ATTACKS ON CIVIL SOCIETY ACTIVISTS AND ORGANISATIONS IN SERBIA IN 2020

Bojana Selaković

BCSP

April 2021.

ATTACKS ON CIVIL SOCIETY ACTIVISTS AND ORGANISATIONS IN SERBIA IN 2020

April 2021.

Publisher
Belgrade Centre for Security Policy (BCSP)
Address: Đure Jakšića 6/5, Belgrade, Serbia
Website: www.bezbednost.org
Email: office@bezbednost.org

Author:
Bojana Selaković, Civic Initiatives

Design and Layout:
Srđan Ilić

This case study was developed as part of a joint effort by the Centre for Research, Transparency and Accountability (CRTA), the National Coalition for Decentralisation (NKD), the Belgrade Centre for Security Policy (BCSP) and Partners for Democratic Change, to encourage greater citizen participation in the decision-making process through the project "Citizens Have Power", supported by the United States Agency for International Development (USAID). The views expressed in this case study are solely those of the authors and do not reflect the views of USAID.

Content

Introduction

The working conditions deteriorated significantly in 2020 – not only those of civil society organisations (CSOs), but of all social actors who, in performing their activities, express critical views of the current political or social situation in Serbia.

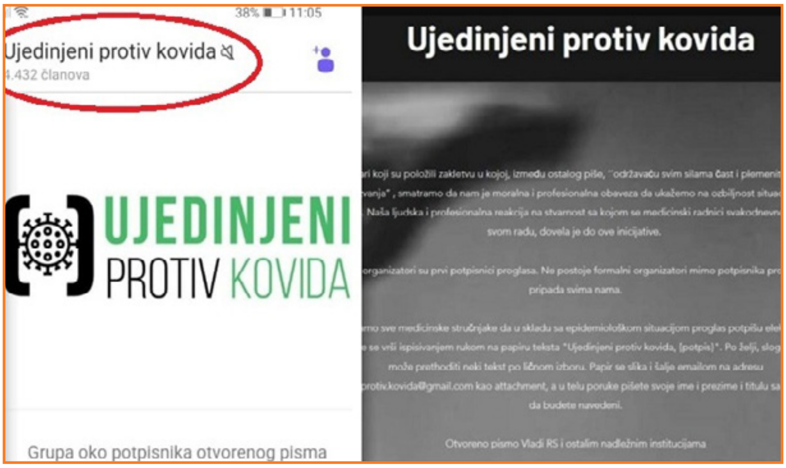
Lack of institutional dialogue has led to a deepening of the political crisis in Serbia, which has been recognised by international organisations such as the European Parliament, the European Commission and other organisations dealing with the protection and promotion of human rights. Such an environment has also contributed to the further polarisation of society, the spread of inflammatory and discriminatory rhetoric, and the rise of extremism due to the lack of action of the competent state authorities. These trends have inevitably affected all civil society organisations, regardless of the range of values they represent.

In the absence of communication between politically divided entities, and as a result of the unwillingness of the state to provide an adequate response to all the challenges posed by the Covid-19 pandemic, CSOs made a significant contribution. Instead of being constructive partners and the authorities' corrective, CSOs - especially those that provide direct services to users from vulnerable social groups - often had to take on the institutions' obligations of during the crisis.

The previous year brought a growing trend of activities of organisations from the right end of the spectrum that can be divided into two basic groups. One group of activities was aimed at strengthening the so-called anti-globalist narrative, which manifested itself through strong anti-migrant messages, but also included spreading false news about various aspects of the pandemic, calling for violations of prescribed health measures and boycotting vaccination. Another aspect of the work of these organisations was reflected in the participation and support of campaigns directed against pro-European organisations in Serbia.

However, despite the highly obvious narrowing of the space for civic action and all the restrictions caused by the health crisis, the year 2020 was marked by an increase in informal civic activism as a reaction to the burning problems of the society and specific communities. This was most present in areas of importance for environmental protection, but also in reactions to various aspects of the pandemic.

In their regular 2020 monitoring reports entitled "Three Freedoms", Civic Initiatives recorded 156 cases of violation of freedom of association, assembly and expression. According to the data available on the platform "Solidarity for the Rights of All", which was launched in November 2020, more than 80 cases of attacks on organisations and individuals labeled as human rights defenders were recorded during that year. The annual report of the Belgrade Centre for Human Rights also stated that "systematic targeting of civil society organisations, as well as individual activists, continued in 2020, which - given the persistent silence of the police, prosecutors and courts - is clearly part of a systematically organised campaign against the civil sector in Serbia.



The gathering of doctors around the initiative and (later formed) association “United against Covid” deserves particular emphasis. Unfortunately, they too quickly found themselves the target of a discrediting campaign, and became victims of institutional pressure. The initiative started with an open protest letter that was sent by doctors from various health institutions, in which they expressed their disagreement with the quality and application of measures during the pandemic. The initial letter was signed by 350 doctors. In the days that followed, these were joined by almost 3,000 others. Doctors who signed the letter were subjected to pressure and harassment from the very beginning. Many had problems in the workplace and some were even fired. For example, three heads of the Military Medical Academy who signed the above initiative were dismissed. Dismissals, terminations and non-renewal of contracts occurred in other institutions as well. Acting in this way, the government clearly showed that it was not capable of inclusive dialogue on how to manage and overcome the crisis, but also the lack of capacity to withstand criticism, or even dissenting opinions of experts that to some degree deviated from the official positions of the Government and the Crisis Task Force.

Unfortunately, their efforts were not recognised or adequately addressed. On the contrary, CSOs have been subjected to constant discreditation initiated and/or led by individuals or groups close to the ruling party. Physical attacks on individual activists have been reported as well, while the “List” case represented the strongest institutional pressure on civil society made by abusing the legal powers of the Administration for the Prevention of Money Laundering.

Phantom portals

One of the main weapons used in 2020 to discredit CSOs and activists, but also all other groups and individuals critical of the work of the current government, were phantom portals. These include internet portals without data on the ownership, editorial staff and authors of the content, which significantly complicates the use of any legal mechanisms against them. Another characteristic of these portals is that their texts are transmitted in an organised manner through social media accounts, which raises their visibility. At some point, local television stations whose owners are indirectly - and often even directly

- linked to the ruling party join in the distribution of content. The two most important portals that were used for these purposes in 2020 were "Istraga" and "Prismotra", ["Investigation" and "Surveillance"]. Both have closed down since then.

Sofia Orloski, programme manager for Europe and Eurasia of the non--governmental organisation Freedom House, also commented on the flood of these portals for the Voice of America, noting that "in such cases, they often disclose information about people's private lives, and their only goal is to discredit". In her opinion, "it is a cruel technique of manipulation that fabricates non-existing links between one's personal and professional activities, promoting hatred and inciting violence. The result of all this is that targeted NGO activists, journalists and bloggers find themselves in a position to defend themselves against baseless accusations directed not only towards what they do, but also towards their personalities". "It is a sort of war of attrition - the constant influx of baseless accusations and attacks makes those who are targeted highly vulnerable and exhausted".

Portal "Prismotra.net" published a text in which the association and activists of the "Centre for Ecology and Sustainable Development" - CEKOR were accused of being informants of foreign intelligence services whose job was to work against the interests of Chinese investments in Serbia, concluding that members of CEKOR were the "economic killers of Serbia". In addition to the organisation itself, which was accused of cooperating with the "Bosniak intelligence service", the text also targeted the activists of that association Nataša Djereg, Zvezdan Kalmar, Nikola Marušić amd Pera Marković. The association became the target of attacks, among other things, because it criticised the company "Elektroprivreda Srbije", which rejected every request for access to information about the work of that company they ever submitted. In its second text, the portal published the names and amounts of donations that CEKOR allegedly received, accusing them of being engaged in "anti-Chinese propaganda". In the text, CEKOR was also accused of never having dealt with any environmental damage that was the consequence of the NATO bombing, or with the problem of the Smederevo Ironworks at a time when "its owners were American". Finally, it was concluded that this organisation was receiving money for non-existent projects, and that their activists often traveled abroad, carrying in their bags the money they received from foreign intelligence services, which was not recorded in their reports. This case represents just one in a series of tabloid attacks on all the associations that advocate for transparency and demand answers from the competent authorities to questions concerning the safety, health and general well-being of citizens of Serbia.

Environmentalist and civil activist Dragana Arsić, who was accused of "fake activism" and unprofessional attack on the Public Company "National Park Fruška gora", was also targeted by this portal. In one of its texts, Arsić was accused of financially damaging the bank in which she used to work, and of now acting as an exponent of the political parties “that devastated Fruška gora in the past”. It was also stated that her “systematic, continuous and deliberate attacks” were allegedly financed by the Trag Foundation, which was said to have started its activities in 1999, at the time of the NATO bombing. In the end, it was concluded that “her main role was to present untruths harmful to that public company”, without ever saying which parts of her statements were untruthful.

This portal repeatedly participated in the campaign against the Novi Sad School of Journalism, accusing it of **“training separatist journalists and foreign intelligence service agents”**, emphasising that one of the association’s most important projects was the **“Fake News Seeker”** portal, co-financed by the United States Embassy, the Open Society Fund and the National Endowment for Democracy. The portal also dealt with the activities of the Humanitarian Law Fund, by listing alleged donations and providing a conclusion that this association has **“only ten employees who arbitrarily dispose of several million euros”**. At the end of the text, it was announced that all members of the association and their duties would soon be made public.

As this practice lasted for months, it is clear that it was not an individual case of persecution but a systematic attempt to discredit targeted organisations and individuals. These are perfidious methods used to pressure journalists, civil society organisations and activists by publicly discrediting them and making unfounded and unverified claims.

Attack on MIlan Vujić

Milan Vujić, a student and activist from Novi Sad, was beaten by a man because of what he posted on social networks, suffering severe injuries to the head. Vujić said that, as he was returning from training, a man he knew - who was in his car at the moment - asked him to stop and then punched him in the head. Another male person was in the car with the attacker, but he did not take part in the attack. After the attack, Vujić stated that the attacker was “connected” with the electoral list “Istina - Adaviera - Ivana Vujasin”, which ran in the local elections in Novi Sad as a national minority list.

“I don’t know, it’s possible that I did write something ironic somewhere in the past, because these people went to the polls as a minority list even though it’s obvious that they are not a national minority”, said Vujić, adding that this can certainly not be an excuse for a brutal attack.

On 9 August, around 11:15 PM, Vujić was physically attacked by a younger man, who, prior to hitting him, told him that he was attacking him because of “what he wrote on Twitter”.

Vujić told the Beta agency on Sunday night that he was returning from training by bicycle and that at one point someone in a car started honking and asking him to stop.

“I stopped, and a man started shouting ‘What did you write on Twitter!?’ He hit me hard in the temple with his fist, after which I fell and hit my head on the asphalt”, said Vujić.

The incident happened on the Boulevard of Europe.

Milan Vujić is a social activist who represents civic, liberal and anti-nationalist views. He has published articles in the Belgrade newspaper “Danas” and on the Novi Sad portal “Autonomy”.

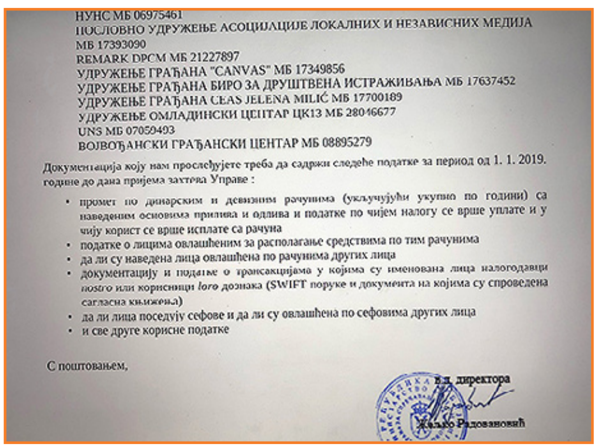
He spoke at anti-regime protests last spring.

Physical violence is increasingly becoming a common method of political fight. This is contributed by the narrowing of the space that can be used for public confrontation of arguments between those with opposing views, and represents relocation of political struggle from institutions to the streets. It is especially worrying that in this specific case both the victim and the attacker were young people, and that new generations are growing up in conditions in which violence becomes a legitimate way of fighting.

“I’m lying in bed, I can’t feel the left side of my face, I can’t eat, I have problems drinking. I can’t feel the water on my lips, for example, on the left side of my lip, as the left side of my face is completely disfigured. I hope that tomorrow, after the operation, I will remain for one or two days and then return home”, said Vujić.

The “List” case

In the last decade, one of the most serious challenges for CSOs was the publication of a list of organisations and individuals in relation to which the Administration for the Prevention of Money Laundering and Terrorism Financing asked banks to provide insight into last year’s cash transactions.



НУНС МБ 06975461
ПОСЛОВНО УДРУЖЕЊЕ АСОЦИЈАЦИЈЕ ЛОКАЛНИХ И НЕЗАВИСНИХ МЕДИЈА МБ 17393090
REMARK DPCM МБ 21227897
УДРУЖЕЊЕ ГРАЂАНА "CANVAS" МБ 17349856
УДРУЖЕЊЕ ГРАЂАНА БИРО ЗА ДРУШТВЕНА ИСТРАЖИВАЊА МБ 17637452
УДРУЖЕЊЕ ГРАЂАНА CEAS JELENA MILIĆ МБ 17700189
УДРУЖЕЊЕ ОМЛАДИНСКИ ЦЕНТАР ЦК13 МБ 28046677
UNS МБ 07059493
ВОЈВОЂАНСКИ ГРАЂАНСКИ ЦЕНТАР МБ 08895279

Документација коју нам прослеђујете треба да садржи следеће податке за период од 1. 1. 2019. године до дана пријема захтева Управе :

- промет по динарским и девизним рачунима (укључујући укупно по години) са наведеним основима прилива и одлива и податке по чијем налогу се врше уплате и у чију корист се врше исплате са рачуна
- податке о лицима овлашћеним за располагање средствима по тим рачунима
- да ли су наведена лица овлашћена по рачунима других лица
- документацију и податке о трансакцијама у којима су именована лица налогодавци *nostro* или корисници *loro* дознака (SWIFT поруке и документа на којима су спроведена сагласна књижења)
- да ли лица поседују сефове и да ли су овлашћена по сефовима других лица
- и све друге корисне податке

С поштовањем,

в.д. директора

Жељко Радовановић

This form of unjustified institutional pressure had significant negative consequences for the reputation and work of civil society organisations.

The Administration for the Prevention of Money Laundering, which operates within the Ministry of Finance, made a list of organisations and individuals and asked banks to provide insight into all their last year's transactions. In this way, the Administration activated the mechanism provided by law for the purpose of exploring the possibility of someone participating in the process of money laundering or terrorism financing. The list included 20 individuals and 37 organisations or associations. What was common to almost all of them was that, in their work, they were critical of the current regime.

CSOs that found themselves on the list are active in various areas: media associations and investigative journalism portals; philanthropic and crowdfounding organisations; CSOs dealing with human rights and providing support to local activists and local organisations through free legal aid, strategic litigation and public advocacy; CSOs and art groups dealing with war crimes, reconciliation and transitional justice; and organisations with expertise in foreign policy and security.

The list included, among others: NUNS, UNS, CINS, BIRN, KRIK, CRTA, the Association of Local and Independent Media, the Novi Sad School of Journalism, European Movement in Serbia, the Humanitarian Law Fund, Civic Initiatives, the Vojvodina Civic Centre, Youth Initiative for Human Rights, Bureau for Social Research (BIRODI), Committee of Lawyers for Human Rights (YUCOM), Centre for Euro-Atlantic Studies (CEAS), Centre for International Cooperation and Sustainable Development, Centre for the Rule of Law, the Belgrade Centre for Security Policy, Belgrade Center for Human Rights, LIBEK, CANVAS, the National Coalition for Decentralisation, the Helsinki Committee for Human Rights, the Trag Foundation, the Catalyst Foundation and others.

Administration: There was no selective approach in our work, we also controlled the property of the current ministers

Acting Director of the Administration for the Prevention of Money Laundering, Željko Radovanović, claimed that the institution does not work selectively, and cited as an example the fact that it also controlled the property and accounts of current ministers. Radovanović told Tanjug that the risk related to non-profit sector organisations was assessed last year as well, without anyone calling it persecution.

"There is absolutely no discrimination in the work of the Administration for the Prevention of Money Laundering. The Administration carried out such activities during the previous year as well. As many as 41 non-profit organisations were controlled by the Working Group, and no one assessed such activities as persecution", he said. He stated that the risk analysis of everyone on the list was yet to be conducted.

"The risk analysis will identify those from the current list that are risky and less risky, and maybe none of the organisations on the list will be subjected to control. Maybe they will all be assessed as low risk, and as renowned [organisations] they will be viewed as potential partners to the state in the creation of the action risk assessment", said Radovanović, adding that the criteria according to which control is performed are publicly available on the website. He also said that non-profit organisations that are assessed as high-risk will be subjected to control by the Working Group for Inspection Supervision, while those that are renowned, with a low risk of terrorism financing, will be potential partners of the state in the preparation of the national risk assessment. Radovanović also said that the Administration is a preventive body, i.e. a body of an administrative type that submits findings and information of intelligence character to the competent institutions that are part of the repressive system - primarily the prosecutor's office, the police and the security services.

Article 73 of the Law on Prevention of Money Laundering and the Financing of Terrorism stipulates that the administration may require that a bank submit "data, information and documentation on a customer or transaction with respect to which there is suspicion of money laundering or terrorism financing". In this regard, more than 270 organisations and individuals demanded, in a joint statement, that the Ministry and the Administration immediately present to the public the grounds for suspicion on the basis of which they began this investigations, expressing suspicion that it was in fact an attempt at political abuse and further collapse of democracy in Serbia. The signatories of the statement pointed out that they would take all appropriate legal actions against persons involved in the abuse, including criminal prosecution, and that such pressure would not deter them from continuing the fight for a democratic, free and legally regulated Serbia. Civic initiatives, which participated in the education of organisations on the risks of abuse in cooperation with the Administration for the Prevention of Money Laundering and the Office for Cooperation with Civil Society, had repeatedly warned international institutions - primarily the Council of Europe Committee MONEYVAL – that they might be abused by the Serbian authorities. Civic Initiatives have announced that they will terminate all cooperation with institutions that implement the Law on Prevention of Money Laundering and Terrorism Financing, and that they will inform the relevant international organisations about the abuse.

Regarding the publication of the list, the European Commission issued a statement in which it requested that the Administration publish detailed information and clarify the criteria it had used while selecting organisations and individuals to be subjected to control. Commission spokeswoman Ana Pisonero stated that civil society organisations and human rights activists play a key role in raising awareness of civil and political rights and that they must be allowed to work freely. The head of the European Parliament delegation for cooperation with Serbia, Tanja Fajon, said that any unjustified investigation of the work of civil society organisations should be viewed as putting pressure on them. On this occasion, the US Embassy in Serbia also spoke out, stating that they were worried about "what seems to be a selective investigation of civil society organisations and media outlets". The Embassy called on the Government of Serbia to fulfill its constitutional and international obligation to protect basic freedoms of expression, association and assembly, and to avoid selective application of the Law in order to put pressure on independent organisations.

The "Safejournalist" network, made up of more than 8,200 media professionals in the Western Balkans, condemned the pressure that was put on the media, journalists, civil society organisations and activists by the Administration for the Prevention of Money Laundering Authority which requested the audit of these organisations' last year's financial transactions. In their statement, they wrote that such a move is reminiscent of the actions of some authoritarian regimes that used government mechanisms to deal with those who thought differently. Precisely for that reason, they demanded that the authorities urgently answer the question why, and on the basis of which criteria, these organisations and individuals became the targets of control.

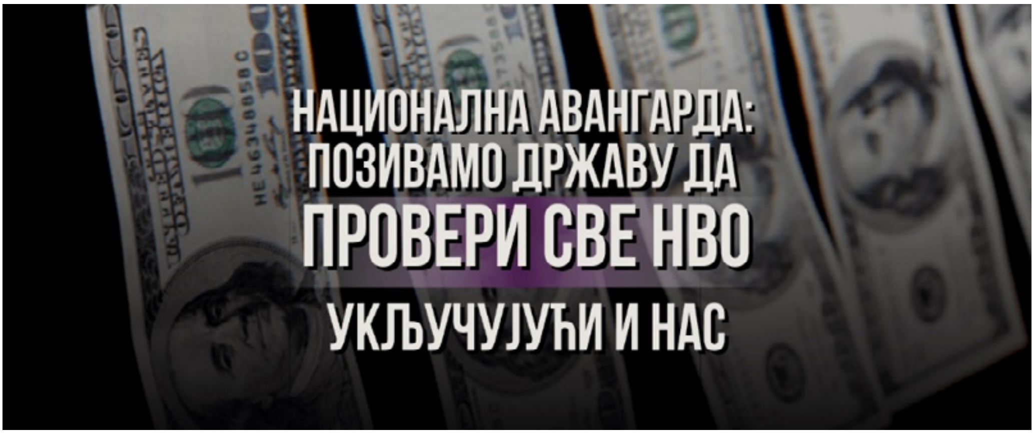
Concerning the above occurrence, the National Convention on the European Union organised a debate entitled "Speaking Openly about the List: United Citizens for a Safer Society", in an attempt to present the public, in a dialogue with representatives of the government, with reasons for publishing the list, and explain the criteria that were used in deciding which organisations or individuals would be subjected to special control of

the Administration. Acting Director of the Administration for the Prevention of Money Laundering and Terrorism Financing, Željko Radovanović, stated that the primary motive of the Administration was strategic analysis and risk assessment, and that it was established that the risk was actually lower than presented in some previous assessments. He also denied the existence of the alleged "list", saying that it was in fact a "sample" that consisted of a number of organisations. The public was still left without an answer to why individuals who are neither representatives nor real owners of the association, and in some cases even persons who were unemployed for a certain period of time, were subjected to control.

One of the indicators for special control is the share of income from abroad in the total income of an organisation, and control is conducted in the case of the organisations whose income from abroad exceeds 50% of the total income. This criterion does not take into account that the majority of such organisations record donations from the European Union as donations from abroad, which indirectly raises the suspicion that the EU supports organisations that might be involved in money laundering or terrorism financing.

On 11 November 2020, in response to the appeal of the 'listed' CSOs and media outlets, the UN special rapporteurs issued a statement that the state of Serbia had abused its mechanism for preventing money laundering and terrorism financing to intimidate and limit the work of the civil society. The rapporteurs launched a formal investigation into the matter, which involved gathering official statements on the case from the Serbian Government, the Financial Action Task Force (FATF) and the Council of Europe's MONYVAL Committee. In a statement to UN special rapporteurs, the FATF stressed that states cannot conduct investigations unless there are grounds to suspect that the subject under investigation is involved in money laundering or terrorism financing, and that this was not the case with any of the organisations from the list. The FATF's response indicates that the actions of the Administration were considered a violation of their standards, while MONYVAL announced that the issue would be discussed at their upcoming plenary session in April 2021.

Civil society organisations have been the target of pressure from the authorities in the past, but this can be viewed as the most comprehensive action intended to make their work more difficult. In addition to the practical problems that organisations can encounter in control procedures, it is worrying that this will harm their public reputation even more, having in mind that they have been subjected for decades to a strong campaign that labeled them as foreign mercenaries and enemies of Serbia. Although it can be expected that there will be no concrete legal consequences of these controls, the damage to the reputation that was made to each individual organisation, individual, and the civil sector as a whole, remains to be seen. The first symptom of the long-term consequences is the more prudent behaviour of banks when opening accounts for existing or newly established civil society organisations. In practice, there have also been cases where thay refused to open current accounts, which calls into question the constitutionally guaranteed right to freedom of association and freedom of work. The seemingly innocent explanation – that the reason for control was not distrust, and especially not the intention to cause material or non-material damage to civil society organisations – loses validity in light of the fact that sports associations and religious communities with incomes that are many times higher than those of individual CSOs were not subjected to control. The control also destroyed the illusion of respect for competition in terms of the operation of civil society organisations, especially since the control did not include GONGO and PONGO organisations that receive large amounts of money based on public competitions, which gives them an advantage in terms of the way they are treated by institutions.



After the Directorate for the Prevention of Money Laundering, as a state institution, put pressure on civil society organisations by publishing the list of associations and individuals regarding which it requested verification of last year's cash transactions, the "National Avant-Garde" GONGO publicly supported their action. Although the authorities denied that this was targeted pressure, the fact remains that the list included precisely those associations and individuals that have been critical of the work of the current regime in recent years. In this way, they were inflicted serious non-pecuniary damage, primarily by supporting deep-rooted prejudices that the civil sector is an extended arm and associate of the foreign factors and their intelligence services. In its statement, the GONGO organisation "National Avant-Garde" called on the authorities to verify and review the work and money flows of these organisations, justifying it by referring to the provisions of the Law on the Prevention of Money Laundering and the Financing of Terrorism. Based on the above, it is obvious that this was a synchronised action of state authorities and GONGO organisations (whose task is to legitimise the authorities' actions), but also of tabloids that worked to provide this process with media support.

BCSP

bezbednost.org