

# Hate Crimes

*Actions of State  
Authorities in Cases of  
Attacks Against LGBT  
Persons in Serbia*

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**HATE CRIMES**  
Actions of State Authorities in Cases of Attacks  
Against LGBT Persons in Serbia

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## METHODOLOGY

During 2013 LABRIS- Lesbian Human Rights Organization has conducted a study that aimed to determine the status of reported incidents of attacks on LGBT people in the period since from 2008 to 2013, as well as to find out how state authorities responded in these cases.

Publication that is in front of you is composed of three parts:

- Responses that were obtained from the authorities (police, courts and prosecution) which were obtained based on requests for free access to information of public importance. Requests included 31 reported cases of attacks on LGBT people, as found in reports on cases of attacks assembled by civil society organizations - Gay-Straight Alliance - GSA<sup>1</sup>, Labris<sup>2</sup>, the Lawyers Committee for Human Rights - YUCOM<sup>3</sup> and media reports;
- Analysis of hate crimes in the criminal legislation of Serbia, methods of its introduction and possibilities for improvement, examples of comparative practice, and the importance of making records of hate crimes.
- Research on attitudes of LGBT people towards state authorities, their reasons for reporting or not reporting hate crimes and circumstances in which hate crime attacks occurred, which was carried out via online survey and in-depth interviews with LGBT people who have been victims of attacks solely on the bases of their same-sex sexual orientation<sup>4</sup>;

The fact is that LGBT people, for various reasons to decide the case of violence do not report . Therefore, it is important to note that the total number of attacks on LGBT people is far greater than the number that was sent to request for access to information of public importance . However , to this research, among other

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<sup>1</sup> <http://gsa.org.rs/tema/godisnji-izvestaji/>

<sup>2</sup> <http://labris.org.rs/publikacije/godisnji-izvestaji/>

<sup>3</sup> <http://www.yucom.org.rs/rest.php?idSek=9&idSubSek=23&tip=vestgalerija&status=prvi>

<sup>4</sup> <http://labris.org.rs/upitnik-za-lgbt-osobe-koje-su-bile-zrtve-homofobicnog-napada/>

things aimed at obtaining information on the status of cases that are reported are taken into account only cases reported to the police.

The research was started with the assumption, which was later confirmed, that LGBT people have no confidence in government work, and for that reason, we intend to improve communication and work to establish better cooperation between the LGBT community and the authorities.

Jovanka Todorovic, Dragana Todorovic, Ivana Stjelja and Kristina Todorovic are authors of this study. Authors wish to express deep gratitude to those that participated in the study and to those that participated in round table discussions, and thus contributed to the improvement of police, courts and prosecutors work and to the establishment of trust and better communication between LGBT people and the authorities.

We also wish to extend our gratitude to ILGA-Europe, for supporting this project.



Belgrade, 2014

## STATISTICS

During 2013, 31 requests for accessing the information of public importance which have to do with the reported cases of attacks directed against LGBT persons were sent. The project team reached the information through the organizations Gay – Straight allegiance – GSA, Labris, Lawyer's Committee for Human Rights – YUCOM, but also through the media. The requests were sent to The Ministry of Internal Affairs of the Republic of Serbia, to the prosecutor and to the competent courts.

Acting in accordance with freedom of information requests, The Ministry of Internal Affairs gave the following answers:

- One case was never referred to the Prosecutor.
- In five cases, the Deputy Prosecutor was consulted, and the report was sent to the Prosecutor.
- In one case, the offenders were identified and the charges were pressed.
- In two cases, it was suggested to the victims, after they were medically examined, to go to the police station, with the doctor's results, in order to press charges. The victims never went to the police, nor have they pressed charges.
- In two cases, the Deputy Prosecutor was consulted; it was said that there were no elements which constitute a criminal offence, so misdemeanor charges were pressed and a request for a legal procedure was sent.
- In three cases charges were pressed for robbery (article 206 of the Criminal Code), and the attacker was taken to the investigating judge.
- In two cases, the police submitted criminal charges to the Prosecutor because of reasonable doubt about violent behavior (article 344 of The Criminal Code).

- One case was found and filed, and a separate report was filed for it.
- In one case, a police report was written, but never referred to the Prosecutor.
- In one case, the violators were taken to the investigating judge, because of reasonable doubt that they committed the crime of participating in a fight (article 123 of the Criminal Code).
- In ten cases, it was stated that "the case was not filed", "there were no data", "there were no written evidence" or that "the case was not found as such", for the cases that information was requested.
- For one case, it was stated that the committed crimes were TTP and LTP (articles 121 and 122 of the Criminal Code), and that the attorney was consulted. It was also stated that the charges for this act were pressed ex officio.
- For one case of attack, a reply was sent that there were no elements for pressing charges, the deputy of OJT in Prokuplje was contacted, and stated that there were no elements of a criminal act in the criminal charges against the NN person, pressed ex officio.

We notice that in four of these cases the police recorded sexual orientation as a motive for the attack. In one case, the police report states that the reason for the attack is most likely sexual orientation, and in three other cases, after examining the evidence, it was established that the attackers shouted "Gays! Let's hit them!" and "Are you gay? Are you gay?" While in the latter case, it was stated that the victim was carrying symbols of the LGBT community.

Acting on freedom of information requests, which were sent out to the Republic Public Prosecutor's Office, the First Basic Public Prosecutor's Office, the Third Basic Public Prosecutor's Office, the Municipal Public Prosecutor in Sremska Mitrovica, the Higher Public Prosecutor in Sremska Mitrovica and the Higher Public Prosecutor's Office in Prokuplje, provided the following responses:

- The Republic Public Prosecutor stated that "they are not in possession of the required information and that it is necessary to submit the request for the prosecution where criminal charges were filed"

- The Third Public Prosecutor's Office in Belgrade was unable to provide the required information for the Law on Seats and Territorial Jurisdiction of Courts has become effective, (01<sup>st</sup> January 2014) and that instead of one Basic Public Prosecutor's Office in Belgrade now there are three.

- Basic Public Prosecutor in Sremska Mitrovica has decided not to initiate any criminal proceedings, and in respect to the minor offender, the case was transferred to the Higher Public Prosecutor in Sremska Mitrovica

- The Higher Public Prosecutor's Office of Prokuplje responded that the case is at the Basic Public Prosecutor's Office in Kursumlija and that it was decided not to prosecute, as there were no elements of a criminal offense which is prosecuted ex officio.

We note that the prosecution in several cases exceeded the given time limit, and sometimes responded only to the repeated requests and that there were prosecutor's offices which never sent their response (i.e. Higher Public Prosecutor in Sremska Mitrovica).

Acting on freedom of information requests that were sent to the Municipal Court in Smederevo, Misdemeanor court in Becej and Misdemeanor Court in Belgrade provided the following responses:

- Basic Court in Smederevo responded that they "cannot provide the requested information if more detailed data have not been given about the perpetrators and persons who were injured in this incident"

- Misdemeanor Court in Becej stated that they were not in possession of the requested information

- Misdemeanor Court in Belgrade responded that the process was stopped due to the limitation of legal proceedings.



There is no doubt that working with the LGBT community is necessary, meaning that LGBT persons are to be encouraged to report attacks to the police and to correctly understand the importance of each reported case. However, the data above should be the starting point of rethinking and giving concrete suggestions in order to improve the work of these state institutions.

## **POLICE, PROSECUTION AND COURTS AND ATTACKS ON LGBT PERSONS**

The problem of efficient processing of criminal acts against LGBT people in Serbia is still present. Police forces are the first, who are informed about an attack, and they are the first people to communicate with the victim, thus it is essential for them to recognize whether the motive of the attack was sexual orientation of the victim. In other words, they should, not only establish what had happened, but also investigate why the attack occurred and to understand discriminatory motives and hate elements. The problem of adequately understanding the criminal acts is a characteristic of many countries. Policemen/policewomen who register the criminal acts in most cases do not understand the meaning and uniqueness of the criminal acts which come from hate, thinking that those incidents occur rarely, which would mean that only the most extreme forms of violence can be classified as hate crimes. It also happens that the motives for the attack are not investigated by the police at all, but are forwarded to public attorneys,<sup>5</sup> although it is of high importance to establish the hate motives at the very beginning of the investigation.

One of the potential problems that have to do with efficient processing of the offenders is also the complexity of the investigation, especially in situations when the criminal act occurred without the presence of any witnesses. In such cases, sometimes, it happens that only the basic criminal act is processed, while the complex investigation of motives is neglected, which, often, has to include the acts that go beyond the incident and cover previous behavioral patterns, habits and beliefs of the offenders.<sup>6</sup>

Factors which have a positive effect on efficient application of legal provisions about criminal acts coming from hate are recognizing the danger these criminal acts bring, by the entire society, but most of all, by the policemen/policewomen, those who are educated in this field, public prosecutors, judges, lawyers, as well as by the representatives of the marginalized groups and those who work in the area of protecting the rights of marginalized groups.

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<sup>5</sup> Bell 2002, op.cit., footnote 32, str. 50.

<sup>6</sup> [http://ljudskaprava.ba/krivicna-djela-pocinjena-iz-mrznje-regulativa-i-praksa-u-bih-11/#\\_ftn72](http://ljudskaprava.ba/krivicna-djela-pocinjena-iz-mrznje-regulativa-i-praksa-u-bih-11/#_ftn72) the web site was visited on 15<sup>th</sup> January 2013.

## **HATE CRIME – one year since hate crime has been introduced into the Criminal Code**

It has been a little over a year since hate crime was introduced into the Criminal Code. More precisely, on December 24, 2012 The National Assembly of the Republic of Serbia adopted the Act of Amendments and Addendums of the Criminal Code of the Republic of Serbia, whereby through the article 54a, as a specific binding aggravating circumstance for punishment added hate crimes based on race, religion, national or ethnic affiliation, *gender, sexual orientation and gender identity*.

Hate crime can be any criminal act, but what differentiates it from other criminal acts is the fact that the offender is motivated by hatred towards the victim. These criminal acts are not caused by the victim's behavior, but by their personal characteristics, which are, most often, ethnic or national affiliation, color of their skin, religion, sex, sexual orientation, gender identity, etc. In these cases, prejudices are perceived as aggravating circumstances, and regarding the social danger that can be caused by these criminal acts, the established more strict sanctions are completely justified.

The task of the state authorities, but also of the entire society, is to support tolerance, to fight against stereotypes and prejudices, and by that, to stop hate crimes; there also has to be a suitable reaction of the state authorities if hate crimes occur, because everyone can be their victim, which is to say that each of us has a characteristic that makes them different than others.

Since a year has passed since hate crime was adopted, there were no verdicts reached.

## **BEFORE HATE CRIME WAS ADOPTED – Criminal Code and discriminative intentions**

Before the amendments to the Criminal Code and the introduction of hate crime, there was a similar circumstance in our legislation, such as premeditated crime. Premeditated crime is something that is most similar to the hatred in the available legal institutes, but certainly not something that would totally have the function of a hate-crime.

Thus, Article 54, which refers to the general sentencing states that "the court will rule the sentence to the offender within the limits prescribed by law for the offense, bearing in mind the purpose of punishment and taking into account all the circumstances affecting the punishment to be lower or higher (mitigating and aggravating circumstances), and in particular: the degree of culpability, the motives from which the act was committed ... " Further, in a separate section of the Criminal Code in Article 114, Paragraph 5 states that the sentence for aggravated murder is imprisonment of at least 10 years or imprisonment of 30 to 40 years for those who deprived another person of life out of greed... or other premeditated motives. The offense of ill-treatment and torture, specifically Article 137, paragraph 2, states: "Whoever by, use of force, threats, or in other improper way inflicts severe pain or suffering to another ... or does it for another reason based on discrimination of any kind, shall be punished with imprisonment from six months to five years."

It is important to mention in this context some other offenses, which are primarily racial and other discrimination (Article 387), inciting national, racial and religious hatred and intolerance (Article 317), and violent behavior at sport events or public gathering (Article 344a), which states that one, whose behavior or slogans at a sporting event or public gathering cause national, racial, religious or other hatred or intolerance based on a discriminatory basis that result in physical violence with the participants, shall be imprisoned from six months to five years and fined.

There has been a series of crimes in which the discriminatory intents were specifically sanctioned, but the need for a more systematized sanctioning of hate crimes existed. In addition, the competent institutions of security and justice have not always dealt with these issues in an appropriate and efficient manner, because of

which the victims faced fear at all stages of the process: from reporting the offender, the police investigation through lack of interest (or incorrect information given by) the media, or inadequate reporting, to the final decision of the court, where there was no adequate institutional support for victims.

Awareness of the causal effects of the discrimination and hatred has to be present in a society. One way to fight against this behavior is the introduction of regulations that hatred is, without exceptions an aggravating circumstance of the Criminal Code. Of course, one should bear in mind that the state of society can not automatically change with the introduction of this provision. This is a long term process, so it is very important for the courts to successfully implement the law, as prevention of future crimes depends on that.

Thus, the Amendments to the Criminal Code arose from the need for a more comprehensive and systematic legal regulation of this area, the need for a more effective response of the institutions and the need for the whole society to combat discriminatory motivated crimes.

## **HATE CRIME IN THE CRIMINAL CODE – from the initiative to the adoption**

As a result of initiatives of non-governmental organizations hate crime is a part of the Criminal Code. The process from the initiative to the introduction of hate crimes was neither too long, nor it was too complicated, thanks to the willingness of institutions to take this step and the obvious need of the entire society to combat discriminatory motivated crimes.

In February 2012 the non-governmental organization (Lawyers' Committee for Human Rights - YUCOM and Gay-Straight Alliance - GSA) filed the initiative for amending the draft of Law on Amendments to the Criminal Code to the heads of the parliamentary groups, the Ministry of Justice and the state government and most state institutions. Initiatives contained concrete proposals formulated with the text of some articles of the Criminal Code, as well as the explanations and reasons for introducing the concept of hate crimes in the Criminal Code. During the process of advocacy for the acceptance of this initiative, YUCOM and GSA have been provided with support for the introduction of hate crime in the Criminal Code, by the institutions, politicians and political parties, but also among other civic associations and by international organizations.

In October 2012 the Ministry of Justice and Public Administration opened a public hearing on the draft Law on Amendments to the Criminal Code, which for the first time defines the Article 54a, which is hatred based on race and religion, national or ethnic origin, gender, sexual orientation or gender identity, as a motive for committing offenses prescribed a mandatory aggravating circumstance at sentencing, unless the circumstance is prescribed as a constitutional element of the crime. YUCOM and GSA, within the deadline, have provided comments on the text of the draft. The Government of the Republic of Serbia in December, as the official proponent, submitted the draft to the National Assembly, containing the Article 54a, and the National Assembly of the Republic of Serbia on December 24, 2012 adopted the law by a majority, which came into force on January 1, 2013.

This was the first time that hate crime was codified in the national criminal law. The Article 54a of the Criminal Code ("Official Gazette of the RS, no. 85/2005, 88/2005 -107/2005 -72/2009, 111/2009,121/2012 and states 104/2013), reads as follows:

Special circumstances for sentencing for a crime committed out of hatred

Article 54a

*If the offense was committed out of hatred because of race and religion, national or ethnic origin, gender, sexual orientation or gender identity of another person, the court will appreciate the fact as an aggravating circumstance, unless it is prescribed as an element of a criminal offense.*

## **ARTICLE 54a - possibilities for improvement**

Article 54a represents a particular circumstance for sentencing, and what is most important is the fact that the factor is mandatory, meaning that the court must perceive it as aggravating. Thus, it is very important that when hate crime occurs as a motive for a crime, the court is obliged to impose a higher sentence.

Personal characteristics that are stated in the Code are race and religion, national or ethnic origin, gender, sexual orientation and gender identity. It is stated that only seven personal characteristics may be grounds for hate crime. If compared, the Law on Antidiscrimination lists numerous grounds such as race, color, ancestry, nationality, national or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, economic status, birth, genetic characteristics, health status, disability, marital and family status, convictions, age, appearance, membership in political parties, unions and other organizations, and other real or supposed personal characteristics. It is clear that there is possibility for hate crimes which exceed the listed seven characteristics, but it remains the fact that race and religion, national or ethnic origin, gender, sexual orientation and gender identity are personal characteristics which most often lead to hate crimes.

The potential improvement of the Article 54a would open the list of the grounds that is to say that at the end of the Article, after the list other real or supposed personal characteristics should be added, as is the case with the Law on Antidiscrimination. This would provide the possibility for a stricter sanctioning of a higher number of criminal acts based on hatred.



## **INTERNATIONAL LEGAL GROUNDS FOR THE ADOPTION OF HATE CRIME**

Offenses committed out of hatred towards certain groups are referred to as hate crimes in international law. Hate as a motive, can be a foundation of a series of crimes. What differentiates them from other crimes is the fact that they are mostly directed against vulnerable groups and have negative consequences not only for the person who is the victim of a crime, but also for all members of the group to which that person belongs. They are also a threat to the fundamental values of international law on the protection to which the Republic of Serbia is committed by signing and ratifying a number of international instruments on equality, non-discrimination and tolerance, as well as on the Suppression and Punishment of Violence which arises from by hatred based on race, color, national and ethnic origin, religious beliefs, etc.

There are numerous international instruments that advocate this approach, and among others those are the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, there is also the Article 4 of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, then the EU Framework Decision on racist and xenophobic crimes, etc. Also, a number of decisions of the European Court of Human Rights pointed out that the countries have positive obligations from the European Convention on Human Rights and Fundamental Freedoms, to investigate possible motives of the crime. This Court has repeatedly emphasized that hate crimes require from judicial bodies to provide an answer which will be proportional to the inflicted harm. Thus, by this legal solution, the question of how criminal acts based on hatred are treated is elaborated more, and how to fully implement the international instruments and standards in this area.

## **CONSTITUTIONAL GROUNDS FOR ADOPTION**

Any criminal offense by hatred threatens the basic values of society and basic human rights and freedoms guaranteed by the Constitution of the Republic of Serbia. The constitutional basis for the introduction of hate crimes in the Criminal Code of the Republic of Serbia is contained in numerous regulations of the Constitution which guarantees equality, protection of minority rights, gender equality, forbids incitement of racial, national and religious hatred. On the declarative level, the Constitution of the Republic of Serbia, guarantees equality of citizens and prohibits discrimination, and in Article 1 it defines the Republic of Serbia as a state of the Serbian people and all citizens who live in it, based on the rule of law and social justice, the principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values.

Article 14 of the Constitution declares that the Republic of Serbia shall protect the rights of national minorities, and that the state guarantees special protection of national minorities to achieve full equality and preserve their identity. Article 15 proclaims gender equality and stipulates that the country shall guarantee the equality of women and men and develop a policy of equal opportunities.

Article 18 provides that human and minority rights guaranteed by the Constitution shall apply: "The Constitution guarantees, and as such, directly implements human and minority rights guaranteed by generally accepted rules of international laws, ratified international treaties and laws. The law may prescribe the manner of exercising these rights only if it is expressly provided in the Constitution, or if it is necessary to exercise the rights of an individual because of their nature, whereby the law in any case should not affect the essence of the guaranteed right. Provisions on human and minority rights shall be interpreted in favor of promoting values of a democratic society, pursuant to valid international standards of human and minority rights, as well as the practice of international institutions which supervise their implementation."

Discrimination is prohibited by Article 21 RS Constitution by proclaiming that before the Constitution and the law everyone is equal, everyone is entitled to equal protection by the law without discrimination, and that any discrimination, direct

or indirect, on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age or mental or physical disability is prohibited.

The Constitution guarantees freedom of thought, conscience, belief and religion, the right to maintain one's belief or religion or change them according to one's own choice of Article 43, and that no one is obliged to declare their religious or other beliefs. Everyone is free to manifest their religion or religious beliefs, conduct worship services, attend religious services or instructions, individually or in community with others and in publicity or privately to manifest religious beliefs. Freedom to manifest one's religion or beliefs may be restricted by law only if it is necessary in a democratic society for the protection of life and health, morals of a democratic society, the rights and freedoms guaranteed by the Constitution, public safety and public order, or to prevent inciting religious, national or racial hatred.

Constitution encourages and appreciates differences (Article 48) with measures in education, culture and public information, and the Republic of Serbia shall promote understanding, appreciation and respect for differences arising from specific ethnic, cultural, linguistic or religious identity of its citizens. Any incitement to racial, ethnic, religious or other inequality, hatred and intolerance (Article 49) are also prohibited.

According to the Article 50 everyone is free to, without approval, as provided by law, establish newspapers and other media in Serbia, there is no censorship, a competent court may prevent the dissemination of information through the mass media only if it is in a democratic society in order to prevent incitement to the violent overthrow of the constitutional order or violation of territorial integrity of the Republic of Serbia, to prevent propagation of war or incitement to immediate violence or to prevent racial, national or religious hatred that constitutes incitement to discrimination, hostility or violence.

According to the Article 76, the Constitution guarantees, to persons belonging to national minorities, equality before the law and equal protection and prohibits any discrimination based on belonging to a national minority, except the positive one. In the Article 81 The Constitution proclaims the obligation to develop a spirit of tolerance in Serbia in the field of education, culture and information, to foster a spirit

of tolerance and intercultural dialogue and take effective measures to promote mutual respect, understanding and cooperation among all persons living on its territory, regardless of their ethnic, cultural, linguistic or religious identity.

## **REASONS FOR ADDENDUMS OF THE LAW ON AMENDMENTS AND ADDENDUMS OF THE CRIMINAL CODE**

The reason for the adoption of the Law on Amendments to the Criminal Code is primarily related to the fact that the Criminal Code is the most important legal act which systemically regulates an entire branch of law, and some particular solutions of this Code are not coordinated with international standards. The introduction of new provisions in criminal legislation on hate crime creates an important assumption which will be used by the police and judicial bodies in order to efficiently combat hatred and intolerance.

Past practice has shown that the authorities have not adequately dealt with the crimes motivated by hatred. It is obvious at all stages of the process, from the investigation, to final adjudication and sentencing by a competent court which have not fully mirrored the real motives of the offenders - especially the motives of hatred. Specifically, these crimes have, up to these changes of the Criminal Code been only partially incriminated.

Increased violence based on hatred and intolerance in Serbia and a wider social need for prevention and fight against such conduct constitute grounds for introduction of hate crime.

One of the main reasons for the introduction of hate crimes in the Criminal Code is the prevalence of discrimination and attacks on LGBT people. Sexual orientation, and especially gender identity is otherwise rarely mentioned in the laws of the Republic of Serbia. Thus, in addition to the Criminal Code and the Law Against Discrimination ("Off. Gazette of RS, no. 22/2009), only eight laws prohibit different treatment because of sexual orientation. These are the Labor Law ("Off. Gazette of RS, no. 24/2005, 61/2005 , 54/2009 and 32 /2013), the Law on Higher Education ("Off. Gazette of RS, no. 76/2005, 100 / 2007, 97/2008, 44/2010 and 93/ 2012), the Broadcasting Act ("Off. Gazette of RS, no. 85 /06 , 62/ 06, 85 / 06), Law on Public Information ("Off. Gazette, no. 43/2003, 61/2005, 71 /2009 89/2010 - decision and 41/2011 - the decision of the Constitutional Court), Youth Law ("Off. Gazette of RS, no. 50/2011), Law on Health Insurance ("Off. Gazette of RS ", no. 107/2005, 109 /2005 - , 57/ 2011, 110/2012 - decision of the Constitutional Court 119/ 2012), the

Law on Social Protection ("Off. Gazette, br . 24/2011 and the Law On Pupils' and Students' Standards ("Off. Gazette of RS, no. 18/2010). Many of the laws mentioned above do not include gender identity as a basis for discrimination, but only sexual orientation.

## **HATE CRIME IN CROATIA**

Croatia has introduced the hate crime provision into the Criminal code while in other countries criminal legislation generally defines hate as an aggravating circumstance; the term hate crime does not exist in the Criminal code as such, but only as hatred. The law, that introduced this provision was adopted in 2006 and according to that law, hate crime is defined as: "any offense under this Act, committed on the basis of hate towards any person on the grounds of race, color, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, education, social status, age, health status or other characteristics."

After the attacks during Zagreb Pride in 2007, this Law was applied in practice for the first time. The perpetrator was sentenced to 14 months in prison.

Amendments to the Law from 2011, that have been into force since in 2013, a hate crime is defined more precisely for other criminal offenses. The Council of Europe supported amendments to the Criminal Code of Croatia and pointed out its shortcomings. It was recommended to the State authorities to introduce the nationality in all articles related to hate crimes, as well as setting up and managing a group that promotes racism. A hate crime is primarily defined in general provisions of the law as a crime committed on a basis of race, color, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity of another person. Such behavior constitutes an aggravating circumstance.

Hatred as a motive for the commission of a crime, is especially introduced for: aggravated murder, female genital mutilation, bodily injury, serious and especially serious bodily harm, coercion, threat, serious criminal offenses against sexual freedom and rioters.

For these cases, stricter penalties are foreseen. Apart from imprisonment it is also foreseen that certain crimes if they are committed out of hatred to be processed ex officio instead of private complaint (such as crimes of coercion and threats). Public incitement to violence and hatred constitute a separate criminal offence. Office for Human Rights of the Republic of Croatia has set up a special

working group dealing with this issue. The Office has adopted a Code of Conduct in the case of hate crimes.

The Protocol states that the Ministry of Internal Affairs must pay particular attention to these crimes, and that the victims must be provided special protection.

Trials of cases under these provisions are meant to be treated under urgent procedures.

Those cases will be designated separately by the Judiciary and are to be kept as special records that will be submitted to the Ministry of Justice.

The court proceedings will ensure personal integrity protection measures of the victims and its further victimization. Also, it is possible to include the victims into the protection program.

Case law shows that the largest number of cases relates to criminal offenses are body harm and threats.

A large number of criminal offenses were committed during the "Zagreb Pride" and "Split Pride", but also in the vicinity of the bars and clubs where LGBT people go out as well as via social networks.

Hate crimes against the national minorities, primarily Roma and Serbian population, are also very common.

Nevertheless, the police usually do not specify hate as a motive for the attacks and threats.



## **HATE CRIME IN THE LEGISLATION OF OTHER EUROPEAN COUNTRIES**

European countries are increasingly introducing hate crime in their legal system. Charter of Fundamental Rights of the European Union (Done at Nice in 2000) in its articles 1, 10, 21 and 47 guarantee the right to human dignity, freedom of thought, conscience and religion; non-discrimination, and freedom to an effective remedy and a fair trial.

Member States are bound by this Charter, to adopt the relevant legislation within its jurisdiction and in accordance with its legal system, in order to ensure the achievement of the prescribed law.

Comparative analysis of the legal systems in the European Union Member States and candidate countries has shown that there are several common trends and directions of development of the hate crime provisions.

First of all, that term as such is defined in broader terms.

It is not just the manifestations of hatred that are defined as hate crimes but also an incentive to commit the crime. This is the case in the Netherlands, Austria, Montenegro, Italy, and France

The term hate crime is defined on the hate-based intent and thus defined; the term applies not only to the perpetrator, but also the instigator.

In some countries the base motives may not be public, but can be privately expressed (In France for example).

However, it is important to emphasize that the characteristics of discriminatory motive of the act or base motives shall be determined in each particular state meaning that the act should be the result of a specific discriminatory intent.

In some countries such as Austria, Denmark, Finland, Spain, Italy, France, hate crime is included into Criminal Code as an aggravating circumstance but not as a criminal offense, meaning that more strict sanction is foreseen for those acts motivated by hate.

Although the penalty provided for this criminal offense differs on many grounds, including content, gravity and basis of the crime committed, hate crime is treated as a crime and a punishment may be imprisonment and /or fines.

In the EU countries hate crime still does not exist as a separate criminal offense.

On the contrary, the relevant provisions and penalties are almost always envisaged in the regular forms of violence, and therefore a hate crime is treated only as an aggravating circumstance and not as a separate criminal offense.

A cause for the changes comes from the European Union. The Member States and the candidate countries are required to harmonize its domestic law with EU regulations.

Thus, for example, the European Union, according to the European Convention on Cybercrimes (2001), stipulated that Member States must coordinate legislation in order to penalize the hate speech on the Internet.

This is an example of good practice that the European Union is using in order to influence the drafting of new, specific crimes offenses that will lead to the better protection of human rights.

## HATE CRIME RECORDS

Having in mind that a hate crime is a criminal offense that was committed based on discriminatory motive that therefore represents a greater threat to society; records of these cases are very useful in order to prevent and to better understand the issue.

Also this kind of statistics would show which social groups are the most vulnerable. In this regard, it would be of great importance to keep a record of hate crimes, especially those where LGBT people are targeted as victims.

For example, Police in the Republic of Croatia introduced an accurate track record of the hate crimes by a large number of parameters that sensitized police officers on the issue of legal mechanisms for prevention of this type of criminal offenses.

It is necessary to establish a systematic, harmonized and comprehensive mechanism for collecting data on hate crimes. On the one hand, this mechanism would be an important tool for effective prevention of hate crimes and attacks on LGBT people, while on the other it would help the government to better understand the extent of the problem and its potential threat.

Ministry of Internal Affairs, Prosecution and Courts should have the obligation to develop a system for monitoring and keeping statistics on crime where there is discrimination and hate. Hate crimes are to be monitored with particular attention as it is the threat to the fundamental human rights and freedoms guaranteed by the Constitution of Serbia and international documents that Serbia ratified. Also, it is necessary to provide conditions for efficient work of the relevant authorities involved in the detection, treatment and follow-up procedures conducted for hate crimes in order to improve the system of monitoring of hate crimes.

Systematic, harmonized and comprehensive mechanism for data collection on hate crimes would be created if the police are particularly indicating cases of hate crimes and entered information on the motive in the record.

Also, it would be expedient that police monitor every case from the initiation to the termination of the litigation. In order to provide a comprehensive insight about the

society developments the number of the hate crime cases as well as the reaction of the relevant institution should be included.

Ministry of Internal Affairs is meant to collect this information and to pay special attention to the protection of privacy and personal data of persons who are hate crimes victims, in order to avoid further victimization. Thus especially taking into account already difficult situation of LGBT people, frequent discrimination, assaults, domestic violence, and the large number of cases of attacks that went unreported because of fear for their personal safety and mistrust in the work of the institutions.

When it comes to Courts, hate crime cases should be treated as emergency procedures and special attention should be paid to the level of social danger of these types of crimes.

Furthermore, separate records should be properly run including the following information: special data on the type of the criminal offense; the number of suspects / defendants; the decision that prosecution or court made; pronounced sanction.

The statistics that would include such comprehensive data collected by the Ministry of Justice will represent good starting point for the further prevention work. Personal characteristics of the victim should be also included into this statistics as that will identify the most vulnerable groups in society. When it comes to the attacks on LGBT people this statistic would be valuable as there are no documents including this data.

In order to make the recording of hate crimes as well as the prevention of this phenomenon more efficient, victims should be encouraged to report violence. This will be possible if victim's security, privacy and personal data is protected especially bearing on mind that in Serbia, the level of unreported violence is high due to the lack of confidence in institutions but also due to the fear that sexual orientation will be "detected".

Encouraging victims to report attacks and ensuring the security and support should be the part of the work of state institutions. Nevertheless, this is the part where civil society organizations can give their great contribution, by providing psychological or legal assistance and also by keeping their own records in order to have the accurate statistics.

Speaking about the challenges in the data collection and statistics, Hungary is an interesting example.

Hungarian legal system provides that offenders impose the sanctions more than it is required for a criminal offense, but the procedure does not apply directly on the provision of the criminal law relating to hate crimes.

Thus the justice is to some extent achieved, as the offender is sentenced with the higher sanction but on the other hand the purpose of stricter sanction is not fulfilled and there is also no possibility for keeping accurate statistics on hate crimes.

Therefore, it is very important to apply this article, refer to it and record it, and not only meet the demands set out to fulfill a wider social and cultural importance of the introduction of hate crime in criminal legislation.

LGBT people in Serbia are targeted as victims of hate crime more often than other vulnerable groups such as Roma or people with disabilities. Such violence raised from the deep hatred of the perpetrator toward real and/or perceived sexual orientation and/or gender identity of the victim. This is rarely processed in the EU member states legislations. Relevant Institutions are usually not well sensitized and educated to deal with this issue. Even if the victims report such crimes or incidents, the fact that reason for attack was prejudice, often does not appear in the official statistical reports, because the motives of homophobia and transphobia are often not recognized or not recognized as relevant.

Using the discriminatory language and hate speech toward LGBT population justify discrimination and violence against LGBT people and also promote discrimination and violence toward LGBT people as socially desirable behavior.

That led to the development of the social climate where not only that hate-motivated incidents occur without any strong public condemnation, but they are rather approved.

Member states of the Council of Europe should intensify efforts to combat hatred towards LGBT population.

So far, only in few member states homophobic and transphobic incidents or hate crimes are included in official statistics on hate crimes.

Incitement to hatred, violence and discrimination based on sexual orientation is not considered a criminal offense in all Member States, and furthermore homophobic incidents are not taken as an aggravating circumstance in all countries, although there is a tendency in that direction. Also, the explicit mentioning of gender identity is not usually mentioned in the provisions of the criminal law relating to hate crime.

## **COURT PRACTICE EXAMPLES IN CASES OF ATTACKS BASED ON SEXUAL ORIENTATION**

In the proceedings before the Higher Court in Novi Sad against S.S, on suspicion that he had committed the crime of violent conduct and attempted murder, the Lawyers' Committee for Human Rights - YUCOM represented the injured, two brothers, victims of physical assault, while one of them received serious injuries. In this case, the trial was completed on November 12, 2013 with interrogation of the defendant, one of the victims and three witnesses as well as examining the expert of medical profession on circumstances regarding severity of body injuries and mental capacity of the defendant. On the next day, on November 13, a judgment regarding S.S. was issued, and he was found guilty of committing criminal acts of bullying and attempted murder. The first instance court upheld the requirements of the Higher Public Prosecutor's Office and the defendant was sentenced to imprisonment of seven years - six years for attempted murder and one for bullying.

The attack was carried out in June 2012 in the city bus in Novi Sad, when the defendant attacked the victims, first with fists and then with a knife, thinking that one of them 'was making a move towards him'. The injured young people who were in good spirits returning from the night out, were victims of hate - motivated attack that carries great social danger. On this occasion, one of the victims sustained serious injuries. The motive of this attack was certainly discriminatory. In the statement given to the police, the attacker himself pointed motive for the attack, which is based on homophobia. He resigned from this statement during his defense before the court, when he pointed out that at the time of the attack he was under the influence of opiates, visibly changing his statements given in the pre-trial proceedings. The above shows that it was a hate crime, which YUCOM's attorney pointed out during the trial. During sentencing, as an aggravating circumstance the court appreciated the fact that the attack was carried out in the full city bus transport, as well as that victims did not trigger the execution of these attacks with their actions. Also, the court rejected the allegations of the defense that the defendant was in a state of mental incompetence due to abuse of alcohol and psychoactive substances, due to the fact that he fully reconstructed the event. The fact that the defendant committed the offense because of the perceived sexual orientation of the victims, the court did not appreciate as a special aggravating circumstance because the attack took place

before the introduction of the institute of hate crimes in the criminal justice system protection, but this case shows willingness of institutions to combat criminal offenses committed out of hatred.<sup>7</sup>

The reaction of the competent authority was in a timely manner, as well as that the punishment was proportionate to the offense, effective response of the police and prosecution, as well as adequate response of the court, are required in all cases of attacks on the physical integrity of citizens, especially when it is motivated by hatred, chauvinism, homophobia and discrimination.

On February 13, 2013, Higher Court in Belgrade ruled that A.A, M.M. and J.V. were found guilty of committing criminal acts of violent conduct. The incident happened in 2007. First defendant A.A. was watching television when he saw a video message with an explicit content, where a man was searching for a sexual partner. Taking that as a joke, he replied on that private message. After he received a reply, he continued to send the messages. He agreed with the victim, M.L. to meet at the sports center "Olimp" at 10 PM. Defendant brought two friends with him on a "date". As it is stated in the judgment "he explained the whole situation to his friends and they agreed to beat up the unknown fagot". They did not take the money from the victim, but they took his mobile phone and broke it. The perpetrators were not under the influence of alcohol or drugs while that conclusion was made based on the fact that the perpetrators were non-smokers.

During the defense before the court, defendants stated that they attacked M.L. because of homophobia. They said that they were in the affective state and got the wave of homophobia which caused the attack. That has been the only reason for attack not the robbery.

Although the defendants did not deny that they physically attacked the victim, the Court made a verdict of acquittal as no elements of the criminal acts of violent conduct were found. Lawyers' Committee for Human Rights has submitted an appeal, and the decision and is waiting for the outcome of the appeal.

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<sup>7</sup> YUCOM Annual Report 2013, Lawyers' Committee for Human Rights Belgrade, 2013



## QUANTITATIVE AND QUALITATIVE RESEARCH RESULTS

LGBT people in Serbia face violence and discrimination in all aspects of life. This includes recorded cases of violence, threats of violence, discrimination at workplace, unlawful hospitalizations and medical treatment of homosexuality, discrimination in education, access to goods and services, etc. Even though Serbia has a relatively good legal framework for the protection of rights of LGBT persons, implementation of the existing legislation is failing due to lack of education and homophobia in state institutions. Due to this, LGBT people experience a higher rate of hate crimes directed at them than do the average citizen. Because of the fear of stigmatization, these crimes are generally under-reported, due to lack of trust in state institutions and fear of victimization and violence.

Fundamental Rights Agency of the European Union survey findings show that:

- One quarter of the more than 93,000 LGBT people surveyed in the EU-27 and Croatia experienced violence because they are LGBT in the five years preceding the EU LGBT survey<sup>8</sup>, with the figure rising to one in three for transgender people. When considering the 12 months preceding the survey, 6 % of all LGBT people report having experienced violence, with the figure rising to 8 % for transgender persons.

Despite action taken at EU and Member State levels to counter crimes motivated by hatred and prejudice, there remains a lack of confidence among victims that the authorities can afford them the protection they need. This often makes victims reluctant to report crime, whether to law enforcement agencies or any other organization. FRA survey findings show this quite clearly:

- Eight out of 10 LGBT persons in the EU and Croatia who were victims of crimes motivated by hatred or prejudice did not report them to the police.

The most common reasons given by people in the FRA's surveys for not reporting their experiences of crime included that nothing would change as a result

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<sup>8</sup> <http://fra.europa.eu/DVS/DVT/lgbt.php>

of reporting incidents, that such offences were everyday occurrences, and that they did not trust the police.

The result is that many hate crimes remain unreported, unrecorded, unprosecuted and, therefore, invisible. The under-recording of incidents translates into low numbers of prosecutions, thereby affording victims fewer opportunities for redress. As a result, victims of hate crimes themselves remain invisible.

It is therefore essential to put mechanisms in place that would not only enable victims and witnesses to report hate crimes, but also see to it that perpetrators are brought to account. If hate crimes are not recorded, then they cannot be prosecuted. In turn, this leads to offenders being able to carry out their actions with relative impunity.

Following these results, as well as other research data and anecdotal evidence that were collected in Serbia, mostly by non-governmental organizations, a quantitative and qualitative survey with LGBT persons who were victims of hate crimes was conducted, in order to gather information about experiences, attitudes and practices of LGBT persons in Serbia who were victims of hate crimes. This data aims to complement the review of cases and responses of state authorities that were obtained by sending out freedom of information requests, so as to receive as much information as possible in order to get a more comprehensive overview of the matter at hand.

For this purpose, two research methodologies were used, quantitative and qualitative.

An online survey questionnaire was designed and published on the web site of Labris, and the web link to the survey was also distributed widely via email and social media. 39 persons who were victims of hate crime based on sexual orientation responded to the survey. Out of those, 20 were male identifying as gay, and 19 were female identifying as lesbian. 18 victims (46.15%) were between 26 and 35 years of age when filling out the survey, while 7 persons (17.95%) were between 16 and 25 years of age and the same number of persons were between 36 and 45 years of age. In addition, 3 respondents (7.69%) were younger than 16 years of age, and the

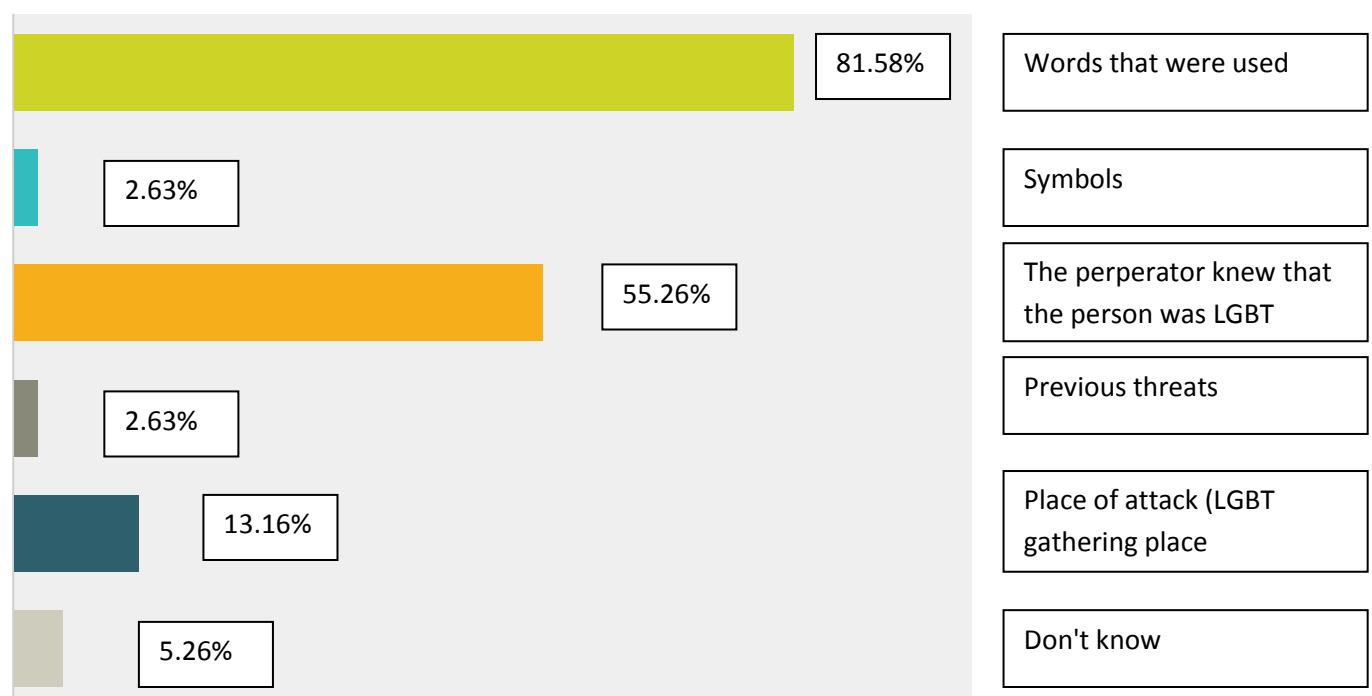
same number was between 46 and 55, while 1 person (2.56%) was between 56 and 65 years of age.

In addition, in depth semi-structured interviews were conducted with 3 lesbians and 3 gay men, who were victims of hate crimes based on their sexual orientation, all of which were between 26 and 35 years of age. The purpose of interviews was to get deeper and more detailed insights from victims, which would otherwise be difficult if not impossible to infer from online survey responses and state authorities' reports and responses to freedom of information requests.

The following themes were investigated with both quantitative and qualitative methods of data gathering, and the results are as follows:

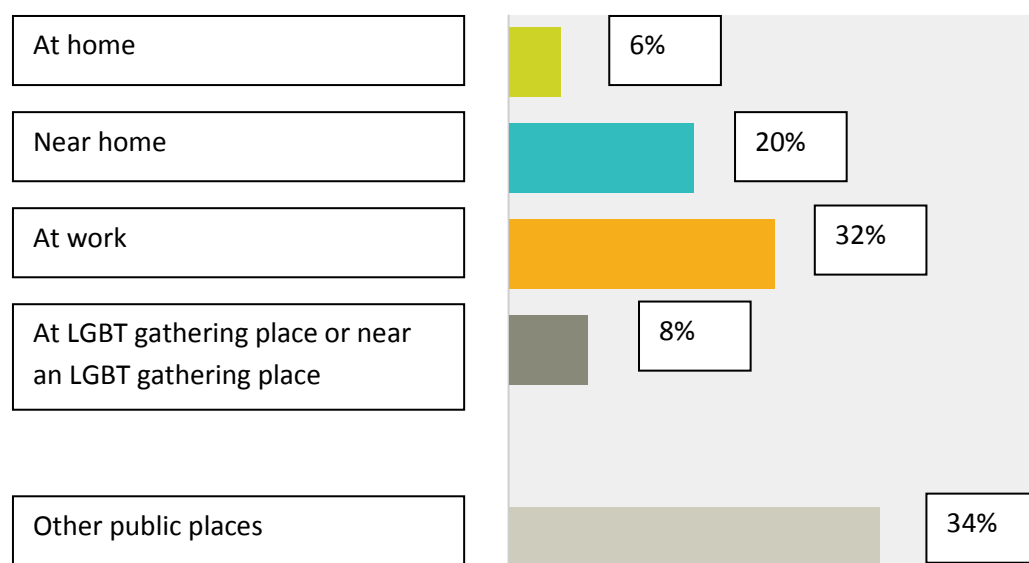
- Description of the attack and circumstances in which it occurred

When respondents were asked why they think that the attack was due to their sexual orientation, or perceived sexual orientation, 31 respondents (81.58%) stated that it was because of the words and insults that perpetrators were using during the attack, while 21 (55.26%) said that the perpetrators had known or think they knew that the victim was LGBT:

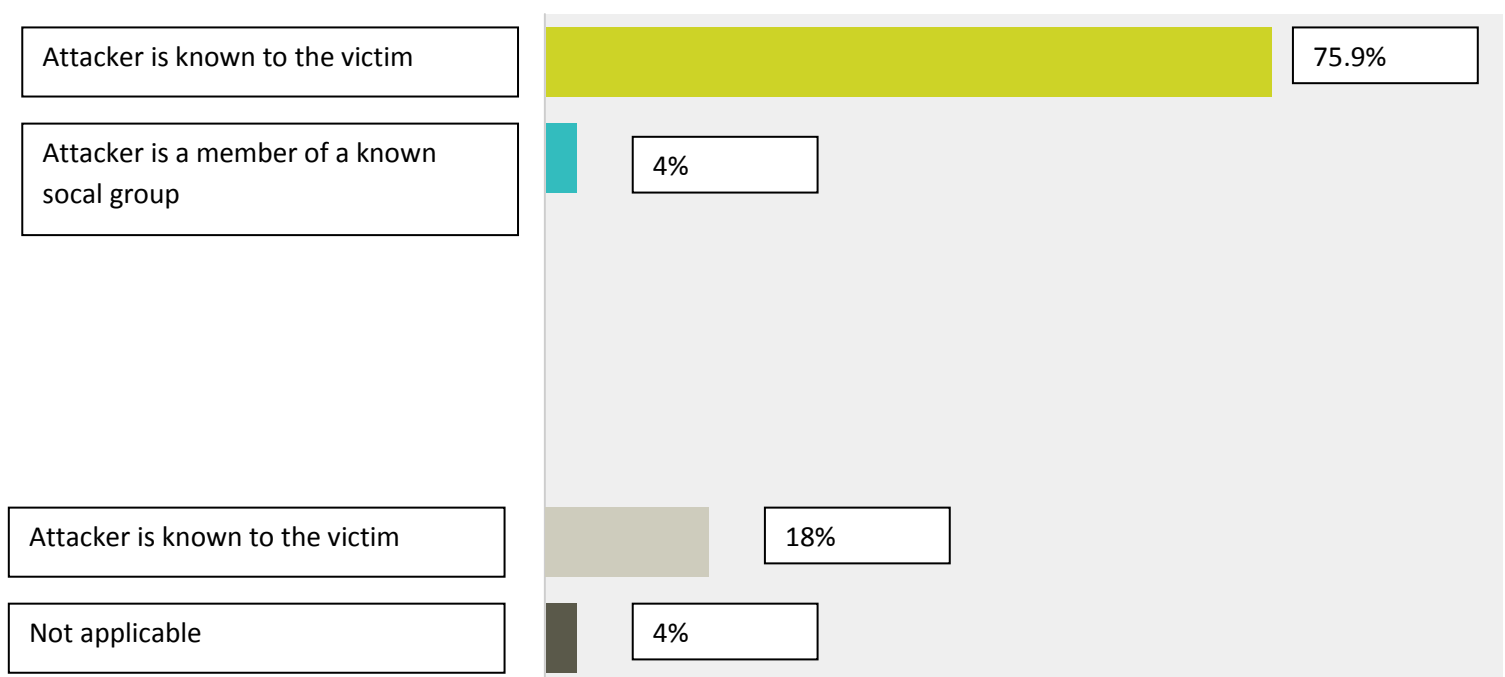
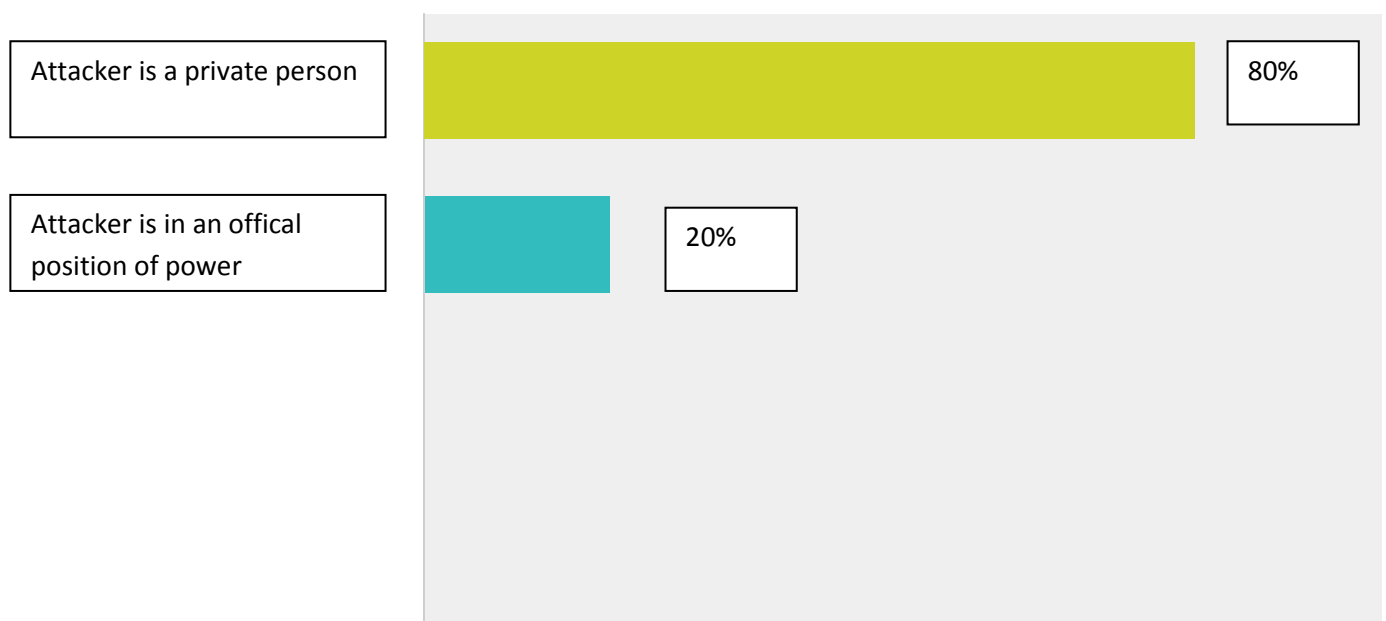


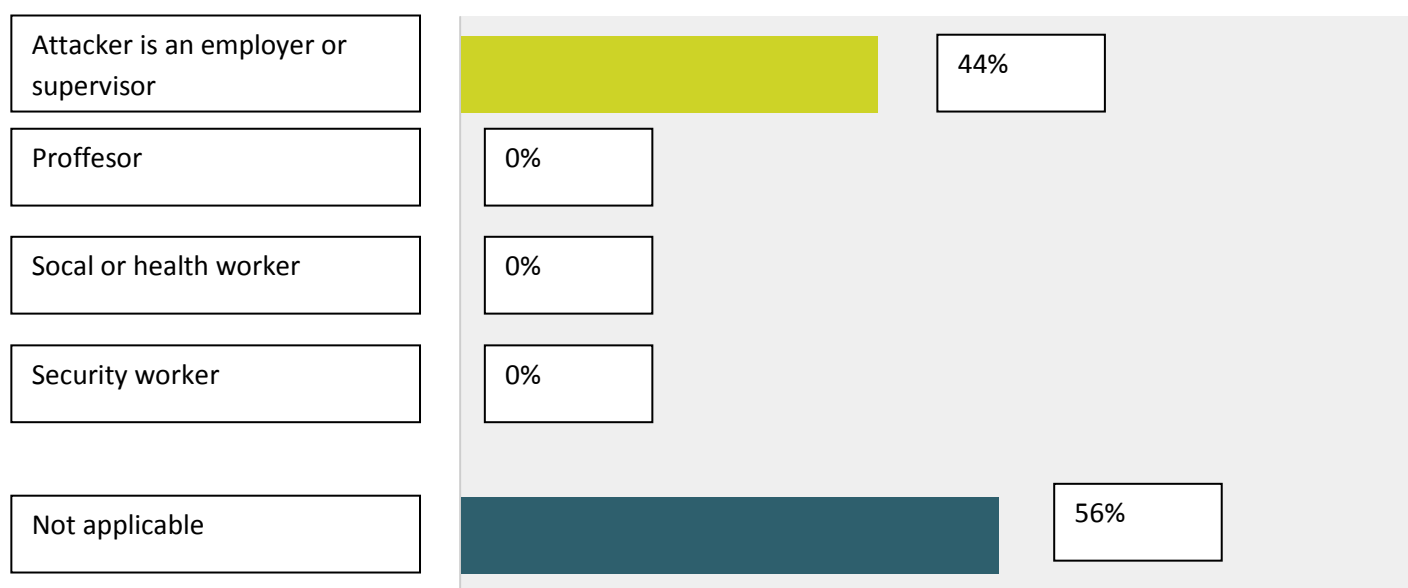
Except for one attack which occurred in 1994, all other attacks occurred between 2008 and 2014. Out of 39 attacks, 31 happened in Belgrade, while 4 happened in Novi Sad, and one in Apatin, Vršac, Smederevo and Čačak. This does not mean that in reality most of the attacks occur in Belgrade, on the contrary. Other reports and anecdotal evidence suggest that there have been numerous attacks on LGBT persons in smaller settlements, however they are rarely reported and LGBT persons are reluctant to talk about this, and have less access to the services of LGBT organization which are located in larger settlements (Belgrade, Novi Sad and Šabac). In addition, it is our contention that the reason why the majority of people who responded to the survey got attacked in Belgrade, was due to the nature of the online survey and the way it was distributed among the LGBT community, using the already existing contacts, mailing lists and social media which are mostly used by people in larger settlements, and persons who have already been in contact with LGBT organizations.

Most of the attacks (34%) occurred at public places (streets and parks), while 32% occurred at work, 20% occurred near home, 6% at home and 8 % at an LGBT gathering place or near an LGBT gathering place. While all these results are in accordance to the results and reports obtained from other sources (NGO reports and state authorities reports), including anecdotal evidence, it is especially worth noting that a large proportion of attacks happened in the workplace, which is an alarming figure, which has not been perceived before.



In this respect, in 80% of cases of attacks, perpetrators were private persons, while 20% were persons in official positions, with power over the victims. Majority of victims did not know the perpetrators (75.9%), while 1 person identified an attacker as a known member of a right wing extremist group, and 5 of the victims said that perpetrators were colleagues from work. In relation to this, and out of 20% of perpetrators in official positions of power over the victim, 44% were employers or work supervisors that had committed hate crime based on sexual orientation. None of the respondents said that they were attacked by someone who is a representative of state institutions.



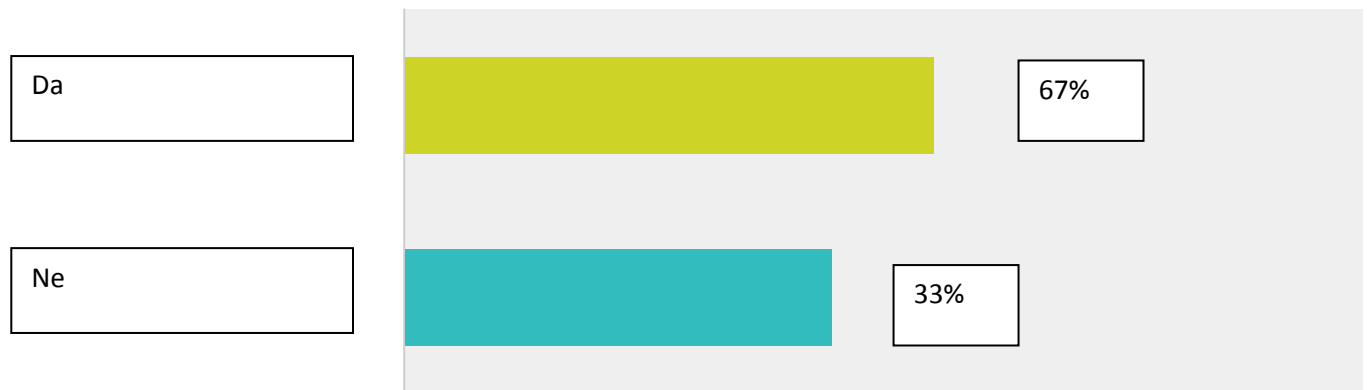


- Frequency of reported and unreported attacks, and reasons for reporting or not reporting the attacks, including police conduct and perceptions of safety and security

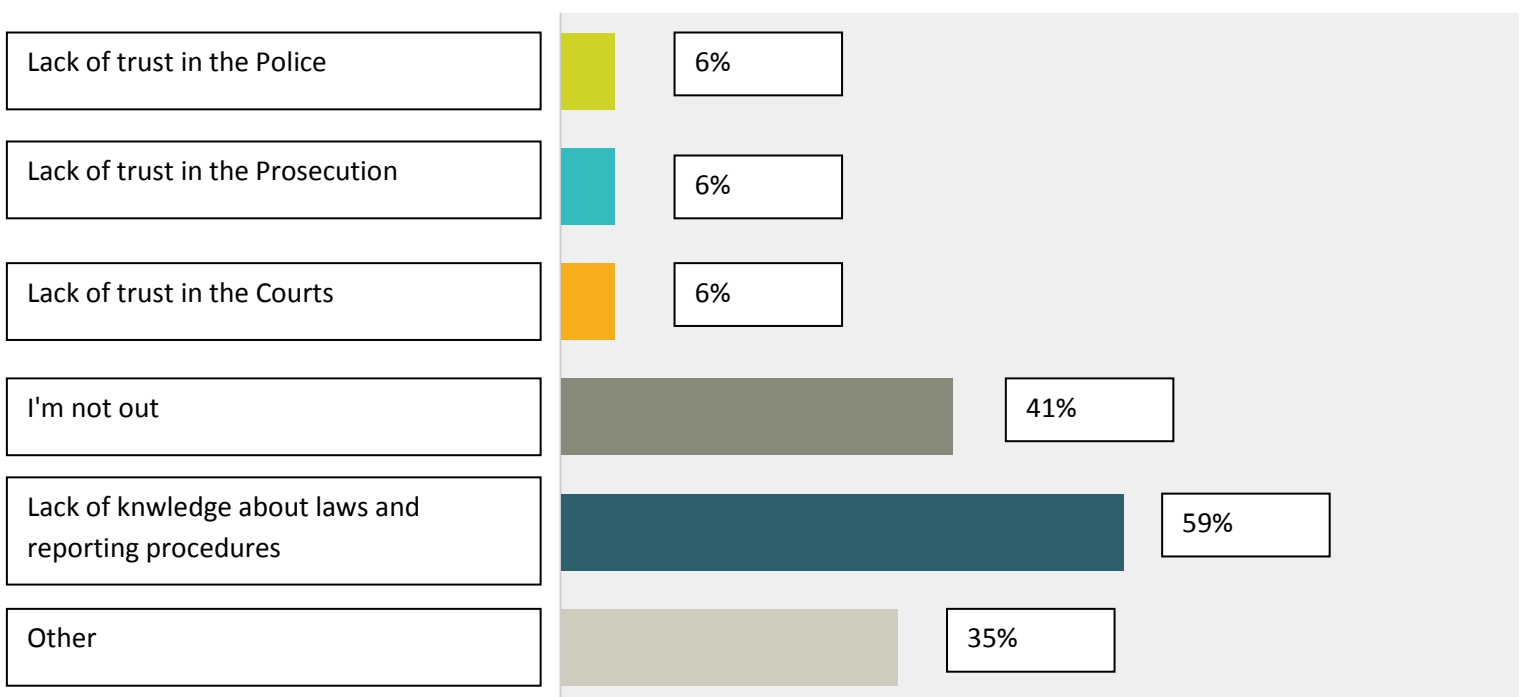
Previous reports in Serbia, demonstrated that a majority of hate crime attacks go unreported, due to insufficient trust in state authorities, as well as due to fear of being further victimized and of disclosing one's sexual orientation. During previous years, it was not uncommon that when cases are reported to the police, officers would often refuse to take reports and there was lack of investigation except in cases with high media attention. In addition, police officers have often tended to insult victims of hate crimes and have often refused to take complaints and investigate such crimes. Also, a problem with wrong qualifications of such offences by the public prosecutor's offices was also widespread. When it comes to police misconduct, different forms of misconduct were identified in the past, including intrusive questioning, violation of private life, psychological violence outside and at police stations, sexual harassment, abusive detention and deprivation of medical care.

Research of this study demonstrates similar results, to a certain extent, however trends of improvement can be observed regarding several aspects of this problem. The online survey, as well as interviews with victims of hate crimes based

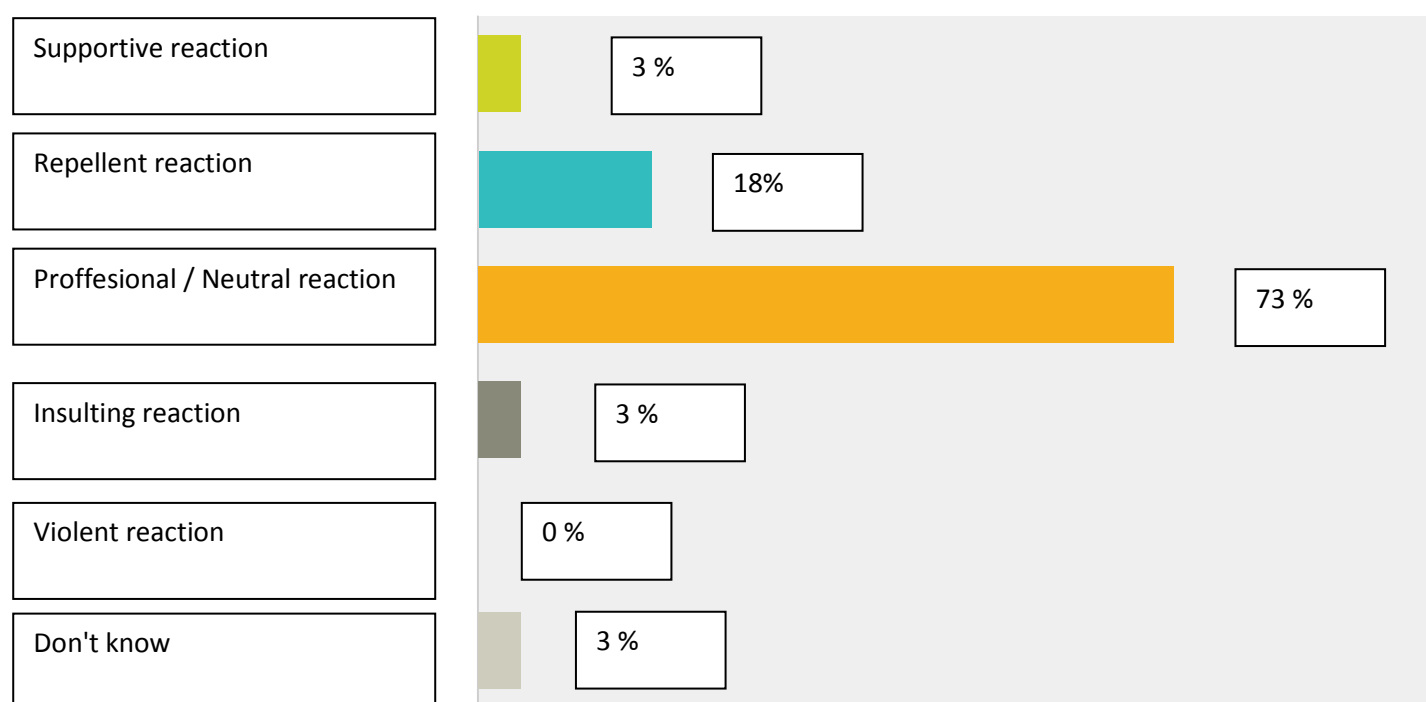
on sexual orientation, has indicated an increased tendency of victims to report hate crimes, at least in larger settlements, particularly Belgrade. 67% of research participants have reported attacks to the police.



When those who did not report the attacks were asked why they decided not to report, the most frequent reasons were being unfamiliar with laws and procedures, and not being out with their sexuality. Only 6 % of respondents stated that the reason for not reporting was lack of trust in police, prosecution and courts. This demonstrates that LGBT persons have more trust in state authorities.



In addition, in an online survey 16 respondents (73%) stated that the conduct of police officers was professional (neutral), while 4 (18%) stated that police officers were not supportive but repellent to the victim. Only one person said that the reaction of the police was supportive, and one person said that the police were insulting him/her. None of the respondents stated that the reaction of the police was violent.



However, during in-depth interviews only one respondent said that the police conduct was professional, while all others have expressed different degrees of dissatisfaction with the way police officers have treated them, ranging from insults and disencouraging remarks to outright threats. One of the interviewees that have suffered a violent attack due to her sexual orientation has declared the following:

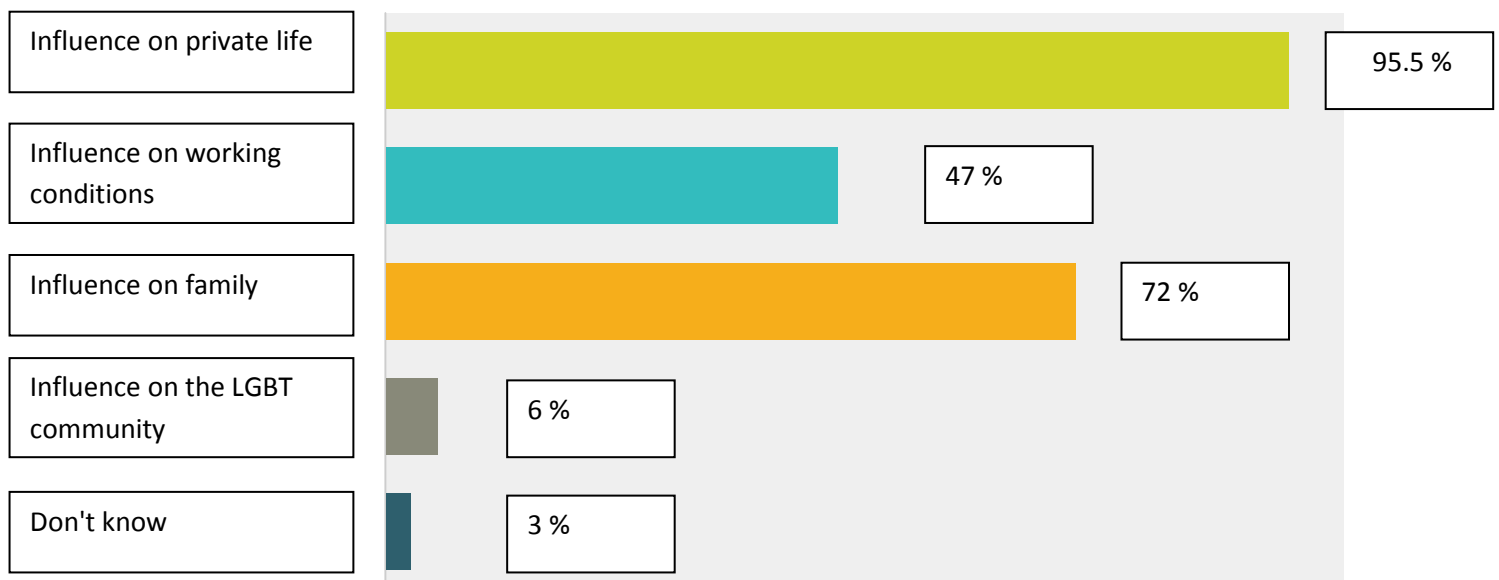
*When I reached out to the police, I thought that they would protect me, however they have behaved like the ones who have attacked and threatened me. Trying to intimidate me, one of the police officers asked me “Do you know who I am when I’m not wearing this uniform?! I’m dressed in black and I’m wearing boots.”*  
K.K.



- Consequences of attacks on private and social/professional life of the victim

A great proportion of respondents (95.5%) stated that the attacks have had a profound influence on their private and social and professional lives. Great majority of respondents have had changes in how they feel about themselves, expressing feelings of lower self-esteem, guilt and fear. Some of them have also had short term and long term physical health issues. Due to this 47 % have said that the attacks have had consequences on their working conditions, while 72 % have had family issues. One of the interviews has stated the following:

*After the attack, due to injuries, I had to stay at home and take care of myself. My employer didn't have any understanding for this, so I lost my job. I ended up with no money, so I had to turn to my family for help, even though this was the last thing I wanted, because they never looked favorably on me being gay. Apart from shock and fear which I continued to feel long after the incident happened, I also started to feel guilty and unworthy, because my family kept telling me that it was all my fault.*  
Z.R.



## RECOMMENDATIONS

Results and insights that were gathered by this comprehensive study, which were obtained from responses that were sent to us by the authorities (police, courts and prosecution) based on requests for free access to information of public importance, analysis of hate crimes in the criminal legislation of Serbia, methods of its introduction and possibilities for improvement, examples of comparative practice, and the importance of making records of hate crimes, as well as quantitative and qualitative research on attitudes of LGBT people towards state authorities, their reasons for reporting or not reporting hate crimes and circumstances in which hate crime attacks occurred, have been presented at a meeting with relevant stakeholders. The meeting took place on December 25, 2013 in Belgrade.

The meeting was attended by:

- **Gačević Golub** – Head of the Department of the Police, Prevention and Community Policing at the MIA Police Department
- **Jokanović Jelena** – OEBS Mission in Serbia, Democratization Department, adviser to the minority program
- **Kiurski Jasmina** - Deputy Appellate Public Prosecutor
- **Milaković Marija** – Judicial Academy
- **Matić Momira** - Judicial Academy
- **Olenik Aleksandar** - Lawyer
- **Pjanović Sretko** - Head of the Department of Public Order; Police Bureau; Police Department of the City of Belgrade
- **Sinani Adi** - OEBS Mission in Serbia, Democratization Department, collaborator on the program and contact person for issues of hate crimes
- **Stojanović Milošević Gordana** - Deputy State Public Prosecutor

- **Stjelja Ivana** – YUCOM - Lawyers committee for human rights, Lawyer
- **Stojmenović Aleksandar** - Department of the Police, Prevention and Community Policing; Department of Organization and Development Affairs
- **Todorović Dragana** – LABRIS, Lobbying and Advocacy Consultant
- **Todorović Jovanka** – LABRIS, Lobbying and Advocacy Program Coordinator
- **Šoć Vladimir** – National contact person for the fight against hate crimes

The goal of the meeting was the presentation of the draft of the report relating to the conduct of the state authorities in the event of attacks on LGBT people, but also the opportunity to jointly propose recommendations for improving the work of the police, prosecution and the courts to protect the rights of LGBT persons and efficiently implement hate crime legislation. The most important recommendations for the decreasing levels of hate crime incidents are as follows:

1. Modifying existing hate crime legislation to include an expanded list of personal characteristics on which hate crime can be based, or make the list open to include other possible bases.
2. Introducing mandatory records keeping of hate crime incidents by the police, prosecution and courts.
3. Designate and authorize a state body that would be in charge of analyzing hate crime records and statistical data about hate crimes.
4. Raise awareness and increase knowledge of police, prosecution and court representatives about hate crimes and dangers of hate crimes
5. Sensitize police officers to work with LGBT persons

6. Empower and inform members of the LGBT community about hate crime
7. Create and implement preventative measures against hate crime
8. Raise awareness of general public about dangers of hate crimes.

## ANNEX 1 – Overview of cases and responses for which freedom of information requests were sent out to Ministry of Internal Affairs, Courts and Prosecution

Nr.	Freedom of information requests were sent out for the following cases: <sup>9</sup>	Information provided by the Ministry of Internal Affairs of the Republic of Serbia:	Information provided by the Courts:	Information provided by the Prosecution:
1.	Attack on a female person that took place in her apartment at New Belgrade on January 14, 2012 at 4 AM. The attack was preceded by threats sent by text messages on her mobile phone and after the attack; police quickly arrived and drafted a police report. The attacker was a man, ex boyfriend of the attacked person; motive for the attack was sexual orientation.	Police Directorate of the City of Belgrade / Novi Beograd Police Station / Department for Control of Legality of Work sent notification that there is no registered attack which is described in a request for information submitted by LABRIS. The attack is not recorded in electronic or manual records database.		
2.	The attack took place on May 12, 2012 in the evening, in the City of Nis. A man was attacked by two young men, probably because of his sexual orientation.	Ministry of Internal Affairs/Cabinet of the Minister/Office for Information of Public Importance states that after checking the official records of the Police Department in Nis, police stations in Mediana, it is found that the attack is recorded and that police		

<sup>9</sup> Freedom of information requests were sent out to the Ministry of Internal Affairs of the Republic of Serbia, related to the following information:

Has the relevant police station intervened?; What actions have been taken?; Report on the intervention; Information about whether the cases were further referred to the competent prosecutor's office; The report drawn up in consultation with the Deputy Prosecutor of the Public Prosecutor's Office in the case of attack on the D. K. on November 21, 2012 at 17.30 in Karlovacka Street in Zemun; Copy of a criminal complaint for the attack on A.Z. on October 15, 2011 around 4 AM in Marsala Birjuzova street in Belgrade; Copy of a criminal complaint for the attack on a man outside the night club "Plastic" in Takovska street in Belgrade, on May 6, 2011 at 5 AM; Copy of a criminal complaint for the attack on a man near the Faculty of Law in Belgrade on September 30, 2011, around 5 PM; Copy of a criminal complaint for the attack on two young men of German nationality who were attacked by K.Z. at Ada Ciganlija in Belgrade on August 12, 2010; Record of treatment for an attack on two men in Djure Jaksica street in the City of Smederevo on September 5, 2012;

Freedom of information requests were sent out to the Prosecution, related to the following information:

Did the Prosecution get the listed reports on attacks from the relevant police stations and whether the Prosecution further proceeded and prosecuted the suspects on charges received from the police?

		officers intervened. Report on the intervention was made. Prosecution was not informed about the attack.		
3.	The attack on the man and theft near the Faculty of Veterinary Medicine in Belgrade around 7PM, on June 8, 2012, probably motivated by sexual orientation.	Having reviewed the records of the Police Department of the City of Belgrade/Police station Savski Venac, it was stated that the attack for which the request for information was sent out by Labris was not found as recorded, or as an attack after which police officers have intervened.		
4.	The attack on the man in the City of Sremska Mitrovica on June 27, 2012. The man was pushed down from his bicycle after threats. The case was reported in early July 2012.	Ministry of Internal Affairs/Cabinet of the Minister /Office for Information of Public Importance states that in official records of the police department in Sremska Mitrovica, during the specified period, such a case was not reported. It was found that the incident with the same description took place on January 4, 2012, and was reported to the Police Directorate, duty service in Sremska Mitrovica. On the occasion of this attack Police Directorate in Sremska Mitrovica forwarded information to the Basic Public Prosecutor in Sremska Mitrovica.		Basic Public Prosecutor in Sremska Mitrovica responded to Labris' freedom of information request and replied that the Police Directorate in Sremska Mitrovica submitted an application under number PU-143/12 on January 23, 2012 to the Prosecution. Applicant was attacked on January 4, 2012 in Salas Nocajski by three men, one of them a minor. This prosecution made a decision not to initiate criminal proceeding for this case, while for the minor the case was referred to the Higher Public Prosecutor in Sremska Mitrovica. Higher Public Prosecutor in Sremska Mitrovica stated that the Basic Public Prosecutor in Sremska Mitrovica submitted the case to the Higher Public Prosecutor in Sremska Mitrovica on February 6, 2012 with documentation of the Police Directorate in Sremska Mitrovica. After that Higher Public Prosecutor in Sremska Mitrovica as the competent prosecution to proceed in criminal cases to minors, on June 14, 2012 made a decision - an official note declaring that it will not undertake a criminal prosecution against the minor.
5.	The attack took place in Smederevo on September 5, 2012 around 1.30 AM. Several men attacked two men, first in the restaurant Madera in Smederevo, and close to the main promenade in Smederevo. Potential motive - the victims' sexual orientation.	Ministry of Internal Affairs / Cabinet of the Minister / Office for Information of Public Importance states that by checking the official records, it was determined that the attack took place on the night between September 3 and 4, 2012 at Djura Jakšić Street in Smederevo. Perpetrators were identified by police officers in the Police Directorate Smederevo and they are,	Basic Court in Smederevo responded to the freedom of information request and stated that the request must contain the full name and address of the applicant, and the precise description	

		<p>under suspicion of committing a crime of participating in a fight, brought to the investigative judge of the Basic Court in Smederevo.</p> <p>Police Directorate in Smederevo sent a statement stating that police officers, department of criminal police in PD Smederevo arrested 5 people and determined measure of police custody for 48 hours on suspicion of committing the crime of participating in a fight. In a statement made by the Police Directorate in Smederevo (Ministry of Internal Affairs / Directorate of Police / Police Department in Smederevo) it is clearly stated that the motive for a dispute and a fight was sexual orientation of the victims. On this occasion one of the attacked suffered Grave Bodily Injury and other Light Bodily Injury. The statement indicates that the suspect was brought before the investigative judge of the Basic Court in Smederevo.</p>	<p>of the requested information. The above described case does not include closer information about the perpetrator or perpetrators of the aforementioned attack, as well as persons who were injured in the incident, because such information is not available.</p>	
6.	<p>The attack took place in Belgrade on September 8, 2012 around 1.30 AM in the park in Fruškorgoska street. A man was beaten with a meat hammer because of his sexual orientation.</p>	<p>The report of the Police Directorate of the City of Belgrade/ Stari grad police station / Department for Control of Legality of Work states that the one who was attacked had visible injuries on his nose and head. It was stated that the one who was attacked was beaten by several persons of whom one had a hammer for meat and they assaulted him after one of the attackers shouted "There's a gay" Hit him!" Deputy Public Prosecutor of the First Basic Public Prosecutor's Office was consulted, which pleaded that the report to Prosecutor Office must be submitted, which was done. Police officers from the Police Station Stari grad went to the scene and took further operational work. Victim was taken to the Emergency Center where he was diagnosed with Light Bodily Injury.</p>		<p>Third Basic Public Prosecutor's Office in Belgrade respond to the freedom of information request and stated that the Third Basic Public Prosecutor's Office in Belgrade is unable to provide the requested information, since the Law on the Seats and Territorial Jurisdictions of Courts came into force. So instead of one public prosecution, three public prosecutions are established for territory of the City of Belgrade.</p>
7	<p>The attack was reported by S. R. who was attacked on October 29, 2012 in the building of Secondary School of Economics in Kursumlja. S.R. was going to the final exam.</p>	<p>Ministry of Internal Affairs/Office of the Minister/Office for Information of Public Importance responded to the freedom of information request and stated that according to the official records of the Police Station in Kursumlja, S.R. reported the case of the attack on October</p>		<p>Higher Public Prosecutor's Office in Prokuplje responded on the Labris' request according to the freedom of information. Higher Public Prosecutor's Office in Prokuplje sent the official letter, KTR. Br. 334/12 on November 8, 2012 following which the attack on S.R. was</p>

		<p>29, 2012 around 8.30 PM. Attack occurred in front of the School of Economics in Kursumlja when several students tried to hit him. Police officers referred this information and report on acting to the Higher Public Prosecutor's Office in Prokuplje on October 31, 2012.</p>		<p>referred to the Basic Public Prosecutor's Office in Prokuplje. Through Basic Public Prosecution in Prokuplje it was found that the case file is in the Basic Public Prosecutor's Office in Kursumlja. At the request of the Higher Public Prosecutor's Office in Prokuplje obtained information that the Basic Prosecutor's Office in Prokuplje on November 20, 2012 under number KTR 670/12 – it was decided that there are no possibilities for the initiation of criminal proceedings against participants and that there is not a single element of a criminal offense for ex officio prosecution.</p>
8.	<p>The attack on the man in the center of Belgrade, November 17, 2012 around 2 PM in a public bus, line 75.</p>	<p>Having reviewed the records of the Police Department of the City of Belgrade/Police Station Novi Beograd stated that the event was found and recorded in the electronic record of incidents. A person, who is a member of the LGBT community, was verbally insulted by a group of unidentified persons, who kicked him in the back. The person had no injuries and he didn't want medical assistance.</p>		
9.	<p>The attack on D.K. took place in Zemun in Karlovacka street on November 21, 2012 around 5 PM. D. K. was attacked near his house by two or three unknown men.</p>	<p>Police Department of the City of Belgrade/Zemun Police Station sent the notification that the victim came at the Police Station Zemun, on December 1, 2012 around 21.30 PM and reported the attack that took place on November 21, 2012 around 5.30 PM. That day D.K. was walking back home from work and in Karlovacka street, near the street number 48, in a parked black car Fiat Punto, with unknown registration plates, two unidentified persons without any reason splashed the tear gas and beat him up. It is stated in the report that the perpetrators shouted "sick, filthy fagot." After the attack, and insults, unidentified persons escaped the scene. Report for the further work was made after the consultation with the Deputy Public Prosecutor from Basic Public Prosecution, S. M.</p>		<p>Third Basic Public Prosecutor's Office in Belgrade responded on freedom of information request that Third Basic Public Prosecutor's Office in Belgrade is unable to provide the requested information, since the Law on the Seats and Territorial Jurisdictions of Courts came into force. So instead of one public prosecution, three public prosecutions are established for territory of the City of Belgrade</p>



10.	<p>Attack on a female person A.Ž. that took place on October 15, 2011 around 4 AM in the center of Belgrade</p>	<p>According to the records received from the Police Directorate of the City of Belgrade/Stari grad Police station charges were referred to the Higher Public Prosecutor – Department for under aged persons – against an underage perpetrator of a criminal act for the reasonable suspicion that he committed the criminal act Grave Bodily Harm article 121 Criminal Code of Serbia toward the victim A.Ž. By further operational work, perpetrator was identified. In the copy of the criminal complaint it is stated that the perpetrator asked the victim whether she was a lesbian.</p> <p>After the consultation with the Duty Prosecutor of the First Basic Prosecution as well as with Duty Deputy Senior Prosecutor for minors, the police patrol from the police station Stari grad ordered questioning of all suspects as citizens but the perpetrator on the circumstances of the criminal offense Grave Bodily Harm, article 121 Criminal Code. Prosecutor of the First Basic Court also agreed. Same day, at 5. 40 AM police patrol brought to the police station the perpetrator accompanied by his father. Duty Deputy Senior Prosecutor for minors was advised again and she reconfirmed that the perpetrator should be questioned again on the circumstances of the criminal offense Grave Bodily Harm, article 121 of the Criminal Code and then to be released. She also ordered the criminal complaint along with the record to be sent to the Higher Public Prosecutor – Department for minors.</p> <p>On October 15, 2011 around 4AM, three attackers followed A.Ž. and her female friends from Brankova Street to the corner of the streets Carice Milice and Maršala Birjuzova located in the center of Belgrade. Attack started after a short argument. Attacker approached A.Ž. asking her to give him her mobile phone to call the taxi. A.Ž. gave him her mobile phone. After noticing that she was wearing a shirt with symbols of the LGBT movement, the attackers</p>	<p>The Republic Public Prosecutor Pl. Br.79/13 sent the information that in accordance with the Law on Free Access to Information of Public Importance, it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority who made the record for the requested cases.</p>
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		<p>started to argue with her. One of the young men from the group was shouting several times the question whether she was a lesbian. Then A.Ž. asked the attackers to give her back her mobile phone, after what, the attacker began hitting her first with the fist in her head and after, he drew out a knife and attacked her with it. A.Ž. suffered Grave Bodily Harm - a deep laceration of the right hand (as she grabbed the blade with her hand), severed tendons, a head contusion, as well as multiple bruises and cuts caused by the punches and kicks of the attacker. The suspect run away down the Marsala Birjuzova street but police patrol found his friends on the scene. After the attack, the police patrol from the police station Stari grad came on the scene where they found the victim and her friends together with friends of the attacker, investigated the incident and drove A.Ž. to the Emergency Center. Friend of A.Ž. who was also attacked, refused medical assistance.</p>		
11.	<p>The attack took place on March 20, 2011 around 5 AM in front of the gay club "Francuska sobarica"</p>	<p>Police Directorate of the City of Belgrade / Stari grad Police Station / Department for Control of Legality of Work sent notification that the car patrol of the Stari grad Police Station intervened after the call received from the club's security. The victim was suddenly attacked at the exit by two young men. One of them said "Take it easy man" and after that they started to beat him.</p> <p>Victim received several blows to the head, near the nose, after which the club security separated him from the attackers, who then escaped in a car. Police patrol suggested to the victim to initiate criminal proceeding in the Stari grad Police Station after the medical treatment in the Emergency Center along with all medical documentation. Victim refused to get medical treatment and he never filed the complaint.</p>		

12.	<p>Attack on a male person that took place on May 6, 2011 around 5AM in front of the night club "Plastic" in the center of Belgrade. Victim made a statement to the police and then repeated it before the Police inspector in the Palilula Police Station three days later.</p>	<p>Police Directorate of the City of Belgrade / Stari grad Police Station / Department for Control of Legality of Work sent notification that in the electronic record keeping, one person asked for the medical treatment due to the injuries he suffered from the unknown man in front of the night club "Plastic". In the Emergency Center, person was diagnosed Light Bodily Injury.</p> <p>Car patrol from the Police Station Palilula prepared a special report on this case, and charged the leader of First Security Sector, Palilula Police Inspector for further work on this.</p> <p>On June 30, 2011 after (INVESTIGATIONS) measures and actions were taken, Police Inspector filed a criminal complaint on suspicion of committing a crime from the article 344 point 2 of the Criminal Code.(violent behavior) and submitted it to the First Instance Public Prosecutor's Office.</p> <p>Police Directorate of the City of Belgrade / Palilula Police Station sent notification that:</p> <p>On May 6, 2011 around 5 AM, in front of the night club "Plastic" perpetrator attacked the victim and without any reason started to beat him up with the fist and feet in the head and all over the body. Short argument preceded the attack, but the victim did not take part in it.</p> <p>Suspect confessed to the attack justifying his act as a self defense act. Duty Prosecutor of the First Basic Prosecution was Informed and consulted and he approved the filing of criminal charges.</p>		<p>The Republic Public Prosecutor Pl. Br.79/13 sent the information that, in accordance with the Law on Free Access to Information of Public Importance, it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority who made the record for the requested cases.</p>
13.	<p>Attack on a male person that took place on July 18, 2011 around 2 PM in Nemanjina street in Belgrade</p> <p>Case was reported to the Police Station Savski Venac</p> <p>On July 18, 2011 around 2 PM, a man was walking down Nemanjina street and near the bus station three unknown man approached him. Immediately they started yelling and threatening him, uttering offensive</p>	<p>According to records received from the Police Department of the City of Belgrade/Police Station Savski venac the described event was not found.</p>		

	homophobic curses "Kill the faggot!". The victim managed to get away and take out a mobile phone to call the police. This stopped the attackers.			
14.	<p>Attack that took place on July 26, 2011 in the evening hours in the center of the Rakovica Municipality. Two male persons were attacked and they reported the case to the police</p> <p>On July 26, 2011. Two guys were walking in the central streets of Rakovica Municipality in Belgrade, when suddenly from behind an unknown man came up to them, grabbed them both around the neck with his arms and asked them if they were gay. Victims tried to free themselves. One man managed to escape while the other was insulted and beaten up with the fists.</p>	<p>According to records received from the Ministry of Internal Affairs of Serbia/ Department of the City of Belgrade/Police Station Rakovica the case was not reported or recorded in Rakovica Police Department. After careful observation of the manual record keeping, it is confirmed that from the number 5404 to the number 7806 which applied for July 14, 2011 to September 20, 2009, no case was reported for the requested date of July 26 between 00-24h.</p>		
15.	<p>Attack on two male persons that took place on August 26, 2011 around 11 PM in the "Danube park" in city of Novi Sad. An injured man made a statement to the police in the Emergency Center.</p>	<p>Ministry of Internal Affairs/Cabinet of Minister/Office for Information of Public Importance sent the notification that Police Department in Novi Sad does not have any data on a requested case.</p>		
16.	<p>Attack on a male person that took place between 26- 27 of August,2011 in Novi Beograd (Belgrade municipality). Victim made a statement to the police. Two men were sitting on a bench and talking when the group of five insulted and attacked them. Police did not come to the scene, but to the Emergency Centre.</p>	<p>According to records received from the Ministry of Interior of Serbia/Police Department of the City of Belgrade /Novi Beograd Police Station-the case was not reported or recorded in the police station.</p>		
17.	<p>The attack on a high school boy in Belgrade High school on September 2, 2011 which was reported to the school psychologist and to the police. The victim was returning to the classroom after a break, when he was approached by one of the students from the same school asking : "why are you such a fag?!"</p>	<p>Police Department of the City of Belgrade/ Novi Beograd Police Station / Department for Control of Legality of Work provided following information:</p> <p>Request for the case that LABRIS sent is not recorded neither in electronic nor in manual record keeping as an attack after which police officers have acted.</p>		

18.	<p>Attack on a male person that took place on September 30, 2011 around 5PM near the Faculty of Law in Belgrade</p>	<p>Police Department of the City of Belgrade /Police Station Vračar provided the following information:          Requested case was sent to the Prosecution with an aim to identify the perpetrators of the criminal offense Violent behavior, Article 344, st.1.          Victim made a comprehensive statement; he was shown the photo album of the potential offenders.          First Basic Prosecution in Belgrade was informed about the undertaken activities as of November 23, 2011. In the police report of the Police Station in Vracar it is stated that Deputy Prosecutor of the Basic Prosecution in Belgrade, S.R. has been informed and advised in regards to this case.          Police report is very comprehensive as it included detailed information about the attack that occurred in the center of Belgrade on September 30, 2011 around 4 PM. The victim was walking with a friend down the Boulevard of King Alexander when suddenly one man approached asking "Hay, you fags, are you going to the Parade?" He said that they were "looking as someone who would go to the Parade." Then the perpetrator asked one girl who was standing near-by, the same question – Did they look as someone who would go to the Parade? The girl replied affirmative. Then he asked for the money In order to leave them alone and when they refused to give him the money, the perpetrator said that there is a large number of football supporters of the Club "Rad".</p>	<p>According to the records received from the Ministry of Interior of Serbia, the report on this attack was passed on to the First Municipal Public Prosecutor in Belgrade, and the attack was qualified as the criminal act – Violent behavior. Furthermore, police officers of the Police Directorate for the City of Belgrade are undertaking measures and actions within their jurisdiction in order to find the attacker.</p>	<p>Third Basic Public Prosecutor's Office in Belgrade responded to the freedom of information request that Third Basic Public Prosecutor's Office in Belgrade is unable to provide the requested information, since the Law on the Seats and Territorial Jurisdictions of Courts came into force. So instead of one public prosecution, three public prosecutions are established for territory of the city of Belgrade</p>
19.	<p>Attack took place in Novi Sad on October 31, 2011. Attackers were two unknown men, victim was left unconsciousness laying on the street. Case was reported to the Novi Sad police.</p>	<p>According to records received from the Ministry of Interior of Serbia/ Police Station Novi Sad , the attack was recorded as the criminal act of Robbery from article 206, paragraph 2 of the Criminal Code, qualified by the Higher Public Prosecutor, and charges were filed against unknown attackers to the Municipal Public Prosecutor in Novi Sad, while the investigation of the</p>		

		<p>case is still in progress.</p> <p>Sexual orientation is not mentioned as a possible motivation for the attack.</p>		
20.	<p>Attack on a male person that took place on November 26, 2011, around 2 AM in Kolarceva street, in the center of Belgrade. A man was attacked by two young men most probably because of his sexual orientation.</p>	<p>Police Department of the City of Belgrade / Stari grad Police Station / Department for Control of Legality of Work recorded that the attack occurred in the center of Belgrade at the Republic Square. Sexual orientation which was most probably the reason of the attack is not mentioned in the police report. It is stated that the victim was attacked "with no cause" and that he suffered Light Bodily Injuries. The perpetrator assaulted the victim with homophobic insults, after that he kicked him in the back and head. After a few minutes, police arrived and interviewed the attacker on the scene, while others who were in the group with perpetrators ran away in the meantime. Even though at first the attacker denied that he was involved in the attack, at one point he continued to insult the victim in front of the police. Perpetrator was taken to the Police station Stari grad, while the victim went to the Emergency Center where he was diagnosed with Light Bodily Injuries (head and face contusions and prominent bruising above and below the left eye). Deputy of the First Municipal Public Prosecutor in Belgrade stated that there are no elements for the criminal offence prosecuted ex officio. Perpetrator was retained in the police offices according to the article 168 of the Law on Misdemeanors. On December 1, 2011 criminal proceeding was initiated. According to records received from the Ministry of Internal Affairs of Serbia that there were no elements of a criminal act that is prosecuted ex officio, and that misdemeanor charges from article 6, par. 3 and article 12, par. 1 of the Public Order and Peace Act are to be filed against the accused.</p>		

21.	<p>The attack took place at Ada Ciganlija in Belgrade on August 12, 2010.</p> <p>The victims were two young German citizens who were attacked by K.Z. because of their sexual orientation.<sup>10</sup></p>	<p>Police Department of the City of Belgrade / Police Station Cukarica / Department for Control of Legality of Work sent the notification that there was reasonable suspicion that he committed the Criminal Act of Robbery from the Article 206 of the Criminal Code of Serbia.</p> <p>K.Ž. was arrested with a criminal complaint, which was filed in criminal proceedings.</p> <p>He was brought to the Investigative judge of the Higher Court in Belgrade.</p> <p>Copy of the criminal charge was submitted to the Higher Public Prosecutor in Belgrade.</p> <p>K.Z. was arrested after he, on August 12, 2010, in Ada Ciganlija stabbed with a knife, injured and robbed a German citizens D.M. and P.R. During the police hearing, K.Ž. said that he attacked them because they "acted as members of the gay community" while the copy of the criminal complaint showed that criminal report contained the information that the suspect K.Ž. had intent to obtain an unlawful material benefit by use of force. (He took mobile phones, leather bag, money and a silver chain).</p> <p>At the hearing, the suspect admitted to the attack, but said the motive was not the robbery but rather the fact that German citizens who were hugging and kissing on the promenade, looked like gays.</p> <p>The attacker used 27 cm long knife that he used to stab the victim on the right side of the back. In the Emergency Center, victim was diagnosed with the Serious Bodily Harm.</p> <p>Sexual orientation was never mentioned as a motive, although the perpetrator repeated that the reason for the attack was K.Z. hatred toward this vulnerable group.</p>		
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<sup>10</sup> <http://www.vesti-online.com/Vesti/Hronika/74318/Izbo-Nemce-jer-je-mislio-da-su-gej>

In the Police Station, the suspect confessed the attack and, surprisingly, he said that the robbery was not the motive of the attack. To our surprise, he said that he was annoyed to see two gay men kissing and hugging on the boardwalk"- said in Belgrade police.

		<p>This was reported by the media as well.</p> <p>Detention was extended, but the process is completed by imposing judicial admonition.</p>		
22.	<p>The attack took place in the City of Becej in the night club "Stage", between September 17-18, 2010. The victim is male.</p>	<p>Ministry of Internal Affairs / Cabinet of the Minister / Office for Information of Public Importance sent the notification for the requested case. Police officers from the Police Station Becej filed a request for legal proceedings submitted to the Misdemeanor Court in Becej.</p> <p>Victim was in the night club in Becej when he felt strong kick in the head. He was semi-conscious and unable to identify the attackers. Although few days before the attack it was organized the petition against pride (Pride parade tribune where the victim supposed to take part) this was not recorder in the police documents.</p>		<p>Misdemeanor Court in Becej did not have the needed information requested from Labris.</p>
23.	<p>The attack on the man in front of the club "Apartman" in the center of Belgrade, night between September 25-26, 2010 around 1AM</p>	<p>Victim was attacked in front of gay club "Apartment" in Belgrade. He was with the group of friends and they stood briefly in front of the entrance to the building where the club is located. At that moment they saw a group of three people who seemed like hooligans. One of them after a question about the party, started to shout: "you mother fucking faggot!" After that the perpetrator started to beat one person from the group. His glasses were broken in half, and there were red marks on his nose from strong blows. The police conducted an investigation and the victim together with his friends made statements. In the statement sent by the Police Department of the City of Belgrade/Police Station Stari grad/ Department for Control of Legality of Work sent the notification that after the call police station received from the police staff from the police Department of Public Order, Police Station Stari grad sent the car patrol to the club "Apartman". Police officers made a record about the attack on the guest of the club Apartman in Fruskogorska street. Police</p>		<p>The Republic Public Prosecutor Pl. Br.79/13 responded to the freedom of information request, and stated that it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority who made the record for the requested cases.</p>



		officers questioned the witnesses, as the victim left the scene. Going through the police record there is no information about his addressing to the police station Stari grad.		
24.	The attack at the headquarters of the organization "Women in Black" in Belgrade, around 1 AM in the eve of Pride Parade held on October 10, 2010	<p>Official records of the Police Department of the City of Belgrade/Police station Savski venac, recorded the incident for which Labris requested information. Attack on the activists of "Woman in Black" occurred on October 10, 2010, around 1:30 AM when two unknown young men raided the "Women in Black" premises in Belgrade, and brutally, with a hammer, attacked the activists present. On that occasion, a woman was injured. Attack was inspired by the hate toward LGBT people as one of the perpetrators asked for "fags" wanting a physical fight". It was a politically motivated attack on the headquarters and activist of "Women in Black" because of the clear support to the LGBT rights and the Pride Parade. It is important that police record included the question (Are you gay?) asked by the perpetrators.</p> <p>In relation to this case, an excerpt from the order for the execution of acting officers of the Police Station stating that in the "Women in Black", an inflammation of two unidentified persons with a meat hammer and seriously injure done of the members of this organization. One of the attackers asked her if she is gay and then has hit her right eye.</p>		The Republic Public Prosecutor Pl. Br.79/13 responded to the freedom of information request and stated that it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority who made the record for the requested cases.
25.	The attack on K.B, the Swiss citizen, on October 10, 2010 in the Belgrade restaurant Majdan at Municipality of Zvezdara. Pride participant was attacked by several young men	<p>Police Department of the City of Belgrade/Police station Zvezdara sent the report for the requested case. Police officer from the police station Zvezdara took this case. On October 10, 2010 around 3 PM Emergency center informed a duty police service of the Police Station Zvezdara about the physical attack on the Swiss citizen in the restaurant Majdan. Victim along with several friends went to a nearby restaurant Majdan, where two male persons started to beat him up.</p>		Third Basic Public Prosecutor's Office in Belgrade responded to the freedom of information request that Third Basic Public Prosecutor's Office in Belgrade is unable to provide the requested information, since the Law on the Seats and Territorial Jurisdictions of Courts came into force. So instead of one public prosecution, three public prosecutions are established for territory of the city of Belgrade.

		<p>He was severely beaten, was cared for in the Emergency Centre, and in addition to the visible injuries to the body the attack also resulted in mild amnesia.</p> <p>The police report included the information that K.B. was wearing the symbols of the LGBT movement. (badge) Officers of the Directorate for Foreigners reported the attack on the Swiss citizen.</p>		
26.	The attack took place in the City of Novi Sad on June 6, 2010, around 10 PM. Male victim was attacked in the city bus number 9	Ministry of the Internal Affairs/ Cabinet of Minister/Office for Information of Public Importance sent the notification that Police Department in Novi Sad does not have the information regarding data requested by Labris.		
27.	The attack on the man that took place at the walking trail near the streets Vjekoslava Kovača i Milana Rakića in Belgrade on April 5, 2007 around 11 PM.	Police Department of the City of Belgrade/ Police Station Zvezdara sent the notification that there is no written record for the case that Labris has requested information about.		
28.	<p>The attack on two men Dj.I and B.P that took place in front of the Belgrade club "Mistique" on November 10-11, 2013.</p> <p>In the police statement, victims pointed out that they were beaten up just because they were gay.</p>	<p>Ministry of Internal Affairs / Cabinet of the Minister / Office for Information of Public Importance forwarded the request to the Directorate of Police/Police Station Stari grad that there is reasonable suspicion that on November 10, 2013 around 2 AM in the center of Belgrade (Cumicevo sokace) near the night club Mistique, unknown person has committed the crime of Serious Bodily Injury and Light Bodily Injury Article 121 and 122 of the Serbian Criminal Code. The suspect approached to the victim, hit him with a glass bottle in the head, kicked his shoulder after what he suffered Light Bodily Injury. After he felt down on the floor where he suffered Serious Bodily Harm. Prosecutor was advised. Criminal charges for this criminal offense were submitted ex officio. Charges were submitted on December 26, 2013.</p>		<p>The Republic Public Prosecutor PI.</p> <p>Br.79/13responded to the freedom of information request and stated that it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority that made the record for the requested cases.</p>
29.	Physical and verbal attack on S.R. from Kursumlija on 23 <sup>rd</sup> of	Ministry of Internal Affairs / Cabinet of the Minister / Office for Information of Public		In regards to the case of attack and S.R. complaint,

	October, 2013 in the afternoon	Importance forwarded the request from the Directorate of Police Prokuplje/Police Station Kursumlija. It is recorded that attack occurred on October 23, 2013 around 5 PM. Emergency Center contacted the police station in Kursumlija to report the attack on S.R earlier that day. Victim was upset but no injury was diagnosed. Victim made a statement in the police station and it is recorder that S.R. consider that he was attacked because of his sexual orientation. Police consulted duty prosecutor of the first basic prosecution in Prokuplje, J.B. who stated that Criminal charges for this criminal offense were not submitted ex officio.		Higher Public Prosecution in Prokuplje stated that this case was in the Basic Public Prosecution in Prokuplje. The Basic Public Prosecution in Prokuplje stated that this case was referred to the competent First Basic Public Prosecution in Kursumlija. Case along with the data is in front of the Basic Public Prosecution in Kursumlija. First Basic Prosecution in Prokuplje reconfirmed that criminal charges for this criminal offense were not submitted ex officio.
30.	<p>The attack took place in the City of Novi Sad on Sunday evening on September 8, 2013. Several elementary school pupils attacked the match teacher, I.J. while he was waiting for his wife and child in the park. Potential motive –victim's perceived sexual orientation.</p> <p>Media reported that the teacher was attacked due to his perceived same-sex sexual orientation</p>	<p>Ministry of Interior /Cabinet of the Minister / Office for Information of Public Importance forwarded the request to the Directorate of the Police in Novi Sad / Criminal Police Department provided the following information:</p> <p>Higher Public Prosecution in Novi Sad, according to the Article 226 paragraph 11 Law on Criminal Proceedings sent the criminal offenses against persons that committed Act of robbery, article 206. Paragraph 1 of the criminal code of Serbia.</p>		The Republic Public Prosecutor Pl. Br.79/13 sent the information that, in accordance with the Law on Free Access to Information of Public Importance, it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority that made the record for the requested cases.
31.	Attack on the participants of the "Queer Fest" in 2008 in Belgrade.		<p>Misdemeanor Court in Belgrade responded to the freedom of information request and stated that that on September 20, 2010 proceeding against two perpetrators terminated because of obsolesce.</p> <p>In the electronic records in the Misdemeanor Court in Belgrade data on the case JRM-54-pr.br. 86892/08 exists. Later under the new registration number JRM-63-130889/10</p>	The Republic Public Prosecutor Pl. Br.79/13 responded on freedom of information request and stated that it is necessary to submit a request to the prosecution where criminal charges for the requested cases were filed or the relevant police authority that made the record for the requested cases.

Постоји основана сумња да је пријављени Ж [REDACTED] К [REDACTED] извршио кривично дело **РАЗБОЈНИШТВО** из чл.206 ст.2 а у вези ст.1 кривичног законика на штету [REDACTED] из Немачке, града [REDACTED] и [REDACTED] из Немачке, града [REDACTED] а који тренутно бораве у Београду, у ул. [REDACTED]

Ово кривично дело извршио је дана 12.08.2010 год. око 03,30 часова, у Београду, на Ади Циганлији, у близини кафе-бара "Пиплс", тако што је у намери да себи прибави противправну имовинску корист, употребом силе противправно одузео од

један сребрни ланац, док је од [REDACTED] противправно одузео један мобилни телефон марке "Сони ериксон" и једну црну торбицу, при чему је истом нанео тешке телесне повреде.

Наиме у поменутом времену осум. Ж [REDACTED] К [REDACTED] је, у намери да себи прибави противправну имовинску корист, пришао оштећенима где том приликом на исте физички насрће и то тако што их више пута затвореном шаком тј. песницом удара у пределу главе и тела а затим хвата и наглим покретом руке ка себи, кида један сребрни ланац који је оштећени [REDACTED] носио око врата. Након чега прилази ошт.

и од истог одузима мобилни телефон марке "Сони ериксон" са претплатничком картицом [REDACTED] који се налазио у џепу панталона и једну црну кожно торбицу у којој су били кључеви од стана и новац у износу од 500,00, где том приликом са ножем дужине 27 цм. (који је иначе носио за појасом) истог убада у пределу десне стране леђа. Након чега са наведеним предметима напушта лице места, при чему из мобилног телефона вади и од себе одбацује претплатничку картицу као и црну кожно торбицу док остале предмете носи са собом кући.

Ошт. [REDACTED] је након наведеног догађаја, колима Хитне помоћи је превезен у Ургентни центар где му је указана лекарска помоћ и где је том приликом од стране дежурног хирурга др. [REDACTED] константовано да је задобио тешке телесне повреде

задржан је на даљем лечењу па тако да се целокупна лекарска документација налази на Ургентном центру.

Полицијским службеницима ПС Чукарица, осум. Ж [REDACTED] К [REDACTED] је одмах након лишења слободе, добровољно предао предмете које је прибавио извршењем кривичног дела и то мобилни телефон марке "Сони ериксон" и сребрни ланац док је нож са којим је иначе извршено кривично дело односно са којим је осумњичени нанео тешке телесне повреде од стране увиђајне екипе је изузет са лица места.

Дана 12.08.2010 год. у службеним просторијама ПС Чукарице уз присуству браниоца по службеној дужности [REDACTED], обављено је саслушање осум. Ж [REDACTED] К [REDACTED] на околности извршења наведеног кривичног дела где је том приликом исти у потпуности признао на начин како је и описано.

Дана 12.08.2010 год. у службеним просторијама ПС Чукарице уз присуству [REDACTED], обављен је разговор са [REDACTED] на околности наведеног догађаја а о чему је сачињена Службена белешка о обавештењу примљеном од грађана.

У вези наведеног догађаја од стране Одељења за увиђајно-оперативне послове сачињен је извештај под бр.Д-5344/10.

**ДОКАЗИ:-** Потврда о привремено одузетим предметима

- Потврда о враћеним предметима
- Записник о саслушању осумњиченог
- Службена белешка о обавештењу примљеном од грађана
- Извештај бр.Д-5344/10
- Службена белешка патроле полиције
- Фото документација
- Службена белешка о криминалистичко-техничком прегледу лица места



За ово кривично дело кривична пријава се подноси по службеној дужности и иста се у ПС Чукарицу заводи под бр.КУ-14166/10 и КЕ-1199/10 чији се један примерак доставља Вишем јавном тужилаштву у Београду.

ПОДНОСИОЦИ ПРИЈАВЕ:

Г. [REDACTED] Н  
Б. Борсега  
[REDACTED] Препар  
[REDACTED] Милошевић Славиша

Стефан [REDACTED]



Постоје основи сумње да је осумњичени извршио кривично дело Тешка телесна повреда из чл.121 КЗ на штету Ж. А. од оца у пребивалиштем у

Кривично дело осумњичени је извршио на тај начин што је дана 15.10.2011.године, око 04,30 часова у ул.Маршала Бирјузова испред бр.37 док се налазио у друштву својих пријатеља и пришао оштећеној Ж. А., која се у том тренутку налазила са својом пријатељицом и једном за сада непознатом женском особом, па је од оштећене затражио њен мобилни телефон да би позвао такси, а што је оштећена учинила и дала му свој мобилни телефон. Након што је узео телефон од оштећене исту је упитао „да нису можда десбејке“, па је тада оштећена А. Ж. затражила да је врати телефон назад, али у том тренутку осумњичени и затвореном шаком удара оштећену у пределу главе, да би након тога из појаса извадио нож, па исту дршком ножа поново удара у пределу главе, да би затим кренуо да је убоде, али у том тренутку оштећена Ж. А. десном шаком хвата оштрицу ножа и том приликом је задобила повреду шаке, а левом руком је узела свој телефон из руке осумњиченог. У том тренутку између осумњиченог и оштећене Ж. су стали пријатељица оштећене као и друг у намери да их раздвоје, да би затим осумњичени побегао низ улицу Маршала Бирјузова. Након тога на лице места је изашла ауто патрола ПС Стари Град која је на лицу места затекла оштећену Ж. А. као и њену пријатељицу и лица која су била у друштву док је осумњичени побегао са лица места, а за сада НН девојка која је била у друштву оштећене и њене пријатељице је такође напустила лице места. Након тога на лице места је дошла екипа хитне помоћи која је оштећену Ж. А. одвезла на УЦ, где јој је од стране деж. лекара ортопеда констатована тешка телесна повреда, у виду исечене тетиве десног прста десне шаке, док је њена пријатељица која је такође изјавила да је истом приликом нападнута од стране тако што је задобила од ударац металном шипком у пределу тела одбила лекарску помоћ, јер је изјавила да није задобила видне повреде, док је ауто патрола ПС Стари Град са лица места у службене просторије довела и где је након консултације са деж. тужиоцем Првог основног тужилаштва као и са деж. замеником Вишег тужилаштва за малолетнике којима су предочени наводи извештаја полиције о довођењу и као и извештај увиђајне екипе ПС Стари Град, туж. за малолетнике наложила да се лица саслушају у својству грађанина, а да се по проналаску исти саслуша на околности кривичног дела Тешка телесна повреда из чл.121 КЗ РС и белешке пошалу уз пријаву, са чиме се сложио и туж. Првог Основног суда. Дана 15.10.2011. год. у 05.40 часова патрола ПС Стари Град је из из стана довела у ПС присуству његовог оца, након чега је поново консултован деж. тужилац Вишег суда за малолетнике која је обавештена да се налази у службеним просторијама заједно са оцем, шта су



и изјавили у службеним белешкама, тако да је иста напомиња да се лице саслуша на околности кривичног дела Тешка телесна повреда из чл.121 КЗ РС и да се лице након саслушања пусти, а пријава заједно са белешкама достави Вишем тужилаштву за малолетнике редовним путем.

Ово кривично дело као и извршилац кривичног дела се преко ПС Стари Град пријављују по службеној дужности, кривична пријава се заводи под нашим бројем КУ 19013/11 и доставља Вишем Јавном тужилаштву за малолетнике у Београду.

НАПОМЕНА : Од лица [ ] оца [ ] год. са станом у ул [ ] до сада није узета белешка о наведеном догађају из разлога што је иста позвана да дође у службене просторије ради давања изјаве, али је иста дана 18.10.2011. год. дошла без икаквих личних докумената и одбила да се легитимише, а потом и одбила да изјаву напустивши службене просторије ПС Стари Град, са напоменом да је више не зовемо.

ПОКАЗИ:-Извештај припадника полиције о довођењу

И [ ] од дана 15.10.2011. год.

-Извештај увиђајне екипе ПС Стари град од дана 15.10.2011. год.

-Извештај пол.службеника ПС Стари Град о довођењу од дана 15.10.2011. год.

-Записник о саслушању [ ] од дана 15.10.2011. год.

-Потврда о привремено одузетим предметима од [ ] од Дана 15.10.2011. год.

ПРИЛОГ:-Службена белешка о обавештењу примљеном од грађанина [ ] од дана 15.10.2011. год.

-Службена белешка о обавештењу примљеном од грађанина [ ] од дана 15.10.2011. год.

-Службена белешка полицијског службеника ПС Стари Град [ ] од дана 18.10.2011. год.

ПОЛИЦИЈСКИ СЛУЖБЕНИК

Рад [ ] Д [ ]



РЕПУБЛИКА СРБИЈА  
МИНИСТАРСТВО УНУТРАШЊИХ ПОСЛОВА  
ДИРЕКЦИЈА ПОЛИЦИЈЕ  
ПС ВРАЧАР  
Број: ДД- /11  
Број: Д-6465/11  
Дана: 30.09.2011.године  
Београд

### ИЗВЕШТАЈ

Дана 30.09.2011. године, у 21,30 часова, у просторије ПС Врачар, приступио је, без позива, ~~С. Н. Н.~~ из ~~г. Н.~~ и том приликом изјавио следеће:

"Дана 30.09.2011. године, око 16,00 часова, у Ул. Бул. Краља Александра око броја 70, док сам шетао са својим пријатељем ~~из~~ који непријављено станује у Београду у Ул. ~~г. Н.~~, пришао нам је непознати младић, старости око 25-27 година, висине око 160-170cm, крупније грађе, кратке смеђе косе, тамније пути, на себи је имао розе маицу са натписом и обратио нам се питајући нас да ли смо ми педери и да ли идемо на парду, да би се потом обратио једној девојци, која се није налазила са њим у друштву речима: Да ли њих двојица личе на оне који ће ићи на параду?", која му је одговорила "Да, Баш ми личе". Тада сам се ја окренуо и обратио се тој девојци речима "Молим? О чему ви причате?", да би затим, поново дошло до расправе са напред поменутиим младићем који нас је упорно питао да ли смо ми "педери", затим нам говорио да се погледамо како смо обучени и на шта нам личе фризури, и када смо прешли Ул. Бул. Краља Александра ка СЦ "Таш", исти нам се обратио речима да његови пријатељи круже око Правног факултета и по граду и траже "педере" да их бију, да су приметили и нас и нама сличне..., да би нам најзад рекао да се не плашимо, да нам неће ништа, али да се назимо, да ту круже ти "Радовци" и да и он може да нас избоде јер је бржи од нас и не можемо да га стигнемо, након чега нас је питао да ли имамо нешто новца да му дамо и ако њему дамо новац да нас нико неће дирати. На то сам ја одговорио да немамо новца и да нам слободно приђе неко од тих "Радована" или његових пријатеља да видимо у чему је проблем, на шта ми је он рекао да ће доћи ти његови пријатељи који ми неће тражити новац, већ ће нас пребити, након чега је кренуо Ул. Београдском ка СЦ "ТАШ", рекавши да ће он сад да позове те своје пријатеље, а ја сам са Николом отишао у правцу Скупштине, где смо ушли у аутобус и удаљили се са лица места.

О наведеном догађају нисам одмах обавестио полицију јер сам био уплашен, а мом пријатељу ~~из~~ је познато, тако да смо отишли у ~~г. Н.~~ стан да се он смири, а затим сам одлучио да догађај пријавим полицији. Контактирао сам ГСА центар да се консултујем са њима и рекли су ми да се обавешто обратим полицији, јер су се већ догодила два до три случаја, отприлике на истој локацији, са истим описом личности које прети, али да оптужени нису сме ни то да пријаве полицији.

Ја не станујем у Београду, тренутно сам код пријатеља ~~из~~ који станује као поштар у стану на нареднаве девој адреси ~~г. Н.~~

У вези наведеног догађаја обавештење је доставио тужилац Основног тужилаштва у Београду. Служба Радних

СК 1  
Служба Радних  
(Служба Радних)



РЕПУБЛИКА СРБИЈА  
МИНИСТАРСТВО УНУТРАШЊИХ ПОСЛОВА  
Јединица полиције  
Полицијска управа за град Београд  
Полицијска станица Земун  
Београд Велики трг број 2  
Датум: 1.12.2012.године  
Дело: 011-2811-011  
Бр.8461 /12

## ИЗВЕШТАЈ

Дана 1.12.2012 године око 21.30 часова у ПС Земун приступио је К [REDACTED]  
из [REDACTED] тел. [REDACTED] и пријавио  
се 21.11.2012. године око 17.30 часова враћао пешке са посла кући, да су у Земуну  
Карловачкој, код броја 48, из паркираног возила Фиат Пунто, црне боје, непознате  
ознаке, изашла два НН лица, да су му без икаквог разлога пришла, попрскала га  
авцем по очима, и претукла рукама, ногама и палицом, као и да су му псовала  
су и вређала га (болеснику, педерчино прљава). Затим су се НН лица одвезла  
илом у непознатом правцу.

За једног НН извршиоца дат је опис: да је старости од 18-23 године, да је  
не грађе, висине око 180 цм и да има краћу светлију косу. За другог НН извршиоца  
ећени није могао да каже опис.

Напомена-оштећени ће доставити лекарске извештаје и снимак из оближње  
авнице. Такође исти је изјавио да је након догађаја приметио да му нема  
алица за моб. телефон.

У договору са зам. тужиоца из I ОЈТ-а, С [REDACTED] М [REDACTED] јановићем, сачињен је  
штај, ради даљег рада.

Извештај сачинио  
ОСЛ В [REDACTED] П [REDACTED]