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HLC Report Repression of Political Opponents in Serbia 20 September 2000

The stepped-up violence by the Serbian and FR Yugoslavia authorities against political opponents following the calling of the presidential and federal elections threatened fundamental human rights and liberties. The election campaign in Serbia is marked by daily arrests of activists of the Otpor (Resistance) movement, non-governmental organizations, and members of opposition political parties.

Research by the Humanitarian Law Center (HLC) brought out that about 2,500 persons were detained by police from early May to mid-September, of whom 2,000 Otpor activists, 400 opposition party members, and 100 activists of non-governmental organizations. The majority were up to 25 years old and included about 200 minors between the ages of 16 and 18. Some 300 Otpor activists were detained five or more times. Information gathered by the HLC indicates that police took in about 20 Otpor activists and other active participants in the election campaign every day from 1-15 September. Cases of police brutality against Otpor activists and others were also registered; 19 persons were physically abused in this period alone. Police raided Otpor offices and non-governmental organizations, seizing computers, address books, and lists of associates. The number of physical assaults by private citizens on Otpor activists and others involved in the election campaign of the Democratic Opposition of Serbia (DOS), Otpor's campaign "He's Finished," and the "It's Time" campaign of non-governmental organizations also rose noticeably.

The formal reasons for the massive police action against Otpor were the 2 May incident in Požarevac when three Otpor activists were arrested for allegedly attempting to murder a member of the Yugoslav Left (JUL) party, and the murder of Boško Perošević, the President of the Executive Council of Vojvodina and ranking official of the Socialist Party of Serbia (SPS), in Novi Sad on 13 May. Without any grounds, the police used the murder of Perošević as an excuse to

detain Otpor activists and opposition party members in great number and to search their homes.

The police action against Otpor activists further intensified on 9 June when the Federal Ministry of Justice refused to enter Otpor in the Register of Associations, in contravention of the constitutional principles and guarantees of fundamental human rights and liberties. With this decision, the authorities demonstrated their readiness to eliminate an entire generation of young people from social and political life. Described as a group which acts against national security interests, these young people were consigned to the police to deal with.

Unlawful police conduct against Otpor activists

HLC research brought out that police unlawfully arrested Otpor activists, questioned them, opened police files on them, searched their homes, and seized promotional and election literature.

Unlawful arrest

Since the Ministry of Internal Affairs considers Otpor a prohibited organization, police officers did not conceal that they had orders to arrest persons wearing T-shirts with the Otpor emblem and participants in the "He's Finished" campaign. According to information collected by the HLC, police in July and August detained over 600 young people, minors and children found wearing the "banned T-shirt" in public. In the first half of September, the majority of those detained were participants in the "He's Finished" campaign of Otpor and the "It's Time" campaign of non-governmental organizations.

In all the cases investigated by the HLC, police detained Otpor activists and others in contravention of Article 11 of the Law on Internal Affairs. A police detention order was issued in one case only. After being taken to police stations, these persons were as a rule interrogated and their fingerprints were taken, as if they were criminal suspects.

Investigatory interrogations

Immediately after the murder of Boško Perošević, police took in for investigatory interrogation over 200 Otpor activists and members of opposition political parties. The murder was used to give a semblance of legality to the interrogations and the stepped-up activity against political opponents. HLC information indicates that police acted unlawfully in all these cases, with officers

frequently saying they were following the prescribed procedure and orders “from the top.”

When conducting investigatory interrogations, police used a standardized form. The questions posed related to the time and reasons for joining Otpor, its objectives, sources of financing, contacts with foreigners, names of its leaders and, in some cases, the persons interrogated were asked whether there were extremist or terrorist factions within Otpor. Public security inspectors who conducted the interrogations made no effort to conceal that they had orders to register all those passing out promotional literature or exhibiting the Otpor emblem because “the organization and its symbols are prohibited.”

Under the Criminal Procedure Code (CPC), police may summon a person for investigatory interrogation only when there is probable cause to believe that a criminal offense in the category of those prosecuted by the state has been committed.¹ In such cases, the summonses are in writing and, only exceptionally, may be oral. The reason for the summons must be stated in both cases and must be in connection with a specific criminal offense. The offense too must be specified in the summons as the law proscribes arbitrary citing of reasons. A person may be taken in by police for an investigatory interrogation only if he fails to appear on the date indicated in the summons and did not notify the law enforcement agency concerned that he was justifiably prevented from appearing.

The Law on Protection of Personal Data stipulates that information on a person’s racial origin, political and union affiliations and sex life may be gathered, processed and used only with the written consent of the person.²

Photographing and fingerprinting

HLC research brought out that after unlawfully detaining and interrogating Otpor activists, police opened criminal files on them, again in contravention of the law. Taking of photographs and fingerprints is allowed only when there is reason to believe that a criminal offense has been committed. By opening files on young people, mainly university and high school students, with no prior convictions, the police in effect registered them as felons.

Searches of homes and seizures

¹ Article 151, CPC.

² Article 18, Law on Protection of Personal Data.

Information gathered by the HLC showed that police searched over 200 homes of Otpor activists and their parents in July. The number of such searches increased to 300 in August. In early September, the Otpor offices in Novi Sad and Belgrade were raided and police confiscated computers and promotional literature found on the premises. In none of these cases did police adhere to the legal provisions regulating the procedure for searches, indicating that the intention was to leave as few as possible written traces which might subsequently be used as evidence of unlawful police conduct.

The law prescribes that police may search private homes and confiscate objects found in them only after the institution of a judicial investigation and with the approval of the investigating judge. Exceptionally, if postponing entry carries a clear danger, searches are allowed in the pre-judicial stage.³ A private home may be searched only if it is probable that a suspect will be apprehended, or evidence crucial to a criminal case found in it.⁴ The probability must be real, not assumed or invented. Where the searches of the homes of Otpor activists were concerned, no such probability existed. The aim was obviously to find objects carrying the Otpor emblem and/or the movement's promotional and propaganda literature, possession of which does not constitute a criminal offense.

In about 10 cases, police presented warrants to enter homes for the purpose of "uncovering objects in connection with a criminal offense." Police issued certificates on their entry into some 100 homes, stating as the reason for entry "the confiscation of propaganda material."⁵

As a rule, police gave no receipts for the objects seized from Otpor activists or others. With the sole exception of one instance when a hunting rifle and the permit for its possession were confiscated, police seized posters, badges, matchboxes, calendars, handbills, flags and T-shirts with the Otpor emblem, and "He's Finished" stickers. In many cases, police obtained Otpor promotional literature by suggesting to activists during investigatory interrogations: "If you have propaganda material at home, turn it over voluntarily since that's better for you than us finding it when we search your home." The HLC has learned that even empty matchboxes or a single T-shirt with the Otpor logo, and cans of glue were confiscated. In September, police apparently gave priority to seizing "He's Finished" stickers and a set of instructions on how people should behave when confronted with law enforcement abuses.

³ Article 154, CPC.

⁴ Article 155, CPS.

⁵ Article 210(1), CPC: "A law enforcement officer may enter a home or enclosed space of another without presenting a court order and, if necessary, search it, provided that the legal occupant requests his entry, if calls for help are heard, if necessary to apprehend the perpetrator of a crime, to secure the safety of persons or property, if a person ordered to be taken into custody by a competent state agency or a person evading prosecution is in the apartment or enclosed space, or if it is obvious that evidence cannot be obtained by any other means."

Inappropriate treatment of minors⁶

In its actions against young people, the police showed no consideration even towards minors and children, treating them as perpetrators of misdemeanors and criminal offenses.

HLC research brought out that police had no legal grounds for detaining the minors. There was not a single instance in which these minors engaged in violent behavior or resisted the police officers who detained them. And not in a single instance did police comply with the obligation to treat minors with particular consideration due to their age.

Torture

A dramatic case of physical abuse of Otpor activists occurred at the police station in the town of Vladičin Han on 8 September. Three police officers, including the local police chief Radivoje Stojmenović, vented their aggression on seven youths, tying them up to beat them on the soles of the feet, throttling them with rope around their necks, beating them with nightsticks and hands, banging the head of one against the wall, and inflicting severe pain to another by pulling him by his earring. The youths were forced to squat with arms stretched out in front of them; if they lowered their arms or tried to get up, they were punched on the head or beaten with a nightstick. The officers also threatened to take them to the border with Kosovo and kill them there. The youths were tortured in this manner for three hours.

Objective of the police action

An analysis of the behavior of the police indicates that the action is organized and synchronized, carried out to clear orders and instructions, and with a clear objective. Though it is being implemented in the whole territory of Serbia, it is particularly intensive in Vojvodina. Since the police act in an identical manner everywhere, it is obvious that they are following orders and deliberately violating the law and the Constitution. Their persistence in breaking the law indicates their

⁶ The former Socialist Federal Republic of Yugoslavia ratified the Convention on the Rights of the Child in December 1990, undertaking to comply with its provisions and submit reports every five years to the Committee on the Rights of the Child. The government of the Federal Republic of Yugoslavia is consequently obligated to implement the Convention in full. Under Article 3 of the Convention, all government agencies must give the highest priority to the interests of the child.

confidence that no disciplinary measures or criminal proceedings will be taken against them.

If there were any elements of a criminal offense in the activities of Otpor, law enforcement agencies would be obligated immediately to initiate appropriate proceedings. Thus far, however, proceedings were instituted in only four cases. By occasionally pressing misdemeanor or criminal charges, the authorities attempt to preserve at least a semblance of legality. There are indications that the information collected by the police might be used for massive criminal prosecution of political opponents, primarily Otpor activists and others who were taken to police stations where criminal files on them were opened.

Police zealotry in carrying out orders

Where zealotry in carrying out orders is concerned, there is a difference between "local" police officers and members of the force previously stationed in Kosovo. The latter treat Otpor activists as "terrorists" and "NATO mercenaries" who must be punished on the spot, and openly show that they consider any mention of human rights as "hostile activity."

Some inspectors who interrogated activists justified themselves by saying they had to be more "robust" as they had been reprimanded "from above" for the "mildness" of their actions against Otpor. The HLC registered in September warnings by inspectors to Otpor activists to "take care because the time may come when you will be taken in, questioned and beaten by someone else, not local policemen."

Assaults by private citizens

Otpor activists were on several occasions physically assaulted by private citizens. A drastic incident took place on 23 May at Belgrade University's Architecture Department. A group of about 40 athletically built young men wearing surgical masks attacked students, instructors and professors with clubs after a protest meeting against the forcible takeover of the Studio B radio and television stations and pressures on the independent media in Serbia. In some cases, the HLC established that the attackers were members of the Serbian ruling SPS-JUL coalition. An Otpor activist in Nis, a minor, was ill-treated by members of the World War II Veterans' Association.