

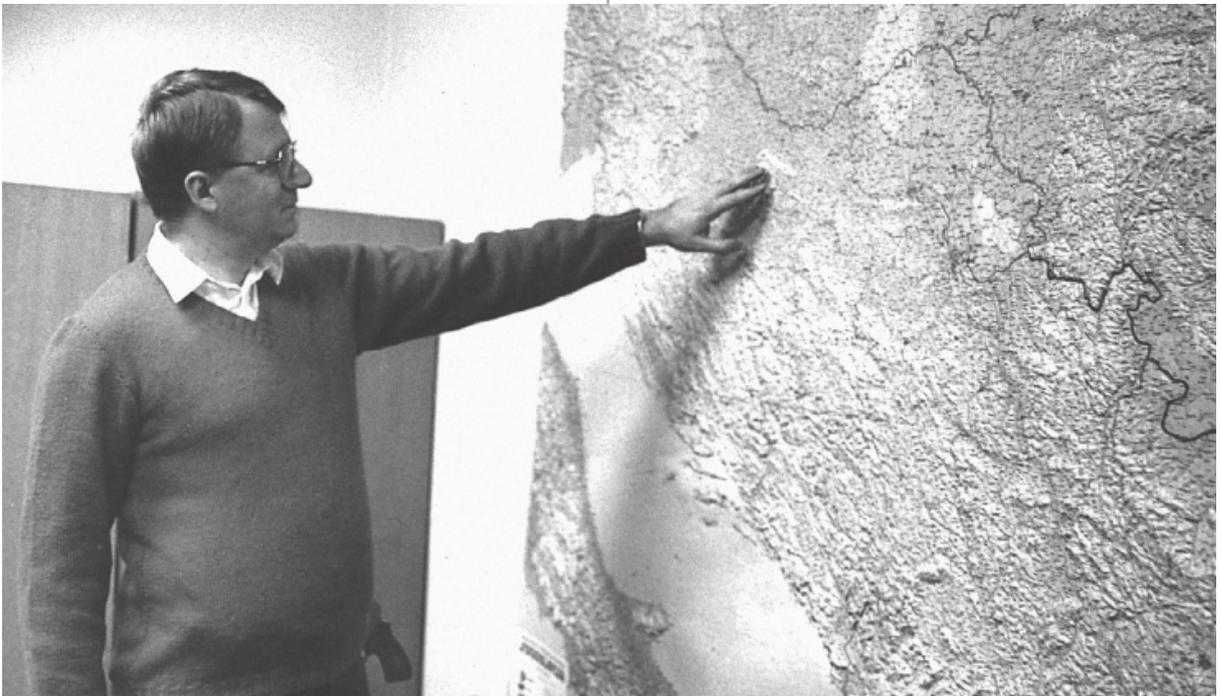
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VOJISLAV ŠEŠELJ: THE QUESTION OF ETHICS AND RESPONSIBILITY



ARHIVA "VREME"

The ICTY Trial Chamber decided on a temporary release for Vojislav Šešelj, leader of the Serb Radical Party /SRS/. The decision itself was not unanimous but was unique for having been made despite many legal deficiencies. The conditions under which he was released did not restrict his public and political activism in Serbia. The decision thus undermined basic principles of the UN resolution whereby the ICTY had been established in the first place. This was the backdrop against which Vojislav Šešelj's comeback provoked both reactions and debates, while fueling new conspiracy theories

against Serbia and the Balkans, speculation and doubts. His comeback disturbed the most his former party comrades, President Tomislav Nikolić and Premier Aleksandar Vučić.

The media have been mostly focused on two theses. First, the "Hague dungeon" had not managed to prove him guilty – or, an innocent man had been kept in detention for 12 years. Second, his release fits into some Western countries' plan for destabilization of the Vučić cabinet. His ministers have emphatically argued for the latter following the cabinet's

traditional mannerism about being constantly jeopardized by the West, as well as by a variety of domestic mercenaries and traitors. Hardly anyone touched on Šešelj's wartime record.

Šešelj comeback made a sensation for a week that followed his Belgrade rally and provocative statements. In the long run, however, there is a much deeper sense in his insistence on the program that triggered off the 1990s wars: for, not a single official has distanced himself from that policy. His foaming over Serbia's Euro-Atlantic policy plays into the hands of the right-wing bloc, now in consolidation after the cooperation agreement between the *Dveri* and the Democratic Party of Serbia /DSS/. Many rightist intellectuals have been siding with the bloc since (e.g., Đorđe Vukadinović, Slobodan Antić, Kosta Čavoški, Milo Lompar and the like).

The region, Croatia in the first place, protested against Šešelj's warmongering rhetoric. Croatia initiated a resolution before the European Parliament to condemn this rhetoric and demand the Serbian government to clearly distance itself from it. To this Serbian authorities responded heatedly claiming the initiative was "an insult to Serbia"¹ and that Croatia was "stuck in the past."² President Nikolić said, "The European Parliament allowed Croatia to instrumentalize it in its election campaign."³

Serbia's opposition also responded inadequately. Actually some opposition leaders had hoped the "Šešelj factor" would be an agent for the ouster of "unbearable" Vučić.⁴ However, as journalist Teofil Pančić put it, Šešelj himself with his cannibalistic attitude had brilliantly smashed to smithereens this delusion, thus

1 Politika, November 27, 2014.

2 Danas, November 29-30, 2014.

3 Danas, November 29-30, 2014.

4 Teofil Pančić, <http://www.slobodnaevropa.org/content/pancic-izduvavanje-faktora-seselj/26707823.html>.

preventing the disoriented part of the opposition from making fools of themselves any further.⁵

Šešelj's comeback crystallized the social atmosphere of all post-Yugoslav countries. The haunting ghosts of the past become more than visible in all crisis situations, especially in election campaigns. Every ceremony marking an event of the 1990s raises the temperature all over the region – and mostly because the region has not yet reached a consensus on the character of the past wars. Instead, everyone is "bidding" on the number of victims rather than contextualizing the causes of the victimhood.

As for Serbia, not a single government after Milošević's ouster has gathered up its courage to take stock of the war. Šešelj just reminded them of their failure. Serbian elites are still parroting that Serbia has not been at war that had been initiated by secessionist republics (Croatia and Slovenia) with the helping hand from the West, while in Bosnia Muslims had been those to declare war to YPA, and the like.

Šešelj's comeback is a test for Serbia's ethics, political and civilization values, all of which the incumbent government totally ignores. By not responding to his rhetoric and distancing itself from it, the government only fueled the fire of radical nationalism that threatens Serbia's course to EU. Statements by highest officials such as Aleksandar Vučić, Tomislav Nikolić and Ivice Dačić indicate that they would not take stock of their own war records, and draw the line on the once policy, especially for Kosovo and Bosnia. Tactlessly, they called the European Parliament's resolution "humiliating." And by not distancing themselves from Šešelj the government actually called into question its reformist, European course.

5 Ibid.

Šešelj has been prosecuted clumsily in ICTY from the very beginning. The Šešelj case actually revealed all the court's systemic deficiencies. Fragile for starters the indictment against him had not encompassed the time of his formal ties with Milošević; and that was crucial for proving his involvement in a joint criminal enterprise. Keeping him detained for so long – four years since his trial was over – is the biggest failure.

The developments related to his release indicate that the international community also has to take stance on the character of the 1990s wars and thus put an end to manipulations standing in the way of regional consolidation. This is most important for after-war generations that have been raised on mythical narratives.

ŠEŠELJ IN SERBIA

Warmongering Šešelj has been provoking from the moment his plane landed in Belgrade. He first bragged about having “blasted the Hague Tribunal and proved to all and sundry that it was an illegal and anti-Serb court.” “Finally, they threw me out of jail...I've neither asked for anything nor signed anything. They just told me 'You go now' and kicked me out.”⁶ Then he said he would take revenge against his former associates, Vučić and Nikolić, by revealing their doings in the wartime. And promised never to give up the “Greater Serbia” plan – the very mission of SRS, as he put it – and “implementation is by all peaceful means available.”⁷

He specifically addressed Croatia. He would never give up the Karlobag-Ogulin-Virovitica border he said, adding, “Sooner or later Croatia

6 <http://www.vijesti.ba/vijesti/regija/246208-Seselj-Rasturiosam-Tribunal.html>.

7 <http://www.vijesti.ba/vijesti/regija/246347-Seselj-Miroljubivim-sredstvima-Velike-Srbije.html>.

will have to withdraw from Republika Srpska Krajina.”⁸ His statements, he said, play into the hands of President Ivo Josipović's election campaign, while Vesna Pusić was his “favorite Croatian politician” because of her “Chetnik pedigree on her mother's side.”⁹ “In Serbia Vučić shuts me out from the media, so I am grateful to Croatia's stupidity that compensates for it.”¹⁰ When he learned that Prosecutor Bramertz filed for his return to The Hague, he said, “Serge Bramertz is a fool. I've promised nothing as they simply kicked me out. I will never go back by my own free will. Let's see what will happen if my main accomplices in 'war crimes,' Tomislav Nikolić and Aleksandar Vučić, try to have me arrested at the Court's request.”¹¹ He also boasted that he had contributed to large extent to the suicide of Milan Babić, former president of Republika Srpska Krajina,¹² and repeated that he had been very glad to learn that Dindić was dead.¹³

For days prior to his arrival the media had speculated about preconditions for his release and its effects on the incumbent regime. Minister of Labor Aleksandar Vulin was the first official to address the press saying that the leader of the Radicals' release “was an attempt to destabilize the Serbian government and intimidate Premier Aleksandar Vučić.”¹⁴ This was, he explained, as if the ICTY put across the message to Vučić – “You want Putin in Belgrade, you

8 <http://www.vijesti.ba/vijesti/regija/248249-Seselj-Hrvatska-mora-povuce-Republike-Srpske-Krajine.html>.

9 <http://www.cazin.net/vijesti/clanak/vojislav-seselj-josipovicu-pomazem-u-kampanji-a-pusic-cijenim-zbog-cetnickog-pedigrea>.

10 <http://www.cazin.net/vijesti/clanak/seselj-hrvatska-midize-publicitet-necu-se-dobrovoljno-vratiti-u-hag>.

11 <http://www.vesti-online.com/Vesti/Srbija/453245/Seselj-Bramerc-je-budala>.

12 <http://www.blic.rs/Vesti/Politika/515397/>

[Seselj-Doprineo-sam-tome-da-Babic-izvrsi-samoubistvo](http://www.blic.rs/Vesti/Politika/515397/Seselj-Doprineo-sam-tome-da-Babic-izvrsi-samoubistvo).

13 <http://www.telegraf.rs/vesti/politika/1301179-seselj-o-ubistvu-premijera-drago-mi-je-da-je-djindjic-mrtav-video>

14 Politika, November 7, 2014.

want a parade /in his honor/, so you'll have to give up the 'both Russia and EU' policy. "¹⁵ Branko Ružić of the Socialist Party of Serbia / SPS/ said he was glad that the historical injustice done to Serbia and one of its citizen was rectified at least fragmentarily."¹⁶ Bishop Irinej also condemned the ICTY for "the 12-year illegal imprisonment of Šešelj" whom he called "a tragic galley slave."¹⁷

THE HAGUE TRIBUNAL IN THE DOCK

The Šešelj case revealed the systemic deficiencies of the Hague Tribunal. For, says Nena Tromp, chief investigator in the case of Milošević, the indictment raised against him covered the period 1991-93 in the territories of Croatia, Bosnia-Herzegovina and Vojvodina. "At the time these crimes were committed Šešelj was not an official according to law. Therefore, it was hard to determine his responsibility measured by his formal power and control even when it came to the volunteers of his Serb Radical Party. While he dispatched volunteers to fight in Vukovar he was not their formal commander...All the volunteers in Vukovar were under the command of the YPA. However, at the time of the Kosovo conflict Šešelj was a member of the cabinet – a part of the executive power in his capacity as the Deputy Premier – but the indictment did not cover that period."¹⁸

Then, reminds Nena Tromp, we have the trial itself and developments related to it. The ICTY and contemporary courts of law stick to high standards for the respect of defendants' human rights. Therefore, Šešelj was provided every opportunity to defend himself and have a fair trial. The Tribunal as a whole – as well as the circles beyond it – was most sensitive to any

¹⁵ Politika, November 8, 2014.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Večernji list, November 27, 2014.

criticism of fair trial. So, in his case too, any discussion about imposing a lawyer on him was out of question considering the developments in the Milošević case. In the meantime Karadžić also decided to defend himself. When they tried to deprive Šešelj of that right he went on hunger strike and the trial started again from the scratch. Šešelj was entitled to exercise this right and was exercising it in his specific manner...It was clear then that he would be the one to hold the stage in the courtroom.¹⁹

Šešelj himself also protracted the trial by obstructing proceedings, insulting the court, revealing confidential information (which he publicized at his website), etc. For contempt of court he was punished with total 56 months in jail. He paid no heed to the rules of communication; he was filing all sorts of complaints and was intimidating witnesses all the time (for witnesses for the Prosecution turned into witnesses for the defense during the process). It is not true that he was not inadequately cured, given that he was receiving the same medical treatment as all citizens of the Netherlands.

Following on the reactions to Šešelj's release, ICTY Chief Prosecutor Serge Bramertz requested the Trial Chamber to withdraw the decision on early release and order him back. According to Bramertz, Šešelj's behavior upon return to Serbia undermines the argument for his early release. "The Chamber's trust in Šešelj was groundless," he said.²⁰

Croatian President Ivo Josipović also wrote to ICTY President Theodore Meron wishing to draw the attention of the international community to the principles and reasons for which the ICTY had been established. He said he would present the Šešelj case before the UN SC. Serbia's ruling elite strongly reacted against the Prosecutor's motion while parroting the thesis about the attempt at Serbia's destabilization.

¹⁹ Ibid.

²⁰ Danas, December 3, 2014.

Defense Minister Branislav Gašić said, “It is on the Hague Tribunal to decide on Šešelj’s release or return, and the government of Serbia has nothing to do with it...For me, this circus is nothing but a political pressure on Premier Vučić. Obviously it doesn’t suit someone to have Serbia as a functioning state.”²¹ Labor Minister Aleksandar Vulin said on the same occasion, “I entreat the Trial Chamber to leave Šešelj in Serbia,” explaining that Šešelj could “incite a conflict with the police” trying to arrest him at the ITCY request.²²

Vice-Premier Rasim Ljajić said, “Everything about Šešelj’s release entails scandals and legal precedents...Prosecutor Bramertz’s request is the last in a row – a typical hot potato game. To wash its hands of everything, the Hague Prosecution now want the Trial Chamber to withdraw its decision.”²³

The opposition comments on the request differently, arguing that it in no way affects political situation of the country. Nemanja Šarović, vice-president of SRS, says, “Vulin is actually Vučić’s mouthpiece and as such reveals Vučić’s panic.”²⁴ Professor Zoran Stojiljković takes that Šešelj cannot destabilize Serbia and that all this is “a typical production of a political event leading to an unnecessary social drama.”²⁵

SERBIA IN THE EUROPEAN PARLIAMENT

The Šešelj lifted the veil from regional relations which had never been so bad before as it seems. In almost no time Serbia deteriorated its relations with Croatia, Albania and Turkey; this implies not that its relations with Kosovo, Bosnia or Montenegro are any better.

21 Ibid.

22 Ibid.

23 Danas, December 3, 2014.

24 Ibid.

25 Ibid.

As proposed by Croatian MPs, the European Parliament passed a resolution on Vojislav Šešelj to condemn his hate speech and appeal to the Serbian authorities to distance themselves from his statements, and investigate possible breaches of domestic legislation.

Explaining the reasons why the European Parliament should address the issue, Croatian MP Tonino Picula said, “First of all, I take that the European Parliament is the institution duty-bound to react promptly at all manifestations of political pathology. Not only once in the 20th century have we experienced that the so-called madness of an individual in disturbed societies could set fire to conflict and harm millions of people. I believe Europe has learnt its lesson from the two world wars. However, the developments in the territory of ex-Yugoslavia in early 1990s are still fresh in our mind, especially in the minds of Croats. And especially fresh on November 19 marking the anniversary of hardship of Vukovar and Škabrnja, which coincided with political activism of one of the protagonists, Vojislav Šešelj.”²⁶

As for Vojislav Šešelj, he said he was proud of the resolution that showed that he had “broken through” the media blockade Aleksandar Vučić had imposed on him. The strategy of “throwing the media bait” to Croats was crowned with success, he added.²⁷

Premier Aleksandar Vučić called the EP resolution insulting, disturbing and a disappointment to Serbia.²⁸ “Some wanted to humiliate Serbia in this way, but we will not allow anyone /to humiliate us/. It’s been by-gones since Serbia was a punching bag...Citizens of our country

26 <http://www.slobodnaevropa.org/content/picula-za-rse-zasto-trazim-raspravu-o-seselju-u-europskom-parlamentu/26699871.html>.

27 <http://www.blic.rs/Vesti/Politika/515473/SVI-PROTIV-SR-BIJE-Nemacki-mediji-Na-Balkanu-je-novo-ledeno->.

28 Ibid.

should learn a lesson from this, realize how they are treating us, seeing us, and how many challenges and hardship – some of which we had not expected – we shall have to cope with on our European course in the near future... If this resolution was passed for the benefit of the upcoming presidential elections in Croatia, I must say that was irresponsible. The European Parliament lent a hand to hatred and xenophobia.”²⁹ He and President of Republika Srpska (Bosnia-Herzegovina) Milorad Dodik shared the view that the EP resolution in no way contributed to cooperation between the countries and peoples of the Western Balkans.³⁰

Vuk Drašković, leader of the Serb Renewal Movement /SPO/, said, “Croatian MPs had initiated the resolution as they were anxious about Šešelj’s statements threatening territorial integrity of Croatia, which is in the membership of both EU and NATO...They shared their fear with the European Parliament, which insulted itself with this resolution having undertaken the role of the international tribunal that had tried Šešelj and released him before passing a sentence. However, the European Parliament puts a person on trial but releases not its sentence. Once the passions calm, most MPs will feel uneasy.”³¹

According to Prof. Predrag Simić, former diplomat, the Šešelj case is “a product of the election campaign in Croatia.”³²

In Minister Rasim Ljajić’s view, the “entire action” was taken just to strengthen position of some Croatian presidential candidates – this year and in parliamentary elections scheduled for 2015. “The Hague exported its problem to Serbia, unable to finalize the case that took

²⁹ Politika, November 27, 2014.

³⁰ Politika, November 30, 2014.

³¹ Ibid.

³² Ibid.

eleven years and is not finished yet.”³³ Commenting on the resolution Foreign Minister Dačić said that was yet another argument for closing down the Tribunal.³⁴

CROATIA’S RESPONSE TO BELGRADE

Premier Zoran Milanović’s decision to turn down the invitation to the December Regional Summit of fifteen heads of government China has convened in Belgrade also testifies of badly disturbed relations between Belgrade and Zagreb. “If someone invests so much energy and time in the protection of the Serb minority in Croatia to his own detriment, that someone is I, my party and my cabinet. Therefore, I expect others to speak fairly about some developments at least. For instance, about the behavior of an esteemed gentleman who had been expelled from the Hague Tribunal. All I ask are good manners, especially because all of them made the same political company in the 1990s. All I ask them is to call it an evil and distance themselves from it. I believe the former government would have done it. This one would not for some reasons of its own. Under such circumstances it would be foolish of me to show up there.”³⁵

Croatia’s Minister of Foreign and European Affairs Vesna Pusić said her country’s policy for Serbia would not change, adding, “It would be most welcome should the Serbian authorities distance themselves from the warmongering statements by the accused war criminal Vojislav Šešelj.”³⁶

³³ Ibid.

³⁴ <http://www.tanjug.rs/novosti/154420/dacic--ukinuti-haski-tribunal.htm>.

³⁵ <http://www.slobodnaevropa.org/content/milanovic-otkazao-posetu-beogradu-zbog-seselja/26715026.html>.

³⁶ <http://www.politika.rs/rubrike/dogadjaji-dana/Seselj-dvojezicne-table-i-odnosi-Srbije-i-Hrvatske.sr.html>.

However, Croatia's ex-President Stjepan Mesić thinks differently about President Zoran Milanović nay to the Belgrade Summit. "The propaganda-political skirmish between Zagreb and Belgrade – in public, in the media or by the means of demonstrative denial to attend a major multilateral meeting – benefits no one but surely greatly pleases Šešelj."³⁷

Most commentators in Croatia take that the state reacted with good reason to Šešelj's public statements but that everything turned into euphoria, which ultimately plays into the hands of nationalists and the right-wing in the midst of the presidential campaign.

"If Šešelj is crazy, as people are saying these days, then Croatia is sort of politically crazy... The reaction that borders on hysteria indicates that Croatia is not politically mature and lacks self-confidence. Investing the country's entire political energy into a showdown with a man on political margins speaks badly about the country," says Milenko Čulić.³⁸ In his view early release granted to Šešelj is a bigger burden on Belgrade than on Zagreb. "All I can say listening to their parroting about wishing him good health is that they do not know what to do. As they all come from the same political flock one should not have expected them to condemn him in the grand manner. What troubles me more is a generally insensitive attitude towards crimes committed either by Serbs or Croats that prevails in both countries, and has nothing to do with Šešelj."³⁹ Viktor Ivančić, journalist and writer, holds that Šešelj's comeback can only fuel radicalization of the Croatian society that has been spiraling over past years.⁴⁰

As for Aleksandar Vučić, he tries to maintain the image of a politician dedicated to regional

37 Danas, December 2, 2014.

38 <http://www.slobodnaevropa.org/content/milanovic-otkaza-o-posetu-beogradu-zbog-seselja/26715026.html>.

39 Ibid.

40 <http://www.slobodnaevropa.org/content/viktor-ivancic-tihi-doslus-srpskog-i-hrvatskog-nacionalizma/26705196.html>.

cooperation. "As for our policy for the region, we remain a stability factor, we insult no one or challenge anyone. Serbia's domestic policy does not boil down to looking over its neighbor's fence and searching for a culprit in someone else's backyard. Some others, probably incapable of implementing radical economic reforms, envy Serbia. They would like to be like Serbia, so they need to some political excuse... We are committed to regional cooperation but will never accept collective responsibility some try to impose on us."⁴¹

The meeting of foreign ministers in the European Parliament – several days after the resolution was passed – turned into a heated polemic between Minister Dačić and Croatian MPs. Dačić criticized the resolution arguing that it benefited not regional peace and stability. Croatia's MP Andrej Plenković retorted that Serbia has never distanced itself from Šešelj's policy and would never be able to pursue its European course unless it endorsed European values. Right-wing MP Ruža Tomašić joined in. She accused Dačić of arrogance and having come to Brussels to lecture everyone. "You've been Vojislav Šešelj's close associate for years and never renounced the Greater Serbia project," she said.⁴²

41 <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:521285-Vucic-Pustili-Seselja-pa-krive-Srbiju>.

42 <http://www.kurir.rs/vesti/politika/polemika-u-ep-dacic-hrvatima-svako-ima-svog-seselja-clanak-1627530> <http://www.kurir.rs/vesti/politika/polemika-u-ep-dacic-hrvatima-svako-ima-svog-seselja-clanak-1627530>.

CONCLUSION

Numerous critical comments on Šešelj's release assume that the Hague Tribunal is perceived as a mechanism of law and justice, inspiring hope among citizens in the region that crime pays not, and that the very act of early release disappointed and disheartened not only victims but all those who believed in justice.

Having failed to react adequately Serbia's authorities showed how unconvincing their reformist promises were – as such promises imply genuine coping with the past among other things. Neither have relevant institutions such as the Public Prosecutor Office reacted; the Prosecution could have pressed charges against Šešelj for inciting national and religious hatred.

The commentaries the bottom line of which is that Šešelj is “an innocent victim of the Hague dungeon” or that the West undermines the Serbian cabinet for its relationship with Russia and Putin indicate that Serbia has not given up the thesis about “never being at war.” Inadequate reactions not only relativize crime but reaffirm nationalism as the one and only ideology. This perfectly suits the spiraling, radical right-wing.

Although Vojislav Šešelj is no longer a major political figure, his chauvinistic and racist views are once again stirring up the suppressed national passions and hate speech of the 1990s, and generating new conspiracy theories.

Overcoming the past is the key to regional stability. Incidents such as the “Šešelj case” testify that the region as a whole has not abandoned the nationalistic matrix.

Therefore, the international community should pass a declaration, a resolution or a statement so as to have the 1990s wars properly defined, and a joint historical narrative – younger generations are in much need of – established. Younger generations should be presented with all facts, objectively systematized and chronologically explained.