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SERBIA: Why won't the authorities stop religious violence?

By Drasko Djenovic, Forum 18

Despite continuing attacks on religious communities, Forum 18 News Service has found that Serbian authorities appear to be taking few steps to protect their citizens. An extreme illustration of the unwillingness of the authorities to provide justice to religious minority victims is the case of Zivota Milanovic, the only Hare Krishna devotee in Jagodina. He has repeatedly been the victim of knife attacks between 2001 and 2007, yet Jagodina police and the District Prosecutor's Office have taken no effective steps in any of the cases. Because of the official inaction, he told Forum 18 that "I believe that I will be attacked again." A lawyer familiar with the case commented to Forum 18 that "any other attack with more than three stabbings is treated as 'attempted murder'." Faced with the authorities' lack of interest in investigating and stopping these violent crimes, Milanovic has filed a case with the European Court of Human Rights (ECtHR) in Strasbourg. The ECtHR has not yet decided whether the case is admissible.

Despite continuing attacks on religious communities over a number of years, Forum 18 News Service has found that Serbian authorities appear to be taking few steps to protect their citizens. An extreme illustration of the unwillingness of the authorities to provide justice to religious minority victims is the case of Zivota Milanovic, the only Hare Krishna devotee in Jagodina, a city with about 35,500 inhabitants south of the capital Belgrade. He has repeatedly been the victim of knife attacks between 2001 and 2007, yet Jagodina police and the District Prosecutor's Office have taken no effective steps to investigate or stop the attacks.

"The police have done nothing to protect me or to find the attackers," Milanovic told Forum 18 from Jagodina on 1 February. Because of this official inaction, he stated that "I believe that I will be attacked again." He added that as all the attacks have taken place during the summer, he is "seriously thinking" that this summer he will move away from the town.

Violent attacks such as those on Milanovic are not common. Non-Christian communities have told Forum 18 that attacks are usually against property not people. Over the past year, the number of attacks seems to be declining (see F18News 9 October 2007 http://www.forum18.org/Archive.php?article_id=1030). However, the attacks themselves seem to be becoming more violent – including arson and knife attacks. As in previous years, members of religious minorities are especially likely to be attacked and the police continue to be apparently unwilling to protect them from attack.

Orthodox churches have been robbed, but most attacks have been on Protestant, Catholic, Muslim, Jewish, Jehovah's Witness, Hare Krishna and other religious minority individuals and property. Religious communities are sometimes reluctant to report attacks to the police or make them publicly known. Forum 18 knows of smaller "traditional" communities which have denied that they have been attacked after attacks have taken place (see F18News 9 October 2007 http://www.forum18.org/Archive.php?article_id=1030).

Many civil society activists are concerned at the authorities' lack of decisive action. "The reason why attackers are not found is due to a lack of political willingness of the government," Snezana Ilic of the Centre for Development of Civil Society (CDCS), from Zrenjanin, told Forum 18 on 24 October 2007. "In small towns and villages the police probably know everyone, so it is almost impossible for them not to find the attackers."

"It is impossible that the police are unable to find the attacker in such a small town as Jagodina," one lawyer familiar with Milanovic's case who asked not to be identified told Forum 18 on 16 July 2007. "It just shows that small religious and other minorities are not protected. Even if a suspect is found, they are almost never charged with committing a serious offence, but only lesser offences," the lawyer observed. He went on that "any other attack with more than three stabbings is treated as 'attempted murder,' yet this is not how the third attack on Milanovic in three years is treated." Jagodina police officers merely reply: "How come he did not see who had attacked him?"

When the first attack took place in 2001, after Milanovic had received anonymous telephone threats, he reported it to the police and the Secretariat for the Interior (SUP) in Jagodina. However, police mainly questioned him about his religious convictions: who was financing his religious community, how many members it had, where it was based and so on. This pattern of greater police interest in the victim's religious beliefs than the crime was repeated after subsequent attacks.

Finally, Milanovic approached the Belgrade Lawyers' Committee for Human Rights (YUKOM) who filed a complaint on his behalf with the General Inspectorate of the Interior Ministry. The Inspectorate replied on 19 October 2005 that the complaint was

well-founded and that the police had not taken all the measures they should have taken. "Activities aimed at finding and identifying the unknown perpetrators will be continued," it claimed, "and once they are discovered and identified, measures will be taken in accordance with the law, which Mr. Milanovic will be informed of in a timely fashion."

Under Serbian law, the police must attempt to identify those who have committed serious attacks, such as those suffered by Milanovic, who if identified must be prosecuted by a public prosecutor. For lesser attacks, the victim must bring charges before a public prosecutor – which need not name a person accused as the police must in these cases then attempt to identify the suspects for prosecution. As the police do not appear to have fulfilled their duty to investigate the serious attacks made against Milanovic, he brought charges against an unnamed person before Jagodina District Public Prosecutor.

The first time he did this was after he was attacked and twice stabbed with a knife in March 2006, yet neither the police nor the Public Prosecutor took any action. Supported by the Youth Initiative for Human Rights, Milanovic brought criminal charges against an unnamed person to Jagodina District Public Prosecutor on 15 June. The charges alleged ethnic, racial and religious hatred as defined in article 317 paragraph 2 of the Criminal Code. Medical reports on his injuries were filed with the charges.

On 18 June 2006, within days of lodging the application, Milanovic was attacked again. He was stabbed in the stomach with a knife and had a cross cut into his head. Doctors in the local hospital's emergency department called the police, who took statements from him that night as well as in the police station the following day. The police seemed to do nothing more, so Milanovic himself again filed criminal charges against unnamed persons before Jagodina District Public Prosecutor, along with medical reports.

This attack was widely reported in the Serbian media, and on 19 October 2006 Milanovic's lawyer formally asked (with an 'urgencija') Jagodina District Public Prosecutor's office what was happening with the two criminal charges he had filed. The Prosecutor replied on 31 October that, despite a formal request from the Prosecutor, the police had not replied to the Prosecutor. On 6 March 2007 Milanovic again submitted an urgencija to the Prosecutor, who again replied that the Prosecutor had received no replies from the police that the crime had been solved.

Milanovic was attacked again on 29 June 2007, when he was stabbed five times in the chest, arms and legs. The unidentified assailant, who had falsely identified himself as a police officer, persuaded Milanovic to open the door of his home, whereupon the assailant attacked him. On 5 July Milanovic again filed criminal charges and medical reports with the District Public Prosecutor in Jagodina. He also asked the Prosecutor what action was being taken on the previous criminal charges. On 19 July the Prosecutor informed Milanovic that, even though the Prosecutor had instructed the police to conduct investigations, no police action had been taken - even on the charges filed in 2005.

Forum 18 tried to find out about the progress of the investigations. Mirjana Stanojlovic, Jagodina's Deputy Prosecutor, asked to receive Forum 18's questions by fax, which Forum 18 sent on 5 February. However, as of lunchtime on 7 February Forum 18 had received no reply.

Jagodina Police initially asked Forum 18 to send by post questions on why they have taken no action. They then agreed to accept questions by fax, which Forum 18 sent on 5 February. No reply had been received by lunchtime on 7 February.

Zoran Vasiljevic, head of the Criminal Investigation Department of Jagodina police, told the Tanjug state news agency on 4 July 2007 that "we are doing everything we can, we collect information, but," he complained, "we do not have cooperation from Milanovic." Vasiljevic stated that "if he would just give us a description. When we ask him for a description he replies 'I did not see'. He is attacked and knows nothing, which is a little bit strange." The police chief commented that "he is attacked three times and on all three times he did not see anything. Strange!"

Milanovic admitted to Forum 18 that he has not provided any descriptions of those who attacked him to police, apart from the fact that the attackers are male. However, he points out that after none of the attacks have police conducted any investigations at the scene of the crimes. Police have also not made any known attempt to find witnesses from neighbours or other potential witnesses.

Faced with this lack of interest in investigating repeated violent crime, Milanovic on 1 October 2007 filed a case with the European Court of Human Rights (ECtHR) in Strasbourg. The ECtHR told Forum 18 on 7 February that no admissibility decision on Milanovic's case (application number 44614/07) has yet been taken. Tanja Drobnjak, Milanovic's ECtHR lawyer, told Forum 18 on 6 February she does not know when the ECtHR will decide on whether the case is admissible.

To this day Milanovic has received no further information from the Prosecutor or police about what action, if any, they are taking on the criminal attacks against him between 2001 and 2007.

Snezana Ilic of the CDCS told Forum 18 that there is a fundamental problem in how the justice system deals with attacks. Even when police find attackers, she notes that the charges brought are normally less serious, such as "damage to property". The much more serious – and more appropriate – charge of "religious hatred" is rarely brought. Ilic also noted that even when police carry out an investigation efficiently, public prosecutors often refuse to press charges against the suspects. (END)

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and coverage of freedom of thought, conscience and belief in Serbia at <http://www.forum18.org/Archive.php?query=&religion=all&country=53&results=50>.

A survey of attacks on religious minorities from September 2006 to September 2007 is at http://www.forum18.org/Archive.php?article_id=1030.

A personal commentary, by an Austrian lawyer, arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights is at http://www.forum18.org/Archive.php?article_id=403.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Serbia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>, under the title 'Serbia and Montenegro'.

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