

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: UA
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28 July 2014

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 26/5, 25/2, 24/5, 25/18, 25/13, 18/7, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **attacks, threats and acts of intimidation against the non-governmental organization Women in Black and its members**. Women in Black is a world-wide network of women committed to peaceful advocacy, which advocates for justice and against all forms of hatred, discrimination and violence. The Serbian branch of the organization has been actively involved in commemorating the Srebrenica genocide of 1995. Ms. Staša Zajovic is the co-founder of the organization.

According to the information received:

On 25 March 2014, the then spokesperson of the Anti-Terrorist Unit of the Ministry of the Interior made a call on his Facebook profile to football hooligans to “deal” with Women in Black. It is reported that the post was published the day before a silent vigil was held by Women in Black in Trg Republike in Belgrade to commemorate the 15th anniversary of the start of the armed conflict in Kosovo¹ in 1999. During the vigil, the members of the organization reportedly displayed a banner which stated “we are remembering the crimes,” and placards with the names of places in Kosovo where ethnic Albanian civilians were killed or disappeared.

On 5 April 2014, Srpski Sabor Zavetnici, a nationalist right wing organization, reportedly staged a protest in front of the offices of Women in Black in response to statements made by the Ministry of the Interior that the spokesperson’s contract was unlikely to be renewed due to the Facebook post. According to reports, police officers were present during the protest, dissuading protestors from storming into the Women in Black’s premises.

On 7 April 2014, the then spokesperson of the Anti-Terrorist Unit of the Ministry of Interior was reportedly detained, and subsequently released on 11 April 2014. He was indicted on 14 April 2014, and his trial was due to start on 20 June 2014, but was postponed a first time due a strike by lawyers. His trial was re-scheduled for 23 June 2014, but was postponed a second time as his lawyer did not appear in court because he was reportedly on vacation. The trial is now due to start in September 2014.

On 8 July 2014, members of Women in Black were physically and verbally attacked in Valjevo by a group of young people during a commemoration of the Srebrenica genocide. Allegedly, some of the assailants wore t-shirts bearing the image of Bosnian Serb General Ratko Mladic. They reportedly threw eggs and heavy objects at the participants of the commemoration, injuring Ms. **Staša Zajovic**, and three of her colleagues. While intervening during the attack and escorting those injured out of Valjevo, the police were reportedly overwhelmed and failed to provide overall adequate protection.

While noting the indictment of the then spokesperson of the Anti-Terrorist Unit of the Ministry of Interior, serious concerns are expressed regarding the recent attacks, threats and acts of intimidation against Women in Black and its members, which may be connected to their activities in defence and promotion of human rights. Similar concerns are expressed about the physical and psychological integrity of those exercising their legitimate rights to freedom of peaceful assembly, association and of opinion and

¹ All references to Kosovo shall be understood in full compliance with the UN SC Resolution 1244 (1999) and without prejudice to the status of Kosovo.

expression, as well as the promotion of truth and memory, including through the commemoration of victims of serious human rights violations.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the rights to freedom of opinion and expression, peaceful assembly and association respectively.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Serbia succeeded on 12 Mar 2001. Moreover, we would like to recall that pursuant to paragraph 18 of the General Comment No. 2 of the Committee against Torture (CAT/C/GC/2, 24 January 2008), State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors have to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors.

We would like to further refer to Human Rights Council resolution 24/5 which highlights States' obligation to respect and protect everyone's rights to assemble peacefully and associate freely.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1, 2 and 12, paras 2 and 3, of the Declaration.

Furthermore, reference is made to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women in which States agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations.

Finally, the above-mentioned alleged facts indicate a prima facie violation of the rights to equal political participation guaranteed under articles 25 and 26 of the ICCPR. In paragraph 65 of its thematic report on participation in public life (A/HRC/23/50), the Working Group on Discrimination against Women in Law and Practice has noted that women's human rights defenders are often the target of gender-specific violence, which

is sometimes condoned or perpetrated by State actors. The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (para. 97(i)).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the alleged above-mentioned attacks, threats and intimidation against Women in Black and its members.
2. Has a complaint been lodged by or on behalf of the four alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators of the attacks and threats?
5. Please indicate what measures have been taken to ensure that the rights to freedoms of opinion and expression, peaceful assembly and association, including the promotion of truth through the commemoration of the victims of serious human rights violations, are respected and that the physical and psychological integrity of those exercising these rights are guaranteed.
6. Please kindly indicate what measures have been taken to ensure that human rights defenders in Serbia are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
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Michel Forst
Special Rapporteur on the situation of human rights defenders

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Rashida Manjoo
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