

# Helsinki bulletin



HELSINKI COMMITTEE  
FOR HUMAN RIGHTS IN SERBIA  
address: Rige od Fere 20,  
Belgrade, Serbia  
tel. +381-11-3032-408; fax. 2639-437;  
e-mail: office@helsinki.org.rs  
http://www.helsinki.org.rs

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## THE CIRCLE IS CLOSED

Three months after parliamentary elections (May 6) Serbia got a new government the very formation and composition of which reflect social disorientation and confusion. In these three months newly elected President Tomislav Nikolic and his Serb Progressive Party /SNS/ clearly demonstrated that they had no political concept or program for overcoming the crisis. It also became evident that the new ruling coalition does not intend to break with Milosevic's legacy – to discontinue his policy at national and regional level – that it lacks human resources to form the government and, therefore, was forced to rely on “old” cadres or to “borrow” officials from the democratic bloc.

The very outcome of the elections created room for various coalitions, including a mandatory for the government coming again from the ranks of Democratic Party /DS/. Nothing of this happened as, with the support from the conservative bloc and Russia, the Progressists would not miss the opportunity to rule Serbia. Devastating effects on Serbia's political ambiance will be in plain sight once a new government starts functioning and local self-governments are formed. It was only after the Socialists' and the Progressists' recurrent visits to Moscow when it became evident that a new



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government would be “tailored” by Moscow's rather than by Brussels and Washington that EU and US responded to new developments in Serbia.

By their delayed action, EU and US wanted to make sure that the progress the former government had made in the movement towards EU

would not be annulled. Here they were primarily concerned with the implementation of the agreements reached in Belgrade-Prishtina negotiations and continuation of the dialogue. A visit by two US officials, Philip Reeker and Philip Gordon, who were after the so-called big coalition in Serbia, as the word had it, failed. And yet, shortly after they left Belgrade Ivica Dacic and Aleksandar Vucic paid visits to Berlin and Washington. They promised to US and EU that the new government would observe all agreements with Prishtina reached by its predecessor, work on their implementation and continue the dialogue.

Post-election combinatorics and its turns, as well as the final outcome, raise a crucial question: where is Serbia heading for in the period to come? Programs of key players at Serbia's scene are blurred and political philosophies are based demagoguery and populism – actually they make up “an alliance skillful political gamblers and turncoats.”<sup>1</sup> The Progressists and the Socialists' close ties with Russia question the pro-European agenda of the former government no matter how hard the new President and his associates try to leave an impression about continuity. True, the coalition agreement between the two parties places Serbia's continued movement towards EU on the priority agenda. On the other hand, many controversies in the process of the government's formation cast a shadow over these promises – and primarily when comes to the respect for European standards in the process of transformation and democratization.

In the past three months President Nikolic was not exactly convincing about key issues facing Serbia (such as Kosovo and other neighbors, EU, domestic problems, etc.). He revealed his shadowy professional and political identity. His contradictory statements cast a shadow over his

1 Djordje Vukadinovic, *Politika*, July 10, 2012.

true intentions against fluid domestic and international backdrop. Unconvincing statements by high officials of SNS with no vision indicate that the activity of the upcoming government will be of limited scope.

Tomislav Nikolic promises to be a president who will address all wrongs and strictly observe the Constitution. He is after “erecting a monument to himself to be remembered by Serbia.” He is not after financial gain, he says, as he is “rich and comfortably off.”<sup>2</sup> In almost no time he managed to homogenize the region against him and question the anyway modest progress made in regional relations. His statements such as “Vukovar is a Serb town,” “Srebrenica stands for a war crime but not for genocide” or “I recognize Montenegro but not Montenegrins who are actually Serbs” only fueled regional suspicions. Speaking of EU, he said, “Serbia should not accede EU at any cost.”<sup>3</sup> He advocates Serbia's neutrality and opposes membership of NATO. Serbia should keep an open door to Russia, “our big ally,” he argues. “We must not be angry with Russia that preconditions us in no way,” he says.<sup>4</sup>

No doubt that the first issue EU will face the new government with is Kosovo. Belgrade is expected to gradually normalize relations with it (Belgrade-Prishtina agreements reached in 2011) and to continue negotiations. Nikolic said he would ask UN<sup>5</sup> involvement in the negotiations on Kosovo, because “so far Serbia has had two votes against it, those of EU and Albanian representatives.”<sup>6</sup>

In the past three months Nikolic and the new ruling coalition (SNS, SPS and URS) have been

2 Pecat, July 20, 2012.

3 Ibid.

4 Ibid.

5 This implies participation of Russia that is interested in keeping Kosovo an open question.

6 Pecat, July 20, 2012.

after destroying Democratic Party – its internal turmoil has only played into their hands. Nikolic blames the Democrats for all adverse developments and says, “Boris Tadic was more concerned with foreign factors sometimes... and has lost touch with reality.” He portrays himself as a person of high morality – something no one has openly argued against or reminded him of his role and the one of his party in the 1990s wars and devastation of Serbia.

The new government and Premier have neither a plan for how to solve serious problems plaguing Serbia nor are they ready to put an end to those that have been obstructing transition and movement towards Euro-Atlantic integration for twelve years now. Many analysts argue that Nikolic’s victory created “foundations for changes in the country’s domestic and foreign policies.” And this primarily refers to paying less attention to EU’s requests.

## KOSOVO ISSUE

The Kosovo issue is the first challenge for the new government and President Nikolic. Despite all warnings, especially those articulated by Angela Merkel in 2011, about partition being out of question, Tomislav Nikolic and his circle constantly try to leave an impression that Kosovo is still to be negotiated about. Their numerous statements – often contradictory or vague – confuse the general public but, in fact, place the partition scenario on the agenda once again.

According to unofficial sources of the *Press* daily, SNS has fully developed a plan for Kosovo but has not revealed it to any political party up to now. SNS seeks to reach a social and political consensus on Kosovo. “Analysts” fully support Tomislav Nikolic’s suggestion about UN participation in the Belgrade-Pristhina negotiations that would entail counterbalance to Brussels

that has usually sided with Albanians.<sup>7</sup> In this context, Nikolic brought up the models of Tyrol and Epen.

Slobodan Samardzic, vice-president of the Democratic Party of Serbia /DSS/ argues that crucial in all this is the manner in which certain models are implemented.<sup>8</sup> Autonomy would entail Kosovo within Serbia as a whole, whereas “a part of an independent state you want autonomy for” would be unacceptable to Serbia,” he says. To have UN involved in future negotiations on Kosovo, /authorities/ must immediately put an end to the policy of surrender for Kosovo, insists Samardzic.<sup>9</sup>

Vladislav Jovanovic, Milosevic’s foreign minister, also takes that UN should mediate the negotiations. “Over the dialogue EU has been a blackmailer,” he explains. According to Jovanovic, whether a model applies to Kosovo / as a whole/ or just to North Kosovo should be clarified in the first place. Because, if it applies to North Kosovo only, that would “lead towards indirect recognition of independence.”<sup>10</sup>

By bringing up Tyrol and Epen, Nikolic tries to define his position, says Prof. Predrag Simic, adding that the two models are not applicable. For him, UN involvement would be in Serbia’s interest because this entails participation of China, Russia and non-aligned countries. “This hardly suits EU and US. I am afraid, therefore, that we would have little room for maneuver,” says Simic.<sup>11</sup>

As usual, when Kosovo is on the agenda Dobrica Cosic had his say. “Serbia should surrender Kosovo in a civilized manner,” he said, adding that Kosovo “is the biggest malignant tumor is

7 Vecernje Novosti, July 20, 2012.

8 South Tyrol and Epen, Belgium.

9 Vecernje Novosti, July 20, 2012.

10 Ibid.

11 Ibid.

our social tissue.” Therefore, it should be cut from Serbia, argues Cosic, adding that “the Pec Patriarchy, monasteries of Decani and Gracanica, and the ethnic area of Gracanica” should be “saved” in this process.<sup>12</sup>

In response to Cosic’s stance, Serb Patriarch Irinej said, “This is unrealistic. I think that Serb nation and the Serb Orthodox Church would never give their consent to a civilized surrender of Kosovo.”<sup>13</sup> “The means for occupying territories are common knowledge – war and snatching,” said the Patriarch.<sup>14</sup>

Historian Predrag Markovic stands for the “German model” applied to East and West Germany. “Unless they are after totally humiliating us, they could offer us ‘the German solution’... The only question is to what extent they want to humiliate us symbolically. Solutions for the North and enclaves must be very flexible and the territories in Kosovo with Serb population must be protected,” says Markovic. “That’s the maximum we could accept,” he explains.<sup>15</sup> For him, Nikolic’s visit to the Patriarch is “rather unusual” – no official has taken the Serb Orthodox Church into consideration so far. “For Serbs, Kosovo is a crucial issue. If a President of the Republic seeks a consensus with a Patriarch, it means that he is the first official ever to consult Serbs about such an important matter. For me, Nikolic’s audience with the Patriarch means that he plans to call a referendum /on Kosovo/,” says Markovic.<sup>16</sup>

As usual, the media promptly identified adequate interviewees from abroad. Among them is the frequently quoted Stephen Meyer, former CIA deputy chief for the Balkan Task Force. Meyer believes that Serbia has a chance

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<sup>12</sup> Press, July 11, 2012.

<sup>13</sup> Blic, July 12, 2012.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

to change the dynamics of its relations with Washington.

“But in order to do that it needs to act more independently and to be less obedient to Washington or Brussels than the previous government.” “In short, Kosovo has basically become a frozen conflict and I do not expect this to change any time soon. I have been saying for the last ten years that the partition is the only fair solution,” he concluded.<sup>17</sup>

Appointment of Aleksandar Vulin – former high official of JUL, who spent last summer on barricades in North Kosovo – head of the Office for Kosovo and Metohija seriously questions President Nikolic’s promises about continuation of the dialogue with Prishtina.

## ISSUE OF VOJVODINA OPENS

Issues that will soon be on the new government’s agenda were opened even before it was formed. A decision by the Constitutional Court of Serbia raised tensions in the country.

The Court’s decision on Vojvodina questions the province’s anyway limited autonomy. The Court had sided with the conservative bloc and its centralistic concept for Serbia. Bearing in mind consequences of the “anti-bureaucratic revolution” in 1989 that still negatively affect residents of Vojvodina and the fact that a movement for larger autonomy grows stronger and stronger, the decision opened the door to serious domestic tensions and internationalization of the Vojvodina issue.

The Court publicized its decision, whereby proclaiming many provisions of the Vojvodina Statute and the Law on Authority of the Province unconstitutional on the eve of the election

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<sup>17</sup> Ibid.

of the government of Vojvodina (July 10). The decision raised hue and cry in Novi Sad.

From the aspect of basic democratic standards, contents of the Serbian Constitution are even more disputable than its legitimacy.<sup>18</sup> The very timing of the Court's decision is the more so indicative. Three years ago, Kostunica's DSS requested a review of the "Vojvodina law" by the Constitutional Court. "This /the decision/ will revive old and empty debates meant to frighten people with some imaginary separatism of Vojvodina and compensate Serbs for the collapse of Kosovo patriotism," says Bojan Djuric of the Liberal-Democratic Party /LDP/.<sup>19</sup>

Tomislav Nikolic accused Boris Tadic of leniency to "his" cadre, which resulted in the adoption of both the Statute and the Law. For Nikolic, autonomy equals a quasi-state. "We cannot allow a quasi-state within Serbia. This is a serious test for DS, which must gag its Vojvodina speaking against the Constitution," said Nikolic. "Any politician defying decisions by the Constitutional Court must be called to account," he added.<sup>20</sup>

Bojan Pajtic, premier of Vojvodina and one of DS vice-presidents, claims that the decision is problematic in many segments – for instance, it negates the provision quoting, "The Province of Vojvodina shall foster European values."<sup>21</sup> "There is no doubt that the purpose of the Court's decision is reduced autonomy for Vojvodina," says Pajtic.<sup>22</sup> The Constitutional Court not only compromised itself but also the idea about development of independent institutions, he says, adding, "Being a lawyer myself,

<sup>18</sup> The Constitution was adopted in 2006 at a two-day referendum and against a backdrop of strong propaganda. Only 40 percent of the electorate of Vojvodina voted for it.

<sup>19</sup> *Danas*, July 12, 2012.

<sup>20</sup> *Pecat*, July 20, 2012.

<sup>21</sup> *Vreme*, July 10, 2012.

<sup>22</sup> *Ibid*.

I can accept some segments of the decision. Some other segments are, however, paradoxical and contrary to international conventions our country has ratified and that have supremacy over domestic legislation."<sup>23</sup>

## JUDICIARY REFORM

Another major decision by the Constitutional Court opens many questions and announces a conflict involving highest judicial institutions – the Constitutional Court, the High Judicial Council and the State Public Prosecution Council. All this hints a scope of possible turbulence in the domain of judiciary reform – no matter seriously and with good reason has it been criticized by domestic and foreign experts.

The High Judicial Council and the Ministry of Justice strongly protested against the decision, arguing that the Constitutional Court had taken over the competences of the former. On the other hand, expert circles welcomed the decision: Serbia would have to bear by far higher cost had all these complaints been filed before the Court of Human Rights in Strasbourg, they say.

Namely, the Constitutional Court decided that complaints filed by 122 public prosecutors and their deputies and by 194 judges who had not been reelected were justified. Hence it annulled decisions by the High Judicial Council and the State Public Prosecution Council that had turned them down.

Explaining its decision, the Constitutional Court said that that the two above-mentioned judicial institutions had not provided evidence that plaintiffs had failed to meet the criteria for reelection. It ordered the High Judicial Council and the State Public Prosecution Council to

<sup>23</sup> <http://rs.seebiz.eu/politika/>

*pajtic-odluka-ustavnog-suda-srbije-politicka/ar-40073/*

reappoint them within 60 days since the day the decision was publicized.

The Court's decision undermines the judicial reform that was faulty in the first place because the judiciary had not undergone lustration. Speaking of most vociferous critics of the judiciary reform, it should be noted that they are persons lacking professional integrity, whose criticism has been often motivated by personal interests.

## ATTEMPTED DEPOSAL OF THE CENTRAL BANK GOVERNOR

Assaults at the Central Bank Governor Dejan Soskic begun before a shape of a new government was in sight. He was called in question during the election campaign – firstly by Ivica Dacic /SPS/, then Aleksandar Vucic /SNS/ and finally Mladjan Dinkic /URS/ gladly joined “the club.” Assaults at the Governor against a disastrous economic backdrop and in the atmosphere of denial of the entire financial system dominated by foreign banks attack one of the most vulnerable segments of the country's economy.

The context of these assaults indicates that the biggest tycoons – eager to “nationalize” the consequences of their megalomania, that is to make tax payers pay for them – pull the strings. Besides, new decision-makers need fresh funds – foreign currency reserves of the Central Bank in the first place – to meet their populist-demagogic promises about “social justice” made in the election campaign.

Governor Dejan Soskic resolutely refused to resign. In an article he published in the *Politika* daily, he said corruption was the biggest problem in Serbia and that tycoons had accumulated their wealth on corruption and sales of exports. Some analysts take this is the Governor's

swan song. On the other hand, developments indicate that the Governor and his team are closing ranks against new authorities – preparing for an action like the one by the Hungarian governor against Prime Minister Orban.

## ASSAULTS AT DEMOCRATIC PARTY

The post-election shift brought about redistribution of power and influence of political parties. The Democratic Party – the biggest loser in the elections and in post-electoral combinatorics – was marginalized. The new ruling coalition lets it know on daily basis that it is Serbia's most influential factor no more. This unavoidably fuels the crisis in the party ranks – the crisis that leads either to and invigorating catharsis of the party or to new schisms, including collapse. Indicatively, the Democratic Party was targeted in a similar manner in the aftermath of Premier Djindjic assassination.

Territorial and personnel unbalance within the party – that further deepened after the electoral defeat – makes its present challenges even more complex. Namely, the party remained in power in Vojvodina and Belgrade – obviously thanks to its highest officials in these communities, Bojan Pajkic and Dragan Djilas.<sup>24</sup> Now their prestige in the party and in two biggest entities in Serbia adds fuel to the fire of personal animosities, ambitions and arrogance of party officials who used to be influential. In this context, the conflict between Dragan Djilas and Vuk Jeremic is just the tip of the iceberg.

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<sup>24</sup> In Belgrade – where Boris Tadic lost the second round of presidential elections to Tomislav Nikolic – Tadic's deputy in the party and mayor of Belgrade, Dragan Djilas, obtained 36 percent of vote. Democratic Party's electoral triumph in Vojvodina is ascribed to Bojan Pajkic, the old-new premier and one of DS vice-presidents.

**SUMMARY**

Judging by analysts close to the new government, Serbia's foreign policy will be tailored by Tomislav Nikolic's statements about "two doors" – the East and the West. Economically, it will tend more toward the East – not only toward Russia, but also Arab and Middle East counties and the non-aligned.

The new authorities count on economic cooperation with Russia, Belorussia, Ukraine and Kazakhstan. Some Russian banks announce financing of Serbia's exports to Russia – agricultural products in the first place.

When it comes to Kosovo, the partition scenario will be in the play again and insisted on.

Tensions between Belgrade and Vojvodina will continue to grow. Belgrade treats Vojvodina as a booty and interprets any attempt at larger autonomy as secession. Milosevic's legacy (the legacy of the anti-bureaucratic revolution) will be protected at all costs.

The attitude towards the army reform is the biggest question mark. Tomislav Nikolic and analysts of the conservative circle have been extremely critical not only about its movement towards NATO but also its professionalization.

In the absence of a sound political platform, demagogically motivated disclosure of a number of corruption affairs (involving persons from the Democratic Party in the first place) is to be expected

Social radicalism and populism will be the only logical responses to the crisis and inability to solve it.