Helsinki bulletin

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FREEDOMS CHOCKED: A CAMPAIGN AGAINST EUROPEAN SERBIA

Campaigns against the part of Serbia's civil society advocating EU values (the rule of law, free market, human rights, media freedoms, etc.) are practically permanent and, as such, nothing new. Ever since it came to power Serbian Progressive Party has just intensified actions against this CSO flank, targeting - their sources of finances above all. The ongoing campaign resembles the one the pro-regime *Politika* daily was staging in early January this year. Information about donor organizations have always been transparent and available to all – with donors themselves and authorized governmental institutions receiving regular annual financial reports. The purpose of the ongoing campaign is to discredit the said CSOs as "foreign mercenaries" paid to undermine their own country.

Notably on the target are CSOs critical about the government and then those engaged in dealing

with the past and corruption. A handful of critically-minded media outlets is also targets, the more so since the regime has almost occupied the media landscape – either by putting pressure on editorial boards or playing on servility of owners and editors of the great majority of the media.

Cases are many (dismissals at the RTV of Vojvodina, the Savamala case, assaults at NGOs and media, etc.) that indicate that the present regime is preparing the terrain for a showdown with critical thought, freedom of expression and all activities meant to encourage a dynamic and plural society.

The theses about the necessity to pass a law that would restrict activities of "traitorous" NGOs, like Putin's law in Russia, are being revived. To win over the general public the regime has presented it all the information about financial assistance this part of the civil sector has been receiving mostly from EU and US. Besides, claims about these organizations' criminal activism that has to be properly punished are louder and louder.

The international context – especially after Brexit and now US presidential elections – further encouraged the incumbent regime to go on with campaigning against all liberal and critically minded organizations and individuals. And this goes on choking the almost non-existent social dialogue and critical thought that precondition reforms and a change in value system.

OFFENSIVE AGAINST THE CIVIL SECTOR

Serbia's CSOs advocating human rights and democratization have always been targets, though more and more so, as of recently, on the account of their donors, mostly from US and EU. Here, the whip is in the hands of tabloids, especially *Informer* close to the government.

Lists of organizations receiving grants from Soros's Open Society Foundation put finishing touches at all the assaults at George Soros, called the main financier of "anti-governmental sector." Unavoidable arguments against NATO, EU and US, says Jelena Milić of CEAS, are that they have "killed and are still killing millions of people, but are idolized by brainsick Jelena."[1] Considering that leaders of these organizations are mostly women, also unavoidable are phrases such as "She is barren," "God would never allow her to give birth, praise him," etc.

NGOs advocating Serbia's membership of NATO (CEAS and Helsinki Committee) are also on the hit list. "I would say they have been politically instructed to intimidate activists genuinely dedicated to Serbia's democratizations and seeing not transparency, the rule of law or the country's westward foreign policy as some individual attacks at Premier Vučić – as he constantly but mistakenly banalizes – but as going good to this country," says Milić.[2]

At the same time right-wing organizations such as SNP *Naši* are never publicizing the names of their financiers at their website not are the media posing them such questions. Ivan Ivanović of the said organization claims that one action of theirs costs them some 100,000 RSD and is in the function of fund-raising; "More precisely, we are collecting money from our members to carry out specific actions. Many of our members prefer remaining anonymous as they are afraid of political repression."[3]

1 http://rs.n1info.com/a186695/Vesti/Vesti/Napadi-na-NVO.html
2 http://rs.n1info.com/a186695/Vesti/Vesti/Napadi-na-NVO.html
3 http://rs.n1info.com/a186695/Vesti/Vesti/Napadi-na-NVO.html

George Soros's Foundation has been financing projects in a variety of fields. In the 1990s it mostly assisted humanitarian actions from purchases of medicaments that were hard to get while Serbia was under international sanctions to courses of training for medical doctors or scholars. Sonja Licht, who was in charge of the Foundation's assistance to projects at the time, says, "All this recent hullaballoo is destabilizing the country indeed, but those who do destabilize it are tabloids, which are, more often than not, panicking the public opinion with most unthinkable fabrications. That is bad and in fact fuels people's mistrust in institutions and fundamental social processes from education to judiciary."[4] In her view, persecution of the Open Society Fund has nothing to do with some plot but is all about fabrications and generation of scandals meant to increase sales.[5]

Some web portals such as "Srbin info" have always been after LGBT organizations; and editors of this portal complained that several Belgrade-seated NGOs, the Regional Info Center and the Commissioner for Equality have been campaigning against them so as to force them to change their editorial policy – and that is something they would never do, they said.

NGO Regional Info Center /RIC/ that promotes and protects LGBT rights filed a complaint with the Commissioner for Equality (Brankica Janković) because of several articles the said portal had published from May 2015 till March 2016. The portal claims in these stories that gay ideology is perverse and, as such, bad for the Serbian state and society. On its part, the portal complains that they are being discriminated because being called upon to apologize, which is something they would never do, the more so since "gay values have been propagated for decades by the same circles in the West that had waged four wars against the Serbian people in the 20th century."

The latest campaign staged by tabloid *Informer* is the largest of all and brims with details about donations. The tabloid got hold of and published bank statements of the targeted organizations quoting sums received, per month or periods, over the past two years. Alongside these lists it has been carrying some NGO activists' quotes – mostly about the crimes Serbia committed in the 1990s wars – given over the past 25 years.

Obviously, the plan is not only to demonize these organizations and their leaders for their stands about the 1990s but also to prevent any debate on Serbia's responsibility. War crimes have been definitely normalized over here and so have those who committed them.

This is more than a smear campaign: this only further undermines all the moral principles that anyway hardly take root in the Serbian society. Over here Vojislav Šešelj is considered a benchmark of morality, especially when speaking about the Hague Tribunal.

Regretfully, the incident in Serbia's assembly that took place when Head of EU Delegation Michael Davenport tried to present the annual progress report on Serbia is only one in a row.

By invoking house rules Serbian Radical Party / SRS/ MPs prevented Mr. Davenport from presenting EU progress report on Serbia to parliamentarians sitting at the Committee for European Integration. The meeting had to be postponed till further notice. Radicals protested because the report had not been translated from English into Serbian, said they would not allow Mr. Davenport to address the Committee and claimed he had no right to do so.

4 http://rs.n1info.com/a186695/Vesti/Vesti/Napadi-na-NVO.html.

5 Ibid.

Vojislav Šešelj said Davenport had no moral legitimacy to attend the meeting given that his country had "run away" from EU. "He wants to extradite three of my closest associates to the Hague Tribunal. How about us extraditing you, bro? Are you out of your mind?"[6]

Dveri MP Boško Obradović said that Davenport, being an EU official from the Great Britain, was incompetent to attend a meeting of the Committee and probably only competent to submit a report on Brexit. He was commenting from his seat that the meeting should be postponed till Serbia's accession to EU.[7] SRS MP Nataša Jovanović remarked that only scholars and experts could be invited to guest a meeting while Davenport was "just a clerk working for EU that is falling apart and wishes all the worst to the Serbian people."[8]

THE CASE OF RTV OF VOJVODINA

Over the past couple of years the Radio-television of Vojvodina has attained a fine level of objective reporting and professionalism. However, following the change of the regime in the province (spring 2016) the outlet was placed at the SNS authorities' hit list: seven of its editors were dismissed and all political shows opening debates on crucial social issues taken off the air. All attempts by the station's employees and many citizens to defend RTV failed.

After several civil protests the regime assembled its supporters and staged a counter-rally under the slogan "Stop to anarchy." Out of seven organizations officially involved in this rally, two were founded only a couple of days earlier while three have not even websites of their own.

Željko Stanetić of the Vojvodina Civil Center says, "Phantom organizations are being activated only to be paid from public funds and information about them you might sometimes track down on some weird portals providing no information at all but only promotional material."[9]

According to Nikola Radman of the Res Polis organization, "para-political organizations are being founded to pour money in party budgets." "I think that the time will come when they will have to put an end to these phantom organizations and stop paying them, since something is going on in the public, people are opening their eyes. The pressure from the public should be so strong as to force institutions to function by the book that has not been the case so far. Citizens are those holding ultimate power as they are paying for these institutions. It is citizens' right and duty to ask how their money is being spent."[10]

The counter-rally was used to have the previous regime further discredited and once against accused of malversation and corruption. Bojan Pajtić, Vojvodina's ex-premier, said, "No doubt that the regime of Aleksandar Vučić stands behind the counter-rally. Serbia has never had before the regime as violent and arrogant as this one, while Europe has never before witnessed a regime staging a protest against a leader of some opposition party."[11]

Not only have citizens protested for weeks against dismissal of RTV editors and journalists but

6 http://rs.n1info.com/a207090/Vesti/Vesti/Sednica-odbora-za-evropske-integracije.html.
7 http://rs.n1info.com/a207090/Vesti/Vesti/Sednica-odbora-za-evropske-integracije.html.
8 Ibid.
9 http://www.autonomija.info/021-fantomske-organizacije-trose-novac-novosadana.html.
10 http://www.autonomija.info/021-fantomske-organizacije-trose-novac-novosadana.htmlhttp://www.autonomija.info/021-fantomske-organizacije-trose-novac-novosadana.htmlhttp://www.autonomija.info/021-fantomske-organizacije-trose-novac-novosadana.html.
11 http://www.kurir.rs/vesti/politika/kontramiting-stop-anarhiji-ko-stoji-iza-provladinih-demonstracija-u-novom-sadu-clanak-2310465.

EC also reacted. Spokeswoman Maja Kocijančić said that EC was worried about the changes in RTV. "RTV has the duty to ensure the respect for the highest standards of the safeguard of public interest, to guarantee quality and diversity of its program and to make sure its editorial policy is unbiased and independent as provided on the 2014 law on public broadcasting services." She also emphasized that RTV had an "additional" duty to meet legitimate expectations of national minorities in its programs aired in minority languages.[12]

JUDGES UNDER FIRE

In June 2016 President of the Higher Court Aleksandar Stepanović removed his colleague Aleksandar Trešnjev – "suspected of bias" – from the trial chamber in the proceedings against ex-mayor of Novi Sad Borislav Novaković that were nearing their end. Justice Trešnjev and defense lawyer Vladimir Beljanski, he explained, were both in the membership of CEPRIS.[13]

"As provided under CEPRIS Statute, the Center's objective is to create conditions for independent and professional, unbiased and efficient judiciary including the Bench…The very fact that the president of the said organization is Slobodan Beljanski, whereas its members are his lawyer son Vladimir, lawyers Vladimir Đerić and Nebojša Maraš, judge of the Appellate Court in Belgrade Miodrag Majić and judge of the Higher Court in Belgrade Aleksandar Trešnjev stands for the circumstance that causes doubts about judges' independence and objectivity, and the more suspicious all this is when the said lawyers happen to represent parties in trials presided by the said judges," quotes the decision signed.[14]

CEPRIS has only 12 members all of whom are outstanding judges, professors and lawyers: Constitutional Court Justice Goran P. Ilić, judge of the Appellate Court Miodrag Majić, former president of the Supreme Court Vida Petrović Škero, professors at the Belgrade Law School Miodrag Jovanović and Zoran Mirković, lawyers Slobodan and Vladimir Beljanski, Vladimir Đerić, Nebojša Maraš...

Vida Petrović Škero says she is not afraid of any jurist claiming that a judge in a trial will not be objective just because he and a defense lawyer in that trial are in the membership of the same association. She reminds that the Law on Judges provides judges' right to assembly.[15]

Dragana Boljević of the Judges' Society of Serbia says a society can only profit from as many as possible organizations working towards independent judiciary and the rule of law. "Judges are citizens and, therefore, have the right to assembly. The organization assembling judges, lawyers and professors stands for natural surroundings of jurists, and I can only hope the High Judiciary Council would be deciding on the issue by highest democratic standards," she says.[16]

12 http://www.rtv.rs/sr_lat/vojvodina/novi-sad/protest-stop-anarhiji-ispred-rtv-ds-i-djb-organizator-je-sns_729179.html

13 The organization's website quotes, "The Center for Legal Research /CEPRIS/ is founded as an independent non-governmental organization for researching, studying and promoting the judiciary in a democratic society based on the rule of law and division of power. Founders of CEPRIS are outstanding experts in the theory and practice of law, assembled to analyze the causes of the present situation and to put forth possible solutions for consolidation and development of the judiciary."

14 http://www.danas.rs/drustvo.55.html?news_id=323154&title=Od%20sudija%20se%20tra%C5%BEi%20da%20iza%C4%91u%20iz%20strukovne%20NVO#sthash.U3Q7TfBf.dpuf

15 http://www.danas.rs/drustvo.55.html?news_id=323154&title=Od%20sudija%20se%20tra%C5%BEi%20da%20iza%C4%91u%20iz%20strukovne%20NVO#sthash.U3Q7TfBf.dpuf.

16 Ibid.

Human Rights House released, "Exclusion of judges because of their membership in a strictly professional organization meant to help improve the situation of the judiciary, and questioning the legitimacy of judges being in the membership of NGO CEPRIS are contrary to constitutional guarantees for the rights to work and assembly, and undermine independence of the judiciary. It is more than frustrating that actions as such are being taken at the very eve of opening of the negotiating chapter 23 focusing the judiciary and fundamental rights."[17]

President of the Higher Court Aleksandar Stepanović had requested the High Judiciary Council to decide whether or not a judge's office was compatible with a membership in CEPRIS organization. Having discussed the case at the meeting of September 13, 2016, the Council concluded that decision on the issue was not in its jurisdiction.

THE SAVAMALA AFFAIR

Illegal demolition of facilities in Belgrade's Savamala borough close to the site of Belgrade Waterfront is a dramatic case of the state being suspended by an interest group, which not even hinted its will to have it settled in a legal procedure. No doubt that people ordering the action were running out of time.

Commenting on the case Čedomir Čupić, professor at the Faculty of Political Sciences, said, "Having people with stocking masks demolishing in the middle of the night testify of an unfunctioning state. This is very dangerous, as it indicates that everything is in the hands of certain persons and their arbitrariness. In fact, this shows that we have not the rule of law but the rule of certain interest groups, bigwigs in power."

Ombudsman Saša Janković and Commissioner for Free Access to Information of Public Interest Rodoljub Šabić strongly reacted to the incident. And soon after it took place the initiative "Do not drawn Belgrade" /Ne da(vi)mo Beograd/ - NDVBG - joined protests, manifesting its determination to stand against authorities that "ignore or choke international correctives."[18]

In an interview with the Sarajevo-based Dani daily, Janković said the authorities were trying to boil down the Savamala case to "knocking down some barracks" or to have it "overblown as the ouster so as to buy time to masterminds and executioners of this authoritarian action so that the latter would be eventually abolished."[19]

In his first reaction to the case Premier Vučić said he could not understand those who decided to knock down facilities in Savamala under the cover of the night, the more so since these facilities were built illegally. "Those who knocked down these facilities at night are utter idiots," he added.[20]

As he was the loudest of all about the affair, the Ombudsman was accused of breaking the law and meddling into politics. State Secretary of the Ministry of the Interior Jana Ljubičić said, "I would like to see Janković eventually taking off his mask of a citizens' Ombudsman and tell us, loud and clear, what his role and objectives are. Now that he invokes the Law on the Ombudsman, I would like him to read it carefully and stop breaking it with his political activism."[21]

17 http://kucaljudskihprava.rs/saopstenje-povodom-izuzeca-sudije-aleksandra-tresnjeva-i-odlucivanja-visokog-saveta-sudstva-o-spojivosti-sudijske-funkcije-sa-clanstvom-u-nevladinoj-organizaciji-cepris/.

18 http://www.slobodnaevropa.org/a/slucaj-savamala-suspendovana-pravna-drzava/27737022.html

19 http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=09&dd=08&nav_id=1174538

20 Ibid.

21 https://insajder.net/sr/sajt/vazno/1401/

Since relevant authorities have not provided any well-argued explanation, the NDVBG initiative has gone on protesting. Identities of persons under stocking masks who, in the night of April 25, deprived a number of citizens of the right to freedom and safety, inviolability of physical and mental integrity, safe ownership was not traced down. At the same time, Belgrade's Police Department had not duly responded to citizens' calls for help; the outcome of has not been released, or unusual police behavior explained or, for that matter, the outcome of the internal control procedure in the police the Ombudsman had initiated on May 9.

The affair strongly sharpened the Premier's relations with a part of the general public. Instead of having the case investigated as he had promised to, the Premier was spilling accusations against anyone calling for dismissals of the persons responsible. He said, among other things, that it turned out that he had been right when claiming that NDVBG protests had not been staged because "three illegal barracks," as he put it, had been knocked down but were staged, from the very start, against him in person.[22]

CONCLUSION AND RECOMMENDATIONS

Smear campaigns in the media and statements given by governmental officials and MPs testify that the public discourse has reached a record low; and this creates an atmosphere threatening with all sorts of conflicts.

At the same time, the Premier is under ever stronger pressure from international factors from the East and the West to make up his mind at long last. If he really wants to pursue a course to Europe he should distance himself clearly from the campaigns staged against everyone supposed to be his ally in the process.

The international context additionally plays into the hands of the lynch climate, especially now after US presidential elections. Donald Trump as the President-elect and the earlier Brexit toned up all radicals who sharpened their rhetoric, especially against Western officials.

The attitude towards the pro-European part of Serbia's civil society and the media critical about the regime manifests clearly the attitude towards Euro-Atlantic integration. Defamation of those CSOs and the media blocks social dialogue, and deprives citizens of relevant information that would help them take adequate stance about reforms. If the government of Serbia has genuinely opted for European integration it should change its attitude towards the part of the civil society advocating the same option.

International actors, EU in particular, should define the enlargement policy for the Western Balkans in more detail. Unless they firmly promise to have the Western Balkans integrated into EU the entire region would not only go on sliding into anarchy but would be exposed to influences of all sorts it could hardly sustain. And this seriously threatens Europe itself.

22 http://www.vreme.com/cms/view.php?id=1432242