

Serbia

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PUBLIC ASSEMBLY ACT

Article 1

Public assembly of the citizens is free and should be exercised in the manner prescribed by this Act.

Article 2

Public assembly, for the purpose of this Act, refers to organizing and holding a meeting or other type of gathering in a location adequate for the purpose (henceforth referred to as: public assembly).

Location adequate for a public assembly refers to a location which is accessible and suitable for gathering of persons whose number and density are not established in advance, and in which the assembly of citizens does not cause obstruction of public traffic, threat to health, public moral or safety of person and property.

Location adequate for a public assembly also refers to the location in which public transport takes place, when it is possible to ensure temporary alteration of traffic regime by means of additional measures, as well as protection of health and safety of persons and property, for which purpose means are to be provided in accordance with this Act.

Public assembly cannot be held in the vicinity of the Federal Parliament and the National Parliament of the Republic of Serbia immediately before and during the sessions.

Locations under paragraphs 2 and 3 of this article are to be designated by the Municipality or City regulations.

In the location under paragraph 3 of this article, public assembly can be held between 8 a.m. and 2 p.m. and between 6 p.m. and 11 p.m., with the duration of maximum three hours.

Article 3

Public assembly can be reported and organized as the notion of participants of public assembly in a specific location (henceforth referred to as: public procession).

Public procession under article 2 paragraph 3 can only be held in an uninterrupted motion, except for the starting and finishing points.

Article 4

Application to hold a public assembly can be submitted by any physical or legal entity (henceforth referred to as: the organizer).

As the location of the public assembly, the organizer can report a location under article 2, paragraph 3 of this Act, if they accept to bear the costs incurred by temporary alteration of traffic and other costs incurred by additional performance of public services.

The organizer reporting public assembly under article 2, paragraph 3 of this Act should submit along with the application the proof of paying the amount for the purpose of covering costs under paragraph 2 of this Act (henceforth referred to as: the deposit).

The amount of deposit and the agency to which it is paid is to be designated by the Municipality or City regulation.

Article 5

Maintaining order in the public assembly is the responsibility of the organizer.

Activities to ensure protection of safety of person and property of participants of the public assembly and other citizens, maintaining public order and peace, safety of traffic and other activities related to securing the public assembly, are to be conducted by the Ministry of Interior.

Public services related to organization of the public assembly shall be provided by the authorized body of the Municipality or City.

Article 6

The organizer should submit the application for holding a public assembly to the Ministry of Interior – organizational unit in the territory in which the public assembly is to be held (henceforth referred to as: the authorized body), at least 48 hours before the scheduled beginning of the public assembly.

The organizer should submit the application for holding a public assembly under article 2, paragraph 3 of this Act to the authorized body at least five days before the scheduled beginning of the public assembly.

The application is to be submitted either personally or by registered mail, and must be signed. The time limit for the application submitted by registered mail starts from the day of receipt of the mail.

The application is to contain the program and purpose of the public assembly, data regarding the established location, scheduled term and duration of the public assembly and the information on the measures taken by the organizer for the purpose of maintaining order and the monitoring service organized for the purpose, together with the estimated number of participants of the public assembly.

Application to hold a public procession should also contain a detailed route of the procession, starting point and point of termination.

The organizer should also submit a copy of the application to the authorized body of the Municipality or City under article 5 paragraph 3 of this Act.

Article 7

When the application does not contain the information under article 6 paragraph 4 of this Act, the authorized body shall warn the organizer of that and set a time period for the organizer to complete the application.

In case of situation under paragraph 1 of this article, the public assembly will be considered as reported after the submission of complete application.

Any change of contents of the application submitted will be considered as the submission of a new application.

Article 8

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Article 9

The authorized body shall temporarily ban the organization of a public assembly that is directed toward violent changes of the constitutional order, violation of territorial integrity and autonomy of the Republic of Serbia, breach of human and civil rights and freedoms guaranteed by the Constitution, provoking and inciting national, racial and religious animosity and hatred.

The authorized body shall inform the organizer on the temporary ban of the public assembly not later than 12 hours before the scheduled beginning of the assembly.

The authorized body shall, within the time period under paragraph 2 of this article, submit a substantiated claim to the competent district court to make the decision on banning the public assembly for the reasons under paragraph 1 of this article (henceforth referred to as: the claim).

Article 10

Within the 24 hours upon receiving the claim, the County Court shall hold a hearing to which both the claimant and the organizer are to be summoned, and make the decision.

The hearing can be held even if the summoned parties do not appear, to which the parties will be explicitly warned.

The County Court may decide to deny the claim and annul the decision on temporary ban, or it may decide to ban the public assembly.

Either party may lodge a complaint against the first-instance decision within 24 hours after receiving the decision.

The complaint is not submitted to the reply.

The complaint is decided upon by the panel of three judges of the Supreme Court of Serbia, within 24 hours of receiving the complaint.

In the procedure upon the claim to ban the public assembly, relevant provisions of the Criminal Procedure Act are applied accordingly, if not otherwise stipulated by the law.

Article 11

The authorized body may ban the holding of the public assembly on the grounds of preventing obstruction of public transport, threat to health, public moral or safety of persons and property.

The authorized body is obligated to inform the organizer of the ban on holding the public assembly at least 12 hours before the scheduled beginning of the assembly.

The complaint lodged against the ban under paragraph 1 of this article does not delay its execution.

Article 12

If in the course of public assembly circumstances under article 9 paragraph 1, or article 11 paragraph 1 of this Act should arise, the authorized body shall warn the organizer to terminate the public assembly and ask the gathered citizens to disperse for the purpose of re-establishing order.

If the organizer in the situation under paragraph 1 of this article cannot or refuses to terminate the public assembly, the authorized body shall make the decision on the ban, announce it verbally, terminate the public assembly and take measures to re-establish public order and peace.

Written notice on the decision under paragraph 2 of this article shall be submitted to the organizer by the authorized body within the period of 12 hours.

In case the public assembly was terminated due to the circumstances under article 9 paragraph 1 of this Act, the authorized body shall submit the substantiated claim to the competent district court to make the decision on banning the terminated public assembly within 12 hours of the termination.

Article 13

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Article 14

Holding of a public assembly that was not previously reported shall be prevented by the authorized body and measures shall be taken to re-establish public order and peace.

Article 15

Monetary fine in the amount of maximum 10,000 dinars or term of imprisonment for the maximum of 60 days shall be the penalties for:

1) organizer of the public assembly who had not taken the measures to maintain order in the public assembly, that is, who had not organized the monitoring service (article 5 paragraph 1);

2) person gathering citizens without a previous application (article 6);

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4) organizer of the public assembly who holds the assembly regardless of the ban under article 9 paragraph 1, and article 11 paragraph 1 of this Act;

5) organizer of the public assembly who does not terminate the assembly according to article 12 of this Act.

For the offence under paragraph 1, points 1, 2, 4 and 5 of this article, the legal entity shall be fined with 500,000 dinars maximum, and the responsible person with 50,000 dinars maximum.

Article 16

The Municipality or City shall pass the regulations under article 2 paragraph 5 and article 5 paragraph 4, within the period of 15 days from the day of this Act coming into effect.

Article 17

From the day of this Act coming into effect, the Public Assembly of Citizens Act ("The Official Gazette of the SR Serbia", No. 14/90) is no longer valid.

Article 18

This Act comes into effect on the next day after it is published in "The Official Gazette of the Republic of Serbia".