

# HUMAN RIGHTS STORIES

*Challenges and Accomplishments  
in the Western Balkans*



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## Impressum

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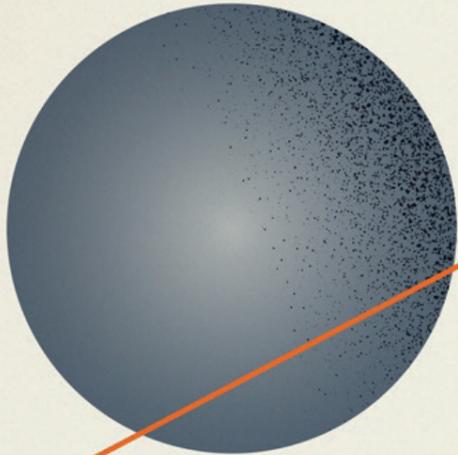
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**Covid-19  
PANDEMIC**

**HUMAN  
RIGHTS  
STRUGGLES**



# SPRING-WINTER 2020: SHARING EXPERIENCE & FINDING RESILIENCE THROUGH ACTIVISM

by Dea Nini

31st of December | 2020

I went back to my hometown to spend some time with my parents. Like many other families, they have seen very little of me for the past year. New Year at mine looks usually like simple events of a family gathering and home cooking, but this year, it was just the three of us, tired, homely and anxious for some change of beat as the TV broadcasted every minute news of death and statistics of confirmed infection cases. Amidst my elderly grandparents' recovery from a bad case of COVID-19, which took a huge emotional and physical toll on everyone, it hardly felt like a time to celebrate.

Seems quite a contrast with my recollection of the same day last year. As 2020 was entering through the door, my expectations were high and mighty. I had just received one of the best and most motivating news of my years as an activist, entrusted to conduct mentored research on the implementation of Agenda 2030 in Albania, from an LGBTI + perspective. This research would be the first of its kind, carrying the potential of representing the real struggles of Albanian LGBTIs internationally, on par with the facts presented by the Albanian Government. I was assigned to share and advocate through the collected data at the High Political Forum in New York. The enthusiasm of cooperating directly with other activists from partner organizations, but especially the focus-groups and meetings with LGBTI + friends and activists, made any potential challenge to give way to motivation.

I wasn't the only one fostering great expectations. At Alliance's<sup>1</sup>, together with my colleagues, we had thought out detailed and very ambitious plans, passionate to put

into practice the long-awaited launching of strategic litigation for the legal recognition of same-sex civil unions, the change of gender marker for trans persons, and parenting issues concerning the LGBTIs +. Many of the previously implemented projects that had already been launched, were well underway. Much was needed to be done, and the motivation towards creating just and better realities was felt in the aspirations of every one of us. As a group, we were freshly energized to overcome the barriers of communication with those who couldn't help but vocalize every time that the LGBTI + community cannot be a priority of the Albanian state.

As January and February went by, I was arranging ways to collect data and report on the real struggles of the community, planning meetings with partner organizations, diplomatic and international missions in Tirana, representatives, and experts of the Albanian Government, but also detailing the flight and advocacy work to be done in New York.

It was then when a massive mediatic storm of COVID-19-related news fell upon us. The neighboring countries were succumbing to the pandemic, and all Embassies and Government officials were closing their doors. Rumors started to spread like a virus of its own design, filled with misinformation, fear-mongering, click-baits, and bespoke horror stories, as many started to fear for their lives, their relatives' health, and what was grievous of primary importance, their jobs.

It was the 9th of March when I last had a normal coffee with my friends. I was living at the time in a one-bedroom apartment with my girlfriend and Suki-cat, a tight squeeze packed with books, CDs, aluminum cooking trays, disinfectant, and reusable latex gloves. I decided not to go hometown, partly fearing the transmission of the virus to my relatives,

partly because of the fear of when I would be able to see my girlfriend again, and partly because of the anxiety it gives to me going back on the same old life with my "not so supporting parents". It would be many times this year that I would appreciate the comfort of my situation, having the opportunity to decide where I wanted to spend the quarantine, and having the resources to afford it. While many other LGBTI youths shared my motives for not wanting to move back with their parents, most of them did not share my opportunity.

*When I returned home it was a complicated situation. I was afraid that my parents would find out if I talked on the phone with my friends. I reduced communication with them when I needed it most.*

*I was afraid of my father. He does not accept gay people. I do not want to lose my family.*

*I lost my job and the only help I had, came from my parents. Many members of the community I know have lost their jobs and returned to their hometowns.*

Since the Alliance was conducting continuous research, it was quite shocking to find out that 1 out of 4 LGBTI+ youth was forced to go back to their homophobic families and often abusive situations in their hometowns, facing poverty and possible homelessness in the middle of a pandemic. As a direct result of the Covid-19, a large number of Albanian LGBTIs+ were hit pretty hard, losing their jobs or being forced to work without pay, which caused a significant drop in incomes, while having rents to pay and nowhere to go. In Albania poverty strikes hard and it became apparent that many, living on a pay to pay basis wouldn't be able to survive the lockdown.

The situation was particularly dangerous for trans people, since it is extremely hard for them to find a regular job. Sex work is often seen as the only way to survive for the transgender community, but keeping in mind the preventive measures taken due to the pandemic, even that opportunity was impossible, resulting in the basic need of many trans peo-

ple for food, shelter, and medications. Some of them, driven by unbearable need, took into account the risk of infection and violation of the measures in place, and continued to practice sex work. It was terrifying to see peoples' despair in the face, knowing that they would have to compromise their health and families to keep an unsafe job just because it was the only source of income they had.

*At first, I did not continue to work as a sex worker because I was very scared, but then I did not have the money to pay the rent, so I went back to work and since that day I continue to work. I need the money and don't have the luxury of thinking about the fact that I could be infected or punished for violating the measures.*

My colleagues from the Alliance were working hard, being the only sources of support for many members of the LGBTI+ community. From March to September, the Alliance and Streha supported with 624 food packages around 117 LGBTIs and refunded 52 rents. 48 members of the LGBTI community were supported with medicines and health care services and 765 people were tested and advised on sexually transmitted diseases.

At the time, I was working from home facing challenges of my own towards the realization of the research I was focused on. Being an activist and of a workaholic disposition, it has always been hard for me to separate work from personal life and after the lockdown, the lines between them blurred completely. There was no physical separation between personal space and office as the world shrunk inside my window and four walls. Everything had slowed down. Gatherings and meetings could not take place and many state or international representatives were impossible to reach virtually. I was doing meetings/calls next to a sleeping cat and untouched breakfast, skipping through lunch and reading the news in the middle of the night.

Like many others, I began to feel consumed by fatigue, stress, anxiety, and emotional burnout. The short distance between my apartment and the grocery store became my entire world and the small balcony felt like

1. The Alliance Against Discrimination of LGBT is an Albanian non-governmental organization that envisions a free from discrimination, open and equal Albanian society that embraces diversity and is inclusive to people of all sexual orientations, gender identities and expressions, and sex characteristics.

an impossibly distant tower separated by all humanity. Trying to keep up with my work and research demands, I felt my mental health head downhill with my spirits.

It was around April that everyone was feeling the need to share part of what felt like a massive burden around our necks. Together with my partner, we joined an initiative started by the Alliance, which consisted of weekly meetings with friends, colleagues, and psychologists, where we could share our daily lives, emotions, difficulties, and dedicate ourselves to art therapy. I started to chat with my fellow RAP<sup>2</sup>ers across the globe, who were conducting the same research as me in their respective countries and tried to share opinions and find alternative ways to accomplish our HLPF<sup>3</sup>-related objectives. Up to that moment, I hadn't realized exactly how much we needed to talk, share and connect with others. I hadn't seen my friends in months and my parents in a lot more.

With spring, came new energy and by the end of May, taking short walks, I was feeling more hopeful of being able to conquer a new skill: resilience. It was on the art we created and pies that my girlfriend baked and people that we cared about, showing compassion in a time of grief, in things being softer, in being grateful while also painfully aware of the ones who are still struggling, taking care of ourselves and things that we hold important in a time when giving in felt imminent.

We were still in the middle of a pandemic, far from its end, and things weren't going to get easier, but I felt more confident that as a person and community we had a chance to grow. With great support from my friends and colleagues, my work at the time was reaching its peak. I'm not even sure how many times we went back to reading and adding to the report together with Xheni (she is the first openly-lesbian Albanian activist, currently contributing as the Executive Director of the Alliance Against Discrimination

of LGBT and a close friend of mine), but as I read the final draft I could feel nothing but the extraordinary strength and determination of the members of my community, who even in such difficult times of pandemic did not hesitate to cooperate by making their voice heard, believing and hoping that things would get better for all of us.

That energy I felt was the best catalyst for the advocacy work that awaited for me and my colleagues. Today, I am more convinced than ever that the spirit of the community, resilience, love, support, shared conversations, and our common vision for a better society can face everything, even this pandemic, which shook and reshaped our daily realities.

2. Rainbow Advocacy Program (RAP), implemented by ILGA World, SIDA, and Swedish RFSL is a 13-month-long fellowship for LGBTIQ+ activists from Global South and East to affect change at home through UN advocacy.

3. The United Nations High-Level Political Forum on Sustainable Development is the main United Nations platform on sustainable development and it has a central role in the follow-up and review of the 2030 Agenda for Sustainable Development the Sustainable Development Goals (SDGs) at the global level.

## THE STRUGGLE CONTINUES: NGOS AND THE COVID-19 PANDEMIC

by *Leila Seper*

Since the pandemic started, numerous NGOs had to adapt their program and activities to the new situation. That covers internal and external organization. Following measures recommended by local authorities, it was clear that adaptation will significantly change the way NGOs contribute to society. Many of them did not give up but their activities moved online or more towards individuals.

### *Challenges and Responses*

“United Women” Banja Luka runs Safe House for Women and Children Victims of Domestic Violence. The pandemic caused problems because court hearings were canceled or postponed. Women who were in the middle of a divorce process without the final decision about the custody of their children faced the biggest problems. After measures issued by local authorities, the safe house faced the challenge of not being able to accept all women and children that needed urgent care and accommodation. They had to provide additional space in order to follow proposed measures. On a positive side, donors and private companies who offered support on their own initiative responded to their needs.

After the pandemic had started spreading, many irregularities and corruption started to show. Some municipalities claimed the lack of tests for COVID-19. That situation caused deaths. Later on, it turned out that situation was not a problem for all of us. Testing was a selective process. Speaking in terms of human rights, revealing lists with names of persons who were positive to COVID-19 was an example of the basic human rights violation and unnecessary panic spreading. That practice has been withdrawn after the decision of Data Protection Agency of Bosnia and Herzegovina but the damage was already done. People on the move faced movement restrictions. Except for individual reactions,

actions of authorities and organizations dealing with this issue was delayed.

Local authorities actively contributed to the feeling of uncertainty. One of the examples was the establishment of a solidarity fund. The fund was presented as voluntary, although Helsinki Citizens' Assembly and Transparency International received complaints that public companies and institutions employees are under pressure to participate. It was unclear how fund money will be allocated which cast doubt and demotivated participation.

As we can see from previous examples, problems and challenges are significantly different, but we can still recognize their root - bureaucracy that faces difficulties in order to adapt and high level corruption.

### *Present and Future of NGOs*

The Helsinki Citizens' Assembly (hCa) Banja Luka is one of the most active organizations in Bosnia and Herzegovina. Its focus is on socially marginalized groups, particularly women, youth and minorities involved in activities through capacity building of NGOs such as strategic planning, fundraising, public relations, non-violent communication, conflict solving, human rights and gender equality. I talked to Dragana Dardic and Aleksandar Zolja in order to gain insight into their work these days. According to them, they did not stop working but had to adapt. Although they were not sure how the donors would react, they were positively surprised and continued their work.

In June of this year, hCa will organize a camp for youth leaders. Among the measures they are going to take in order for this camp to be successful is the testing of all participants and trainers for COVID-19. Donors have already agreed to cover additional costs for this purpose.

## Internal Affairs

There are 7 employees in hCa office. Almost one year ago, when the pandemic started, they moved to work remotely. Only Dragana and Aleksandar kept visiting the office because they live nearby. Others worked from home. They faced a challenge - how to be responsible towards society and donors. They took a proactive role and were creative. Most of their activities were implemented online. First days passed in negotiations with donors and partners but that made future activities easier. After a while, everyone was back to the office. Disinfection was mandatory in the entrance and everybody had to wear a face mask. The number of visitors is significantly smaller than in the previous period. After being asked if there were some practices that should remain as they were at that time, Aleksandar responded that he would keep most meetings online.

## External Affairs

One of the most significant activities is Journalist Award Srdjan Aleksic which is given annually. Last year was the first year when there was not official program open for public. The four-membered jury decided who the winners were, which was then announced. Firstly, the event was postponed until December, and later canceled. This year, the official event will take place in May if the situation allows it. Republic of Srpska announces relaxation of measures. For hCa that sounds promising and while considering the idea of this award becoming regional, they hope and are looking forward to being hosts to regional partners and friends.

One of the activities they offered during the pandemic was group psychological counseling for women. They had five groups: medical workers, women with disabilities, small shop owners (most of them were forced to close their businesses), teachers and women and mothers that have children with diabetes. Professional psychologists were involved in the project implementation. After a project evaluation, it turns out that the most significant outcome was bringing together people who face similar problems and challenges.

Also, podcast was a new field. The aim was to problematize COVID-19 from a perspective of different people. Guests were politicians, professors, activists, artists, journalists... Some activities that faced a transformation were a living library which now takes place online and a project (Banja Luka) feminist tour that was supposed to happen in real space but got its final shape as an online presentation. Although there were many situations in which NGO might have reacted better, Dragana said they were actively involved in a situation when act against the spread of riots and panic was established. Fortunately, it didn't last for a long time.

hCa is a co-host of a traditional march on March 8th which takes place in Banja Luka. With various other organizations, they contribute with their resources, time and hearts in order for this to happen. The theme of this year's march is sexual violence and harassment. After the campaign "Nisam tražila" (Didn't ask for) which is inspired by "Me Too", this topic was imposed. All these activities aim to encourage women to speak and protect themselves without being condemned and stigmatized by the wider society. It is still uncertain if the march is going to take place on a traditional route but this year's slogans will certainly be advertised on billboards around the town.

Sexual harassment and violence at universities is one important topic for hCa. At the moment, it cooperates with University of Banja Luka which established guidelines for sexual harassment prevention. That happened in June and the University is supposed to appoint advisers or contact people for harassment reporting. It is still uncertain if this is going to happen. hCa is going to have four workshops with students and employees. They are satisfied with guidelines in a written form and are trying to contribute.

Moving activities online also brings some new challenges. According to Dragana, it is significantly worse when compared to traditional face-to-face communication. A lack of interaction affects group dynamics and participants find it hard to join a discus-

sion in the right moment. A lot depends on a moderator's skills and abilities.

## A Word or Two About "Us" and "Them"

At the beginning of this year, Helsinki Citizens' Assembly initiated a meeting with a newly elected city mayor Draško Stanivukovic. Through communication with other Banja Luka organizations dealing with human and women's rights, a few topics were found necessary to be discussed. Mayor turned down the meeting. Actually, he postponed it to an unknown date. An initial email for the meeting was sent in January but a response has still not found its way to the sender.

No one knows what the future of the world and NGOs inside that world is. As Aleksandar emphasized, we can do some activities but our influence is minor, guessing we are not going to lose that position. We (NGOs) might face a lack of funding in the future because support to our projects is mainly international and there is always a possibility resources will be directed to countries of origin.

And once again, we have to mention bureaucracy that doesn't follow the current situation and still insists in "traditional" ways and following often pointless complicated procedures. Dragana and Aleksandar see room for improvement here. To conclude our meeting - the world collapsed, but bureaucracy still lives on!

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## ZENICA'S NAS MOST ASSOCIATION'S ONLINE PROGRAMS KEEP SENIORS TOGETHER AMID COVID-19

by Lidija Pisker

*Before the pandemic of COVID-19, the Zenica-based association Nas most provided services to seniors to combat their social isolation. But having to shut down in-person activities due to the pandemic, the association began using online tools to reach elderly adults who were isolated, lonely and at risk of depression.*

When COVID-19 broke out last winter, 66-year-old pensioner Meliha Bico Druzic from Zenica, Bosnia and Herzegovina, got scared. What her friends and family kept talking about was illness, suffering and death. The media constantly reported that the elderly people were group most at risk.

But much more than the virus, she feared isolation that was forced onto the elderly Bosnians through a governmental decision to control the spread of the unknown virus.

The freedom of movement of citizens of the Federation of Bosnia and Herzegovina (one of the two Bosnian entities) older than 65 was heavily limited during the first months of the pandemic. Seniors (and minors) were forbidden to leave their homes (almost the whole time) between March 20 and May 15 last year.

A socially active and extroverted woman, Meliha found it very difficult to adjust to the new reality of not being able to leave her home for many weeks. Since she was stuck at home all the time, she had a lot of time on her hands but did not know what to do with it. "It was really horrible, it gives me goose bumps just to think of it now," Meliha says.

But after days of anxiety, she found salvation in painting, one of her favourite hobbies. "I wanted [real] spring to come, which is why the first painting I made during the isolation was a vase full of lilacs," she adds.

Finding calm in it, she started painting intensively at home and posting her works on Facebook, and while doing so – challenging her Facebook friends to follow her lead. "It helped me – and others – to stay sane," Meliha says.

### *Healthy aging through creative work*

As one of the volunteers of Nas most, a local association for social inclusion of the elderly through arts and culture, Meliha has been coordinating the association's activities on an everyday basis even before the pandemic.

Nas most has, for years, been one of the very few places in Zenica where the elderly can meet, socialise and have fun. Seven years ago, the association started organising social gatherings, art workshops and art exhibitions, turning the small facility of Nas most into an art gallery and a so-called 'centre for creative aging'. Through painting workshops and creative craft lessons, the association's volunteers have been engaging elderly persons, who have never been exposed to art, to develop new interests and meet new friends in an effort to nurture their mental and physical wellbeing.

While other bigger cities in Bosnia and Herzegovina have government-funded Centres for healthy aging (in Bosnian: Centri za zdravo starenje) and socialization of the elderly, Nas most's work is mainly funded by membership fees and is based on volunteer work of their senior activists.

Due to the COVID-19 pandemic, Nas most has been mostly closed from March 2020, and as a result, many Zenica's senior citizens have felt alone, overwhelmed with feelings of anxiety and depression.

To help them stay motivated and take care of their mental wellbeing, Meliha and other senior activists of Nas most launched a drawing and sewing competition on their Facebook page in March last year, inviting all their members and others to join. The challenge required participants to take a photo of their work, upload it and share the "challenge" with other persons.

"We are all pensioners and we belong to the group of people most affected by the pandemic," says Zdena Saric, president of the Nas most Association. "That's why we wanted to start using social media, to stay in touch with each other and express our creativity rather than share and comment depressing news."

Just like Meliha, Zdena, who is now 70 years old, created dozens of paintings during the mandatory isolation. Having been diagnosed with cancer several years ago and suffering from severe asthma, Zdena was well aware her life was in danger if she caught the virus. But painting during the difficult first months of the pandemic helped her relax, forget about reality and deal with her fears in a creative way.

In April last year, Zdena – who is a locally renowned artist and art activist helping women, senior citizens and persons with disabilities to overcome mental health struggles through art – began delivering online painting classes via Facebook live streams. Her first live streamed video class on encaustic painting technique has been viewed over 1,000 times. Zdena also regularly posts her art works created during isolation on Facebook, trying to encourage other senior citizens, who felt depressed and apathetic, to cover dark thoughts with paint colours.

### *Use of online activities in the fight against the isolation of the elderly*

Even before the pandemic, a large part of the Bosnian elderly population lived a difficult life. According to the 2013 BiH Population Census, persons belonging to the group of 65 years of age and older make about 14 percent of the population. Its share in the overall population is constantly increasing. The UN estimates that this age group will represent more than 30 percent of the entire population by 2060.

Many senior citizens live on the edge of poverty and are socially excluded. The average pension of around 200 euros (which makes about 40 percent of the average salary) cannot even cover their basic expenses. Several reports, including those published by CARITAS BiH and the Institution of Human Rights Ombudsman of BiH, have noted that the lack of activities in which elderly people could take part makes them isolated and prone to mental illnesses (particularly depression).

Meliha and Zdena have continued posting their art works created in isolation last spring. The response of their online creative communities have encouraged Meliha and Zdena to continue painting and sharing their works on Facebook. As other Nas most's members began to do the same, their Facebook news feeds have become full of photographs of paintings and other handicrafts.

In order to continue with similar efforts, but in a more diverse and structured manner, they created an art-focused group for the Nas most's members. The initiative called 'There is a secret bond among us' (Bosnian 'Ima neka tajna veza'), has been created in collaboration with the Serbian association Art Aparat, whose co-founder and music teacher Maja Curcic has been making videos of singing lessons in Belgrade and sharing them with the members of the Viber group since June.

Apart from singing, women use video messages to teach each other how to paint,

design bags and do handicrafts. The Viber group also serves as a channel of everyday communication.

Sixty-eight-year-old Safija Vucenovic is one of the members of Nas most who joined the Viber art group. She occasionally records herself using a phone camera while singing her favourite folk songs and sewing clothes at home. She then sends the videos to the Viber group, through which about 30 women follow online creative workshops and exchange videos and photos of their works. “I have always been an active woman, and I have remained one. It’s very important to be active,” Safija says.

In both Bosnia and Serbia, the elderly population has been suffering from a lack of systemic protection of their rights. This is not only related to health and social protection, but to their cultural rights as well. In Bosnia, apart from cultural programs in homes for the elderly (organized for their residents) and activities of local pensioners’ associations (organized for their members), senior citizens have limited opportunities of participating in cultural initiatives. The situation is quite similar in Serbia, where, similar to the Bosnian centres for healthy aging, ‘daily centres’ for senior citizens offer cultural activities, but are limited in their number and capacities.

That is why Art Aparat and Nas most have established a partnership, but the initial idea had to be modified due to the pandemic and transformed into a remote creative exchange focused only on Zenica’s senior citizens.

“Projects like this one encourage senior citizens to use new technologies and learn how to adapt to the new times,” Maja says. In her opinion, it helps the elderly to overcome barriers such as physical distance or inability to move, restores their sense of belonging to the community and helps them relax in difficult times.

This has been the first time for Maja, who has been using music as a tool for social

integration of vulnerable groups of children and youth in Serbia for a decade, to work with senior citizens. Judging by the feedback from the members of her Zenica-based online choir, she has been truly successful.

“I can’t wait to meet Maja in person and sing with her,” Safija says.

#### *Limited digital skills of senior citizens are a challenge to online efforts*

But as rewarding it may be, working online with elderly people – most of whom are not skilled at using smart phones, smart phone applications and social networks – can be a difficult task.

It can demotivate people who have never attended an online class before to follow the instructions of a teacher who can be only seen on the screen, Maja explains. “It’s better when you can see a person live, encourage them or explain [in more detail] what you wanted to say. Pre-recorded rehearsals are not the same as actual contact,” she adds. Adjusting to new ways of socialization and collaboration has been difficult for most of Nas most’s members, whose average age is 60. Nas most has held several trainings on the use of Viber and Facebook last summer, but it is far from enough.

“It has been a real blessing that we had internet during this spring when we were under lockdown,” Zdena says. “But we still need much more knowledge on how to use it.”

A few women felt discouraged by the amount of information they needed to absorb and did not continue to actively participate in activities for which the use of smartphones would be indispensable.

Insufficient knowledge of digital tools and social networks also hampers the promotion of the association’s activities online. “It often happens that we mistakenly delete some content from our Facebook page or forget to post something,” Zdena says.

However, despite the shortcomings of such initiatives, the online-based creative

programs might remain the safest – and possibly even the only way – to work with the elderly as long as COVID-19 remains a threat to public health.

“Nothing would make us happier than to be able to freely gather in our association. But, until then, our [mobile] phones will have to play their role,” Zdena concludes.

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# HUMAN RIGHTS ACTIVISM IN KOSOVO IN TIMES OF COVID-19

by *Marigona Shabiu*

Kosovo has immense challenges and human rights violations in “normal” circumstances, but with the outbreak of the COVID-19 pandemic, the human rights situation has worsened. The pandemic especially exposed the structural inequalities that exist in Kosovar society, thus putting the most vulnerable groups, such as women, LGBTIQ+ people, Roma, Egyptian and Ashkali communities, youth, at a greater risk. It was painful to see all those appeals and slogans everywhere calling on the population to regularly wash their hands and keep personal hygiene, while knowing that there are a lot of people, especially people from the Roma, Egyptian and Ashkali communities, who are being offended by this, because they do not have access to clean water in the first place. Such a blatant example demonstrates that the state of Kosovo has failed to guarantee its citizens a decent standard of living in line with the most basic human rights.

In general, the government was not prepared to deal with the pandemic. In addition, it retained old practices from the period prior to the pandemic and continued to take actions that violated human rights, thus further deepening existing social, economic and gender inequalities. The governmental measures introduced to prevent the spread of the virus did not take into consideration human rights and freedoms.

Human rights defenders were in a particularly difficult situation during the pandemic. However, we have witnessed a strong persistence, commitment and creativity that kept the spirit of activism alive (less in the streets, however). Human rights activists from various fields organized themselves using online platforms in order to voice up their concerns and call on institutions to put

human rights at the center of any measures undertaken to control the spread of the virus. From protests with pans on the balconies of houses where people were protesting under strict lockdown demanding responsibility from politicians and putting the interest and health of the people first - to the drawing of red spots in the main squares of Pristina so people could exercise their basic right to protest in the pandemic era - activists never stopped.

Even though the main concerns throughout this period undoubtedly revolved around the management of the pandemic and public health issues, yet human rights defenders continued to also advocate for a number of issues which were not directly related to the pandemic, but remain some of the biggest challenges for Kosovar society. The issue of missing people in Kosovo is undoubtedly one of them. There are still more than 1,600 people missing from the last war in Kosovo, and this includes people from all ethnic communities, men, women, children and elderly. In order to mark the National Missing Persons Day, April 27, the Youth Initiative for Human Rights – Kosovo (YIHR KS) has, since 2008, been using activism as a platform to demand that the government of Kosovo and other relevant institutions work on this issue with the highest priority so the families of missing persons can finally find their loved ones and learn about the truth of what happened to them. This is one of the most difficult, open wounds of Kosovar society. Yet, often people tend to forget it and see it as an isolated problem which mainly concerns the family members of missing persons. However, through our actions, we aim to change such a perception and bring the issue of missing people into the public discourse as an essential part of our past, present and future. As a society, but also as institutions, I believe that we can never stop our efforts to

bring justice and restore the healing process for the families of missing persons. We cannot have peace when there are people living in agony, not knowing where their loved ones have been for the last 21 year.

Same as any other year on April 27, 2020, even though this year everyone was preoccupied with the virus, the YIHR KS in cooperation with other partners - namely, the Missing Persons Resource Center (MPRC), Humanitarian Law Center Kosovo, Integra and forumZFD - Kosovo Program, organized one of the most moving civic actions during lockdown under the slogan “In the Darkness of Missing Persons – Turn off the Lights for Two Minutes”. This action mobilized citizens across Kosovo to turn off lights at their houses for two minutes (beginning at 20:00) in order to show empathy about the darkness and sadness that the families of missing persons have been living for more than 20 years. Apart from the citizens, the Municipality of Pristina turned off the lights in the main squares of the city center showing support for our action, while other iconic public buildings in Pristina, such as the National Public Library of Kosovo and the National Museum of Kosovo also joined by turning off their lights. It was very moving to see such a public reaction, and once again, as every other day, we reminded Kosovar people and institutions that missing persons are and will always be our collective responsibility and that we should never stop until each and every missing person case has been solved and they get the respect and justice they deserve.

Activism and the fight for equal rights and the prohibition of discrimination against the LGBTIQ+ community was yet another fight that we fought during the pandemic. The Pristina Pride Parade this year was held in a very different manner under these strange circumstances. Even though it lacked the glow and the glory of the community and the big number of supporters marching through the main squares of Pristina, it was still more visible and louder than ever. LGBTIQ+ organizations together with partners and activists

drove in around 30 cars through the main streets of Pristina, proudly waiving rainbow flags across the city, calling for support, solidarity and acceptance, and most importantly, for equal rights and equal treatment. The virus did not stop us indeed. On the contrary, it made us realize that now more than ever, we should continue our fight, because everyone should be able to live with dignity and free for who they are, regardless of their sexual orientation and gender identity.

Human rights, and LGBTIQ+ rights specifically, are rarely included in the list of priorities of policy agendas and governmental actions. It is very unfortunate that homophobic discourse is constantly and vividly present on social media and traditional media as well as in public discourse in general. The rhetoric of politicians is no different in that regard. The majority of members of the parliament who claim to represent the interest of all people in the highest institution of democratic representation, choose to exclude LGBTIQ+ people from the list of citizens they represent solely because of their sexual orientation and gender identity. But activists always react strongly against homophobic language and hold political parties they are part of, accountable. This was also the case with a few members of two of the biggest political parties in Kosovo, namely Vetevendesoje and the Democratic Party of Kosovo. These people, who hold seats in Parliament and in the local assemblies, publicly expressed and incited hate against LGBTIQ+ people with their homophobic comments. As activists, we protested in front of these parties' headquarters with a reduced number of participants due to anti-COVID measures. Once again, we made it loud and clear that we would not tolerate their non-sense and their overwhelming need for bigotry and hatred. We will continue to hold them accountable. In normal circumstances without the anti-COVID measures in place, the protests in front of these buildings would have been much larger. However, even though we might have been small in number, we were big enough to call out for accountability and public responsibility.

The pandemic has shown us that our actions and lack of action matter and that we should never take our rights and freedoms for granted, in particular our right to move freely, to speak out loud about our causes, to protest, to seek accountability and to challenge those in power.

The situation created by the COVID-19 pandemic has also shown us how important it is to always have and foster empathy, solidarity and responsibility to protect each other. Beyond the personal good, the collective good is the glue that keeps us together; it is what unites us and gives meaning to our very being. Our lives and wellbeing depend on our constant fight for human rights, justice, freedom and equality.

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## THE COVID-19 PANDEMIC HAS HAMPERED ACCESS TO INFORMATION

*by Mila Radulovic*

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Interviewing victims is always a big challenge for journalists, and if the victims are children - it becomes even bigger. In a pandemic such as the coronavirus, it is difficult to tell their story, even though it is in the public interest. On the one hand, it is about the human rights of persons who enjoy the highest level of protection, and on the other - it is about the prosecution of those who have committed some of the most serious crimes.

A team of journalists from the Association of Professional Journalists of Montenegro (DPNCG) in cooperation with civil society activists and officials of the Department for Fight against Human Trafficking of the Ministry of Interior (Montenegro), completed a story on human trafficking and published it before the end of 2020. It was a research piece on two Montenegrin children who became victims of international human trafficking. They are currently recovering and preparing for reintegration into the community.

Although we knew that things such as selling, exploiting, inhumane treatment of children - were happening around us - discovering what these children had been through was very disturbing.

We hope that by publishing this story we have alerted the community which must have more understanding and sensibility for victims of such and similar crimes. This is especially true in the current situation when the pandemic has made many things difficult, and in this case, even the return of two children from Kosovo to Montenegro.

When we, as a journalist association, decided to dedicate ourselves to writing investigative stories about human trafficking, the idea was to learn about the legislation

and gather contacts that would make it easier for us to investigate current cases. At first, we did not know where the line of distinction was between cases of begging and prostitution and what qualified as human trafficking. As trainings on this topic developed and we met people directly involved in its suppression, journalists became aware of why Montenegro has received negative evaluations from reputable international institutions when it comes to this issue.

The beginning of the research and workshops for journalists on how to report on these topics coincided with the pandemic period. It became risky to meet people, travel, attend mass gatherings... The government imposed regulations on movement restrictions... Of course, we were exempt from such regulations, because our job is in the public interest, but all other problems had to be overcome as well - how to achieve everything and adapt to the new circumstances.

After a stressful work week, it was difficult to get journalists interested in improving their skills and dedicating themselves to serious topics on the weekends. So, we found an appropriate work model. We held training and workshops outside the city, in a pleasant environment. Good lecturers and a nice environment attracted the attention of journalists - because it was important to intrigue them.

Due to the lockdown and the ban on traveling outside the place of residence on weekends (based on a Decision of the Government to suppress the Covid19 epidemic), as an association we had to provide certificates to colleagues so they could travel. Then we had to inform the police about it to avoid possible restrictions.

Another challenge was to find a place large enough where a group of journalists

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could gather. We had to be at an appropriate distance and hear each other well, so that we could work. In the context of organizing trainings for journalists, we also faced the problem of finding accommodation because almost all hotels were closed, due to lack of tourists, large economic losses, etc.

Finally, when we put it all together, the training, which was a combination of online and face-to-face sessions, was completed with great success. The examples we heard on that occasion were shocking to most of us. We looked at photos of migrants illegally trying to cross the border under the hood of a car, hidden in seats, packed in suitcases... The most shocking story is what later turned into one of the research articles. The father of two Roma children took them away from their mother, leaving her without any information on their whereabouts for months.

He arranged a marriage for his nine-year-old daughter and an adult man in Kosovo, while forcing the boy to beg. He took the money for alcohol, dragged the boy into the world of drugs, and they lived in inhumane conditions all the time.

For two years, the mother tried to report the case to the police in Montenegro, but they refused, justifying arranged marriages with Roma customs.

Once she got in touch through social networks with a civil activist dealing with arranged marriages, the police finally started looking for the children. They found them a few months later in Kosovo but returning them to Montenegro was a problem because they did not have documents, which made crossing the border impossible. In addition, the pandemic aggravated the problem, and it was necessary to find a safe place for the children.

Two colleagues and I worked on this story for weeks, we talked to people who worked on the return of the children... When we put all the details together, the idea was to get permission to talk to the children. At the workshops we learned not to reveal the iden-

tity of the victims, especially not the identity of children. We also learned that we had to talk to them very carefully and that we are not allowed to take photos. Bearing in mind all these rules, we tried to get permission to talk to the children, who were accommodated in a shelter.

Some of the sources involved in the story thought that as journalists we should tell the story of two children using their testimonies, while others rejected these ideas, explaining that it would be stressful for the children and the trauma would return to them.

We pledged to respect their rights and received the Government's permission to talk to them. The children were in a shelter for victims of human trafficking, they were taken care of by psychologists and social workers who did not agree to allow us access. Also, we were faced with the further development the pandemic, so we were not allowed to enter the institution.

Determined to publish the story in order to alert the public and the authorities, we were looking for the best possible way... But the possibility of making the children undergo a secondary trauma upon contacting them, or the suspicion that we might transmit the infection to them, stopped our big plans.

The story was eventually published without directly interviewing the children or the mother, and was followed by a picture of the barracks in which they were accommodated. Yet, it had a great echo in public.

The children were accommodated in a Kosovo shelter for victims of human trafficking for a year. Previously, they had lived in inhumane conditions for two years and had been exploited. They are now over ten years old and their story is a great warning and reminder to all of us.

Unfortunately, the second attempt to investigate human trafficking failed, precisely because of Covid19. In another shelter for victims of human trafficking, there was a victim who was sold for prostitution. The

moment we felt we had finally overcome all the barriers, and could thus talk to her, the person who managed the shelter informed us we were not allowed access. The fact that the state finances the shelter, and that its representatives gave us permission to access the facility, did not matter to the Director of the shelter. He was bothered by the fact that the journalist would receive a fee since this story was project-based, and he subsequently refused to cooperate.

In the meantime, the coronavirus infection spread in the shelter, and it was in temporary isolation. We wrote the text based on an online conversation with another victim, who had previously reported to the police on several occasions that she had been a victim of human trafficking.

These cases are a reminder of how insensitive we, as a society, are to other people's troubles, and how often we suspect that the victims are responsible for their own tragedy.

As journalists, we will be more committed to these topics, which have unfortunately been neglected in Montenegro so far. This is especially true in a pandemic when most of us struggle to survive and stay mentally and physically healthy, often forgetting others and the public interest. Journalists must persistently strive to alert the public and authorities about the protection of human rights, especially now when the danger of violations is even bigger.

Due to the stressful and difficult work, journalists themselves have been reduced to victims. Some of us are afraid of doing field work, meeting people, some are afraid that they will lose their jobs during a pandemic when the economy is experiencing a deep crisis.

Lawyers and psychologists with whom our Journalists' Association cooperates discuss these topics with our colleagues, who unfortunately are not yet sufficiently aware that we must demonstrate greater solidarity and aggressiveness to persevere in fighting for our rights.

# BATONS AND MONOLOGUES IN SERBIA DURING COVID-19

by Vladica Ilic

At the beginning of July 2020, the announcement of the President of the Republic that curfew would be reintroduced due to the increase in the number of new COVID-19 patients (soon after the parliamentary elections) caused mass dissatisfaction of citizens, which was expressed at their protest rallies in Belgrade and several other cities in Serbia. These protests were marked by numerous and severe cases of police brutality against protesters, recorded by TV cameras and phones of protesters.

On the first night of the protests, the Belgrade Centre for Human Rights (BCHR) called on the beaten citizens to contact the BCHR for legal assistance and representation in proceedings aimed at proving that they had suffered police ill-treatment. At the same time, in real time, we filed criminal complaints for all cases of police violence we observed on television and social media, enclosing videos as evidence.

Protests and police violence continued for the next few days, and BCHR's phones kept ringing. It was clear to us that we were faced with a larger number of citizens who urgently needed help with documenting and reporting the violence of public servants they had suffered. We could not predict how long the protests would last and what would be the total number of citizens who would ask us for assistance. The question raised was whether we would be able to raise funds to provide all necessary forms of assistance to citizens in this situation and to organize medical examinations of beaten citizens by forensic physicians in a short time – before the traces of batons and police boots faded.

It was our common desire to do everything we can to help the citizens, but there was also fear of whether we will be able to justify their trust. We made an internal di-

vision of the following tasks: recording and redirecting calls and messages, appointing contact persons, organizing medical examinations, going to the place of ill-treatment to collect other evidence (checking if there is a video surveillance camera that recorded the case), recording video statements of beaten citizens and eyewitnesses, looking for attorneys at law, filing criminal complaints with the prosecutors' offices, filing complaints with the Protector of Citizens, applying for emergency projects to provide funding for examinations and attorneys, going to evening protests to monitor the situation and record incidents, communicating with colleagues from other CSOs (e.g. A11 Initiative) which also provided legal assistance to citizens, replying to legal advice requests of citizens, and, at the end of the day, holding our internal meetings in which we consolidated the data and planned the next day.

We were convinced that we were doing something very important for the citizens who contacted us, but also for those who did not. I remember my colleagues who opened the doors of the Human Rights House in Belgrade on the second night of the protests in Belgrade so that the citizens – who were running headlong suppressed by tear gas – could take cover inside. They also left bottles filled with water in front of the entrance to the House so that people could wash their eyes (later, it turned out that we did the wrong thing because eye-rinsing after taking in tear gas can intensify irritation).

The result of these few days of work was: 32 criminal complaints against more than 70 police officers filed with the public prosecutors' offices in Belgrade and Novi Sad (accompanied by evidence, recordings, medical and legal reports, etc.), 32 complaints and initiatives filed with the Protector of Citizens (Serbian Ombudsperson), and 18 cases of citizens who gave us the power of attorney to represent them. After the protests subsided,

18 individuals expected us to contribute to establishing the truth about the ill-treatment they suffered, despite constant denials and relativization of police misconduct at the protests by the highest Government's officials, the Ministry of the Interior, and even from the Protector of Citizens.

The following weeks and months were marked by passivity of competent authorities. The Public Prosecutor's Office in Belgrade did not take action on the filed criminal complaints, officials continued to relativize police violence at the protests, and the individual responsibility of police officers was not brought into question. The BCHR soon submitted an initiative to the Ministry of the Interior to amend the Law on Police and prescribe a mandatory suspension for officers against whom proceedings are being conducted on suspicion of torture and ill-treatment, as well as mandatory dismissal of those found to have done so. After the authorities replied that the initiative will be considered "within the next amendments to the Law on Police", it apparently ended up in a drawer at the Mol headquarters.

We also tried to gather some more evidence (video surveillance footage) from the National Assembly, which violated the law by ignoring our requests, and this is why we were forced to file a lawsuit against the Assembly for violating the law that they themselves had passed.

Over time, public demands to prosecute responsible police officers have decreased. But the expectations of the victims remained.

**- Is there anything new in my case? I haven't yet been invited to make a statement.**

**- Unfortunately, nothing yet. Have you been contacted by your attorney at law?**

**- No. He/she has not contacted me.**

**- We can suggest submitting an urgency (a rush note). You should be patient; domestic authorities are slow in such proceedings.**

**- How long can all this take?**

**- From a few months to a few years, a year...**

There were a lot of such conversations, after which we wondered whether we had "dragged" citizens into a years-long procedural hell with everything we had done so far, which would end favourably for them only with a judgment of the European Court of Human Rights in 7-8 years.

Was it better to advise them to get over those few baton bruises, or to wait patiently for a summons from competent authorities and a court decision that could be made years later, with the possibility of getting one more baton blow from the state: a court decision stating that there is "no evidence that a crime has been committed"?

Until 10 February 2021 (when this text was written), i.e., even 7 months after the July protests, no victims of police brutality have been questioned by the Belgrade Public Prosecutor's Office. There is no information on amendments to the Law on Police that would manifest zero tolerance for torture and ill-treatment. BCHR was informed by the victims' attorneys at law that the police informed the prosecution that they had not been able to establish the identity of the police officers who used force illegally as these officers wore helmets and gas masks, and did not have any identification marks. The impression is that the state is not worried about the possibility of ECtHR judgements coming its way together with an obligation to compensate victims from the state budget.

The above-mentioned attitude towards obvious violations of human rights of citizens is a part of a wider problem that has been building up in Serbia in the last few years. The practice of ignoring a large number of proposals, initiatives and criticism coming from civil society organizations, professional associations and prominent individuals in Serbia became more apparent during the pandemic. CSO activities were very diverse and mostly focused on providing direct forms

of assistance to citizens (from humanitarian aid to legal representation) and they became increasingly important in view of the inactivity and inefficiency of the independent control institutions, neglect of marginalized categories of citizens, concealment of information of public importance and human rights violations on the part of a strengthened executive branch of power.

Some initiatives, which – if adopted – could have prevented or eliminated discrimination against citizens, mitigated the negative economic consequences of the pandemic, prevented corruption in the public sector, prevented violations of human dignity in various ways, etc. have remained a “dead letter” with which the state did not even express disagreement. There was no dialogue between the state and the CSO, and TV stations with a national frequency did not find that the attitudes and activities of CSO deserved to be communicated to the citizens. It remains to be seen in the near future whether “a dialogue with civil society on issues of common interest”<sup>1</sup> will be finally initiated, which is the responsibility of the newly established Ministry of Human and Minority Rights and Social Dialogue.

1. Article 12 of the Law on Ministries, Official Gazette of the Republic of Serbia, no. 128/20.



# DESPAIR, LOSS AND FAILURE: THE UNTOLD STORIES OF LGBTI+ ROMA IN NORTH MACEDONIA

by Antonio Mihajlov

*The stories of the LGBTI+ Roma persons in North Macedonia are stories of despair, loss, disappointment, sadness, failure... It is exactly in these stories that sources of immense inspiration appear and flourish! These stories only need a skilled enough storyteller to collect them, tell them, and transmit the important messages they convey.*

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“Earlier, there were same-sex marriages in our local communities. Men lived with their same-sex partners, and so did lesbians. There was greater acceptance of same-sex couples back then. The rite of circumcision was even facilitated by openly trans women. Every local community had one of these women who made this day for the newborn, and their family, a truly special one. Nowadays, these practices are almost completely abandoned. The influence of the structures of radical Islam has made ordinary Roma rather intolerant and aggressive toward the LGBTI+ Roma persons in their own communities. Acceptance, understanding and awareness for them has significantly decreased. It is nowadays, a sin, an abomination to be LGBTI+ in the Roma community. And we have, therefore, locked ourselves in the closet until living in it becomes life-threatening and unbearable.” – says a gay man from Bitola, in his 30-ties, during one of the many interviews we have had with the LGBTI Roma living in Bitola, Strumica and the Skopje municipality of Shuto Orizari in the past 3 years.

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“My life changed for the worse when one of my elementary school teachers began harassing me and openly calling me out in front of all my classmates for the atypical clothes and shoes I wore at school. Back then, I did not know who I was, I did not know that there were trans people – people like me. But I know I really liked, no, I loved wearing

women’s clothes and shoes at school. I would also put on some make-up, just a bit, to make my beautiful face shine in class. And I would also experiment with my hair – I never wanted a properly cut men’s hairstyle. But nobody seemed to understand why I was doing this. And that is why I was often called “a faggot”, “a pussy”, and I was harassed, especially by the boys in school. But the classmates’ bullying at school was not such a big deal. I could handle that. The worse harassment came from this teacher. She always called me by the name I had on my ID card. And I never liked that name, and I told her – that is not my name! Call me by my name! She refused, she never called me by my name. She never liked me. She never showed any interest and enthusiasm for my life, my story, my experiences. She made my life a living hell. I could not continue with my education because going to school was a nightmare for me. I could not stand another day of listening to her, of being mocked by my classmates, and ridiculed by almost everybody. So, I dropped out of school. I could have been a great fashion designer! Or a fantastic hairdresser! Or even a very famous singer – I really have a good voice! Later, I can show you some videos where I sing. But I became nobody. No, actually, I have become a really bad and sad version of who I would have been.

I still have my dreams of becoming a great woman, a popular woman, a woman who would steal the hearts of many! But I need to have something done with my body before I become that. I desperately need money for top and bottom surgery. When I look in the mirror, I don’t like what I see. I don’t like my body. I feel ashamed of it. It is like it does not belong to me.

And I don’t have that money. And it costs a lot! Several thousand euros! Plus, the trip to Belgrade, and accommodation costs there! Extremely expensive! And I live on social security benefits here in Strumica. I get

less than 100 EUR a month. I don’t have a job. How can I get the money for the surgeries? The only thing, the only person who brings light and love into my life is my boyfriend. And I don’t need anything or anybody else. For now.” – says a trans woman from Strumica in a rather husky voice and melancholic tone.

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“Do you see my teeth? Do you see the gap between two of them in the top right corner? I am ugly. I wish I could fix my teeth. When I fix them, I can attract many men. Even those who pay a lot. My love is expensive! I am not a typical Roma woman who gives blowjobs on the streets for 5 EUR. But the pandemic, the coronavirus, has made me beg on the streets. For the first time in my life, I could not have any source of income, any money in my pocket. I was not allowed to see anyone in person during the curfew. Nor could I go to them. There were police all over town at night. And I only work at night. My clients want me on the sheets before they go to bed. Not when they wake up in the morning. Their breath stinks then. So, here I was, on the streets, begging for money, looking even worse than this Roma woman sucking dicks for 5 EUR. And I could have been a dancer – I am really good at dancing! Do you want to see me dance? Play your song! Or rather, let me play my favourite song! Do you see? Look at me! I am like these ballet dancers on stage in some of the world’s capitals. But no, I was not that lucky. God really hates me. Who the fuck wants to live in Strumica, not even in Strumica, but in this small village near Strumica? Only miserable, unlucky people like me. And I am over 40 years old. I don’t have much left. This is not life. This is survival. Just enough to meet the bare minimum. I hate it. I wish I had not talked about this. Why did you want to interview me, in the first place? Get the hell out of here! Don’t come back, I don’t want to ever see you again!” – says in a very upset manner a trans woman, who is also a sex worker, during the only interview we could have with her.

# LGBTI+ MOVEMENT IN KOSOVO AND ITS PROGRESS THROUGHOUT THE YEARS

by *Blert Morina*

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LGBTI+ people in almost all countries, both developed and developing ones, have faced various challenges in their struggle for acceptance and equal treatment. Kosovo, a country where many factors have affected the non-acceptance of LGBTI+ persons is no exception in this regard. These factors have also contributed to LGBTI+ persons being seen as foreigners and not as an integral part of this society. Among the main factors is the fact that 21 years ago Kosovars were basically fighting for survival. Back then it was impossible to raise the issue of human rights and advocate for human rights through the prism of today's understanding of the term.

Kosovo is a quagmire of its kind, where each of us willingly or unwillingly, with less or more awareness, is engaged in activism for different issues. Kosovar society is quite diverse, consisting of different ethnic groups and a multitude of cultures, as well. So, diversity is not a novelty in our society, but the fact is that we are very selective, and that usually, those who suffer the most as a result of this selectiveness of society are LGBTI+ people.

As the youngest state in the Western Balkans and as a country that has been through a war, of which the majority still has quite fresh memories, Kosovo started addressing the issue of LGBTI rights in the public domain much later. Although LGBTI+ people have certainly had an underground life of their own, safe spaces have been quite limited. They started organizing themselves through home gatherings as places where challenges and demands could be articulated. With the opening of organizations, activism began to be institutionalized, which has led to a shift of activism (although still a very limited one) from the home to public spaces.

Public discussion of the rights of LGBTI+ people brings challenges in itself. In

a society undergoing transition, where there was a clash of generations, with very limited information on LGBTI+ people (because there is still misinformation about what LGBTI+ is), with the mindset, according to which, LGBTI people were not part of this society, but were brought after the war by the international actors, with corruption and with the complete shift of attention to politics as a priority, organizations faced great difficulties at the beginning.

From the meetings and gatherings just in the drop-in centers, the activists slowly started to appear in the local media, as well. The demands of activists to get involved in various policies began in the media and with the support of many different partners. Since Kosovo was a developing story, it was a great opportunity for us to make our contribution to the project called Kosovo, and to address our issues and concerns. But I must reiterate that despite the tireless activism on a national level, it was difficult not to use the "pressure" from international friends in the advancement of LGBTI+ rights. Addressing LGBTI+ rights was a great challenge because our institutions are a reflection of this society, and back in 2015 this society ranked as the most homophobic society in the Western Balkans (the ranking referred to the years before 2015). As a new country, we did not have many good examples from neighboring countries to refer to, which made the process even more difficult. Generally speaking, LGBTI+ activism started quite late in the region.

The main turning point for the LGBTI+ movement was in 2012. This fact reveals two realities, one that we have an organization that partially targets LGBTI+ topics in public spaces and, on the other hand, it shows how homophobic Kosovar society is. Also, this year there was an attack on Kosovo 2.0 and the Libertas organization which puts activists in a very difficult position as this was the first time that activists and organizations became

the target of organized groups. These attacks were different from individual attacks and hate speech experienced earlier by LGBTI+ persons, which were isolated cases. Activists were at a crossroads of change, and after these events the topic of LGBTI+ people would no longer remain a hidden one.

LGBTI+ activism becomes louder! Reactions to this attack set in motion state institutions. Local institutions, international organizations and embassies were mobilized, and this created a sense of not being alone as activists. We were at a crossroads, beginning to go in the right direction, and the fear planted by the attack on LGBTI+ people started slowly fading. Much later, the first march was organized on May 17, 2014, a march which was held without a single incident. Kosovo established the tradition of parades in the main squares to mark the International Day against Homophobia and Transphobia. After the success of the marches and the relentless work of organizations in empowering LGBTI+ people, the voices seeking inclusion and equal rights only increased.

In 2016, the first openly transgender person in Kosovo joined LGBTI+ activists. The movement was intensifying, the more we were present in the media and public spaces, the more threats and hate speech we experienced. In September 2017, LGBTI+ organizations decided to host the Pride Week. We faced various challenges in the process. First, several activities had to be organized as opposed to the march which used to be a single activity, and second, we only had 3 weeks to organize everything. In addition to the challenges mentioned, the activists who organized the First Parade in Kosovo were criticized for calling it the "First Pride Parade" by the activists who had previously contributed to the movement and organization of the march to mark IDAHOT. The activists - organizers of the Pride Parade were actually trying to mark a new stage in the LGBTI+ movement aimed at empowering the LGBTI+ community, thus organizing a whole week of activities in public spaces and closing it with a Pride walk.

The organization of the first parade in 2017 has become an example to follow. In addition to providing participation and visibility, activists throughout the week were present on almost all TV shows, radio, print media, and there were no incidents resembling the incidents we have grown accustomed to in the first pride parades in the region. Kosovo has continued to organize Pride Week for 4 years now. The number of participants and the solidarity of activists, civil society, supporters, and partners is on the rise.

In addition, the local LGBTI+ organization in Kosovo is working on awareness raising among the general population, parallelly advancing and incorporating LGBTI+ rights into Kosovo's legislation. Among the successes of the LGBTI+ movement is the amendment of the package of laws in 2015, including the Anti-discrimination Law and Gender Equality Law, the amendment of the Penal Code in 2019, which now includes sexual orientation and gender identity, the 3-year struggle of activists regarding the inclusion of civil partnership for LGBTI+ persons in the Civil Code. Successes in advancing the legislation on paper already presented other challenges for activists because this "good" legislation exists only de jure, but it is not implemented in practice.

The beginning of 2019 marked another turning point in the LGBTI+ movement with the first public request for a change in the name and gender mark in official documents. As a first public case, this provided even greater media coverage for the LGBTI+ movement. Since now we have overcome the impression that we had been present in the media for the Pride week only, and became visible throughout the year, this enabled us to open different topics related to LGBTI+ persons. At the same time, LGBTI+ activists were determined to challenge and supplement current laws. Two years later, the Basic Court of Prishtina made a historical decision in the Blert Morina case, thus mobilizing the community and increasing the acceptance of LGBTI+ persons on the part of the institutions. At the same time, the opening of online platforms to inform citizens about various events related to LGBTI+ people,

the organizing various events by activists who were not part of LGBTI+ organizations proved day by day a sense of security, stability, and power. As the activists' insistence on equal treatment continued, our dissatisfaction with the existence of good laws only on paper, while at the same time LGBTI+ people continued to have a very difficult reality, and our dissatisfaction with the lack of stability of the LGBTI+ organizations, made this battle even more difficult. This has led the Municipality of Prishtina to secure a space for LGBTI+ people, a center which would be used as a safe house and help LGBTI+ people to organize activities, develop new programs and foster socialization. During the discussion on the opening of this safe house, activists were more concerned with the fact that they were obliged to send victims of physical/psychological violence to Albania because Kosovo lacks a shelter for LGBTI+ people. The municipality responded positively to this concern and allocated 300,000 euros for its construction. One of the main missions of the organizations has been the provision of sustainable spaces for LGBTI+ people.

2020 has been quite a difficult year for LGBTI+ people. Many LGBTI+ persons lost their jobs due to the economic situation caused by the pandemic, the number of cases involving violence and hate speech has increased, so the provision of two very important spaces in improving the well-being of LGBTI+ persons has been a wonderful achievement.

LGBTI+ people in Kosovo, some on a daily level, some on a monthly level, some less often than that, will continue to face various storms in their lives. But the path of the LGBTI+ movement is characterized by solidarity, a spirit that is transmitted from activist to activist. Solidarity will be the main driver of LGBTI+ people enabling them to face any challenge, and it will be a key factor in the empowerment of LGBTI+ communities. For years, activists have been in the streets, but whenever necessary, they will establish this presence of theirs also by means of protests until every individual, regardless of sexual orientation, gender identity, race, language, religion is treated equally.

## WHY DO I STILL BELIEVE IN CHANGES

*by Jovana Jovanovska*

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Living and working in any Balkan country can often feel challenging, especially regarding the deeply rooted tendencies of our societies to look back, romanticizing about how everything was better in the past, and nothing will ever be the same. At least this is how I perceive our Balkan countries, especially North Macedonia. Growing up in a society where people are constantly fed with narratives on nationalism, patriotism, traditional values, patriarchal narratives, where solidarity and support are washed away by the growing individual ego, seemed a dead end for me as a person. Growing up I always had the urge to fight injustice, be loud about inequalities and what seemed wrong in society, but I did not always manage to find the right way to act, and often felt like I had no one standing behind me. What I did know, always, was that I cannot stay passive, I cannot remain just another link in the chain of the silent, obedient majority, and that I cannot shut my eyes to injustice. While it may sound pretentious, this is how I felt in the past and how I still feel every day.

While practicing different forms of activism growing up, I figured that if I wanted to make real changes and influence some issues which I consider to be important to me and my society, I would first have to find like-minded people. But while this sounds perfect and enough, I knew I could not deceive myself that it was all I had to do. Having the urge to fight injustice and initiate change is never enough, believe me, it is not. Now I am getting to the start, the real start I consider to be as real as it gets for me. While for some activism means independence, a fierce struggle, disorganized action motivated solely by a sense of rage against a system failure, for others, like myself, the fighting for a change with pure intentions, and going straight forward with one's own ideas, is all of this, but also much more. I figured that if I wanted to get more

engaged and have the possibility to influence the system and make a real difference, I would have to join an organization that suits my intentions and my ideology. This was the beginning, me deciding to join a human rights organization and try to practice activism together with other people, which I consider to be way more effective and rewarding when it comes to the causes for which I fight. Joining an organization is a decision I made and have not regretted it so far. It allowed me to have a direct impact on change and be in constant touch with reality. Having a closer look at the everyday problems, struggles, and needs of different marginalized groups of citizens has helped me stay grounded and motivated over the years. It has even helped me influence those around me, for which is something I am extremely grateful. This might sound like an advertisement to some, but this is how I truly feel, and it is the first time I am writing about it.

I believe that being a human rights defender from the non-governmental sector is a double-edged sword. What makes it challenging is the fact that people perceive the civil sector differently, and this includes both positive and negative perceptions. This does not always have any significance for people working in the sector, but the reality is that it can, and it should. What is certain is that perceptions can often be demotivating, but what is even more certain, personally, is that they can burst our motivation to keep going even harder. What seems to contribute to people's different perceptions of the civil society sector is their confusion about the sector and its function. Part of the society perceives the sector as money-making foreign influencers trying to shake the core traditional social values. This, in the Macedonian context, is the result of a long-term negative campaign against the civil society sector led by the previous right-wing government as well as the result of general ignorance. As human rights defender, you are constantly surveilled, and while this

should be part of our role as a corrector of the government, it is often limited to criticism for not being vocal on certain issues. This is often a personal perception of individuals from the wider public of your passivity rather than a true inactiveness on your part in reference to systemic problems. While some critics have a demotivating effect on me as an activist, I always tend to distance myself from them and analyze the criticism itself. I ask myself, is it constructive, is it based on ignorance or is it well-founded, is it motivated by rage towards the system or is it directly related to my work, and many other questions along the way. But what is most important to me as an individual is that the fact that I am a part of the visible positive changes in the lives of people, I make changes in the system and I am always on the side of the marginalized, has always been my fuel and motivation. Being part of the civil sector has been my way of initiating change that so far. It corresponds to my values and beliefs. The most important thing for me is to constantly remind myself why I am doing what I am doing and how the people in need benefit from it.

I am often asked by different people what keeps me going and I certainly often ask myself the same question. I have to say that one is not always pleased with the results of one's work and often one's work does not produce any results for that matter. And while one focuses on these "failures" one fails to see the positive changes made and one's own part in fighting injustice and inequality. This is where I would like to look back to one of the most rewarding experiences for me as a human rights defender, an experience which keeps motivating me for at least the last couple of years. Even thinking about it produces an outburst of emotions and going back to the whole experience instantly increases my serotonin levels. As an intro, I have to say that in the past few years I have been working in the field of advancement of LGBTI rights in North Macedonia, and while I have been previously working with different marginalized groups on different issues, this is the cause dearest to my heart. Working on LGBTI rights in North Macedonia is challenging and it often puts to a test one's level of patience and

persistence. The political context has been changing over the years, especially after the change in government in 2016, with the Social Democrats now being in power and injecting a new dose of hope and motivation for all of us. The 11 year-regime has left society exhausted, suppressed, and narrow-minded, while the practice of nurturing traditional family and patriarchal values pushed us way back in the human rights arena. In such a context, working on gender rights, LGBTI rights, or even minority rights, is challenging to say the least. Anyhow, the change has put us as human rights defenders in a new position in the fight for human rights and equality for all, especially for the groups for which I am working, fighting and advocating. While the process has been slow and the road has been bumpy, change is happening, and we are moving forward. Let me return to the experience I mentioned above as one of the most rewarding experiences for me as an activist, but also as a human, the first Skopje Pride in 2019!

When I started thinking about what keeps me going and what makes me believe in change, I resorted to retrospective reflection. Not so long ago, actually this past summer, one of our colleagues from the Skopje Pride organizational team had an idea of creating a video featuring the team organizing the first Pride and focusing on their experiences. The idea was for us to film our answers to a few questions and give our point of view on the whole process of organizing the Pride, and then create a video that would be shared on the anniversary of the Pride, which was later on canceled due to COVID-19. It sounded like a great idea and I decided to film myself directly answering the questions one by one, without reading them in advance and preparing any answers. I set up the phone according to given directions, checked the lighting, the frame, and action! By that very moment, I have not even thought about the Pride in that way. After the Pride I was certainly filled with emotions and for the past year I had been working actively and passionately in the field of LGBTI rights, but no, I have not thought about what the Pride meant to me, how the Pride changed me, how the Pride shaped me and made me feel. So, this was the moment

of truth. I was reading question by question, providing answers, filming everything using my phone, going through it all that very day, but also in the days that followed. And there it was, a new outburst of motivation, a new impulse for change, for activism, for the fight against inequality, for a better tomorrow. I know it might sound like a cliché, but this was my motivation shot. I revived my calling while talking to my phone in an empty room, during a global pandemic, a lockdown, while a hint of depression was knocking at my door. Rewarding. That is the word I use to describe my reflection on the Pride. And just a kind reminder for all of us, the Pride is a protest. At the Pride we march against oppression, we march for the rights and freedoms of the LGBTI community, we march against violence, discrimination, hate, failure of the state to protect LGBTI people. We march for all the people that are afraid to march because society still oppresses them for being part of a particular community and for all those who are still afraid to be themselves because society does not accept them.

Changes are happening. They are happening at a rather slow pace, but they are happening. Being part of the change and having the chance to have at least a small impact on someone's life is a privilege for me. Being a human rights defender is challenging, for sure, but is more rewarding than one can imagine. On a daily basis there are struggles, failures, adjustments, priority switching s, criticism, backlashes, unacceptance. But some days there is a person who manages to win their fight against inequality thanks to you, or there is a person who gets to exercise a right with your help, a person who receives protection thanks to you, or a person who can be themselves for just one moment thanks to what you are doing. I will never forget the looks of the people at the Pride, the eyes of my dearest friends filled with tears, the liberation around me and the sensation that I can fly. And I will never forget the talk I had with one of my dearest friends from the community saying "Thank you for doing this. It means the world to me and the community". It echoes in my head every time I lose my motivation and every time I feel fighting might be in vain.

# POSITION OF WOMEN JOURNALISTS AND POSSIBILITIES FOR MOVING FORWARD

by Kristina Ozimec

*Position of women journalists and possibilities for moving forward*

*More and more people are becoming aware of the position of women journalists in the country, who face specific challenges that differ from their male colleagues. Through our work at PINA we have managed to influence the narrative in the public when it comes to the question of women in media and contribute to the progress of women journalists on the local media scene.*

“Gender has no place in the discussion on independent journalism”. This was an often comment that would be thrown at us as the typical hearsay in the journalists’ community, when in 2017 we at PINA (Platform for Investigative Journalism and Analyses) started to loudly address the position of women journalists in the country. Many on the media scene in Macedonia could not see the specific issues, problems, challenges or needs that women journalists have and face within our society. Many could not see the problems that we have in our mainstream media, the presentation of women and women’s voices, as well as the narrative that dominates in them. But today things are slowly changing. And that is just one of the many reasons why we, as an organization, decided to put a significant amount of our focus on this important issue and work on the improvement of the position of women journalists in our society, as well as on the improvement of the narrative about women in the media.

Through my 11-year journalistic career in the Macedonian media, I have personally seen that independent women journalists have not always had an equal opportunity to become leaders, editors, managers or owners

of mainstream media. And this is not just my personal observation and experience. According to the research of the Independent Union of Journalists in Macedonia from 2019<sup>1</sup>, women have almost no ownership of the media and rarely hold leadership positions in the mainstream media in the country. The position of women is slightly better in editorial positions, but the true power of these positions remains debatable since sometimes in the everyday functioning of the media, many decisions are made by management rather than editors.

The analysis of the Gender Structure of Salaries in the Broadcast Sector for 2019<sup>2</sup> of the Agency for Audio and Audiovisual Media Services again shows that the difference between the number of men and women in managerial positions in radio and television is evident, and specifically drastic in TV. Out of a total of 57 managers of radio stations, 40 are men and only 17 are women. In television, the male to female ratio of managers is even bigger and out of a total of 50 managers, 41 are men and only 9 are women. Also, out of eight executives who reported income greater than 50,000 denars, all eight are men.

Basically, the research shows that the income of journalists is low, often around the state average (25,836 denars), sometimes even around the minimum (14,500 denars), and sometimes below 12,000 denars. Even though women sometimes dominate the media workforce, they usually end up with small salaries and no financial stability, which is the key to independent journalism and the media.

“A cause for concern, both in terms of gender and professionalism, is the fact that a significant part of journalists in the private media at all levels in fact have very low monthly incomes. The salaries they receive do

not offer them financial stability and are not in favor of collateral motivation for creating high quality journalistic products, for introducing gender in mainstream reporting and accepting gender as a valid aspect of journalistic coverage of topics, but also for guaranteeing their resilience to pressure from different centers of power”, is said in the conclusions of the research conducted by this institution.

In addition to the above-mentioned challenges and problems, women journalists, especially in the last few years face threats, online harassment and even physical attacks, where they are attacked not only as journalists, but also as women. We have had a significant amount of cases where female journalists have suffered major online abuses because of the work they are doing. This topic, I believe, requires a separate and more determined response and treatment of the journalism community, but also of the institutions that need to further demonstrate that such behavior is unacceptable. We at PINA often report on this issue, and for us it continues to be a very important topic.

And this is not the whole story. The lack of women in leadership positions in the media creates an atmosphere in which women do not get the position in the media that they deserve - so that they could equally lead, manage, and make important media-content-related decisions. Such a situation, unfortunately, leads to a generally low sensitivity of media content to topics related to human rights, gender issues, marginalized groups, minorities, etc. Therefore, many topics important to citizens are marginalized and underrepresented in the mainstream media. Women are also underrepresented in media, and all-male debate panels are frequent in the mainstream media where men are mostly asked for their opinions and analyses especially on „high politics” issues, while women and/or minorities/marginalized groups are many times excluded.

Gender issues are even less represented in the mainstream media as they are often not even recognized by editors in the daily agenda. And as women are not consulted

or represented when it comes to important political or social issues, they are very much present in the media agenda when it comes to certain traditional roles, during religious holidays, in the context of their role in the home or in any other role reflecting the patriarchal representation of women in the media.

So, *what do we do?*

As an organization, we at PINA have started to address all of these issues and many more since the establishment of our organization in 2017, but we got an even better opportunity to contribute to this topic through the development of the first Program for Women Journalists in the country. The Program for Women Journalists started in June 2019 and provided a development platform with mentorship opportunities for women journalists in Macedonia. We developed a program that focused not only on training and non-formal education, but also on practical work with mentors on journalism stories important to our society and our citizens.

We have also paid great attention to providing a platform for the development of skills that are important for being a contemporary journalist today, and developed learning modules for multimedia journalism and mobile journalism. PINA is one of the rare organizations that offers a full Mobile Journalism Program, where journalists can learn more about this style of work and become well-equipped independent mobile journalists, so we decided to incorporate this into our Women Journalists’ Program, as well. More than 20 women journalists were part of our first Program for Women Journalists, and together we worked on many important stories important for our society which addressed the issues I write about in this article. Together, we have slowly begun to change the narrative of the position of women journalists, and today we see that this topic is addressed and discussed very differently than four to five years ago. Together, we would like to contribute to the creation of the next generation of women journalists who will change the media and journalism in our country.

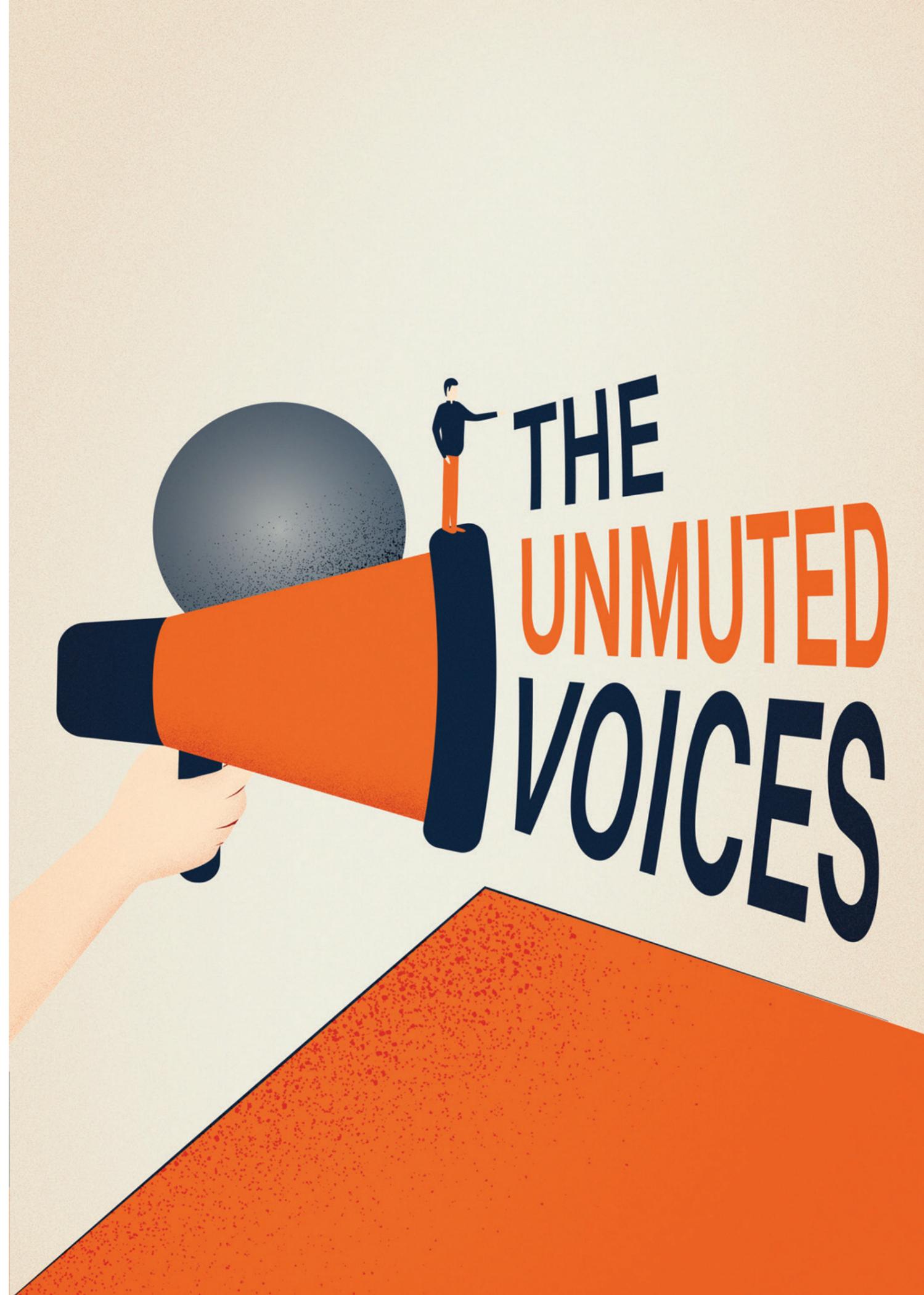
1. <https://a1on.mk/macedonia/istrzhuvanje-na-ssnm-mediumite-gi-poseduvaat-i-gi-upravuvaat-glavno-mazhi/>  
2. <https://avmu.mk/wp-content/uploads/2020/12/Rod-i-plati-vo-radiodifuzija-MK.pdf>

The Program for Women Journalists also serves as an inspiration for young women to join our profession and find support with experienced mentors, on their way to progress in the field of journalism.

Every year, at the Skopje Investigative Film Festival that we organize, which is a media event dedicated to journalism and media, we give a special place to the topics related to women in the media. We organize debates, talks and webinars, and we screen films that bring a new fresh light to all of these issues important for women and our society.

After having dedicated significant amount of work to the position of women journalists, we now see many possibilities for moving forward. The options are endless, from working in non-formal education on a wide range of skills, to raising awareness and launching equality debates that have not yet been properly addressed and creating a stronger community of women journalists that will change our media and our society. We are open to all those who are interested in joining us in the fight for a better position of women in the media.

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# DEFENDING HUMAN RIGHTS IN ALBANIA FROM ACROSS THE ATLANTIC

by *Albi Çela*

The plane took off from the dark track of Istanbul Airport. I had fallen asleep while waiting to depart, and the deafening noise of the rumbling engines woke me up instantly. It was December 27, 2019, and I was on a Boeing Airbus of the Turkish Airlines fleet, heading to Washington D.C., across the “pond”, to the land of liberty and opportunities. On my hand I was still holding the book I was reading, “How Democracies Die” written by Steven Levitsky and Daniel Ziblatt. I sat straight and for a moment I thought how, just a few hours earlier I had been home, in my warm bed, in Tirana. It marked exactly a month and a day since a deadly earthquake hit central Albania. On November 26, at 04:00 a.m., I woke up in horror as the 8-floor building I lived in, started shaking violently. I felt fear like never before and prepared for the worst. Luckily, the building held up, suffering only minor structural damage. That day though, marked an unprecedented turning point for Albania’s state of democracy and rule of law.

The month following the earthquake witnessed pervasive attempts of the Albanian Government to undermine fundamental human rights and freedoms, while thousands of people had been left homeless and devastated from the catastrophic event. Of course, these attempts were not recent. The past two years were marked by attempts to muzzle the press through anti-defamation draconian laws, attacks and slams against journalists, and forceful dispersal of protests, though political ones, by means of using unproportionate police force. One still remembers the attempts to deport Alice Taylor<sup>1</sup>, a British journalist, without any legal ground, the firing

of anchor Adi Krasta<sup>2</sup> for speaking against the government, the asylum request of Agron Tufa<sup>3</sup>, and Prime Minister Edi Rama’s smears<sup>4</sup> and SLAPP’s<sup>5</sup> against Albanian<sup>6</sup> and foreign<sup>7</sup> journalists.

In the meantime, I had landed in D.C., and was starting a new life, away from family, friends, and my country, who was now facing a series of challenges. A few months earlier I was offered to pursue a one-year fully funded program at Arizona State University, Sandra Day O’Connor College of Law, in Washington D.C. The International Rule of Law and Security Program, designed to prepare young lawyers to promote justice, good governance, rule of law and human rights, became my next challenge after 6 years of legal education, and training. I decided to keep my focus on human rights, so I enrolled in the International Human Rights Law class, for the third time in my student life. I also started interning at one of the most prestigious human rights organizations globally, the International Center for Non-Profit Law. Their work focused primarily on the rights to freedom of expression, assembly, and association. It was the perfect place to practice and enhance my knowledge on topics that were major issues in Albania.

Between daily life, school, and work, everyday I tried to make time and follow what was happening back home. Whether it was reading short articles, watching the news, or exchanging text messages with friends and colleagues from the “front line”, I felt it was my civic duty not to lose ties with the situation in my country. Though, I must tell things didn’t look well. The government tried to adopt a media law<sup>8</sup> that would muzzle the few critical voices left. despite the continuous protests

of international and local watchdogs. Luckily, this pervasive attempt to undermine freedom of speech and the press once and for all, was put on a halt by the Venice Commission<sup>9</sup>, at least for the time being. In the meantime, I did what the circumstances allowed me to. Speaking up, writing, and raising my voice at a time in which the government was buying or pushing the media to self-censorship. My first op-ed ever published took quite some attention. Originally published at Balkan Insight<sup>10</sup>, a short piece I co-authored with, Pedro Pizano, a friend mentor of mine from the McCain Institute for International Leadership, was soon re-published in the U.S.<sup>11</sup>, Albania<sup>12</sup>, and across the Adriatic, in Italy<sup>13</sup>. Supporters of the ruling party associated me with the opposition for being critical against the government, while others didn’t like that I called the former Prime-Minister and opposition leader, an autocrat. It made me happy, because knew I was doing the right thing.

Long before I left Albania, word had spread that a new, deadly virus, was spotted in the Wuhan region of China. By mid-January, things started to look serious, and by the end of February the situation was going out of control in many countries. As expected, governments around the world started taking precautions. Enforcing curfew hours, limiting movement, and banning the assembly of people, were the most common. We, that study human rights, know very well that in such circumstance’s restriction of certain rights is unavoidable. However, there is still room for concern, rightfully so, and especially in countries with fragile democracy and rule of law. Sadly, Albania is one of them.

On March 12, 2020, Albania reported the first case of infection with the deadly Covid-19 virus. Based on a decree amended by the Council of Ministers, the country went immediately into lockdown. Several rights, including that of assembly and association were restricted. The Prime Minister himself didn’t forget to target the press as well. Through an

automatic voice mail that played everytime someone tried to make a call, the voice of the Prime Minister would appear giving advice on how to protect from the virus. He closed the message saying, “Protect yourself from the press”. It reminded me of the 1984 Orwellian “Big Brother”.

Quarantine became the word of the day, and like almost everyone else I spent most of the time in my bedroom, avoiding contact with other people and going out unnecessarily. Spending so much time alone and isolated, instead of breaking my will, it motivated me even more. Knowing how the situation was in Albania, especially regarding human rights’ restrictions, but also keeping in mind that I wouldn’t be able to change much so I kept my feet on the ground, I launched a podcast, named “Rule of Law Albania”<sup>14</sup>. Inspired by the work of my mentor, Daniel Klingenberg, a former Fulbright Fellow in Albania, I decided to step forward, and speak up. Through this platform not only I would bring “innovation” in the country’s traditional way of making journalism, but also put forward my voice and those of others, without fear of censorship. Indeed, one of my first episodes was dedicated to freedom of speech and the press, “A government without newspapers, or newspapers without a government”, based on the famous Thomas Jefferson’s quote on the importance of a free press.

“The theater fell” – I barely read on my phone screen while I was blindly looking for the glasses in the darkness. A friend had sent me a video attached to the short message. It was close to midnight in D.C. and just past dawn in Tirana. In less than 20 seconds I saw the front part of the National Theater of Albania collapsing after a strong hit by a crane, a cloud of smoke and dust covered the square in front of the theater, and the crumbling echoed against the walls of my empty room. Members of the civil society, and artists who had spent two years of their lives protecting the theater, were dragged out like criminals. On May 17,

1. <https://exit.al/en/2019/03/06/government-refuses-to-renew-journalists-residency-permit/>

2. <https://www.dailyking.com/news/31638/after-leaving-news24-adi-krasta-comes-up-with-a-new-show-in-kosovo/eng>

3. <https://exit.al/en/2019/12/03/agron-tufa-communist-crimes-scholar-seeks-asylum-after-death-threats/>

4. <https://exit.al/en/2020/02/06/summary-of-insults-used-by-albanian-prime-minister-edi-rama-against-journalists-and-media/>

5. Strategic lawsuit against public participation - a lawsuit intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition.

6. <https://balkaninsight.com/2019/04/09/journalist-launches-counter-suit-against-albanian-pm/>

7. <https://exit.al/en/2019/06/25/albanian-pm-rama-hires-eur-750-an-hour-lawyer-to-sue-german-journalist/>

8. <https://www.voanews.com/press-freedom/albania-approves-controversial-anti-defamation-laws>

9. <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>

10. <https://balkaninsight.com/2020/02/20/postponement-of-albanias-media-muzzle-shouldnt-fool-anyone/>

11. <https://www.mccainstitute.org/blog/postponement-of-albanias-media-muzzle-shouldnt-fool-anyone/>

12. [https://issuu.com/reporter.al/docs/reporter\\_54\\_shkurt\\_2020/24](https://issuu.com/reporter.al/docs/reporter_54_shkurt_2020/24)

13. <https://www.balkanicaucaso.org/aree/Albania/Albania-la-censura-e-solo-rinviata-199763>

14. <https://open.spotify.com/show/016kcZB1wuW8ahX0a4mPnn>

2020, after more than two years of resistance, the theatre fell. Concerned citizens took the streets and marched towards the theatre never knowing what was waiting for them. The following hours witnessed police brutality against one of the most meaningful and peaceful protests ever held in Albania. Actors, activists, and journalists were dragged, beaten, and illegally detained. Meanwhile, on the other side of the ocean, I sat in front of my laptop and watched in horror how the rights, liberties, and dignity of the citizens of Albania were being dragged to the ground.

Writing and raising awareness on the violations that occurred that day was the sole thing I could do. One of my op-eds<sup>15</sup> took the attention of a group of activists who had been inside the theatre the day it was demolished. They reached out and I immediately expressed my desire to help. In the upcoming weeks we managed to put together a complaint to the Special Rapporteur on the Right to Freedom of Assembly and of Association at the United Nations, who confirmed receipt and informed us on the workload that his office was having due to other events around the world. We are still waiting, but in the end, we did what we could and are proud for it. We kept working together despite the obstacles. Writing<sup>16</sup> short pieces to raise awareness about the demolition of the theatre, making podcasts<sup>17</sup> and appearing on national TV to speak up. The persistence of these activists was admirable. It's been almost three years now, and even though the theatre is not there anymore, they keep fighting for justice, and inspiring thousands.

"The prohibition of assemblies and protests is a necessary measure to prevent the spread of the virus". This was the government's justification every time a protest was dispersed. In the months following the Theatre's demolition, several other protests were forcefully dispersed by the police. In the meantime, the government was holding political rallies across the country, in violation of its own

regulations. The double standards applied by the government were unacceptable and I raised this concern whenever I could. Isn't a political rally a way of assembling? How does this differ from a group of concerned citizens peacefully protesting in front of a governmental building? Doesn't the government have a positive obligation to facilitate the enjoyment of basic human rights? Instead of mobilizing thousands of police forces to stop a protest, why not engage them in facilitating and ensuring that health safety instructions such as social distancing and wearing masks are respected by the protesters? The answers were simple, but the government had another agenda.

We turned our eyes once again on our international friends and allies. In early August I drafted a communication letter<sup>18</sup> on the human rights situation in Albania, and with the help of a group of Albanian activists living abroad, we sent it to the Commissioner for Human Rights at the Council of Europe. Knowing how busy the Commissioner would be, I sent a follow up communication<sup>19</sup> in October. In early December we heard back from their office, asking to conduct an online meeting<sup>20</sup> with us. The results of the discussion were promising, but the situation in Albania just got worse. Thousands of citizens took the street after the police killed an unarmed man. For almost a week, protesters faced police brutality and unproportionate use of force. The Minister of Interior resigned and the officer was subsequently charged. Hundreds were detained, including members of the press.

The contacts with the Commissioner's office became more frequent each day. Emails, early morning calls, more emails, and finally, in the morning of December 16, 2020, I woke up reading the Commissioner's statement "Albanian authorities must prevent further police violence and uphold the right to freedom of assembly".<sup>21</sup> The news spread with the speed of sound across Albania. The government silenced, and eventually police violence

stopped. A long and troubled year was closed with a ray of light, and a new one awaits us with other challenges. We may or may not succeed, but we must never stop, because the road towards democracy is long and full of obstacles.

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15- <https://exit.al/en/2020/06/21/albania-no-longer-needs-old-style-foreign-assistance-says-former-usaid-administrator/?fbclid=IwAR3fWC-Uy-vxx8X-RLX-Pwblwn2R9APrYuzqIRbPOpsZdqG0XVtI3oSrsUk8>

16- <https://www.ruleoflawalbania.com/2020/07/albanian-government-unable-to-meet-low.html>

17- [https://open.spotify.com/episode/1RxNxlwcpizcpzxTG70j?si=AKj\\_hfgoQDamSiyodgtCpw](https://open.spotify.com/episode/1RxNxlwcpizcpzxTG70j?si=AKj_hfgoQDamSiyodgtCpw)

18- <https://www.facebook.com/diasporaofalbania/posts/3589503161083118>

19- <https://www.facebook.com/RuleofLawAlbania/posts/179195913759062> follow-up comm

20- <https://www.facebook.com/diasporaofalbania/posts/3971429989557098>

21- <https://www.coe.int/en/web/commissioner/-/albanian-authorities-must-prevent-further-police-violence-and-uphold-the-right-to-freedom-of-peaceful-assembly>

# “TO US YOU ARE THE INVADERS” – THE STRUGGLE TO PROTECT THE ZALL-GJOÇAJ NATIONAL PARK IN ALBANIA

by Diana Malaj

*This text reveals the effort of the Zall-Gjoçaj community to save their park and river by preventing the construction of the “Sekë” and “Zais” hydropower plants, planned to be built by the concessionaire “Seka Hydropower”. This report basically represents the conflict of a local community, which with very few tools at hand, despite a nationwide privatization policy based on public-private partnership, has managed to nationalize the water protection cause. Thus, this community has become the representative voice of rural communities which for several years from north to south have been rising in long protests against the construction of small hydropower plants, which in addition to the damage they cause, are also economically unefficient. The main points we intend to shed light on are the following: the right to life and protests (in this particular case related to the use of water) legal violations and illegal public-private partnerships up to illegal collaborations, strategic litigation (as the last weapon for obtaining justice) and the metamorphosis of institutional behaviour.*

I heard the voices behind the Zall-Gjoçaj cause for the first time in October 2019. Hasani, the oldest of the protesters, a man wearing a white hat, hunchback from old age, with trembling voice and hands, insisted on speaking in front of the judge of the administrative court. To his right there was a poster hanging on the wall that read, “Justice has nothing to do with what goes on in a courtroom; Justice is what comes out of a courtroom” Clarence Darrow.” Opposite him we saw the cold, indifferent face of a judge who seemed to have already made his decision. Hasan loudly declared in court, “the people are in revolt, the people are overwhelmed with rage. The man you see here speaking in front of you today, has waded into those two rivers hundreds of times and washed my head in them, because I had no water to wash my clothes. It is being taken

from Zall i Gjoçi and diverted for 23 km and taken away from its natural stream, while in these areas there is no drinking water, no water for the cattle, no water for irrigation, no water for the bees. The state never provided assistance, as if it were not a problem. What nature and the Almighty Creator have given us, they should leave it alone in its stream! We do not ask the firm or the state for charity. We appeal to you to leave us alone in our work! Zall-Gjoçaj cannot be taken away!” In court, they insisted that the principle of the rule of law be respected and demanded that the state leave them alone. They demanded no attention from the state whatsoever, an attention which at first would destroy the village and the lives of the inhabitants.

The 12 citizens present that day in court were residents of Zall-Gjoçaj, the place around which one of the most extraordinary resistance movements would be organized for the protection of the river and the Lura-Mali i Dejës National Park. The origin of their resistance dates back to 2018 when they were acquainted with the fact that their river would be used by a hydro power plant that would be built by the concessionaire “Seka Hydropower” shpk. This company, managed by the administrator Bardhyl Muceku and Italian owners, would build two HPPs “Sekë” and “Zais” in the area of the national park. Zall-Gjoçaj lies in the northeast of Albania and is bordered by the Lura National Park to the north. With an area of 140 hectares, it was declared a National Park in 1998. Its landscape is mystifying with mountains, alpine meadows, glacial lakes, valleys, forests and water springs that have been used for centuries as the only source of livelihood by the locals. The Zall-Gjoçaj stream is the main source of water (with a flow of 10l/s), into which other streams (Livadhi i Gjonit, Cidhna-ka, Farka) and springs with groundwater flow. Due to the lack of infrastructure, Zall-Gjoçaj has remained as an “isolated island” which is home to a large variety of species, trees,

shrubs, rare plants; also rich in natural monuments such as the Canyon of Flim and Uraka, the rock “Cape of Skanderbeg” and the stone “Vasha”.

The Government of Albania declared Zall-Gjoçaj a National Park of Category II in 1996, in line with Decision no. 102. It occupied an area of 140 ha at the time. In 2018, with the Decision of the Council of Ministers, this park was merged with the Lura Park, and thus became the Lura-Mali i Dejës National Park, with an overall area of 20 242.78 ha. Expanded by the merging of the two parks, this area includes landscapes with forest land, shrubs, pastures and water areas. In Decision no. 661, dated 31.10.2018, it is reiterated that the degree of protection is of the second category, which means that any kind of construction and activities that can cause changes in the natural state of the ecosystem are prohibited. Any infrastructural construction must respect the functions of the protected area, ecological values and the values of the natural and cultural landscape. Twenty eight days earlier, on 3 October 2018, the construction permit for HPPs Sekë and Zais in the municipalities of Mat and Mirditë was issued by the decision of the Council of Ministers and the National Council of the Territory. The project for the construction of HPPs extends 2.08 km within the national park “Lurë-Mali i Dejës”, making consequently illegal any action carried out within this area.

The community, faced with the reality that their area would be transformed, launched a series of actions to oppose the construction of the hydropower plants. They started with meetings in villages and houses, with conversations with elders, women and children, and then addressed the institutions. There were many citizens who did not live in the villages around Zall-Gjoçaj, but felt connected to the area, and thus became the main voice of the protests. Residents of Kamza, Paskuqani and Bathorja, emigrants returning from England, Italy and Greece, were even louder. Women were also fully engaged in defending the national park, holding a very important place in organizing and participating in protests, which is quite rare in such local

communities. Alta, one of the strongest activists in this case, has shown determination and has been actively present up until the start of the administrative and criminal proceedings involving the private firm and state institutions. Peaceful protests took place in Mat, Tirana and in some European countries where the sons of those who clashed with local institutions live.

The Municipality of Mat was responsible for the procedure for issuing the permit and it was approved by the mayor Nezir Rizvani during the rule of the Democratic Party. The concessionaire claimed to have gathered the signatures of the residents of this area who had accepted the HPP construction project. These claims were proven to be false in court. Namely, the signatures obtained were from villagers of areas not related to the park, and thus, it was proven that they were legally invalid for the public consultations that should have been conducted in accordance with legal provisions. Meanwhile, with the arrival of the new mayor (Agron Malaj, from the Socialist Party), residents hoped that the permit would be suspended and declared illegal. But, as it has usually happened in many other municipalities, the change of government only aggravated the situation of the citizens regarding local democracy. Not only did the municipality allow the concessionaire company to continue the works, but it also publicly supported it by propagating the benefits that its investment would bring. In the 3rd century, the Roman Emperor Diocletian, facing the economic crisis, decided to make it compulsory to ‘grant’ agricultural land in order to force the villagers to live in the countryside and not to abandon it. Today, meanwhile, the state is accused of collaborating with concessionaires, even when they pose a risk and abusively use public property.

There was no specific result from the knocking on the doors of institutions, municipalities, ministries, Parliament, international organizations and non-governmental organizations for the protection of natural resources. The same goes for the protests in Mat, Zall-Gjoçaj and Tirana. All this resistance brought only criminal proceedings

for the protesters, individual threats to each of the residents, the dismissal of an elderly man from the village, and even attempts to corrupt the most prominent activists of this movement. The citizens were rejected by the institutions, which was in violation of the law. They were excluded and left waiting, with the intention of being subverted, exhausted and brought on their knees in front of an entire state structure which thwarts any effort for bringing justice.

As rarely before, there has been an insistence that this matter be rigorously pursued in court and use any possible legal means in order to stop the concessionaire in constructing the power plants. For two years, residents have been doing the same each day they had to be in court: waking up at three in the morning, travelling on foot, or occasionally, by car for over two hours, then taking the van which would take them from Burrel to the court in two hours. There they are Hasani, Ademi, Abdia, the three oldest, all of them around 70. They would never forget a hearing. They would also take the banners "To us you are the invaders" and line up, in silence, in front of the court. The hearings were always set by the judges early in the morning (8.00 - 9.00 am), making it even more difficult for the local community to participate. But that has never been an obstacle; the injustices done to them seems to have only strengthened their will and made them even more aware of their own struggle.

The pandemic, which resulted in a two-month isolation of the entire country, further highlighted the fact that the state was defending the interest of the private firm. While the courts were closed for more than two months, and the Zall-Gjoçaj case was still pending, the concessionaire continued to work in the area, progressing at an alarming rate. The inhabitants were angry and indignant at the dynamite explosions in the forest, road opening, pouring of aggregates, deforestation, damage to village tombs and centuries-old mill, as well as closing of the path to the waterfalls and other natural monuments. While the state took utmost care in drafting hygiene protocols for the opening of cosmetic centers

and shopping malls, it kept the courts closed. They were the last institutions to be opened after lockdown. As a result, the residents have not been idle bystanders, according to their principle that "in an occupied state" anything can be expected including harsh actions; so they have set fire 4 times to the machinery of the construction firm. This has led to the opening of a series of criminal proceedings for some of the people from the village. But these actions caused damage to the private firm. The first private construction firm has abandoned the construction process and another has been contracted. The second has recently suffered damage as well, and is on the verge of abandoning the works.

In the first trial the judge did not legitimize the residents by claiming that they are not "residents" of the park. The second judicial proceedings were finalized with the decision against the community, on the basis of the argument that the case was "res judicata". In the last year, the community of Zall-Gjoçaj has initiated other 3 court proceedings before the Administrative Court (first and second level) in Tirana. The Administrative Court of Appeals must come up sooner or later with a hearing on the merits of the two cases already lost in the first instance regarding the absolute invalidity of the acts on the basis of which the HPPs are being built. The decision against the residents paved the way for the destruction of the area and the construction of the first HPP "Sekë" in Zall-Gjoçaj. The second lawsuit was filed against the Ministry of Tourism and Environment, the Ministry of Infrastructure and Energy, the National Agency of Protected Areas and the company "Seka Hydropower" shpk.

This lawsuit was filed against state institutions and the concessionaire with the request to take measures for the implementation of point 5 of DCM no. 661, dt. 31.10.2018 "On the expansion of the area of the national park 'Lure' and the creation of KP 'Lure - Mali i Dejes'" and stop further construction activities on these HPPs within the protected area. The ministries admit that the water used is from the territory of the Lura-Mali i Dejës National Park, about 2450 m inland, but so far they have not taken any measures to stop

the construction of HPPs, which in itself constitutes a violation of the Law on Protected Areas.

Meanwhile, one of the worrying facts of these prolonged legal and bureaucratic processes related to Zall-Gjoçaj is that the National Agency of Protected Areas is preparing a study to change the boundaries of the protected area and we are warned that Zall-Gjoçaj will be left outside the borders. This information is revealed in the decision of the Energy Regulatory Entity (ERE) on finalizing the procedures of the review process of the license application made by the concessionaire company, but also in an official letter of the agency on the analyses looking into the exclusion of the specific area from the protected areas. In one of the hearings, Sali Koleci, one of the first protesters says "the state was not there to protect the park, and only thanks to our protection and care there were able to declare it a National Park. And now that the state is trying to slice it out of the protected area, it will still be us that protect the park. We protect our parks ourselves, while our state destroys them."

A third administrative lawsuit has been filed against the Energy Regulatory Entity (ERE) and the concessionaire "Seka Hydropower". In addition, the residents requested the revocation of the decision providing the company "Seka Hydropower" shpk with a licence to operate and use electricity from the HPPs "Sekë" and "Zais", arguing that the concessionaire company at the time of application had no legal rights to apply for the Zais HPP. The last hearing took place on January 18 of this year, which makes it as a day of celebration for the community and the activists committed to this cause. For the first time, the court of Tirana made a decision on the protection of the inhabitants of the area, repealing the decision that paved the way for the production of energy in one of the hydropower plants (Zais). "This is the happiest day for us ever, for the first time, after two years spent in the Albanian courts, we came out smiling," said the most vocal activist, Dhimitër Koleci. While the result of the other two lawsuits is being expected, the support

for the cause from the civil society and the public is increasing.

There are institutional efforts being made at the international level to draft plans for the criminalization of the destruction of ecosystems and for the formalization of a legal definition of the term ecocide, i.e., for the inclusion of this criminal offense in existing international criminal law. Meanwhile, in Albania state institutions in full arbitrariness and illegality declare an area as a protected one, and then, in accordance with the interests of concessionaires easily break their own rules. The residents of Zall-Gjoçaj continue to resist and protect their own park against the state which has abandoned and discouraged them. Their next battle awaits them at dawn.

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# INVESTIGATIVE JOURNALISM – THE RIGHT TO KNOW ALL YOUR RIGHTS

by Jelena Vasic

*“Are we allowed to know that?”*

That is a question I recently got from a student at a lecture, right after my investigative portal KRIK published the database “You judge who the judge is”<sup>1</sup>, which reveals assets and business connections of high-ranking Serbian judges.

I choose to see this question as a huge victory of investigative journalism. Not only did my colleagues make it possible for Serbian citizens to finally (for the first time!) verify information about crucial judges and have an insight into the judicial branch of power, but precisely because of our work, they began to realize and accept their right to know!

Here I would like to quote the Council of Europe, which states that “freedom of the media is in fact essential for the protection of all other human rights. Instances of discrimination, corruption, or misuse of power many times have come to light because of the work of investigative journalists. Making the facts known to the public is often the first, essential step to start redressing human rights violations and hold governments accountable”.

Isn't that something that makes you want to be involved in discovering the truth? It is a mighty fuel to be the one who brings light, and I can proudly say that the KRIK team has done it dozens of times so far. Our reporters have discovered over 70 cases of state corruption and government involvement in organized crime, we have created several unique databases on these topics. Have all of them had direct impact and made big changes in Serbia? No. Is that a reason to stop digging and researching? No!

We live in a country where we do not expect every investigative story to end with the firing of the “bad guys” or their imprisonment. Unfortunately, the Serbian prosecution and judiciary are under huge political pressure and the government is very intertwined with the world of crime, while independent media are seen and described as enemies. So, it is ridiculously difficult to make state institutions actually do their job, to be transparent and accountable. That is why every change, reaction and shift we cause becomes much more significant.

In these circumstances, success stories are precious and noteworthy, so I will share a few. For example, after the publication of the above-mentioned database on the judiciary, some judges subsequently contacted KRIK to declare and explain their assets. More importantly, the State Agency for the Prevention of Corruption has recently launched its own investigation<sup>2</sup> into the origin of the huge assets of one of the judges we wrote about (Zoran Savic), precisely because we discovered a disproportion of wealth in relation to his income. This state investigation is currently ongoing. Also, our database has so far attracted enormous public attention, in the first month since it was launched it had half a million of visits. People have become very interested in learning more about the judges who make decisions in the most serious trials in the country.

In another case KRIK discovered earlier, the Serbian Appellate Court ordered the current Minister of Finance, Sinisa Mali, to return illegally acquired land back to the government<sup>3</sup>, precisely because we wrote about that.

There is more. KRIK's sub-portal Raskrikavanje (dedicated to debunking fake news and investigating the Serbian media scene) revealed pressures against Philippe Bertinchamps, a great Belgian journalist working in Serbia. The police refused to extend Bertinchamps' visa because he was allegedly considered a “security threat”. Raskrikavanje exposed this in a video interview with Bertinchamps, and because of that, the following day the Serbian President stopped the deportation order<sup>4</sup>.

Can you relate to all these examples? That is, indeed, the intention. KRIK's investigative journalism is meant to help readers better understand how crime and corruption affect their lives. Our stories are calls for action, they are tools for standing up, for informed decision making. When you know what is happening, you are prepared to react. You are equipped to demand accountability.

This is also the reason why you should always make your success a public thing, so you can multiply it. You can inspire and encourage others to do the same thing. And we publicly celebrate every positive change in the only way we know – by reporting it to our audience. And they really appreciate it, they love directly communicating with our reporters. When you work for the people, your first goal should be to get them to be and feel involved. Because not only do they need you, but you need them as well.

We repeat that very frequently - since our readers are truly our best allies, they are there for the good and for the bad. And without a doubt, bad times are guaranteed if you are investigative reporter working in Serbia. Or in any other developing country.

What can (should) you expect if you have the privilege of being that journalist? Wiretapping, “bugs” and other tapping devices in your office and home, being followed in the street, having your apartment broken into, being viciously smeared by pro-government tabloids and even by public officials, who will

create an avalanche of lies about you and your team and being sued for reporting accurate information (just to exhaust you financially). In addition, you will also face tax authorities and other inspections coming your way.

This is not an exaggeration. All this has happened to KRIK's reporters and editors during the past five years. Several times. Why? Because we write about organized crime and state corruption, which is not welcome in a corrupt country.

That is when the public steps in. You can and should protect yourself from these pressures by communicating all problems to your audience. They should know if you are being threatened or mistreated, simply because you are doing your job. Then they will protect your rights! We were lucky to embrace the support of our readers every time we had troubles. They supported us through crowdfunding and other public actions, they were ready to raise their voice.

I am sure you see a circle here, circle of support between the citizens and independent media. It is a natural bond. If protecting human rights is your calling, you may not expect anything in return, you just need to help others. But help and appreciation will come back to you, one way or another, directly or indirectly.

You would be surprised how much just one tweet from a reader/fan can make a rough day better. And imagine seeing hundreds of those tweets saying - “Thank you for telling the truth” or “Please stay strong, we need you”!

Doing good feels good and that feeling takes you through any adversity. You will always find strength for another investigation and another truth quest. Human rights stories do not usually begin with solutions, but they should end with a message – you cannot defend the right you did not know you had. So always ask, dig through data, or look for those who would do that for you. Know to be able to grow.

1. [prosudikosudi.rs/](https://www.prosudikosudi.rs/)

2. <https://www.krik.rs/nakon-otkriva-krik-a-agencija-proverava-imovinu-sudije-savica/>

3. <https://www.krik.rs/en/court-serbian-minister-must-return-illegally-acquired-land/>

4. <https://www.raskrikavanje.rs/page.php?id=96>

## ART AS A WAY OF FACING THE PAST

by **Andrej Nosov**

After more than two years of preparation, Saranda, Jehona and Fatos Bogujevci with their families had an exhibition at the Cultural Center of Belgrade. The exhibition was entitled “Bogujevci - Visual History” and it was supposed to be the first significant step towards tackling the issue of responsibility for Kosovo human rights violations in the Serbian public space. The Bogujevci family, together with the Duriqi family and Natasa Kandic, a victims’ representative at war crimes trials, have been seeking justice for war crimes before various courts since the early 2000s.

“On 28th March 1999, we were among nineteen women and children who were taken out of our house in Podujevo by the Serbian reserve police unit called Scorpions, forced into the neighbour’s garden and lined up against a wall. Little did it matter to them that the youngest child was a twenty-one-month-old baby, or that the oldest woman was 72 years old. Fifteen or sixteen of them, armed with AK47 automatic rifles, opened fire for a whole minute. It was the longest and most traumatic minute in our lives, a minute that changed us forever. It left fourteen dead children and women in a pile of bodies. Among the victims were our mothers, two of our brothers, a sister, our grandmother and seven family friends. The murderers left, assuming that there were no witnesses - a mistake they would regret over the next decade. Five of us from the extended family (Fatos - 12; Jehona - 11; Liria - 8; Genc - 6; Saranda - 13) survived the slaughter, although the wounds coming from more than 30 fired bullets completely changed our lives.” Fatos Bogujevci, Jehona Bogujevci, Saranda Bogujevci.

From behind closed courtroom walls, in some forums of non-governmental organizations and occasionally through several media articles, this story would come out in the Serbian public, but it seemed that the public

knew little about the scope, horror and cruelty of the crimes committed. It is also clear that these crimes were not committed outside the context of state responsibility since the Scorpions were a special state unit. The main goal of this exhibition was to open a new chapter in dealing with victims of the dreadful crimes in Kosovo. A very important link was the intention of the people behind this exhibition to lead the way for family members of those killed to talk about the experiences of the victims.

At the opening, Mia David, the Director of the Belgrade Cultural Center at the time, who worked on this exhibition together with Hartefakt, said that the exhibition was the beginning of a dialogue about the past and especially emphasized the importance of institutional practices in reconsidering human rights violations in the past. A large number of public figures who supported such an approach were present at the opening of the exhibition. Among them was the Prime Minister of Serbia at the time, Ivica Dacic, who is also the first Serbian politician to publicly support Albanian victims in their fight for justice. This moment of the opening of the exhibition represents a turning point and an important moment in accepting responsibility for the crimes committed.

At the time when the lack of basic human empathy threatens to become dominant under the pressure of everyday survival (not life), and apathy is increasingly seen as the only acceptable pattern of social (in)action and (absence of) thinking, art has the power to enter the public discourse with topics that can shake and unsettle such a social momentum. Art has no obligation to the conventions of the language of political correctness; on the contrary, it arises primarily from personal feelings, from the need to cope with an imposed identity, internal conflict and trauma. It is, therefore, able to speak honestly and without fear, to help us face our limitations

and prejudices, to make room for compassion and solidarity, and finally, to enable catharsis. Having this specific position in mind, Hartefakt within its «After Justice» Program and the exhibition «Bogujevci – Visual History», as a part of this Program, wishes to put personal truths of ordinary people, their stories and insights, into the center of attention, thus returning to the crucial question: how can we go back to being human to one another? Hartefakt’s sincere belief is that the art can and must make room for different views and different opinions, other and different interpretations, and finally, establish an honest dialogue between different, sometimes even conflicting interpretations of the reality around us.

Although this exhibition had a great resonance in 2013 and seemed to be able to contribute to public dialogue, its scope today, eight years later, has been significantly diminished by the fact that the discourse on flagrant human rights violations in Kosovo during the armed conflict “has returned to the same old ways” and that crimes committed “in our name” are hardly discussed in public.

The exhibition itself is composed of several rooms, which include the living room of the Bogujevci family, with authentic furniture, and videos from VHS tapes. For just a moment, once you enter the exhibition hall, it gives you the opportunity to go back to the time when that family lived, before the crime itself.

“The living room was a central point in our family home. It was the sanctuary where we gathered every day of our lives to enjoy each other’s company over a cup of tea. It was the place where we talked, played, laughed, cried and celebrated life. Before the war in 1999, we were a happy extended loving family, as captured in the home movie that is played on the TV. But our idyllic lives were shattered by the evils of war. For the exhibition, we have recreated the living room with the original furniture from our home including curtains, the sofa, tables, the stove, paintings and cupboards” say the authors in the catalogue.

In especially created spaces, there is a hospital bed and video that puts forward the question what happened next.

“We have also recreated Prishtina Hospital during the war where we were taken after we survived the massacre. We spent 11 weeks there treated very badly by some Serbian doctors and medical staff who starved us and asked us to keep quiet about the killings in front of foreign journalists. A large photograph of Saranda taken at the time, depicts the trauma, misery and fear of a 13-year-old girl who witnessed the killing of her family and who was shot 16 times. In addition, beds, medical equipment and infusion holders are also part of this installation. There are also three video screens, where we speak in detail about our ordeal until the war ended with NATO liberating Kosovo on 12th June 1999.

Perhaps the most important and central part were the artifacts, that is, the remaining objects of the killed, which are both evidence and remains that remind family members of the ones who did not make it.

“This room hosts ‘The Family Trees’ of the Bogujevci and Duriqi families across three generations displayed on a large wall. Each colour photograph represents a living person whereas those who were murdered in the massacre are shown in black and white photographs. In addition, personal possessions belonging to the victims are also exhibited in this room. For example: Genc Bogujevci’s sweater, which has a bullet hole and blood stains, is displayed with a bullet extracted from his leg; Nora Bogujevci’s watch which stopped at the time of death; Fitnete Duriqi’s watch which was split in half by a bullet; and Esma Duriqi’s handkerchief” says in the catalogue.

Finally, this exhibition is a significant example of the practice of connecting art and artistic expression with human rights, i.e., with the consequences of human rights violations. Although very successful, its story remains limited to the intentions and ideas of society and the state to address the past. On

a personal level, for the author of the exhibition, this was an important step, to speak, to seek justice and to overcome the obstacles brought about by this horrible crime to the survivors and their families. There are many other examples, campaigns, stories and different useful examples of connecting art and human rights, but an important lesson is that we must not look at art itself only from the perspective of the goals of the struggle for human rights. Indeed, the very act of liberation, opening and artistic action in topics related to the protection of human rights must also be carried out by artistic means.

Numerous visitors left dozens of messages of support, solidarity and understanding in the Book of Impressions, which will remain a significant reminder of the possibility of acknowledging crimes and initiating processes that contribute to the protection of human rights and the idea of never ever again.

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## HOW TO ACHIEVE FREEDOM OF EXPRESSION IN MONTENEGRO - FROM THE POINT OF VIEW OF JOURNALISTS

*by Marijana Camovic*

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Freedom of expression in Montenegro is threatened on several levels - only few reports dealing with the Montenegrin media and the media scene in general do not contain this statement. Unfortunately, it is a true statement and these reports refer to threats/pressures coming from powerful people from the political and economic sphere, as well as to numerous unsolved cases of attacks on journalists, including also a murder of a journalist, the editor-in-chief of the daily Dan, a case from 2004 which has not been solved to date. High-positioned politicians and businessmen, for their part, want media that are suitable for them and do not deal with their affairs. Montenegro is not specific on this issue. All of them together, including the criminal structures of society, want journalists who will not investigate their suspicious and illegal affairs, and when there is an attack on journalists, they want a police officer and a prosecution which will not be able to solve these cases. And we are no different from the others in that respect either. What makes us different, as it turned out, is the pressure that journalists suffer in their newsrooms coming from those who should be the first to guarantee their freedom of work and expression - editors and media owners.

And that is perhaps the biggest problem of the Montenegrin media at the moment - owners who think they have journalists who should write in their interest and the interests of their jobs, as well as censored and self-censored journalists who, unable to withstand pressure, look for new jobs and abandon journalism.

It is a rarely discussed topic and one that certainly has no space in any of the mainstream media. Until 2013, when the Trade Union of Media of Montenegro was founded, no one talked about it. Media employees knew their own working conditions, but had

no one to tell. It is a story that the media do not want to publish and a topic that they are trying to put under the rug. It is only since 2013 that the public began learning about the living and working conditions of those who inform the public about the problems of others. Slowly, the story reached the wider, and even the international, community. The position of media employees is now a regular topic in, for example, the European Commission's reports on Montenegro and State Department reports. And that is the success of the Trade Union of Media of Montenegro, which now gathers almost half of the employees in the Montenegrin media.

It was not easy to draw attention to our problems. It took years, numerous meetings and conversations with journalists throughout Montenegro, with everyone who wanted to hear us, domestic institutions, international organizations and individuals. Social networks and our website are often the only place where we can say what we think is important. During those years, many doors were closed to us, primarily the doors of the media, the ones that would enable our voice to be heard. But even in conditions of being ignored by the strongest (and according to many, the most democratic) domestic media, we managed to change things.

The biggest step forward is the amendment of the Media Law, which came into force in August 2020. Although we are not completely satisfied with the final text, as there is still room for improvement, we managed to contribute by suggesting provisions insert on journalists and their rights for the first time. This fact alone is almost revolutionary for Montenegrin conditions, and the provisions concerning the protection of journalists' autonomy and integrity are also a complete novelty.

The idea was to put an end to the established practice, especially in the print media,

of making changes in articles of journalists by editorial processing without consulting the author. In this way, many Montenegrin journalists found themselves in a situation where, when they opened the newspaper in the morning, they could not recognize the article published under their name. The topic was theirs, the interviewees/sources are people who gave them a statement, but the content and headline would not match the content and headline they handed over to the editors. How to deal with this problem and how to tell your interviewees/sources the truth after which you will lose all credibility and respect - that you have no control over your own article. It is a problem that had no solution. Many journalists were unable to cope with this because, if they opposed the editors and owners, they were in a situation to get fired and be recognized as conflicted persons. The explanations such as "the article was not clear enough", "it was badly written, we had to correct it" were often received, and thus, the journalists were silenced.

The Trade Union of Media of Montenegro launched the campaign for amendments to the Law on Media on the Day of Montenegrin Journalists, January 23, 2018, when we submitted concrete amendments to the existing Law on Media and the Law on Electronic Media to all deputies in the Parliament of Montenegro. That year, work on amendments to the Law on Media began, and we were an associate member (rather than a full member) of the relevant working group. The following year, work on amendments to the Law on Electronic Media began, and we participated in the work of the relevant working group as full members.

For us, the main goal of the amendments to the Law on Media was to improve the professional position of journalists, and it was an opportunity for concrete action. Our proposals were the result of serious work, and the amendments were preceded by consultations with the membership, as well as by a legal analysis of the existing media laws and proposed amendments for changes. In the working group, we quickly agreed that the practice of arbitrary changes of media

articles must be abandoned and our proposal was adopted. The current Law on Media regulates this problem in two of its articles.

“ **Article 27 reads as follows: “Media content, the meaning of which has been changed in the process of editorial processing, may not be published under the name of the journalist without his/her consent.**

**The editor-in-chief shall be responsible for the media content referred to in paragraph 1 of this Article.**

**If the reputation of a journalist is violated by the media content referred to in paragraph 1 of this Article, the journalist may claim damages.”**

**And Article 28 reads as follows “A journalist shall have the right to refuse to prepare, write or participate in the shaping of media content that is contrary to the law and the Code, by submitting a written explanation to the editor-in-chief.**”

For the reasons referred to in paragraph 1 of this Article, a journalist's employment may not be terminated, his salary or remuneration may not be reduced, nor may he be placed at a disadvantage in any other way.”

In this way, at least in theory, an opportunity was created for the journalists to protect themselves and their work. We will certainly monitor the implementation of the law, so we expect to know whether and how many lawsuits have been filed with the courts on the basis of these provisions, whether they are being fully implemented and whether the problem has been resolved in the right way. For now, we have no information that anyone has sued the editor or media owner on the basis of the above-mentioned provisions, but we hope that knowing that a lawsuit for such treatment is a realistic option is a sufficient reason to think well before forging someone's work.

In this whole process, the Trade Union of Media of Montenegro has benefited greatly from the Analysis of the Media Sector in Mon-

tenegro containing recommendations for harmonization with the standards of the Council of Europe and the European Union, which pointed out the problems we are facing. After the publication of this document, the Government of Montenegro and the other members of the relevant working group simply had no arguments to oppose our proposals.

The analysis contained several other observations and recommendations that were extremely important for improving working conditions and increasing the freedom of expression of journalists, but they were not accepted by the working group. The primary reason for this is that the employers/media owners who were in the Working group did not agree with these proposals and marked them as business barriers. This primarily referred to the attempt to limit the owners' influence on newsrooms and to give journalists the freedom of writing in accordance with the rules of the profession, rather than with owners' orders. The proposal was for editorial offices to give their consent to the election of the editor-in-chief, and not for the owner to appoint him without consulting journalists.

It is clear that the job is not done. Montenegrin journalists receive less than the national average, they work overtime and during holidays without proper compensation, they hold multiple positions in the newsrooms, and it is easy to fire them. All this leads to self-censorship and lethargy. Censorship is forbidden by law, but the Media Law does not address this issue, except that it states that it is prohibited. Censorship coming from within is not discussed, and so the question of how to protect journalists from the pressures they are exposed to in newsrooms and what to do with the countless forbidden topics that they are not allowed to deal with, remains unanswered. Also, unlike the journalists of the Public Service of Radio and Television of Montenegro “whose employment cannot be terminated, salaries reduced, status in the editorial office changed and who cannot be held responsible for an attitude or opinion expressed in accordance with professional standards and program rules”, employees in private media do not have this right. This is

one of the provisions that we believe must be found in the Law.

The new government has announced changes to the Law on Media and the Trade Union of Media of Montenegro has the obligation to continue lobbying and trying to push for as many of our demands as possible in the final text I believe that this will precisely be focus of our actions in 2021.

## RESISTANCE STORIES FROM KOSOVO – THE ROADS TO CHANGE AND INCLUSIVENESS

by *Roni Idrizaj*

In this story I will try to share some parts of my journey as a human rights activist and how it all started, so maybe someone will be influenced or will reflect on their activism or the social context in which they live. Moreover, throughout this story I will shortly share the work of several other initiatives and young activists in Kosovo who with their civic activism have made drastic changes in the issues that they are dealing with, perceptions of inclusiveness and the way of doing the civic activism. It is worth mentioning that all these initiatives are driven by progressive values and are against conservative and patriarchal ideas.

I was back in high school back in Peja, a small city in Kosovo, when I started to engage in the community through my human rights activism. As a young person, eager for social changes and against the “status quo”, I have always seen activism as a tool that the oppressed can use to change and challenge the oppressive situation. During that time, civic activism here was concentrated only in Prishtina, while in the other cities it was almost non-existent without any opportunity for engagement outside the school’s curricula. On the other hand, the social and political context in post-war Kosovo had enabled many organizations with extremist and unconstitutional ideologies to work throughout Kosovo and promote their worldviews, thus making them the only organizations operating actively across the country and filling the gap left by the civil society and institutions at the time. This whole situation made daily life even more difficult and freedom of expression even more restricted for many non-privileged people in these areas. That is why from the very beginning, civic activism for me has been a need more than a desire, although the two do not necessarily exclude each other at any point.

Witnessing this need for intervention, together with some friends from Peja we started to engage in creating spaces for young people. We began screening human rights movies and organized alternative activities so that young people could meet and create a network of individuals who were interested in working for the good of the community, discuss topics that were considered “taboo” and challenge the oppressive and conservative mindset, which unfortunately, even nowadays represents only the majority of Kosovo’s society, but also the majority of the Balkans in general. What was interesting and worth sharing is that during this time none of us thought that the journey of our activism had already begun.

Coming to Prishtina for continue my education, I had the opportunity to enhance this scope of my volunteer engagement and use different civic activism tools. In parallel with my studies, I was constantly involved in organizations and initiatives which promoted human rights and the reintegration of ethnic minority communities into society and the education system. This especially concerned the Roma, Ashkali and Egyptians ethnic communities that were and remain among the ethnic communities which are most attacked and discriminated against in Kosovo and the Western Balkans. After a while, I had the opportunity to continue my activism in Sbunker, where I am currently engaged. Sbunker is a non-governmental organization whose mission is to strengthen democratic values in Kosovo, by influencing and shaping the public sphere through new media content and the truAktiv or ActiveBrain critical thinking program in English. In addition to leading the organization, I spend most of my time managing the Sbunker’s program truAktiv.

TruAktiv is a program of discussions and workshops aimed at promoting the critical thinking of Kosovar youth on political, so-

cial and human rights issues. The program is targeting a number of young people aged 17-23 and is designed to address the identified challenges of critical thinking, strengthen their practical skills and sense of belonging to a community of values and also give them concrete opportunities for civic engagement and community organizing. As a result of the strengthening of these capacities, the program beneficiaries are then producing a wider change in society through their public and individual engagement.

These goals of TruAktiv have come as a need to complement the school system in Kosovo as this system does not strengthen critical thinking skills of young people, thus making them unable to understand and challenge the dominant values and injustices in the private and public sphere. This situation in Kosovo’s education system is best shown by the statistics of the Program for International Student Assessment known as PISA, where Kosovo ranks as one of the countries with the worst education system. Therefore, during these 4 years, TruAktiv has managed to work with around 3000 young people from all over Kosovo through 1) critical thinking schools which are organized for about 32 days in the 7 main regions of Kosovo, 2) thematic modules where participants for several months develop an understanding of society, scientific concepts, the analysis of social processes, and acquire skills in the use of multimedia tools which they use later in their activism 3) film screening and book giveaway nights in 4 regions and 5) supporting community-based initiatives which have been set up and managed by truAktiv participants.

The whole program is implemented by former TruAktiv participants who now work in Sbunker offices and our activism as youngsters is concentrated within this program. An added value here is the fact that we are all from different regions of Kosovo and we have always felt the need to decentralize activism throughout Kosovo and have continually tried to disperse the program activities +to as many parts of Kosovo as possible. In the future we aim to have local TruAktiv centers in each region of Kosovo, which would then

be turned into hubs of progressive thinking and engagement for the young generation, or the equivalent of a “venture capital” for social innovation and activism through capacity building and seed funding/mentoring in the respective regions.

However, as I mentioned at the beginning, in addition to my activism in truAktiv, in this story I would also like to present some other initiatives which many activists consider to be a turning point in civic activism here. All these initiatives are all launched voluntarily by young Kosovar activists who with their inclusive civic activism have made necessary changes in their field of work regarding the revitalization of spaces for the common good, queer rights, mental health and the rights of ethnic minorities. These initiatives are the following: Termokiss, Linja e Jetës (Lifeline), Dylberizm and Justice for Kujtim. Here I will shortly present them and their impact on civic activism and society.

Termokiss is a social and a community-run center in Prishtina. In the summer of 2016, a group of youngsters from Prishtina together with another group of international activists managed to revitalize an abandoned and forgotten industrial building, which in the future would be transformed into an inclusive and a welcoming center for all social groups and identities by offering different cultural and educational activities fully developed by the community. One of the main interventions of Termokiss volunteers is the Law on the Use of Public Spaces. At the beginning these spaces could be used only by the people and entities who paid the highest price. Thus, this law automatically disqualified non-governmental organizations and groups of people. The intensive civic activism of youngsters in Termokiss resulted in a change of this law on a national level. This has had its impact on civic activism in general, but it has also led many activists to approach activism differently, such as through the use of abandoned centers to produce changes in society and through the transformation of these centers into spaces which give a sense of belonging to everyone. “Providing a welcoming space for everyone, including those whose voices and

contributions are not always heard or appreciated” is the answer of Termokiss volunteers when asked what their top priority is, and this is best shown by the message one encounters upon making the first step inside Termokiss, i.e., “Termokiss has no borders”.

Another initiative which has revolutionized civic activism within the queer movement in Kosovo and is led by young queer activists is Dylberizm. Dylberizm is the first platform in the Albanian language offering information and training on queer issues. Dylberizm was created on March 19, 2018 by independent queer Kosovar activists, as an educational page on Instagram. On June 28, 2020, on the anniversary of the Stonewall riots, Dylberizm.com became the first online platform offering information and training on queer issues in the Albanian language and being fully maintained on a voluntary basis. General support for the platform has increased due to the amazing and incredible work of these volunteers, but also due to the fact that queer issues are very much problematized not only in Prishtina, but in other parts of Kosovo, as well. Therefore, queer people who live in even more closed and conservative realities have an even greater need to access information than those from the urban zones of the capital city. Dylberizm is a unique group because it is not just an online platform, but rather can be seen as a movement as they have taken their activism to the streets to remind Kosovar citizens of the existence of queer. They are following their own political narrative, independently bashing the hetero-sexist society of Kosovo with graffiti, pride flags and queer Albanian slogans.

The last two initiatives I would like to highlight in this story are Justice for Kujtim and Linja e Jetës. Drejtësi për Kujtimin or Justice for Kujtim is a group of young activists from different ethnic and academic backgrounds who use various forms, such as protests and petitions, to demand justice from Kosovo institutions for Kujtim Veseli, a 12-year-old boy from the Ashkali ethnic minority that was raped several times by an adult man, also a member of the same ethnic minority. The authorities had been informed

of the rape, and at the police station, the man confessed to having raped Kujtim. At the time of his confession, he had 15 indictments and 26 registered criminal charges with the police and the prosecution. Despite these cases and the reports from Kujtim’s family regarding the rape, the police and the prosecution released the perpetrator who later killed Kujtim. This group of activists is seeking justice and has three demands: a public apology from the competent institutions for neglecting the case; initiation of independent investigations into the responsibility of prosecutors and police officers; and compensation for Kujtim’s family for human rights violations. This initiative describes itself as “a group of citizens indignant at the institutional treatment of the case of Kujtim Veseli. We are students, lawyers, engineers, psychologists, artists, etc. and we do not intend to stop until justice for Kujtim is done!”. At the moment, Justice for Kujtim is one of several Kosovo collectives which consists of people of different ethnic backgrounds and works against racism and institutional neglect in the case of Kujtim.

Last but not least, Linja e Jetës (Life-line) is an initiative led voluntarily by young mental health activists who, given the lack of a suicide prevention hotline, decided to establish one in Kosovo. Around 27 active young volunteers work currently on this lifeline and they are available every night from 18:00 to 02:00 to talk to people who have suicidal thoughts and try to prevent them from committing suicide. This group of activists has successfully made institutions take mental health and suicide more seriously, especially during the COVID-19 pandemic, as in the past these issues were not adequately recognized by the institutions. This initiative is accessible to everyone as calls are free, and people can call from different parts of the country.

TruAktiv and these initiatives are just some of which I consider having played a significant role in civic activism and which are led and managed by young people themselves. All of this makes me very happy about the fact that even though that we do not have critical voices and activists on the political scene, in the civil society arena now we have many

voices who are unforgiving when it comes to human rights, well-being, inclusiveness and provision of information, assistance and open spaces for everyone regardless of ethnicity, gender, gender identity, sexual orientation, religion and race. My hope is that these voices will increase in the future, triggering changes in this conservative and patriarch society. I would like to conclude this story of civic resistances in Kosovo with a quote from Michael Foucault who once said, “Where there is power, there is resistance.”

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# FREEDOM OF PEACEFUL ASSEMBLY IN BIH – A CASE STUDY FROM BANJA LUKA

by Vanja Stokic

*It is not possible to discuss freedom of assembly in Bosnia and Herzegovina without analyzing the work of the informal group of citizens “Justice for David”. This case precisely shows all the repression of the system, but also the persistence of people who, despite knowing very well their own rights, also start exercising them.*

When they gathered on March 26, 2018, on Krajina Square in Banja Luka, out of human solidarity with the parents of a murdered young man, the citizens of Banja Luka probably had no idea that they would have three difficult years ahead of them. More precisely, we do not know whether there would be more difficult years to come, because this case was not even close to being clarified at the time this text was written. The reason for these gatherings is twofold. On the one hand, support was provided for the parents of the murdered David Dragicevic (21), who was found dead at the confluence of the Crkvena and Vrbas rivers after a six-day search. Numerous injuries were identified on his body. An unprecedented tragedy led the citizens of Banja Luka to gather on the square, and by being there, at least provide support for the Dragicevic family in difficult times. On the other hand, those same citizens were provoked by the behaviour of institutions, especially the Ministry of Internal Affairs of the Republic of Srpska, which accused David of being a drug addict, criminal, and a person who has committed suicide shortly after the discovery of his body. This is what provoked a part of the citizens to come to the gathering.

From March 26 to December 25, 2018, the gatherings were peaceful. During the summer at 19:30, and in the other seasons at 18:00, the people of Banja Luka would come to the square and stay there for about 30 minutes. A kind of altar was set up there. It

was made of flowers and candles, where citizens left photographs, inscriptions, and other small things. In the central place there was a huge wooden fist, a symbol of resistance and rebellion. The gatherings were neither reported to the police, nor was it a problem. The exception were three large gatherings (the largest was a gathering of about 40,000 people), which were reported to the police and a relevant permit was obtained. During this period, members of the group slept on the square for a month in protest, making there an improvised shelter.

Every day protesters demanded that institutions find and punish David's killers. His father, Davor Dragicevic, called out high-ranking officials by name on a daily basis, linking them to the murder or its cover-up. During this time, the media close to the regime published a variety of spins and lies, in order to publicly discredit the people standing in the square and their intentions. Thus, they were declared terrorists, foreign mercenaries and enemies of the state.

Two months after the general elections in BiH, on December 25, 2018, on Christmas morning, the police surrounded the empty Krajina square with strong special forces. The removal of the “Justice for David” group has begun.

The wooden fist altar and inscriptions were removed. Meanwhile, hundreds of curious but also angry citizens gathered to watch what was happening. There were clashes between the police and citizens, as well as arrests. Scenes of violence have travelled the world, depicting armed police officers beating women and children. On that day, David Dragicevic's parents were arrested, as well as close activists of the informal group “Justice for David”.

The police repression aroused the anger of the people of Banja Luka again, so

thousands of them walked down the streets of Banja Luka every evening that followed, under the vigilant supervision of strong police forces. Five days later, on December 30, the group “Justice for David” held its last large gathering, which ended in clashes with the police and the disappearance of Davor Dragicevic. He soon reported from Austria, where he went for fear for his life. He has not yet returned to Banja Luka.

Despite all these events, the citizens of Banja Luka continued to gather every day. The square was no longer available to them, although the police claimed that it was not forbidden to anyone. The churchyard in the center of the city became the new gathering place.

If any of the members of “Justice for David” appeared in the square, they were immediately taken to the police station or given a misdemeanour warrant. Citizens were persecuted for unlawful assembly and denied the right to spontaneous assembly. Police officers even advised them not to move in public areas in groups of more than three people. This only applied to people who came to the “Justice for David” gatherings. The police went so far as to issue misdemeanour orders to two women who found themselves on Krajina Square, otherwise the most popular meeting place in Banja Luka. It all looked like the persecution of members of the “Justice for David” group.

After several months, in the mid-2019, police prevented any future gatherings in the churchyard, forcing citizens to move to a nearby park. Despite threats and sanctions, gatherings were held every evening. Citizens were finding new ways to fight the police. They formed several smaller groups and sat on benches in the park. However, the police continued to threaten them and issue misdemeanour warrants, clearly separating the members of the “Justice for David” group from the citizens who happened to be there accidentally.

The members of the group were very well acquainted with their rights and legal regulations. They knew they had the right

to spontaneous assembly, of which they informed the police every day. For each misdemeanour order, they asked for a court decision and received the selfless help of several lawyers from Banja Luka.

Any further request to gather in Krajina Square was rejected by the police. As an alternative solution, the Mladen Stojanovic Park was offered to them, which the “Justice for David” group refused every time because it is located on the outskirts of the city and does not represent any symbolism in their struggle.

Meanwhile, police have been keeping a close eye on other public gatherings. On March 8, 2019, during the Women's Day march, which had been reported to the police as a gathering by several non-governmental organizations, several activists of the “Justice for David” group joined this gathering.

Although there was a danger that the police would interrupt the gathering, civil society organizations decided to continue with the event. At the very end, the police ordered the citizens to disperse, although there were no incidents. The organizers were invited for an informative interview at the police station. They were threatened with misdemeanour warrants and fines because police felt the gathering looked different than reported.

After more than a year, during 2020, the members of the “Justice for David” group began receiving calls for court. Police charged them with various offenses, mostly for disturbing public order. By the time this text was written, all such charges had been dismissed in court, and in some cases, even the police dropped the case. The entire financial burden of these trials is borne by the tax-paying citizens of Banja Luka.

However, the police are not the only one who has filed lawsuits and criminal charges. Also, members of the “Justice for David” group initiated lawsuits against police officers who violated their rights or exceeded police authority. These proceedings are still ongoing.

Despite threats, intimidation, legal proceedings, and various types of pressure, the “Justice for David” gatherings were suspended only for two months, during the isolation caused by the pandemic coronavirus. Once smaller gatherings were allowed again, this group continued its activities. The police also continued with repressive measures.

Lawyers and human rights activists agree that in the case of “Justice for David”, there is a disproportionate interference with the right to free assembly, as well as a violation of international standards. The “Justice for David” gatherings are considered spontaneous because they do not involve public speeches, carrying banners, or shouting slogans.

The police has constantly justified their actions by referring to the Law on Public Assemblies.

“Citizens are obliged to report public gatherings to the competent police station under the provisions of the Law on Public Assemblies. All other public gatherings which are not in line with prescribed the legal procedures will be sanctioned “, is the answer of the police to most inquiries related to the “Justice for David” case.

*Why is the right to freedom of assembly so important?*

It is one of the basic political freedoms, along with the right to freedom of opinion, expression, and association. Democracy is inconceivable without these rights. The right to freedom of assembly allows citizens to gather in a public space and work to protect their interests.

One of the biggest shortcomings of the current Law on Public Assemblies of the Republic of Srpska is that it does not recognize spontaneous gatherings or define the minimum number of people that would define a public gathering. This right is protected by international regulations, such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child. When

we talk about domestic laws, the Constitution of Bosnia and Herzegovina, as the highest legal act, prescribes that citizens shall have the right to peaceful assembly and public protest. This right may be limited only in cases of protection of the safety of people and property.

The European Court has found that the European Convention does not protect gatherings aimed at endangering the rule of law or creating disorder. Such aim are an exception and the state has the right to prescribe limitation in reference to them. By creating an atmosphere of fear and the illusion of a coup, the institutions of the Republic of Srpska tried to justify their actions towards the “Justice for David” group through the controlled media. However, with the help of independent media and citizens who posted materials about the events from Krajina Square via social networks, the institutions were thwarted in their intention.

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