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Legal Cases

JW vs. Orthodox priest Jagodina, 17 January 2008 – On separate occasions, an orthodox priest verbally and physically attacked (by slapping and kicking) five members of the Jehovah's Witnesses community who were engaged in the public ministry in the Jagodina municipality. Although a suit was brought forth, the criminal case was lost with regard to §317 of the Criminal Code (Instigating national, racial and religious hatred and intolerance), while the case about the physical harm was redirected to another court. An appeal was filed in May 2010. The complaint was updated at the end of October 2010 with references to specific regulations from the European Convention for Human Rights. This case was then continued at the Higher Court in Jagodina for instigation of other acts – preventing performance of religious rites, bullying and threats to security. A sentence was delivered on 21 April 2011: two months imprisonment, suspended to two years' probation. In May 2011, the Court of Appeals dismissed the appeal and upheld the acquittal of the priest. A constitutional appeal was filed with the Constitutional Court of Serbia in July 2011.

JW vs. Orthodox priest Kragujevac – there is a separate action against an Orthodox priest for the crimes of: violation of the freedom of religion and performing religious service, ill-treatment and torture, endangerment of safety and violent behavior. The lower court sentenced him for the first of these criminal acts. He then went on to appeal the verdict. An appeal was considered by the Court of Appeals in August 2011. Priest was freed and the rest of accusation was rejected. The appeal to Court of Appeal in Kragujevac was given.

JW vs. Newspaper Belgrade, – in September 2010, in a Belgrade daily newspaper, an article was published about a notorious murder of a thirteen year old child. The article had a title that alluded to a possible connection to the boy's disappearance with Jehovah's Witnesses. In December 2010, a lawsuit was filed with the Court of First Instance for defamation. Since filing this report, the court has been silent.

JW vs. perpetrators Bajina Bašta, 20 and 21 March 2008 (during the nights) – unknown assailants attacked the building where the JW meet in Bajina Bašta municipality with stones, breaking windows and damaging a car of a Witness living in the same house. Police arrived but failed to investigate the identity of the offenders. The next day, on 22 March 2008, a large mob gathered and threw stones at the building, inflicting considerable damage. Police fraternized with the mob. The offenders threatened the lives of the Witnesses, yelled religious insults, and physically attacked several Witnesses, even hurling stones at women and children. The building was vandalized on the inside and out, religious literature and the car of the home owner were destroyed. Subsequent attempts to repair the home were again met with mob action. JW filed criminal charges against the perpetrators and filed a complaint to initiate investigation of the police behavior. In October 2010, after a long and extensive court examination, the local court rejected the criminal complaint stating lack of evidence.

JW vs. attacker Klenek – Concerning attack on two elderly JW women on 2 April 2008 in Klenak the person was identified and criminal charges were filed. After some time, the first hearing was held in October 2010. Court proceedings continued until August 2011 with the goal to be finalized by November 2011. Finally decision was made in March 2012. The person was partly freed and partly sentenced. The appeal to Court of Appeal will be given.

JW vs. a local official Bor – There is a court case concerning an interview of a local community official at a local TV station in Bor when he accused Jehovah's Witnesses of committing some heinous crimes. This was followed by a court action for defamation. In October 2010, the trial court issued a verdict of acquittal for the defendant. Dissatisfied with the decision, Jehovah's Witnesses sent an appeal to the appellate court. The Court of Appeals overturned the previous decision and ordered a retrial. Retrial began in October 2011. In February 2012 person was freed from charges. The appeal to the Court of Appeals in Belgrade will be given.

JW versus neuropsychiatry doctor Belgrade – A professor of neuropsychiatry and a member of the European Association for the monitoring of sects and their activities in a newspaper article published during the District convention of Jehovah's Witnesses in July 2008 made false accusations concerning JW. This was followed by a legal action for libel. The Court of First Instance dismissed the case without opening the proceedings. An appeal was sent to the appellate court. In April 2011 the Court of Appeals upheld the first instance verdict dismissing the complaint. In June 2011 a constitutional complaint was filed with the Constitutional Court in Belgrade. The Constitutional Court upheld the acquittal on the grounds that only the defendant may file complaint for violation of constitutional rights to a fair trial, not a prosecutor or public prosecutor.

Milanović vs. Serbia, 14 December 2010 – The Youth Initiative for Human Rights (YIHR) announced that the European Court of Human Rights in the case of Života Milanović vs. the Republic of Serbia, pursuant to the petition submitted by YIHR on 2 October 2007, made a ruling according to which state bodies of the Republic of Serbia had violated Article 3 and Article 14 of the European Convention on Human Rights. Života Milanović from Jagodina, a member of the Hindu Vaishnava religious community (Hare Krishna), was physically attacked five times between 2001 and 2007 because of his religious beliefs. The assailants beat him with arms and legs, baseball bats, stabbed a knife into his arms, legs, stomach and chest. In June 2006, Života had a cross engraved onto his head with a knife. YIHR filed three criminal complaints to the District Attorney's Office in Jagodina, the first one in March 2006 and the last one in June 2007, contacted the President of Serbia, the ministries of Justice and Interior Affairs, and the General Inspectorate, but the attacks persisted. As stated in the ruling, the state of Serbia is responsible for the violation of Article 3 of the Convention, according to which no one shall be subject to torture or to inhuman or degrading treatment or punishment, and in relation to that of Article 14, according to which "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Republic of Serbia can file a motion that the case be presented before the Grand Chamber of the Court in Strasbourg.

Jabuka racial and religious attacks – A verdict for racial and religious intolerance in Jabuka near Pančevo in June 2010 can serve as a proof of the unwillingness of courts in Serbia to adequately punish the perpetrators of such extremely serious offenses. This is considered by the NGOs Women in Black, Lawyers Committee for Human Rights YUKOM and the Regional Center for Minorities. They protested because those who behaved violently were sentenced to five months' probation or correctional measures. As we can see from a number of quoted examples, court cases in Serbia are rather inefficient. It

seems as if a good will doesn't exist to sanction perpetrators of religious intolerance according to the laws already existing.

A List of Attacks on Religious communities

2008

1 November – windows were broken at the SDA Church in Kragujevac.

11 November – unknown persons wrote graffiti on the Church of Jesus Christ of LDS (Mormons) in Belgrade. Police took photographs of the graffiti.

10-14 November – during this period someone repeatedly broke windows at the SDA Church in Leskovac.

16 November – several cars were damaged at the fenced and locked parking of the SDA headquarters in Belgrade. Ministry of Religion expressed regret.

16/17 December (during the night) – unknown persons wrote graffiti of the word "Sect" on the wall and the fence of the JW Kingdom Hall in Sremska Mitrovica. The police took photographs of the graffiti.

Late December – Evangelical Church in Kragujevac was damaged by thrown stones. Two windows and the church name panel were targeted.

2009

8 January – members of the "Obraz" (nationalist youth organization in Serbia) tried to stop a delivery of Samaritan Purse packages at a Pentecostal church in Belgrade. A strong gendarmerie force protected the church building and its attendees.

25 January – Greek Catholic Church in Novi Sad was broken into. The thieves stole about 20,000 Serbian Dinars (200 EUR) and a pulpit Bible.

7 March – one window was broken and color splash thrown at the façade of the Church of Jesus Christ of LDS (Mormons) in Novi Sad. The police came and took photographs.

28/29 March (during the night) – nationalist graffiti was written at the gate of the Catholic graveyard in Novi Sad, TV Vojvodina reported.

14/15 April (during the night) – unknown perpetrators broke into the Parish office of the Slovak Evangelical (Lutheran) Church in Stara Pazova. The church deposit box weighing 200 kg was stolen – but with only little money inside.

18 April (during the night) – unknown persons wrote graffiti on the wall of the JW Kingdom Hall in Sremska Mitrovica. The police took photographs of the graffiti.

30 April (during the night) – unknown persons damaged the JW Kingdom Hall in Belgrade with stones. The police came to the scene and promised that they will be more vigilant in the vicinity of their building.

9 May (during the night) – unknown persons wrote graffiti with national symbols, and a slogan "Go out from Serbia – Serbia to Serbs" on the wall of the JW Kingdom Hall in Loznica. The police took photographs of the graffiti.

9 May – eggs were thrown at the Church of Jesus Christ of LDS (Mormons) building in Novi Sad. The police came to the scene and took photographs.

16 May (during the night) – unknown persons wrote hate graffiti on the JW Kingdom Hall in Šabac. Police promised that they will find the perpetrators.

31 May/1 June (during the night) – 713 gravestones were demolished or damaged at the Stapani Orthodox graveyard in Sombor municipality.

31 May – 11 ledgers were damaged at the Jewish graveyard in the Subotica Municipality

6/7 June (during the night) – another seven gravestones were demolished at the Subotica Jewish graveyard.

26 June – two windows were broken at the SDA Church in Kula.

29 June (during the night) – unknown persons wrote graffiti containing religious hatred at the JW Kingdom Hall in Negotin. Police promised to find who did it.

5 July – two windows were broken at the SDA Church in Kula.

10 July – eggs were thrown at the Church of Jesus Christ LDS (Mormon) building in Novi Sad. The same incident was repeated on 14 July.

15 July – Two JW women in Smederevo were threatened with a gun during their door to door service, in an apartment building. The man shouted: "Who allowed you enter the building? I will kill you!" In the first instance, the court sentenced this person to three years in prison – but suspended the sentence to one year probation.

3-4 August – twice in a 24-hours period, someone broke into and robbed the Orthodox Church of St. George in Temerin, near Novi Sad.

28 August/1 September – desecration of eight family graves at the Orthodox graveyard in Zaječar.

9 September – unknown person wrote graffiti on the SDA Church in Kać, near Novi Sad, "Demons – go to Hell!"

13 September – a monument of Martin Luther was damaged in front of the Evangelical (Lutheran) Church of Serbia in Subotica. Since this monument was built by the Subotica town council in 2007, the mayor insisted with the police that vandals are to be found. The Ministry of Religion expressed their regret. The Evangelical (Lutheran) church of Serbia is one of two traditional (recognized) Lutheran churches in Serbia.

3 October – unknown persons wrote graffiti on the JW Kingdom Hall in Sremska Mitrovica. The police came to the scene and took photographs of the graffiti.

4 October – The Evangelical Church in Kragujevac was hit and damaged from stones. Windows and the church name display were targeted.

8 October – a grave cross was pulled out, broken and thrown in front of a chapel at the Catholic graveyard in Novi Sad.

28 October – eggs were thrown at the JW Kingdom Hall in Sremska Mitrovica. The police came and took photographs of the façade and promised that they will try to find perpetrators.

11 November – one car was damaged at the parking of the SDA Church headquarters in Belgrade.

14 November – windows were broken on the SDA Church in Kragujevac. 5 December – 48 gravestones were demolished and damaged at the Bačko Gradište Catholic graveyard.

19/20 December – The Serbian Orthodox Church of Velikomučenice Marine in Atina, near Čačak, was broken into and robbed.

2010

Early January – windows were broken at the SDA Church in Kovilj. 1/2 January (during the night) – windows were broken at the SDA Church in Kula.

23 February – several gravestones were demolished and damaged at the Catholic graveyard in Bečej.

27 February – a male JW in Belgrade was diagnosed with a broken rib and a number of lesser injuries, after being attacked by a younger person who previously expressed interest in the Bible. During the meeting this young man became very angry and agitated, stated that the JW's are sectarians, and then started kicking the Witness and hitting him in the head with fists. The police identified the attacker, and the public prosecutor was considering charges. In November 2010, the public prosecutor decided to drop the criminal charges complaint and gave the JW believer instruction to pursue a personal/civic lawsuit. In November 2010, a private criminal complaint was initiated by the lawyer of the victim. The case is currently in the hands of an investigating judge. It is expected that the investigating judge will call a hearing with the defendant and the victim. Trial is scheduled for 21 May 2012.

End of February – anti-Semitic graffiti was written on the wall of a former synagogue in Pančevo, near Belgrade, signed by "Nacionalni stroj" (Serbian nationalist organization). Police came to the scene.

8 April – insulting and religiously biased graffiti appeared on the local JW Kingdom Hall in Sremska Mitrovica. The police came to the scene, but the responsible persons have not been identified.

7 May – The name plate at the Jewish community was damaged, in Zemun, Belgrade.

2/3 June – eggs were thrown and graffiti appeared at the façade of the LDS Church in Novi Sad. Police visited upon call. 3/4 June, during the night, windows were damaged by stones at the same building. Police visited the site. The same attack was repeated on 4/5 June, during the night. Police visited the site.

12 and also 13 June – repeated attacks on the United Methodist Church in Jabuka, near Pančevo. Incidents occurred during the ethnically-motivated attacks on Roma in Jabuka, since some of the Roma attend this church. For a few days a Serbian gendarmerie unit had to protect the church, while local police protected the house of Pastor Ms. Lila Balovski.

20/21 June (during the night) – the fence in front of the SDA Church in Palić, near Subotica, was destroyed. Police from Subotica investigated the incident and found the perpetrators, who were all minors. The damage is estimated to be 140.000 Serbian Dinars (around 1.400 EUR).

2 July – while two JW were distributing invitations for a gathering in Kragujevac, they met a person who claimed to be a police officer, in plain clothes. He verbally attacked them, threatening that their next encounter would have more serious consequences. This incident was reported to the internal affairs police department. JW are still waiting for a response.

4 August – After an alleged complaint, two police officers came to a home of a person who invited the two witnesses, in the Leskovac municipality. A complaint was used as a reason to question the JW about their actions and if they had permission to do so in this area. The witnesses explained that their work was in connection with an officially registered religious community and in harmony with the law. The officers ordered JW to immediately leave the area, and then followed them to assure that. Since such actions exceed the officers' authority, the incident was reported to the police department of Internal Affairs. This incident has been officially resolved with the promise that it will not occur again.

15 September – a man began to follow two JW while they were engaged in public ministry, in Lebane, near Leskovac. He approached them and enquired about the nature of their conversations with people, and then began to yell at them and became aggressive. The two Witnesses started to distance themselves from this man while he continued to observe them. This incident was reported to the police.

29 September – While sitting in a car, in Bački Gradac near Odžaci, two female JW spoke with a woman when an Orthodox priest approached them and asked if they were JW. He became angry and insisted that they no longer come, that they should not be seen in that place again and that they should not go from house to house. Apparently, he was impudent and rude. Later in a local school, he warned others of the dangers of sects with special attention given to Jehovah's Witnesses. JW are considering legal measures.

1/2 October (during the night) – windows were broken at the LDS Church in Novi Sad. Police visited the site. Upon this, the LSD church installed video cameras on their building.

4 October – A SDA Church elder in Velika Plana municipality, Srećko Jovanović, was attacked in his home. A group of people, who came with SUVs, forced entry into his house, calling him a sectarian and beat him. The police caught the perpetrators, but the officer who compiled the arrest record repeatedly refused to note the religious reason for the attack and the minutes report was made without it. Center 9 has a copy of a police record about the filing of criminal charges on the bases of article 137.1 of Criminal Law of Serbia – abuse and torture.

30 November (during the night or early morning) – an unknown perpetrator broke windows at the chapel at the Jewish cemetery in Belgrade. The attack came from the street side. Police investigated the attack and took a statement from the graveyard sentry. During December – the SDA Church in Čantavir was broken into, inflicting minor damage.

4 December – the SDA Church was attacked in Mladenovac. The attacks were repeated in the night of 11/12 December.

31 December 2010/1 January 2011 (during the New Year night) – windows were broken at the SDA pastor's home in Kula. After ringing at the door, attacker banged on the window shutters and shouted "sectarians". Afterwards, stones and one brick were thrown and several windows broken. Police made an investigation and took statements from witness.

2011

12 January – Desecrated Jewish graveyard in Zrenjanin.

12 January – anti-sectarian graffiti (“Sects go from here – Sekte mars odavde”) was written on the SDA Church in Kula.

16/17 January (during the night) – unknown perpetrators drew swastika and broke a window at the Jewish community center in Sombor. Police is investigating the case and the local community issued a public statement condemning such an act of hatred.

30 January, between 21:30 and 22:00 hours – a new graffiti appeared at the Jewish community center building in Sombor: “Six million more” and graffiti at the car parked in front of the building: “Death to Zog” with a nixed David star. In early January (exact date unknown) – two-winged entry doors stolen including one prayer carpet from a mosque in the Belgrade settlement Borča. Perpetrator arrested but not processed as the amount of the stolen property was smaller than 150 EUR (196 US \$). February – Fence to the street to protect the Kingdom Hall (JW) in Ruma was damaged by several young men. The police were at the scene. The perpetrators have not been found.

18 February – Broken window on a mosque in Šabac.

22 February – graffiti on a mosque in Šabac (“Srbija Srbima” – “Serbia to the Serbs” in Cyrillic alphabet). Police found a perpetrator within two weeks.

22 February – graffiti of intolerance written at the entrance door of a Protestant Christian Fellowship in Temerin near Novi Sad.

24 February – During a live broadcast of a reality TV show “Dvor” at nationwide Pink TV, participants Maja Nikolić and Miloš Bojanić made anti-Jewish statements. Owner of the TV station apologized for it and made a court settlement with the Federation of Jewish Communities of Serbia.

11 March – RTS reported about problems on the 350 years old Jewish graveyard in Niš, as it is now a Roma settlement. Sarcophagus of the Rahamim Naftalija Gedalje serves as table on the yard. Because of this on 28 December 2011 Federation of the Jewish Communities sent open letter to the City Major of Niš, to the Ministry of Religion and Diaspora, to the Ministry of the Culture and other state institutions.

19/20 March – the SDA Church in Mladenovac was attacked by a group of young people who threw stones. Police could not find the attackers even after receiving the quality video material from a security camera. Center 9 is in possession of the record.

30 March – anti-sectarian graffiti (Stop to sect) was written at the SDA Church in Ćuprija, and signed with the “Obraz” mark. Police made an investigation but was unable to find the perpetrators. April – Belgrade Jehovah Withness Kingdom Hall was attacked by an unknown group of young men who broke several spotlights and tried to throw Molotov cocktail for a greater damage. Fortunately they failed. Police conducted an extensive investigation because of the use of flammable liquids, but the perpetrators have not been found.

10/11 June – at the facade of the new built SDA Church in Inđija antisectarian graffiti was written. Four masked persons were recorded on a security camera but never founded.

August – During the night, an unknown individual or more entered the courtyard of the Kingdom Hall (JW) in Batajnica near Belgrade and on this occasion broke a wooden fence, a gutter on the building and scattered trash in front of the building. Police who conducted an investigation.

5 September – around 4.30AM a group of hooligans attacked a mosque in Borča – Palilula municipality of Belgrade. Windows were broken on the front side. At the same

time attackers tried to enter into mosque and made a fire burning car tires. Police found one attacker (same person as for attack in February 2011). The trial court decision was cancelled by a Court of Appeal in February 2012. In early October – Center 9 found anti-Semitic graffiti “Smrt Jevrejima” – “Death to Jews” in a Belgrade municipality of Karaburma and reported. No action taken.

October – On the outer wall of the JW Kingdom Hall in Sremska Mitrovica written graffiti with Serbian nationalistic content. Police informed.

October 13 – two young men entered the yard of the Kingdom Hall in Leskovac. At first they verbally assaulted one of the members of Jehovah's Witnesses, and then punched him hard in the face and knocked him to the ground. As he laid both started kicking him. After calling for help the attackers fled. The Police and ambulance were called. The victim suffered a broken

nose. This violation qualifies as serious bodily harm. Police is working on discovering the identities of the perpetrators of this crime. November – A group of underage young boys violently enter the Kingdom Hall in Požarevac and made damage on a few of flowerpots. At the same time they have taken off board with the text “Jehovah Witness – the Kingdom Hall” and broke it. A part was left into yard and other part was taken out of yard and was never founded. Police found attackers. One of them was processed for vandalism. Jehovah Witness applied to the Higher public prosecutor for breaking of article 317 of Criminal Code (spreading religious hate and intolerance – breaking religious mark) 30 November – Desecrated Jewish graveyard in Priština, Kosovo. Federation of the Jewish Communities of Serbia told Center 9 that all Jews left Priština in 1999. Most of them live now as refuges in central Serbia. In December Israeli ambassador in Serbia issued a public statement for graffiti on a Beovoz train-car. This train was for a few days regularly transporting passengers. The Serbian railway company stated that no one saw it and that also it was not reported to them.

Branko Bjelajac contributed to this article.

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