Otpor activists were detained in Požega on September 3 for pasting Otpor stickers. Dobrivoje Stevanović (19), Aleksandar Tomanić (19), F.D. (17) and Ljubomir Štulović (19)<sup>38</sup> were kept at the station for six hours. Those who had not been fingerprinted before were fingerprinted then. 'They swore about our mothers. The policeman who brought us in said, "I'm going to smash in your motherfucking faces,"' Štulović told the HLC.

Twenty-four Otpor activists were detained in Novi Sad on September 9 for pasting posters displaying Otpor symbols. They were: Maja Tomić, Goran Trajkovski, Radovan Bajatović, Radomir Jelić, Nenad Šugeljev, Dubravka Pavić, Vladimir Versjakov, Aleksandar Bajat, Žarko Bogosavljević, Zoran Popović, Turzo Čaba, Miroslav Čapka, Lena Sokol, Vesna Tomić, Mira Gagiž, Nada Margeta, Tamara Kucarac, Mirjana Novaković, Slavko Macura, Alisa Horak, Marjana Stefanović, Nada Jokić, Maja Konfit-Horvat and Steva Marić.<sup>39</sup> Maja Tomić told the HLC that they were brought to the police station in five patrol cars. She was questioned by a trainee policeman. He asked her who the Otpor leader was, how Otpor was financed, and the like. At one time a plainclothes inspector came into the office and started to shout at her, "You're Albright, yes you are, because you're in Otpor!" He swore about her mother and told her she ought to be 'beaten to a jelly' for being in foreign pay. Maja Tomić was kept at the station for three hours, but none of the inspectors and policemen would tell her why she was there. They photographed and fingerprinted her, weighed her and took her height, and let her go at 1 p.m.

Four activists of the nongovernmental organization Izlaz 2000 (The Exit 2000) were detained in Smederevska Palanka on September 16 for handing out propaganda materials from their organization and the Women's Political Network, as well as those promoting the action under the slogan 'The Time is Ripe'. Bojana Radosavljević, Milan Milošević, Milin Nansi and Miloš Starčević<sup>40</sup> were taken to the police station by a patrol called by a plainclothes colleague. 'Bojana offered a

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<sup>37</sup> See the section on Civil-Legal Protection.

<sup>38</sup> See the section on Civil-Legal Protection.

<sup>39</sup> See the section on Civil-Legal Protection.

<sup>40</sup> See the section on Civil-Legal Protection.



sticker to a passerby. He swore at her and threatened to “stuff her trap with it,” Starčević told the HLC. It turned out that the passer-by was a policeman in civilian clothes and he wanted to detain them at once. When they asked him to identify himself, he said he had no papers on himself. He went away and returned promptly in the company of uniformed policemen. ‘In explanation for our detention, they said they knew me as an Otpor activist and thought we were distributing the movement’s materials. They let us go after an hour and a half and gave us the materials back,’ Starčević said.

### **2.3. Detention Over Otpor T-shirts and Symbols**

Minors waving an Otpor flag were detained twice in Ivanjica. The first detention took place on May 25, while opposition party members and Otpor activists were assembling to listen to a Radio B2-92 broadcast over satellite. V. T. (14) was detained at about 7:30 p.m. for waving a flag displaying the Otpor symbol outside the Otpor and opposition political party headquarters. V. D. (11) was detained at the same spot for the same reason on June 2. Ten baton-wielding policemen arrived in a police van and took him away. The boy’s father, a member of the local DS board, was there at the time and insisted on accompanying his son. Both boys were kept at the station for half an hour or so. The policemen wanted to know whether anybody had talked them into gathering at the Otpor and opposition party headquarters.<sup>41</sup>

On June 30, the JUL municipal board in Sokobanja organized a football tournament as part of its campaign under the slogan ‘JUL in July’. An Otpor team was taking part, too. Before the match began police detained seven activists and confiscated their T-shirt displaying the Otpor symbol, the clenched fist. Ivica Naskovski (24), a journalist with TV Soko, said this in his statement to the HLC: ‘We had entered our team for the competition, its name was Otpor (Resistance) Until Victory. Before the match started, we were all given printed notices saying that the players were forbidden from displaying any party or political symbols. The people from JUL insisted we change the name of our team. We explained to them that its name had nothing to do with politics: by “resistance” we meant a tight defence of our goal during the match while the phrase “until victory” was our tournament motto. Wearing Otpor T-shirts, we started to warm up in the field. At that moment, two policemen came up. They called a police van over the radio and it arrived in five minutes. A younger policeman from Kosovo who had come to Sokobanja some ten days before was especially rude. He ordered all of us in T-shirts to make for the van. There were six of us in the team. We asked him to wait until the match was over. He replied that if we wouldn’t go with him, he would bring us in. Three policemen made at Aleksandar Milojković, who had been detained four times before, as though to drag him away. When we saw that we went along. On our way, we met DS councillor Vojkan Janković who had come to watch the match in an Otpor T-shirt. He too was detained. There were seven of us in the van. We were crammed and hot. The policeman from Kosovo had ordered us to remove the cards from our mobile phones and to hand over the latter. Predrag Stevanović, who had been detained twice before, asked him whether we had to do that under the law. The policeman replied that he was the law round here. In the end, we handed our phones to a friend, who escorted us to the van. We arrived at the police station at about 5 p.m. We stayed there for four hours, during which the questioning itself lasted half an hour or so. They asked us the standard questions, such as who financed Otpor, who was the boss, how many members there were. Those who had not been fingerprinted before were fingerprinted then. We were ordered to take our T-shirts off. When I refused, a policeman told me, “These are my orders from my commander, so better take it off yourself, or else I’ll have to do it for you.” The commander was the guy from Kosovo. I took it off and remained naked to my waist. The policeman told me to put on another clean T-shirt I had with me. I replied that I wasn’t going to put on a fresh T-shirt over my sweaty body. When he saw that the other T-shirt was a Centre for Anti-War Action one with a small clenched fist on it, he gave up. I was questioned last. In the meantime, my sister had arrived at the station to find our why I had been detained again. A

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<sup>41</sup> HLC, statements by Ivanjica Otpor activists.

policeman jumped at her and seized her by the shoulder in order to push her away. When her husband and my brother-in-law saw that, he started to protect her. At that some ten policemen fell on him and literally threw him out of the station. We insisted on being given receipts for our T-shirts. The policemen replied they couldn't do that because it was Sunday and their stamp was locked away.'

Eight persons in T-shirts watching a cycling race from a restaurant garden were detained in Vrnjačka Banja on July 4. They included Otpor activists and DS and SPO members. At the police station they were questioned about Otpor and the murder of Boško Perošević and asked where they were at the time of the shooting.

Twenty-two Otpor activists were detained in Valjevo on July 3. Eleven were removed from a concert by the band Van Gogh for wearing Otpor T-shirts while the rest were detained for distributing handbills and holding a large Otpor banner outside the concert hall. Marija Savić (22) said this in her statement to the HLC: 'At 11:30 p.m., several policemen arrived and picked us up for allegedly disturbing people and interfering with the concert. Before they took us away, we threw the banner into the river. The policemen later forced an activist to fish it out. They confiscated the banner without giving us a receipt. We spent about three and a half hours at the police station, although the informative conversation with inspector Nikola took about five minutes. The inspector asked me who had organized the action and how long I had been active in Otpor. He said he'd make us give a concert at the station and have us thrown into the river afterwards. Those who had nothing underneath their Otpor T-shirts were allowed to keep them on, while those who had, had to take them off.'

Otpor activist Dejvid Vaš (22) was detained in Zrenjanin on July 6, when the police saw him wearing an Otpor T-shirt. He was kept at the police station for two hours and questioned by a plainclothes inspector. Vaš asked the inspector to introduce himself and state the reasons for the detention, but the inspector declined. 'He asked me who had forced me to join Otpor, who was the boss, and who was paying us. After that, he asked questions about my parents and relatives. He wanted to know where each of them worked and whether he or she belonged to a political party,' Vaš told the HLC. The police confiscated his materials displaying the Otpor symbol and did not give him a receipt.

V. N. (15) was detained in Šabac at 11:45 p.m. on July 21 for wearing an Otpor T-shirt. He said this in his statement to the HLC: 'On my way home, I was stopped by some policemen who were raiding a nearby restaurant. One of them came up to me and asked me, "Why are you wearing that fucking T-shirt and why are you in that party?" They put me in a police car and told me they were under orders to bring in everybody wearing such a T-shirt because that was a disgraceful thing to do. A policeman wanted me to take off the T-shirt in the car, but another stopped him, saying they could not make me go about naked. When we got to the station, I was told to stand in a corner. During the informative conversation conducted by inspector Zoran Radovanović, a policeman called me an *Otporite*. The conversation lasted about forty-five minutes. That policeman asked me if I were from Bar. He told me that he was from Bar himself and would work me over if I were, too. He said he beats everybody from Bar as well as those who are not for Slobodan Milošević. Besides asking me questions about Otpor activities and members, the inspector called me a bandit and a guttersnipe for wearing an Otpor T-shirt. He asked me who'd given me the T-shirt. I answered "my father". The policemen asked why my father didn't wear such a T-shirt and added that they would not bother him if he did. A policeman whose name I don't know pulled me by the hair and called me a hoodlum and a monkey. He said that if he caught me wearing the T-shirt and pasting posters again, he'd first beat me in front of everybody and then in the station. He also threatened to beat me if he ever found me in the street after 11 p.m. or without an identity card.'

Mladen Milovanović (18) and Milan Bogojević were searched and detained in Užice on July 25 for wearing Otpor T-shirts. During the search, the policemen found car spray cans among Milovanović's things but did not confiscate them. He was asked to name the people from Otpor he knew and whether someone else had such spray cans. He was kept about forty-five minutes. 'During the conversation they told me that the Užice police had been reprimanded from above for being slack as far as detentions were concerned. They wanted to have me fingerprinted but the technician was away,' Milovanović told the HLC.

Tihomir Videnović (48) was arrested in Svrlijig on football tournament day, July 29. He said this in his statement to the HLC: 'Zoran Popović, Milomir Mihajlović and I were detained by two policemen when we appeared on the stand wearing (Otpor) T-shirts. They told us they were bringing us in because we were irritating a guest: the chief of police in Niš, Zdravko Skakavac. We were taken to the police station. Inspector Gajić questioned me for an hour. He said that the position of the Serbian MUP was that all citizens wearing Otpor T-shirts were to be detained. I asked him what he would do if tomorrow the position of the Serbian MUP were to change to shooting all citizens wearing Otpor T-shirts, and whether as a jurist he was guided by mere positions or the law. I also asked him whether he was not ashamed of arresting our children. He then raised his voice and said he would no longer tolerate such behaviour on my part. He added that his superiors had admonished him for collaborating with the opposition. He argued with me that I should not take part in Otpor activities and I replied that my political activities were my private affair. They did not open a criminal file on me.'

Nenad (16) and Vladica Mitrović (17) of Niš were detained in Niška Banja on August 2 for wearing Otpor T-shirts. Nenad said this in his statement to the HLC: 'I was having a walk through Niška Banja with my brother Vladica when, at about 9 p.m., a man repairing a bus grabbed us by the hand and called to some policemen not far away. A uniformed policeman came up at once and asked, "What's that you've got, what do you need that for?" He meant our T-shirts. He asked if we knew that those T-shirts were banned, and we asked in return, "By what law?" He then went off but told the other uniformed policeman to keep an eye on us. The president of the New Serbia party, Dejan Rajčić, came along. He asked the policeman why he was keeping us and asked him to let us go. The policeman ordered us to get into the car and drove off for the police station. The street we were in was blocked and he couldn't go on. He opened the door and told us to get out, but before that we were to hand over our T-shirts. We did as he said and asked him for a receipt. The policeman reached for his baton, gave us a push and said, "Get out of here, I don't want to see you again.'"

Milan Jovanović (26), a law student from Bela Palanka, was last detained on August 6 for wearing an Otpor T-shirt in a street. A file had been opened on him on July 13 with a brief explanation saying 'in connection with Otpor'. During his last detention, police commander Radenković, nicknamed Galeja, told him that such T-shirts were banned, that Otpor was an illegal organization, and that police in Bela Palanka were in trouble because everybody was wearing such T-shirts openly.

Miloš Starčević (21),<sup>42</sup> Aleksandar Marković and Aleksandra Đorđević were detained in the village of Azanja near Smederevska Palanka on August 8, during a football match organized by a local SPS official called Burza. They were wearing Otpor T-shirts and distributing among the fans handbills of the movement and of the Alliance for Change (SZP). They were taken by three policemen to a nearby animal feed store and questioned for forty-five minutes about the origin of the posters, T-

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<sup>42</sup> Starčević was detained for the first time at the end of March for pasting posters. At the end of April, he was detained again in a group of ten activists when police searched the Otpor premises without a warrant and confiscated some 400 posters, an Otpor flag, matchboxes and badges. He was kept at the police station an hour. While he was waiting for questioning, several policemen and inspectors called him a terrorist, a guttersnipe and a bum. He was questioned for two hours by superintendent Aleksić, his son, and inspector Resavac. He was detained twice in May for pasting posters.

shirts and badges. The policemen confiscated some 100 handbills, 100 Otpor stickers and 100 SZP handbills without giving them a receipt. While they were in the store, Burza came in and shouted at them for 'having the cheek' to distribute handbills during his match. The policemen told them to report for questioning at the Smederevska Palanka police station at 7:30 a.m. on May 9. Deputy chief of police Nenad Milojević asked them how they had happened to be at the match, who had given them the materials, what their other political activities were, and so on. The police opened criminal files on them on that occasion.

Vladimir Cvetković, a member of the Presidency of the GSS, was detained for questioning in Niš on August 9. The policemen told him they had been ordered to detain everybody wearing a T-shirt or any other symbol of Otpor because it was an illegal organization.

Otpor activist Miroslav Zekić (28) was detained in Belgrade at about 7:30 p.m. on August 18 after being seen in Knez Mihailova street in an Otpor T-shirt. He was kept at a police station for four hours and questioned about his activities in Otpor. Zekić had asked the policeman who had detained him to give him an explanation. 'The policeman replied that they were under orders to detain all wearing T-shirts and other symbols of Otpor,' he told the HLC.

Five Otpor activists were detained in the centre of Niš on August 31. Miloš Vujinović (20), Ljubiša Božović (47) and I. Đ. (17) were detained for wearing Otpor T-shirts, Vladimir Prvulović (21)<sup>43</sup> for taking part in a street theatre under the slogan 'Kill Him With Your Ballot' and using fake ballot boxes, and N. S. (15) for having an Otpor T-shirt and propaganda material in his rucksack. At the station, some policemen treated the activists roughly, threatening to beat them and have them dismissed from work. Božović said this in his statement to the HLC: 'They started to shout at me, telling me to take off the T-shirt and put it on inside out. When I refused, they took it off by force and tore it up. As they did so, two inspectors twisted my thumbs. Inspector Rade Radenković told me pointedly, "So I hear you work in Minel under Pera Milanović." All five activists were photographed and fingerprinted. All their Otpor materials were confiscated without a receipt.

Members of an Otpor football team taking part in a tournament organized by young Socialists at the village of Popučke near Valjevo were detained on September 9. All who wore Otpor T-shirts were detained. They were Miloje Jankićević (22), Dalibor Čučak (20), Miroslav Filipović (18), Ivica Maksimović (18), Života Jakovljević (22), Veljko Janković (10) and Dragan Bogdanović, a candidate for DOS councillor. The police kept them for four hours and opened files on all except Bogdanović. Bogdanović said this in his statement to the HLC: 'The Otpor team were leading their young Socialist opponents. After they had scored another two goals, the SPS candidate for councillor, Borislav Radojčić, yelled to the police, "Arrest them at once!" The police stopped the game and detained all six Otpor players. I saw that some of the guys were afraid and insisted they detain me as well. We were put in a police van and taken to the station. Only one policeman shouted at us. He said, "No more talking, or I'm going to teach you a lesson" and such like.'

Four Otpor activists in Otpor T-shirts were detained at Prijepolje railway station on September 9 while waiting for a train taking a colleague, Ivan Marović, to the army. Jelica Gojković (19), Radmila Puača (19), Đorđe Divac (19) and Milan Brašnjević<sup>44</sup> were kept at the police station for three-and-a-half hours and their T-shirts were confiscated. Brašnjević told the HLC that there had been scores of people at the station but that only they were detained because they were in Otpor T-shirts. 'Four uniformed policemen told us they had to prevent the welcome. We explained that we were not up to anything special and only wanted to wave Ivan good-bye. The policemen asked their commander what to do. He replied, "Pack the cattle into the van."'

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<sup>43</sup> See the section on Civil-Legal Protection.

<sup>44</sup> See the section on Civil-Legal Protection.

Otpor activist Nemanja Raičević (19)<sup>45</sup> was detained in Sremčica on September 12 for wearing an Otpor T-shirt and distributing propaganda materials at a rock concert as part of the election campaign under the slogan 'The Time Is Ripe'. The DOS candidate for councillor in Čukarica, Siniša Kadić, was detained with him for asking the policemen why they were taking Raičević away. The police soon interrupted the concert. Kadić said this in his statement to the HLC: 'We were taken first to the Sremčica police station, where the policemen mostly apologized to us and said that orders were orders. They got in touch with their superiors and then decided to stop the concert. Some thirty people gathered outside the station and demanded our release. The policemen called in reinforcements, pushed me into a jeep and took me to the station in Čukarica. They asked me how I knew of Otpor and showed me a sticker bearing the phrase 'Otpor - The Time Is Ripe', saying such things were prohibited. I heard someone being beaten in the next room. The policemen shouted at him, "You're lucky to be questioned by us, just fancy being in that other office or in Babušnica!" Kadić was released after three-and-a-half hours. He decided to wait outside the station with Raičević's anxious parents for Raičević to come out. At that time Raičević was being questioned by an inspector named Popović. He was photographed and fingerprinted and then taken to his flat so that it could be searched. The policemen gave Raičević and his parents no receipt for all the Otpor materials they had confiscated, saying that such receipts were no longer issued.'

Otpor activist Vladimir Nikolić<sup>46</sup> of Bela Palanka was detained on September 13 by a plainclothes policeman for wearing an Otpor T-shirt in the street. At the station, he was questioned for forty minutes about Otpor. 'There was a policeman who said to me, "Why don't you wear a swastika like a real fascist does, you Albright motherfucker?" Another of the three policemen questioning me asked me where my father worked. When I told him that he worked on the railway, one of them said that the parents of Otpor supporters ought to be dismissed from work,' Nikolić told the HLC.

#### **2.4. Detention of Participants in Actions**

Otpor criticized the authorities and demanded democratic changes through messages on posters and handbills and in street actions. The messages were brief and alluded in a humorous way to particular acts of the government or to the highest officials of the state. Otpor's chief message during the election campaign was 'He's Finished'.

The police broke up most actions without an explanation; in other cases, they said the event had not been registered with the police, that the participants were committing a breach of the peace, or that the action was being executed in the name of an unregistered political organization. The detained participants were questioned about Otpor and their activities in it. They were photographed and fingerprinted. More than 100 minors were also detained. The HLC knows of only one case of the police issuing a detention order.

Between May and September 15, Otpor activists carried only a few actions that were not interfered with by the police. As a rule, actions or Otpor and opposition party rallies were broken up and participants taken to police stations for questioning. The police acted in this way even in the case of properly registered assemblies.

The police detained in Niš on May 9 three of four Otpor delegation members who had laid a wreath with the inscription 'Resistance to Fascism' in Liberation Square.<sup>47</sup> Delegations of the City

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<sup>45</sup> See the section on Civil-Legal Protection.

<sup>46</sup> See the section on Civil-Legal Protection.

<sup>47</sup> Shortly before the event, Niš City Council had included the Otpor delegation in the protocol without notifying the police of the change.

Council, the SPS and the JUL were also there. The activists were questioned about Otpor activities and how they had found their way into the official delegation.<sup>48</sup>

#### 2.4.1. 'Death to Fascism + Freedom to the People = Exit Milošević'

On May 9, Otpor activists and LSV members planned to carry out many actions under the common slogan 'Death to Fascism' at various locations in Novi Sad. Most of these actions did not materialize because participants were detained for questioning. On that day, some thirty Otpor activists, LSV members and journalists were detained. The majority were detained during an action under the slogan 'Death to Fascism + Freedom to the People = Exit Milošević' outside the building of the local SPS board. All the detainees were questioned about Otpor and the LSV. Zoran Petakov (24), an Otpor activist and LSV member, said that his plant spraying apparatus was first seized by the guards who were inside the SPS building. He had been spraying the building facade with pure water in a symbolic gesture of decontaminating the SPS from fascism. 'The police arrived promptly after a call by the firm providing security for the building. All the action participants were ordered into a police van and taken to the police station on Kraljevića Marka street. I was separated and taken to the provincial MUP headquarters on Pavla Papa street. I was first questioned for two hours by the two ordinary policemen who had detained me. They wanted me to tell them who had organized the show and why. They threatened me with criminal prosecution and imprisonment. I was later questioned by an inspector whose name I don't know. He too asked me whether I was a member of Otpor, who had organized the action and who had paid for all that. One of the policemen who, I believe, had the rank of lieutenant and whose name is Jovan Babić, drew up a criminal complaint against me for violent behaviour. With that complaint, which said I had broken into the SPS premises and provoked a fight, I was taken before a magistrate. The magistrate first questioned me and then confronted me with the head of the police patrol, Srbslav Stojšić. After the confrontation, the magistrate threw out the case against me and the police set me free.'<sup>49</sup> Six journalists were arrested during the same action in Novi Sad.<sup>50</sup> The policemen confiscated the tape recorders of the Radio In and Radio 021 journalists on the spot and tried to confiscate the camera of the TV Crna Gora cameraman at the station.<sup>51</sup> All the journalists were released after being questioned for several hours.<sup>52</sup>

#### 2.4.2. 'Youth Day'

On May 25, Otpor activists organized in Valjevo an action under the slogan 'Youth Day' to commemorate the days when young men and women from all over the country took part in a relay race at the end of which they presented Yugoslav president Josip Broz Tito with a baton. Darko Matić (24) was detained among others for allegedly throwing an object at the police. He was kept at the police station for an hour and not given a detention order. He said this in his statement to the HLC: 'I was in the main square when the activist holding the baton was detained at about 7 p.m. The policemen literally dragged him along to their car. I was inside the crowd in the square. There was a great confusion. Before I managed to see what was going on, I found myself on the ground being kicked by four uniformed policemen. Next thing there was a police van in the main square and I was thrown inside with two other activists. During the conversation with the station commander lasting about ten minutes, he claimed that I had thrown a cigarette lighter at a

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<sup>48</sup> HLC, statements by Dragana Antić and Aleksandar Višnjić.

<sup>49</sup> HLC, statement by Zoran Petakov.

<sup>50</sup> They were: Marina Fratucan, a correspondent with Radio Free Europe, Bojan Erdeljanović, a cameraman for TV Crna Gora, Žarko Bogosavljević and Dragan Gmizić, journalists with Radio 021 of Novi Sad, Jovan Đerić, a journalist with Radio In, and Nenad Šeguljev, a journalist with the periodical *Nezavisni*.

<sup>51</sup> HLC, statement by Bojan Erdeljanović.

<sup>52</sup> FHP, statements by Marina Fratucan and Bojan Erdeljanović. According to Fratucan, they were questioned by 'specialists in the interrogation of journalists'. They were asked who their employers were and 'how much are Milo Đukanović and America paying you?' as well as about personal matters such as marital status and children.

policeman. When I told him and the others present that that was impossible, that I had no cigarette lighter because I didn't smoke, they accused me of throwing rocks.'

#### **2.4.3. 'Folks, Resistance Does Pay'**

Four male students and two female secondary-school pupils were detained outside the Faculty of Philosophy in Belgrade for taking part in a street-theatre play called 'Folks, Resistance Does Pay'. While they were being ushered into the police station, one of the students turned round and walked away without being noticed. Some fifty Otpor activists and sympathizers gathered outside the station on Majke Jevrosime street. Vukašin Petrović (25) was detained, too, after inquiring why his colleagues and the two underage girls had been brought in for questioning. All of them were first questioned about Otpor and then fingerprinted and photographed.<sup>53</sup>

#### **2.4.4. 'A Nice Day for Terrorism'**

In connection with an announcement that an anti-terrorism law would be passed, Otpor activists organized actions in a great many towns in Serbia and were detained for taking part in them. Twenty-three activists including four minors and some of their parents were detained in Kragujevac on June 23, during an action under the slogan 'A Nice Day for Terrorism', during which activists played football in Otpor T-shirts in the town park. Gorica Gligorijević said this in her statement to the HLC: 'They first took us to the town police headquarters and then to various police stations in the town. The minors, my children and two others were first taken to the traffic-police building in the suburb of Erdoglija and then returned to headquarters. Except for my children, they were photographed and fingerprinted. All of them were forced to write down statements on ready questionnaires. They only supplied the answers. The minors were questioned in the presence of their parents. When word spread around that we'd been detained, citizens assembled outside the headquarters building.' The town's prime minister, Borivoje Radić, went to see the chief of police, who told him that nothing serious had happened and that the police were engaged in routine work.<sup>54</sup> Zoran Matović, Predrag Madžarević and Velibor Stefanović were among the detainees.<sup>55</sup>

#### **2.4.5. 'Slobodan Milošević - the Ostensible Hero'**

Nine Otpor activists including two minors were detained in Niš on June 28 for trying to stage a street-theatre play called 'Slobodan Milošević - the Ostensible Hero'. The intention was to present the Yugoslav president symbolically with an 'Ostensible Hero Medal', a parody of an SPS motion to bestow on him a high state distinction. The explanation the police offered was that the activists had been detained to prevent an illegal assembly. The activists who had not been detained before were then fingerprinted and photographed. They were kept at the station for about two hours.<sup>56</sup> M. M. (17) was ill-treated by a policeman.<sup>57</sup>

#### **2.4.6. 'Refuse Collection'**

Otpor and G-17 Plus were prevented from clearing a passage in the centre of Gornji Milanovac on July 1 as part of an action under the slogan 'Refuse Collection'. Seven people including two minors were detained for holding an illegal assembly. All of them were kept at the police station for forty-five minutes. M. L. (17) and D. N. (17) were questioned separately. All were asked why they had organized the action and most replied because they did not like seeing so much rubbish all over

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<sup>53</sup> HLC, statement by Vukašin Petrović.

<sup>54</sup> HLC, statements by Jelena Urošević, an Otpor activist from Kragujevac, and Gorica Gligorijević, the mother of two detained minors.

<sup>55</sup> See the section of Civil-Legal Protection.

<sup>56</sup> HLC, statements by Otpor activists from Niš.

<sup>57</sup> See the section Inhuman Behaviour of Police Officers

the town. The inspector retorted, 'We're not going to play games round here.' All the detainees were fingerprinted and photographed.<sup>58</sup>

#### **2.4.7. 'Assuming Responsibility'**

Activist Vladan Slavković (23) was detained in Kraljevo on July 14, a day after local Otpor activists took part in a street-theatre play called 'Assuming Responsibility'. Masked activists impersonating terrorists crossed a main street outside a pedestrian crossing and immediately 'assumed responsibility' for the act. Slavković was also detained, with seven other activists including two minors, on June 29 during a play called 'Repenting en Masse and Joining the SPS'. Some forty activists were standing outside the local SPS board building while Slavković and others on a delegation were trying to engage the party officials in conversation. 'Vice-president Radojica Kočović told us he wouldn't talk to us because we wore black T-shirts and were members of a terrorist organization. We said we disagreed and that those were serious and unfounded accusations and insults. After that, plainclothes policemen who were inside the building threw us out of the premises. In the street, we were at once surrounded by about fifteen policemen and taken to the police station in a police van. There they made us take our T-shirts off.'<sup>59</sup>

#### **2.4.8. 'A Sound Mind in a Sound Body'**

Otpor activists organized in Pirot on July 16 a five-a-side football match between Otpor activists and local councillors under the motto 'A Sound Mind in a Sound Body'. 'The police were on the scene even before the kick-off. They detained some ten of us and took even the goalposts. We got no receipt for the things they'd confiscated. At the police station, we were questioned about Otpor and some of us were fingerprinted and photographed. I was taken to the chief who questioned me briefly and then told me it wouldn't be a bad idea to have me criminally registered. I replied that they could do such thing to criminals and could only fingerprint me by force. We were there four hours and none of us received a detention order. The policemen filed misdemeanour complaints against four activists who had no identification cards,' Momčilo Đurđić (39), editor-in-chief and managing editor of RTV Pirot and DS member, said in his statement to the HLC.

#### **2.4.9. 'From the Heart'**

On the evening of July 19, the police interrupted a humanitarian action called 'From the Heart' and organized by the Youth Culture Club in Inđija. They detained twenty-seven Otpor activists, as well as eleven mothers who wanted their children free. The detainees spent some six hours at the police station. All were fingerprinted, photographed and questioned about the organization and activities of Otpor. There were three minors among the detainees.

The object of the daylong humanitarian action was to collect money for Damir Jovanović, a boy suffering from leukaemia. The event was to have ended in a rock concert. However, scores of policemen in camouflage uniforms dispersed the citizens assembled in front of the stage on the sport compound in Inđija. On that occasion and throughout the night, some fifty policemen detained everybody in an Otpor T-shirt.

In his statement to the HLC, Otpor activist Vladimir Ješić described the atmosphere in Inđija that night as a 'kind of public emergency'. 'The police threw the young people out of the cafes and the shops were emptied of customers, even those licensed to operate at night. Between 11 p.m. and next morning everything in the town was closed as if a curfew were in force,' Ješić said. He too was detained that night. At the police station, around midnight, Ž. M. (19), a secondary school pupil,

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<sup>58</sup> HLC, statement by Jelena Koričanac.

<sup>59</sup> HLC, statement by Vladan Slavković.



and her friend sat on a table and dozed off leaning against the wall. 'An elderly policeman in civilian clothes came in and started to yell at us. He asked us if we also slept like that at home. He called us cattle and beasts. He was very cross and I think that he would have hit us if we had talked back,' she told the HLC.

Several hundred protesting people had meanwhile gathered around the station. The mothers of Otpor activists from Novi Sad had set off for Inđija by bus as soon as they learned that their children had been detained. The police waited for them at the entrance to the town and all those in Otpor T-shirts were brought to the station. The police also opened criminal files on the mothers and questioned them about Otpor activities. One of them, Ljiljana Popović, said the policemen had treated them as common criminals.

'They didn't permit me to ring my son, to tell him where I was and why I wasn't coming home. They declined even after I'd told them that he was an invalid bound to a wheel-chair, Popović said at a news conference in Novi Sad on July 20.

The humanitarian action had been conceived as a daylong fête, including the cooking of a meat stew, sports events and music performances. Ješić said that the action had been duly reported and that everything had gone smoothly until the police intervened at 7 p.m. Before the event, the activists had tried to persuade Niko Bodrožić, the mayor of Inđija and SPS member, to let them erect a stand in the Youth Centre and have a concert there. 'He threw us out of his office, saying he had no intention of aiding and abetting an Otpor gang of mercenaries and murderers, even if they organized a humanitarian action,' Ješić said.

A week before, on July 26, the police detained in Inđija Otpor activist Dalibor Radovanović (22) for distributing copies of *Naša Inđija*, the bulletin of the Youth Culture Club which organized the humanitarian action. The whole issue was dedicated to the coming event. Radovanović said this in his statement to the HLC: 'I was handing out copies of the bulletin in the centre of the town. At about 10 a.m., two men in civilian clothes approached me and told me to follow them. Because they were in civilian clothes, I asked them where I was to go, and they said to the police station. I asked them why they were detaining me, and they replied, "Because of the bulletin." I asked them, "Are you detaining me only because of that?" They confirmed that that was the reason. On our way to the station, they asked me who was paying me to distribute the bulletin, why I was doing that, where it was printed, and so on. They told me to wait in the corridor to be fingerprinted. I waited four hours. From time to time I asked the passing inspectors how long I was to wait, and they replied, "Just wait there, you've got plenty of time." The informative conversation lasted about an hour. An inspector questioned me about Otpor, why I was doing that, what I found wrong with the state, why I was not studying or looking for a job instead of engaging in politics. Finally, he told me to come back again the next day, July 27. I did and was asked the same questions again.'

Six mothers of Otpor activists distributing copies of *Naša Inđija* were also detained on July 26. Slavka Macura<sup>60</sup> was one of them. She told the HLC that a policeman had pushed and struck her on the shoulder and cursed her for not having been able to see his children for two weeks.

#### **2.4.10. 'Otpor in the Neighbourhood'**

Some forty Otpor activists organized an action under the slogan 'Otpor in the Neighbourhood' in Niš on July 27 in order to dispel fear from the citizens. Eleven were detained and the rest ran away. Nine who had been fingerprinted before were released after being kept for two hours. The two with no files on them were questioned by an inspector named Timotijević in charge of juvenile delinquents. Activist Ivan Jocić (22) said this in his statement to the HLC: 'We were walking in

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<sup>60</sup> See the section of Civil-Legal Protection.

Otpor T-shirts through the centre of the town between 8 and 10 p.m. After the action was over, we assembled in St. Sava park at about 10:30 p.m. There were two policemen in the park who just kept watching us. Then eleven of us started back towards the Otpor premises. All of a sudden a police vehicle appeared in front of us and three policemen got out. They called in a van over the radio. We were crammed together inside. I asked a policeman why they were detaining us and he replied, "Shut up, you know why." At the station, we were first made to wait in the room where they take your particulars. Only a girl in our company was allowed to sit down, the rest of us had to remain standing. Inspector Timotijević appeared and released all of us who had been detained and filed before. A girl and a young man remained. Meanwhile, a great many people had gathered outside the station. As I walked out, I raised a clenched fist. A lieutenant wearing the badge number 400124 came up to me. I'd noticed him before because he'd always been rude to us. He told me, "Don't you raise your fist in front of the station, I'll take your head off for that." He calmed down a bit when he saw me take out a notebook to write down his number.'

#### **2.4.11. 'Pulling up the July (JUL) Weeds'**

An action under the slogan 'Pulling up the July Weeds' was organized in Niš the same day. The police detained seven members of the New Serbia party and two members of Otpor. Their questioning by an inspector named Aca lasted about fifty minutes. The detainees were told they had been detained and questioned for wearing the proscribed Otpor T-shirts.

#### **2.4.12. Detention of Otpor Mums**

Fourteen Otpor activists including six mothers of young activists were detained in Novi Sad on July 30 during an action on the town beach, Štrand. The detention provoked a stormy reaction from several hundred eyewitnesses. The action began at about 3 p.m., when a group of women members of the Crisis Headquarters of Otpor Mums took their children, Otpor activists, out to the beach. When they arrived there, they started to mould a large clenched fist in the sand. An hour later three uniformed policemen stopped the performance and detained the activists and their mothers. A policeman wearing the badge 441004 hit the activist Slobodan Novaković without apparent cause. A journalist with the daily *Blic*, Aleksandar Savanović, who happened to be there and tried to record the incident was also detained. Marija Kleut,<sup>61</sup> a professor at the Novi Sad Faculty of Philosophy who was among the detained mothers, told the HLC that it was the policemen and not the activists who were causing the trouble. 'We were having fun and were disturbing no one. They arrested us like criminals for just sculpting in the sand. A policeman gave a boy a punch in front of the bathers. Isn't that disturbing the citizens? I was detained in my bathing suit. They didn't permit me to pick up my things and my identity card.' The detainees were all packed into a police van. It was very hot outside. There were elderly women aged between fifty and sixty inside, and they literally gasped for air. Everybody in the group was taken to the provincial MUP headquarters and questioned. All were threatened with misdemeanour charges, some for having Otpor T-shirts on, others for attending an unregistered assembly, others as members of an unregistered organization, and others for 'interfering with children playing in the sand'. All were released after nearly three hours. After the group had been taken away, other bathers, mostly secondary-school pupils and university students, continued to sculpt the clenched fist in the sand. The police intervened again and detained a girl. The rest jumped into the river and escaped.

#### **2.4.13 'The End of July (JUL)'**

As part of an action under the slogan 'The End of July', Otpor activists organized in Sombor on July 13 a festivity in the City Hall yard attended by some 300 activists and sympathizers. During a sound-equipment test five or six uniformed and as many plainclothes policemen stormed in with

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<sup>61</sup> See the section of Civil-Legal Protection.

the intention of preventing the event. Anita Beretić,<sup>62</sup> a DS councillor and director of the local Information Centre, and a girl, S. K. (17), were detained and questioned for wearing Otpor T-shirts. Criminal files were opened on both of them. They were released after an hour and a half because people led by Mayor Goran Bulajić and councillors had gathered outside the station. The festivity was allowed to proceed, but without the PA system and posters.

Otpor activists organized a party to celebrate 'The End of July' in a private cafe in Prijepolje on August 1. The invitation card read: 'Come to celebrate the end of July together'. Milan Brašnjević (25), a local activist who was detained, said this in his statement to the HLC: 'There were some 150 people at the party, many of them wearing Otpor T-shirts. The police visited the cafe at about 2 p.m. and singled out three activists in white T-shirts because they stood out. They didn't spot me at once because I was standing behind the bar and wearing a black T-shirt. A guy objected and asked the policemen whether wearing those T-shirts was the sole reason. When they confirmed, he reached for an Otpor T-shirt and put it over his sweatshirt in protest. There was a pile of such T-shirts on the bar, which we distributed to the guests during the party. The policemen thereupon told him to come along. At that moment, an activist picked up an Otpor flag and tried to hang it over the window. He too was detained. The policemen picked up about ten people. When I went out of the cafe to see where they were being taken, a policeman told me, "Well, Brašnjević, I wonder we didn't notice you earlier, you too better come with us." We were kept at the police station for a total of twelve hours. We were all fingerprinted and photographed. Those who wore the T-shirts had to hand them over. I policeman ordered me to empty my rucksack and took all Otpor stickers and badges. They made us write statements and dictated to us what to put down, for instance, "Write down, I'm a student...I don't know anything about Otpor, I don't know how it is financed, who its activists are, there's no boss, it's not an organization but a movement..." They gave us receipts for the things they'd taken from us. My receipt was for ten matchboxes displaying the clenched fist, the movement's symbol, fifteen Otpor badges and five stickers.'<sup>63</sup>

#### **2.4.14. 'Let's Clear the Rubbish'**

On August 12, Otpor activists in Leskovac organized an action under the slogan 'Let's Clear the Rubbish'. They cleaned the river of various refuse and deposited it at the local dumping ground. Activists Jelena Mikić (26), Perica Cvetanović and Jelena Ristić (19),<sup>64</sup> were detained after the action at about 8 p.m. 'They took us to the police station and left us waiting in the corridor for two hours. The inspector questioned us together. He took all our particulars and asked us what we had done precisely, but didn't ask any questions about Otpor,' Ristić told the HLC. The activists were fingerprinted, photographed and released after three hours.

#### **2.5. Detention Before the Arrival of Senior Officials**

The police had a practice of detaining Otpor activists and members of opposition parties for questioning prior to visits by senior state and party officials.

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<sup>62</sup> See the section of Civil-Legal Protection.

<sup>63</sup> Brašnjević was first detained and questioned on July 1. The policemen came across him in a cafe and ordered him to come along for questioning without an explanation. He was questioned for three and a half hours. 'They asked me who the Otpor boss was, how Otpor was financed, how many activists there were in Prijepolje, where we got our materials, posters and the like from. The policemen asked me what I found wrong with the state and what my grievances were considering that I was entitled to free education. They told me, "Your studies are free of charge, so what are you complaining about?" They also told me I wasn't fair because they were protecting me against the people from the SPS. They told me that the SPS people wanted to beat us once while we were pasting posters but that they saved our skin and were now looking after us. Because they weren't pleased with my answers, they told me to come again for more questioning the next day. I didn't turn up.'

<sup>64</sup> See the section on Civil-Legal Protection.

The first mass detention of LSV members and Otpor activists took place on March 1, prior to the arrival of the Serbian prime minister, Mirko Marjanović, to inaugurate works on the Varadinska duga bridge in Novi Sad. The forty-five members and activists were detained while distributing handouts.<sup>65</sup>

On the day a number of senior Serbian state officials arrived in Novi Sad to attend the opening of the Agriculture Fair, May 13, seven DS activists were detained for distributing party propaganda outside the Fair grounds.

Twelve LSV members and Otpor activists were detained in Novi Sad on May 15, the day Boško Perošević was buried in the presence of top state officials.<sup>66</sup>

Twenty-seven Otpor activists and LSV members were detained in Novi Sad on May 29, prior to the arrival of Yugoslav president Slobodan Milošević to inaugurate the Boško Perošević railway bridge. Đura Ćurčić (25), a student and local LSV member, had been detained three times before: during Serbian prime minister Mirko Marjanović's visit to Novi Sad on March 1, during a celebration marking Victory Day on May 9 and on Perošević's funeral day, May 15, when he was brought to the station by special police. On none of these occasions was he told the reasons for the detention and questioning.<sup>67</sup>

Ten Otpor activists were detained in Valjevo in connection with a pro-government concert, 'JUL in July', featuring among others the well-known folk singer Zorica Brunclik. Goran Dašković (30), Radio Free Europe correspondent and Otpor activist, said this in his statement to the HLC: 'On the day of the concert, I announced on the local radio station, Radio Patak, that Otpor was preparing an action called "We thank Zorica for having kept us going all these years." Actually, we had no intention of carrying out any action and merely wanted to spread the word around. On my way back home at about 7:30 p.m., I noticed that I was being followed by two civilian passenger cars. Then two police cars sped by and switched on their rotating lights, a clear signal for me to pull over. I asked them if I hadn't by any chance gone through a red light. They told me not to act the fool. They confiscated fourteen Otpor posters and gave me no receipt. Then they took me to the police station without giving me any explanation. At the station, I was taken to the office of an inspector who was embarrassed by the whole situation and was very polite. My informative conversation with him lasted half an hour. He told me that I had been detained preventively. I told him my detention reminded me of the film *Three Tickets to Hollywood*. I could see he was ashamed of himself. He told me he didn't see any sense in all this and in his job. After the conversation, he went home. At about 9 p.m., some ten activists were brought in. Except for the duty officer, there was no one else at the station. I heard him talk to his colleagues over the radio. From what I heard, I concluded that they were combing the nearby forests for Otpor activists. At one moment, I heard someone ask, "Are the activists in uniform?" The duty officer got up and gave us a meaningful look. Then he replied that we were not. I think that by uniform then meant our Otpor T-shirts which none of us wore at the time. When I asked to be permitted to call home because my wife must be worried, the duty policeman rang her up and told her that I would be at the station while the concert lasted and would then be released.'<sup>68</sup>

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<sup>65</sup> HLC, statement by Dragan Apić.

<sup>66</sup> HLC, statement by Nada Bregun.

<sup>67</sup> HLC, statement by Đura Ćurčić.

<sup>68</sup> Goran Dašković was first summoned for questioning orally by his friend Igor Nedeljković on May 19. 'The senior inspector, Veca Ivanović, asked me whether Milivoje Gutović, the killer of Boško Perošević, had organized any seminars or lectures on Otpor in Valjevo and whether I knew Gutović given that Otpor materials had been found on Gutović. I noticed that inspector Ivanović was embarrassed for asking me such questions because he knew the situation in Valjevo well. In the end, he admitted that he had been ordered to ask everybody these same questions,' he told the HLC.

During a reception at the Greek embassy in Belgrade on September 7, given to mark the arrival of the Greek foreign minister, Jorgos Papandreou, four Otpor activists were escorted out of the residence by men introducing themselves as embassy security and handed over to the police. Slobodan Homen, Vukašin Petrović, Jovan Ratković and Predrag Lečić were kept at the police station in the municipality of Savski venac for two hours. Their lawyers and parents waiting outside the station were told by the duty police officer that they had been detained for trying to enter the Greek embassy without proper invitation. Homen and Petrović told a news conference on September 8 that the men who had introduced themselves as residence security asked them in English to go to the kitchen and kept them there about ten minutes. After they were escorted into the street, the men started speaking Serbian. Two police cars arrived soon and took them to the station.

### 3. Entry Into Flats, Search and Confiscation

On the morrow of the killing of Boško Perošević, May 14, Novi Sad police searched the flats of journalist Dragan Gmizić (22) and Ivana Vasiljević (24), an activist of the Young Reformers of Vojvodina. The police had no search warrant and left no certificate of entry. The search of Vasiljević's flat lasted some ten minutes and two neighbour women were called in as witnesses. No objects were confiscated. The police who searched Gmizić's flat took his archives and gave him a receipt. After the search, Gmizić and Vasiljević were taken to a police station where an inspector named Krstić questioned them about Perošević's killing and Otpor activities.<sup>69</sup>

The next day, May 15, police in Vrbas searched the flats of Otpor activists Miroslav Ujfaluši (24), Dejan Minić (24) and Branko Eraković (24). The policemen did not produce a search warrant, issue a certificate of entry, or call two witnesses. They confiscated material related to Otpor. Afterwards they took the activists to the police station and questioned them about the killing of Boško Perošević, the organization, its actions and financing. After the questioning, the activists were fingerprinted. The policemen confiscated from Ujfaluši 600 posters, several badges and leaflets, one Otpor flag and fifteen copies of the student bulletin *Autsajder*; from Minić twelve copies of the bulletin; from Eraković 130 Otpor posters, nineteen badges and ten leaflets. All three were given receipts. The local MUP department filed misdemeanour charges against the three on May 18.<sup>70</sup>

Predrag Savić (53), president of the GSS municipal board and co-ordinator of the Alliance for Change in Valjevo, was detained on May 16 in a group of fourteen activists for distributing Otpor posters. He was kept at the police station for three hours. After the questioning, which lasted twenty minutes, a criminal file was opened on him. His flat was then searched for about ten minutes. He was given a certificate of entry into the flat and a receipt for the confiscated items. The items were ten posters bearing the phrase 'Otpor, Because I Love Serbia', one poster bearing the phrase 'Otpor's Million' and one poster bearing the inscription 'Otpor'. The receipt states that the posters were temporarily confiscated for the purpose of securing evidence and elements of a criminal act.<sup>71</sup> The search was carried out in the presence of two witnesses.

The flats of three students, Otpor activists, were searched in Aranđelovac on May 17. The police had no warrants, issued no certificates of entry and called no witnesses. Vladislav Lazović (24) said this in his statement to the HLC: 'The flat I share with my roommate Dejan Pavlović, who has no connection with Otpor, was raided by the police at about 11 a.m. My roommate opened the door and by the time I got out of bed four men in civilian clothes were inside. One of them showed a police identification card. They said they had to search the flat. When I asked them to show me the warrant, they replied that they didn't have it with them and that I would be given one at the

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<sup>69</sup> HLC, statements by Dragan Gmizić and Ivana Vasiljević.

<sup>70</sup> See the section on Misdemeanour Proceedings.

<sup>71</sup> HLC, receipt for temporarily confiscated items.

station. I wanted no trouble. The search lasted about twenty minutes and my room was gone through a little more carefully. They found several Otpor membership application forms, Otpor matchboxes and a couple of calendars. They took all these things and told me to come with them. When I insisted on being given a receipt, they said they didn't have one on them and that I'd better not press the matter. At the police station, I asked permission to tell my parents where I was, but was refused. During the questioning, they asked me who the bosses in Aranđelovac and Belgrade were, who financed Otpor, who distributed its materials, who pasted the posters in Aranđelovac, how many members there were in Aranđelovac, what the purpose of Otpor was, what the Otpor manifesto said, who attended the Otpor panel discussion. After the questioning, I was sent to the technician to have my file opened.'

On May 19 Zaječar police searched the flat of Aleksandar Đorđević (31), a lawyer and member of the DS municipal board. After the search Đorđević was taken to the police station. He said this in his statement to the HLC: 'I was visited by four policemen led by inspector Vojvodić who said they were acting on a complaint that I was in illegal possession of firearms. My father, who is a District Court judge in Zaječar, asked them to produce a warrant, but they had none. They found and confiscated two posters bearing the phrase 'Otpor, Because I Love Serbia', eight leaflets bearing the phrase 'Against Police Violence - Be Courageous', one copy of the bulletin *Srpski otporaš*, one large sticker bearing the phrase 'Free Yourself - Offer Resistance' and eight small stickers bearing the phrase 'Think - Offer Resistance'. At the police station, Đorđević was given a document stating that the flat was entered to 'search for incriminatory evidence' and listing the confiscated items. During the questioning, I made a statement that I had never carried a pistol and was a pacifist. I was fingerprinted and photographed.' Đorđević was again detained on June 9 in a group of ten or so DS and Otpor activists and was physically abused on that occasion.<sup>72</sup>

Igor Milićević (27), an Otpor activist and DS member in Zaječar, had his flat searched without a warrant on May 23. After the search, he was detained and questioned. The certificate of entry into the flat issued at the police station lists the items confiscated during the search: three empty matchboxes displaying the Otpor symbol, one badge, seventeen copies of the bulletin *Srpski otporaš* and one copy of the magazine *Reporter*.<sup>73</sup> The receipt does not state the reasons for the search. The policemen made no effort to find two witnesses.

Željko Antičić (25), a student from Loznica temporarily resident in Novi Sad for the purpose of study, had his Loznica and Novi Sad flats searched in the middle of May. In neither case did the police produce a search warrant or issue a certificate of entry. Antičić said this in his statement to the HLC: 'The first time they searched my flat in Loznica at the middle of May. I wasn't at home but my mother was. There were three policemen, two in uniform and one in civilian clothes. They didn't show her a search warrant or give her an entry certificate. They told her they were searching the flat because I had been distributing leaflets for the Civic Parliament around that time. They found and confiscated a few leaflets and maybe an Otpor poster. They gave her no receipt for these things. Shortly afterwards, my flat in Novi Sad was searched, too. I was visited by three plainclothes policemen, who introduced themselves, but I forget their names. They had received a report from their Loznica colleagues on informative conversations with other local Otpor activists and searches of their flats, so they wanted to find out whether our stories matched. I was questioned in the flat for an hour and a half. They searched the flat but found nothing. They didn't show me a search warrant or give me a certificate of entry on this occasion, either. Then they ordered me to come along to the police station to be fingerprinted. I stayed there briefly, that is, as long as it took them to fingerprint and photograph me.'

The police also searched the flats of underage Otpor activists. The flat of M. M. in Šabac was searched on May 15, with the explanation that the police had been tipped off that he was in

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<sup>72</sup> See the section on Inhuman Behaviour of Police Officers.

<sup>73</sup> HLC, receipt for confiscated items.

possession of firearms. On June 1 the police in Ljig searched the flats of M. M. (14) and D. G. (11), with the explanation that the governess of their primary school had reported them for drawing clenched fists, Otpor's symbol, on the school walls.

On May 17 the police in Kruševac searched Otpor premises and confiscated propaganda material and lists of activists. After the search, the police escorted activist Srđan Milivojević (35) to his house and searched it, too. They confiscated his revolver, hunting carbine, ammunition and weapon licence. The certificate of entry into the flat and other rooms issued to him states that the search was conducted to 'discover incriminatory evidence'.<sup>74</sup> He said this in his statement to the HLC: 'I was about to leave for Belgrade. I had with me lists of activists, including those who had been detained. I wanted to leave them in a safe place in case I was searched by the police on my way to Belgrade. I made for our premises. When I got near the door, I saw a police van and two police cars outside. The policemen said they had come to search the premises. They confiscated the posters and all the notebooks they had discovered. Then they took Žarko Malinović, Vladimir Žarković, Ognjen Ranđelović and Aleksandar Radovanović to the police station and escorted me to my parents' house. There were so many policemen outside that it looked like a siege. Some were already inside when I entered. I saw one of them trying to take off by force the Otpor T-shirt my mother was wearing. They confiscated my revolver, hunting carbine, bullets and weapons licence.' After the search, Milivojević was taken to the police station, where he was questioned about Otpor and fingerprinted.

Dalibor Loznica (30)<sup>75</sup> was visited two uniformed policemen at his flat in Loznica at 6 a.m. on May 26. The policemen proceeded to search the flat. When he asked them the reason, they said they had a search warrant. Afterwards they gave him a certificate stating that the flat was entered in order to 'search for incriminatory evidence'. The policemen confiscated twelve Civic Initiative posters, ninety-eight picture postcards issued by Civic Resistance of Valjevo, 500 NGO stickers, about 2,000 Civic Parliament bulletins, seven protest handbills urging people to rally, eighty Social Democracy party leaflets, 150 Otpor leaflets, thirteen Serbian Liberal Party membership application cards and one Otpor poster. The policemen issued no receipt for twenty copies of the magazine *Reporter* and 300 to 400 NGO leaflets.<sup>76</sup> The search took place without the presence of two witnesses. When the policemen told him to come along for questioning, Loznica asked the reasons. They replied, 'For reason of an informative conversation.' Although the questioning conducted by homicide inspector Dragan Cvetinović and local deputy chief of state security Dušan Janković took four hours, Loznica was released only after sixteen. He said this in his statement to the HLC concerning the questioning: 'The investigating officers asked me about Otpor's goals and who its boss was, as well as about Bogoljub Arsenijević Maki. They were not violent. Inspector Cvetinović raised his voice from time to time, but I told him to cool down and he did. When I asked them why they were opening a criminal file on me, they replied that files were being opened on all Otpor activists in case an anti-terrorism law were passed.'

Investigation by the HLC shows that the searching of flats of Otpor activists in Belgrade began early in July. All the cases documented by the HLC show that the activists were taken to a police station to be questioned and fingerprinted before or after the search.

Viktor Šekularac (20), a student of applied arts and Otpor activist, was visited at his flat in Belgrade on July 4 by two plainclothes policemen who did not introduce themselves. They searched the flat and took Šekularac away to be questioned. At the station, he was questioned by five inspectors and then fingerprinted. He was given a certificate of entry stating 'search for incriminatory

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<sup>74</sup> HLC, receipt for confiscated items.

<sup>75</sup> See the section on Civil-Legal Protection.

<sup>76</sup> HLC, statement by Dalibor Loznica.

evidence' as the reason as well as a receipt for the confiscated items: posters, stickers, calendars and badges displaying the Otpor symbol, as well as several photographs and negatives.<sup>77</sup>

The Belgrade flats of six underage Otpor activists were searched on July 9 after they admitted during questioning that they kept Otpor badges and posters at home. None of them was presented with a search warrant or a certificate of entry, or allowed to call two witnesses. Some of them were returned to the station after the search.<sup>78</sup> Four of the activists were detained during a football game at the popular Ada Ciganlija resort for wearing black and white Otpor T-shirts. T. Ž. (16), a secondary school pupil, was taken with the rest to the Čukarica police station at about 2 p.m. She was released at 8:30 p.m. Several inspectors wanted to know whether she was a member of Otpor and asked her about who financed the movement and how it was organized. When she admitted that she had some Otpor material at home, two uniformed policemen drove her to her flat. They searched it without a warrant and the presence of witnesses and did not give her a certificate of entry. They did not confiscate anything. T. Ž. was returned to the station without the presence of her parents to be fingerprinted and photographed.

The flat of Milić Vujović (28) of Kula was searched in his absence by policemen Veselin Stojanović and Miodrag Lukić at about 11 a.m. on July 26. The policemen showed but did not give the search warrant to his father and brother. They confiscated four leaflets bearing the phrase 'Free Yourself, Offer Resistance', two leaflets bearing the phrase 'Defend Yourself, Offer Resistance', two copies of the Banjaluka newspaper *Reporter* displaying the Otpor symbol on the back page and one copy of the weekly *Nezavisni*. Vujović's father was given a receipt for these items.<sup>79</sup> After learning of the search, Vujović went to the police station the same day to inquire about the reasons. He was questioned for an hour by an inspector who did not introduce himself. The inspector asked him since when he had been an activist and whether he had joined Otpor of his own free will. The police opened a file on him.

Ivan Radovanović was visited by policemen at his flat on August 18 and detained for being the chief organizer of Otpor in Grocka. He was kept at the police station more than seven hours that day and was ordered to return the next day for questioning. The questioning lasted between 8 a.m. and 1:30 p.m. Radovanović said this in his statement to the HLC: 'A police patrol stormed into my house at about 10 a.m. Since I wasn't there, they detained my sister Kristina and confiscated the posters, badges and publications about human rights. When I found out what had happened, I went to the police station and demanded that my sister should be released because she had nothing to do with Otpor. They let her go on condition that she came back for an informative conversation the next day. Someone had given them the names of Otpor activists in Grocka, so they detained three other members of the movement, namely Boban Barc, Nenad Spajić and Aleksandar Sevrlijić. They let them go soon because they were convinced that I was the chief.' Radovanović was asked who financed Otpor, who its leader was, how much money he was getting, and the like. He was asked, among other things, 'Why did Vuk (Dražković, SPO leader) kiss the hand of Madeleine Albright?' Radovanović reported to the police station for more questioning the next day. He described the questioning as very embarrassing. 'Because some Otpor activists had been drawing graffiti and pasting posters in Grocka during the night, the informative conversation turned into a lengthy police interrogation. Knowing that I own a shop across from the police station, some policemen occasionally threw in remarks such as, "We already keep you in bread, so don't ask us to serve you coffee as well."'

Fourteen citizens including Otpor activists were detained in Sombor on August 22 for urging the citizens to vote and chalking the number 33—indicating the number of days left before polling day—in front of the Town Hall. Their flats were searched afterwards. They were Anita Beretić, Silvija

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<sup>77</sup> HLC, certificate of entry and receipt for temporarily confiscated items.

<sup>78</sup> HLC, statement by T. Ž.

<sup>79</sup> HLC, statement by Milić Vujović.



Kranjc, Danilo Sekulić, Danijela Korili, Marko Bugarski, Božidar Dragičević, Aleksandar Kronić, Branko Ćurčić, Milan Turnšek, Vladimir Kolarić, Igor Bešić, S. K., a minor, Slobodanka Juhov and Stipan Benić, a reporter with Radio Sombor. Benić said this in his statement to the HLC: 'I warned the policemen that I was a journalist on an assignment but that obviously made no impression on them. They fingerprinted and photographed me and opened a file on me. They put me in a car and drove me to my house in Bački Monoštor, which they searched. They gave me, in accordance with the Law on Criminal Proceedings, a certificate of entry into the flat and other rooms for the purpose of 'searching for incriminatory evidence'. They didn't find what they were looking for. After the search, I was returned to the Sombor police station. I saw two policemen drag Anita Beretić into another room for refusing to take off her Otpor T-shirt. She told me afterwards that they beat her and tore the T-shirt from her body. I also heard later that G-17 Plus activist Silvija Kranjc was slapped in the face several times.' Otpor activist Branko Ćurčić told the HLC: 'After opening files on us, the policemen drove us to our flats and searched them although they had no search warrants. They found nothing in my flat and took nothing. In the end, they gave me a certificate of entry and search. The signatures on the certificate are completely illegible, so I don't know the names of those policemen.'

Otpor activists Boris Negeli (19) and Kristina Filipčev-Demeter<sup>80</sup> were detained in Bečej on September 10 for wearing Otpor T-shirts during a concert as part of the campaign under the slogan 'The Time Is Ripe'. Their homes were searched afterwards. Negeli said this in his statement to the HLC: 'In the car, I told the policemen they had no right to enter my house because they had no court order. When we arrived, they told me to hand over all Otpor propaganda so they would not have to search the house. They were polite, so I offered them cake. They found only two Otpor posters on the door.'

### **3.1. Raids on Premises, Confiscation of Otpor and NGO Property and Detention of Activists**

In the first half of June, members of the Economic Crimes Department and financial police frequently controlled the work and operations of the nongovernmental organizations Helsinki Committee for Human Rights in Serbia, Women in Black, Forum on Ethnic Relations and Centre for Anti-War Action. In a joint statement on June 13, 240 representatives of NGOs in Yugoslavia said that while their organizations were not opposed to regular financial control, they believed that the sudden interest of the state in their work 'coincides with the aggressive campaign being conducted against all who are in favour of change in Serbia'.

#### **3.1.1. The Women in Black**

Besides financial police, the Serbian State Security service was especially interested in the work of this organization. An activist who spoke on condition of anonymity because she feared for herself, told the HLC that police had visited her at her flat and inquired about invitations made to foreigners to visit Yugoslavia. Another activist had her flat raided by the police and her computer hard disk confiscated. The organization's Belgrade office was searched and its documents confiscated. Several activists fled Belgrade and the country for fear of ill-treatment and arrest.

Bojan Aleksov, who had lived in Budapest for two years, was detained on July 7 for his connections with the Women in Black. He was working on a project called Safe House to help conscientious objectors from the FRY in Hungary. Aleksov was pulled out of his car at about 8 p.m. and taken to the MUP city headquarters, where he was kept for twenty-three hours. He was beaten and threatened with death several times. He was questioned about Safe House, activities of the Women in Black, and his contacts in the country and abroad. During the questioning, Aleksov realized that the State Security service had been watching the Women in Black closely and that for

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<sup>80</sup> See the section on Civil-Legal Protection.

at least two years it had taped their conversations, including by telephone, in offices and private flats.

Aleksov was beaten and insulted by members of the State Security service for his homosexual preferences. He was beaten with batons and made to stand for five hours. During this time, he was given no water although the temperature exceeded 30 degrees centigrade. He was kept awake all night and beaten by three policemen with clubs and batons on the soles, palms and other parts of the body at 11 a.m. the next day.

Aleksov was next forced to write a twelve-page statement dictated to him by the interrogating officer. In the statement, he gave a detailed account of the activities of the Women in Black and of his dealings with conscientious objectors. He also had to write down details about his contacts in Yugoslavia and abroad and his visits to foreign countries. He was also forced to make a brief statement acknowledging these 'crimes'. Aleksov agreed, under penalty of death, to work for the State Security service in the future.

Aleksov was next forced to repeat parts of his twelve-page statement in front of a video camera. He had to admit to working for foreign intelligence services and collecting information through Stanislavka Staša Zajović—whom the police identified as the leader of the Women in Black—and through a local network created by her. He had to declare that he then passed the information on to foreign intelligence services and consciously worked to the detriment of the security, integrity and defence capability of the FRY. He also repeated in front of the camera his other written statement that he would assume 'criminal and moral responsibility' for his past activities and that he would work for the '(State Security) service even if that means risking his life'. The shooting was repeated three times until a sufficiently convincing recording was obtained. After his release, Aleksov fled the country out of fear for his life.<sup>81</sup>

### **3.1.2. CESID**

In September, the police began to harass CESID, the only domestic NGO registered to monitor elections. Detentions, searches of flats and offices of activists and confiscation of CESID property became increasingly frequent with the approach of presidential and federal elections. The raids were carried out jointly by criminal and financial police.

Five CESID activists were detained in Babušnica at noon on September 4 for distributing the organization's propaganda materials in the centre of the town. Milan Čolić was one of them.<sup>82</sup> He told the HLC that they had been kept at the police station for ten and a half hours without any explanation. All of them were fingerprinted and photographed.

The police raided CESID headquarters in Belgrade and confiscated six computers on September 8. Marko Blagojević, member of the CESID governing board, told the HLC that six policemen arrived at noon: two criminal inspectors, two financial inspectors and two foreign-exchange operations inspectors. 'They first searched all the rooms, then went through our financial books,' Blagojević said. He said that the policemen had given them a receipt for the computers and told them that they would be returned in two or three days.

CESID's offices in Leskovac were sealed on September 15 by criminal, economic and financial police. Igor Stajić, CESID's co-ordinator for the district of Jablanica, told the HLC that six inspectors had affixed a red wax seal to the door and told him to bring next day a copy of the permit to open an office in Leskovac.

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<sup>81</sup> Amnesty International.

<sup>82</sup> See the section on Civil-Legal Protection.

'I did as they said, all the papers were all right, but they told me that CESID was a totally illegal organization,' Stajić said. When he demanded that a lawyer be called in to clear up the matter, the policemen said to him, 'You're all scum.'

Stajić was told to report to the police station for questioning at 10 a.m. on September 18. Although the questioning lasted an hour, he was kept 'without cause or explanation for twenty-four hours'. While he was there, a crowd stood outside demanding his release. Stajić told a news conference on September 18 that the owner of the premises and his small child had been detained and kept for four hours.

Radoslav Mojsilović of Vranje,<sup>83</sup> an Otpor activist and CESID collaborator, was detained by two plainclothes policemen on September 13 and asked to take them to the local CESID offices. 'They looked over the premises and took a copy of each leaflet and poster they had found. Then they took me to the police station and asked me who financed CESID, who its boss was, and the like,' Mojsilović told the HLC.

CESID's regional co-ordinator for southern Serbia Milan Stefanović and his colleague Miodrag Petrović were detained on September 14 after CESID materials were found in their car at a police checkpoint near Niš. At the police station, they were asked who financed CESID, who its boss was and with whom they collaborated. They were kept several hours there. The police confiscated Stefanović's money—1,740 Deutschemarks—but not the materials. The next day, September 14, Stefanović's and Petrović's flats in Niš were searched. 'Two of them were from the economic-crimes department and one from the financial police. They signed the search warrants on the spot. They took my private computer and gave me a receipt. After that we went to the CESID premises, where the policemen made copies of our receipts and lists of collaborators,' Stefanović told the HLC. On the night of September 19, he was stopped at the Yugoslav-Bulgarian border and brought to the Leskovac police station at 1 p.m. He was kept there without food and water until 9 a.m. and was not permitted the use of the lavatory. At the border he had been questioned by State Security officers for several hours. He told the HLC that they had confiscated eighteen mobile telephones loaned from an NGO in Bulgaria, the Political Academy for Central and Southeast Europe, under a proper contract. His private telephone was also confiscated. After four hours at the border, four economic-crimes inspectors arrived to take him away. 'I refused to get into the car without being given a receipt for the confiscated things, but they twisted my arm and pushed me inside, saying, "You don't want us to beat you right here, do you?" At the station, I refused to answer the questions of Leskovac and Niš inspectors regarding the financing and operation of CESID. I had decided to keep silent and refused to make either a written or an oral statement,' Stefanović said.

On September 14 the police detained CESID's co-ordinator in Užice Igor Mladenović at 10 p.m. and searched the organization's premises. Mladenović was kept at the police station for two hours and questioned about the activities of the local office. He was asked to hand over lists of CESID's monitors for the upcoming elections. While Mladenović was at the station, some thirty citizens stood outside demanding his release.

Fifteen CESID collaborators holding a meeting at Bogoljub Bogičević's home in Knić were detained on September 16. Before they were taken away, the policemen searched the houses and cars of the collaborators. 'We were taken to the police station in several patrol cars. During the conversation, they asked me who financed CESID, with whom we had contracts, and so on. I told them that our work was completely open to the public. They took all our brochures, lists, literature, membership application forms and other materials without giving us any receipt,' Milan Popović, one of the detainees, told the HLC.

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<sup>83</sup> See the section on Civil-Legal Protection.

Aleksandar Bratković, a member of the CESID governing board, and Gordana Mijatović, a bookkeeper for the organization, were taken away from their flats in Belgrade on September 19. CESID activists Mirjana Gavrić and Danko Ćosić were summoned to questioning the same day. 'Two plainclothes policemen rang at my door at 8:30 a.m. They showed me no search warrant. They came in looking for weapons and CESID materials. I was taken to the police station on 29 Novembra Street. During the informative conversation, the inspector questioned me about CESID's financial operations, stressing that this had nothing to do with politics. They asked who financed CESID, who was paying the bills and similar questions mostly to do with money. I spent six hours at the station without once being told the reason for my detention,' Bratković told the HLC.

CESID's director Slobodanka Nedović was telephoned on September 23 and summoned to questioning in connection with her complaint to the police that she had discovered in the organization's mail box a ballot paper on which the name of Slobodan Milošević, one of the candidates for the Yugoslav presidency, had already been circled. The police kept her at the station on 29 Novembra Street for four hours and tried to persuade her to submit to a lie-detector test. She refused on the grounds that their treatment of her as a suspect was 'painful and insulting'.

### **3.1.3. 'The Time Is Ripe'**

On September 15 plainclothes policemen kicked in and entered the headquarters of the NGO campaign called 'The Time Is Ripe'. They detained the fifteen activists found there and confiscated computers, telephones, propaganda material and other items. The activists were released from the police station on 29 Novembra Street at 10:30 p.m. after ten-and-a-half hours. Vesna Dozet (44), who was among the detainees, said this in her statement to the HLC: 'They stormed in, started to shout at us and behaved very rudely. One of them yelled in my face and I passed out from fright. I came to two minutes later. I saw that there were seven of them. They were almost running about the room. They ordered everybody to hand over their mobile telephones, which they threw into a bag. They started to search the room and literally piled up everything they had found. They picked up the computers, telephones, lamps, electric fans...They left only the carpet, the tables, the chairs and the cupboards. They also took all the material bearing the phrase "The Time Is Ripe", the pencil boxes, T-shirts, badges, brochures. One of them called five guys and they took everything into a car. I only signed the receipt after they had added some items to it at my request. Meanwhile they were taking the others to a police van. I was the last to be taken to the police station on 29 Novembra Street, where they took the keys to the premises. Two inspectors asked me questions about my campaign activities as well as about my private and intimate affairs. They wanted to know why my husband had "run out on me" at such a difficult moment as the NATO bombing.'

GSS member Žarko Mihailović came to the campaign headquarters in the company of lawyer Gašo Knežević. The office was registered as GSS premises. Mihailović said this in his statement to the HLC: 'As soon as we entered, the commander of the public law and order section barred our way and ordered us to stand with the others. Gašo showed him his lawyer's identification card and credentials, but the inspector told him rudely that such things were valid only in a court of law, not in the procedure he was in charge of. Anyone who rang the interphone was brought in. A policeman stood with us and did not allow us to talk to each other. After a while, their boss gave the order, "Pack them into the van." When I asked the reason for our detention, the inspector gave me a push and said, "Get going, or else..." When we arrived at the police station on 29 Novembra Street, they asked us whether we were politically active, whether we would stand for election, whether we were connected with Otpor. Before we were fingerprinted and photographed, we were thrown into a cell that stank to high heaven. The lawyers who had meanwhile arrived at the station were told that we were not there. But when the lawyers saw us in the corridor, the policemen told them, "Formally they're not here." Several members of the

State Security service took Dejan Randić, Ivan Andrić, Tamara Popić and Sanja Ignjatović into an office and questioned them for the next six to seven hours. Ivan told me later that they had been subjected to severe psychological ill-treatment such as “pushing the walls” and “moving the flooring about”. I saw him handcuffed. All four were out of their wits as they left that room.’

Following an appeal by the GSS, some 200 people gathered outside the police station at 7:30 p.m. and demanded that the activists be released. A plainclothes policeman gave the order to disperse the crowd with batons. The police intervened and detained four persons including the GSS president, Goran Svilanović. He was released soon but Ivana Mihajlović, Smiljana Senić and Perica Mileški were brought before a magistrate at 3 a.m. Mileški was fined 1,200 dinars for breaking the Law on Public Law and Order, while the proceedings against Mihajlović and Senić were suspended.

#### **3.1.4. UGS Nezavisnost**

On September 14 Čačak police confiscated a computer belonging to the United Professional Trade Union (UGS) Nezavisnost. ‘Three inspectors came into the UGS Nezavisnost office. They asked me about the union’s activities and inquired about a computer that was at my home,’ trade-union activists Jaćim Milunović told the HLC. ‘We went to my flat and they took the computer, leaving behind a receipt stating that the computer had been confiscated as evidence under the Law on Criminal Proceedings,’ he said. The computer was a gift to UGS Nezavisnost from the German trade union NGG.

#### **3.1.5. Otpor**

On September 2 Novi Sad police broke up an Otpor humanitarian action in the city centre, detained eighteen activists and raided the premises. Nenad Šeguljev and Davor Arsić were physically ill-treated at the police station by a policeman wearing the badge number 444071. He slapped Šeguljev in the face repeatedly and punched Arsić in the back several times.

The action called ‘Resisting Toys’ was an auction to help the treatment of Damir Jovanović, a twelve-year-old leukaemia patient from Indija. More than 400 toys had been donated by the people of Novi Sad. The auction on Zmaj Jovina Street was interrupted at 11 a.m.

The policemen started to check the identity cards of Otpor activists and other people. They detained Marija Kleut, a professor at the Faculty of Philosophy, and her daughter Jelena, Nada Margeta, Alisa Hornjak, Tamara Kucurac, Vesna Tomić, Milica Kanazir, Mirjana Stefanović, Nenad Šeguljev, Davor Arsić, Vladimir Pavlov, Dejan Vrsajkov, Vladimir Vrsajkov, Žarko Bogosavljević, Vladimir Ješić, Aleksandar Marić and Bora Lazukić.<sup>84</sup> Aleksandra Miletić, a photographer for the daily *Danas*, was also detained. The policemen confiscated all the boxes with toys.

After this intervention, the police entered Otpor’s premises on the same street without a warrant and confiscated all propaganda materials. The ‘certificate of entry into the flat and other rooms’ issued to Ješić states that the police did that under Article 210 of the Law on Criminal Proceedings because they had ‘grounds to believe that posters and propaganda material of the so-called movement Otpor were in the building’. One receipt for temporarily confiscated items was for twenty-four boxes with toys, nine flags, thirty-eight audio tapes, seven video tapes, 200 badges, 500 matchboxes displaying the Otpor symbol and 2,000 leaflets. Another receipt was for 1,400 matchboxes displaying the Otpor symbol, 1,350 ball-pens bearing the phrase ‘The Time Is Ripe’, 350 cigarette lighters, ninety-two VHS cassettes marked ‘The Ruination and Recovery of Farming’, 22,000 leaflets, a megaphone, 12,000 posters, 6,000 stickers, 1,600 brochures and 150 copies of the daily *Dnevni telegraf*.

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<sup>84</sup> See the section on Civil-Legal Protection.

The police raided the Otpor premises in Jagodina on September 7 and confiscated all propaganda materials including clenched fist stencils, two flags, fifty leaflets and other items. There were four activists inside at the time. 'Two uniformed policemen and three in civilian clothes appeared. They asked us whether we had arms and ordered us to assemble outside. We told them they were doing something illegal and they said nothing. They took down everything from the walls and carried it away,' activist Života Bogdanović told the HLC.

Some ten plainclothes policemen without a warrant raided the Otpor headquarters on Knez Mihailova street in Belgrade on September 11. They confiscated two computers, ten boxes with T-shirts, several thousand posters, badges and other propaganda items and loaded them onto a lorry. The ten or so activists present at the time had to show their identity cards. 'They didn't let us use the phone, stand near the window or talk to each other. After they'd taken everything out they handed me a receipt to sign but didn't give me a copy,' activist Igor Đajić told the HLC. Outside the building, the uniformed policemen ordered the assembled citizens to disperse and told the journalists to put their notebooks away and turn off their cameras and tape recorders. The Belgrade Secretariat for Internal Affairs (SUP) confirmed in a statement that night that its 'workers' had confiscated a 'large quantity of propaganda materials' belonging to the movement Otpor. 'During the course of regular duty, workers of the Stari Grad department of the Belgrade SUP today found a large quantity of propaganda materials at 49 Knez Mihailova street and confiscated them from activists of the illegal mercenary pro-NATO organization Otpor,' the statement said and added that 'all necessary measures in conformity with the law will be taken in due course'.

On September 22 some ten plainclothes policemen entered the premises of Otpor in Niš without a warrant and confiscated all technical equipment including computers and telephones as well as propaganda materials. They carried these items away into vans and did not issue a receipt. The eighteen activists present at the time were ordered to put their hands on the table. The activists asked the policemen to identify themselves and only the deputy chief of security, Dejan Branković, showed his identity card number 401002. Their identity cards and mobile telephones were then confiscated but were later returned. Activists told the HLC that the policemen had first ordered them to unplug the fixed telephones and then searched their bags. Everything found in the store (300 T-shirts, 20,000 stickers, several flags, 300 membership application cards and other items), removed from the walls and found in the drawers was piled on top of each other and photographed. The policemen also unglued every sticker bearing the phrase 'He's Finished' from the walls.

Twenty-three Otpor activists leaving the premises and carrying propaganda materials were detained in Kragujevac at about 7 p.m. on September 22. An hour later, plainclothes policemen entered the premises without a warrant, checked the identity of everybody present and confiscated the propaganda materials prepared for the campaign under the slogan 'The Time Is Ripe'. Activist Zoran Matić told the HLC that four minors were also detained. He said that criminal files were opened on all who had no such files before.

#### **4. Inhuman Behaviour of Police Officers**

##### **4.1. Beating of Demonstrators in Belgrade on May 17-18**

The Serbian government's decision of May 17 to take over the opposition radio and TV station RTV Studio B provoked mass protests in Belgrade that day and the next. On those two days, the police beat up scores of protesters and passersby. A clash between fans of the local football club Red Star and the police on May 17 left over ten fans and several policemen injured. Some 200 citizens sought help at the Emergency Clinic for injuries inflicted on them by the police on these two days.

The police intervened with more brutality on the second day and many demonstrators tried to hide in the City Council building while speakers on the balcony addressed the crowd and read the news. The large glass doors were smashed as the fleeing demonstrators sought shelter inside the building.

Scores of people were severely beaten, including M. M. (17), a secondary-school pupil from Belgrade. She said this in her statement to the HLC: 'A policeman missed a man standing next to me and the blow landed on my head. I reeled and slumped on the steps of the City Council building and remained lying there. Some youths tried to pick me up but each time they were beaten back by the police. I don't remember how long I lay there, but I know that five or seven policemen were at me with clubs and boots. They stopped when I cried in despair, "What more do you want, leave me alone!" A policeman came to my rescue, held the others back and advised me to run into the building. I couldn't stand up. Milan Ljubisavljević and a guy from Otpor whom I knew by sight came up, helped me on my feet and escorted me into the building. I didn't lose consciousness while I lay on the ground and was beaten there.' M. M. suffered injuries on the head and body, had haematoma on the shoulders, back and the right leg, and had one rib bruised.<sup>85</sup>

The police beat people who did not resist or provoke them in any way. Jelena Stevančević (24) told the HLC of one such case: 'On May 18 I reached Srpskih Vladara Street at 8:15 p.m., took a stroll from Terazije to the City Council building, and set out for Generala Ždanova Street.<sup>86</sup> At about 10 p.m., the policemen threw teargas without any apparent cause toward a large group of people surrounding the City Council building. I ran towards Narodnog Fronta Street, which runs parallel with Srpskih Vladara Street, where the City Council building is. There I saw people weeping because of teargas and I also saw several who had been beaten. Then the police fired teargas canisters also in Narodnog Fronta Street. When I returned to Srpskih Vladara Street after some time, I saw lots of policemen there wearing gas masks. The place was in a state of complete chaos. At about 9:30 p.m. a police cordon had emerged from Kneza Miloša Street and turned into Srpskih Vladara Street. A man passed near it. He didn't say anything to them as far as I could hear, but they ran up to him and started to beat him savagely. He was struck first by a policeman in a cloth cap, then by several others. I saw one of them boot him in the head and stomach. The people implored the policemen to stop but they paid no attention. There was suddenly a flash from a camera and the policeman in the cloth cap approached the lying man and reached out a hand to help him get up. The man on the ground made no move because he was unconscious. He remained lying there while the policemen withdrew towards the Serbian Presidency building. Several people went up to the injured man, shifted him onto the grass between the City Council and Serbian Presidency buildings and left him there. Several ambulances sped by but none stopped to give the injured man first aid and take him to hospital. I don't know what happened to him. While the police cordon slowly moved back towards Kneza Miloša Street, one police vehicle stopped, two policemen jumped out and moved in my direction cursing the while. I ran into a nearby passageway together with several older people. When a policeman took a swing at an elderly woman, I pushed her behind me and the blow fell on my back.'

Ivan Janeš described to the HLC how his brother Predrag (22) was beaten during a police charge on demonstrators near the Hotel Moscow on May 18. According to Ivan, Predrag took no part in the demonstration but was there by chance, waiting for his girlfriend. During the charge, a group of policemen knocked Predrag down and started to beat him. Predrag later complained to Ivan that his hearing in the left ear was impaired and that his left leg had grown numb.<sup>87</sup>

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<sup>85</sup> HLC, statement by M. M. Medical report on the injuries available.

<sup>86</sup> The main demonstrations were organized around the City Council building in Ulica srpskih vladara street but crowds spread from Slavija square to Terazije.

<sup>87</sup> The HLC did not interview Predrag directly. The conversation between the two brothers was related to the HLC by Ivan.

## 4.2. Physical Abuse During Questioning

The HLC has documented cases of Otpor activists and other citizens being insulted and physically abused during police questioning. It has also documented about ten such cases involving minors. Among the victims was an Otpor activist who warned the interrogating officers that he suffered from asthma and a woman in an advanced state of pregnancy who was ill-treated by a policeman from Kosovo.

### 4.2.1. Detainee Handcuffed to Cupboard at Odžaci Police Station

On the morrow of the killing of Boško Perošević, May 14, the police searched the house of Radiša Milić (49), president of the DS municipal board in Odžaci. Milić was not in the town at the time. That afternoon he received a summons by telephone to report to the local police station. On his arrival there, he was transferred to the SUP in Novi Sad, where he was questioned for sixteen hours. He said that the questioning was in connection with the killing and the suspect, Milivoje Gutović. Milić, Perošević and Gutović are all from the same village, Ratkovo. He was released on the morning of May 15. At about noon the same day, he was called again to the station in Odžaci for further questioning. He was again transferred to the SUP in Novi Sad where he was ordered to spend three days in custody on 'suspicion of committing the criminal offence of incitement to the violent overthrow of the constitutional order'. At noon on May 17 he was placed in the personal care of the head of the SUP in Sombor and the head of the Economic Crimes Section. He was taken into a police vehicle with all windows closed and left there for twenty minutes with his hands tied. The outside temperature was 30 degrees centigrade and he was taken ill in the vehicle. When the two officials came back, he asked permission to take a medicine from a bag and they refused. At the Sombor police station, he was physically abused. Milić said this in his statement to the HLC: 'I was first photographed and fingerprinted. I was left on my own in a room for about an hour. Then a senior inspector came in and beat, insulted and threatened me.'<sup>88</sup> He questioned me about my acquaintance with Perošević, about Otpor, and about my activities in the movement. I was handcuffed throughout the questioning. Two inspectors whose names I don't know entered and cursed and threatened me. I was next transferred to another room and positioned next to a metal cupboard. They raised my arm high and attached it to the cupboard. The senior inspector questioned and threatened me for an hour, and I spent three hours in that position altogether. He threatened to throw me out of the window and to report the incident as an attempted escape, he said that he would beat me so severely that I would only live for two days afterwards, and that he would have a convict sexually abuse me.' Milić was released from custody at about 2:30 p.m. on May 18.<sup>89</sup>

### 4.2.2. Activist Kicked in Novi Sad Street

Vladimir Ješić (21), an Otpor activist from Novi Sad, was kicked by a policeman wearing a badge number 441190 while strolling in the street with his mother. Ješić wore an Otpor T-shirt at the time. The policeman had threatened before to give him a hard time whenever he ran into him in the street. When they met, the policeman gave Ješić a hard kick in the shin and called him and his mother Radmila criminals. The policeman relented only after Ješić took out his mobile phone and rang a police inspector known to him from previous questioning.

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<sup>88</sup> Milić knows the inspector's name.

<sup>89</sup> Milić was last questioned on July 21 for distributing leaflets. At the police station, he overheard head of the Economic Crimes Section Vujović order policemen to search his house. He was kept at the station while two policemen searched his house. He spent about three hours at the station. 'After they had returned from the search, I was summoned to an informative conversation lasting about half an hour. When I asked the reason for my detention, the inspector who questioned me and did not introduce himself replied that I had been distributing leaflets illegally and thereby committing a breach of public law and order. He asked me questions of a personal nature and inquired about the leaflets. They confiscated about 1,400 DS leaflets.'



#### **4.2.3. Handcuffed Youth Beaten in Leskovac**

Bratislav Stamenković, an activist of the nongovernmental organization Popular Parliament, was physically abused and insulted by policeman Tomislav Vasić, badge number 381091, in Leskovac on June 22. Stamenković was riding a bicycle when two plainclothes policemen stopped him and took him to the police station. He said this in his statement to the HLC: 'One of them was inspector Dedić, whom I know. After a brief conversation in the street, Dedić asked me kindly to follow them to the station for a conversation and assured me that it would not take longer than ten minutes. At the station, I was told to sit down on a bench near the duty officers' room. I noticed rings attached to the bench for tying people up. There was only a young policeman inside and he invited me to watch a handball match on TV. I told him that I was not interested in sport but would like to have a cigarette, a request he granted. An older policeman in uniform came in and started to shout at me for smoking. He then handcuffed me to those rings on the bench and started to slap my face hard and to kick me. He shouted, "I've had enough of you who want democracy!" He tried to kick me in the stomach, but I parried with my leg. He eventually succeeded in landing one in my stomach. As he was about to go, he noticed that I had taken a good look at his badge. He became more agitated and started to yell at me again. He asked me what I needed his badge number for and resumed the kicking. As he turned again to go, he realized why I had tried to remember his badge number and told me I could do nothing about it because he was going to retire in three or four months. He threw the door open and I saw many uniformed policemen as well as some in civilian clothes whom I knew by sight. I called to Dedić and told him what had happened. He was very surprised. I thought at first that he'd brought me to the station to be handled by that policeman, but saw that he was sincerely taken aback. I wrote a complaint against that policeman and asked Vladimir Stojković from State Security to act as my witness. Later he escorted me home because I was very upset.<sup>90</sup> I had spent three and a half hours at the station and been handcuffed to the bench for three hours. I suffered the effects of the handcuffing for ten days. The skin on my wrists was bruised and black.'

#### **4.2.4. Painter Severely Injured by Srbobran Police**

Dragan Šijački, a painter from Novi Sad, suffered serious bodily harm at the hands of Saša Mladenović, a policeman from Srbobran. A doctor who examined Šijački established two fractures of the lower jaw. Šijački also began to have psychological problems after the beating. The incident occurred near the village of Nadalj at about 7:30 p.m. on July 14. Šijački was riding in a taxi on his way to the artistic colony in Nadalj when the car was stopped by a police patrol comprising policemen Saša Mladenović, Željko Bukinac and Danijel Gajić. Šijački had taught Gajić visual arts at secondary school. 'Mladenović asked me where I was going. When I told him I was going to the artistic colony, he told me I was lying and was on my way to set the wheat on fire. I repeated I was on my way to the colony and observed that the wheat had already been brought in, whereupon he started to punch me in the head. He ordered the taxi driver to leave or else he would be beaten, too. I asked the other two policemen to protect me but they did nothing. They said that their colleague was rather on edge and they could not do anything about it. Even my former pupil, Danijel Gajić, hit me for asking him to bring his colleague to his senses. Mladenović demanded my identity card and I passed it to him. He then made as if to give it back to me, but when I reached out my hand he punched me hard in the face several times. They went away and left me there beaten up, injured and unconscious. I lay unconscious by the side of the road for at least an hour. When I was brought to the house of my brother who lives in Nadalj, he rang up the police station in Srbobran and insisted on talking to commander Mirko Džinić but was turned down. The patrol commander, Danijel Gajić, later called my brother and asked him to persuade me not to report him. My brother asked him why I had been beaten, and Gajić replied that I had looked suspicious. The taxi driver,

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<sup>90</sup> HLC, statement by Bratislav Stamenković.

Kilibarda, told me that the police had telephoned him and his brother who works at the police station, and that they offered him a deal for not testifying against them.<sup>91</sup>

#### **4.2.5. Members of SAJ Beat People in Loznica**

Members of the Special Anti-terrorist Unit (SAJ) of Serbia beat and maltreated people in cafes and on the road in Loznica on three occasions. Dragan Zeljić, the owner of the cafe Maestral, spoke to the HLC about an incident provoked by SAJ on the night of July 22-23. 'At about 1:30 a.m. a group of armed men in camouflage uniforms burst into my cafe. They wore Balaclava caps and you could only see their eyes and mouths. Only one of them wore a brown uniform. As they poured in they shouted, "This is a raid, turn off the music, turn on the lights, and no sudden moves!" There were some seventy people in the cafe at the time. I didn't realize at first what had happened, but then I saw two of them beating a guy who had not spotted them in time and was raising a glass to his girlfriend. Everybody was ordered to place their hands on the table and to look straight ahead. No one dared to look at them. I heard later that a guy had been hit for merely stealing a glance at them. One of them stood in the middle of the room all the time, eyeing the guests and pointing his gun at them. All of the young men—there were about thirty of us—were taken outside and lined up against a wall. We had to keep our hands on the wall while they searched us. I heard one of them say that all was clear. They then asked who the boss was and I answered. They ordered me to follow them inside. From force of habit, I tucked my hands into my pocket and was at once struck by one of them and warned not to do that. Inside the cafe, I first received a blow in the back of my knee and crouched, whereupon three of four of them set about me with their fists. Then they took me to the WC to wash my face. Two of them entered the WC corridor with me and started to beat me as soon as I bent down over the washstand. They booted and punched me and smashed the washstand. I later found the chains they tore from my neck in the WC. On their way out, one of them said, "Girls, you can relax now and light a cigarette." They didn't check anybody's identity cards. One of those in camouflage uniform told a friend of mine he and I should clear out of Loznica and swore about my mother. Outside the cafe, there were more attackers in camouflage; they'd arrived in an Audi car without licence plates and in a Puch jeep. That night they also beat the guests at the restaurant Pajin konak, which is owned by the brother of the co-owner of our cafe, inspector Zoran Cvijanović. I hear the attackers told him they were taking their revenge because Jenki<sup>92</sup> had been transferred from Bosnia to Serbia by way of Loznica.<sup>93</sup> Witnesses say that members of SAJ also beat youths in Loznica cafes once before. The incident, documented by the HLC, occurred on May 26. Some peasants on their way to the market to sell their cattle were also beaten that night. According to the witnesses, the peasants went to the police station in Loznica and described the attackers as 'terrorists wearing masks on their faces'. The incidents disturbed and frightened the residents of Loznica considerably. One of the men in camouflage uniform was identified as a local policeman and suspected of leading the SAJ men to the cafes.

#### **4.2.6. Ill-treatment of Minors in Niš**

M. M. (17) was ill-treated by a policeman at the police station after he had been detained with a group of nine Otpor activists in Niš on June 28. 'I was first questioned by inspector Branislav Timotijević and he behaved correctly. Before entering his office, I left the posters in the corridor. When I got out, a policeman in civilian clothes turned up and started to shout and swear at me. He said he was going to cut off my hand, swore about my mother and promised to beat me to death if

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<sup>91</sup> HLC, statements by Dragan Šijački and Dragan Kilibarda. Šijački has injury certificates issued by the Emergency Surgery Department in Novi Sad and the Institute of Neurology, Psychiatry and Mental Health of the Clinical Centre in Novi Sad.

<sup>92</sup> Dragan Nikolić Jenki, a Bosnian Serb, was charged by the Hague tribunal with war crimes in Bosnia. On November 24, the District Court in Smederevo sentenced several residents of Loznica to prison terms for abducting Jenki from his flat in Smederevo on April 20 and smuggling him into Republika Srpska via Loznica. Jenki was later transferred to The Hague by SFOR.

<sup>93</sup> HLC, statement by Dragan Zeljić.

he ever saw me in an Otpor T-shirt again. He pulled at my hair and said we ate other people's bread. He searched me and took everything I had on me displaying the Otpor symbol, a couple of matchboxes, several stickers and the posters. He didn't take the T-shirt. I was then taken away to be photographed and fingerprinted. I spent an hour and a half at the station,' he told the HLC.

#### **4.2.7. Ill-treatment and Intimidation During State Official's Visit to Subotica**

Twelve Otpor activists and opposition LSV and DS members were detained during an emergency meeting of Subotica City Council on May 18. The activists were brought to the police station at about 6 p.m. and kept there for nearly twenty hours. Robertin Knjur (28)<sup>94</sup>, an Otpor activist and DS member, was insulted and physically abused during the questioning. He said this in his statement to the HLC: 'More than ten plainclothes policemen entered the City Council building and detained us one by one. Before that, about ten uniformed policemen and as many in civilian clothes had raided the Otpor premises and detained two of our activists. We were first kept together in a cell and then questioned separately. I was questioned between 7:30 and 10:30 p.m. The inspectors who questioned me did not introduce themselves. They were especially interested to know whether I knew Boško Perošević and the man who killed him. They asked me whether Perošević's killer was an Otpor activist and whether he had taken part in Otpor actions. They insisted on my saying what sort of operation we had planned against Prime Minister Mirko Marjanović, who was in Subotica that day. They also wanted me to tell them who financed Otpor and how the activists spent the money they received. The inspector who questioned me shouted that I was in foreign pay and worked for CIA. He asked me to admit that I was number one in Subotica Otpor. He and another inspector occasionally grabbed me, lifted me from the chair and hurled me about the room. As I got up, they would grab and throw me again. They threatened to "knock the hell out of me" in their official or private capacity if Otpor did anything in Subotica. After the questioning, they left me in peace but kept me overnight and only let me go at 2 p.m. next day.'<sup>95</sup>

#### **4.2.8. Sick Youth Slapped in Subotica**

Otpor activist Marinko Varnjaš (23) was ill-treated at a police station in Subotica even after he produced an asthma medical certificate.<sup>96</sup> Owing to physical abuse, he developed an attack of asthma and had to seek medical help. Following is his statement to the HLC: 'The police often came to my house and left messages with members of the household that I was to report for an informative conversation. I went to the police station at about 9 a.m. on July 6. One of the two inspectors present slapped me in the face as soon as I entered the office. He told me that that was for not having reported earlier. I told him not to hit me and warned him that I had serious asthma problems. He replied that he did not care. I showed him a medical certificate and told him that I had been exempted from military service on those grounds. That didn't help. He yelled at me and threatened me with the words, "You'll either walk out of here on two legs or you'll be carried off in an ambulance." The two inspectors continued to question me. They asked me to tell them how I'd become an activist, what sort of organization it was, who financed it, who its leader was and whom I knew in Otpor. After each reply they shouted at me and slapped me in the face. They let me go after five hours of such ill-treatment. On my way back I got an asthma attack and reached home with the greatest difficulty. My mother took me to the outpatients at once. I was given first aid there but I continued to choke and was kept till evening. I received another oral summons for an informative conversation. I reported at 10 a.m. on July 10 but this time in the company of my mother. The inspectors who beat me last time apologized and said they had no idea I was so seriously ill. Later they opened a file on me and continued to question me about Otpor. They wanted me to tell them the names of other activists in Subotica. When I refused, one policeman

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<sup>94</sup> See the section on Civil-Legal Protection.

<sup>95</sup> HLC, statement by Robertin Knjur.

<sup>96</sup> See the section on Civil-Legal Protection.

told me to think about it. He reminded me that my parents were public servants, that we'll be left without a livelihood, and that they wouldn't be able to buy me medicines if they got the sack. Finally they cautioned me against telling anybody anything about the conversation or they would give me a rough time.'

#### **4.2.9. Activists Slapped, Punched and Threatened in Zrenjanin**

Ten Otpor activists including Petar Lacmanović (26) were detained in Zrenjanin on June 16 while pasting posters and beaten at the police station by an uniformed policeman nicknamed by his colleagues as Tegetlija. Lacmanović said this in his statement to the HLC: 'I was kept at the police station for three hours and questioned by a crime inspector who had introduced himself as Miroslav. He behaved correctly. I realized during the questioning that he knew everything about my activities in Otpor. They knew the number of my mobile phone and even the cost of printing the Otpor T-shirts for the local activists. After my conversation with inspector Miroslav, I approached the duty policemen at the station and asked them whether they would return our posters, buckets with glue and brushes, or whether they would give us a receipt for them. At that, a uniformed policeman whom the others called Tegetlija started to slap and punch me in the face. While he was at it, he threatened to "rough me up" much worse while off duty. As a parting shot, the policemen said that if I ever fell into their hands again, they'd "work me over" so that I wouldn't know who I was. I'd been detained five times before but no force had been used against me.'

#### **4.2.10. Youth Beaten With Pistol Handle in Velika Plana**

Otpor activists Marko Nikolić and Nenad Radisavljević were physically abused before being detained in Velika Plana on July 5.<sup>97</sup> The incident occurred on the eve of a trial of Otpor activists on misdemeanour charges. Nikolić and Radosavljević were among the activists distributing leaflets urging people to assemble outside the court building next day. A police patrol car intercepted them and two policemen got out. Nikolić tried to run away because he had promised during a previous questioning that he would no longer be active in Otpor. A policeman saw this, cocked his pistol and warned him that he would fire unless Nikolić stopped. Nikolić took fright and stopped. The policeman approached him and hit him with the pistol handle in the kidney region several times. The other policeman went up to Radosavljević who was in an Otpor T-shirt worn inside out. He asked him what sort of T-shirt it was and, when he spotted the clenched fist, punched him in the chest. Both were taken to the police station and questioned about Otpor.<sup>98</sup>

#### **4.2.11. Deputy Commander Ill-treats Expectant Mother and Beats Lawyer**

DS members Aleksandar Đorđević, Vlada Stanković and Olivera Stevanović, who was in her seventh month of pregnancy, were physically abused in Zaječar on June 9 by deputy commander Zoran Đurđevac, a policeman from Kosovo. They were in a group of ten or so DS members detained for pasting posters in the town centre.<sup>99</sup> Đorđević, who is a lawyer, said this in his statement to the HLC: 'There were no problems at first while they took our particulars. But then Zoran Đurđevac, the deputy station commander, stormed into the room and started to shout at us and to insult us. He said he was going to teach us a lesson and reached for his baton. He was particularly angry with me, having seen me before visiting detained Otpor activists and party members. He asked me to write down the names of the people at the U.N. human rights office. I told him that I knew some of them and did not know others. He replied that he would beat me black and blue in order to refresh my memory. When I warned him that in so behaving he had broken the law, he started to punch me in the face. He beat me for fifteen to twenty minutes and

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<sup>97</sup> See the section on Civil-Legal Protection.

<sup>98</sup> See the section on Misdemeanour Proceedings.

<sup>99</sup> HLC, video recording of statements by Đorđević, Stanković and Stevanović.

kept insulting me all the time. He said I was in foreign pay and a traitor and that we would all be made to admit that night who was giving us the money. At one time, I was taken ill with the beating. I became dizzy and heard ringing sounds in my ears. Although I complained that I was unwell, he went on beating me. It was only later that he permitted me to sit down and let the other policemen give me a glass of water.'

Olivera Stevanović said the following: 'I was present while DS members pasted posters at about 10 p.m. A police patrol emerged from somewhere and picked us all up. They first took us into a room and copied down the particulars from our identity cards. Zoran Đurđevac then burst in like a beast and started to shout at us and insult us. He first ordered everybody to face the wall. Another policeman told me to keep sitting because he'd seen that I was pregnant. However, Đurđevac started to shout and I had to stand up. He observed ironically that I might want to be seen by a gynaecologist. After that, he started to punch and slap Aleksandar Đorđević in the face and to insult him. He broke his spectacles. I became so upset that I couldn't watch any more. Đurđevac then ordered Vlada Stanković to hold out his hands and proceeded to rap him on them with the baton. Vlada uttered not a groan. I heard Đurđevac say once, "What's the matter, do I see your hands shake?" He continued to beat him. I became terribly afraid that he would punch me in the stomach. He insulted me and asked me whether my husband knew where I was, adding that he would thrash me if I were his wife. He also said, "What kind of women are you here in Zaječar? Our women in Kosovo have four children each, and you can hardly manage one." He rang up my husband and he came to the station. My husband asked Đurđevac why I had been detained, and Đurđevac replied that the law was full of loopholes. He was much more polite with my husband and asked him, "What am I to do with these democrats here?" Later my husband took me to the health centre because I was really very agitated. The woman gynaecologist who examined me became worried when she heard what I'd gone through. She prescribed a therapy and suggested that I should stay at the hospital. I nevertheless decided to take the risk and go home because I didn't feel like lying in hospital after the ill-treatment at the police station.'

#### **4.2.12. Minor Slapped Over Identity Card**

Otpor activist I. S. (17) was slapped in the face by a policeman outside the discotheque Sky in Umčari on June 10 because he had no identity card on him. 'The policemen entered the discotheque and checked the guests' identity cards. I had none and a policeman told me to get out. He then slapped me in the face without any explanation or provocation on my part,' he told the HLC.

#### **4.2.13. Lined-up Youths Beaten With Batons on Back, Head and Legs**

Toplica Antić and six other Otpor activists were brought to the police station in Jagodina at 2 a.m. on July 28 for pasting posters. Antić told the HLC that the group was surrounded by about ten policemen. 'The policemen lined up the seven of us and ordered us to place our hands on the market stalls. As we stood there, each of us received several baton blows on the back, head or legs. We were kept in that position for about ten minutes. The policemen then confiscated our posters, glue and brushes and took us to the police station. They didn't tell us why we'd been detained. We were kept at the station four hours. During that time, they conducted an informative conversation with each of us. Those who were not fingerprinted before were fingerprinted then but not photographed.'

#### **4.2.14. Activist Beaten for Tearing Posters**

Mladen Knežević (29), an Otpor activist in Valjevo, was detained and beaten at the police station on August 2 for wearing an Otpor T-shirt and tearing posters of the Serb Radical Party (SRS). Knežević said this in his statement to the HLC: 'In the police parking lot they shone a powerful torch into my face and asked me whether I was drunk or drugged. When I said I was neither, a

plainclothes one started to beat me on the head with the torch handle. A uniformed policeman told him, "Not with the torch, use this baton." He took the baton and struck me on the neck, back and legs several times. He swore at me all the time. He then pushed me towards the fence and struck me with the baton on the stomach a few more times. He swore about my mother and accused me of anti-state activity. While I was being led into the building, he struck me a few more times. There were seven duty policemen inside. One with a Kosovo accent told me to take off my T-shirt and throw it on the floor. I obeyed and he gave it an angry kick. While I was sitting in the corridor policemen passed up and down and cursed and insulted me. Then they called in a technician to fingerprint and photograph me. A plainclothes inspector conducted an informative conversation with me. He asked about my family, friends and other Otpor activists and whether I kept Otpor materials at home. When I said I did, we went to my house. The inspector waited for me in the car. I brought him three T-shirts, six badges and three matchboxes. When the other policemen heard that he intended to give me a receipt, they told him he can't be serious. He then let me go home without a receipt. My friends had been waiting outside the station and they took me to the emergency clinic where I was given first aid. The doctors rang the police because my friends had told them I'd been injured in a fight with them. When the policemen arrived and wanted to question me, my friends told them I'd been beaten by them, so the police left.'

#### **4.2.15. Activists Made to Stand Still for Three Hours for Pasting Posters**

Three Otpor activists were detained, insulted, and beaten in Bačka Palanka on August 9 for pasting Otpor and SZP posters. Goran Lazarević (19),<sup>100</sup> who was detained with Dražen Bačak (19) and Dragan Radonjić (19), said this in his statement to the HLC: 'At the police station we were questioned by a very rude policeman. He yelled at us and insulted us. He asked us how much CIA was paying us. After that, we were taken into an office. We sat down, but soon afterwards a policeman came in and started to shout. He told us to stand in a corner without making a move. He said, "I'll work you over if I hear a sound from you." We had to stand like that for three hours till 6 a.m. Then an inspector came in to question us. When he had finished, we were again ordered to stand in the corner. I overheard one policeman telling another to beat us. A policeman who smelled of alcohol stormed in and said, "I'm going to tear you apart now." I was punched in the back of the head twice and slapped in the face. Dragan was punched in the kidneys several times.'

#### **4.2.16. Minor Slapped for Drawing Clenched Fist**

Otpor activist J .M. (17) was intercepted by four plainclothes policemen outside his house on the night of August 16-17 because someone had told them that he had been drawing clenched fists in New Belgrade. 'I started to run but they drew their pistols. I realized I couldn't escape and stopped. When I asked them why they wanted me, they replied, "For breaking into a car." When they found the spray cans and stencils in my bag, they took me to the next street, slapped me in the face about ten times, and threatened to kill me when we arrived at the station,' he said in his statement to the HLC. The policeman called in a van in which they took him to the New Belgrade police station. After questioning him about Otpor and keeping him overnight, they went to his flat in the morning and forced him to hand over all movement materials. They confiscated the badges, stickers, pictures and lists of activists and gave him no receipt.

#### **4.2.17. Otpor Activist Ordered to Strip Down**

Otpor activist Branko Ilić was detained after being caught stencilling the clenched fist in the Belgrade Public Transport garage in Karaburma on the night of August 21-22. He was caught by the company's security and handed over to the police. Ilić said that the policemen were drunk and that one of them slapped him in the face. He was taken to a police station and kept until 6 p.m., after which he was brought before a magistrate and fined. During the questioning he was ordered,

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<sup>100</sup> See the section on Civil-Legal Protection.

on pain of being beaten, to take off all his clothes. 'In the morning I was escorted naked through a crowded post office in the same building as the police station into an office where I was fingerprinted and photographed,' Ilić told the HLC.

#### **4.2.18. SPO Member Beaten to Admit to Wearing Otpor T-shirt**

Mikica Žmurić,<sup>101</sup> an Otpor sympathizer and SPO member,<sup>101</sup> was visited at his home in Mala Ivanča on August 22. The policemen showed him their badges, searched the house and confiscated an Otpor poster. Žmurić was then taken to the police station in Sopot. 'The duty police officer repeatedly struck me on the head with an open hand and demanded that I admit to wearing an Otpor T-shirt and writing a movement slogan on the Hall of Culture,' Žmurić told the HLC. He was kept at the police station for twelve hours and denied water for eight hours. He was questioned about his activities in the SPO and urged to admit on pain of being beaten to being an Otpor activist and organizer in Sopot.

#### **4.2.19. Police Hit Woman Activist on Head and Tear T-shirt from Her Body**

Anita Beretić (38) was among fourteen Otpor activists and other citizens detained outside the Town Hall in Sombor on August 22 for urging the people in the streets to vote at the forthcoming election. During the action they wrote in chalk the number 33, indicating the number of days left before the election. Beretić said this in her statement to the HLC: 'After I was detained, two policemen took me to my flat and searched it without a warrant. They were looking for Otpor materials but found none. At the police station, they ordered me to take off my T-shirt. I refused and said that as a free citizen I was entitled to dress as I pleased and that T-shirts displaying the Otpor symbol were not officially prohibited. One of the policemen threatened to use force. "I don't think you'll be able to stand what's coming to you. We're going to raid your house at night and we won't leave you in peace," he said. Two burly policemen grabbed me and dragged me into a room where two women were waiting, one in uniform and the other in civilian clothes. When I again refused to take off the T-shirt they started to shout and make threats. The one in uniform wearing a badge number 621014 or 621041—I can't remember which—struck me hard on the head with the palm of her hand several times. I still stood my ground, so she literally tore the T-shirt off my body piece by piece.' Before the police released her after seven hours, they brought her a blouse from her home.

#### **4.2.20 Man Punched in the Chest for Wearing Otpor T-shirt**

Andrija Čivetić<sup>102</sup> of Belgrade was detained on August 29 for wearing an Otpor T-shirt. He was punched in the chest several times and called names by a policeman wearing a badge number 104537. 'He threatened to "smooth" the pavement with me for allegedly hurling a rock at him,' Čivetić told the HLC. He was kept at the police station on Božidara Adžije street for three and a half hours during which time he was fingerprinted and photographed.

#### **4.2.21. Minor Punched in the Face Over Otpor T-shirt**

V. V. (15) was detained in Niš on August 31 and punched by an inspector for wearing an Otpor T-shirt. He said this in his statement to the HLC: 'The inspector asked me whether I had an identity card on me. When I said that I hadn't, he reached across the table and punched me hard in the face. "This'll wise you up," he said. I heard from other policemen that he was from Kosovo. He's about forty years old. When I felt my face because it hurt, an older inspector told me, "What are you touching yourself for? I'll be the next to give it to you, you bastard!"'

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<sup>101</sup> See the section on Civil-Legal Protection.

<sup>102</sup> See the section on Civil-Legal Protection.

#### **4.2.22 Otpor Activists Ill-treated Over Copies of Reporter**

Four Otpor activists were ill-treated in Belgrade on August 31. Rade Milić (22), Dušan Jovanović (29), Ivan Marović and Nebojša Bogdanović<sup>103</sup> were detained while taking over copies of the Banjaluka weekly *Reporter* from a car. Milić said this in his statement to the HLC: ‘Ivan and I were put into a cell at the police station on Majke Jevrosime street. It was cramped, the floor was soaked with urine, the walls bore messages written in blood, and the only light came from a perforated tin plate. The guards came and opened the door. An inspector who was with them provoked me with these words, “What’s the matter, would you like to rule instead of Milošević? Just look at yourself!” I was taken away to be photographed and fingerprinted. There was a policeman called Joca who behaved rudely and vulgarly all the time. “ So you want to change things, you motherfucker!” He called my family traitors and spiced almost every sentence with oaths. He spotted the fingerprint ink stains on the washstand after I had washed my hands and got angry. He pulled me by the hair and pushed my head down towards the washstand. “Wipe that off, you motherfucker!” he said. Joca also slapped Ivan for not looking straight ahead during the picture-taking.’

Bogdanović said this in his statement to the HLC: ‘Dušan and I were handcuffed at two opposite ends of the room, I to a pipe and he to a radiator. I had on a T-shirt bearing the phrase ‘He’s Finished’ and the policemen who passed by teased me, “Who’s finished?” and patted me on the shoulder.’

#### **4.2.23. Otpor Activist Beaten Over Poster**

Otpor activist Mile Milić (26) of Lajkovac was detained on September 2 for pasting posters bearing the phrase ‘The Time Is Ripe’. At the police station he was beaten by policeman Ilija Kruškonja, who was his Marxism teacher at the secondary school. ‘Ilija Kruškonja ran in as soon as I was brought to the station. He started to punch and curse me. “What do you mean by ‘He’s Finished?’ Who do you want to oust, you whipper-snapper?” He then took me to the reception room and continued to beat me there in front of his colleagues, who did not react. Kruškonja dealt me the last blow with both hands on the head. It was later certified that the blow had impaired my hearing,’ Milić told the HLC.

#### **4.2.24. Student Handcuffed to Radiator Over Otpor Propaganda**

Student Šefko Obućina was detained in Prijepolje at about 10 p.m. on September 4 and physically abused at the police station for distributing Otpor propaganda material. He said this in his statement to the HLC: ‘At one moment two uniformed policemen approached me from behind. “So that’s what you’re handing out, you monkey motherfucker!” they said and brought me to the police station. They took me into what looked like a storeroom and handcuffed me to the radiator. I could neither go to the WC nor drink water. Policemen went in and out all the time and many of them insulted me, cursed my mother, and so on. They advised me to leave the town for good because from now on they were going to check my identity card, search me and make my life difficult in other ways all the time. One policeman kicked me in the legs as he passed me by. At about 3:30 a.m., they brought me out and took me to the office of the inspector for an informative conversation. The inspector asked me some general questions about Otpor. He didn’t insult me and let me go to the WC. I was not handcuffed during the conversation, which lasted an hour. After that I was taken away to be fingerprinted and photographed. Then I was again handcuffed to the radiator. I became very nervous and started to beg the policemen to take me anywhere as long as they removed the handcuffs. “Sit where you are, you silly ass,” was their usual answer. They only let me go at about 11 a.m. I was stopped in the town and asked to show my identity card several times in the next few days.’

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<sup>103</sup> See the section on Civil-Legal Protection.



#### **4.2.25 Detainee Slapped and Cursed by Police Commander in Žabalj**

On September 8 an inspector and two uniformed policemen entered the house of Saša Džigurski (22) in Žabalj without a search warrant and demanded that he hand over all Otpor materials. 'I took out what little material I had left. Then they took me to the police station. My brother, who is the president of the local LSV board, was detained, too. They confiscated a large quantity of DOS propaganda material from him. We were sitting opposite each other. An inspector shook hands with my brother who'd been detained before and was therefore known to him. That struck me as funny. The police commander happened to be passing at that moment. "What's so funny?" he asked me, slapped me in the face and swore at me,' Džigurski told the HLC.

#### **4.2.26. Youths Tortured for Three Hours in Vladičin Han**

The chief of police in Vladičin Han, Radoje Stoimenović, and inspectors Goran Marković and Goran Trajković tortured seven youths for three hours. They tied their legs and beat them on the soles, struck them in the genitals, choked them with hands and rope and beat them with batons on the hands and body. They bashed a youth's head against the wall and caused extreme pain to another by pulling at his earring. The youths were forced to stay for long periods of time in a semi-squatting position with outstretched arms; whenever any of them lowered his arms or tried to straighten himself, he was punched or hit with a baton on the head or body. The policemen threatened to take them to the Kosovo border and shoot them there. The youths were released around midnight, after several hundred people had assembled outside the police station.

Otpor activists Marko Pejковиć (20), Davorin Popović (21), Vladica Mirčić (21), Jugoslav Nikolić (21), Ivica Nastić (21), Aleksandar Radić (23) and Miloš Kapetanović (23)<sup>104</sup> were first stopped and asked to produce their identity cards on September 7 after being seen pasting DOS and Otpor posters. They were summoned to the station for questioning the following day and they reported. Mirčić said this in his statement to the HLC: 'I was fingerprinted, photographed and told I could go home. As I was leaving the building, I was accosted by chief of police Stoimenović and inspectors Marković and Trajković. They were drunk and started to insult me. "Who do you think you're going to overthrow, you fucking monkey?" As they tore off my T-shirt bearing the word "Change", Stoimenović punched me twice on the head as hard as he could. They returned me to the station and continued to punch me on the head and face. Trajković brought a piece of rope, tied it around my feet, lifted them up and started to beat me on the bare soles. I was also struck several times on the head and legs with a baton and I passed out. Trajković lifted me up and punched me in the face saying, "Don't pretend." He bashed my head several times against the wall and dragged me off to the WC. On the way, there he kept hitting me on the back with the baton. While I was washing my face over the washstand he struck me twice on the head with the baton. I was then taken into the office of the station deputy commander named Momčilo. I don't remember his surname. He questioned me and insisted that I should admit to being the chief Otpor organizer. During the questioning, chief of police Stoimenović came into the office and punched me on the head and face with all his strength. Inspector Marković ordered me to assume a semi-squatting position and stretch my arms in front of me and threatened to club me if I made any attempt to straighten myself. Inspector Goran Trajković said, "You guys don't know who you're messing about with. We've got authorization to take you to the Končulj border crossing, shoot you there and issue a statement that you were killed by the army while attempting to cross the border illegally." I was later shifted with the other activists to the duty policemen's room and told we were going to stay there till morning when they'd decide what to do with us. They let us go at about 11 p.m. because 200 to 300 people including our parents had gathered outside the station. Before we left, we were told to report at 8 a.m. next morning. We didn't because of our condition. I couldn't walk, both my head and feet were swollen. A friend of mine was beaten on the testicles."

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<sup>104</sup> See the section on Civil-Legal Protection.

Popović said this in his statement to the HLC: 'I was summoned for an informative conversation after I'd had my identity card checked by a policeman who'd found me pasting DOS and Otpor posters during the night of September 7-8. I reported to the police station at about 4 p.m. on September 8. An inspector asked me and the rest who were with me what Otpor was, who financed it, who was paying me, why I was doing that, and the like. After that, I was taken to a room where I was photographed and fingerprinted. Then I was told to go home. On our way out, Vladica and I were intercepted by chief of police Stoimenović in the company of two inspectors, Trajković and Marković. They pushed us back through the door towards an office and shouted, "Where do you think you're going, monkeys, who do you want to overthrow?" They told me to join the others waiting in the corridor and face the wall. Soon afterwards chief of police Stoimenović summoned me into the office and they proceeded to question me about a small brochure citing the law with regard to the rights and duties of policemen and their powers. They were interested to know who was distributing those brochures and what I knew about it. After that, chief of police Stoimenović called me into another office where Radić and Mirčić were. He started to pound me on the face and head with his palms and fists as hard as he could and shouted, "You ought to be ashamed yourself, you punk! Your brother works for the police!" He pushed me out of the office and told me to face the wall again. He then approached me and asked me, in the presence of Mirčić, Nikolić and Radić, what Otpor was. I started to explain that Otpor was a popular movement, but before I could finish the sentence he kicked me in the left thigh. He then continued to beat me on the face and head with an open hand and fists. As he beat me he pushed me into a nearby office and shouted, "You're a fascist!" When I replied that I wasn't a fascist and would never be one, he put both hands on my neck and said, "I'm going to strangle you now, you fascist motherfucker!" He squeezed me real hard, pushed me towards the table and ordered to write down a statement saying when I joined Otpor, who was paying me, who I collaborated with...He pulled me by the hair and told me to write down that my brother worked in the police. While I was writing the statement, inspector Trajković told me, Pejčković and Kitanović, "You don't know what a fine mess you're in. We've got authorization to kill you and say in a statement that the army did that while you tried to cross the border illegally at Končulj."

Kitanović said this in his statement to the HLC: 'While I was waiting with Marko and Yugoslav for the informative conversation, I spotted Mirčić and Popović being turned back at the door and thrown into an office. We were ordered to face the wall and raise our arms. I was then taken into a room where Vladica Mirčić lay semiconscious on the floor. Inspector Marković ordered me to take off the shoes, tied a piece of rope into a noose and tightened it around my ankles. He told me to sit down. He then lifted my feet by holding the rope with one hand and beat me on the soles with a baton he held in the other. "You wanted a change, now you've got it," he said. Chief of police Stoimenović had meanwhile entered the room and started to pound me on the head with his hand with all his strength. Inspector Trajković lifted me up and said, "Stand up while addressing the chief of police" and punched me in the back of the head several times. He then said, "I won't beat you any more, I'm going to torture you now." I had to remain for nearly an hour in a semi-squatting position with my arms stretched in front of me. I couldn't take it long. Whenever I rose I was punched in the head alternately by inspectors Trajković and Marković. At one moment Marković undid his belt and started to pull down his trousers saying, "After this you lot are going to suck me off." When the torture was over, inspector Srđan Nikolić came in and opened a file on me.'

Following is Pejčković's statement to the HLC: 'At the front door I was stopped by the drunk inspectors and returned to the room. Inspector Marković first punched me on the head as hard as he could, then he clubbed me on the legs, back and hips. Shouting "Motherfucker" at me, he floored me and told me to take my shoes off. He tied my bare feet with a length of rope, lifted them up and proceeded to beat me on the soles. He gave me at least fifty blows. I somehow managed to wriggle out and put my feet down. While I protected my head with my hands, inspector Marković continued to pound me on the back with a baton. Marković then turned on the

radio and said he liked torturing people to the sound of music best. Chief of police Stoimenović entered then and started to pull me by the earring. I was lucky it came off soon. Stoimenović told me that only Muslims wore earrings. As he slapped me in the face with all his might, he said I had no right to demand any changes because I was a Muslim and therefore a murderer of Serbs.'

Following is Nikolić's statement to the HLC: 'Inspector Marković dragged me, Miloš and Marko into the room where the beaten Vladica was and told us to take off our shoes. While he beat us he kept yelling, "Motherfuckers!...So you want to overthrow the government!...Fascists!...Arseholes!...You don't know what resistance means!..." He beat me with the baton all over my body but mostly on the soles, thighs and genitals. He also punched me on the face, head, chest and stomach. Then they told all three of us to assume the "skiing position." Whenever any of us moved slightly they beat us all over the body in turns. Marković threatened to take us to the Končulj crossing on the Kosovo border and shoot us on the excuse that we wanted to cross the border illegally. After making us stand in that skiing position for an hour they gave us a piece of paper and told to write statements about Otpor.'

Radić said this in his statement to the HLC: 'They took Davorin and me into an office and started to punch us at once on face and head with all their strength. I was beaten by chief of police Stoimenović, who kept shouting, "You motherfucker!...Who do you work for?...Who's paying you?...Who do you want to overthrow?...You're nothing but rabble!..." The questioning was resumed by a commander I know as Moma, and he only asked questions. At one moment, inspector Marković burst into the room and, while I sat there, started to punch me in the head and shout in my face, "You motherfucker!...You don't know me yet!...You fascist, who do you think you're going to overthrow?...You scum!...You punk!" He rushed out and came back with a baton, which he started to beat wildly, first on the table and then on my back. "You don't know, you bastard, what powers I have and what I can do to you. I'm going to frame you and let you rot, you motherfucker!" He stormed out again, returned with a length of rope in his hands and started to flog me on the back. One end of the rope was tied in a noose. At one moment, he started to slide the noose down over my face towards my neck and said, with a weird smile on his face, "I'm going to hang you now, you junkie...Who's your girlfriend?...Who's her father?...Tell me, who do you fuck with?" He gradually tightened the noose around my neck until I got red in the face and started to choke. I had a feeling that my eyes were going to pop out of my head. We were later led one by one into a room and allowed to sit on a bench. I was brought in last. They told us they'd keep us there till 8 a.m. and would then decide what to do with us. I had somehow succeeded in keeping my mobile phone with me, so I rang up some people and told them what was going on. About 300 people gathered outside the police station and demanded our release. Our parents were among them. We were finally released around midnight.'

#### **4.2.27. Policeman Handcuffs Girl and Ruffles Her Hair**

Otpor activist and GSS member Irina Ljubić was detained in Belgrade after midnight on September 11 for putting up stickers.<sup>105</sup> 'At the police station on Božidara Adžije street they handcuffed my right wrist to an office table. I asked a uniformed policeman called Dejan whether they were going to beat me now, and he told me to go to sleep. Dejan came into the office from time to time. He asked me whether I could cook because he was looking for a wife and he ruffled my hair with a pencil,' she told the HLC. At the police station she was asked whether she kept Otpor materials at home and threatened with the confiscation of her TV set and other appliances unless she had the invoices. 'We went to my flat at about 8 a.m. They confiscated two stickers and four mugs. When we returned to the station, they gave me a certificate of detention and a receipt for the confiscated items. After that they fingerprinted me and let me go.'

#### **4.2.28. Otpor Activists Beaten Over Stickers**

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<sup>105</sup> See the section on Civil-Legal Protection.

Four Otpor activists were detained and beaten for possessing stickers by inspector Milojica Gojković at the Ivanjica police station during the night of September 13-14. Boban Savić (20), Vlada Miloševski (19), Slobodan Kušić (19) and Marijan Petrović (17) were stopped by the police while pasting DOS posters and detained after a quantity of stickers bearing the phrase 'He's Finished' was found on them. Boban Savić said this in his statement to the HLC: 'While we were waiting in the corridor, inspector Gojković stormed out of an office, went up to Kušić and slapped him twice in the face. He turned to Miloševski, also slapped him twice and then punched him in the stomach. He slapped me a couple of times too, and so on. All the time he cursed and insulted us with the words, "Motherfuckers! Scum of the earth! You're all traitors! You're NATO mercenaries! I don't give a fuck about you, fascists!" In the end, he punched me in the stomach so hard that I gasped for air and fell. Afterwards he took me to wash myself and told me that the whole affair was unnecessary.'

#### **4.2.29. Otpor Activist Beaten Over T-shirt in Kruševac**

Otpor activist Miroljub Milenković was severely beaten at the police station in Kruševac on September 18. 'After the Human Rights Committee panel in which I participated, two plainclothes policemen approached me in the town centre, grabbed me by the arm and ordered to come with them. I asked them why they were taking me away and one of them answered, "Do you want us to handcuff you to make you realize?" At the police station, he was questioned about Otpor and the HLC booklet *Human Rights for Everybody*. When Miroljub asked them why they objected to his wearing an Otpor T-shirt under his tracksuit, they started to punch and kick him. They ordered him to take off both and continued to beat him more severely. He fell down and was kicked lying on the floor. The beating stopped only after the commander intervened. As he was leaving through the main door, one of the policemen who had beaten him told him he was not to breathe a word to the media.

#### **4.2.30. Otpor Activists Slapped Over Stickers in Titel**

D. P. (17) and Igor Milosavljević (18) were caught while putting up Otpor stickers by two policemen, Zoran Čorto and one Obradović, in Titel at about 11 p.m. on September 14. 'They approached me and asked me to show them our Otpor materials. I showed them four stickers. Obradović pulled me by the ear and slapped me in the face. He grabbed the stickers, went over to D., swore at him and rapped him with the stickers on the head,' Milosavljević told the HLC. The two youths were told to report at the police station in the morning. 'I went to see the station commander, Ljubomir Filipović, who told me that Otpor was connected with NATO. Policeman Miroslav Zdraverski came into the office and asked who had given me the material and who else had been putting up stickers. He told me, "Otpor is a fascist organization. How many days do you want to spend in prison?"' Milosavljević said.

D. P. was also questioned by Filipović and Zdraverski. 'They fingerprinted me and told me to go to the bridge at Titel and take down every sticker bearing the Otpor symbol. I did that for an hour and a half. I had to bring them back a bagful of unglued posters and stickers. Commander Filipović told me that Otpor was a terrorist organization which killed Boško Perošević, and threatened to keep me in prison for fifteen days. I was then told to wait in the corridor.' After being held at the station for five hours, P. and Milosavljević were brought before a magistrate who told them he would decide later whether to punish them or not.

#### **4.2.31. Minors Forced to Eat Stickers**

M. J. (14) and Đ. Đ. (14) were forced to eat Otpor stickers in Smederevo on September 22.<sup>106</sup> ‘Two uniformed policemen called us aside at the Culture Club. They struck me and M. with an open hand in the back of the head and ordered us to take down every sticker we’d put up and to swallow them. After they’d pushed us off the staircase, M. managed to escape and a policeman told me I didn’t have to eat any more stickers and could spit out what I had in my mouth. I was taken to the police station. While I was being questioned a policeman threatened to bash my head with a baton because I couldn’t remember my mother’s date of birth. I was scared stiff. They took me to the room for picture-taking and forced me to laugh while they took my pictures,’ Đ. told the HLC.

## **5. Assaults by Private Persons**

The HLC has documented several cases of attacks on Otpor activists, students and opposition party members by private persons.

### **5.1. Thugs at Belgrade Faculty of Architecture**

On May 23, students at the Faculty of Architecture in Belgrade held a protest meeting over the takeover of the opposition channel RTV Studio B. One of their demands was that lectures should be suspended until the security men had been removed from the faculty. The students looked upon these men, who had been installed by the dean of the Faculty of Electrical Engineering, Vladan Teodosić, as a threat to themselves. The meeting started at 8 p.m. and ended at about 10 p.m. after Dean Aleksandar Keković and Professor Gavrilo Mihaljević called on the students to disperse. The students agreed to resume the protest the next day. After some 400 students had left the building, some thirty to forty unidentified men in sportswear and surgical masks and hats assaulted the remaining fifty or so students heading for the exit at about 10:15 p.m. Several of the attackers were armed with police batons. Some twenty students were slightly or seriously injured. Around 1 p.m., the police removed from the building the last group of students who had hidden themselves in various rooms. The next day, the guards prevented students who had taken part in the protest from entering the building.

Professor Gavrilo Mihaljević said this in his statement to the HLC: ‘The architecture students had organized spontaneously and their assembly had nothing to do with Otpor. They began to gather in the amphitheatre, but I asked them to hold the rally elsewhere and let me get on with my scheduled lecture. They asked me in turn to stay with them and told me that normal instruction was impossible in a political situation like that. They demanded the abolition of the university and public information laws and the disbanding of the faculty security team, and protested against the announced adoption of an anti-terrorism law. They also demanded economic and democratic changes in Serbia and declared that they would organize a sit-in. They wanted public figures and intellectuals to visit them at the faculty. For my part, I kept warning them that the situation was dangerous and tense and that clashes with the police should be avoided at all costs. Dean Keković also asked them not to be stubborn and to leave the building. Shortly before 10 p.m. the caretaker came in and said that the pressure was mounting. He too reasoned with the students to be sensible and to disperse. There were just over 100 students in the amphitheatre at the time. When the caretaker appeared again, the students decided to disperse and resume the protest next day. The largest group of the remaining students got out without a problem. There were forty or so of us left in the assembly hall when we heard a terrifying cry. I saw a group of strong young men in sneakers and tracksuits wearing surgeon’s masks and caps. They started to beat the students and also lunged at the dean. I warned them that the dean was in poor health and felt a blow in the back of my head that stunned me. The blow was so strong it could have killed me. They could have beaten us to death, but their intention was obviously to frighten us and drive us out. They kept shouting, “Get out, out with you!” I went out of the building at about 10:30 p.m. I wanted to

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<sup>106</sup> See the section on Civil-Legal Protection.

return several times because I was afraid that some students might have remained alone with the thugs. I was turned back by the security at the entrance. The last time I tried to enter, there was a tall, elegantly dressed man with greying hair beside me in the company of about ten guys in black. The security let them in.'

Student Boško Popović had a large haematoma above the left hip and bruises on the left arms. He said this in his statement to the HLC: 'After deciding to resume the rally next day, the students began to leave the building in an orderly manner. It was after 10 p.m. when the fifty or so of us who had remained made for the exit. All of a sudden, I saw next to me some characters in T-shirts, tracksuits and sneakers wearing green masks over their faces. Some of them wore green surgeon's caps as well as and wielded police batons. I think there were forty or so of them. A friend of mine bolted and they gave chase, but he managed to escape. When I broke into a run, I felt a terrific blow in the back of my head and collapsed. I was beaten by four of them. I lay on my right side trying to protect my head with my hands. As they swore at me, I overheard others telling the students to clear out. I heard several girls scream. They left off beating me after one of them said, "He's had enough."'

Student Stevan Vranešević said this in his statement to the HLC: 'Several friends of mine, my mother and I were among the last to leave the amphitheatre. All of a sudden, we heard a yell that sounded like a battle-cry. My friend Nikola moved close to the railings and saw unknown guys with cropped hair wearing surgeon's masks and caps. We sprinted upstairs and made for the nearest unlocked room. We finally hid in the laboratory anteroom and shut the door behind us. We heard people running about the building all the time. A girl became so frenzied that she suffered an asthma attack and we tried to calm her down. A friend of hers was on the edge of a hysterical fit and we just managed to keep her from screaming out. It was some forty minutes before two guys ventured outside to find out what was going on. When they returned, we decided to move to the uppermost floor. I had on me the keys to the Young Architects' Club. When we got there, I called out to my sister Jelena, who was standing outside the building all the time. It was thirty minutes past midnight. She told me that a part of Bulevara Revolucije Street in the vicinity of the faculty had been in complete darkness because street lighting had been turned off. She told me she'd seen a mobile crane truck belonging to the Elektrodistribucija power company parked in the faculty yard. She added that she'd seen two uniformed policemen and three men in civilian clothes leave the building at midnight. While we hid in the club premises, someone banged on the door several times. The last time it happened, I recognized a student's voice and we opened the door. He was in the company of two of the guards, one of them being their supervisor called Zoran, several thugs and one policeman. The thugs started to shout at us as soon as they saw us and asked us where we'd got the club keys from. Zoran calmed them down with the words, "We've agreed to leave it off and we'll take this group out." We asked the policeman who were the guys who'd beaten us and he replied, "You were beaten by the enemy." My mother asked him who'd saved us, and Zoran replied, "The people's militia." The guards escorted us to the exit in darkness. Zoran advised me in parting not to hang around near the building. Two days later, the security forbade me to enter the faculty.'

After the students announced that they would resume the protests, the Serbian minister of higher education, Jevrem Janjić, imposed on May 26 an immediate temporary suspension of lectures at all universities and prohibited 'any gathering or manifestation on faculty premises'.

## **5.2. Violence in Požarevac**

The first case of an attack on Otpor activists by private persons documented by the HLC occurred in Požarevac. On March 7, Zoran Milovanović (20) returned to Požarevac from Belgrade where he had attended an Otpor congress and was severely beaten by friends of Marko Milošević, some of whom were members of JUL. Milovanović was first called up by Zoran Ivanović Roleks who asked

to see him. Suspecting foul play, Milovanović asked DS activist Dragana Stanisavljević to alarm the police and his parents in case he failed to return from the appointment by a certain time.

Ivanović turned up at the appointed place in the company of Aleksandar Ašanin and Milan Lazić, a JUL member working at Milošević's discotheque Madonna. Vladan Ašanin, Bojan Tadić and Milan Bajić arrived soon afterwards. The six of them fell upon Milovanović and started to kick him. Tadić and Ašanin drew out pistols. Then they drove him to the discotheque and beat him on the way there. They accused him of being a foreign mercenary and of drawing pay from the European Union, Vuk Drašković and Otpor. They told him he would never see his family again. Milovanović was taken into a room within the discotheque compound, where he was beaten with a police baton, kicked and insulted. They told him that such was the fate of NATO and foreign hirelings. Marko Milošević entered the room carrying a chainsaw and threatened to cut him to pieces. 'He told me I wouldn't be the first or the last whose body parts would be seen floating in Velika Morava river. He questioned me how much money I received from Otpor, Vuk Drašković and the EU. He told me that being an Otpor activist wasn't smart on my part and that I'd be better off if I joined a member of the ruling coalition. In the end, Marko Milošević told them to take me back to Vuka Karadžića street where they had picked me up,' Milovanović told the HLC. On the way back, he was also physically abused and beaten on the head with a pistol handle. He was thrown out of the car unconscious. When he came to, he went to the DS premises. He and two SPO parliamentary deputies, Nenad Lekić and Živadin Jotić, went to the police station and reported the incident to the duty officer, Nenad Vijatović. After that, inspector Dragoslav Milenković advised him to return next day to press criminal charges.

Milovanović went to the police station in the company of his mother and the SPO deputies the following day, May 8. However, he was told by the police that he could not report the incident that day because it was a public holiday, Women's Day. Milovanović next went to the hospital where he was given a certificate regarding his injuries. That evening Milovanović was visited at home by Marko Milošević's wife, Milica Gajić, the father of the brothers Ašanin, and the chief of police, Dragan Milanović. They insisted that throughout the incident Milovanović had been under the influence of drugs and that he had actually been beaten by SPO members. Gajić threatened Milovanović's mother, who is a hospital nurse, to have her dismissed from work.

Otpor activist Zoran Milovanović was detained on September 1 for allegedly filming the local municipal officials and SPS members, Bojan Kekić and Dušan Antić, during an aquarist show. 'I had my own exhibit at the show. The head of security at Požarevac Council, Boris Crnogorac, approached me, punched me in the chin and took my camera away. Then he went out and called the police,' Milovanović told the HLC. At the police station Milovanović was questioned about Otpor activities as well as fingerprinted and photographed.

### **5.3. Minors Ill-treated Over Otpor T-shirt**

Underage Otpor activist N. A. was sitting with a girlfriend in the New Belgrade pizzeria Hut on July 5 when he was assaulted for wearing an Otpor T-shirt. 'My phone rang and I got up from the table. I saw a plump man around the corner casting angry glances at me while I spoke on the phone. I sat down again and was approached ten minutes later by a young man with cropped hair. He told me to come with him. I made no move and he shouted at me to get up. As soon as I got up, he punched me two or three times in the head. He then tried to twist my arm but I managed to wriggle out. At that moment, the fat one said, "Not in here." The young man tried to drag me off somewhere so he could continue to beat me. My friend shouted at them to pack it in and the fat one told her to mind her own business. The fat one asked me who I worked for, what my duties in Otpor were and who'd given me the T-shirt. He then ordered the other guy to take off my T-shirt, which he did at a stroke. He started to tear it up, but the fat one stopped him and put the T-shirt away. The fat guy gave me several kicks as I started to collect my things. He told me in a high voice to clear out. The waiter looked on calmly,' he told the HLC.

#### **5.4. Two Invalids Beaten in Šabac**

Two disabled persons, DS members and Otpor activists Marko Vuković (45) and Marin Barjaktarević (50), were beaten by unidentified assailants in Šabac on July 16. Vuković suffered concussion of the brain and three bruised ribs. Vuković said this in his statement to the HLC: 'Marin and I were walking through Cerska Street, past the houses of the local SPS officials, Dragan Tomić and Jela Veselić. We wore Otpor and DS badges. There was a celebration inside marking the tenth anniversary of the SPS and the inauguration of a local radio station. Four men ran out of a building next to theirs and shouted, "Halt, police!" We stopped because they wore dark blue uniforms and we took them for policemen. They were actually Tomić's and Veselić's security people. Two of them brought us to the ground and started to beat us. The other two stood in the street and looked on. Two others, dressed in the same way, sat in a car and watched. Both of us are fifty percent invalids. We told them we were invalids and asked them why they were beating us. They replied that they wanted to re-educate us. They cursed us all the time for being in the opposition. They broke my walking stick and took Marin's as a "battle trophy". The police arrived soon afterwards and the attackers ran off in various directions. When I suggested to the policemen they should try to catch them, a policeman told me he couldn't run after them. The policemen then called an ambulance.'

#### **5.5. DS Member Assaulted by Ten Civilians**

Predrag Radosavljević, a DS member from Kragujevac, was beaten by unidentified persons while he was tearing down an SPS poster on July 18. 'The SPS had put up a great many posters all over the town on the occasion of the tenth anniversary of the party. That evening party activists made the rounds of the places where the posters stood to make sure no one took them down. I passed one such place at about 3 a.m. and tore down one poster. At that moment a white Lada-Iveco van turned up and ten men got out. I spotted lots of SPS posters in the van. The men ran after me and started to beat me. I managed to break loose and escape. They ran after me for a while but then gave up. I went to the hospital at once and doctors stitched up a wound in my arm. Someone at the hospital called the police and I made a statement about the incident. I asked them whether my statement was sufficient for them to start an investigation, and they replied that it didn't matter and that they would decide later what to do,' Radosavljević told the HLC.

#### **5.6. Otpor Activist Assaulted by Masked Civilians in Pančevo**

Nenad Miletić was walking with his girlfriend Maja men in Pančevo around midnight on July 28, when he was assaulted by two unidentified masked. He was wearing an Otpor T-shirt. The skin on his head was split open and his whole left arm was in bruises. 'I couldn't see the attackers properly because their faces were covered with red scarves. I only saw their faces. They were young and wore sports clothes. I saw them running towards me and Maja. One of them struck me and I fell to the ground. They bashed me on the head with lengths of rubber-covered electric cable and I tried to deflect the blows with my hands. Maja screamed and soon afterwards an unknown man turned up and headed towards the attackers. They backed off a little at first but then continued to beat me. Luckily Maja was heard by others. Four youths dashed up and the attackers ran away,' Miletić told the HLC.

#### **5.7. Minors Assaulted in Niš**

Nj. P. (15) was riding in a bus in an Otpor T-shirt when he was dragged out by two unidentified youths and beaten in Niš on August 19. 'They brought me down, kicked me and called me a terrorist motherfucker. They directed the blows at my head and kicked at my left ribs,' he told the HLC. After some time, he thought the assailants had gone and lowered his guard. 'One of them turned round, ran up and struck me on the left side of the jaw. I lay there semiconscious for about



ten minutes. I got up but couldn't stand. I slumped to my knees. A police patrol arrived then. When the ambulance arrived one of the policemen wouldn't let them take me to hospital and wanted to bring me in instead. But the woman nurse stood her ground and the policeman backed down. At the casualty hospital they found that I had a slight concussion of the brain.'

Members of the World War veterans' organization (SUBNOR) ill-treated Otpor activist M. R. (15) for having pasted Otpor posters in Niš on September 8. R. said this in his statement to the HLC: 'SUBNOR is opposite from the Otpor office. The old Commies spotted me, grabbed me by the neck and dragged me into their rooms. They sat me on a chair and called the police. While we were waiting for the police, some of them started to curse and insult me and the others approved. They told me I was scum and a foreign mercenary and that I served NATO. They said, 'You traitorous motherfucker, you ought to be shot on sight.'" One of them suggested they take me into a room and break my bones.' Some twenty minutes later three policemen arrived and took M. R. to the police station. 'They asked me what had happened at SUBNOR. They didn't ask me anything about Otpor because they did that the last time I was brought in. I made a statement and they said they would file a complaint against SUBNOR.'

On September 3, the secretary of the SPS municipal board in Inđija, Jovica Radosavljević, punched Otpor activist G. O. (16) repeatedly in the back of the head for putting up stickers bearing the word 'Presing' (Pressing). 'I was putting up the stickers when Jovica grabbed me. He dragged me up to the third floor of the Agrounija building. While he was pushing me up the stairs, he punched me in the neck. He brought me into a room which I learned later was the SPS headquarters in Inđija. There were Zoran Janković, a man whose surname's Lečić, and a man I didn't know. When they asked him, "What's up, boss?" he replied, "I got the one who's been putting up stickers" and punched me in the back of the head again.'

Radosavljević ordered O. to empty his pockets and promised to beat him up if he found anything inside. 'I took out among other things five stickers saying "Presing"'. Radosavljević demanded my particulars and asked the name of my school. When I told him I went to the Đorđe Natošević secondary school, he said he'd ring up my school governor Žika Mrvić. He tried to reach him on the phone but the line was busy.'

Radosavljević let O. go on being told by a colleague that the boy's friends were gathered outside the building. 'As he let go of me, he promised to call Žika tomorrow and told me to tell my buddies to disperse,' O. said. He went to the casualty department, where a doctor ascertained bruises on the neck.

Seven unidentified persons aged about forty raided the Otpor premises on Knez Mihailova street in Belgrade on September 9. The men searched the rooms and physically abused activists Igor Đajić and two girls. 'They first told me and the girls very rudely to turn round and face the window. They slapped our faces a few times. They ransacked the premises and turned the tables upside down. After that, they told us to lie face down on the floor. As we did not understand at once what was demanded of us, they prompted us with a few more slaps. I was kicked a few times into the bargain and the girls were pulled down brutally. On their way out, they threatened to give us a rough time if we looked at them through the window,' Đajić told the HLC.

Otpor activist Đorđe Jovanović was detained in Beška on September 12, following a complaint by members of the SPS that he had damaged their car. The detention was preceded by a fight in Krčedin on the night of September 10-11 between Otpor activists and unidentified assailants armed with baseball bats. 'Davor Pele, Goran Dimić and I were pasting Otpor posters when two cars pulled up near us. On one of them with licence plates RU-612-52 there was an inscription saying the vehicle belonged to the public utility company in Inđija. Several guys came out with baseball bats in their hands and moved on us. Luckily, Davor and Goran are built like myself (Jovanović is two metres tall and weighs 130 kg.), so we not only defended ourselves but gave

them a good hiding and they took to their heels. It is true that in the heat of it we damaged a door on one car,' Jovanović told the HLC. He described the behaviour of the policemen as correct. He knew them all because that was the fifth time he had been detained in connection with his Otpor activities.

On September 14, the president of the Young Socialists in Kraljevo, Nebojša Milanović, punched Otpor activist Duško Zdravković who had been putting up stickers bearing the phrase 'He's Finished' over SPS posters in the company of two colleagues. 'A car pulled up next to us and Nebojša Milanović shot out swearing at the top of his voice. He told the girl activist who was with us that he'd make her remember him,' Zdravković told the HLC. He said that Milanović became furious after he had asked him to calm down. 'He punched me three times in the head. I didn't reciprocate and he stopped. Half an hour later I went to the policlinic to be medically examined and the doctors ascertained light injuries,' Zdravković said.

On September 17, SPS members insulted and threatened Otpor activist Marinko Varnjaš (23) and his friends in the presence of the police for pasting posters of the Alliance of Vojvodina Hungarians in Subotica. 'Two policemen came up to us and asked to see our permission to paste the posters. We showed it to them and they called someone on the radio. Soon afterwards, some twenty or so Young Socialists arrived. I recognized among them an inspector in civilian clothes. I also recognized SPS members Dušan Petrić and Perica Šalja,' Varnjaš told the HLC. 'The policemen backed off a few metres and the Socialists started to yell at us, 'This is Greater Serbia and if you don't like it, go to Hungary! We'll let you off now, but if we ever catch you pasting posters again there'll be some throat-slitting!'" After the Socialists had gone, the policemen approached us again and confiscated the posters without giving us a receipt,' he said.

Varnjaš was visited at home by three policemen at 6 a.m. the next day. 'They took me to the police station. Inspector Zoran Iličković questioned me. He asked me whether I had a feud with my neighbours because I had put up stickers bearing the phrase "He's Finished" on the front door of my house, where a JUL nominee lives. He then began to threaten me. "You know your dad works at the post office, so take care he doesn't get the sack. Your mum can also get the sack and you may end up having nothing to eat." He advised me to leave Otpor and join some other party if I wanted to engage in politics,' he said.

## **6. The Misdemeanour Proceedings**

HLC documents show that between May and election day, September 24, the police filed some fifty misdemeanour complaints on the same grounds on which they detained some 2,500 Otpor activists and sympathizers, opposition party members and NGO activists. The striking discrepancy between the number of detained persons and the number of those charged with misdemeanour leads to the conclusion that the primary task of the police was to intimidate Otpor activists by massive detention, fingerprinting and questioning, to prevent the movement from proliferating, and to warn the citizens that opposition political activities could be treated as anti-state activities. The police were clearly not guided by any particular criteria in filing the misdemeanour complaints; the impression is that by occasionally referring persons to municipal magistrates they wanted to invest their widespread illegal practices with a semblance of legality. In a large number of cases, the misdemeanour proceedings have either been suspended or indefinitely postponed, whereas in deciding against the defendants the magistrates have relied exclusively on the testimony of officials.

### **6.1. Enforcement of the Law on Public Law and Order<sup>107</sup>**

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<sup>107</sup> The Law on Public Law and Order, Article 12, paragraph 1: 'A person who disturbs the public tranquillity or commits a breach of the peace through begging or vagrancy, or through indecent, insolent or reckless behaviour, shall be fined up to 700 dinars or imprisoned for up to 30 days.'

About twenty citizens, Otpor activists and opposition party members taking part in the opposition rally in Požarevac on May 9 held in protest against the arrest of three Otpor activists were detained and charged by the police with misdemeanour. All of them were found guilty under the Law on Public Law and Order, sentenced to prison terms ranging from five to ten days, and sent to serve their terms immediately.

Goran Cvetković (b. 1978) of Smederevo and Ivica Vukadinović (b. 1967) of Velika Plana were tried separately on May 10 and sentenced to five days imprisonment each because 'When the bus carrying passengers from Velika Plana to Požarevac on which the defendant was riding was stopped at the checkpoint on the cloverleaf at Lubičevo on May 9...he behaved indecently and recklessly, and objected to being subjected to police control in a quarrelsome manner.' (The proceedings were conducted by Požarevac municipal magistrate Olivera Veljković.)

During the opposition rally in Belgrade on May 17-18, the police detained and charged with misdemeanour scores of protesters and passersby. Without being able to notify their next-of-kin and lawyers, they were immediately tried by a magistrate, sentenced to prison terms ranging from twenty to thirty-five days, and dispatched to prison forthwith.

Marko Bulatović (b. 1981) of Belgrade was sentenced to twenty-five days in prison for 'throwing rocks at a group of citizens of both sexes and of various age who were voicing their disapproval (of the Belgrade opposition rally), thereby disturbing the public tranquillity and committing a breach of the peace by his insolent and reckless behaviour.' (The proceedings were conducted by Belgrade city magistrate Mirela Stanojević-Nikolić.) During the hearing of evidence, policeman Magoslav Dakić said that he remembered the defendant perfectly well because he had detained him for throwing rocks. The sentence was upheld by a panel of magistrates comprising president Radmila Šarkić and members Svetlana Jovanović and Tomislav Šošić.

Miroslav Ponjavić (b. 1958) of Belgrade was sentenced to twenty-five days in prison for 'exhibiting his genitals, using abusive language and uttering oaths in the presence of citizens.' (The proceedings were conducted by Belgrade city magistrate Maja Komadinić.) During the hearing of evidence, a policeman described Ponjavić as a bald man in a grey T-shirt although Ponjavić appeared in the courtroom in the green T-shirt he wore both at the rally and the time of his detention. The sentence was upheld by a panel of magistrates comprising president Nada Damjanović and members Dušan Papić and Milan Komlenović.

Borivoje Mikić (b. 1976) of Belgrade was sentenced to thirty days in prison. On May 17 '...being in a group of disorderly persons pushing refuse containers on to the roadway, he disturbed the public tranquillity by his insolent behaviour, that is, by uplifting the middle finger of his right hand, showing it to the passers-by and shouting, "You can all suck me off!" (The proceedings were conducted by Belgrade city magistrate Nataša Đerković.) He was also sentenced to five days in prison for not reporting his new address on time. The sentence was upheld by a panel of magistrates comprising president Milan Komlenović and members Nada Damjanović and Dušan Papić.

Predrag Janeš (b. 1977) of Belgrade was sentenced to twenty days in prison for '...pushing refuse containers onto the roadway and overturning them in the company of a large group of disorderly persons, and throwing rocks and other objects in the direction of passersby, shouting and swearing.' (The proceedings were conducted by Belgrade city magistrate Goran Božić.) During the hearing of evidence, policeman Siniša Zdravković said he had detained Janeš after seeing him in a large group of disorderly persons displacing refuse containers and throwing rocks.

Nemanja Jović (b. 1977) of Belgrade was sentenced to twenty days in prison for 'throwing rocks at vehicles on his return from the rally on May 18'. He was also fined 100 dinars for not carrying his

identity card on his person and to five days in prison for not reporting the change of address on time. (The proceedings were conducted by Belgrade city magistrate Goran Božić.) The policeman who had detained him, Predrag Mirković, appeared as witness. The sentence was upheld and a lawyer's appeal dismissed as unfounded by a panel of magistrates comprising president Nada Damjanović and members Vukica Latinović and Milan Komlenović.

Dorđe Branković (b. 1971), Aleksandar Maksimović (b. 1977) and Milan Radojičić (b. 1976) were sentenced by a Belgrade city magistrate on September 16 to ten days in prison each for '...writing graffiti of the informal organization Otpor bearing the phrase "He's Finished" and a likeness of president of the FRY Slobodan Milošević by applying paint, spray and stencil to the facades of buildings and of other housing structures, as well as to the pavement and tarmac in the Skojevska housing estate between 2 and 2:30 a.m. on 16 September 2000, thereby committing a breach of the peace and causing anxiety in several anonymous citizens by their insolent and reckless behaviour.' In imposing the penalty, the magistrate said she was 'sure that in the future they will refrain from committing such and similar offences.' The defendants told the court that while they did intend to draw a likeness of Slobodan Milošević in the Rakovica estate in Belgrade, they were deprived of their liberty by policemen while they were only drawing a circle fifty metres in diameter. Having been cuffed a few times and fearing further beating at the hands of the police, the defendants admitted to having written slogans on the walls of buildings. The magistrate turned down the defence counsel's request to examine the case papers and to attend the examination of the policemen. (The case was tried by city magistrate Dragana Pavlović.)

Perica Mileški was fined by a Belgrade city magistrate on September 16. At about 8:30 p.m. the previous day he was in a group of people standing on the corner of 29. novembra and Porečka streets and protesting against the detention of activists taking part in an action under the slogan 'The Time Is Ripe'. 'He committed a breach of the peace and elicited disapprobation in citizens by behaving insolently and recklessly, by stepping on to the roadway and interfering with the traffic, and by shouting at motorists and passersby on the footway,' the magistrate's verdict ran. The charges against Ivana Mihajlović and Smiljana Senić, who were detained together with Mileški, were dropped. (The proceedings were conducted by city magistrate Nataša Đerković.)

## **6.2. Enforcement of the Law on Public Assembly<sup>108</sup>**

On August 6, the police in Niš filed misdemeanour complaints against Otpor activist Aleksandar Višnjić for '...bringing together over 400 citizens on 21 July 1999 without first duly reporting the assembly. Acting on behalf of the Students' Union, he first conducted the unregistered assembly in the hall of the National Theatre until 6 p.m., after which he led the participants in the assembly into the street at 7:25 p.m. and caused a disruption of the traffic until 7:30 p.m. After that the said person organized a marching assembly and called on the participants to assemble in still larger

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<sup>108</sup> The Law on Public Assembly

Article 15, paragraph 1, item 2: 'A person who assembles citizens without first reporting the assembly shall be fined up to 1,000 dinars or imprisoned for up to 60 days.'

Article 15, paragraph 1, item 2, pursuant to Article 6: 'The convener of a public assembly shall make application to the organizational unit of the Ministry of Internal Affairs responsible for the location of the public assembly at least 48 hours before the public assembly is due.

The convener shall make application to hold a public assembly pursuant to Article 2, paragraph 3 of this law to the competent authority at least five days before the public assembly is due.

Application shall be made in person or by registered letter and shall be signed. Application by registered letter shall be deemed to have been made on the day of receipt of the letter.

An application shall contain information regarding the programme and the purpose of the public assembly, the location, time and duration of the public assembly, the measures to be taken by the convener to maintain order and the stewardship service to be organized for this purpose, and the expected number of participants in the public assembly.

An application for a marching public assembly shall also contain details of the itinerary, the starting-point and the finishing-point.'

numbers, saying they would receive further information by electronic and print media.’ At the principal hearing on 29 June 2000, Višnjić denied calling on the citizens to assemble and insisted that the assembly was spontaneous. Policeman Srđan Grozdanović, appearing as witness, said that from a distance of fifty metres he had seen Višnjić and other students come out of the National Theatre and block the intersection. At another hearing on 11 July 2000, Otpor activists Milan Jovanović and Božidar Novaković, appearing as witnesses, said that the citizens had assembled spontaneously on 6 August 1999 and that Višnjić had addressed the students in his capacity as president of the student organization at the Faculty of Medicine in Niš. The next hearing was not scheduled. (The proceedings were conducted by magistrate Irena Ristić.)

The police in Vlasotince filed misdemeanour charges against SPO president Nikola Popović, DS president Dragoslav Rakić and New Serbia (NS) president Dragan Dinkić for ‘...calling off a registered assembly on May 22, rallying together members of their parties the same evening and setting off down the street, thus organizing a marching public assembly.’ The principal hearing on June 20 was suspended after the defence counsel established that the time of the assembly and the number under which the application was entered in the police register were not the same in the original and the copy submitted by the police as evidence. The next hearing was not scheduled. (The proceedings were conducted by magistrate Aleksandar Stojković.)

After the closure of the Belgrade channel Studio B, there were spontaneous daily rallies in the town square in Jagodina. The citizens were addressed by presidents and activists of opposition political parties and by Otpor activists. The police did not interfere with these rallies. On May 24, after seven such rallies, the party presidents and an Otpor representative were summoned by the police and advised to register future assemblies in keeping with the law. On behalf of the local opposition parties and Otpor, an application for a rally on May 25 was submitted by Andrija Jovanović (b. 1963), Toplica Antić (b. 1980), Dragan Tadić (b. 1960), Miodrag Nikolić (b. 1950), Dušan Petrović (b. 1959), Milorad Jovanović (b. 1962), Dragan Milićević (b. 1962) and Petar Jakšić (b. 1963). The following day, May 26, the police filed charges against them for organizing a public assembly that had not been reported in time. In the next few days, the police filed several new charges against the same persons for organizing unregistered rallies from May 19 onwards. The charge over the May 19 rally stated that ‘...between 8 p.m. and 9 p.m. the said persons organized a public assembly outside the united opposition headquarters, then marched through the streets, occupied the roadway, and interfered with or prevented the normal flow of traffic by their numbers and by the disorderly manner in which they marched.’ The police called in as witnesses four local policemen. No hearing was scheduled.

The chief of police in Majdanpek filed misdemeanour charges against opposition party members Milorad Babić (b. 1956), Gorčilo Potpar (b. 1963), Goran Kuzmanović (b. 1954), Dejan Radulović (b. 1968) and Ljubomir Brandušević (b. 1959) and Otpor activist Dejan Danilović (b. 1974) for ‘...first addressing the citizens gathered in the town park in Majdanpek at 8:15 p.m. on June 5 and then by leading the citizens, participants in the rally, through the streets of the town.’ During the hearing of evidence all the defendants stated that they had gone out that evening to greet the secondary school leavers celebrating the end of school. Witness Nebojša Kaprić, a cigarette seller, said he saw the defendants at various places in the town, did not notice any rally taking place, and spotted a group of youths shouting that they were hungry and out of work as they were coming out of the park. A hearing set for June 29 was not held because witness Radoje Đorović was officially absent. In a statement made to the magistrate the same day, the witness said that he was not in the town part at 8:15 p.m. on June 5, that nobody invited him to a rally, that he did not know whether any rally took place that day or whether anybody spoke at all. The magistrate has not rendered his decision yet.

Bratislav Stamenković, president of the nongovernmental organization Popular Parliament was charged by the police in Leskovac on June 7 with misdemeanour because ‘...at 6 p.m. on 31 May 2000, without first applying to the competent authority for permission, he caused about thirty

citizens to assemble on the premises of the former cafe-discotheque on Ivana Kosančića street in Leskovac by calling a panel discussion of the Popular Parliament of Leskovac at which he spoke about a programme of economic reconstruction of Serbia.’ On August 2, the defendant pointed out to the magistrate that the gathering had been organized by the citizens’ association Popular Parliament of Leskovac, a registered organization, and that it had been common practice in Serbia for decades not to apply for permission to hold panel discussions. The magistrate has not rendered his decision yet.

### **6.2.1. The Discontinued Proceedings**

On 12 December 1999 a municipal magistrate in Smederevo quashed the proceedings against Belgrade University students Dušan Kocić, Ivan Marović, Sava Kaljević, Aleksandar Gola, Milan Paunović and Bojan Teofilović. The police had charged them with breaking the law because ‘...in their capacity as activists of the student organization Otpor, they held a public assembly, which they had not reported to the competent authority within a statutory time, outside the church in Republic Square in Smederevo at 7:45 p.m. on November 24. On the concrete outside the church, they arranged propaganda materials of the organization Otpor in such a way as to resemble a street leading to the bridge on the Danube, which they intended to “inaugurate” by cutting a red tape, with the organizers handing out to citizens the aforesaid propaganda materials consisting of pictures of a clenched fist accompanied by a text demanding a change of government and the overthrow of the system of governance, as well as of metal badges and matchboxes bearing the same symbols.’ During the hearing of evidence, the court heard the testimony of the defendants and the witnesses (one citizen and two policemen). One of the policemen declared that during the questioning he had come to the conclusion that the defendants were the organizers of the assembly because each was charged with a specific task. In explanation of her decision to discontinue the proceedings, magistrate Jovanka Lazarević stated that ‘...it was established beyond all doubt that the defendants were attending the rally the Alliance for Change was holding on the same location and at the same time; it could not be established that any of the defendants had organized any other assembly, and they could not have applied for permission to hold such an assembly because the assembly of the Alliance for Change had already been reported and approved.’ (The proceedings were conducted by municipal magistrate Sonja Šalić.)

The chief of police in Majdanpek, Lieutenant Ljubiša Marilo, filed misdemeanour charges against opposition party members Nenad Danilović (b. 1974), Gorčilo Popara (b. 1963) and Dejan Radulović (b. 1968) because ‘... at 7:45 p.m. on May 25 they first addressed citizens assembled in the yard of the Velimir Makićević primary school and then led the assembled citizens, participants in a public assembly, through the streets of the town, where they remained until 9:10 p.m.’ During the hearing of evidence, all the nine witnesses who gave testimony declared that on the day in question they first watched a football match in the yard of the primary school and then went to attend an opposition rally regularly reported by the local SPO board. On June 19, municipal magistrate in Majdanpek decided to discontinue the proceedings on the grounds that there was no proof that the defendants addressed the citizens with the intention of inviting them to a public assembly, or that they urged them to march through the streets of Majdanpek, or that they organized and conducted the alleged assembly in any other way. (The proceedings were conducted by municipal magistrate Snežana Anđić.)

The same chief of police in Majdanpek filed misdemeanour charges against DS member Ljubomir Brandušanović (b. 1959), SPO member Radovan Kulić (b. 1952) and Dejan Radulović (b. 1968) because ‘...at 8:15 p.m. on June 1, they assembled citizens in the centre of Majdanpek and delivered a speech to them, then led the assembled citizens after the speech in a procession through the streets of the town, after which the organizers and participants dispersed at 8:55 p.m.’ The witnesses—several citizens who happened to be in town on the evening in question—said that they were there either by chance or because it was their habit to go out in the evening, and that they did not see the defendants. The defendants said that a rally had been scheduled but

that they knew that the police had not received a request for permission from the DS. Brandušanović declared that when some citizens asked him about the rally he told them there would be none because a speaker from Niš had meanwhile been arrested. Witness Milomir Brajković, a policeman from Majdanpek, declared that he had been visited by someone from the DS to request permission for a marching rally on June 1 during which a petition would be signed in protest against the poor quality of public utility services, but that he had refused to accept the application because it had not been submitted in time, that is, at least five days before the rally. Municipal magistrate Jovanka Lazarević discontinued the proceedings on June 19 on the grounds that the witnesses stated that they had not been called to the rally by the defendants but merely happened to be there. (The proceedings were conducted by magistrate Jovanka Lazarević.)

### **6.3 Enforcement of the Law on Political Organizations<sup>109</sup>**

On 31 May 2000 the chief of police in Velika Plana, Major Arsenije Milanović, filed misdemeanour charges two young majors, secondary school pupils Nenad Radisavljević and Slaviša Nikolić, and J. M., a minor, because ‘...outside the Municipal Court building in Velika Plana at 1:25 p.m. on May 31 they chanted “Otpor, victory” and disturbed the passersby with their insolent behaviour, after which the above-named Nenad Radisavljević, Slaviša Nikolić and Miloš Jević were found outside 6 Svetosavska Street 1:30 p.m. wearing black T-shirts displaying in white colour the word “Otpor” and a clenched fist, which represents the symbol of the informal organization Resistance Movement, which is neither inscribed in the register of political organizations nor has made application to the competent authority to be entered in the register of parties.’ The magistrate held the trial on 6 July 2000, heard the testimony of four witnesses—all local policemen—obtained the opinion of the social work centre with regard to Jević and read the misdemeanour charges of 31 May 2000. The magistrate turned down the defence counsel’s request to examine witnesses who were outside the Municipal Court building during the incident, to hear the opinion of an expert on minors and young majors, to inquire from the Federal Ministry of Justice when an application to register the “Popular Movement Otpor” as a citizens’ association was submitted and what decision was taken in this regard, to request from the Department of Internal Affairs in Velika Plana the names of the police officers who ordered the detention of the defendants, and to hear the testimony of the chief of police in Velika Plana in connection with the large discrepancy between the allegations made by the police and the testimony of the witnesses. On 11 July 2000, the municipal magistrate found the defendants guilty under Article 17, paragraph 2, of the Law on Political Organizations and fined each 1,000 dinars. The defence counsel appealed against the decision.

Vladimir Gošić, a secondary school pupil, was detained by a police patrol in Smederevo on 21 May 2000 and charged with misdemeanour because ‘...by wearing, in Knez Mihailova Street at 2:30 p.m. on May 21, a short-sleeved black T-shirt displaying at the front the phrase ‘Otpor Until Victory’ and a white clenched fist drawn in a circle, he disturbed the citizens present and pursued an activity of a political organization not inscribed in the register of political organizations.’ The municipal magistrate in charge of the case has not rendered a ruling yet.

### **6.4. Enforcement of the Law on Social Organizations and Citizens’ Associations<sup>110</sup>**

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<sup>109</sup> The Law on Political Organizations.

Article 78, paragraph 1: ‘A person pursuing activities on behalf of a social organization and/or a citizen’s association prior to their inscription in the register shall be fined up to 900 dinars.’

Article 17, paragraph 2: ‘A fine ranging from 100 to 1,000 dinars shall be imposed on a citizen pursuing activities on behalf of a political organization which has neither been entered in the register of political organization nor has applied to the competent authority to be entered in the register, of one which is defunct, or of one whose application to be entered in the register has been turned down.’

<sup>110</sup> The Law on Social Organizations and Citizens’ Associations.

Article 78, paragraph 1: ‘A fine of up to 900 dinars shall be imposed on a person pursuing an activity on behalf of a social organization and/or a citizens’ association prior to its inscription in the register.’

The chief of police in Vrbas, Major Milan Kovačević, filed misdemeanour charges against Branko Eraković (b. 1976), Dejan Minić (b. 1976) and Miroslav Ujfaluši (b. 1976) who were '...found pasting propaganda posters of the so-called citizens' association Otpor on the transformer station outside 30 Svetozara Markovića street on April 5.' The police searched their homes on May 15 and confiscated posters, badges and clenched fist stencils, and concluded that possession of these items constituted an offence under Article 78, paragraph 1, of the Law on Social Organizations and Citizens' Associations. The defendants and the witnesses—the latter local policemen—were examined on 29 May 2000. The municipal magistrate in charge of the case, Marija Cvejić, has not rendered a ruling yet.

The commander of the First Police Station in Novi Sad filed misdemeanour charges against Srđan Miletaški because '...during the protest rally of the United Opposition in Novi Sad on May 25, he was caught at 6 p.m. in the act of pursuing activities on behalf of the social organization Otpor which is not inscribed in the register. The said person was wearing a short-sleeved black T-shirt with a white clenched fist, thereby engaging in propaganda on behalf of the social organization Otpor which is not registered by the proper authority. According to the statement of Srđan Miletaški, the T-shirt is not on sale but only given to meritorious activists of the organization Otpor, from which fact it follows that the said person pursues and/or promotes the activities of the aforesaid organization.' The trial set for June 27 was not held owing to default on the part of the defendant and no new hearing has been scheduled.

Vladimir Pavlov of Novi Sad was fined 1,100 dinars because '...it was established that since October 1999 the defendant had been an activist of and had pursued activities on behalf of a social organization and/or a citizens' association by speaking at panel discussions in Vojvodina and distributing propaganda material on behalf of Otpor, which is not inscribed in the register' and because '...it was established that he had not reported his new address to the competent authority within the statutory time.' (The sentence was passed by municipal magistrate Marija Seder.)

On 25 May 2000, the police in Novi Sad filed misdemeanour charges against Dejan Erdeljan (b. 1976) of Novi Sad for because '...he was caught in Maksima Gorkog Street on February 15, together with other supporters of the so-called movement Otpor, pasting posters...because he was caught, in the square in front of the railway station in Novi Sad on 25 March 2000, trying to paste a poster of the so-called movement Otpor bearing the phrase "Resist the Aggression"'. Magistrate Slađana Tatalović examined the defendant on August 18 and but has not delivered judgement yet.

On 31 May 2000, the police in Novi Sad filed misdemeanour charges against Jelena Kleut (b. 1980) of Novi Sad because '...at the opposition rally in Freedom Square in Novi Sad on 19 May 2000 she spoke in the name of the so-called movement Otpor...and because as an activist and organizer of Otpor she took part in panel discussions and public assemblies in and around Novi Sad'. Because the defendant was prevented from attending the hearing on 7 September 2000, city magistrate Nada Gostojić postponed the trial indefinitely.

On 15 September 2000, the police in Titel filed misdemeanour charges against Igor Milosavljević (b. 1982) and D. P. (b. 1983) because '...at about 11 p.m. on 14 September 2000, they put up stickers, as members of the organization Otpor, which is not inscribed in the register of citizens' associations, displaying the clenched fist and bearing the phrases "He's Finished" and "Titel, Resist" on the pillars of the fountain and on the portal of the shop Crvena zvezda in Liberation Square in Titel, and they did the same in Toze Markovića Street. At the hearing on September 15, the defendants admitted to putting up the stickers. The hearing was attended by D. P.'s father. Magistrate Marija Ivkov has not delivered judgement yet.



At the beginning of September the police in Bački Petrovac filed misdemeanour charges against Jarmila Šproh, Rastislav Dudaš and Jan Dir for organizing an Otpor panel discussion in Bački Petrovac and then distributing Otpor propaganda materials on February 25. At the hearing on September 22, the defence counsel raised an objection to the factual description of the events in the police charges. Magistrate Zuzana Tarnoci requested further clarification from the police and suspended the hearing indefinitely.

## **6.5. Implementation of Local Government Urban Regulation Decisions**

On May 18, the deputy public prosecutor in Smederevo, Srbislav Bojković, filed misdemeanour charges against Belgrade University students Dušan Kocić (b. 1973), Sava Kaljević (b. 1979), Aleksandar Gola (b. 1980) and Igor Paunović (b. 1979) because ‘...on 12 and 13 November 1999 they wrote graffiti with red, blue and black spray and stencilled clenched fists on building facades in Smederevo—“Otpor” and clenched fist symbols on the PTT building; “Otpor” on the building at 1 Davidovićeveva street; “Otpor Until Victory” on the secondary school building; “Otpor” on the building next to the Beogradska banka in Republic Square; and several clenched fist symbols on a building on Kralja Petra Street—thereby acting in contravention of Article 35, paragraph 2, of the Urban Regulation Decision of Smederevo Council.’ At their trial on June 23, the defendants stated that on 24 November 1999 they were detained and brought to the police station, held there for seventeen hours without food, and forced by the police to sign a statement that they had been writing graffiti on November 12 and 13, although at that time they were attending lectures at their faculty in Belgrade. Magistrate Dragan Petrović has not delivered judgement yet.

### **6.5.1. Judgement by Municipal Magistrate Reversed**

The public utilities inspector at the Department of Commerce, Town Planning and Utility-Housing Affairs in Velika Plana filed a misdemeanour complaint on 14 April 2000 against minors J. M., N. M., and V. B. and Slaviša Nikolić (b. 1974) and Nenad Radosavljević (b. 1981) from Velika Plana, and a further complaint on 17 May 2000. He accused them of writing graffiti with car spray and cardboard stencil at the corner of Miloša velikog, Vojvode Mišića and Beogradska Streets, on the footway in front of the 22. decembar department store and on a supporting wall of the restaurant Šumadija, thereby violating Article 54 of the local Urban Regulation Decision. At the hearing on May 30, the defendants decided to remain silent. Municipal magistrate Gordana Zdravković imposed the maximum fine of 5,000 dinars because they were found by a police commander illegally stencilling an Otpor graffiti in black spray ‘outside the 22. decembar fashion house at 8 p.m. on April 7’. As a preventive measure, two cardboard stencils and one black car spray can were confiscated from the defendants. The defence counsel appealed against the decision and a local panel of magistrates comprising president Stojan Stanković and members Ratibor Štulčić and Dragan Marjanović reversed the municipal magistrate’s decision on 29 June 2000 on account of violations of the misdemeanour proceedings and incomplete evidence. The panel determined that the court of first instance had failed to describe the exact location where the defendant had written the graffiti, because the Urban Regulation Decision prohibits specifically the display of any advertisements, notices, posters, etc., as well as writing and drawing on walls, building facades, building interiors, electric, telephone and telegraph poles, transformer boxes, traffic signs, bridges, etc. The court of first instance, the panel also determined, failed to furnish the reasons for imposing the maximum penalty and to warn the defendants, once they had decided to remain silent, that their decision might hamper the collection of evidence in their favour.

## **6.6. Enforcement of the Law on Domicile and Residence of Citizens<sup>111</sup>**

<sup>111</sup> The Law on Domicile and Residence of Citizens, Article 24: ‘A money penalty of up to 300 new dinars or a custodial penalty of up to 15 days in prison shall be imposed on a person who fails to report or cancel his or her domicile or residence, that is, fails to report a change of address, fails to report a visit abroad lasting more than 60 days, fails to report a temporary visit or return to the country as specified by this law, or furnishes false information with a view to avoiding registration (Articles 5, 6, 10, 11, 12 and 13).’

Miloš Stojanović, a member of the association Civil Resistance of Belgrade, was sentenced by a Belgrade city magistrate to ten days in prison on 1 July 2000 for failing to report a change of address to the competent authority. He was stopped on his return home from a regular daily march of the association's members, asked to show his identity card, and brought to the police station in the Belgrade municipality of Stari grad. He was presented with a detention order, brought before magistrate Slobodan Milošević, found guilty and committed to prison forthwith.

### 6.7. A Legal Analysis

Defendants found guilty of a breach of the peace during the demonstrations on May 17-18 were sentenced to prison terms ranging from twenty to thirty days. The acts of throwing rocks, overturning refuse containers, shouting and swearing were punished with twenty or twenty-five days, while 'exhibiting an uplifted middle finger' to passersby entailed thirty days in prison on account of constituting a 'serious endangerment of public law and order'.

In all these cases, the evidence proceedings were questionable. The magistrates accepted as sole evidence the testimony of the policemen who had detained the defendants, that is, their allegations that the defendants behaved exactly as stated in the misdemeanour complaints, and ignored the denials of the defendants. By calling as witnesses only the policemen and not the defendants, the courts violated the principle of equality before the law.

By contrast, two defendants tried in Požarevac for committing the same offence—a breach of the peace—and found guilty of 'indecent behaviour' and 'quarrelsome' behaviour were sentenced to five days in prison each. However, although in this case the punishment was incomparably more lenient, the Požarevac magistrate too was satisfied with the testimony of the plaintiff and ignored the denials of the defendants.

Interpretation of Article 2 of the Law on Public Assembly presented the main problem in trying defendants charged with breaking this law. The text of the law is imprecise: for instance, in defining an 'appropriate location' for a public assembly, paragraphs 1 and 2 indicate an open space, a requirement being its 'accessibility to an indeterminate number of persons of an indeterminate identity'; further stipulations say that 'public traffic, etc., may not be disrupted' or that it 'may be disrupted provided that it could temporarily be re-routed (for the duration of the assembly)'. Furthermore, however, there is mention of 'the *premises* referred to in paragraphs 1 and 2 of this Article, to be appointed by an enactment of the municipality or town' in question. The assumption is that the legislator's intention was to subject all indoor assemblies to official approval. More significantly still, Article 12 of the law leaves it to a competent authority to judge whether an outdoor or indoor assembly is 'directed at a violent overthrow' and empowers him to break it off at once, announce his decision orally, and take measures to restore public law and order. The correctness of that authority's judgement is subject to a subsequent ruling by the District Court.

From the aforesaid it follows that the organizer must break off the assembly if told to do so by the police regardless of whether the assembly was approved or not. In other words, the police have the power to break up an officially approved assembly by word of mouth.

However, the law does not treat participation in an unregistered assembly as an offence. The magistrate in Majdanpek, acting in conformity with this law, suspended the proceedings against the defendants precisely because the police were unable to prove that they precisely had organized or called the public rally.

One notices that in certain cases the same action (writing graffiti) was treated as an offence under the Law on Public Law and Order (Zaječar) while in others it was treated as a violation of a local government urban regulation decision (Velika Plana).

The Law on Political Organizations (Article 17) and the Law on Social Organizations and Citizens' Associations (Article 78) do provide for punishment of citizens pursuing activities on behalf of organizations not inscribed in the register. In the case of Otpor, the police did not enforce the law but treated its activists and sympathizers according to their political instructions that posters, graffiti and T-shirts bearing the Otpor symbol were prohibited. Hypothetically speaking, pasting posters and drawing symbols of an unregistered organization can be treated as an offence. However, a person wearing a T-shirt displaying the symbol of an organization should not be charged with misdemeanour whereas an 'activist'—a person carrying out an activity on behalf of an organization or an association—might.

## 7. The Criminal Proceedings

### 7.1. Indictment of Three Otpor Activists in Požarevac

On 2 May 2000, several people took part in a fight outside the cafe Pasaž in the centre of Požarevac at about 7 p.m. On the one side were Momčilo Veljković, Radojko Luković and passer-by Nebojša Sokolović, all Otpor and local opposition party activists and sympathizers; on the other side were Milan and Saša Lazić, JUL members and discotheque Madona employees, Zoran Ivanović Roleks, owner of the cafe and close friend of Marko Milošević, son of the Yugoslav president, and a few unidentified persons. Luković and Sokolović were seriously injured and Veljković and Saša Lazić lightly. Shortly after the fight, the police arrested only the three Otpor and opposition party activists and sympathizers; Luković and Sokolović were transferred to the Central Prison hospital in Belgrade and Veljković to the prison in Požarevac.<sup>112</sup> The Precinct Police Department confined all three to three days in custody on suspicion of attempting the murder<sup>113</sup> of Saša Lazić. In support of their decision, the police said there were grounds to believe that the detainees might try to influence the witnesses, destroy the evidence or interfere with the pre-trial proceedings in other ways.<sup>114</sup>

The defendants were examined by the Požarevac District Court investigative judge, Boško Papović, on the sixth day of their detention, May 8.<sup>115</sup> Ever since the arrest, none of the defendants had been allowed to contact his family or lawyer. Veljković and Luković said in their testimony that they had visited the cafe Pasaž at about 7:30 p.m. on May 2, looking for Milovanović, and saw him

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<sup>112</sup> The same day, the Serbian MUP and the JUL alleged, in separate public statements, that the three Otpor activists had attempted to murder JUL members Saša and Milan Lazić. The secretary of the JUL Directorate, Ivan Marković, said that 'a group of hooligans displaying the fascist Otpor trade mark assaulted young members of the Yugoslav Left in the cafe Pasaž and fired at Milan Lazić.'

In connection with the Požarevac incident, the Serbian interior minister, Vljako Stojiljković called opposition parties 'parties of occupation in NATO pay', NGOs and humanitarian organizations 'foreign intelligence organizations' and Otpor a 'fascist-terrorist organization'. By their statements both Marković and Stojiljković violated Article 23 of the Serbian Constitution which says that no one may be held guilty of a criminal offence unless the deed has been established by a final decision of a court of law.

<sup>113</sup> The Serbian Penal Code, Article 47, pursuant to Article 19 of the FRY Penal Code.

<sup>114</sup> The custody decision was taken pursuant to Article 191, paragraph 2, item 2 of the Law on Criminal Proceedings. Under this law, such a decision may not be taken to prevent a suspect from influencing a witness.

<sup>115</sup> The Law on Criminal Proceedings, Article 196.

Paragraph 3: 'Detention ordered by an internal affairs authority may last up to three days, counting from the moment of deprivation of liberty.'

Paragraph 4: 'The internal affairs authority shall notify the public prosecutor of its decision to detain a person in custody at once.'

HLC note: Upon the expiration of the three-day term, the internal affairs authority must set the detained person at liberty or bring him before the investigative judge.

sitting at a table with Milan Lazić. When they asked him to come with them he declined and looked frightened. They already knew that Milovanović had been under pressure from Milošević's friends to leave Otpor and join the SPS or JUL. At that moment Saša Lazić appeared, drew out a pistol and struck Veljković on the head with it. In the ensuing scuffle Veljković managed to wrest the pistol from Saša Lazić and throw it into the street. He insists that he never pointed the pistol at Lazić, fired it, or tried to kill him. Veljković ran out of the cafe garden and saw on the opposite side of the street Milan Lazić and Ivanović punching and kicking Luković as he lay on the ground.

Sokolović said that when he arrived on the scene he saw Luković covered in blood and said to Ivanović, 'You've just killed a man.' At that Milan and Saša Lazić, Tadić and Ivanović turned on him and beat him severely.

Investigating judge Papović recorded that Luković and Sokolović bore visible injuries.

Papović released all three defendants after examining them. Several hours later the Požarevac district public prosecutor, Jovan Stanojević, demanded an inquiry against Veljković for attempted murder and against Luković and Sokolović for complicity in a murder attempt. Stanojević also demanded that the three be kept in detention<sup>116</sup> because, he said, their release would only add to the considerable public perturbation. Papović objected the same day, saying that there was no evidence that Veljković had attempted to murder anyone and that Luković and Sokolović had abetted him. He said that not a single item of evidence indicated that Veljković had a pistol and that he fired it; no pistol, spent bullet cartridge or bullet were found on the scene. Papović therefore said that Sokolović's demand for an inquiry and detention was unfounded.

Nevertheless, the Non-litigious Council of the District Court in Požarevac issued an investigation order and a detention order on May 8. Veljković and Luković were detained again that night while Sokolović was no longer available.

Next day Papović asked to be pensioned and Stanojević to be relieved of office. Both were relieved of office by the Serbian parliament on 12 July 2000.

Some fifteen witnesses were examined between May 8 and June 30. Except for Saša Lazić, none of them said that Veljković aimed a pistol at Lazić's head and dry-snapped it twice. Some of the witnesses saw a pistol in Veljković's hand briefly but only pointed downwards, not in the direction of Lazić's head. None of them heard or saw a shot being fired from the pistol.

On June 30 the district public prosecutor brought in an indictment against Momčilo Veljković for the criminal offence of attempted murder under Article 47, paragraph 1, of the Serbian Penal Code pursuant to Article 19 of the FRY Penal Code, and against Radojko Luković, Nebojša Sokolović, Saša Lazić and Milan Lazić for the criminal offence of taking part in an affray under Article 55 of the Serbian Penal Code.

On the same day the Non-litigious Council of the District Court in Požarevac abolished the detention of Veljković and Luković and they were released.

### **7.1.1. A Legal Analysis**

In the case of the three Otpor activists and opposition party members, the police were abused for political ends because instead of prosecuting the initiators and perpetrators of a criminal offence, they arrested and prosecuted the aggrieved. The actions of the three defendants bear no elements of a criminal offence under the jurisdiction of a district court. The indictment of Luković and Sokolović, who suffered grievous bodily harm, is legally unfounded.

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<sup>116</sup> The Law on Criminal Proceedings, Article 191, paragraph 2, item 4.

The District Public Prosecutor's Office in Požarevac was obviously under political pressure throughout the proceedings, which compromised its independence and culminated in the request of the district public prosecutor, Jovan Stanojević, to be relieved of office. The District Public Prosecutor's Office deliberately excluded Zoran Ivanović Roleks from its June 30 indictment, although witnesses insisted that he too had taken part in the incident and kicked the unconscious Luković in the head.

The proceedings also called in question the independence of the judiciary. The political pressure brought to bear on the president of the District Court in Požarevac and on the judges in charge of the case culminated in the investigating judge, Boško Papović, being relieved of office. The July 12 dismissal of Papović and seventeen other judges by the Serbian parliament increased the legal and psychological insecurity of citizens and served as a clear signal to others that only unquestionable obedience would be tolerated.

## **7.2. Investigation of Otpor Activist in Leskovac**

On June 26, the District Public Prosecutor's Office in Leskovac demanded an investigation against Vladimir Stojković, an Otpor activists from Leskovac, on suspicion of inciting citizens to the violent overthrow of the constitutional order under Article 133, paragraph 1, of the FRY Penal Code, stating: 'A person calling for or inciting to the violent overthrow of the constitutional order of the FRY, the displacement of the highest organs of government or their representatives, with the intention of endangering the constitutional order or security of the FRY shall be imprisoned from three months to five years.'

After questioning the suspect the same day, the investigative judge, Nebojša Stojčić, ordered an investigation against Stojković. 'Between April and 22 June 2000, as a member of the illegal organization Otpor bent on displacing and deposing the present government, resisting the present government and uniting the opposition in its struggle against the present government, and with the intention of endangering the constitutionally regulated government and social system of the FRY, (Stojković) urged the violent deposition of the highest organs of government on several occasions in Leskovac by distributing among the citizens propaganda materials, badges and matchboxes displaying the symbol of the movement Otpor, pasting posters displaying the same symbol and bearing the phrase "I Don't Want War, I Don't Want Repression, I Don't Want Fear, Bite the System!", etc., and stencilling, on the east facade of the police station in Leskovac at about 2 a.m. on June 22, an Otpor clenched fist in white car body spray. However, he was noticed by a policeman in Leskovac, witness Srđan Stojković, and detained at the police station on suspicion of committing the criminal offence of incitement to the violent overthrow of the constitutional order under Article 133, paragraph 1, of the FRY Penal Code,' Stojčić wrote.

Stojković said during the questioning that he was not a member of the organization Otpor and that Otpor was not an organization but an idea. He said that his conception of Otpor was that by propagating this idea people animated others to vote rather than support a particular party, group of parties, programme, etc. He said that his personal opinion was that the advocates of the idea were in favour of non-violent methods of changing the government. He said that personally he had never considered employing violent methods and that he believed in elections as a means whereby people could and should elect their government. The purpose of propagating elections, either personally through the media or by propaganda materials, is to encourage people to turn out and vote. He did not personally produce the propaganda materials found in his home and confiscated by the police. For him, Otpor stood for resistance to aggression. During 2000, he visited the Otpor premises in the shopping mall Kalča in Niš twice and collected a small quantity of propaganda material such as matchboxes, badges and posters bearing the Otpor symbol. He never distributed any propaganda material to passersby and pasted only a few posters displaying the clenched fist and bearing the phrase 'Otpor, Because I Love Serbia'. He had seen other posters, but

he only pasted those bearing this phrase. He neither saw nor pasted posters bearing the phrase "I Don't Want War, I Don't Want Repression, I Don't Want Fear, Bite the System!" He only distributed the badges to his acquaintances and friends and they bore no text. The matchboxes in his possession only bore the Otpor symbol. He did not remember who had given him the clenched fist stencil and two car spray cans because he had been drunk. He did not recollect trying to stencil or stencilling the Otpor clenched fist on the east facade of the police station in Leskovac at about 2 a.m. on June 22 because he was drunk at the time. He only remembered that a policeman had brought him into the building that night. He possessed only one black cotton T-shirt bearing the phrase 'Otpor Until Victory' in white letters and a clenched fist he had received at the Otpor premises in Niš.

### **7.2.1. A Legal Analysis**

The explanation of the detention order states that Stojković tried to draw with spray a clenched fist on the Leskovac police station building at about 2 a.m. on 22 June 2000 and thus to incite the citizens to a violent overthrow of the government. However, in the case of Stojković, the main condition for his detention had not been fulfilled, namely reasonable suspicion that he committed the criminal offence attributed to him.

The allegation of the deputy district prosecutor, Živojin Stanisavljević, that the defendant is a member of the illegal organization Otpor is completely arbitrary. It is true that the Federal Ministry of Justice, by its Decision No. 352/2-2000-07 of 9 June 2000, had refused to inscribe the citizens' association Otpor of Belgrade in the register of associations. However, within thirty days, on 30 June 2000, Otpor appealed against the decision to the Federal Court. The administrative litigation set into motion by this appeal has not been terminated. Therefore, by describing Otpor as an illegal organization the prosecutor intimidated the defendant and other citizens. This had been done before by officials of the parties in power who declared Otpor a terrorist organization. Even if the Federal Court had upheld the decision of the Federal Ministry of Justice, Otpor would have remained unregistered but not banned.

During the examination of the defendant on June 26 in the presence of the deputy district prosecutor, Živojin Stanisavljević, and five lawyers, investigative judge Nebojša Stojičić did not try to ascertain the time of Stojković's detention and whether the statutory seventy-two-hour detention limit under the Law on Criminal Proceedings had been overstepped.

At the end of the examination, Stojičić decided to launch an investigation against Stojković on reasonable suspicion of committing the criminal offence of incitement to the violent overthrow of the constitutional order under Article 133 of the FRY Penal Code. However, as the deputy district prosecutor did not demand detention for the defendant, Stojičić released him.

### **7.3. Trial of Three Otpor Activists in Bečej**

On 21 June 2000, the municipal public prosecutor in Bečej, Marina Burić, recommended that an indictment be brought in against three Otpor activists from Bačko Petrovo Selo, Boris Negeli, Danijel Baukov and Strahinja Ivošević for '...damaging other people's property in Bačko Petrovo Selo during the night of 26-27 January 2000, by stencilling in black spray a clenched fist and the inscription "Otpor" at the entrance to the Tisa business centre at 2 Trg oslobođenja Street, on the wall of the handball stadium in the marketplace on J. Atila Street, on the cinema building owned by Bečej-film of Bečej on Đure Đakovića Street, and on the Bandi-mesara store owned by Andraš Sabo, thereby causing considerable damage to the facades of the said buildings and committing the criminal offence of damaging other people's property under Article 176, paragraph 1, of the Serbian Penal Code.'

The president of the Chamber of the Municipal Court in Bečej, Verica Tucakov, appointed three dates for the main hearing within an unusually tight schedule (July 11, 13 and 17). At the main hearing on July 17, all three defendants admitted to stencilling black clenched fists and the legal representatives of the proprietors declared that their clients would not prosecute for a criminal offence. The total damage including labour and materials was assessed by an expert on the basis of photographs at 2,310 dinars.

Chief defendant Negeli was fined 5,000 dinars and second defendant Baukov and third defendant Ivošević 3,000 dinars each. All were also ordered to pay a lump sum of 500 dinars each.

### **7.3.1. A Legal Analysis**

In this case, the Municipal Court did not bear in mind Article 8, paragraph 2, of the FRY Penal Code, which states that a criminal offence prescribed by law cannot be treated as such if it does not constitute a serious threat to society by virtue of its slight or negligible effects. The facilities in question were not damaged in such a way as to render them partially useless.

Furthermore, the public prosecutor was not competent in this case because the defendants were charged, among other things, with damaging other people's property—a private butcher's shop—and were therefore liable to civil action.<sup>117</sup> In this case, the court violated a criminal proceedings provision regulating the choice of prosecutor. This is a serious violation of the criminal proceedings and it invariably leads to the cancellation of the court decision.<sup>118</sup>

### **7.4. Proceedings Against Otpor Activists in Inđija**

On the recommendation of the municipal prosecutor in Inđija, investigating judge Steva Mirić examined on August 19 three Otpor activists, Goran Ješić, Vladimir Ješić and Dalibor Radovanović, on suspicion of committing the criminal offence of spreading false information under Article 218 of the Serbian Penal Code. The 'false information' consisted in the allegation, published in the bulletin *Naša Inđija*, that on August 19 the police in Inđija detained, photographed and fingerprinted citizens and imposed a curfew. Copies of the bulletin had been confiscated by the police on July 26. On September 19 the judge examined five other defendants, mothers of Otpor activists from Novi Sad. The judge asked Alisa Horak, Mirjana Stefanović, Ranka Ješić, Vesna Tomić and Slavka Macura why they had come to Inđija on July 19, who had invited them, whether they had attended the humanitarian concert called 'From the Heart', whether they had been at the concert on their own or with their children, whether they were aware of the contents of the bulletin, whether they knew that the allegations in the bulleting were false, whether they were members of Otpor, and whether they had intended to disturb the public by their actions. All the defendants refused to answer the questions put to them. The investigating judge took no further investigative action.

## **8. Civil-Legal Protection of Citizens**

On behalf of sixty-five citizens, the HLC has filed forty-nine complaints against the Republic of Serbia in connection with offences against their honour, liberty and rights committed by members of the Serbian Ministry of Internal Affairs between January and 24 September 2000. The plaintiffs demanded damages in the sum of 12,090,000 dinars. The complaints were submitted to municipal courts in Belgrade, Kraljevo, Vladičin Han, Leskovac, Velika Plana, Pančevo, Ruma, Sremska Mitrovica, Babušnica, Sombor, Prijepolje, Bečej, Smederevo, Smederevska Palanka, Kikinda, Bačka Palanka, Kragujevac, Subotica, Požega, Novi Sad, Čačak, Valjevo and Vranje.

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<sup>117</sup> The Serbian Penal Code, Article 176, paragraph 4.

<sup>118</sup> The Law on Criminal Proceedings, Article 364, paragraph 1, item 5.

The complaints were filed on behalf of Goran Lazarević, Otpor activist from Bačka Palanka; Ivan Stanković, Nebojša Mladenović and Petar Tošić, citizens from Leskovac; Bratislav Stamenković, president of the Civic Parliament in Leskovac; Marko Aleksić, Racko Miletin, Nikola Aleksić and Duško Savić, Otpor activists from Kikinda; Nenad Radisavljević, Otpor activists from Velika Plana; Ivan Malek, Mak Kabadaja, Tamara Petrušić, Branislav Vukosavljević and Branislav Omorac, Otpor activists from Pančevo; Dragan Bosiljkić, Miloš Bjelkić and Nandor Bertok, Otpor activists from Sremska Mitrovica; Vladan Slavković, Otpor activist from Kraljevo; Dalibor Loznica, Otpor activist from Loznica; Mikica Žmurić, SPO member and Otpor sympathizer from Mala Ivanča; Anita Beretić, Otpor activist from Sombor; Zoran Matović, Predrag Madžarević and Velibor Stefanović, Otpor activists from Kragujevac; Đorđe Talović, Otpor activist from Čačak; Ivan Popović, Otpor Civil Movement activist and Union of Independent Trades Unions member from Belgrade; Ramadan Tuhin, Nebojša Bogdanović, Nemanja Raičević, Andrija Čivtelić and Irina Ljubić, Otpor activists from Belgrade; Jelena Ristić, Otpor activist from Leskovac; Milan Čolić, CESID activist from Babušnica; Ljubomir Štulović, Otpor activist from Požega; Vladimir Prvulović, Otpor activist from Niš; Radoslav Mojsilović, Otpor activist and CESID collaborator from Vranje; Milan Brašnjević, Otpor activist from Prijepolje; Miloš Starčević, Izlaz 2000 NGO activist from Smederevska Palanka; Aca Radić, Yugoslav Nikolić, Vladica Mirčić, Davorin Popović, Miloš Kitanović and Marko Pejaković, Otpor activists from Vladičin Han; Vladimir Nikolić, Otpor activist from Bela Palanka; Boris Negeli, Otpor activist from Bačko Petrovo Selo; Đ. Đ., a pupil from Smederevo; Jelena Radovanović, Otpor activist from Čačak; Marinko Varnjaš and Robertin Knjur, Otpor activists from Subotica; Marija Kleut, Jelena Kleut, Vesna Tomić, Maja Tomić, Dubravka Pavić, Radomir Jelić, Nenad Šeguljev, Slavka Macura, Nada Margeta and Kristina Filipčev-Demeter, Otpor activists from Novi Sad; Mladen Knežević, Otpor activist from Valjevo; Miljan Čubranović, photographer for *Glas javnosti* from Novi Sad; and Veselin Dobrić and Željko Stojković, Otpor activists from Šimanovci.

On behalf of M. R., the HLC has filed a private lawsuit against Milutin Pantelić, a SUBNOR member from Niš, who physically and psychically abused the fifteen-year-old boy on September 8 for putting up an Otpor sticker.

### **8.1. Pertinent Legal Regulations**

The FRY Constitution guarantees the inviolability of the physical and psychological integrity of the individual<sup>119</sup> and respect for the human personality and dignity in the event of detention or restriction of freedom, prohibits the use of force against a person who has been detained, and stipulates that no one may be subjected to torture, or to degrading treatment or punishment.<sup>120</sup>

The Serbian Constitution guarantees the inviolability of the human dignity<sup>121</sup> and respect for the human personality and dignity in the event of detention or restriction of freedom.<sup>122</sup>

The Serbian Law on Internal Affairs obliges the members of the police force to act in such a way as to ensure to every person and citizen equal protection and exercise of his rights and freedoms guaranteed by the Constitution.<sup>123</sup>

Practice has shown that in the process of detention, questioning and opening of files and by defaming, threatening and physically abusing citizens members of the police force violated the provisions of the FRY and Serbian constitutions protecting the reputation, honour, rights, freedoms and physical integrity of the citizens. Citizens whose dignity and physical integrity have been violated are entitled to apply to a court for compensation.

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<sup>119</sup> The FRY Constitution, Article 22.

<sup>120</sup> The FRY Constitution, Article 25.

<sup>121</sup> The Serbian Constitution, Article 18.

<sup>122</sup> The Serbian Constitution, Article 26.

<sup>123</sup> The Law on Internal Affairs, Article 2.



Under the Serbian Constitution citizens have the right to seek compensation for the violation of their non-property and property rights: 'Every person is entitled to compensation for material and non-material damage inflicted on him through unlawful or incorrect action on the part of an official or a state authority exercising their public powers in conformity with the law. The damages shall be paid by the Republic of Serbia or the organization exercising the public powers.'<sup>124</sup>

Damage caused by unlawful action, failure to apply the relevant law or by-law, or incorrect application thereof on the part of a state authority during detention, police custody, questioning, domiciliary search and criminal and misdemeanour proceedings, shall be compensated for.

Every person whose dignity has been injured by a member of the police force (or a private person) shall be entitled to demand of from court or other competent authority to order the offender, on pain of paying an indemnity in money, to desist from violating the person's personality.<sup>125</sup>

A citizen whose reputation, honour, freedom and personal rights have been injured through unlawful action on the part of a member of the police force (official) shall be entitled to demand from a court to adjudge a fair indemnity in money. This satisfaction ought to be adequate with regard to the gravity of the injury, the circumstances in which the injury was inflicted, the environment in which the aggrieved party lives, and the consequences thereof.<sup>126</sup>

A citizen who has suffered material damage as a result of an injury to his honour or the spreading of false information shall be entitled to compensation of the material damage suffered.

Physical maltreatment and abuse of citizens during their detention, stay at the police station and questioning is contrary to the Law on Internal Affairs and the Rules on the Conditions and Use of Means of Restraint and can be invoked in suing for damages. A person who has suffered physical pain, mental pain resulting from loss of a vital function, and fear, shall be entitled to seek compensation for non-material damage<sup>127</sup> irrespective of the material damage suffered.

The aggrieved person who has suffered bodily harm or has had his health impaired shall receive compensation from the state for the costs of his medical treatment and for other related costs, as well as for loss of earnings resulting from inability to work during the treatment.

The Humanitarian Law Center (HLC) regularly and systematically investigates human rights abuses in Serbia, Kosovo, and Montenegro.

It advocates and defends freedom of thought and expression, the rights to life and physical integrity, due process and equal protection of the law, and other values of a civil society.

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<sup>124</sup> The Serbian Constitution, Article 15.

<sup>125</sup> The Law on Obligations, Article 157.

<sup>126</sup> The Law on Obligations, Article 200.

<sup>127</sup> The Law on Obligations, Article 200.

Since its founding in 1992, the HLC has been active in the investigation of killings, disappearances, rape, discrimination and other breaches of international humanitarian law committed during the armed conflicts in the former Yugoslavia.

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E- mail addresses:

Srbija - Belgrade:  
office@hlc.org.yu  
Srbija – Novi Sad  
[hlcns@Eunet.yu](mailto:hlcns@Eunet.yu)

Kosovo - Pristina:  
fdh\_pr@kohamail.net  
Kosovo - Prizren  
fdh\_pz@kohamail.net

Crna Gora - Podgorica:  
e-mail: hlccg@cg.yu

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