



СТАЛНА МИСИЈА РЕПУБЛИКЕ СРБИЈЕ  
ПРИ САВЕТУ ЕВРОПЕ  
MISSION PERMANENTE DE LA REPUBLIQUE DE SERBIE  
AUPRES DU CONSEIL DE L'EUROPE  
26, Avenue de la Forêt Noire  
67000 STRASBOURG

No: 323-1/2013

Strasbourg, 15 April 2013

Dear Ms. Gachet,

With reference to your letter dated 4 October 2012 and interest expressed by Commissioner for Human Rights, Mr. Nils Muižnieks, on the reasons that led to the decision to ban the 2012 Pride Parade in Belgrade, please find enclosed herewith the relevant Information prepared by the Ministry of Interior of the Republic of Serbia.

I would appreciate the transmission of this information to the Commissioner.

Thanking you in advance for your kind co-operation,

Sincerely yours,

Vladan Lazović  
Chargé d'Affaires a.i.

Ms. Isil Gachet  
Director  
Office of the Commissioner  
for Human Rights  
Council of Europe  
Strasbourg

*Information on the circumstances and reasons that led to the banning of gay parade "Pride 2012" from the point of view and field of jurisdiction of the Ministry of Interior*

On 3 May 2012, representatives of the "Pride 2012" Association submitted a request to the City of Belgrade Police Department for holding a marching public rally entitled "Pride 2012" on 6 October 2012, commencing at 09:00 hrs.

During the month of September 2012, citizen associations, civic groups and football fan groups initiated a campaign against Pride Parade 2012. Several citizen associations, which were highly opposed to Pride Parade 2012 taking place, announced holding of many public and marching rallies on 5 and 6 October, a day ahead and on the same date of Pride Parade 2012. These public rallies could have been used for obstructing or preventing Pride Parade 2012.

The transfer of Prince Paul's relics from Saborna Crkva (Cathedral) in Belgrade to Oplenac was scheduled on the same date as Pride Parade 2012, as well as the regular football fixtures of "Jelen Super League of Serbia" whilst, according to the Serbian Orthodox Church religious calendar, the Autumn All Souls Day fell on the same date.

The Ministry of the Interior, in line with its competencies and powers vested in it by the law, reviewed the compliance with the legal requirements and made security risk assessment for Pride Parade 2012 and the other public rallies scheduled for 6 October 2012. Moreover, the Ministry of the Interior undertook adequate measures to collect information on the gravity of threats and statements of specific groups and associations that they would not allow Pride Parade 2012 to take place.

The collected data and information showed that there were high security risks associated with holding the Parade, which could cause serious consequences for the security of people and property. The risks came from major disturbance of law and public order, violence against participants of the parade, other citizens and police officers, as was the case during Pride Parade 2010 which degenerated into extreme disorderly conduct, injury of 173 police officers and extensive damage to public property.

Assessment was made on the basis of gathered data and information that, even with the engagement of the required strength of the police force – between 6500 and 7000, with full protective gear, they would be unable to control the crowd and prevent an escalation of violence, i.e. extreme disorderly conduct, endangering the lives of people and causing destruction of property. The venue of the event itself - the city's downtown area, posed a special security risk, since numerous commercial, trade and other facilities are located there, as well as the Serbian Government building, diplomatic missions and consular posts, with heavy traffic and much frequented and busy with people.

Freedom of assembly is guaranteed under Article 54 of the Constitution of the Republic of Serbia ("Official Gazette of the RS", No. 98/2006). This Article of the Constitution of the Republic of Serbia stipulates that peaceful assembly of citizens is free, as well as that assemblies indoors are neither subject to approval nor notification. In addition, the said Article stipulates that meetings, demonstrations and other public

rallies held outdoors should be notified to a public authority, in accordance with the law.

Paragraph 4 of the same Article envisages the possibility of limiting freedom of assembly by law, only if this is necessary to protect public health, morals, the rights of others or national security of the Republic of Serbia.

Article 11 of the Law on Public Assembly ("Official Gazette of the RS", Nos. 51/92, 53/93, 67/93, 17/99, 33/99, 38/94, "Official Journal of the FRY" No. 21/2001, Official Gazette of the RS Nos. 29/2001, 101/2005) stipulates that the competent authority may ban the holding of a public assembly in order to prevent obstruction of public transport, endangering of public health, public morals and safety of people and property.

In accordance with the aforementioned legal provisions, and based on security risk assessments, decisions were made to ban the holding of Pride Parade 2012 and other notified public rallies on 5 and 6 October 2012.

The representative of the convener of the public and marching rallies entitled "Pride Parade 2012" was served on the Decision on the prohibition of the public and marching rallies, with a legal remedy, on 3 October 2012. The convener did not appeal against the Decision on the prohibition.

