

TEMIDA

BULLETIN OF THE GROUP FOR WOMEN'S RIGHTS Vol. 1, No 1, May 1997



Temide (*Themis*), Marble statue from Ramnusa, 300 A.D. Athens, National Museum

Publisher:

European Movement in Serbia

Address of Editorial Board:

Djure Jakšića 5, 11000 Belgrade, FR Yugoslavia
tel/fax: 381 11 630 281

Editors:

Vesna Nikolić-Ristanović
Ivana Stevanović

Editorial Board:

Vesna Nikolić-Ristanović
Ivana Stevanović
Branislava Knežić

Translation:

Dubravka Radanov
Stanislava Lazarević

Computer Design:

Ljiljana Veličković

Printed in Belgrade

by the "Prometej"



CONTENTS

WOMEN IN CRIMINAL PROCEDURE AND IN PRISON.....	5
Prisons for women in Serbia.....	5
The prison for women in Požarevac	5
The district prisons where women are remanded in custody.....	10
The Belgrade detention centre hospital.....	11
Concluding remarks about respect of human rights of women in prisons in Serbia.....	12
Work on individual cases.....	12
Mother in prison, child in orphanage - The case of Fahreta Šljivić -	12
Zlata.....	14
The mother wanted to protect her daughter.....	14
Jordanka.....	16
Tanja is not a murderess.....	17
Domestic violence - condemnation or acquittal.....	18
CAMPAIGN.....	20
THE FEMININE EXPERIENCES OF WAR.....	21
The manifold marginalisation of women refugees.....	21
The book "Women of Krajina: War, Exodus and Exile".....	22
HUMAN RIGHTS AND PROTESTS 1996/97.....	24
The use of physical force and other coercive measures during the civil and student protest against the annulment of the municipal elections results in Serbia	24
Introduction.....	24
The socio-demographic features of the respondents.....	25
The use of force on civilians in the street.....	26
The use of coercive measures at arrests interrogation and in custody.....	32
The cases of the citizens who were sentenced for misdemeanour or against whom criminal proceedings were instituted in connection with the protest.....	33

WOMEN IN CRIMINAL PROCEDURE AND IN PRISON

Group for women's rights takes special care of the protection of human rights of women who are under prosecution, in custody or in prison. This part of Group activity includes investigation of the respect of human rights of women, campaign and direct help to women.

Prisons for women in Serbia

The prison for women in Požarevac

There is one prison for women (in Požarevac, a town 70 km away from Belgrade) and a lot of prisons on remand in Serbia. In the recent period, the average daily population in Požarevac prison was 100 women inmates. The decrease in the number of women sentenced to imprisonment led to closing down of two other prisons which existed until 1992 (Lipljani and Sremska Mitrovica). These two prisons are still in use as prisons for men as well as prisons on remand (for both women and men). Unfortunately, the prison with the oldest and the least adequate building was chosen to be used as the only prison where women serve their sentences. As we will see later, this fact is of crucial importance for the living conditions and respect of human rights of women in prison.

In order to learn about living conditions and respect of human rights of inmates in prisons for women in Serbia are like, we visited the prison for women in Požarevac. We used this occasion to examine also the conditions in prisons on remand but this time through the statements of women whom we found in Požarevac and who, before arriving there, had spent some time in custody.

When we visited Požarevac prison, there were 93 inmates. We interviewed 60 inmates as well as the manager of the prison and representatives of the prison staff. We spent time observing the prison building and prison environment as well.

Who are the women in prison

More than a half of inmates were either illiterate (12 or 20%) or had finished a few grades of primary school (19 or 31.7%). 23.3% of inmates had finished only primary school and 20% had finished secondary school. There were only 3 or 5% of inmates with high education. Employment rate of inmates before the prison is in accordance with their low educational level. 29 or 48.3% of inmates were unemployed, 17 or 28.3% had some temporary employment and only 11 or 18.3% of inmates had a permanent job. Unemployed women were mainly housewives and agricultural workers (the majority were living in the country) while those who were employed worked as factory workers

(15%), salesgirls and waitresses (10%), within health service (1.7%) or as clerks (5%).

The majority of inmates are between 25 and 45 years old (34 or 56.7%). Among these the most numerous are inmates between 32 and 38 years of age (13 or 21.7%). There are also 20% of inmates who are between 46 and 52 years and even 13.3% above 53 years. 6 or 10% of inmates are younger than 24.

Most inmates were married (45%). 28.3% were widows but as a consequence of having murdered their husbands. 15% of inmates were divorced and only 11.7% celibate. The majority of the inmates have children and even 46.7% of them have children under the age of 18. Young children are most often with the father or father's family and rarely with the inmates' families, with other relatives, in custodial families or in orphanage.

The majority of the inmates are Serbians (39 or 65%). Apart from Serbians there were 11 or 18.3% Gypsies, 3 or 5% Albanians, 2 or 3.3% Muslims, 2 of Hungarian minority and two Montenegrins. 2 inmates were foreigners from Bulgaria and Romania. Two inmates were refugees from Bosnia.

53 or 88.3% of the inmates were in prison for the first time.

More than a half of the inmates (58.3%) were those convicted for murder, 16.7% for property crimes, 15% for robbery and the rest for espionage, illegal drug and weapon trade.

More than a half of inmates (56.7%) were sentenced to more than 5 years of imprisonment, 25% to 2-5 years and 18.4% to less than 2 years of imprisonment. At the moment we spoke with them, 35% of inmates had been in prison for more than 2 years, 46.7% between 6 months and 2 years and 28.3% had been there less than 6 months.

Organization and staff

Although in a separate location, the Požarevac female prison is administratively part of the prison system which includes a larger male prison as well. The manager of the female prison, a woman, is subordinated to the director of both male and female prison who is a man. We will see later how this reflects women's position and the invisibility of their problems in society in general and affects the conditions of women in prison. Also, as we understood from the interview we conducted with the manager of female prison, the fact that male and female prison are not managed separately, does not allow the specific problems and needs of women to be articulated and resolved, i.e. met in an adequate way. This is seen as well as an obstacle for improving living conditions of women since they are appreciated as minority within prison system and as such not worth spending much many for.

Apart from the manager, the prison staff comprises two psychologists, two pedagogues, one nurse, 18 prison officers of whom three are men (the men are guards who control the entrance to the prison), four work instructors (3 women and 1 man) and administration clerks.

There is one dentist in the prison. There is no permanent health service in female prison so that the physician (psychiatrist) from the male prison comes there twice a week, or, if necessary, more often.

Architecture and physical layout of the prison

Požarevac prison consists of three residential pavilions (one for inmates who are old or ill, i.e. who require intensive care), one separate pavilion for mothers with babies, one small building with workshops as well as a small building with a large dining room and canteen: all are within the walls. There is also one small place outside the walls where the prison guards' room and a place for visits are located. There is not kitchen within the female prison: the food is made and transported from the male prison every day.

Apart from the pavilion for inmates who require intensive care, inmates are mainly placed in two residential pavilions: one for those who deserve maximum security and the other one for those who require medium and minimal security. The living conditions in these two residential pavilions differ very much.

The pavilion for inmates deserving maximum security consists of bedrooms (4-9 beds each), a separate place for the gradual adaptation of newcomers, two relatively large living rooms with TV sets, the library, the cinema hall, one large room for leisure time activities (mainly handwork), classrooms (which are presently out of use) and prison staff offices. There are also rooms with only one bed which are used as cells for the solitary confinement of inmates who are being punished because of bad behaviour.

The walls are painted white and no personal items of the inmates are allowed on them. The inmates' rooms have only a few necessary pieces of furniture such as beds and dressers which makes them look very monotonous and depressing. There are no tables or chairs either. Personal TV sets, tape recorders and radios are not allowed.

There is a common bathroom and very primitive laundries (there are neither washers nor dryers). The bathroom is described by inmates (we were not allowed to see it) as a cold place (the windows are broken) with a bad conditioning system of showers. The inmates are allowed to have bath only together and once a week (except when they go to work in the country side when they can have a bath more often). They complained that there is not enough warm water for all of them to have a proper shower. On other days, they are allowed to come to bathroom and wash themselves but they have to bring with them cans with warm water because the boiler is switched on only on the day which is determined for common use of the bathroom. During the bath, inmates have to stand on the floor made of concrete which is only partly (not sufficiently for all of them to stand on) covered by wooden board.

In the maximum security pavilion, where about 40 women are placed, there are only 3 toilets. Also, there is only one hot plate for all of

them to cook coffee or tee. They are not allowed to prepare any food themselves there.

The residential pavilion where inmates who deserve medium or minimum security are placed consists of bedrooms (4-6 beds each) and one small living room with a TV set and a stove (for coffee and tee). The rooms appear less depressing than in the previously described pavilion because of colourful bed covers and more lights.

The bathroom has only one shower. There is no problem with warm water and the bathroom may be used every day. However, the problem is, as the majority of inmates pointed out, that one shower is not enough for all of them so that it is impossible for them to have a bath whenever they need it. All inmates (about 30) use only one toilet.

Inside the walls there is a neglected playground and a very nice garden full of flowers.

Security and control

Our general impression is that the security measures applied in Požarevac prison are not in proportion to the real danger of the inmates. First of all, the very architecture of the prison, which is completely within the walls, does not allow any differentiation of security levels. While in the male prison there are three very different parts of the prison which allow for all three levels (maximum, medium and minimum) of security, in the female prison all the inmates are mainly inside the walls. The only difference between those who deserve a maximum, medium or minimum (which in fact does not exist) security level exists regarding the residential pavilion they are placed in and regarding the frequency of visits and parcels from the families they can receive as well as regarding the frequency and duration of the time they can spend out of the prison building.

In Požarevac prison there are separate places for the gradual adaptation of newcomers to prison life but there is no phasing out process in the sense of preparation for re-entering the "normal world".¹ The only thing that is done in this respect is that inmates who are expected to be soon released from prison are granted a lower level of security, as described above.

Generally, inmates are not allowed to wear their own clothes or to keep their private belongings with them. However, as of recently, because of the difficult economic situation and impossibility of the prison to provide adequate clothes to inmates, they are allowed to wear their own underwear, sweaters, leggings and the like but only if the clothes are of a dark colour. However, inmates are obliged to wear their own clothes under prison uniforms.

Make-up and hair shaping is allowed to inmates only if/when they go outside the prison. Inmates are only allowed to have their own

¹ M.A.Bertrand "Categorization of Female Prisoners: Phasing the Detention of Women, Building Prisons for the Future", International seminar on women in detention", Noordwijk, the Netherlands, 1992, p.16.

hygienic accessories such as soap and deodorants. However, 49 or 81.7% of inmates said that they would like to wear their own clothes and 24 or 40% would like to be allowed the possibility to shape their hair or use make-up in prison.

Food and hygiene

As we mentioned above, food is regularly brought from the male prison to Požarevac female prison, which is about 10 km away. Inmates in the female prison do not have any possibility to cook or prepare any kind of food. They also do not have refrigerators for keeping fresh food, sent to them by their families.

The majority (75%) of inmates said that they were not satisfied with the food they ate. The rest who answered that they were satisfied with the prison food usually added that they could not expect better in prison or that it was not so bad in comparison to the food they had in their own homes. The latter is characteristic for inmates who came from very poor families and for refugees.

Inmates who were not satisfied with the food in prison had mainly similar complaints: the food is poor in vitamins, there is no fruits or fresh vegetables, milk, dairies and cakes, the food is tasteless or badly prepared. Also, inmates prefer to cook themselves than to eat the tasteless and monotonous food prepared by male inmates. It is sheer irony that women who more or less spend their time idly are not allowed to cook their own food.

Some of the inmates said that they rarely ate the prison food. Instead, they usually eat the food that they get in parcels sent by their families. Since they are not allowed to get parcels frequently (those who are in maximum security can have one package monthly) and having in mind the lack of refrigerators, it is really strange how they keep food fresh, especially in summer time.

Inmates who had health problems and pregnant inmates claimed that they did not have any possibility to have some special diet. Also, there is not any possibility for special diets for vegetarians or inmates who do not eat some kind of food from religious reasons.

Inmates rarely have the possibility even to buy the food they lack. In the prison canteen there is no fresh fruit or vegetables, milk, dairies and other kinds of food that inmates miss very much. As inmates said, they can't even buy sugar, except on rare occasions. The prison staff explained this shortage in the prison canteen with the lack of funds. Inmates who can go out of prison can also buy the food in regular stores. But the problem is that they really do that very rarely since the money that they can earn in prison, as we will see later, is rather symbolic and can't cover expenses for all the missing items. The majority of inmates get irregular amounts or no money at all from their families. Actually, inmates (with few exceptions) mainly eat the food offered to them in prison.

Inmates are mainly satisfied with heating, ventilation and light in prison. There is no air conditioning in the prison but no one thinks about

that since it is not usual here not only in prisons but also out of prison.

More than half of the women reported that hygiene in prison is satisfactory. When they said that, they usually meant that they kept the prison clean. However, when speaking about hygienic supplies the majority (75%) of inmates reported that they did not get enough detergent and soap. For example, each inmate is given one plastic glass of detergent monthly! Inmates also reported that they miss tooth paste and sanitary napkins very much. What is more, they can rarely buy hygienic supplies in the prison canteen or do not have the possibility or money to buy them in regular stores.

As we mentioned above, inmates do their laundry in a primitive way so that personal hygiene seems to be an enormous problem. Also, inmates are not allowed to use irons and hair dryers.

Health and health service

Having in mind the above mentioned problems in maintaining personal hygiene that inmates are faced with, as well as the bad quality of the food they eat, it is not surprising that 25 or 41.7% of inmates reported that their health had deteriorated in prison. They reported a long list of health problems they were faced with. Most often they reported gynaecological problems and problems related to digestion as well as frequent headaches and neuroses.

Only 33.3% of inmates are satisfied with the health service in prison. Those who are not satisfied complained that there are no medications except sedatives which are most often given to inmates whatever problem they have. As one inmate noticed, it is not strange if one has in mind that the only physician who, from time to time, comes in their prison is a psychiatrist! There are no general practitioners or gynaecologists who come there to see inmates. Only when the psychiatrist (?) finds out that the inmate has some serious problem he can turn her to the regular ambulance or clinic.

As in open society, the main problem of prison health services is the lack or high price of medicines. But while in open society women have a greater possibility of earning or borrowing money for medicines, as well as buying them at private pharmacies or on the black market, inmates can only passively wait to get them from their physicians or families. Physicians, as the inmates told us, do not even have analgetics to give them. Moreover, some of them have no contact with their family or their family does not have the money to pay for the medicines.

If it is necessary for an inmate to be sent to a hospital, she can be sent to a prison hospital or a "normal" hospital. If the inmate is in maximum security she can only go to a prison hospital and the prison manager decides whether she will go there with or without a guard. If the inmate is in medium or minimum security, the decision whether she will be sent to a prison or "normal" hospital is up to the prison physician.

As in open society, an abortion is allowed up to 10 weeks of pregnancy without any limitation. Abortions are usually performed in city hospitals and, as the prison manager told us, are paid for by the inmates or (if they do not have enough money) from the prison budget. However, considering that abortion with an anaesthetic is so expensive that it is hardly accessible to women in general, it seems that only an abortion without anaesthesia, which is an extremely painful medical intervention, is available to inmates. On the other hand, contraception for these women is completely inaccessible.

Earlier, inmates gave birth to their children in a city hospital and stayed with their babies up to one year in a special pavilion. As of recently, because it is impossible for the prison to supply mothers with babies with all the facilities they need, inmates go home after child birth and stay there until the baby is one year old.

Education and work

Conditions for the education of inmates in the Požarevac prison are very poor, although, as we said above, there are a lot of illiterate inmates and inmates without primary education. The prison manager explains this situation by the fact that the number of inmates is not sufficient for the organization of classes that could provide for the different needs of individual inmates. She also told us that there are no programs for education in the prison. If the education of inmates were organized the prison staff could only engage teachers from the regular public schools, who are not motivated to teach classes consisting of a few inmates. On the contrary, in male prisons, owing to a greater number of inmates, education was always more easily and better organized.

Earlier, when the economic situation was better, it was sometimes possible to provide elementary education and handicraft training (usually for traditional female handicrafts such as tailoring) for inmates, in spite of the difficulties mentioned above. But now, when economic conditions in the society in general, and especially in prisons, are very bad, it is not possible because of the lack of funds for books and stationery, raw materials and machines. As a consequence, there does not exist any kind of education and training for inmates in Požarevac female prison today.

In order to examine if inmates are interested in some form of informal education that we suppose may be organized more easily than formal one, we asked whether and what kind of courses or training they would like to attend. 46 or 76.7% of inmates answered that they would like to attend some courses and/or training. 11 or 18.3% of inmates were interested in learning to read and write while 25 or 41.7% were interested in being trained for some handicraft. 30 or 50% of inmates would like to acquire some useful knowledge on health issues, cooking, child care or/and gardening, 31 or 51.7% are interested in courses on women's rights, rights of inmates and/or rights of refugees and one inmate said that she would like to attend aerobic classes in prison.

When women arrive in prison to serve their sentences, the team of experts (pedagogue and psychologists) evaluate their abilities and divide them into three categories: inmates capable of heavy physical work, those capable of easy physical work and inmates incapable of any work (old or ill). The chief characteristics of all the jobs available to inmates are that they are mainly traditional female jobs, that they are mainly oriented toward keeping the prison going and that they are underpaid jobs.

The inmates able to do heavy physical jobs used to be employed in the production of goods such as clothes and various things for household use (factory and crafts workshop) and their products were intended for sale to provide money for the prison's needs. However, in recent times, because of the lack of raw materials, the factory and craft workshops no longer function or function from time to time when raw materials are available. As a consequence, during summer time inmates in this category are employed in heavy agricultural work. The only good thing is that they can get out of the prison (in the country side) to work, but, on the other hand, as they claimed, it is very exhausting work and not appropriate for the female physical constitution.

The so-called easy physical jobs available to inmates are those that are most traditional for the poorly educated Serbian woman: sewing, embroidery, laundry, cleaning, washing and spinning wool, gardening, taking care of the poultry, sale in canteen, serving food. However, in today's economical conditions, because of the lack of raw materials, it becomes impossible for the inmates even to sew. Now, only knitting and embroidering (from time to time) as well as the most senseless jobs or none at all are available for the majority of women in this category.

The prison manager told us that they have a problem trying to find jobs for the inmates to enable them to earn money. It seems that the consequences of the economic crisis in Yugoslavia regarding employment for the prison population are quite different from the situation in western countries. While in western countries what we see is the expansion of prison populations seen as a consequence of depression and unemployment, in Yugoslavia it is the reduction of prison populations and/or the impossibility of organizing work program in prisons (as in some other eastern countries).

The economic crisis has also contributed to the reduction of the inmates wages. Even when they have a job, they are not able to earn (as they told us and the manager of the prison confirmed) enough money for their basic needs, nor are their families able to send them enough or any money. Also, as we mentioned above, a lot of essential goods are missing in the prison canteen so that inmates are completely dependent on others (primarily on the prison staff and their families).

Some inmates reported that, for the money that they earn, they can buy only cigarettes and/or coffee while inmates who earn 'more' money can buy some hygienic accessories, fruits, sugar, envelopes once or twice a month. 35 or 58.3% inmates reported that the money they had was not

enough for their essential needs. 4 or 6.7% responded that they did not have money at all and 20 or 33.3% reported that they had enough money (the majority of them, especially those who are in maximum security, added that they do not have where to spend it). Old and ill inmates who do not work and do not receive any money from their families are in the worse position.

Sexual and ethnic differences: attitude of the staff and inmates

We asked both the prison staff and inmates whether there are lesbians in the prison and what is their attitudes toward them. All of them said that there is one lesbian couple in the prison. These are women who were together before the prison as well and who committed the robbery together. The prison manager said that they are put in different parts of the same residential pavilion but they are allowed to be together during the day. However, as one of the lesbians said, this is only during the summer, when they go outside frequently. During winter they are not allowed to cross to the other part of the pavilion and see each other.

Generally, the lesbians we spoke with did not feel too much discriminated. They reported that they had problems with both the prison staff and other inmates mainly at the beginning of their time in prison. The prison staff was afraid that they would make problems in prison and inmates feared that they might be aggressive toward them. At first, inmates often denounced them to the prison staff for alleged bribing of other inmates. When the staff and other inmates realized that they are not 'dangerous', their problems disappeared.

Apart from the couple of lesbians mentioned by the prison manager, inmates reported that there are some others as well. They are mainly inmates with longer sentences who became lesbians in the prison. It is interesting that lesbians who had come to prison with such affiliations openly detest those who become lesbians during their stay in prison.

Heterosexual inmates have various attitudes toward lesbians. Some of them said that they even did not know what it was or did not know about that before the prison. This is not surprising if we have in mind the average educational level of inmates. Some inmates find lesbians abnormal while others think that it is a matter of choice and have comprehension for them if they do not affect others. However the majority of inmates try to avoid contact with them. One, who socializes with them frequently, reported having a lot of problems because of that. She said: "I mostly socialize with two women who are lesbians. Because of that I had a lot of problems with the prison staff, other inmates and even with my parents. They are lesbians and this is what bothers the others. However, I like to be with them since we are similar of age, from the same town and we have what to speak about. Everyone tried to separate me from them, but they did not manage to do so."

As we mentioned above, the majority of women in prison are Serbian while non-Serbian inmates make up 21 or 35% of inmates. The majority of non-Serbian inmates are Gypsies. Non-Serbian inmates mainly reported that they do not feel discriminated because of their ethnic origin. Only one of them (Gypsy) reported that she felt discriminated. Also, one of the Serbian inmates, refugee from Sarajevo, reported that she was constantly reproached by other Serbian inmates that she was a Croat who pretended to be Serbian since her daughter had a Croat name and her former husband was a Croat.

Communication with children, husbands and family

According to the legal regulations, which are the same for both males and females, inmates have the right to be visited in prison by their close family members once a month if they are in maximum security or twice a month if they are in medium or minimum security. The inmates can be visited only in a special part of the prison which is designated for visits. Other possibilities regarding visits or going out with family members are not considered to be rights but privileges, which inmates may obtain for conformity and upon request and at the prison manager's discretionary evaluation.

Children and husbands have no special treatment regarding their visits to inmates in prison. There are no separate places set aside for visiting children or for the inmates to have sexual contact with their partners. Sex is completely ignored as a need for inmates whereas their feelings as mothers are considered important; however, nothing is done to make contact with their children more frequent and easier. Even the rare contacts between mothers and children depend on the financial status and attitude of the family where the children are placed.

The inmates' young children of inmates are usually either in the care of the mothers' families, with the father or his family, with other relatives or in an orphanage. In the first case, the contacts are usually regular although their frequency depends on the financial status of the inmate's family. These contacts have become less frequent lately, because of the poor economic conditions.

If the child is with the father or his family it depends both on the father's and his family's attitudes toward the inmate and their financial situation whether they will bring the children to see their mother or not. The inmates who killed their husbands and whose children stayed with the father's families have absolutely no possibility to have contact with their children because of the husband's families' antagonistic attitude toward them. Which is even worse, they turn the children against their mothers, telling them that their mothers are bad and do not deserve of their love and respect.

The situation is also very bad if the children are placed in an orphanage. Social workers who are supposed to take care of contacts

between the children and their mother do not work properly and usually complain that there are not enough funds to cover travel expenses for visits. However, as we learned when we tried to cover costs for the visit of the child of one inmate (Moslem refugee whose husband is also in prison) the main problem is related to bad functioning and bureaucracy of both the centres for social work and orphanages.

Having in mind the above mentioned, it is not surprising that even 20 or 33.3% of inmates reported that they did not have visits from their families at all. 11 or 18.3% reported that they had visits rarely and 7 or 11.7% said that they had visits only from time to time. 22 or 36.7% of inmates reported that they had visits regularly but this did not mean that the visits were frequent as well. Only 12 or 20% of inmates reported that they were frequently visited by their children, 9 or 15% said that children came rarely to see them and even 25 or 41.7% reported that children did not visit them any longer. As the reasons for their children not visiting them, inmates mentioned: the lack of money, the family or social workers who fail to bring them, the husband or his family who do not want children to see the mother and the children who are ashamed.

The majority of inmates who have visits reported that they are visited by close family members or husbands. Those who do not have visits at all said most often that they miss mostly the visits of their children.

More frequently, inmates communicate with their families through letters (41 or 68.3%). 7 or 11.7% of them reported that they write to their families but the families do not answer them. However, the inmates do not have the possibility to speak with their families by phone and they reported that they missed it very much. Namely, the use of telephone is not allowed to inmates so that they can phone their families only if and when they go out of prison. When we asked them whether they would like to have the opportunity to phone from the prison, the great majority (47 or 78.3%) answered as: "Yes, it would be fine. In this way I could hear my children and it would make my stay hear easier."

With such a bad situation regarding contacts between the inmates and their children and relatives, it is not surprising that so many (75%) inmates said that they suffered most from the separation from their children when they were in prison.

Prisons on remand

Before coming in prison 55 or 91.7% of inmates had spent some time in custody. Almost one third of them said that the living conditions in prison on remand were better than in Požarevac prison although a significant number (17) also reported that the conditions in custody were worse. 8 of them said that the living conditions in prison on remand were similar to those in Požarevac prison.

The district prisons where women are remanded in custody

The problem of incarceration of women who have committed crime, predominantly because of their small number, does not concern only the prison in Požarevac, where women serve their sentences, but district prisons in which they are remanded in custody during the criminal proceedings. This is the very reason why the living conditions of the places where women are remanded are less appropriate than the living condition of men in the same institutions.

We obtained the data on the living conditions in such centres mostly from the interviews with the remanded women and during visits to these institutions.

The majority of the women are remanded in custody in Belgrade Central Prison. As we have learnt from the interviews with the women-detainees, the living conditions in this prison are extremely inadequate. The rooms where our interviewees are remanded have no windows but only a neon light. According to one of them, the light goes on at 5 a.m. and off at 10 p.m. which causes terrible headache with many women. The rooms are not heated and have no hot water (how bitterly cold this place is we found out ourselves when we visited them). Every evening, prison wardens bring them two buckets of hot water so that they can at least wash a little. They are allowed to have a shower once a week. The rooms are aired only when the women are out for an exercise walk. Many women complain of poor health and all of them have one wish only - to leave that place as soon as possible; consequently, many request to be transferred to the Požarevac prison even before the criminal proceedings against them have been completed.

The worst conditions are described by inmates who have spent some time in prisons in Kosovska Mitrovica, Negotin and Smederevo. The bad conditions are in some way (but not completely) related to old prison buildings which are completely inadequate for the purpose they serve. For example, inmates reported that in Kosovska Mitrovica and Smederevo they did not even have toilets so that they had to use cans instead! In Kosovska Mitrovica and Negotin the system of heating was a primitive one so that it was always cold. We were shocked by the fact that in Kosovska Mitrovica there were no windows in the room where the inmate we spoke with was placed. One inmate described these conditions in this way: "The conditions in Kosovska Mitrovica prison are appalling. There is no toilet in the room, only a bucket with a lid. There is only one shower and all women wash together once a week. The room has only cold water. The heating is scanty - there is a stove and some splinter. There are no windows. The light is always on. The food is meagre."

In Negotin, there was no warm water at all. The food was extremely bad but inmates were not allowed to receive food from their families nor

Vesna Nikolić-Ristanović

did they have where to buy it (a canteen does not exist).

Before renovation, the prison in Smederevo offered no better conditions. The room for the women remanded in custody was on the top floor of the building and was described by an interviewee as a place "where pigeons slept, too"

Such and similar conditions are closely connected to the antiquity of the prison buildings. The causes of such a state are frequently objective. More recently built houses of detention are correspondingly more contemporary and therefore the living conditions in them are considerably better. One of such penitentiaries is the District Prison in Kragujevac. When we visited this institution, we could see for ourselves that the conditions are undeniably more appropriate than in the foregoing institutions. The rooms are very clean, warm and with natural light, even the windows can open. The biggest problem of women-inmates in this prison is that they are frequently the only women there, so they feel as if they were in a solitary. This brings about burdensome psychological problems since time passes slowly in such places and they do not do much of anything. The only thing they can do is read. We were informed by our respondents about similar conditions in prisons in Lipljani (Kosovo), Nis, Kruševac, Kraljevo, Sremska Mitrovica, Zrenjanin and Pancevo. In some of them, inmates are allowed to have their own TV, tape recorders and radios. However, in some of them (Niš, for example) inmates reported bad food and health service as well.

In prisons on remand the big problem is communication with the outside world since inmates are not allowed to use the telephone and, because of censorship, it takes a long time for mail to reach their families. One inmate (Moslem) reported being often insulted and verbally attacked because of her ethnic origin by her room mate (Serbian) during her stay in Niš prison.

The women who are remanded in custody are allowed visits by their next of kin once in a fortnight. Seeing relatives and lawyers is their only contact with the outside world. They are allowed to receive a parcel also once in two weeks. These packets usually contain food and warm clothes, while toilet articles can be bought in the canteen. Some women are so badly-off that they can not afford even toilet requisites. Some do not even have underwear. Prison management make an effort to meet the basic needs of these inmates (the management in Kragujevac, for instance) and other women-inmates, especially the ones who are going out, leave their clothes and, sometimes, even money to those who have no one to visit them and no one to receive a parcel from.

What most women find difficult to endure is to be separated from their children (if they have them) and the feeling of uncertainty because their contact with the outside world is reduced to the minimum. They have no influence on the course of events and many see themselves as marionettes whose strings are pulled by somebody else.

Such conditions bring up the very important issue of the protection of human rights of

persons, especially women, who are remanded in custody, because they are in a much more difficult position than the ones who are sentenced to prison terms. It is also important to bear in mind that criminal charges may not be instituted against them. Are we, then, allowed to hold these persons in conditions which are, in some instances, completely unfit for human beings?

Therefore, we conclude that everything within our powers should be done to amend their living conditions in prisons, and the starting point should be the improvement of the general conditions of the institutions where these persons are remanded in custody.

Ivana Stevanović

The Belgrade detention centre hospital

In mid-March 1997, we visited the Belgrade Detention Centre Hospital. This institution was founded in 1969 and, at the time, it was mainly intended for medical treatment of prisoners and remanded persons. In the course of time it has become an institution which, apart from its basic purpose, also takes in persons upon whom a security measure of compulsory medical treatment and confinement to a medical institution has been imposed, or those who are subjected to the security measure of alcohol or drug detoxification compulsory treatments. The detention centre hospital is situated on the third and fourth floor of the Central prison building in Belgrade. The average number of women patients is around 30, which corresponds to approximately one third of the total number of patients. Most of them are women upon whom the security measure of compulsory medical treatment in a medical institution has been imposed - around thirty per year. The number of women subjected to alcohol or drug detoxification treatments is much smaller, only 2 - 3 women a year. In addition, the hospital also accommodates female prisoners and women in remand (who do not suffer from mental disorder) and who are in need of medical assistance due to various physical disorders.

As soon as we entered, it was obvious that the building is not suitable for an institution of this kind. The very fact that the hospital shares the building with the Central prison is self-explanatory. Both the Governor and the staff are aware of this problem, since, in their daily activities, they also have to cope with the difficulties incurred by the bad state of this building.

As it has already been mentioned, the hospital is located on the third and fourth floor of this building. On the same floor, men upon whom a security measure has been imposed, and also those who suffer from physical disorders, are accommodated. They are accommodated in different wings, depending upon the reason for which they are there. Within each ward, there are also rooms intended for such persons. All the rooms within a ward share only one bathroom, the rooms have no natural light and the radiators are in the halls, which is why the rooms are rather cold.

On the fourth floor, next to several wings for men, there is also one for women. Generally, this part of the prison is in a much worse condition than the third floor. The most striking things are the dampness, mould, stench and coldness of the place. The windows do not adhere well, so the temperature is very low in winter, whereas in summer, it gets extremely hot, because it is on the last floor. During our visit of the women's ward, we noticed the following: the bathrooms and toilets are situated at both ends of the hall; there is hot water all day long; next to the bathroom there is a common living room - a lounge with kitchenette, dining area and TV. This room is a little warmer, so women spend most of the day there. There are two or three, up to six beds in a room, they are mostly untidy and dirty, without windows, while the radiators are located in the hall, as in other wards, which is why they are so cold. Women dry their clothes in the hall, and that increases dampness. The hospital has its own library, and the women are allowed to have their own books and transistor radios, TV sets, etc.

We immediately noticed that all the women, regardless of the reason for being in hospital, are together. Mentally disturbed women, drug addicts and alcoholics, as well as female prisoners and women in remand who are suffering from physical disorders are together and there are not separated in any way. Once again, because of their scanty number, women are in a less favourable position than men.

It is the staff's opinion that this, as well as many other problems, will be resolved once they move into the new building in Padinska Skela. Since the transfer has been planned for this year, the reconstruction of the fourth floor of the detention centre hospital is out of question, but it remains uncertain whether the women's problems will be solved as well.

*Ivana Stevanović
Sanja Milivojević
Sanja Radisavljević*

Concluding remarks about respect of human rights of women in prisons in Serbia

Our findings show that living conditions in prisons for women in Serbia are far from being satisfactory and guaranteeing the respect of human rights of inmates. Although inmates only rarely complained about the attitude of prison staff and did not report any kind of torture, the very conditions where they are placed to stay for years are a source of violation of their basic human rights such as the right to have a standard of living which does not affect their health (the right to food, decent hygienic conditions, heating, health service etc.), the right to have access to education and right to work. It is obvious from what we described above, that *Standard Minimum Rules of the Treatment of Prisoners* are strongly violated.

The overall bad economic situation in the country is one factor which strongly shapes the

conditions in prison. However, when the prisons for women are in the question, it is also the position of women as a minority within society in general as well as within criminal justice and the prison system which affects the position of female inmates very much. Smaller funds are given to female prison, while on the other hand what the inmates earn is divided between male and female prison proportionally. Since there are many more male inmates, women are always in a worse position in this distribution. The fact that men are head of the Požarevac prison also affects the position of female inmates since only a woman can understand properly the needs of women inmates.

The new Law on the Implementation of the Penalties, which went into effect in April 1997., provides for the prison for women to be administratively separated from male prison as well as to be semi-open institution, i.e. with medium security and out of walls. We have strongly lobbied for this provisions to be accepted. We did that during the public panel on draft of the Law as well as through speaking for media and making propositions addressed to Ministry of justice. We also proposed the prison for women to be moved from Požarevac to Lipjani or Sremska Mitrovica (former prisons for women for which inmates who had been there in custody reported to be much better than Požarevac prison) or the new building to be built. This should be one of first steps in the implementation of the provisions of new Law since Požarevac prison does not have the conditions necessary for putting all inmates in medium security, i.e. out of walls. This would also be the main subject of our campaign in the time which comes.

Vesna Nikolić-Ristanović

Work on individual cases

Mother in prison, child in orphanage - The case of Fahreta Šijivić -

I met Fahreta on 8 November, 1995, when, together with Vesna, I visited some women prisoners remanded in the District Prison in Niš. A few years ago, the District Prison was moved from the city centre into newly-adapted premises in the building complex near the Detention Centre about 5 km away from Niš. As members of The Group for Women's Rights of the European Movement in Serbia and researchers engaged on the project "*The implementation of prison sentences on women*" we wanted to find out more about the women remanded in custody on grounded suspicion that they have committed a criminal offence and about living conditions in pre-trial detention. We also made it our aim to find out whether they needed assistance in achieving and safeguarding their rights.

Of all the remand women prisoners we interviewed that day, (five of them), Fahreta seemed to be the most helpless. An ethnic Muslim, refugee from Mostar, wearing a tracksuit she had not changed during the five months she had spent

in remand, she gave out the impression of a woman who was in need of immediate help. She told us that she was in remand because, together with her husband, she had stolen various items (technical goods, clothes, blankets, chairs, food) from cottages in Niš area. They sold the stolen things in order to obtain the money they used to support themselves. As refugees, they were unable to find accommodation, no one gave them shelter and they had no financial means. They resorted to theft so that they and their eight-year-old son would not starve.

Before the war they lived in Mostar. They had a house and her husband, an ethnic Serb, used to work as a mechanic. They had no previous criminal record. Her husband's family mistreated her because of her ethnicity. Her father-in-law disapproved of her because she was a Muslim and because she had a child that was not his son's. He insulted her and abusively sneered at her: "You Muslim!" Her husband accepted her and recognised the child as his own and that was the reason why she had to follow him everywhere. During the war, she fought on the Serbian side and even changed her name into a Serbian name Snežana. However, her father-in-law still disapproved of her, he refused to help them, so the husband, who was angry with him, was the one to propose theft as a means to support themselves. They both received term sentences; he was sentenced to seven, and she to five years of prison. Her husband was in custody as well and they saw each other during the exercise walks.

No one visited Fahreta and she did not receive parcels from anyone. She had no one to bring her clothes, shoes, food or money. She said she could endure anything, she did not complain about the conditions in prison, but could not bear being separated from her son. She had not seen him for two months. She told the staff that she longed to see him, but they explained that he was on excursion with other refugee children and that they would bring him when he returned.

The day after the interview, we brought her some clothes, a parcel containing toilet requisites and food. We spoke to the manager of the investigative prison and asked him for permission to bring the child to visit her. He promised that it would be done.

The second time we saw Fahreta was in March 1996, when we visited the women prison in Požarevac. Her five year sentence had been confirmed. Fahreta was still sad, because she had not seen her son. She told us that they had not brought him to her since she was transferred to Požarevac and that it would be her greatest joy if we could help her see the child. She was also concerned that her child might have problems with other children because she was a Muslim.

Upon my return from Požarevac, I visited the Home for orphans and abandoned children "Duško Radović" in Niš, where Fahreta's son had been put. This Home accommodates 115 children without parents' care and five refugee children. This institution is 3 km away from Niš and it looks like a big apartment block. Surrounded by a park,

it is nicely furnished and well kept. One wing is occupied by students, refugees from Bosnia. When I enquired about Fahreta's son, the manager of the Home praised him as a good pupil and a quiet and reserved boy, who had been accepted by the other children. He said no one had noticed that the other children troubled him because his mother was a Muslim. According to him, he regularly corresponded with his mother, and they also took him to visit his father in prison. I asked him if the boy could be taken to see his mother as soon as possible and told him that the Group would cover his travelling costs. He promised that he would allow the boy to be escorted by a tutor to Požarevac to see his mother, upon the approval of the Centre for Social Work and with the consent of the prison management. He also promised that the Home Board would write to the prison and ask them, when deciding whether to recommend amnesty for her, to bear in mind the fact that the boy was well-behaved and that being with his mother was crucial for his further development.

After this conversation, I enquired several times by telephone whether A. had been taken to see his mother. In October 1996, I visited the Home together with members of the Association S.O.S. hotline for women and children, victims of violence, bringing some underwear and socks as a present to the children, on the occasion of the Week of the Children. Only then was I informed that A. had been taken to see his mother in August, accompanied by the headmaster and a tutor. We were promised that he would be taken once more to see both his mother and father before the year ended. On 7 March 1997, the SOS hotline organised another visit to the children from the home "Duško Radović". Each child (115 of them) was given a parcel with clothes (pyjamas or a jersey) and sweets. The children were very happy, especially the younger ones, who were more delighted with the sweets than with the clothes. We also had some refreshments served to them, so that the children could receive their parcel, help themselves to some food and talk to us at the same time. A. was among them. I told him I knew his mother and that I had seen her, talked to her and I asked him when he had visited her. He replied that he had seen her the previous year and that he would like to see her more often. Before we left, I asked the headmaster if A. could be taken to see his mother.

At the SOS hotline meeting, we agreed to visit these children monthly, on the tenth of each month, and to take some food to them, because it made them so happy. Of course, the children are also happy to see us, especially if the visits are regular. This way they know that there is someone who thinks of them and does not come only on special occasions in order to get press coverage. I have an additional duty during these visits - to keep reminding the people in charge that A. has a mother he wishes to visit and who longs to see him, too - the right they cannot be denied.

Slobodanka Konstantinović-Vilić

Zlata

I met Zlata Perić in the Women's ward of the Detention Centre in Požarevac. According to the sentence pronounced by The District Court of Gnjilane, this woman was sentenced to a six-year prison term for killing one of her children and attempting to kill the other.

During my first encounter with Zlata I was shocked and found it hard to conceal the feelings that her story aroused in me. At that time, she spoke with great difficulty, her eyes were constantly full of tears and I had the feeling that she was still not aware of her surroundings (at that time, Zlata had only spent about twenty days in that prison). She told me that she was 36 years old, that she had completed primary school and that she had worked periodically as a cleaner in Gnjilane. She had lived in a common-law marriage with an alcoholic. During the five years she had spent with him, she had suffered daily battering and brutality. She recounted:

"He used to work as a builder, but that didn't mean much, for we never saw the money. He spent it all on drinking and gambling. I would go around all day begging for money, so that I could give my children something to eat in the evening. Then he would come home drunk and wouldn't let the children eat. It is horrible to have your two-years-old flung against the wall. He used to throw us out of the house at night. I had nowhere to go. We would spend three or four days in the street. I was trying to get a steady job as a cleaner in the hospital, but they took on someone else instead. Believe me, I tried everything, I tried to get help everywhere, but all the doors remained closed for me. I even implored them to put my children into a home until I found some work and a shelter, but they told me that it was impossible because the children had parents (Her son is now resident of the home for abandoned children in Kosovska Mitrovica, anyway). I also asked the people from the Centre for Social Work to help me somehow. I told them that I would commit suicide because I could no longer bear to see my children hungry and homeless, since my husband had thrown us out of the house."

On that day, after all her pleas had been rejected, she was sitting on a bench by the lake. Her son was asking for food. She explained to him that she had nothing to give him and, as she put it, he was able to understand, because he was already a big boy. Then the two-year-old girl bent down and began to eat grass. Zlata says that she could not bear that any longer. She took her daughter in her arms and her son by the hand and stepped into the lake. At that moment, she was carried away by the main current and she does not remember anything more. She and the older child were rescued by the fishermen, whereas the younger one drowned.

We were all shaken by this story. It is the story of a mother who, in a state of despair, caused by domestic violence and a difficult

economic situation, takes away the life of one of her children and, having failed to commit suicide, is accused of murdering one of her children and attempting to murder the other. On hearing such a story, one cannot remain indifferent, so, with Zlata's consent, the members of our Group decided to inform the public about this case. We also tried to contact the Presiding Judge of The District Court in Gnjilane, who was in charge of this case, and to find out whether her lawyer had appealed to the Supreme Court of Serbia, because there was no evidence of that in the prison in Požarevac. We did not manage to contact the judge, but Zlata's lawyer, who had learnt about our concern in the newspapers, called us and informed us that he had filed a complaint. At the same time, members of our Group addressed a letter to the Supreme Court of Serbia, asking them to examine that case carefully.

We informed Zlata about our activities when we visited the prison in Požarevac again. That time, Zlata was in a somewhat better condition, because she had received a letter from a tutor in the children's home, in which she informed her that her son was well and that, for days, he had been saving some sweets received from the policemen, in order to give them to her, hoping that he would see her soon. We tried to cheer her up during our conversation and to reassure her and encourage her to struggle through the situation she was in.

The epilogue of this case is that the Supreme Court altered the sentence pronounced by the District Court in Gnjilane and diminished the prison sentence to three years. However, we doubt that Zlata deserved even that penalty, as well as other women who resorted to such means under similar circumstances. Therefore, we have every right to wonder who poses a bigger threat to Zlata's children - herself, or a violent father, or else the state which proved incapable of protecting them from him or of providing minimal social care, or giving their mother an opportunity to work.

Ivana Stevanović

The mother wanted to protect her daughter

I read in the daily paper, in the crime column, that Verica Mamutović, a thirty-nine-year-old housewife from Žitoradje, had killed her husband with an axe while he was asleep. Seeing the headlines, I supposed, knowing about such case from my previous research, that it was probably a usual and not so rare outcome of a perpetual abuse and battery of a woman by her husband. The article said that Verica had admitted having killed her husband after twenty years of marriage, during which she had been abused in various ways, and that the inhabitants of Žitoradja had filed a mass petition, claiming that the victim had also behaved violently towards other people in the village.

I was instantly intrigued to meet this woman - a victim of domestic violence, particularly because, for twenty years, she had been married

to a man who had already been convicted for killing his wife. He had slashed his first wife's throat in the street, after she had left him because she could no longer bear his abuses. I assumed that she needed our help to surmount the difficulties and overcome the situation she was to face.

Following the approval of the Presiding Judge of the District Court of Prokuplje, I visited Verica on 10 January 1997 and spoke to her. The policemen had brought her from the remand prison to the office of the Presiding Judge, where we were supposed to talk. They left us alone, but Verica could not start her account immediately. I enquired about conditions in the prison, whether they had toilet requisites, whether the food agreed with her and whether anyone visited her. Gradually, she started answering my questions, pointing out that it was difficult for her to be alone in the room, that she had no one to talk to and that she had lost the habit of talking. She was much worried about her children - her twenty-year-old daughter and her seventeen-year-old son, whom she had left back at home with her mother. She kept wondering what would happen to the children if she was sentenced to a longer term, who would take care of them. Then she started talking about her difficult life:

"Ever since I was born, I have known only of pain, suffering and hardship. My parents - my mother was born in 1938 and my father is a few years older - did not get on well. We lived in poverty - myself, my younger brother and my sister who is a year older than me. We had to work hard, to carry wood on our backs, because we did not have any other source of income. My mother was worn out of work, but also of my father's ill-treatment. While he was younger, he often beat her, and, from time to time, my sister and me as well. Now that he has grown old and ill, he has calmed down, but my mother is weary and exhausted, although she still takes seasonal jobs in order to make a living. I got married when I was seventeen. Actually, I lived in a common-law marriage with that man, who was also under age and also very poor. He came to our house, because his family were even poorer than we were. We lived together for two years and I had a child who died in the hospital two days after it was born. My husband was very childish, he did not want to work, so we split up after our child died. I remained in my parents' house. I was nineteen when I met my second husband. My father told me that he had been a "jail-bird", that he had slaughtered his wife (I found out later that he had stabbed her five times with a knife, that he had been sentenced to 14 years of prison and that he had served 12). I did not stop to think over these things. I liked him and he was insistent. My father was opposed to that marriage, he said that he would not let him into the house, but it was all in vain. One day, he came with some relatives and friends and they took me away. We were married three months later, when I got pregnant. From the very beginning of our mutual life, 'he inflicted fear upon me'. When he brought me to the house where his brothers lived as well, (he has three

brothers), he led me into the room and battered me. He told me: 'Ask me why I hit you', which I did and he replied: 'So that you should know of fear, I am the general here and you have to obey, if you try to do anything, I shall kill both your mother and your father'. Since that day he hit me every day, saying: 'I shall pull your throat out only to look at it'. Everyone around knew that he was abusing me, but no one dared do anything or stop him. He hit me all over my body. I received blows in the head and in the stomach, he used his fists - he would not let go until I fell. He was not so bad with the children, while they were small. When they began protecting me, he started beating them, too. My daughter was ten when he started beating her. He was jealous, I did not dare look at anyone anywhere, I would get battered right away. He was so jealous that, at his niece's suggestion, we went to the church where I took a solemn oath that I had been faithful to him. He used to flog me with his belt, or to put a bottle between my legs and to beat me. Whenever he wanted to have sex with me, I agreed, I never opposed him nor dared to do so. He would batter me, harass me, make me wash his feet, to massage him and what not, I did all sorts of things, everything he asked me to do. I slept with him till the last evening. I did not dare deny him anything. Even now, before I was remanded, I was pregnant. Once, he broke my head with a chair. I did not report this to the police, it was his brother who did it. When they summoned us to the police, he said: 'You must not do anything before I slash her throat'. I covered for him, because I was afraid to admit that he had injured me".

On the day when, what I had never wished for or planned, happened, he wanted to have the house whitewashed again, although we had done it in September, and he wanted the furniture to be taken out. I remarked that it had not been a long time since we had done it, and he punched me on the head and in the stomach with his fist, kicked me and called me a whore. The children got up and we started taking things out, while he was only standing and giving out orders. While I was washing the carpets, he was standing near me insisting that our daughter had to get married, that our son had to leave the house, he called me a whore, I was looking for excuses, while he occasionally hit me with the hose. No matter how busy I was with the whitewashing, I managed to prepare dinner. I invited him to the table, but he got angry because I had not prepared any soup. I told him that I had not had the time and that I would make some for supper. He grabbed my head and flung it against the wall. I do not know if the children saw that. I passed out and he had dinner alone. Later he troubled the children, chasing them out of the house and beating them. He threatened that he would cut me up into pieces, that he would cut off my nose and my breasts, that he would suck my blood. He frightened me very much. We sat down at supper with the children. We had barely started to eat, when he told me: 'You whore, stop eating my bread, get up and get lost. You can only be a servant in my house, and not my wife'. Then he hit

me so hard that the food blew out of my mouth. He told our daughter to leave the house immediately and marry whoever she wanted. She answered that she would not leave until he calmed down. He went into the room, took a knife and stuck it under her throat, telling her that she had to get married or else he would kill her. He kept punching us both, yelling that he had dreamt of the woman he had slashed, that he had dreamt of three graves and that he was going to kill us. Then he went into the room, lay on the bed, put the knife under his pillow and fell asleep. Our son went out of the house, while our daughter and me stayed together and cried. Later my son returned and went into the room with my daughter. I did not think of anything. It would have been better if I had killed myself. I took the axe from the yard, came up to him and struck him three times on his head. I only feared that he would wake up, because if he raised his head, we would be done for. Later I walked into the room where my son and my daughter were and told them I had saved their lives. I went to turn myself in with my son. Now I regret my act. I don't know what came upon me. All my life, I've lived only for my children and I was afraid of leaving them, and now I've left them at their most difficult age. I am terribly sorry. The children are very much attached to me. Now they visit me regularly."

Verica was in tears when she finished her story. She said that she felt relieved having told me everything. The Presiding Judge entered and asked her if she had told the truth and she said that everything she had said was true. We said good bye, I gave her the toilet requisites, some fruit and cigarettes I had brought along and promised that I would be with her at the general proceedings.

I came to the general proceedings along with three members of the SOS hotline. Before the beginning, we talked to the Presiding Judge, who was also the chairman of the Court Council, about our activities and how we help women. We also gave him an article on "the syndrome of the battered woman", which described cases from legal practice abroad, and instances when women got more lenient sentences or no sentence at all having killed violent partners in similar situations.

The hearing lasted for three hours. Verica was standing all the time. I admired her tenacity. Although it was January, it was very warm in the courtroom, and her story, which was identical to the one she had told me, bore heavily upon everyone. Before calling the witnesses to stand, the court adjourned for recess. We considered ways of helping Verica while she was remanded in custody and later, after the sentence was pronounced.

However, in the second part of the proceedings, events suddenly took an unexpected turn. One of the witnesses declared that Verica had not committed the murder, but that it had been her daughter instead. Verica's son confirmed it and the daughter confessed having killed her father, saying that her mother had told her not say that, so that she would not go to prison. It was clear

that the mother had wanted to protect her daughter.

Verica was freed of all charges. I rejoiced at such a decision, but I was disappointed at the thought that she had not told me the truth. I was left in doubt whether the truth would ever come out. Perhaps, because of our great wish to help victimised women, we expect too much of them. Perhaps the only acceptable "truth" for Verica was what she had told me. In any case, it was worth talking to her for the benefit of the relief her face betrayed when she realised that someone was willing to listen to her and find out what she had gone through.

Slobodanka Konstantinović-Vilić

Jordanka

The members of our group learnt about Jordanka's case through the press. We agreed that Sanja Milivojević and Ivana Stevanović should find out more about the details of this case. Namely, the newspaper headline suggested that the woman in question had committed a crime related to the domestic violence she was exposed to, and that she needed emotional support while remanded in custody, as well as some assistance to ensure a fair trial and sentence, or even acquittal.

We addressed a letter to the Presiding Judge of the District Court in Kragujevac, informing him about our activities and asking for his co-operation in this and such cases, which would include an access to the files of the penal case and enable us to contact the prisoners. Having accepted our petition, the Presiding Judge proceeded our letter to Žika Milojević, the investigative judge who was engaged on that case. He contacted us and welcomed us saying that the Presiding Judge shared his opinion. He seized the opportunity to inform us about the developments of the case, and we agreed to be provided with all other details on our arrival in Kragujevac.

This is how Sanja Milivojević commented on that trip and what she and Ivana Stevanović found out in Kragujevac:

"It was the first major experience I had as a researcher, my breakthrough in field work. The only prison I had visited before was the prison in Zrenjanin, as long ago as 1989. This time I was expected, in a rather different way, to examine, and possibly assist in one of the cases that have, unfortunately, become quite customary, when the woman who has been battered throughout her life, loses control, oversteps the limit and kills her husband. I knew from my colleagues' earlier experience that in such situations, when the woman is in remand, what she needs most is someone to talk to and to counsel her. That was, precisely, the motive of our visit to Kragujevac.

On the way to our destination, Ivana had prepared me for what was to come and that relieved some of the tension I was feeling. We did not expect to run into any major problems, because the visit had been scheduled, but we were pleasantly surprised at the warm welcome we

received first in the Court of Kragujevac, and then in the prison.

After a detailed conversation with the investigative judge who was in charge of the case in the District Court, we were able to go through the files of Jordanka's case. We paid special attention to the statement Jordanka had made during the enquiry. That is such a typical, and yet such a singular example of domestic violence. Cvetko Stojanović had been brutalising his wife for years. He used to batter and humiliate her, even in front of the children. On that day, he had also come drunk and started battering her, but that time, her elder son, Srdjan, tried to protect her. Together, they managed to overpower Cvetko and to tie him. Then they laid him on the bed. After a short nap, Cvetko woke up and complained that the wires were too tight. His son felt sorry for him and he loosened them a little. Unfortunately, that enabled Cvetko to get up and to lunge at his son. He thrust him against the wall. They began fighting. Cvetko managed to bite in his son's finger, and it was then that the youngster knocked him down and kicked his head twice, which made him faint. At that moment Jordanka, exasperated with fear that he would come round and continue brutalising them, took a cable and started tightening it around Cvetko's neck. The police brought criminal charges against the mother and the son: under article 47 of the Penal Code of Serbia, they were charged as accomplices in a criminal act of homicide, with the qualification that it had been "a brutal and vicious murder". In addition to Jordanka's statement, we also examined her son's statement and, particularly, her daughter's moving testimony. Unable to withstand the way her father mistreated her mother, she got married and left their home.

Having inspected the files and obtained a promise from the judge that he would keep us informed about the proceedings, we went to the remand prison in order to meet Jordanka. Owing to the kindness of the Governor of the Prison in Kragujevac, we spoke to the prisoner in private, in a separate room. We were afraid what would happen, knowing that she had attempted suicide. The scar on her neck was visible. At the beginning, she betrayed great impatience and mistrust. However, we managed to convince her that we had come for her sake, in the first place, to try to help her. The conversation went on with great difficulty. This poorly educated woman, seriously traumatised by everything she had survived, often failed to understand even the simplest questions. We patiently tried to build up her confidence. She finally began to talk, but what she told us was quite different from the statement she had made during the enquiry. We had the impression that she had been trying to protect her son all the time. She spoke disconnectedly, often choking at her words. We spoke about living conditions in the remand prison, about the wardens and, finally, about the event itself. Ivana conducted most of the conversation, while I was struggling with my emotions and filling in the questionnaire. We were trying to advise her and to find a way to help her. But it seemed impossible to persuade the

mother that we wished to help her without "condemning" her son. Neither did we dare promise anything we were not sure to fulfil. A couple of my beginner's mistakes, fortunately, went unnoticed. We concluded our conversation when it had become obvious that it was too tiring and futile, and her daughter was waiting for a visit. We parted with Jordanka, promising that we would come to see her again and that we would be there to support her during the trial".

This is what Ivana says about further activities concerning this case:

"On our return from Kragujevac, we managed to get in touch Jordanka's lawyer. He informed us about the problems he had in connection with that case and indicated that they were waiting for the results of psychiatric expertise that Jordanka and her son had undergone. This expertise was very important because the course of the proceedings depended on it, and, consequently, his defence. When I last spoke to the investigative judge, he informed me that the results had arrived and that, according to the experts' opinion, Jordanka and her son were in a state of considerably decreased mental competence at the time of the crime. In the light of that, the public prosecutor has brought charges against them, and once it goes into effect, the date of the general proceedings will be set. Sanja and I will be there, and we shall decide about our further activities afterwards".

Tanja is not a murderess

I met Tanja in The Central Prison in Belgrade one week after she had been issued an indictment on murder charges, under article 47, par.1 of the Penal Code of the Republic of Serbia, which prescribes a minimum five-year prison term. At that time she was 21 and had already spent five weeks in remand.

Tanja is a Gipsy. She completed a secondary agricultural school with excellent marks, but she has never had a job. She regrets not having continued her education, because she is fond of reading and studying. However, she did not want to burden her parents with her further education, bearing in mind the fact that she also had an elder sister. She was very young, only 19, when she married the boy she had been seeing for about seven months. This is what Tanja told us about how they lived before and after they got married and of how "that thing" (Tanja refused to call it a murder, and fostered the same feeling in me, as I observed her childish face and listened to her swearing how much she had loved him and still did so. It would turn out later that we had both been right) happened:

"He had been molesting me ever since we started going out together. He would strike me so hard that I passed out. After we got married, he did not allow me to leave the house. When we went out together, I did not greet people, nor did I dare to look at anybody. I did not mind being

beaten. I would kneel before him and beg him to forgive me. I put up with everything because I loved him. He also beat me while I was pregnant. Once, when we were at a wedding, I glanced at his friend's shoes. He beat me because of that, and later, I begged him to forgive me.

On that day, he returned home in the evening. I was having trouble with my kidneys and I was being given shots. He went straight to the bed and lay down. The child, who was ten months old at the time, was crying incessantly because he had earache. I constantly carried him around as I was doing the housework, trying to keep him quiet, because he had a burst capillary on his tummy and crying was bad for him. Then I laid him in his cot so that I could do the washing up. My husband was annoyed at the child crying. I told him to take the child while I washed the dishes, but he started yelling at me. So I took the child in my arms. Then, he slapped me twice. I could feel that I was bleeding. He was hitting me in the face and kicking me in the stomach. I can only remember sparkling in front of my eyes. The child was screaming, I could feel he was frightened. I kept stepping back until I spotted a knife and got hold of it in order to scare him off. I do not remember anything further, except that he fell down and that I called out to my neighbour and told her to call my parents. I kept splashing him with water and tapping him, trying to make him get up. At one moment he sat up and asked: 'What is it?' I said: 'I don't know, I love you my darling, I love you.' I told the neighbours to call an ambulance. I swore with my child that I had always worshipped him and that it had never ever crossed my mind to kill him. I had prepared everything for the New Year celebration, I wanted us to have a real good time together".

It was immediately clear to me that Tanja must not be convicted for murder, because it was obvious that she had acted in self-defence. I enquired whether she had a lawyer and she told me that her father had found a lady lawyer. She also told me that she had only visited her once and that she said she would appeal for the alteration of the charges. Tanja was terribly scared because she had heard that she could get as much as a ten year prison term. I tried to reassure her that she should not be sentenced at all and she asked me to talk with her lawyer and to estimate if she could help her at all. If not, she pleaded with me to talk with her parents and see if they could provide a better lawyer for her.

A few days after my conversation with Tanja, I phoned her lawyer, who told me that she intended to file an appeal for the mitigation of murder charges against Tanja into involuntary manslaughter, which proposes a sentence from six months to five years prison term. I was appalled, because I considered that the act contained all the elements of self-defence, which would presume that Tanja should be freed from all charges. The lawyer basically agreed with me, but she argued that the judge was a male chauvinist and that their chances with him were nil. As I refused to accept such an attitude which was directly damageable to

Tanja, I called her father and told him that, in my opinion, he should seek another lawyer to defend her. However, in spite of the fact that she enjoyed his full support and that he did not in the least blame her, he was not ready to change her lawyer. Like many others, who are not fully aware of the impact that the lawyer can have on the position of the defendants in a criminal lawsuit, he said: "Leave it to the Court and to the law. What else can I possibly do? I have found a lawyer for her, so why in the world should I look for another one."

During our second encounter, I promised Tanja that I would attend the general proceedings to give her support. It was then that Tanja told me that the investigative judge had allowed her to see the child once a week, but that she had suffered a shock on their first encounter because she did not recognise the child (she had not seen him for over a month). Following that event, she sought psychiatric assistance. And then, she experienced an even greater shock, because, instead of helping her, the psychiatrist told her it was impossible she had killed her husband in the way she had described, and that she had probably done it while he was asleep. Since then she never sought medical help again.

Just before the general proceedings started, I spoke to Tanja's lawyer again. Her attitude was unchanged. I also had the opportunity to talk to the public prosecutor and to the judge and to express my opinion on that case. Tanja bore well before the court although she failed to mention many instances of the abuses and batteries she had suffered. She was ashamed to mention some personal details that reflect the stress she had been exposed to during and following that event (haemorrhage, disturbance of her menstrual cycle, etc.). Nevertheless, the experts' opinion was that there had been grounds for self-defence and the public prosecutor altered the indictment seeking that Tanja be acquitted on the grounds of exceeding self-defence. In her final address, her lawyer was also, finally, encouraged to plead for Tanja's acquittal on the grounds of self-defence, but it was not relevant for the decision any longer. The Court accepted the public prosecutor's proposal and Tanja was freed. She could not believe it. She kept asking whether it meant that she was really free to go back home to her child.

Vesna Nikolić-Ristanović

Domestic violence - condemnation or acquittal

If you listen to the account of a thirty-five-year-old clerk, unemployed, divorced, mother of a ten-year-old, as an ordinary person, you will catch yourself repeating disconnectedly: "How horrible!" If you try to listen to her professionally, as a lawyer or a researcher, you will still want to repeat the same comment, only this time you can not and must not say it. On one hand, her deeply personal, agonizing and distressing experience seems utterly new, and on the other, if you look

into the very nature of it, it is similar to all past and future miseries of domestic violence. In that way, (un)ordinary mistreatment by (former) spouse becomes a drama with predictable elements and, in most cases, with the identical outcome.

Having spent four years in a marriage in which she was perpetually abused, both physically and mentally, P.O. got divorced in 1990. Relatively swift and uncomplicated completion of the divorce procedure logically presupposed the resolution of the family situation. However, since P. O. continued to live in the same apartment with her former husband, he went on threatening, battering and blackmailing her. In one of the countless assaults and batteries her ex-husband knocked her front teeth out, in the other he broke two of her ribs and, on another occasion, he broke her arm. More than once she tried to take shelter at her mother's, but such a solution, being temporary, proved inadequate. Each time she returned only to be brutalised worse than before. During this period she repeatedly appealed for help both with the Centre for Social Work and with the police, but their sporadic interfering only made things worse. His cruelty culminated when he broke her arm. P.O. then decided to seek legal protection.

The charges against her former spouse were brought in December, the same year, and The First Municipal Court, upon the court record no. K 1918/90 found the offender guilty of inflicting serious injuries and pronounced a conditional sentence. The Court meted out the verdict upon the conclusive evidence that "the accused, subsequently to a minor quarrel, battered the complainant first with his hands, and then, when she fell on the floor, he continued to kick her all over the body." The conditional sentence was substantiated by the following extenuating circumstances: the accused had no previous criminal record, his sincere conduct in the court, his promise not to do anything similar ever again and that "in a way, the complainant, by her behaviour, provoked such a turn of events".

Acting upon the Public Prosecutor's appeal, The District Court in Belgrade altered the decision of the lower court by modifying the conditional sentence into a non-conditional sentence of three-month prison term. The court reversed some of the foregoing extenuating circumstances, in the first place the sincere conduct in the court and the promise not to do anything similar again and adopted the following list of circumstances that extenuate the verdict: no previous criminal record, family circumstances, pleading guilty, the fact that the defendant and the victim had been married and then divorced but continued to live in the same household in a common-law marriage.

We could not help feeling that basically the same circumstances, the divorce and the common-law marriage after the divorce, were differently interpreted in regard with the defendant and the victim - as the divorce, meaning broken family, set forth a difficult family situation for the former husband regardless the fact that spouses continued to live together. At the same time, the

perpetuation of the union after the divorce made the victim partly responsible for what had happened. The double standards gave grounds to pronouncing a much lighter sentence than the criminal code prescribes for such an offence.

Unfortunately, the story does not end here. After the sentence had been pronounced, the accused M. O. went to war in Croatia. When he returned, not one of the criminal prosecution institutions took steps to execute the penalty. In the meanwhile, P.O., fearing the abuser, moved to her mother's. On February, 28th 1991, M. O. made yet another in the series of threats to her life. On this occasion, he threatened her mother as well in a public place - a bus-stop. Since incidents of that kind had occurred a number of times, the indictment interpreted such an aggressive behaviour as an extended violation of safety. While the pre-trial investigation was being carried out the defendant made a lunge at his former wife, upon which he was remanded in custody pending the trial.

During the main hearing, upon the court record K 586/91, their first neighbours M. D. and M. N. testified that "the defendant frequently abused the victim by hurling her down to the floor, kicking her, throwing bricks at her which thoroughly intimidated the victim ... that there were occasions when their under-age child went to the neighbours' to seek protection for its mother".

Upon the established evidence, The First Municipal Court pronounced the sentence of two-month prison term to the defendant. The court accepted the facts that he had no previous criminal record and that he was the father of a minor as extenuating circumstances. On the other hand, the court did not establish any aggravating circumstances, although his offence was regarded as an extended felony. As such, it implies, as a rule, that the offender represents a greater social menace and that he is prone to repeating the criminal behaviour he was accused of, which he undoubtedly proved before the court during the investigation procedure. This was also substantiated by the neighbours' testimony. As far as the extenuating circumstances are concerned, it should be noted that the accused did have a criminal record since he had been found guilty in February the same year, for having inflicted serious injuries to the victim, i.e. to his former wife. The wrongly established fact that the accused did not have a criminal record heavily burdened the inadequately mild sentence. We also have to reconsider the other extenuating circumstance - that the accused is the father to a minor. Bearing in mind that it was a five-year-old child who had witnessed the scenes of brutal domestic violence we are inclined to think that it was an indirect victim. Therefore, this circumstance should not have been regarded as extenuating. Consequently, it may be concluded that the formal and superficial approach coupled with the oversight of the socially menacing behaviour prompted the pronouncement of an unjustifiably mild sentence.

The accused spent a total of three months serving the prison term for both offenses. All the while his former wife was obligated to take

their son to visit his father in the prison. During the last month of his sentence, the prisoner was allowed to spend weekends at home. Not long after he had served his term, he left the country to work abroad and he has been there ever since.

In an effort to procure an effective protection, P.O. went from the Centre for Social Work to the police and from the police to the court of justice. In the meanwhile, during all seven years of uncertainty, P. O. has not obtained the minimum of personal security either for her own or for her child's life. She finds the verdicts pronounced to her former husband humiliating and his punishments discouraging.

Confronted with this and similar verdicts, we deem that the formalism of their approach to domestic violence, the inconsistency of the positive law interpretation with regard to the offenses in which the perpetrator demonstrated aggression and brutality, as well as the incoherent implementation of punishment are inexcusable and damaging to the judicial system in general. When disregarding the social menace of violence against former or present wives, the courts, police and other state institutions as well as the organisations directly or indirectly involved in the protection of society against crime, must be aware of the consequences of such an attitude and must assume responsibility for them.

Yet, it appears that the key to the permanent solution to this problem lies with the legislators. The anticipation of social trends through redirecting of the change flow towards for penalisation of domestic violence would denote firm premises for the legal institutions functioning. That would prevent further "haphazard" court work and enable consistent law implementation and the realisation of legislators' intentions in each particular case of domestic violence. That would originate legal premises for a new and more effective system of legal protection and safety.

Marija Lukić

CAMPAIGN

TO THE MINISTRY OF JUSTICE OF THE REPUBLIC OF SERBIA

Joining the international action "16 days of activism against gender violence" (Nov. 25th - Dec. 10th), the basic aim of which was to draw the public attention to the violation of human rights of women and to ensure an adequate punishment of the perpetrators and the protection of victims, The Group for Women's Rights of the European Movement in Serbia has prepared a draft of measures to be undertaken by the legislators and in practice, aiming at creating preconditions for a greater degree of protection of women's human rights in Serbia.

We forward our proposal to the Ministry of Justice, hoping that they, within their power, will appeal to the authorities to whatever they can to impede the increasingly widespread violation of women's human rights.

Draft of measures²

I. The modification of the Penal Code of the Republic of Serbia towards proscribing culpability of marital rape and a more adequate protection of domestic violence victims.

II. Intensifying the strictness of the penal policy of the courts, which comprises the modification of the over-lenient attitudes of the judges, leading to the pronouncement of absurdly mild sentences to the perpetrators of domestic violence against women.

III. Modifying the irregular court practice in homicide cases, especially at sleep, committed by women - victims of violence, towards imposing lighter sentences or freeing from charges.

IV. Changing the legal practice regarding the increasingly occurring cases of mothers who, in the state of despair caused by domestic violence and/or difficult financial situation, resort to infanticide and are indicted after a failed suicide attempt.

V. The modification of the Law on the Implementation of Penalties towards allowing women to serve their sentences in minimum-security centres, administratively separated from the men's prisons, as well as creating such imprisonment conditions which provide the rehabilitation through work and education and do not prompt the violation of social and economic rights of women or jeopardise their health, as is now the case.

Belgrade, 10 December 1996
The Group for Women's Rights

² Only the outlines, without explanation, have been presented here, whilst the integral version of the Draft has been forwarded to the Ministry of Justice.

THE FEMININE EXPERIENCES OF WAR

The manifold marginalisation of women refugees

Almost two years have elapsed since infinite lines of refugees, mainly women, children and elderly people, from Republika Srpska Krajina arrived in Serbia. For many of those women, the ones that we talked to, the sojourn in Serbia was but an inevitable misfortune, a burdensome reality they had to face.

As time went by, what they had left at home gained in beauty and significance and the remorse for having forsaken it grew. The women we spoke to do not see a way out of their present situation. Everything seems ephemeral. Their status has not been regulated, the chances for gaining citizenship are vague, they have trouble finding any sort of job or appropriate accommodation.

These women are plucking up the courage to return home. They would go back if they were guaranteed any, even the least security. They would go back to check on their homes, to see whether they could live there or not. But, if their men can not be guaranteed a safe return, than any return is meaningless, especially if nothing awaits them: if their homes are devastated and plundered and if there is no hope of living safely there.

But, even when they suppress the thoughts of return, they dream of their homes and what they left behind. Any event or holiday is an occasion to remember the homeland. It is not simply a matter of being attached to what they had. It is far greater and far more comprehensive than that; these parts are entirely different from what they abandoned, there are considerable cultural differences and what they expected from Serbia has proved a great disappointment in reality.

The women we spoke to are also somewhat taken aback by the circumstances of the people here. Despite the wish to render aid, the state resources have proved both insufficient and inadequate for the reception of such a big number of exiles. On the other hand, notwithstanding the aid provided by the relatives and others from these parts, it is virtually impossible to provide these people with more than bare necessities.

The younger ones, however, contemplate emigrating. Unfortunately, in this situation it is not very likely that foreign countries would accept any more refugees from Yugoslavia. On the other side, the Croatian state makes but a symbolic "effort" to ensure the safe return of these people; as it seems, they are unwelcome in almost completely ethnically homogeneous Croatia.

Those who decide to stay here are still to face further social adaptation. The women we spoke to and their families have spent these two

years in a sort of social isolation: they live somewhere around us and we occasionally hear about them mainly in connection with some humanitarian mission. The situation of self-supporting mothers is especially difficult since they can not work because their children are either small, or ill, or disabled. They are, above all, in a difficult financial situation, because besides having to rely completely on the scanty humanitarian aid, their expenditures for the children are bigger. The adequate diet for some sick children poses a particularly serious problem. The mothers of diabetic children and the children themselves are in an exceptionally grave situation since, besides the diet food, they have to procure insulin syringes, glucose-level test papers and the like. Yet, most women refugees are in a difficult position because they have been marginalised in two ways - both as women and as refugees.

This is yet another occasion to mention the case of a mother who lost her husband in this war and her nine-year-old son lost his arm during a bombing in Benkovci last April when an overhead transmission line fell on him. Vesna and I have met this boy. The child wears an artificial limb and has scars on the face and the neck. His mother told us how she herself had disentangled him from the wires and how doctors had fought for his life for 24 hours. She says she is lucky to be so physically fit or else she would not have endured all those ordeals. From time to time, the child asks her: "Mum, will my arm grow back again?"

During the exodus of the Serbs from Krajina, this boy was separated from his mother and brother. He was at hospital in Belgrade, and his mother and brother were in Krajina. He kept asking one and the same question: "Doctor, please tell me if my mum and brother will get here alive." An unspeakable joy overwhelmed this little hero when he saw his mother who, with her younger son, managed somehow to reach Belgrade.

Yet, although a long time has passed, this boy is still very disappointed. He is very sensitive to everything and finds it difficult to accept that he is different from other children. This boy, who gives an impression of an adult, warns and poses one and the same questions all over again - who will save these children's lives and how will the trauma of this nine-year-old who knows who killed his father reflect upon his future life?

The women whose husbands were disabled during this war are in no better position. They were forced to become the bread-winners of the family and to assume the care for the children and the elders. While working on the book *Women of Krajina - War, Exodus and Exile* I met one of them. I was very impressed by this woman and she made me wonder about the bounds of human strength and fortitude. She is married and the mother of three children. Her husband was wounded at the beginning of the war, in 1991, and has been a serious invalid since then (he lost both his legs). For five years have this woman and her children been separated from their husband and father. They first lived in Krajina and then in a collective accommodation in Serbia and, all the

while, the man has been on a medical treatment. The last I have learned about them is that they are together, at least, during the weekend. This woman works all day to pay the rent for a house which is near the rehabilitation centre where her husband is. She has no choice since the disability allowance that they receive is not enough and the needs of her children and husband grow from day to day.

The lives of these two women and their families, both immediate and extended, are at the same time so similar to and so different from the accounts we have heard from women refugees associating with them and sharing their pain. What they themselves, their children, husbands and other members of their families most long for is a kind word and our compassion - something that many of us seem to have forgotten. These people are not a marginal group, even if they have frequently been treated as such. They are people like us and we must strive to help them regain their dignity and befriend them with every possible aid, never forgetting that they bear the heavy burden of their memories. The only, if any, consolation for them at this moment, and perhaps, for us as well is, and let us paraphrase Ivo Andrić's words here, that behind each of their bitter accounts "there is a human face with its yearning for happiness" (The Disquiets).

Ivana Stevanović

The book "Women of Krajina: War, Exodus and Exile"

The book *Women of Krajina: war, exodus and exile* represents the result of research into human (primarily women's and children's) suffering, fear and concern that unfolded in front of the public in August 1995. The study represents an account of the war, exodus and exile that the authors, members of the Group for Women's Rights (Vesna Nikolić-Ristanović, Slobodanka Kontantinović-Vilić, Nataša Mrvić-Petrović, Ivana Stevanović and Branislava Knežić) collected with quite a lot of effort and courage, from December 1995 till March 1996.

In difficult moments of exodus and exile of the Serbian people from Krajina, we ourselves felt helpless, witnessing the sequence of events and "a collective journey" which has hardly ever been recorded in history. Facing the fates of the people from Krajina, we tried to bring to notice instances of human suffering that have been unmatched for a very long time, and also to record documentary material that could be used for a more comprehensive sociological and victimological analysis in the future. We spoke to 54 women refugees, most of whom willingly agreed to be interviewed. Apart from a few exceptions, the women trusted us and were grateful for our visit, words of support, small favours or little presents that we brought to them.

The book contains 50 authentic stories told by the women of Krajina. They reflect the life in Krajina during the war, then in exodus and exile.

The women were given different names, because most of them wanted to remain anonymous. Every account is preceded by a our short introduction, because any deeper or more detailed analysis, under such circumstances, would seem like an "abuse" of the spoken words of our respondents; who is to know their trouble better than they do - they do not need any interpretation. Therefore, the introductions are intended to draw the reader's attention to the particularly interesting, moving or informative details.

The accounts that represent a testimony of war atrocities and its senselessness, of support and solidarity, of disappointment and lack of understanding, are followed by excerpts from the researchers' diaries. While listening to the desperate and helpless women recounting their plight, we felt terrible and helpless ourselves, and we frequently lacked words of support, which, in some situations, seemed redundant. It was difficult to interrupt some women while they gave way to their pain and cried, and even more difficult to listen to and watch all that. Many accounts in this book require "having the guts", because they are not easy to "digest".

Milica is one of the fifty women whose account is in the book. She was born in 1960. She is married and has a seven-year-old child (who started school in exile). She completed a secondary school of commerce and she used to work as a shop assistant. Milica lived in Karlovac until 1991, from where she fled to Belgrade, but in 1992, she returned to her house in the region of Kordun, which was 150 metres away from the front line.

Milica had come to my attention in October 1995, before we started our research. She used to work in a private shop and the way she spoke betrayed that she was from Krajina. Whenever I went to the shop, Milica was quiet, depressed and sad in a very peculiar way. When we started working on "women's stories", I asked her colleagues about her and they confirmed that she had fled from Krajina in August 1995. She readily agreed to talk about her experience and exile, so we began our conversation in my house (it has been going on ever since). As I began taking notes of her account, I was horrified at the details, at her composed voice and tearful eyes, especially when she spoke of her child. Her story speaks for itself and no one can remain indifferent to it, but as she spoke, she kept repeating that her five-year-old daughter's story would be more convincing. The child wakes up every morning with account of nightmares that reflect all the feelings of hunger, fear and anguish she has experienced. I had an urge to met the little girl, to play with her and make friends with her and try to soothe her pain by giving her a little attention, warmth and love.

Milica ended her story this way: "I feel uneasy and insecure at work. I do not know today whether there will be work for me tomorrow. When the buses are crowded, the refugees are the first ones to blame. Wherever you go, you are a second-rate citizen. I cannot go back to Krajina,

nor do I see a solution for myself in Serbia, nor do I have the possibility to go abroad".

Nowadays Milica feels a bit safer because she has found a job where she does not feel uneasy and where she is not threatened by losing it every day. In the period between October 1995 and January 1997, we spoke by telephone several times, so I knew a lot about the hardship and the trouble she had and I sympathised with her and shared her grief. I met the little girl and visited her several times, and instead of Milica's account, I shall quote her daughter's words and reminiscences which are an illustrative example of early maturing of the young in war.

"I have got used to living here, all the house in Krajina were destroyed or shattered. There were no children over there, I could hear shooting all the time, and my job was to collect the eggs the hens laid. (The first time she was in the company of children of her age was in Belgrade, she was obsessed with shop-windows, toys, buses, crowded streets and parks - her mother explained). The black people (members of UNPROFOR from Nigeria) were my friends, they used to give me milk and chocolate. For my third birthday, they gave me a bag of sausages as a present. I was fond of them and I used to sit on their knees. When we departed from home, I gave mother my red plush toy-bunny to carry and when we jumped into gullies in the forest, she lost it. I asked mother about my bunny in Sisak (when we were in the camp) and I was sad because we had left it in a gully. In the forest, we had a house made of trees and branches, so when it rained, we were wet. I slept on top of my mother, and it was wet underneath and we were wet, too.

We had a bath in Sisak, we almost missed our turn because the old women were slow. The toilet there reeked so that I could barely stand it, and I was ill, too. Mother wrapped me up in a blanket while my clothes were drying.

There were only four children in the camp. It is nice in Belgrade, there are many children, I go to school and I would not like to go back there. I have forgotten many things that happened to us on the way, and now, when I have a nightmare, I slip into my father's bed, because I get frightened. Father carried a rifle during the war and that is why I am not afraid when he is here to protect me".

Written words cannot express the emotional charge of children's recounts, their faces betray it all, little fingers clenched, a nervous scratching of their hair. Whenever I see Milica and her daughter, I have a headache and I feel exhausted afterwards.

When I last encountered Milica, I gave her "our" book and, for the first time, a genuine smile appeared on her face. The little girl wanted to be read the story immediately. Milica did so, her eyes were full of tears like on the day she had first recounted it. While the little girl was leafing through the book, Milica warned her to take good care of it because the book was all they had from Krajina now.

I hope that this illustrates the need and necessity for this kind of research - by cheering up their respondents, the authors of this book regained their own positive energy and proved that all their efforts and time had been worth a smile they received in return.

Branislava Knežić

HUMAN RIGHTS AND PROTESTS 1996/97

The use of physical force and other coercive measures during the civil and student protest against the annulment of the municipal elections results in Serbia

Introduction

The subject of this study, the results of which are presented here, is the use of coercive measures on the civilians during the three-month protest against the annulment of the municipal elections results in Serbia. We made an investigation into the nature of application, vindication and legality of the following coercive measures: physical force (beating) in the street, taking and holding people in custody, the use of coercive measures at arrests, physical, mental and sexual abuse during the interrogation, filing either misdemeanour charges or instituting criminal proceedings, remanding in custody and imposing penalties.

The primary objective of this research has been to find out the scope, the nature and the circumstances under which the coercive measures were applied during the protest, the structure of victims and the consequences of force application as well as their vindication and foundation in the current national and international regulations.

The investigation of phenomena in progress, which was the case with our research, is coupled with numerous difficulties between the research as such and the investigated population and sample. This sort of investigated phenomenon, as any other sort indeed, presupposes the determination of the population and sample, i.e. the possibility of determining the population. The circumstances which determined the civil and student protest against the annulment of the local elections results in Serbia, during which, for three months day in, day out, an estimated several thousand to several hundred thousand people were in the street, also determined our population and sample. The occurrence of violence and other coercive measures was closely related to the variable social context and actual events and therefore it was not possible to plan the investigation or to make a precise questionnaire in advance. By opting for this research we set out towards uncertainty.

The singularity of the actual reality called forth various shifts and changes during the research which does not necessarily mean a setback or inaccuracy of such research. The sample was determined by events. Our intention was to reach as many victims of violence as possible and we met various difficulties along the way. Fear, mistrust, reluctance or indeed, rejection of people, especially those against whom criminal or

misdemeanour charges were either brought or completed, to contact "some strangers" and confide in them could be easily accounted for. Although - for these very reasons, we believe - our initial attempt to reach victims by media was futile, we did not lose patience. We had to be very resourceful to manage to contact the victims, and, lawyers, journalists, members and the staff of town and local committees of The Democratic Party in Belgrade and other towns in Serbia assisted us. During the protest, we also appealed personally to people to contact us.

When we started our investigation, the total number of victims was uncertain, and when we completed it, due to the lack of accurate data, the only fact we positively knew was that the number was not smaller than the number of our respondents and there was a strong possibility that it exceeded it. The obtained sample approximates the appropriate one. We certainly hope to have found the majority of victims and we feel rather certain that our sample, to a considerable extent, reflects the entire population of victims.

From January 20th to March 4th, six researchers in the field were engaged on data collecting, all of them being members of The Group for Women's Rights of The European Movement in Serbia³.

The nature and circumstances of the occurrence of the use of force and other coercive measures necessitated the overall sample (101) to fall into two groups:

1. The victims of violence and the street (including the victims of violence in the street who were subjected to other coercive measures) - 86;

2. The victims of violence and other coercive measures used in places other than the street - 15.

The use of coercive measures in the street occurred mostly in Belgrade which is in our sample represented by 75 respondents. To our knowledge there was some serious use of force in other towns in Serbia, especially in Kraljevo, Kragujevac, Sabac, and Smederevska Palanka. There were also some cases of the use of force in several other places, of which Smederevo and Vranje are represented in our sample. The representation of the respondents (11) from other towns in Serbia in our sample is as follows: Kraljevo - 4, Kragujevac - 2, Sabac - 2, Smederevska Palanka - 1, Smederevo - 1 and Vranje - 1.

The social context and circumstances of the use of violence in the streets of Belgrade determined the division of our sample in 6 groups: December, 24th (10), December 26th and 27th (17), December 28th 1996 to January 18th 1997 (1), January 19th to January 27th 1997 (5), the night between February 2nd and 3rd 1997 (33), after the night between February 2nd and 3rd 1997 (9).

We interviewed 71 victims of violence in the street and 16 witnesses of violence in the

³ Dr Vesna Nikolić-Ristanović, (the research coordinator), Branislava Knežić, Ivana Stevanović, Marija Lukić, Sanja Milivojević and Sanja Radisavljević.

street. For 15 victims of violence in the street (who were inaccessible) the data were collected from lawyers' files, the press and from the documentation put at our disposal in The City Committee of The Democratic Party in Belgrade. Also, for 15 victims of violence and other coercive measures used in places other than the street, the questionnaires were filled according to the interviews, articles and verdicts.

The very approach to the data collecting and interpretation was set forth by the phenomenon which is our subject matter. The nature of the phenomenon, its attributes and the number of the investigated cases do not allow a greater degree of generalisation than the one applied in the following analysis. The inspection into the accessible details, the description of the events and an attempt towards the systematisation and a qualitative analysis comprise the main characteristics of the research.

The socio-demographic features of the respondents

The victims of violence in the street and other forms of coercion are participators of the student and civil protest of both sexes, all age groups, various occupations and levels of education as is presented in the study.

The victims of violence in the street

The victims of violence in the street are predominantly young people mostly between 19 and 29 years of age - 39 respondents or 45.4%. The stated ages obviously correspond to the student population. Further grouping distinguishes the age group that could be called the young and middle-aged (19 to 51 years) which includes 59 respondents or 68.8%.

The majority of the respondents are well-educated since the number of those with secondary education (27) and with higher and university education (21) is by far greater compared to those with primary education (2). These data on education and occupation show the high rate of those with university education, especially undergraduates (20). Among the victims, the number of university teachers and scholars (5) is not to be neglected. Indeed, their percentage among the victims well exceeds the one in the general population. A special attention should be drawn to the number of injured reporters, news photographers and cameramen (15) which presents 17.4% of the victims from the sample. The majority of victims (31) are full-time or part-time employed (excluding university and secondary-school students).

The respondents stated that 21 of them or 24.4% were married, 54 or 62.8% were single and for the remaining 11 we do not have the data. Expectedly, most of the victims are Serbs (61 or 70.9%). There were 5 Yugoslavs, 2 Montenegrins, 1 Greek and 1 Ukrainian. There also were 3 ethnically uncommitted respondents and for the remaining 11 we do not have the data. It may be

considered interesting that 58 respondents or 67.4% are not members of any political party, 6 are members of SPO (Serbian Renewal Movement), 2 - of SRS (Serbian Radical Party), whilst DS (Democratic Party), DSS (The Democratic Party of Serbia), GSS (The Civic Alliance of Serbia), NSCG (People's League of Montenegro) and LMV (The League of Hungarians from Vojvodina) are represented by one respondent respectively. Amongst the victims there also were 5 MP-s.

According to gender, the majority of victims are men (70, or 81.4%) and 16, or 18.6% are women, which is not at all negligible. Most women from our sample belong to the 19 to 29 age group and to the 30 to 51 age group. However, there also were 2 women over 60, 1 of 55 and a girl of 12 among the respondents. According to occupation, these women are journalists, scholars, lawyers, ballerinas, computer programmers, pensioners, students and school-girls. One of the women is the president of The Civic Alliance of Serbia, Ms Vesna Pesic, who is, also, the only politically committed woman among the victims.

All the victims of violence in the street were participators in the protest, although, as is later shown, the use of force on them did not always occur during the protest or in close connection to it.

The victims of violence in places other than the street

Of 15 victims of violence and other coercive measures in places other than the street, 9 were between 19 and 29 years of age, whilst the age groups 30 to 40 and 41 to 51 are represented by 3 respondents each. All of them are men - 11 single, 3 married and for 1 respondent we do not have the data. The majority are university students (6), 2 are technicians, and then a worker, a driving instructor, a clerk, an electrician, a self-employed entrepreneur, a mechanical engineer and an economist. If we leave out the university students, 7 of them are fully-employed and 2 are unemployed.

14 respondents are Serbs, whereas 1 declared himself a European. As far as party membership is concerned, we could not gather the complete data, since the information came mostly from court files, but we know that 4 of them declared themselves as members of: SPO (1), JUL (The Yugoslav United Left) (1), DS (1) and politically undecided (1). Only one respondent from this sample, the member of JUL, claimed not to have anything to do with the protest while the others participated. It can be noted that the data on the structure of the respondents in this segment of the sample do not differ from the ones on the victims of violence in the street.

Despite the potential objections regarding the inaccuracy and deficiency of our research, the data on the structure of the sample show that they are reliable since they considerably correspond to the results of the research on the structure of the

participants in the civil and student protest⁴. It could be said that, apart from gender features, the sample of the coercion victims is in accordance with the complete population of the protesters which implies that they ran a rather equal risk of becoming victims of violence.

The use of force on civilians in the street

The place and methods of the use of force by the police

Belgrade

December, 24th 1996

On December, 24th a rally "For Serbia" (counter-demonstrations, i.e. a rally in support of Slobodan Milosevic) was held in Belgrade. On that day, after 34 straight days of peaceful protest, the streets of Belgrade turned violent and bloody and force was used against the protesters for the first time. A very high tension and mutual provocation called forth serious battles between the opposition supporters and the counter-demonstrators which culminated in the use of fire-arms and the wounding of Ivica Lazovic. The tardy arrival of the police necessitated the use of force in order to prevent further clashes.

During this incident, 10 of our respondents were the victims of police violence.

December, 26th and 27th 1996

On December, 25th The Ministry of Internal Affairs (MUP) of Serbia issued a statement according to which the police would no longer tolerate any street protests because "the blocking of traffic threatened the nation's economy and the welfare of its citizens".

Strong riot police forces hindered the protest marches, i.e. the mass-gatherings in public-traffic areas, first of the coalition Zajedno supporters (December, 26th), and then of the students (December, 27th).

The protesters responded to the ban by organising a march within the pedestrian precinct and by launching the "Arrest the Traffic-light" action⁵. The riot police primarily applied force against the participants of these actions and accidental passers-by. Among the victims of this particular instance of force application there were 8 of our respondents including a little girl and a woman.

The police used force against the people who happened to be near the ones who affronted the police, i.e. against those people who were accidentally in their way while they were chasing the participants. Three of our respondents were injured during this incident.

On December 27th, at the moment when the riot police squads were retreating, a group of about 15 plainclothes "civilians", later identified as members of a special anti-terrorist unit, used force on the protesters. These men beat 6 of our respondents (5 men and 1 woman) using baseball clubs and police batons. Policemen, who were standing not far from there and watching, did not intervene to protect the victims of violence.

December, 28th 1996 to January, 18th 1997

In the period between December, 28th 1996 and January, 18th the protest marches were still banned in the traffic areas. However, the presence of the police and the use of force did not instigate the dispersal of the protesters, but, on the contrary, boosted the activities⁶, which became even more intense, diverse and imaginative. In this period the use of police force on the protesters occurred sporadically, mainly when the traffic was clogged or when the protesters were incensed by the very riot police squads. Only one of our respondents was beaten during this period.

January, 19th to January 27th 1997

On January, 19th 1997, for the first time, the police cordon remained determined not to give in to the students; and hence the students launched an action popularly called "Cordon versus Cordon" (it was also called "The Anti-cordon" and "The Blue Disco Cordon").

This period is marked by a more frequent use of force by the police, primarily during the protest marches and traffic blocking in Belgrade suburbs, or when the protesters tried to continue marching in order to join the students in the central Kolarceva Street. In these incidents 5 of our respondents were beaten (all of them were men).

⁴ M. Babović (1997) *Maratonci setaju (po)casni krug* in Group of Authors, *'Ajmo, ajde svi u setnju - gradjanski i studentski protest 96/97*, Belgrade: Medija centar i ISI FF, p. 21 - 27 (the title is one of the most popular slogans of the protest and is an informal equivalent to the English 'Let's march together, let's all march together' - Civil and Student Protest 96/97).

⁵ The "Arrest the Traffic-light" ("Uhapsite semafor") action consisted of the following: when the green light (allowing the pedestrians to cross) was on, the participants would shout, "Arrest the traffic-light!" (because it 'let' them walk in the traffic area), and when it turned red they would run immediately from the zebra-crossing onto the pavement (showing "respect" for the traffic regulations).

⁶ Group of authors, *Ibid.* p.118

The night between February 2nd and 3rd 1997

The most brutal and most extensive use of force on the protesters occurred in the night between 2nd and 3rd February 1997. The police intervention "aimed at dispersing the demonstrators and re-establishing traffic flow and at preventing further violation of public peace" (as it was stated in the MUP's announcement issued later) started half an hour before midnight. Riot squads equipped with full battle gear acted simultaneously, but not with equal force, on both edges of the Brankov Bridge (one of the Sava bridges that link new and old Belgrade). The police attack was launched when one of the *Zajedno* coalition leaders, Vuk Draskovic, called on the demonstrators to march calmly toward their regular meeting place at Republic Square. Concurrently, the police chose to turn a water cannon at the crowd in sub-zero temperatures. People fled toward the central part of the town and consequently the police intervention moved from the Brankov Bridge to the central streets. A police unit stormed into the university's Philosophical Department thus committing a flagrant violation of the university autonomy.

At the same time, the riot police on the New Belgrade side, acting almost completely within the law restrictions on the dispersal of a public gathering, was driving back the participants, butting them with shields and occasionally hitting them.

During these events, 33 of our respondents (11 women, 21 men and a child) were exposed to police brutality. 8 respondents were beaten while professionally engaged as reporters or news photographers. All the respondents, victims of this instance of police violence, were beaten at the old town edge of the Brankov Bridge or in other areas of the old part of Belgrade.

The period after the night between February 2nd and 3rd 1997

According to our respondents' accounts, the use of force by the police after the night between February 2nd and 3rd occurred mainly in the late afternoon and evening of February, 3rd and 4th and during the following week. What characterises all the cases (12) of police brutality during this period is that it was applied not during the protest gatherings but mostly afterwards, and that it was used on individuals, predominantly the ones who were carrying whistles, wearing badges and/or trainers (sic!) as alleged distinguishing marks of protesters. Illegal and unsanctioned conduct of the riot police in Belgrade encouraged the traffic police as well, and they beat 3 of our respondents who had obvious symbols of the protest participants on them.

Ther towns in Serbia where there were some serious use of force

Kraljevo

In Kraljevo, force was brutally used on December, 23rd 1996 (the day when the counter-demonstrations were held in that town) and especially on January, 23rd 1997 when the protesters tried to block the traffic on the Ibar trunk road. On December 23rd 1 of our respondents was beaten, and on January, 23rd - 3 of them.

Kragujevac

The most terrible force application in Kragujevac occurred on January, 23rd 1997. The circumstances were similar to those in Kraljevo on the same day. During that incident, about 20 people, women included, were beaten. No one who happened to be on the spot, including innocent bystanders, was spared. Among them, there were 2 of our respondents.

Šabac

The protests in Sabac were also occasionally marked by the force application against the protesters: on January, 11th 1997, 2 of our respondents (both under age) were beaten by the riot police who intercepted them on their way home after the rally.

Smederevska Palanka

One of the most brutal uses of force in Smederevska Palanka occurred during the protest march on January, 28th 1997. During that incident, the most severely beaten casualty (besides other citizens among whom there were women and children) was our respondent, a people's deputy, Lj. B. He was battered while trying to prevent more serious conflicts between the police and the demonstrators.

The manner of the use of force, the location and the severity of injuries

The intensity of the applied force against the participants of the protest is shown by the location of the strikes and injuries, the number of the policemen who used force per victim, the means which were used, as well as by the severity and the type of injuries.

The majority of the respondents (74 or 86%) sustained blows on specially sensitive parts of the body such as head, back, kidneys, abdomen and chest. The blows (one or more) into these parts of the body were usually combined with the ones on arms or legs. As many as 40 of our respondents (46.5%) were hit on the head; 32 (37.2%) were hit on the back; 7 respondents (8.1%) suffered strikes in the kidneys, 6 (6.9%) in the abdomen and 4 (4.6%) in the chest.

Only 11 respondents (12.7%) were hit only on arms or legs which does not necessarily imply minor injuries since some of them suffered fractures or serious dislocations. A respondent suffered a blow in the hip.

In half of the cases force was used by more than one policeman per victim. In the majority of cases (35 or 40.6%) the victims were beaten by 2 to 5 policemen, 5 (5.8%) were beaten by 6 to 10 policemen and 3 (3.5%) - by more than 10 policemen. 28 victims or 32.5% were beaten by one policeman and 12 did not see how many policemen beat them since they were attacked from behind or lost consciousness after the first blows.

The policemen were predominantly uniformed (79 cases or 91.8%), including 3 cases of traffic policemen. In 6 cases the victims were beaten by the members of the anti-terrorist squad who were in plain clothes but were uniformly dressed (black and dark green jackets and black wool caps).

The beatings were most rarely plain fist-fights (6 cases or 7%). The police mainly used their professional batons (51 or 59.3%), or a baton and feet, i.e. heavy boots or hob-nailed boots (12 or 13.4%). Here are the following combinations: baton and hands/fists - 4; baton, hands and heavy boots - 3; hands and noise-making wooden sticks found with the victim - 2; baton, heavy boots and baseball club - 1; hands, baton and walkie-talkie - 1; baton and tying of hands with a rubber hose - 1; baton and strangling with the whistle-suspending string - 1. Two of our respondents suffered the water cannon impacts and one experienced the effects of tear-gas.

Most respondents sustained light physical injuries⁷ (59 or 68.6%); 13 respondents or 15.1% suffered heavy physical injuries whereas in 11 cases (12.8%) there were no visible traces of violence. Most of the respondents sustained heavy injuries in the night between 2nd and 3rd February 1997 (4) and on December, 27th (3). The heavy casualties comprised 3 women and 10 men.

When assessing the severity of injuries sustained by the victims, several factors should be taken into consideration. First, one should note the discrepancy between the location of strikes, weapons applied and the number of the police who used force per victim on one side, and a relatively small number of heavy casualties as a result of such a use of force, on the other. In connection to this, we should take into consideration the fact that a number of our respondents pointed out: sub-freezing temperatures made people wear thick clothes (coats, jackets, caps) and many carried other things (for instance, a respondent suffered

only a few bruises on his back because he was carrying a satchel) which diminished the impacts of the blows into the sensitive parts of the body. Second, we should not neglect the fact that in spite of thick clothes and other things they had on, many respondents did sustain very serious injuries, which, in a considerable number of cases, including many classified as light ones, were combined with severe pains, heavy bleeding, amnesia, etc. often requiring long recovery, frequent medical check-ups and long absence from work.

Numerous instances point to a high degree of brutality of the police when using force against civilians both in cases of light and heavy injuries. The following are the two most indicative examples:

I. A respondent (M.M., male, 45, a university professor) was among the last of those who were waiting to enter Sremska Street while withdrawing from the Brankov Bridge in the night between February 2nd and 3rd; consequently, he was the first to be beaten. He was pushed suddenly from behind and clubbed with the baton on the head and kicked with heavy boots in the back and in the kidneys. He covered his head with arms and got several strikes on the fingers, but partly managed to protect his head. 7 to 8 policemen were beating him until each had taken his turn. The blows left him with 3 cuts on the head (2 of 4 cm and a 7-centimetre one), 10 kicks in the back and a very serious one in the area of the kidneys. All of his fingers were battered so hard that he could not hold things in his hands for a week. Due to the baton clubbing on his left forearm, his whole arm dangled almost completely uselessly for three days.

II. A respondent (Lj. M., female, 36, a lawyer) was at Terazijiska Cesma (a drinking fountain on the central Terazije Square in Belgrade) on December, 27th, when the riot police launched a sudden charge. She turned in order to flee and suddenly felt a hard blow in the area between the right armpit and the kidney. She was cast a metre forward by the severity of the blow and hurled face-down to the ground. As she was lying they kept hitting her on the back until someone else fell over her. That person was further beaten while lying over her and they beat him/her so that our respondent almost fainted. When the police stopped beating that person, our respondent tried to get up. "Two to four silhouettes rose over me, I saw outlines of batons and heard horrid swears ... The last thing I remember is 'something big and black' (a heavy boot) verging upon my head. They kicked and stomped me on the left side of the head. I passed out," she says describing the incident. Her injuries indicate that she was also beaten while unconscious. She sustained a concussion, a chest contusion, a haematuria of the right kidney, bruises on all the extremities and injuries of the face.

⁷ When classifying injuries as light or heavy we strove to abide by the legal definition, according to which heavy injuries comprise only those injuries which caused permanent damage or loss of a particular organ. This should not mislead us into concluding that light injuries always imply the trivial ones. For instance, according to this qualification, every fracture is considered a heavy injury, while a concussion is regarded as a light one.

An unprofessional approach of the police towards the use of force is rather vividly described by the respondents who overheard their remarks or who happened to see their reactions to the behaviour of their colleagues while beating people.

For example, S. H. (male, 24, an articulated clerk), a respondent who was extremely cruelly battered by the young men in black and dark green jackets (later identified as members of a special anti-terrorist squad), and who sustained a leg fracture, says that he remembers well how a group of riot police, some with smiles on their faces, looked on from a distance of about 10 meters while they were being beaten. This was confirmed by another of our respondents who, on this occasion, was merely a witness. A respondent, T. S. (female, 55, a former ballerina) who, in the night between February, 2nd and 3rd, was beaten by 7 to 8 policemen at which her arm was broken, says: "When they passed by me, one turned back and asked me, 'You want democracy, ha?' and slapped me brutally in the face." N. T. (male, 34, a journalist) was near the policemen beating people who were performing the "Arrest the Traffic Light" action. When the attack was over, the police laughed among themselves and made jokes about what had happened. According to him, they cheered most when one of them showed a "trophy" on the top of his baton: the hat of a man they had beaten.

These examples clearly show that the police, when using force on the protesters, behaved not only in an unjustified way, but they expressed a rather high degree of brutality as well, and seemed to be enjoying to hurt civilians which is thoroughly contradictory to the current regulations. Namely, article 1 of The Book of Regulations on Conditions and Methods of Coercive Measures Application prescribes the cases in which the lawful coercive measures can be applied: *preventing the detained person or the person caught in criminal act from fleeing; overpowering a person who disturbs public peace, who is being taken into custody, detained or arrested according to the law; in case of self-protection or the protection of a secured object.* article 2 further explains that *"an authorised officer applies coercive measures in such a way that he/she performs his/her duty with the least possible harmful consequence for the person against whom the coercive measures are being applied and only as long as the reasons from the article 1 of the Book of Regulations for applying the coercive measures exist.* Article 3 of the same book also prescribes that the authorised officer at applying coercive measures *preserves human life and dignity.*

The analysis of the use of force by the police during the protest indubitably indicates that they did not act by the provisions of the article 2 of The Book of Regulations.

Immediate causes and justification of the use of force on civilians

The analysis of the immediate causes of force application by the police on civilians during the protest indicates that it could be accounted for only in two cases, i.e. that the behaviour of protesters could be considered as resisting to the authorised officer on duty. In one case the respondent tried to force his way through the police cordon and in the other, the respondent put up a fight (resisted) a policeman when he stopped him. In not one of the remaining 84 cases did the protesters resist the police when they used force. Furthermore, in all the cases, the police used force without a previous warning.

The investigated cases clearly show that partaking in the protest was the primary reason for the use of force against the civilians, regardless of the difference in circumstances of each particular occurrence of the force application. However, no current law prescribes this as a sufficient reason for the application of coercive measures.

An additional reason for the use of force in some cases was a specific behaviour of certain protesters who were noted for it and were especially brutally beaten. Such was the instance of the respondent who had expressed his protest in front of the police cordon by stripping himself naked the day before he was beaten. He was intercepted by the police while he was going to the protest in a group of young people blowing whistles; he was singled out of the group and beaten mercilessly. This point is further proved by the case of Dejan Bulatovic who, on January 20th, was on Terazije Square along with other protesters joining the students in their showdown against the police cordon after the usual evening march. After expressing a peaceful protest by sitting and lying down, he was approached by the police, drawn away from the crowd and handed over to the commander of the cordon near the Moskva Hotel. Five policemen stepped out of the cordon yelling, "That's the one with the effigy!" and beat him over the whole body.

In some cases the immediate cause for the use of force was an attempt to protect other people who were being beaten (as a rule, men tried to protect women or children beaten by the police) - 4; or, in other cases, it was a verbal reaction to the police violence (4). These verbal reactions were mostly disapprovals and condemnations of the police behaviour, while, in one case, it was offensive to a policeman (the respondent called the policeman "ustasha"). In the example of Z. L., a university professor, the police battered both him and his wife after he had addressed them in the following words, "Shame on you! You're battering your own people! What will you tell your children?" In another 3 cases, force was used after the respondents had verbally reacted to the provocation and insults by the very police while in 4 cases (all in province), people's deputies and MPs were beaten while trying to negotiate with the police or in an attempt to prevent more serious incidents between the police and the civilians. Reporters, cameramen and news

photographers were also fiercely beaten chiefly because of the job they were performing.

Force application and gender structure of the victims

As we have already mentioned, the majority of our respondents (70 or 81.4%) were men. However, the respondents, describing the police violence they had witnessed, pointed out another 32 instances of police violence of which 19 were against men and 13 against women.

Although it has proved difficult to generalise the conclusions on the gender structure of the victims based on the investigated data or in the absence of any accurate statistics, we deem (upon the overall analysis of our respondents' accounts and from other sources of data on the protest) that women were somewhat less frequently beaten than men. However, it would be difficult to infer (bearing in mind the cases of our extremely brutally beaten women-respondents) that the police maintained a generally "gentler" attitude towards women. In view of the results of our research, it is more likely that women, either because of the cold, or children who were with them or waiting at home, or out of precaution, tended to leave the site of protest earlier (for instance, in the night between February, 2nd and 3rd, at the moment when it was estimated that the situation might lead to the use of force, women and children were called on to withdraw); in addition to this, regardless of the protest symbols they wore, and following the conventional patriarchal patterns which protected them this time, women were not perceived as "potentially dangerous" by the police at times before and after the protest. Moreover, the obvious comradeship and solidarity of the participators and other citizens who gave them support was mirrored in the relationship between men and women insofar as men adopted a protective attitude towards the women in immediate danger or against whom the police used force. Likewise, women evinced a high extent of allegiance towards the beaten men. Mothers were beaten while protecting children with their bodies, as was the case with the mother of a girl of 12 who was beaten while standing on a planter on Belgrade's main Terazije Square on December, 27th 1996.

Although isolated, a case from our sample indicates possible sporadic instances of a protective attitude of policemen: M. V., a woman-reporter of the BK television station, was attacked by 4 policemen but she managed to escape the worst and to avoid more serious injuries owing to a policeman who was standing aside and who helped her out by pleading to his colleagues: "Don't beat her - she's a woman!"

The majority of women were beaten in the night between February, 2nd and 3rd (11) when the largest-scale use of force occurred. Three of our women-respondents were beaten on December, 27th and two on December, 24th 1996. In 11 cases women were beaten because they were in the crowd at the moment when the police launched

a charge, whereas in 4 cases they were individually attacked. For instance, D. S. was beaten together with her husband immediately after his addressing the police (the case mentioned above); Z. J. was beaten with her friend after the police had stopped their car because of a protest honking at a passing bus full of police; further more, M. T. was battered because a girlfriend who she was with started bickering with the policemen who were scorning them, insulting them as women, hinting at their participation in the protest ("Whores, where's your Djindjic now?"). All three instances happened in the night between February, 2nd and 3rd and it should be mentioned that the girls from the last example did not even know what was going on in the city that night and had no connection to the events at the Brankov Bridge. In the fourth case a girl was suddenly attacked by the members of an anti-terrorist squad on December, 27th. Three women from our sample suffered heavy injuries while the rest sustained light injuries mainly of the back and legs. Two women-respondents were beaten on the head and one in the stomach. One of the women was an elderly lady (63) whose arm was broken that night.

The use of coercive measures against the vulnerable categories of citizens

Article 8 of the Book of Regulations on the Conditions and Methods of the Coercive Measures Application prescribes restrictions on the use of force against some categories of citizens in regard with their age or state of being. According to the provisions of this book the police baton may be used against children under 14 years of age, people who are either obviously unwell, debilitated or notably disabled, or against apparently pregnant women only when and if such people attempt, by using cold or fire weapons, to endanger the officer on duty's or other person's life. Our data indicate that the police disregarded these provisions in some cases by using rubber batons on children and pregnant women (and in one case on a mentally retarded young man who is known to frequent a place which on one occasion became the site of police brutality) although the conditions for their application were not met.

Thus, one of our respondents describing how he was beaten, told us about a pregnant woman who had also been attacked. Namely, in the night between February, 2nd and 3rd, when the riot police stormed on everybody who happened to be in their way, an obviously pregnant woman found herself (probably by chance) near Zeleni Venac market place. She was clubbed on the back and head by two policemen. Our respondent was battered while trying to help her.

Among our respondents there were two children up to 14 years of age: the above mentioned girl of 12 and a boy of 14.

The girl was beaten on December, 27th when the riot police attacked a group of protesters engaged in "Arrest the Traffic Light" action. She was coming back from the *Zajedno* coalition rally with her mother. The policemen took her off a planter she had climbed on when they launched

the charge, and clubbed her with rubber batons. Her mother somehow managed to protect her with her body but the girl sustained blows on her legs nevertheless.

The boy was beaten in the night between February, 2nd and 3rd when he stood against the police cordon in central Vasinia Street with his brother. A policeman stepped out of the cordon and, coming up to him from behind, hit him several times on the head and on the back. Then the policeman returned to his position in the cordon and the boy, who tried to walk away, felt he could not go on. His brother helped him home and the family took him to The Emergency Centre where he was found to have sustained injuries of one ear and the back.

Considering the accounts of eye-witnesses, these two instances were by no means isolated cases of force use against children during the protest, although it is virtually impossible to establish the true measure of police violence applied on children. However, we maintain strongly that the use of force against the participants of the protest was utterly unselective and random and that it affected seriously even the most vulnerable ones. It should be specially noted that the police, by using baton, violated article 8 of The Book of Regulations, which is in itself disputable since it does not restrict the use of coercive measures against the mentioned categories generally, but refers exclusively to the use of baton. And so, the police violated article 8 of The Book of Regulations, which already gives them special powers and enables them to use other coercive measures towards these categories of citizens without restrictions which constrain the use of baton.

The use of force against the citizens who were at the protest for professional reasons

The use of force against the citizens who were at the protest for professional reasons refers chiefly to journalists. Among our respondents there were 15 reporters, cameramen and news photographers (5 reporters and cameramen of BK TV, 2 reporters of the daily paper *Blic*, 2 reporters of the daily paper *Nasa Borba*, a reporter of the student magazine *Znak*, a reporter of the news agency *Beta*, 2 freelancers and two foreign cameramen) of whom 2 were women and 13 were men. The majority of reporters, cameramen and news photographers were beaten in the night between February, 2nd and 3rd (8), then on December, 24th (4) and on December, 27th (3). What they all, invariably, had in common is that they wore visible professional identifications and that their referring to their profession was not only useless but, on the contrary, it enraged the police who then beat them even more fiercely. In almost half of the cases (6) their professional equipment was smashed which, together with the overall behaviour of the police towards the press-people, indicates that the police evidently intended to prevent the public from being informed about what they were doing. In 3 cases the journalists suffered

major injuries while in the 2 cases of minor ones the journalists sustained cuts on the head.

Besides journalists, the riot police mistreated the members of The Student Medical Emergency Team and the staff of *The Anlave* private clinic. Among our respondents there were no people from these medical teams, but a respondent told us about a case in which their personnel, in well-marked uniforms, were being chased by the police and only managed to escape into a building entrance-hall at the last moment.

Among other things, such police behaviour is completely inconsistent with the obligation of their members according to article 136 of The Book of Regulations on Executing Duties of Public Security Service which says that "*the members of the police and other authorised officers are obliged to provide protection for the citizens who are at the site of disturbance for professional reasons (social and political workers, medical doctors and others)*".

The assessment of the use of force against civilians in the street

The results of the research denote, generally speaking, that the conduct of the police during the protest against the nullification of the electoral results was inappropriate and inconsistent with the current regulations. Chiefly, it became evident in the following:

1. the police failed to provide security measures prescribed for public gatherings (prior to, in the course of and after the event) in the lawful way and in the accordance with their profession, i.e. to protect equally all the citizens from violence (this was exceptionally apparent on December, 24th, 26th and 27th);

2. the inconsistent banishment of the protest marches in the traffic area;

3. the unjustifiable use of force in the situations when the desired objective (restoring traffic and public peace) could have been achieved without force application, the use of force without previous warning and in the discrepancy of the amount and brutality of the applied force on one side and the need for the use of force on the other;

4. the unselective use of force, because it was not used against people who disturbed public peace or disobeyed the orders of officers on duty, but against the people who were suspected to be participating in the protest although the conditions for force application were not met;

5. the irregular use of police baton on children and pregnant women and the irregular use of force on journalists who, instead of being protected by the police, were prevented from performing their duty.

The responsibility for the foregoing behaviour of the police should be born both by those who issued orders and by immediate

carriers. In majority of the cases included in our research the police acted according to the orders of their superiors but this does not diminish their responsibility. Namely, article 33 of The Law on the Internal Affairs proposes that *"the employees of the Ministry of Internal Affairs be obliged to perform every professional order issued by the Minister or other superior except the ones which presuppose the commitment of a criminal offence"*.

The use of coercive measures at arrests, interrogation and in custody

Among the 86 respondents against whom the police used force during the protest, 16 were taken into custody after they had beaten them in the street. Six of them were charged with misdemeanour while the criminal proceedings were instituted against 2 of our respondents. These proceedings were conducted in Smederevo, Belgrade and Kraljevo. In the remaining 8 cases no charges were filed. When asked whether the police used force or any other coercive measure against them at the arrest, interrogation and in custody, 5 respondents affirmed, 9 denied and for the other 2 we do not have the data.

Coercive measures were mainly applied at taking people to custody⁸. On February 3rd, at about 8:50 p.m. five of our respondents were arrested during the *Zajedno* coalition protest march at the corner of central Georgi Dimitrova and Starine Novaka Streets in Belgrade. These citizens were charged with misdemeanour because they, according to the police allegation: "blocked traffic by pushing garbage containers onto the roadway." The police used force on four of them at the arrest. While they were being searched, two wooden sticks ("noise-making sticks") were found on one of them as well as a whistle which hung on a chain round his neck. According to his testimony, although he did not resist the arrest in any way, he sustained several blows with a baton from behind while a policeman strangled him with the whistle-suspending chain. On the same occasion, another two respondents were slapped in the face several times and were clubbed with the wooden sticks the police had previously found on them. The fourth respondent was clubbed with a baton in the police van. They sustained bruises, mainly on the back, and one suffered major injuries (fractures of the jaw and of the cheekbone).

On the same day, in Smederevo, an under-aged respondent was beating a home-made drum during the main state-TV news baffling action. A police patrol stormed into the apartment of this seventeen-year-old, who was alone at home at the time, and, according to his words, beat him making sure not to leave any visible traces. He

was then taken to the police station with only a shirt on. As he stated later, they treated him correctly there. His drum was taken away and he was charged with misdemeanour.

Along with the force application at taking to custody, as our respondents testified, the police used this coercive measure on detainees before they were subjected to interrogation. For instance, a respondent stated that, after being taken to and registered in The Belgrade Police Department, he was slapped in the face, stomped with heavy boots on his feet and clubbed on the kidneys. It was only then that they took him to the interrogation officer where he was coerced to confess that "he and some others had pushed several garbage containers onto the roadway and had thrown stones at the police cordon". The interrogation officer urged another four of our respondents who had also partaken in the event, to make such or similar confessions, and, as one of them puts it, they signed "whatever they laid before them". Subsequently, they were put in cells where they spent the night without water or food.

The instances of the use of force by the police are further substantiated by the data on the respondents on whom the police applied force and/or other coercive measures in places other than the street. "When the inspector said that our protests blocked the city, hindered the traffic and that people couldn't commute to work, to the doctor's or to the market, I started arguing with him. That provoked him to hit me several times from behind. Moreover, as they were taking my fingerprints, I asked for a lawyer, upon which a policeman kicked me and retorted that I could watch that in the police movies," a respondent conveyed to us.

Another instance of police brutality deserves our attention. It concerns the case of Dejan Bulatovic, who carried a life-size effigy of President Slobodan Milosevic in a striped prison uniform during the protest and who, according to his own testimony, was first beaten in the street and then heavily abused in the Belgrade Police Department:

"On December. 15th 1996 at 17:00 hours, when the Zajedno coalition rally was over, near the "Znak Pitanja" restaurant, I felt a blow in the head. I fell down and a group of people in plain clothes started to kick me all over the body. Then they took me to a nearby building entrance-hall and went on pounding me. After that they put me in a police van and drove me to The Belgrade City Department. There they searched me and I wrote a statement in which I confessed everything they had demanded. Then they put me in a solitary and made me strip naked. I was kept like that with the window open in -7 degrees. I was coughing up blood and I asked to be taken to the doctor's, but instead, they kept terrorising me. It went to such lengths that they forced a rubber club into my anus, put a gun muzzle into my mouth and bastinadoed me. They covered me with newspaper sheets so that the bruises didn't show, and then beat me again. I passed out. I couldn't bear such tortures any longer. I only wanted to die. After

⁸ Any bringing of a person by the authorised or other officer to the Internal Affairs office (police station) or a specified place is considered as taking into custody (article 9 of The Book of Regulations on Conditions and Methods of Coercive Measures Application, *The Official Gazette of the Republic of Serbia*, No. 40/95, 1995.).

twenty-six hours a woman-doctor examined me. She diagnosed internal bleeding, a fracture of the skull and a broken nose. She wrote a referral for me to be admitted to The Emergency Centre. At about 8 o'clock the following morning (December, 17th 1996) the magistrate came and sentenced me to a twenty-five-day term. All the time I kept asking for a lawyer and to phone my parents. I wasn't allowed any of the two. At 6 p.m. on the same day I was taken to Padinska Skela (Belgrade District Prison). They didn't beat me there. From Sunday onwards their attitude changed completely. I was received by the prison governor in person and a doctor examined me, too. There I wrote a statement declaring that I was not beaten in the prison but that the police had beaten me. It was only after four days that I was contacted by lawyers. Two days later I was transferred from Padinska Skela to The Central Prison. I couldn't believe my ears when they told me I could collect my things and go."

Both this instance and the previously mentioned ones, give evidence against the abuse of office and overstepping of the authority by the police during the protest. Our respondents' testimonies lead us to the conclusion that the police mistreated them and thus violated the provisions of The Book of Regulation on the Conditions and Methods of the Coercive Measures Application as well as of The Book of Regulations on Executing Duties of Public Security Service.

The foregoing behaviour of the police is in disagreement with both national and international standards. Namely, any method of bodily punishing or any action that endangers human integrity in both physical and mental sense, is intolerable and sanctioned by international treaties and is also liable to penalization by national courts as well as by The European Court.

The cases of the citizens who were sentenced for misdemeanour or against whom criminal proceedings were instituted in connection with the protest

During the civil and student protest against the annulment of the electoral results, 23 of our respondents, participators in the protest, were charged with misdemeanour, while against two respondents criminal proceedings were instituted in connection with the protest. It should be noted that the two were charged both with criminal and misdemeanour offenses.

According to the data available, 21 of the misdemeanour cases have been completed. 12 respondents were sentenced to prison terms for misdemeanour and 9 were fined. We do not have the data about the outcome of the two remaining misdemeanour proceedings which were instituted in Smederevo and Kraljevo since they were not completed at the time of the interview.

The twelve respondents who were sentenced to prison terms for misdemeanour spent between 7 and 25 days in Padinska Skela - The

Belgrade District Prison. The magistrates pronounced sentences to prison terms against our respondents on charges of "participation in mob violence".

In 11 of the 12 cases the magistrates established that the offenders' "insolent and uncivil behaviour led to disturbance of the public peace and disruption of the well-being of citizens" by which they violated article 12, paragraph 1 of the Law on the Public Peace⁹. In a case of our respondent who was sentenced to prison terms, the magistrate ruled that the participator of the protest "On November 30th 1996 in Belgrade, at 10, Takovska Street, while marching in a column of citizens, threw several firecrackers at the building of RTS (The Radio-television of Serbia) as he was passing by and therefore disturbed the public peace and endangered the well-being of other citizens". On account of this wrongdoing our respondent was sentenced to ten-day term "to be effective immediately".

The remaining eleven respondents were also sentenced to prison terms. When passing sentences the magistrates judged all the governing factors from article 37 of The Law on Misdemeanour of the Republic of Serbia "especially the seriousness of the misdemeanour, the circumstances under which it was perpetrated, the degree of responsibility of the defendant and his conduct after the commitment of the misdemeanour" and decided on this type of punishment since the law gives them alternative options - fining up to 700 dinars or sentencing to prison terms up to 30 days. According to the magistrates, they decided on this verdict "because the misdemeanour indicates a higher degree of responsibility on the part of the defendant," and the magistrates held that "such a sentence will aid the defendant to correct, and that, in the future, he will not perpetrate these or similar misdeeds" (art. 30 of The Law on Misdemeanour of the Republic of Serbia).

The perpetrated offenses which indicate "a higher degree of responsibility on the part of the defendant" are: throwing a stone at the shopping and commercial centre at Republic Square, or at *Politika* (a pro-regime daily newspaper) building, or at RTS; writing graffiti on these buildings; throwing eggs at *Politika* and RTS buildings; throwing snowballs at *Borba* (another pro-regime daily paper) building, etc.

Among these instances of serving a prison term for misdemeanour, there was a respondent who both during the investigation and before the magistrate claimed persistently that he was not a participator of the protest and tried to prove this, among other things, by his JUL membership card. The magistrate found this person guilty of: "throwing a stone at a vehicle - a MUP of

⁹ This article states that "any person who by mendacity, vagrancy or by an indecent, insolent or impertinent behaviour disrupts the well-being of other citizens or disturbs the public peace - will be fined according to the law up to 700 dinars or will be sentenced to prison term up to 30 days".

Serbia bus which was transporting policemen". However, our respondent claimed that he had not thrown the stone at the bus, but flung resentfully the stone, which had previously hit him on the arm, to one side. Nevertheless, the magistrate, when passing judgement on this particular case, placed his trust in the testimonies of the police. Interestingly, the magistrates made similar decisions in all the foregoing misdemeanour cases. When deciding about the filed misdemeanour charges the magistrates had a sole trust in the evidence and the testimonies of the police. For instance, our respondents claimed to have thrown yoghurt, not stones, at some buildings, but they could not convince the magistrate.

When some of our respondents, four - to be precise, were released from Padinska Skela prison, a summons for the investigation in The First Municipal Court in Belgrade awaited them at home. The decision on launching an investigation stated that the investigation against these persons is being carried out on a grounded suspicion of committing a felony of participation in mob violence (Article 230, paragraph 1, Serbian Criminal Code).

According to the press, since our laws presume the possibility of bringing criminal charges after the misdemeanour charges have been completed, another three participators in the protest, who had been sentenced to prison terms for misdemeanour, were issued the decisions on bringing criminal charges against them for committing the felony according to Article 230, paragraph 1, Serbian Criminal Code. One of their lawyers asserted that the three demonstrators, during the investigation, had denied the felony which presupposes participation in the mob which perpetrated violence and damaged the property of others. They also stated that the only thing they had done was participating in the peaceful civil protest¹⁰.

Criminal proceedings were instituted against another two of our respondents from Kraljevo for obstructing an official person from performing public security duties.

Besides, another 9 respondents were charged with misdemeanour and fined. Among them is a respondent who, during one of the protest marches, yelled several times "red bandits!". According to the magistrate this was an offence according to article 6, paragraph 1 of The Law on the Public Peace, our respondent was found guilty as charged and fined.

These were but a few instances of misdemeanour sentences and bringing criminal charges in connection with the recent civil protest in Serbia. Upon the analysis of our respondents' misdemeanour verdicts we can conclude that the magistrates did not violate the law in these cases. However, the analysis of the law provisions indicates that they render to magistrates broad discretion rights in interpreting some articles of these laws. This allows too diffuse interpretation, i.e. allows too diverse types of behaviour to be included into these provisions, which provides an opportunity for misapplication and seriously threatens the legal security of the citizens. Consequently, it challenges the impartiality of these laws and calls for the modification of some articles.

In addition, the swiftness with which these cases were completed evinces the arbitrary diligence and efficiency of the state, but also opens the issue of the defendants' rights, which are undoubtedly narrower than the ones in criminal proceedings.

*Vesna Nikolić-Ristanović
Branislava Knežić
Ivana Stevanović*



¹⁰ "Posle zatvora zatvor" (From One Jail to Another), Nasa Borba, January, 22nd 1997

A FEW WORDS ABOUT US

The Group for Women's Rights was founded as a part of the European Movement in Serbia¹¹ on February 14th 1994.

The chief aim of the Group for Women's Rights is the affirmation and improvement of human rights of women. The Group is specially concerned with the protection of women's human rights during criminal procedure and in prison, with violence against women as violation of human rights and with the rights of women refugees. The Group achieves its aims through the following activities: lobbying for modifying laws, regulations and court procedures which are discriminatory against women; organization of talks, lectures and conferences on the problems of women's human rights; action researches; printing bulletins, brochures and other informative publications; instruction on human rights; counselling and other forms of aid to women during criminal procedure, convicted women and women refugees; public campaign for the improvement of the position of the abused women who have murdered the abuser or have performed any other indictable offence in connection with violence.

*Since 1994 the Group for Women's Rights has been collecting evidence on violence against women during the war in former Yugoslavia and on the violation of women's human rights during the exodus and in exile. Simultaneously, we have given support to women refugees in order to make their life in exile easier, to help them regain self-respect and to encourage them. In 1995, as a result of our interviews and association with women refugees from Croatia and Bosnia, our book *Women, Violence and War* came out. The great exodus of the Serbs from Krajina coincided with the publication. Wishing to place on record the experiences of the women from Krajina as well and, at the same time, to help them overcome their misfortune and the problems they had to face upon the arrival in Serbia in a less difficult way, we collected 50 stories of the women of Krajina. These accounts were published in 1996 in the book *Women of Krajina: War, Exodus and Exile*.*

During the 16 Days of Activism Against Gender Violence in 1994 we organized the signing of two petitions: The UN Petition for the Improvement and Protection of Human Rights of Women and the Petition for the Modification of the Criminal Code of the Republic of Serbia towards regulating domestic violence and rape as indictable offenses.

On December, 6th 1994 the Group for Women's Rights organized a panel discussion entitled "Violence Against Women Is a Violation of Human Rights" with the preliminary speeches by dr Andjelka Milić, dr Vesna Nikolić-Ristanović and dr Nataša Mrvić-Petrović.

*In 1995 we started a project entitled *Monitoring of the State of Women's Human Rights during Criminal Procedure and in Prison*. The principal objectives of this project are: a systematic supervision of the state of human rights of the women who are criminally prosecuted and the living conditions in women's prisons, various forms of aid to imprisoned women (donations in toilet requisites, food, books, aid in maintaining contact with children, a public campaign for unbiased sentencing or liberation of the women who do not deserve the verdict), as well as lobbying for the modification of the Criminal Code and the Law on the Implementation of the Penalties. The project also comprises visits to prisons, interviews with the women inmates and prison staff, visits to women remanded in custody as well as the observation of court trials and the protection of the interests of prosecuted women and women in prisons.*

During the Protest for the Recognition of the Municipal Elections Results in Serbia we worked on collecting the information on violence and other coercive measures which were used on both male and female protesters. Wishing to gain a better insight into the nature, scope and vindication of the coercive measures application we included both men and women in our research, taking, naturally, into consideration the differences and similarities of their experiences.

Most of our activities are in close connection with our professional work on criminological and victimological researches and arise from our need to make the research work, linking it with activism, more viable and more operative towards changing the reality around us.

The publishing of this Bulletin aims at showing what we have done so far and we welcome any suggestions which would be useful for our further work.

We would also like to take this opportunity to express our gratitude to our donors, Oxfam, The European Foundation for Human Rights, The Dutch Embassy in Belgrade, ICCO and The Fund for Open Society who have given us financial support in the realisation of our activities.

THE EDITORS

¹¹ The European Movement in Serbia is a non-governmental, non-party and non-profit organisation, a part of the International European Movement whose principal goal is the development of democracy and integration of Europe.

