



Belgrade Centre  
for Human Rights

**INVESTIGATIONS OF CASES OF POLICE BRUTALITY DURING THE JULY 2020 CIVIC  
PROTESTS**

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## 1. Chronology of the Events

People started spontaneously rallying in front of the National Assembly in Belgrade in the evening of 7 July 2020, after Serbian President Aleksandar Vučić said that the prohibition of movement (curfew) would be reintroduced on Friday, 10 July, and last until 13 July. The rallies were soon tarnished by violent incidents caused by individual protesters. In addition to verbally expressing their dissatisfaction, some protesters started throwing rocks and various objects at the police deployed in front of the parliament. The increasing number of violent protesters, who clashed with the police more and more, led the police to use teargas and other means of coercion. The protesters threw the teargas back at the police and destroyed public property; some of them even set police cars on fire. However, several inadequate responses by the police later that evening shifted the focus from the violent protesters to the violent police officers, who ill-treated individuals who had not offered any resistance to use of force, attacked them or destroyed property. For instance, the police truncheoned and kicked several individuals sitting peacefully on a bench in the park across the parliament and truncheoned and kicked a protester they had thrown on the ground.<sup>1</sup>

The protests grew in magnitude over the following days. They were held both in Belgrade and other large cities across Serbia. The protesters continued clashing with the police, but bystanders soon also noticed organised groups among the protesters, who provoked the police or “helped” them haul the protesters in. The police, reinforced by mounted police, used large quantities of teargas to suppress the protesters and even fired teargas at the bodies of the protesters.<sup>2</sup> Some of the shells found on the street indicated that the teargas was around 30 years old.<sup>3</sup>

Several cases of police brutality filmed during the second day of the protest, the night of 8/9 July, were the “hallmark” of the July protests. On Terazije Square in the heart of Belgrade, several police officers chased down a protester, threw him on the ground, and truncheoned and kicked him all over. Another cordon of officers soon arrived and, one after another, truncheoned and kicked the man, who was already lying curled up on the street and not offering any resistance. When they left, he remained lying on the street, without moving; a number of police cars coming down the street had to stop lest they run him over. Three officers got out of the car, came up to him, moved him to the sidewalk and went back to the cars that went on their way. The police did not administer any aid to him. The beaten up man continued lying on the sidewalk.<sup>4</sup>

That same evening, a uniformed police officer in Novi Sad left the police cordon and pulled an 18-year-old driving down the street off his bicycle. Another officer ran up to the young

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<sup>1</sup> Video footage of the events is available at: [www.youtube.com/watch?v=QaJ3R5k0Bus](https://www.youtube.com/watch?v=QaJ3R5k0Bus) and [www.krik.rs/rebic-policija-sinoc-bila-uzdrzana-reagovala-kada-su-ugrozeni-zivoti-policajaca/](http://www.krik.rs/rebic-policija-sinoc-bila-uzdrzana-reagovala-kada-su-ugrozeni-zivoti-policajaca/).

<sup>2</sup> See, e.g.: [www.youtube.com/watch?v=RPkPcF4E7jI](https://www.youtube.com/watch?v=RPkPcF4E7jI) and [www.youtube.com/watch?v=eMQcWN1lwVI](https://www.youtube.com/watch?v=eMQcWN1lwVI).

<sup>3</sup> *Radio Free Europe*, “Teargas from the 1990s fired during Belgrade protests,” 13 July 2020. Available in Serbian at: [www.slobodnaevropa.org/a/suzavac-iz-devedesetih-na-protestima-u-beogradu/30724102.html](http://www.slobodnaevropa.org/a/suzavac-iz-devedesetih-na-protestima-u-beogradu/30724102.html). See also *N1*, “Movement of Free Citizens: police firing teargas manufactured 30 years ago”, 11 July 2020. Available in Serbian at: [rs.n1info.com/Vesti/a618786/PSG-Policija-ispaljuje-suzavac-star-i-po-30-godina.html](http://rs.n1info.com/Vesti/a618786/PSG-Policija-ispaljuje-suzavac-star-i-po-30-godina.html).

<sup>4</sup> Video footage of the incident is available at: [www.youtube.com/watch?v=EeM3GTY65Mo](https://www.youtube.com/watch?v=EeM3GTY65Mo). The testimony of the victim of police ill-treatment is available at: [www.youtube.com/watch?v=0VUoIcSvNKQ](https://www.youtube.com/watch?v=0VUoIcSvNKQ).

man lying on the ground and kicked him in the head.<sup>5</sup> Novi Sad residents staged further protests against this case of police brutality, demanding the dismissal of the implicated officers.<sup>6</sup>

Although initial police response to the provocations and violent actions of a small number of protesters was restrained, as time went by, the police increasingly resorted to excessive, even totally groundless use of force,<sup>7</sup> against many protesters who were not violent in the least and whose only “mistake” was that they were “in the wrong place at the wrong time”.<sup>8</sup> Dozens of people, including women,<sup>9</sup> children,<sup>10</sup> journalists<sup>11</sup> and persons with disabilities, were victims of police brutality. Scores of people were hauled in by the police, held in custody, brought before misdemeanour judges and punished in summary proceedings, without adequate defence. Some were severely punished, even to sentenced to prison, for allegedly insulting police officers.

Instead of unequivocally recalling that any ill-treatment, including excessive use of force, was prohibited, Police Director Vladimir Rebić said on RTS, the public service broadcaster, after the first evening of the protests that the police had acted “with utmost restraint” and responded only when their lives were in danger.<sup>12</sup> The Protector of Citizens issued a press release after the second evening of the protests, when the most cases of police brutality were registered, saying that he had ascertained, by personal insight in the situation in the field, that the “police had not used excessive force against the protesters, except in individual cases”, which he would investigate during his review of the operations of the Ministry of Internal Affairs (hereinafter: MIA).<sup>13</sup> Senior state officials thus began publicly downplaying the ill-treatment of people by dozens of police officers.

The Belgrade Centre for Human Rights (BCHR) filed 32 criminal reports again 70 unidentified police officers (30 with the Belgrade First Basic Public Prosecution Office and two with the Novi Sad Basic Public Prosecution Office) and as many complaints (initiatives) with the Protector of Citizens, seeking a review of the lawfulness of the MIA’s operations. The civic association A11-Initiative for Economic and Social Rights filed another nine criminal reports of police brutality during the Belgrade protests and five complaints with the Protector of Citizens seeking a review of the lawfulness of the MIA’s operations. BCHR arranged court medical experts’ examinations of the 18 victims of police brutality, who had turned to it seeking legal aid. BCHR forwarded the experts’ reports, together with the video footage of the incidents, testimonies of police brutality, and photographs of the injuries, to the relevant public prosecution offices (hereinafter: PPOs) and the Protector of Citizens to supplement the criminal reports and complaints it had filed.

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<sup>5</sup> Video footage of the incident is available at: [www.youtube.com/watch?v=UflsnKjFEZ8](http://www.youtube.com/watch?v=UflsnKjFEZ8).

<sup>6</sup> *N1*, “Protest in Novi Sad over police brutality and beating of a boy,” 20 July 2020. Available in Serbian at: [rs.n1info.com/vesti/a621724-protest-u-novom-sadu-zbog-policijske-represije-i-prebijanja-decaka/](http://rs.n1info.com/vesti/a621724-protest-u-novom-sadu-zbog-policijske-represije-i-prebijanja-decaka/).

<sup>7</sup> See, e.g.: [www.youtube.com/watch?v=OkOuZT-XR8Q](http://www.youtube.com/watch?v=OkOuZT-XR8Q) and [www.youtube.com/watch?v=0ILpeCJXUSU](http://www.youtube.com/watch?v=0ILpeCJXUSU).

<sup>8</sup> *CINS*, “Testimonies of Police Brutality: After One Hits, Another One Comes to Do the Same,” 10 July 2020. Available at: [www.cins.rs/en/testimonies-of-police-brutality-after-one-hits-another-one-comes-to-do-the-same/](http://www.cins.rs/en/testimonies-of-police-brutality-after-one-hits-another-one-comes-to-do-the-same/).

<sup>9</sup> See: [www.youtube.com/watch?v=1v8rWi8hoPk](http://www.youtube.com/watch?v=1v8rWi8hoPk) and [www.youtube.com/watch?v=mBR4tdDouck](http://www.youtube.com/watch?v=mBR4tdDouck).

<sup>10</sup> *N1*, “Proceedings initiated because of torture: activists demanding release of other detainees,” 16 July 2020. Available in Serbian at: [rs.n1info.com/vesti/a620452-postupci-zbog-torture-aktivisti-traze-oslobadjanje-ostalih-privorenih/](http://rs.n1info.com/vesti/a620452-postupci-zbog-torture-aktivisti-traze-oslobadjanje-ostalih-privorenih/).

<sup>11</sup> *N1*, “IJAS registered 21 assaults on news crews reporting on July protests,” 11 July 2020. Available in Serbian at: [rs.n1info.com/video/info/a618804-nuns-zabelezio-21- napad-na-novinarske-ekipe-tokom-protesta/](http://rs.n1info.com/video/info/a618804-nuns-zabelezio-21- napad-na-novinarske-ekipe-tokom-protesta/).

<sup>12</sup> Available at: [www.youtube.com/watch?v=NzjcS2Vget8](http://www.youtube.com/watch?v=NzjcS2Vget8).

<sup>13</sup> See: [www.ombudsman.org.rs/index.php?option=com\\_content&view=article&id=297:police-did-not-use-excessive-force-individual-cases-will-be-investigated&catid=44:opinions-and-views&Itemid=4](http://www.ombudsman.org.rs/index.php?option=com_content&view=article&id=297:police-did-not-use-excessive-force-individual-cases-will-be-investigated&catid=44:opinions-and-views&Itemid=4).

Based on the footage of the protests posted on social networks and published by the media, estimates are that over 100 people were victim of police brutality.

In mid-July 2020, CSOs rallied in the Platform of Organisations for Cooperation with UN Human Rights Mechanisms, sent an urgent appeal to the UN Special Rapporteur on torture, asking him to call on the relevant Serbian authorities to conduct effective investigations of all cases of police brutality against the protesters.<sup>14</sup>

## ***2. Public Prosecution Offices' and the MIA Internal Control Sector's Response to Criminal Reports of Police Brutality during the July 2020 Protests***

BCHR lawyers filed a large number of criminal reports of police ill-treatment very soon after the incidents, since many of them were broadcast live on TV stations and footage of police brutality against the protesters was posted on social networks. In its criminal complaints concerning cases of excessive use of force by the police that were not captured on camera, BCHR suggested to the Belgrade First PPO to immediately take all the requisite steps to isolate the recordings of surveillance cameras at the nearby traffic junctions and on buildings. BCHR previously mapped the surveillance cameras that had probably registered the incidents reported by the individuals, photographed the cameras and the buildings where they were installed and forwarded all the material to the Belgrade First PPO and the MIA Internal Control Sector (ICS), together with its initial criminal reports or in its follow-up submissions. BCHR filed all the criminal reports by e-mailing them to the official e-mail addresses of the relevant PPOs (the Belgrade First PPO and the Novi Sad PPO) and the ICS, so that they could promptly take steps to collect all the relevant information and undertake the requisite evidentiary actions.

As a rule, the ICS notified BCHR that it had “forwarded” its criminal reports to the relevant PPO within 5-7 days. Not only was such “forwarding” of the criminal reports to the PPO superfluous, since each criminal report was simultaneously e-mailed to both the ICS and the relevant PPO. The ICS also “forwarded” **all the criminal reports of police abuse to the MIA units in which the suspected police officers were working or their superiors** (the commander of the Gendarmerie, the Belgrade Chief of Police, the Novi Sad Chief of Police, the Crime Police Administration, the Police Directorate, et al) “in accordance with the Police Act and the MIA Rulebook on the Complaints Procedure”.<sup>15</sup> In its letters to these MIA units, the ICS said that it was forwarding them the criminal reports “for your information and to take action and measures in accordance with Article 5(4) of the Complaints Review Rulebook”.<sup>16</sup> In its report in response to ICS’ letter, the Belgrade City Police said that the forwarded criminal report “includes solely allegations of a committed crime, specifically torture and ill-treatment, which is under the jurisdiction of the ICS [...], wherefore the requirements for reviewing the complaint have not been met.”<sup>17</sup>

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<sup>14</sup> More is available in Serbian at: [platforma.org.rs/platforma-obavestila-specijalnog-izvestioca-ujedinjenih-nacija-za-torturu-o-policijskoj-brutalnosti-na-protestima-u-srbiji/](https://platforma.org.rs/platforma-obavestila-specijalnog-izvestioca-ujedinjenih-nacija-za-torturu-o-policijskoj-brutalnosti-na-protestima-u-srbiji/).

<sup>15</sup> The ICS stated as much in a number of its letters, e.g.: 06.5 No. 4214/20, No. 4250/20, No. 4286/20, No. 4287/20, No. 4290/20, No. 4315/20, No. 4354/20, No. 4355/20, No. 4356/20, No. 4359/20 and No. 4361/20, all of them dated 15 July 2020, and its letters 06.5 No. 4577/20, No. 4578/20 and No. 4636/20, all of them dated 28 July 2020.

<sup>16</sup> E.g. ICS’s letter 06.5 No. 4578/20, of 28 July 2020.

<sup>17</sup> Letter of the Belgrade City Police Internal Control Department, 03.15.1.2 No. 07.3-21/20-2, of 10 September 2020.

In BCHR's opinion, the forwarding of the criminal reports of torture and ill-treatment to MIA units where the suspected officers work and to their superiors, together with the evidence submitted together with them (video footage, witness testimonies, photographs of the injuries, doctors' and court experts' reports, et al) is merely **one of the many deficiencies** (elaborated below) in the MIA's work, **undermining the possibility of identifying the police officers** who had ill-treated people during the July 2020. These officers, their colleagues and their superiors were provided with the opportunity to prepare non-incriminating statements and collude before they appeared before the prosecutors or the ICS during preliminary investigation proceedings, in which no action has been taken yet.<sup>18</sup>

In late August 2020, the Belgrade First PPO notified the BCHR lawyers representing the victims that it had initially formed one case on all police brutality reports,<sup>19</sup> that on 17 July, four days after the protests ended (and 10 days after the first criminal reports were filed) it had requested of the ICS to perform the requisite checks and "try to identify the police officers" and that it "supplemented its request" after the BCHR filed further criminal reports with a view to "acting on [...] the reports and supplemented material, reviewing the surveillance camera video footage and identifying the police and Gendarmerie officers, who may have taken part in suppressing the protests and committed a crime."<sup>20</sup>

For inexplicable reasons, the Belgrade First PPO's request of 24 August 2020<sup>21</sup> was forwarded to the ICS via the Registry Office of the Belgrade City Police, where its receipt was registered on 27 August 2020, while its receipt by the ICS was registered seven days later, i.e. on 31 August 2020.<sup>22</sup> **The correspondence between the Belgrade First PPO and the ICS via the Belgrade City Police or another MIA unit in which the suspected police officers are working totally compromises the confidentiality of the investigations into claims of police ill-treatment.**

The ICS delegated the execution of a part of the PPO's instruction to the Belgrade City Police Internal Control Department, requiring of it to summon some of the victims and take their statements.<sup>23</sup> However, the scheduled interview of one of the victims in the Belgrade City Police was cancelled after the BCHR alerted the Belgrade First PPO, the Head of the ICS and the Head of the Belgrade City Police that an investigation into allegations of police ill-treatment could not be considered independent if it was conducted by police officers working with the suspected officers or in a hierarchical relationship with them and that such investigations would be in contravention of the European Court of Human Rights (ECtHR) case-law and amount to a violation of Article 3 of European Convention on Human Rights (ECHR). A month later, when the Belgrade First PPO served a similar summons on another victim, the BCHR reacted again and the PPO cancelled the interview.

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<sup>18</sup> In a number of its judgments, the European Court of Human Rights has noted that the respondent State's failure to prevent potential collusion of the suspects amounted to major lacunae in the investigation and resulted in the violation of its procedural obligations under the ECHR. See, e.g.: *Ramsahai and Others v. The Netherlands*, Application No. 52391/99, Grand Chamber judgment of 15 May 2007, § 330; and, *Jaloud v. The Netherlands*, Application No. 47708/08, Grand Chamber judgment of 20 November 2014, §§ 206-20.

<sup>19</sup> Belgrade First PPO, Case Ktr. No. 4080/2.

<sup>20</sup> Letter Belgrade First PPO Deputy Public Prosecutor Stefan Petrović sent BCHR on 24 August 2020.

<sup>21</sup> Belgrade First PPO's Request for Information, Ktr. No. 4080/20 of 24 August 2020.

<sup>22</sup> ICS Report 06.5 No. 4994/S20 of 5 October 2020, p. 2.

<sup>23</sup> Statement a Belgrade City Police Internal Control Department gave BCHR on the phone on 23 July 2020.

**The ICS' collection of information** on the instructions of the Belgrade First PPO in the cases in which BCHR had insight **lasted up to three months after the July 2020 protests ended.** The ICS reports<sup>24</sup> showed that officers of various MIA units were deployed during the protests in Belgrade (Gendarmerie units from various cities, officers of the Police Brigade and the Belgrade City Police, the Crime Police, the Belgrade City Intervention Unit 92, intervention police units from various cities – Pančevo, Požarevac, Valjevo, Šabac, Smederevo, etc.). They also showed that the police had no time to form police formations during the first evening of the protests in Belgrade, which were unannounced, wherefore the officers ordered to report were urgently deployed to assist undermanned units on the streets.

The ICS reports also show that the ICS interviewed a number of police officers deployed in the areas where the alleged police brutality had occurred or in their immediate vicinity, as well as officers charged with hauling the arrested protesters to Belgrade police stations. It transpired that **many intervening officers had failed to report that they had used physical force and truncheoned the protesters; officers, who had reported use of force against unidentified individuals,**<sup>25</sup> were all found to have used it justifiably.<sup>26</sup>

**The statements of all officers, who used force against the protesters at various venues, are nearly identical.** All of them alleged that they had not used force against the ill-treated protesters, that their fellow officers had acted professionally and with restraint, and that they did not know the uniformed individuals who used force in any of the cases at issue. Only several officers said that they had noticed that the protesters they were hauling in were injured and that they called the ambulance or MIA health units to extend them first aid.

**The ICS collected, albeit with a substantial delay, the statements of police officers believed to belong to units that used excessive force** against the protesters and those who may have useful information about these cases. For instance, in one case, in which the criminal report was filed with the Belgrade First PPO and the ICS on 8 July 2020, the ICS took the statements of the police officers on 11 and 12 August and on 21, 23, 25 and 29 September 2020;<sup>27</sup> in cases in which the criminal reports were filed with the Belgrade First PPO and the ICS on 21 and 22 July, the ICS took the statements of the police officers on 18 and 19 August 2020,<sup>28</sup> from 21 August to 1

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<sup>24</sup> ICS Reports including, inter alia, 06.5 No. 4578/20, of 28 August 2020; 06.5 No. 4250/S20 of 16 September 2020; 06.5 No. 5709/20 of 23 September 2020; 06.5 No. 5715/20 of 28 September 2020; 06.5 No. 4542/S20 of 30 September 2020; 06.5 No. 4994/S20 of 5 October 2020 and 06.5 No. 4543/S20 of 16 October 2020.

<sup>25</sup> One Police Brigade officer said the following in his report on use of force in the evening of 8 July 2020. "An unidentified individual wearing a green T-shirt and black gloves left the group that was assaulting and hurling objects at the First Operational Company that had formed a cordon and headed towards me. When he came up to me, he swung a wooden bat he was holding in his right hand with the intention of hitting me on the head. I started using means of coercion – my truncheon, which I was holding in my right hand – at 22:55 pm, since there was no other way I could repel his immediate attack on me. Whilst endeavouring to inflict the fewest possible injuries on the individual, I hit his right forearm once, at an angle of 45 degrees, with the top of my truncheon. After using force against the individual, i.e. after hitting his right forearm once with my truncheon to repel his attack against me, he took a few steps backwards, turned around and headed down Beogradska Street towards the Tašmajdan Park with his bat." Report on the Use of Force, Belgrade City Police Brigade, No. 161/2020, of 9 July 2020.

<sup>26</sup> E.g. the Belgrade City Police Brigade enactment 03.15.8 No. 161/2020, of 16 July 2020; Minutes of the Police Directorate Commission charged with reviewing the justification of the use of force, 03 No. 7790/20-3, of 7 August 2020.

<sup>27</sup> ICS Cases, 06.5 No. 4302/20 and 4356/20, i.e. Belgrade First PPO Case Ktn. No. 2795/20.

<sup>28</sup> ICS Case 06.5 No. 4578/20, i.e. Belgrade First PPO Case Ktn. No. 2796/20.

September 2020,<sup>29</sup> from 25 August to 16 September 2020,<sup>30</sup> and on 25 September 2020.<sup>31</sup> **The Belgrade First PPO did not take the statements of any police officers,<sup>32</sup> relying instead fully on the ICS' findings.**

**There were also cases in which the ICS did not even take the statements of police officers who had reported using their truncheons against the protesters at venues and times closely coinciding with those in the reports of ill-treatment.** For instance, during their collection of information in the case of a protester who claimed he had been ill-treated by the police near the Belgrade Law School (at the *El Derecho* café) at around 11:30 pm on 8 July 2020, the ICS perused the MIA electronic database and concluded that five (named) officers of the Belgrade Gendarme Platoon reported using their truncheons “against unidentified individuals” near the Belgrade Law School that evening, between 11:05 and 11:07 pm. The ICS, however, neither took the statements of any of them nor obtained their reports on use of force. The ICS relied on the findings of the commission set up by the Police Directorate, that the use of force in these cases was justified, concluding that “no evidence has been found that would corroborate with *unequivocal certainty* the allegations in the report by [*first and last names of the victim*] that he had been physically ill-treated by police officers and their identity.”<sup>33</sup>

The fact that the **above-mentioned five Belgrade gendarmes used their truncheons near the Belgrade Law School after 11 pm on 8 July 2020 was not even mentioned in the ICS' other reports<sup>34</sup> dealing with a number of other cases of ill-treatment of the protesters in the immediate vicinity of the Law School that evening;** nor were these gendarmes interviewed about the incidents. One such incident occurred in the Kralja Aleksandra Boulevard across the Law School at around 11 pm, when several police officers ran up to a man and ruthlessly truncheoned him.<sup>35</sup> The ICS said in its report to the Belgrade First PPO on this case<sup>36</sup> and addenda to the report that officers of the Niš Gendarmerie Platoon handed the beaten up and visibly injured man over to the Belgrade City police. These gendarmes told the ICS that “two uniformed officers from a unit they did not know who were engaged in pushing the protesters back” handed the beaten up man over to them, while the Belgrade City police officers he was ultimately handed over to specified in their official report<sup>37</sup> that the Niš gendarmes, who handed the man over, said that they had not intervened against him and that he had been handed over to them by “**colleagues from the Gendarmerie who were on the move**”.

**The statements of the four of the five Belgrade gendarmes, who had reported use of their truncheons near the Law School after 11 pm on 8 July 2020, were taken only on 25**

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<sup>29</sup> ICS Case 06.5 No. 4250/S20, i.e. Belgrade First PPO Case Ktn. No. 2831/20.

<sup>30</sup> ICS Case 06.5 No. 4542/S20, i.e. Belgrade First PPO Case Ktn. No. 2794/20.

<sup>31</sup> ICS Case 06.5 No. 4543/S20, i.e. Belgrade First PPO Case Ktn. No. 3021/20.

<sup>32</sup> In its latest report on Serbia, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that the Serbian authorities take the necessary measures to ensure that prosecutors investigating cases of alleged torture and ill-treatment should always in practice conduct investigative actions themselves, especially as regards interviews of relevant witnesses, injured parties and police officers, in order to ensure the effectiveness of investigations into allegations of ill-treatment by law enforcement officials. See: Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 May to 7 June 2017, CPT/Inf (2018) 21, Strasbourg, 21 June 2018, § 26 (available at: [rm.coe.int/16808b5ee7](https://rm.coe.int/16808b5ee7)).

<sup>33</sup> ICS Report, 06.5 No. 5715/20 of 28 September 2020.

<sup>34</sup> ICS Report, 06.5 No. 4994/S20 of 5 October 2020.

<sup>35</sup> The video footage of the incident is available at: [www.youtube.com/watch?v=OkOuZT-XR8Q](https://www.youtube.com/watch?v=OkOuZT-XR8Q).

<sup>36</sup> ICS Report, 06.5 No. 4578/S20 of 28 August 2020.

<sup>37</sup> Belgrade City Police, Čukarica Subsidiary, official report, no filing number, of 9 July 2020.

**September 2020**, and only with respect to a case of ill-treatment that happened that evening on Kralja Aleksandra Boulevard, between McDonalds and the Post Savings Bank.<sup>38</sup> They denied they had used force against the victim,<sup>39</sup> while the content of their statements leads to the conclusion that the **ICS officers did not ask them any additional questions**. They did not even specify in their statements to the ICS where exactly they had used their truncheons (in which street, on which side of the street, near which building, etc.), only that they used them “near” or “close to” the Law School. Furthermore, there are no indications that the ICS asked these gendarmes to describe the people they had truncheoned (their sex, approximate age, et al). The ICS did not take the statement of the fifth gendarme “because he was absent during the inquiry”.<sup>40</sup> Another fact worth noting is that the **content** of the gendarmes’ individual reports on their use of their truncheons in the evening of 8 July, which were written the following day, **is identical**,<sup>41</sup> which is a clear indicator of their non-credibility and their collusion, considered a violation of the procedural aspect of Article 3 of ECHR by the European Court of Human Rights.

In his report to the Belgrade First PPO on the above-mentioned case of ill-treatment of a individual near the *El Derecho* café,<sup>42</sup> the ICS officer said that his perusal of MIA records had led him to conclude that the Gendarmerie Platoons from Novi Sad, Niš and Kraljevo had not registered use of force, specifically truncheons, against the protesters at the critical time,<sup>43</sup> wherefore the ICS did not focus on reviewing the operations of police officers from those platoons (i.e. interviewing them, collecting official documents, etc.). The report on this case mentioned only the members of the Belgrade Gendarmerie Platoon, whose reports of use of force were registered in MIA’s electronic records. However, there was information indicating that police officers of other units, not the Belgrade Gendarmerie, were responsible for the ill-treatment of another individual that occurred at the same time – at around 11:30 pm on 8 July – in the immediate vicinity of the *El Derecho* café – several metres below the entrance to the Mali Tašmajdan Park from Beogradska Street.<sup>44</sup> In its report submitted to the PPO,<sup>45</sup> the ICS said that the Gendarmerie Commander had notified it that “officers of the Novi Sad Gendarmerie Platoon exercised their police powers against *twenty individuals* in the Tašmajdan Park area that day” and that “given that the Mali Tašmajdan Park is in the immediate vicinity of the Tašmajdan Park, it is possible that the police officers of the Novi Sad Gendarmerie Platoon used force against the individual at issue.”<sup>46</sup> The ICS further noted that the Police Brigade Commander had also confirmed that “Police Brigade officers did use force, their truncheons, twice near the venue at issue, in Beogradska Street, near the building at number 71, across from the Tašmajdan Pools, from 22:55 to 22:56 pm.”

The **manifestly false statements some police officers made to the ICS** did not draw the attention of either the ICS or the Belgrade First PPO. In one of the most prominent cases of ill-

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<sup>38</sup> ICS Case 06.5 No. 4543/S20, i.e. Belgrade First PPO Case Ktn. No. 3021/20.

<sup>39</sup> ICS official reports on information received from officers of the Specialist Company of the Belgrade Gendarmerie Platoon, 06.5 No. 4543/S20, all dated 25 September 2020.

<sup>40</sup> Quote from the ICS Report 06.5 No. 4543/S20 of 16 October 2020 (p. 3).

<sup>41</sup> Reports on use of force by the officers of the Specialist Company of the Belgrade Gendarmerie Platoon, 03.11.10.09 No. 368/20-6 - No. 368/20-10, all dated 9 July 2020.

<sup>42</sup> The *El Derecho* café (the erstwhile *Bona fides* club in the building of the Law School) is several metres above the entrance to the Mali Tašmajdan Park from Beogradska Street.

<sup>43</sup> ICS Report, 06.5 No. 5715/20 of 28 September 2020.

<sup>44</sup> ICS Case 06.5 No. 4994/S20, i.e. Belgrade First PPO Case Ktn. No. 2801/20.

<sup>45</sup> ICS Report, 06.5 No. 4994/S20 of 5 October 2020.

<sup>46</sup> Gendarmerie Commander’s Report 03.11 No. 07-2121/20-9 of 7 September 2020.

treatment, which occurred on Terazije Square in the evening of 8 July,<sup>47</sup> statements were taken from the police officers who had moved the beaten up victim from the street to the nearby sidewalk so that the police cars could proceed. They said that the man was conscious and communicating, that he had no visible injuries and told them that he did not need medical aid.<sup>48</sup> However, the publicly available recordings of the incident clearly show him lying on the street and not moving, the three officers running up to him and quickly moving him to the sidewalk and immediately getting back into their cars,<sup>49</sup> while the man remained lying unconscious on the sidewalk.<sup>50</sup> The victim himself told the prosecutor that he had not communicated at all with the officers and that he had fainted from the beating.<sup>51</sup> The BCHR therefore filed a criminal report against these police officers with the Belgrade First PPO for making false statements. The report was still pending by the time this analysis was completed.

**The Belgrade First PPO started taking the statements of victims of police ill-treatment during the July 2020 protests only in late February 2021, after their representatives required, under Article 330 of the Criminal Procedure Code (CPC), of the PPO to request the Belgrade First Basic Court's approval to question them as witnesses without summoning the suspects (who were not identified) and their legal counsel to attend this evidentiary action.<sup>52</sup> At least two victims of the abuse had not testified by the time this analysis was completed.<sup>53</sup>**

**The Belgrade First PPO did not order court medical experts to draw up reports on the physical injuries in any of the analysed cases, not even on the available medical documentation.<sup>54</sup>**

The man, who had been ill-treated in front of the entrance to Mali Tašmajdan Park, told the Belgrade First PPO on 31 March 2021 that he had seen the face of one of the policemen who had ill-treated him because his visor had been raised, that the policeman was clean shaven and heavy set and that he believed he would be able to recognise him.<sup>55</sup> Unfortunately, no identification parade of the responsible officers<sup>56</sup> was organised by the time this analysis was completed, although the ICS has at its disposal the data of the gendarmes and Police Brigade officers whose use of force near the place of the reported abuse at the critical time was on record. Nor was an identification parade of police officers organised for the victims in at least two other cases,<sup>57</sup> although they told the Belgrade First PPO that they would be able to recognise the responsible officers who had abused them because they had seen their faces.<sup>58</sup> The ICS knows

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<sup>47</sup> The video footage of the incident is available at: [www.youtube.com/watch?v=2i60ixGw-8g](http://www.youtube.com/watch?v=2i60ixGw-8g).

<sup>48</sup> Three such statements were noted in the ICS' official reports on information received from the officers of the Belgrade City 92 Intervention Unit, 06.5 No. 4356/20 of August 11, and 23 and 29 September 2020.

<sup>49</sup> Available at: [www.youtube.com/watch?v=2i60ixGw-8g](http://www.youtube.com/watch?v=2i60ixGw-8g).

<sup>50</sup> Available at: [www.youtube.com/watch?v=OP4HKv9eflg&t=1006s](http://www.youtube.com/watch?v=OP4HKv9eflg&t=1006s).

<sup>51</sup> Minutes of Questioning of the Victim in the Capacity of Witness before the Belgrade First PPO, Ktn. No. 2795/20 of 19 April 2021.

<sup>52</sup> Under Article 300 of CPC, the public prosecutor shall as a rule notify the suspect and their counsel of the time and place of the questioning of the witness and of their right to attend the questioning.

<sup>53</sup> ICS Case 06.5 No. 5711/20, i.e. Belgrade First PPO Case Ktr. No. 4080/20.

<sup>54</sup> See Article 127 of CPC.

<sup>55</sup> Minutes of Questioning of the Victim in the Capacity of Witness before the Belgrade First PPO, Ktn. No. 2801/20 of 31 March 2021.

<sup>56</sup> See Article 100 of CPC on identification parades.

<sup>57</sup> ICS Cases, 06.5 No. 4250/S20 and 4542/S20, i.e. Belgrade First PPO cases Ktn. No. 2831/20 and 2794/20.

<sup>58</sup> In one of these cases, the victim gave an extremely precise description of the officer to the prosecutor: "I'm sure I could recognise him even today, although it happened a long time ago. He was around 30 years old, 10 cm taller than me, and I'm 174 cm tall, athletic build, I can't remember if his hair was black or brown but it was

which MIA units intervened in both of these cases and the names of officers the ICS officers had themselves recognised,<sup>59</sup> and who, according to other officers, had used force against the victim “because he was pelting them with stones and resisting arrest”.<sup>60</sup> Some officers also told the ICS that the protesters, including the victim, whom they caught up with and surrounded, told them that they sustained head injuries while they were running away from the teargas and the police and during physical showdowns with other protesters.<sup>61</sup>

**The collection of footage from surveillance cameras that might have recorded police violence against the protesters was marked by prosecutorial inactivity and delays and lack of clarity of the ICS’ operations.** On 7 August 2020, the BCHR asked the Belgrade PPO to notify it whether it had taken measures to preserve the footage from the surveillance cameras of the MIA, National Assembly, City of Belgrade, public companies and all other legal and natural persons covering the area around the parliament building and its vicinity, the Terazije Square, the Kralja Aleksandra Boulevard, the Kneza Miloša, Kralja Milana, Takovska, Beogradska and Mihaila Đurića Streets, the Tašmajdan Park, the Nikole Pašića Square, the Pioneer Park, the Republican Square, et al, from the evening of 7 July to mid-July 2020, given the well-known fact that various punishable offences had been committed both by the protesters and police officers in this part of the city and the possibility that the footage contained information that could shed light on these offences. The BCHR also asked the PPO to forward it copies of requests or other enactments ordering these institutions and persons to submit the relevant footage. In late August 2020, the Belgrade First PPO notified the BCHR that it did “not possess a document containing the requested information”.<sup>62</sup> In other words, the Belgrade First PPO did not take any actions to secure the footage of the surveillance cameras covering the city areas where cases of ill-treatment had been registered and reported.<sup>63</sup>

On the other hand, the ICS tried to collect such evidence with a major delay in most cases. For instance, in the case of ill-treatment of an individual on Kralja Aleksandra Street between McDonald’s and the Postal Savings Bank in the evening of 8 July 2020, the ICS requested of the owner of McDonald’s to hand over the surveillance camera footage on 30 July 2020; the owner replied that the footage had been deleted due to lack of memory (the server stored footage up to 15 days).<sup>64</sup> The ICS said that the MIA surveillance camera (at the junction of Kralja Aleksandra Boulevard and Beogradska Street), which was pointing at the site of this case of ill-treatment and

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definitely dark. He was wearing beige pants and a hoodie, or a jacket, I’m not really sure, I don’t remember what colour but it was a colour in contrast with the beige pants, so it was a dark colour.” Minutes of Questioning of the Victim in the Capacity of Witness before the Belgrade First PPO, Ktn. No. 2831/20 of 19 March 2021.

<sup>59</sup> ICS Case No. 06.5 No. 4250/S20, i.e. Belgrade First PPO Case Ktn. No. 2831/20.

<sup>60</sup> ICS Official Report on information received from the Novi Sad Gendarmerie Platoon officers of 16 September 2020 (ICS Case No. 06.5 No. 4542/S20, i.e. Belgrade First PPO Case Ktn. No. 2794/20).

<sup>61</sup> Report of two Novi Sad Gendarmerie Platoon Captains, no registration number, of 9 July 2020 (ICS Case No. 06.5 No. 4542/S20, i.e. Belgrade First PPO Case Ktn. No. 2794/20) and ICS Official Report on information received from the Novi Sad Gendarmerie Platoon officers of 16 September 2020 (ICS Case 06.5 No. 5709/20, i.e. Belgrade First PPO Case Ktn. No. 2797/20).

<sup>62</sup> Belgrade First PPO’s response, PI No. 54/20 of 21 August 2020.

<sup>63</sup> BCHR also asked the National Assembly General Secretariat whether measures to preserve the footage of the surveillance cameras covering the area around the parliament and the inside of the building, from the evening of 7 July 2020 to the end of the civic protests in mid-July 2020, had been undertaken in accordance with Article 280 of CPC and whether the footage, if available, had been forwarded to the relevant PPO. Since the Secretariat failed to forward the requested information even after BCHR sent a follow-up request, BCHR filed a lawsuit in administrative proceedings, which was still pending at the time this analysis was completed.

<sup>64</sup> ICS Case 06.5 No. 4543/S20, i.e. Belgrade First PPO Case Ktn. No. 3021/20.

which BCHR lawyers photographed and notified the Belgrade First PPO and ICS of in their criminal report, had not been operational.<sup>65</sup>

ICS officers inspected the other sites of the reported cases of ill-treatment that occurred on 8 July to identify surveillance cameras only at the end of the month (on 29 July)<sup>66</sup> or in mid-August (on 13 August 2020).<sup>67</sup> In both cases, they notified the PPO that they had not noticed any surveillance cameras that could have recorded the events at issue; BCHR lawyers also specified in their criminal report concerning the case that occurred several metres below the entrance to the Mali Tašmajdan Park from Beogradska Street<sup>68</sup> that there was a camera pointing at the place where the ill-treatment had occurred.<sup>69</sup> The MIA Analysis, Telecommunications and IT Sector notified the ICS that this camera was not operational yet either (“is not in the Belgrade City Police video surveillance system yet”).

The ICS’ lack of thoroughness is illustrated not only by its delay in requesting surveillance footage from the MIA Analysis Sector on several occasions in early September 2020 (i.e. two months after the impugned events),<sup>70</sup> but also by its failure to check the veracity of the claims that the cameras pointing at the two scenes of crimes were not operational.<sup>71</sup>

The Belgrade First PPO ascertained the identity of the victims of three of the 14 cases formed in response to the BCHR’s criminal reports concerning unidentified victims of ill-treatment (the reports were filed based on footage broadcast on TV and posted on social networks). Two of the victims were interviewed in March 2021, while the third victim failed to respond to the PPO’s summons. Unfortunately, like in the other cases before the Belgrade First PPO, the **implicated police officers have remained unidentified**.

Although it was clear already during the first night of the protests that it would be difficult to identify the implicated uniformed police officers, equipped with helmets, visors and gas masks but not wearing any visible IDs, neither the ICS nor other MIA senior managers did anything to eliminate this deficiency in the coming days.<sup>72</sup>

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<sup>65</sup> ICS Report 06.5 No. 4543/S20 of 16 October 2020.

<sup>66</sup> ICS Case 06.5 No. 4635/20, i.e. Belgrade First PPO Case Ktn. No. 2800/20.

<sup>67</sup> ICS Cases 06.5 No. 5715/20 and 4994/S20, i.e. Belgrade First PPO Cases Ktn. No. 2793/20 and 2801/20.

<sup>68</sup> ICS Case 06.5 No. 4994/S20, i.e. Belgrade First PPO Case Ktn. No. 2801/20.

<sup>69</sup> The camera is located in Beogradska Street, next to the pedestrian crossing between the Tašmajdan and Mali Tašmajdan Parks, and points at the pedestrian crossing between the two parks. This camera could have recorded the moment the other victim, who was beaten up next to the *El Derecho* café several seconds later, passed (ICS Case 06.5 No. 5715/20, i.e. Belgrade First PPO Case Ktn. No. 2793/20).

<sup>70</sup> E.g. ICS Cases SUK-a, 06.5 No. 4635/S20, 5711/20, 5715/20 and 4994/S20, i.e. Belgrade First PPO Cases Ktr. No. 4080/20, Ktn. 2793/20 and 2801/20.

<sup>71</sup> According to published allegations, which have not been denied, these “smart” cameras installed across Belgrade allow for facial recognition of passers-by. See: [hiljade.kamera.rs](http://hiljade.kamera.rs).

<sup>72</sup> In one judgment, the ECtHR found a violation of the procedural aspect of Article 3 of the Convention (the States’ obligation to conduct effective investigations into allegations of ill-treatment). It considered that, by allowing the special-unit officers to cover their faces with balaclava masks and not requiring them to wear any distinctive signs on their clothing, the Russian authorities had knowingly made futile any future attempts to have them identified by the victims. It found that the domestic authorities had deliberately created a situation of impunity in which any identification of the officers suspected of inflicting ill-treatment was impossible and an investigation inadequate. See the ECtHR’s judgment in the case of *Dedovskiy and Others v. Russia*, Application No. 7178/03, of 15 May 2008, § 91. The Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) said in its 14<sup>th</sup> General Report that it had strong misgivings regarding the practice observed in many countries of law enforcement officials or prison officers wearing masks or balaclavas when performing arrests, carrying out interrogations, or dealing with prison disturbances, since such a practice would clearly

**The outcome of prosecutorial actions in response to several criminal reports of ill-treatment by plain-clothes police officers remains unknown.**<sup>73</sup> As does the outcome of the cases initiated with the PPO by police officers in the police stations who took over the hauled individuals, some of whom had visible physical injuries. **The PPO has not yet opened the issue of the liability of senior police managers and officers for condoning or covering up the committed ill-treatment in any of the analysed cases.**

Only three of the police officers covered by one criminal report have been prosecuted for violent conduct. The victim in this case was the young man, who was pulled off his bicycle and beaten up in Novi Sad.<sup>74</sup> The Zrenjanin Basic PPO initiated criminal proceedings against the officers and questioned them, albeit only in late April 2021. To the best of BCHR's knowledge, only one of the officers has been suspended.

A good practice example worth mentioning was the decision to refer the case to the Zrenjanin Basic PPO.<sup>75</sup> Given that one of the suspects is a Novi Sad police inspector and that officers in the city often have official contacts with the city prosecutors, it may be presumed that the decision to refer the case was taken to facilitate the conduct of an independent prosecutorial investigation.

The outcome of the proceedings initiated before the relevant PPOs remains uncertain. The six-month deadline by which the PPOs were to have filed the motions to indict for crimes prosecuted in summary proceedings or notified the victims that they were dismissing the criminal reports, which were filed in July 2020, expired in early 2021. The fate of some cases before the Belgrade First PPO seems already sealed. In one case,<sup>76</sup> the Deputy Public Prosecutor of this Office issued an order to the PPO Registry to keep the case open "until the unidentified perpetrator of the crime under Article 137(3) of the Criminal Code is found or until the statute of limitations expires, by 9 July 2026."<sup>77</sup> Judging by everything, the prosecutors are expecting someone else to find the unidentified perpetrators.

### ***3. Actions of the Protector of Citizens in Response to Ill-Treatment during the July Protests***

The response of the Protector of Citizens to police abuse during the July 2020 protests had two aspects: one concerned the activities of the National Preventive Mechanism against Torture (NPM) and the other his reviews of the lawfulness and regularity of the MIA's operations on his own initiative or triggered by individual complaints.

On the second day of the protests, the Protector of Citizens published a press release on his website saying that he had initiated a review of the lawfulness of the MIA's operations in

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hamper the identification of potential suspects if and when allegations of ill-treatment arise. CPT's 14<sup>th</sup> General Report of 21 September 2004, CPT/Inf (2004) 28, § 34 (available at: [rm.coe.int/1680696a80](http://rm.coe.int/1680696a80)).

<sup>73</sup> Allegations were made in one of these cases that one of abusers was an ICS officer. See the *Danas* report of 8 July 2020, available in Serbian at: [www.danas.rs/politika/aleksic-mladica-koji-je-lezao-na-zemlji-tukli-inspektori-povezani-sa-dijanom-hrkalovic/](http://www.danas.rs/politika/aleksic-mladica-koji-je-lezao-na-zemlji-tukli-inspektori-povezani-sa-dijanom-hrkalovic/).

<sup>74</sup> The footage of the incident is available at: [www.youtube.com/watch?v=UflsnKjFEZ8](https://www.youtube.com/watch?v=UflsnKjFEZ8).

<sup>75</sup> See Article 20 of the Public Prosecution Office Act.

<sup>76</sup> ICS Case No. 4542/S20, i.e. Belgrade First PPO Case Ktn. 2794/20.

<sup>77</sup> Even the date when criminal prosecution is discontinued as out of time was arbitrarily set in this case. See: Articles 103, 104 and 137 of the Criminal Code (CC).

response to the information about and video footage of excessive use of force by the police in the night of 7/8 July 2020 in front of the National Assembly and in its vicinity, and that his staff would pay an unannounced visit to the Belgrade City police, talk with all the individuals taken into custody and the relevant authorities, and collect the relevant documentation in order to ascertain all the facts. He also said that the NPM and the Rapid Response Department within his Office would hereinafter conduct on-site monitoring of police conduct during the protests and directly register any irregularities.<sup>78</sup> He issued another press release the same day, setting out that the NPM and the Rapid Response Department visited the people arrested during the protests and interviewed eight of them; four of the arrestees complained about treatment they had been subjected to during the police intervention, but not about their treatment by the officers who had hauled them to the police stations and put them in custody. The Protector of Citizens said that his Office would review the conduct of the implicated policemen.<sup>79</sup>

**The NPM and the Rapid Response Department teams spent the second evening of the protests (8/9 July 2020), when police brutality climaxed, in the streets of Belgrade, monitoring the actions of the police.** The next morning, the Protector of Citizens issued a **press release** saying that his staff on the ground found that **“the police did not use excessive force [...] except in individual cases”**; that there was **no “systemic repression” by the police**; that “according to information collected by [his] three teams [...], at a number of locations in the heart of Belgrade, police officers had not overstepped their powers and responded only when some groups of people pelted them with stones, glass bottles and teargas”; that “the members of these teams witnessed the police exceeding their powers in several cases which the Ombudsman will examine, but that they also witnessed people hitting and assaulting the police officers, who refrained from responding to these attacks as long as they could”. The Protector of Citizens said that, in specific situations, the presence of his staff had deterred the police from exceeding their powers during their interventions.<sup>80</sup>

One of the broadcast recordings of police ill-treatment that evening showed **two staff of the Rapid Response Department walking by a man lying on the sidewalk, who had been severely beaten up by the police just minutes ago.** They were several metres away from him. The footage shows one of the staff glancing at the motionless man and then proceeding with his colleague towards Knez Mihailova Street. The footage shows other passers-by running up to the injured man to administer him first aid.<sup>81</sup>

As soon as they saw the video footage, which was published very soon after the incident, BCHR lawyers phoned one of the staff (the man who had not glanced at the victim of ill-treatment), asking him whether he had seen the police beating the man on Terazije Square and what happened afterwards. This staff member first said he knew nothing about the incident. After he was sent the footage showing him and his colleague walking past the victim, he denied seeing either the police brutality or the victim lying on the sidewalk. He claimed that he had not turned

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<sup>78</sup> The Protector of Citizens press release of 8 July 2020 is available in Serbian at: [www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6691-a-12](http://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6691-a-12).

<sup>79</sup> The Protector of Citizens press release of 8 July 2020 is available in Serbian at: [www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6692-z-sh-i-ni-gr-d-n-bish-z-drz-n-lic-n-n-pr-s](http://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6692-z-sh-i-ni-gr-d-n-bish-z-drz-n-lic-n-n-pr-s).

<sup>80</sup> Protector of Citizens press release of 9 July 2020, available in Serbian at: [www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6693-p-lici-ni-ris-il-pr-rnu-silu-p-din-cni-sluc-vi-bic-isp-i-ni](http://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6693-p-lici-ni-ris-il-pr-rnu-silu-p-din-cni-sluc-vi-bic-isp-i-ni).

<sup>81</sup> The video footage is available at: [youtu.be/2i60ixGw-8g?t=66](https://youtu.be/2i60ixGw-8g?t=66).

his head towards the man and said he was sure that the Protector of Citizens would initiate a review of the MIA's operations because of the incident.

The Protector of Citizens subsequently repeatedly told the media<sup>82</sup> that his staff had noticed the man on the sidewalk, but had not witnessed his beating, and that, when they saw him lying on the sidewalk, they called the police to arrange first aid. However, other footage of the incident published on 10 July 2020 confirms that the two members of staff did nothing when they saw the man lying motionless on the sidewalk.<sup>83</sup> That recording shows them – three seconds after one of them glanced at the victim<sup>84</sup> – calmly walking away towards Knez Mihailova Street. They did not approach the large number of police officers to their right to notify them about the victim. Nor does the footage show them phoning anyone.<sup>85</sup>

**In early June 2021, the NPM published its report** of September 2020, quoting numerous allegations by people who were hauled in, taken into custody and found guilty of misdemeanours and whom the NPM interviewed during its visits to police stations and penal institutions during the July protests. Most of the individuals brought before misdemeanour judges complained that they had not been provided with the chance to call their lawyers, because the judges were “in a hurry” to close the cases and that they had not had the opportunity to consult with their lawyers before they were questioned by the police; one man said he had been appointed an *ex officio* lawyer although he had requested of the police to let him call his lawyer (lawyer of his choosing). A number of individuals told the NPM that they had not been provided with the opportunity to notify their family members of their arrest until they were transferred to prison. As a rule, the arrestees' medical examinations in the police stations were conducted in the presence of the police, although, as they claimed, the doctors had not requested police presence for security reasons. The doctors said in their reports on the examinations they had performed in the police stations that the arrestees' diagnosed injuries had been inflicted by “unidentified individuals” although the arrestees told them they had been inflicted by the police. In some cases, the police files said that the arrestees had no visible physical injuries, whereas police officers interviewed by the NPM team admitted that some of the individuals, who had been hauled in, had visible injuries that went unregistered. Some penitentiaries did not register the arrestees' detailed descriptions of their injuries or photograph them. As many as 17 of the 28 people the NPM team interviewed complained of police brutality during arrest. A number of them claimed they had

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<sup>82</sup> Available at: [www.youtube.com/watch?v=3Fw-itZtMic&t=4275s](http://www.youtube.com/watch?v=3Fw-itZtMic&t=4275s) and at: [www.youtube.com/watch?v=Aue3HvHJEQ0&t=2184s](http://www.youtube.com/watch?v=Aue3HvHJEQ0&t=2184s).

<sup>83</sup> The video footage is available at: [www.youtube.com/watch?v=OP4HKv9eflg&t=850s](http://www.youtube.com/watch?v=OP4HKv9eflg&t=850s).

<sup>84</sup> Such a conclusion can reliably be drawn from the careful perusal of the footage of this incident published on Twitter and YouTube and by counting the seconds, since all the records are uninterrupted and all of them show the same moment: successive movement of police jeeps after the man was moved to the sidewalk. It can be seen on *Insajder's* YouTube recording (0:48, see: [youtu.be/2i60ixGw-8g&t=48s](https://youtu.be/2i60ixGw-8g&t=48s)), and on *SrbInInfo's* YouTube recording (13:48, see: [youtu.be/OP4HKv9eflg?t=828](https://youtu.be/OP4HKv9eflg?t=828)), preferably at playback speed 0.5 or 0.25).

<sup>85</sup> The statement the Protector of Citizens gave *N1* TV, that there was an integral recording testifying to all the actions of his staff and that part of the footage had been misconstrued by the public, prompted BCHR lawyers to file a request for access to information of public importance with the Protector, asking him to send them: the integral recording or specify where it could be found; information when exactly and how his staff had notified the police about the man lying on the sidewalk; and a copy of his staff's official reports on their actions in the evening of 8 July. The Protector of Citizens said that the integral recording was “available on social networks” and that information on when exactly and how his staff had notified the police was contained in his statement to *N1*; as per the last request, he said that he was “not in possession of a document containing the requested information” since his staff had not drawn up any official reports (Protector of Citizens enactment No. 3611-427/2020, Reg. No. 25627, of 27 July 2020).

been arrested by plain-clothes men who had not identifies themselves as police. Many individuals had visible injuries which, in the doctors' opinion, could have been sustained under the circumstances they had described.<sup>86</sup>

**Most of the ill-treatment cases brought before the Protector of Citizens were still pending** by the time this analysis was completed.<sup>87</sup>

In mid-February 2021, the Protector of Citizens published his findings after a review, concluding that **eight individuals had been victims of police ill-treatment**. Specifically, he found that the police had disproportionately and illegally used their truncheons and chemical substances against the protesters, whereby they violated the physical and mental integrity and human dignity of individual protesters; that the police were not wearing distinctive signs facilitating their identification, thus hampering investigations of ill-treatment reports; and that the ICS had failed to take all the steps promptly to ascertain the facts, collect the evidence and establish the liability of individual police officers.<sup>88</sup>

Unfortunately, **the identified deficiencies in the MIA's operations were not accompanied by appropriate recommendations. All the recommendations the Protector of Citizens issued concerned the MIA's future operations.** For instance, the Protector of Citizens recommended that the MIA senior officials send a clear message to the officers that ill-treatment was prohibited and punishable; that the MIA ensure that police officers at public rallies wore distinctive identification signs; that the ICS hereinafter promptly undertake the requisite steps to investigate ill-treatment cases; that police officers undergo training on human rights standards related to the prohibition of torture; and, that all MIA units be familiarised with these recommendations. The Protector of Citizens, however, **made no mention in his recommendations of the need to redress victims or penalise ICS officers failing to act promptly on each individual case.** In early June 2021, the Protector of Citizens issued a press release stating that "the MIA is acting on the recommendations of the Protector of Citizens"; he, however, did not indicate whether any steps would be taken to redress the victims or ascertain the liability of ICS officers.

In his findings, the Protector of Citizens noted the statements several police officers gave the ICS during the preliminary investigation proceedings; they claimed that the individual beaten up by the police on Terazije on 8 July was "communicating, that he had no visible injuries and told them that he did not need medical aid". The obvious falsity of these statements did not spark the interest of the Protector of Citizens; another fact that escaped his attention was that ICS officers had forwarded all the criminal reports and corroborating evidence filed by the BCHR and others to the police units where the implicated officers worked before it took any preliminary investigation steps, thus facilitating their collusion. **The Protector of Citizens even expressed**

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<sup>86</sup> The NPM report is available in Serbian at:

[www.ombudsman.rs/attachments/article/7110/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98.pdf](http://www.ombudsman.rs/attachments/article/7110/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98.pdf).

<sup>87</sup> To recall, BCHR filed initiatives and complaints of ill-treatment in 32 cases with the Protector of Citizens, requiring of him to review the lawfulness of the MIA's operations. BCHR is legally representing the victims in 18 of these cases. Complaints of police ill-treatment and initiatives were filed with the Protector of Citizens also by the victims of ill-treatment themselves and by civic associations on their behalf (e.g. A11 – Initiative for Economic and Social Rights).

<sup>88</sup> The Protector of Citizens press release and findings No. 3122-870/20, Reg. No. 3163 of 5 February 2021 are available in Serbian at: [www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6974-u-vr-di-i-dg-v-rn-s-z-n-z-ni-i-n-pr-viln-p-s-up-nj-p-lici-s-ih-sluzb-ni](http://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6974-u-vr-di-i-dg-v-rn-s-z-n-z-ni-i-n-pr-viln-p-s-up-nj-p-lici-s-ih-sluzb-ni).

**satisfaction that the criminal reports had been forwarded to the Police Directorate, failing to recognise that such “sharing” might obstruct investigation.<sup>89</sup> The fact that the Protector of Citizens and the ICS communicated in writing indirectly, via the Police Minister’s Office and the MIA Secretariat, could only have further facilitated such obstruction.**

The document with the findings issued by the Protector of Citizens also states that the Chief of Belgrade Police had recommended to the Police Director to relieve the Police Brigade Commander of his duties and assign him to another “appropriate” job “because of his failure to take the requisite measures and actions within his remit, and the fact that he was not in the field and in charge of his officers on 7/8 July”. It, however, remained unknown which specific measures and actions the Commander had failed to take, what the consequences of his inaction were and which job he has been assigned to.

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<sup>89</sup> Protector of Citizens enactment No. 3122-967/20, Reg. No. 30160 of September 2020.