

Anti-terrorism Law Poses 'Monstrous Threat'

Author: [Slobodan Vucetic](#)

New anti-terrorist legislation in Serbia would strike at the very heart of civil liberties and crush the last vestiges of democracy.

Incapable of finding a way out of the deep economic, social and political crisis and burdened with the problems of international isolation, the regime of Yugoslav President Slobodan Milosevic has resorted to wide-ranging repression.

Through the suppression of the independent media and an aggressive "anti-terrorist" campaign, the regime aims to intimidate those citizens who do not share its views.

The principal "internal enemies, fascists and terrorists" and all those supposedly undermining the country are in reality unarmed students and school pupils, members of the Otpor (Resistance) movement.

Their only terrorist activity amounts to plastering posters with the name Otpor and the clenched fist symbol (a reference to the old communists) on walls.

Having failed to prove earlier claims that these students and some opposition parties are engaged in terrorist activities, the regime has come up with a fiendish idea - the immediate introduction in Serbia of a new law against terrorism. Under this proposed legislation, the term "terrorism" would enjoy a very flexible interpretation.

The details of the new law have yet to be revealed. But Serbia's Deputy Justice Minister, Zoran Balinovac, has suggested that merely the "intention" to commit a violent crime would be enough to support a terrorism charge.

The state controlled television and media have been laying the groundwork for this new legislation, reporting the urgent need for such measures in light of the experience of other countries with similar patterns of terrorist activity.

But it is quite clear these forms of terrorism do not exist in Serbia.

Of course, every state has a right and a duty to combat terrorism, but this fight must be conducted in line with constitutional guarantees of civil liberty and civic rights. The limits of executive power must be respected.

The regime's intention is to use this new 'Law against Terrorism' to limit the basic freedoms of its citizens. Under the constitution, these rights can only be limited during wartime or during a state of emergency.

Only when specific legal and constitutional conditions are met can the Federal Parliament or Federal Government declare war or a state of emergency.

No such legal or constitutional conditions exist in Serbia. There is no "large scale internal unrest which

threatens the constitutional order of the country," to cite the Law of Defence, Article 4.

Should Milosevic's regime pass such a law then it would be in breach of the constitution of the Federal Republic of Yugoslavia, FRY, especially of those clauses guaranteeing basic civil freedoms.

A group of pliant officials within the Serbian judiciary have already announced in the media the possible introduction of rigorous new restrictions of basic rights and freedoms. These officials have cited so-called "higher interests" and the "urgent need to protect society from terrorism" as the reasons behind the new rules.

The proposed increase in police powers of detention, restrictions on a suspect's rights to a proper defence and the introduction of quick trials would all be in contravention of the FRY constitution and the Federal Law on Legal Proceedings, legislation introduced during Tito's time.

Under the current Law on Legal Proceedings, police powers are already vast - a suspect can be detained for up to 72 hours without access to a defence lawyer - and unconstitutional.

Citizens deemed "politically unfit" are already being subjected to so-called "informative chats" at their local police stations - which also breach existing laws.

There are suggestions the new law would legalise the use of telephone tapping devices and bugs and that the police would be allowed to submit such recordings as evidence in court.

Such proposals are monstrous and represent a dangerous political and legal precedent. They threaten the freedom of Serbian citizens and the future and international reputation of the country.

Constitutional rights to privacy would be breached. There would be no guarantee that such recordings had been made after the introduction of the legislation or that the material had not been tampered with, edited or taken out of context.

It has already been announced that the police will be granted the right to break into private premises without a court order or two witnesses, whenever they deem there is "reasonable evidence" a terrorist act is being prepared.

At present the Serbian constitution and the federal constitution (Article 31) allow police to do so only "if it is necessary to arrest a person who has committed a criminal offence or to rescue people or property in a manner defined by Federal Law."

It should come as no surprise if all forms of public (and private) criticism of the regime and its officials are redefined as an act of terrorism and if all public gatherings of more than five people are banned - except those by members of the ruling parties, of course.

Judging by comments from Serbia's minister of justice and his colleagues in the Party of the Yugoslav Left, JUL, they are keen to see a statutory provision for special courts dedicated to combating terrorism. Magistrates who have already demonstrated their worthiness by passing down draconian penalties on the independent media could staff these administrative organs.

The latest rumours indicate a Federal anti-terrorist law may also be in the pipeline, thereby legalising the arrest of "terrorists" in Montenegro.

The frightening scope of this proposed Law against Terrorism is perhaps best illustrated by the fact that even Vojislav Seselj - a man renowned as an enemy of democracy and civil rights in Serbia - opposes its introduction.

Slobodan Vucetic was, until his dismissal six months ago, a judge in the Serbian Constitutional Court. A version of this legal analysis first appeared in the daily newspaper "Blic".

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