



Helsinki Committee for Human Rights in Serbia

Annual Report: Serbia 2006

**HUMAN RIGHTS:
HOSTAGE TO THE STATE'S REGRESSION**

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- Annual Report: Serbia 2006 -

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Belgrade, 2007

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CONCLUSIONS AND RECOMMENDATIONS

All segments of Serbia’s political, economic and social life stagnated in 2006. Serbia’s overall situation is rather to be ascribed to the fact that her institutions have been devastated and her social tissue destroyed over the past 20 years. This major dimension of Serbia’s reality was neither appreciated nor objectively assessed at the time of Slobodan Milosevic’s ouster. Besides, the criminal legacy of the 1990s wars that nowadays hinder the society’s democratic transition and facing the recent past was disregarded. All this resulted in self-isolation and fueled the concept of “a neutral” Serbia with reliance on Russia. Today’s concept of transitional justice has been exhausted when it comes to present-day Serbia and her poor potential.

Objective limitations also condition Serbia’s movement towards European integrations, the European Union in the first place. As a failed transitional country facing numerous demands, Serbia is incapable of meeting European standards and criteria. Her new political and financial class (tycoons) would not let go yet the positions acquired over the past 20 years. As it turned out, pressures and the policy of conditioning are no longer effective in Serbia’s case as her political elite is not truly willing to join Europe but ready to sacrifice Serbia’s future place in it instead.

Serbia was totally deinstitutionalized in early 2007 after the parliamentary election. In spite of the clear-cut electoral outcome and popular vote, the lowest-ranking of the three leading political parties, the Democratic Party of Serbia – presently without legality and legitimacy – still holds the reins of political and social developments with the support of informal centers of power. This at the same time testifies that Serbia functions as a “façade democracy.”

The media still play a problematic role in Serbia. The matrix of their reporting has not changed. None of the issues that had brought about the 1990s wars – and today dominate Serbia’s politics (the Serbian national program, borders, Kosovo, neighbors, etc.) have been opened to question. The media keep deluding the general public that the Serbian national program of early 1990s is still alive. Maintenance of such public opinion stands in the way of regional normalization.

Serbia’s disintegration nears the dangerous point at which she would be left without a mainstay for social and institutional consolidation. Once the

Kosovo status is resolved, Serbia's political class will, to all appearances, continue looking for new enemies (such as Vehabits in Sandzak, Vojvodina's minorities, etc.). And that might endlessly postpone Serbia's constitution as a state. Besides, to properly understand Serbia's true potential for democratization and Europeanization many other factors – such as dying out of the old system, impoverishment, internal turmoil, undefined identity, and different cultural paradigms – should be taken into account.

Living in a bubble, Serbia has opted for a value model that further takes her away from European civilization. Accordingly, intolerance to any otherness, particularly to the EU's concept of multiculturalism is being promoted. This, at the same time, fuels radicalism in Serbia proper. The targets are political opponents and non-governmental organizations advocating European values.

One cannot but be concerned with the system disinterested in efficient protection of Serbian citizens' human rights before domestic courts. Numerous international and domestic non-governmental organizations endeavor to acquaint judges, prosecutors and public servants with international human rights standards by organizing a variety of seminars and courses of training but such work is still sporadic and unsystematic.

The international community – the EU and the US in the first place – should develop a new strategy for Serbia: a strategy that intensifies the "inner" pressure for modernization and Europeanization, and thus restricts the government's monopoly on the communication with the European Union and misinterpretation of its messages and intentions. That would help Serbia's citizens be more acceptant to European values and see them as a mean for attaining the interests of every individual.

Recommendations to the International Community:

Bearing in mind the government's unwillingness to meet necessary preconditions for the continuation of the Stabilization and Association Agreement, we appeal to the European Union to launch a new form of dialogue with the Serbian society and officials.

- The European Union should grasp the context that exceeds technical issues dominating the negotiations on stabilization and association. Only a truly transformed Serbia could secure full cooperation with The Hague Tribunal.
- The above-mentioned dialogue should insist on the society's democratic dimension and meeting the political criteria of the Europeanization process. This is the only way to encourage the presently stalled reform processes and to strengthen and democratize Serbia's institutions.

- Representatives of the civil society, the youth, small and medium-sized enterprises, pro-European political parties (including those that have recently entered the Serbian Parliament) and professional associations should be included in the dialogue between the European Union and Serbia.
- International institutions, the Council of Europe in particular, should insist that governmental institutions, leading officials and most responsible public figures adequately – and in keeping with relevant international documents – react at all manifestations of anti-Semitism, hatred and intolerance to any otherness.

Recommendations to a Future Government, Parliament, Governmental Institutions and General Public:

- Deconstruction of the prevalent cultural model deriving from everyday life preconditions all other political and social reforms.
- Serbia should renounce nationalistic policy, the one promoted by the present government, the Serbian Orthodox Church and the Serbian Academy of Arts and Sciences, and the one mirroring the mindset that generates intolerance, xenophobia, fascism and anti-Semitism.
- Full cooperation with The Hague Tribunal should be resumed, and the obligations the verdict of the International Court of Justice entails met.
- The 1990s wars, the role the former Yugoslav People's Army played in ex-Yugoslavia's disintegration, war crimes and the genocide committed in Srebrenica should be interpreted and incorporated into regular school curricula, including those of military schools. This implies courses in the sentences passed by the International Court of Justice and the International Criminal Tribunal for Former Yugoslavia at military academies.
- Curricula at all levels of education should be amended, particularly the sections that apologetically interpret collaborationism in the World War II, Serbia's role in ex-Yugoslavia's disintegration and all anti-Semitic ideologists and authors.
- Educational reform is not only an imperative need but also the only way for Serbia to develop a new value system and turn into a democratic society. The entire educational system should be get off the ground, primarily through modernized classes and new textbooks that would not imbue students' minds with quasi-national values, hatred for others and false perception of world realities.
- Bearing in mind the region's security problems, a throughout educational reform should be based on European values that would, in the long run, give rise to regional liberal elites, military elites included.

- The police's centralized structure allows no possibility for forming police units at local level, which is, in the Helsinki Committee's view, an imperative need for countries such as Serbia. Besides, local authorities have no influence whatsoever on the police forces operating in their territories.

- A new government and the Serbian Parliament should make it possible for courts of law and prosecution offices (the special departments for organized crime and war crimes in particular) to perform their tasks independently and professionally. This especially refers to a number of political crimes that still remain without epilogues in courts of law.

- The judiciary as a whole still holds that the international documents Serbia has ratified cannot be directly applied. And even when applied such cases are improvised and marked by judges' subjectivity that relies not on the international judiciary practice.

- Serbia should give up political phraseology and opt for Europe. In this context duties and responsibilities of governmental bodies should be laid down as soon as possible, and material and human resources upgraded with a view to securing overall protection of human rights of Serbia's citizens.

- Social dialogue should be opened in search for the multiculturalism concept that maintains the identities of ethnic minorities but also their integration into overall social, political and economic community. What Serbia needs is a coherent, consequent and active minority policy, and giving shape to such policy should be among her major strategic interests. A republican law on minorities should be passed the same as a law on the election of national councils. These law-making processes should be transparent and include general public. Representatives of European institutions should be more involved in monitoring inter-ethnic relations particularly in Vojvodina, South Serbia and Sandzak.

- The fluid situation in Sandzak calls upon the official Belgrade to allow political actors in the region to reach consensus, overcome schisms within the Islamic religious community and solve problems through compromise so as to curb further radicalization. Belgrade authorities should act with more responsibility vis-à-vis the situation in Sandzak, especially when it comes to the widening gap between the region's two major ethnic communities.

- In the matter of Vojvodina's autonomy, the demands for constitutional revision that would result in more authority invested into the province should be answered. The same refers to Vojvodina's endeavor to get more integrated into contemporary European trends. The provincial administration should be invested with more power to regulate and prevent ethnically motivated incidents.

- As for the domain of healthcare, various levels of public health protection (primary, secondary and tertiary) the same as healthcare institutions should be functionally harmonized. Serbia needs a clear-cut and sustainable

strategy for public healthcare development that will precisely determine various healthcare phases, objectives and those in responsibility. Further, the Health Insurance Fund should be reformed in keeping with such strategy. The existing healthcare legislation should be improved and new laws and bylaws should be passed with active participation of medical officers of various profiles.

I

**European Option
Denied**

INTRODUCTION

With Montenegro's successful referendum on independence and the resolution of Kosovo status on the international agenda in 2006 the process of ex-Yugoslavia's dissolution moved into the final stage. Serbia was faced with the challenge of constituting and defining herself in terms of state and society. The very fact that the process of ex-Yugoslavia's disintegration nears its end contributes to consolidation and stability of the Balkans. The decision to admit Serbia - her fluid domestic situation and hesitation to decisively opt for Europe - into the membership of the PfP was meant to round off the security structure of the Balkan region.¹ Membership of the PfP moved Serbia closer to the European option but also implied establishment of mechanisms that could play important role in the event of her destabilization. At the same time, the membership of the PfP figured as a victory over the army's conservative bloc that has not only stood in the way of its reform but also obstructed the army's adjustment to new circumstances and the new concept of security under the pretext of defending the state's sovereignty. Gen. Zdravko Ponos' appointment the Chief of General Staff completed the package recommending Serbia for speedier access to European integrations. However, the strong lobby that will be refuting and slowing down such orientation is still there.

Throughout Vojislav Kostunica's mandate Serbia was caught between Europe and her own "third way," as the Premier himself put it repeatedly. Ranging from populism to liberalism, Serbia's dilemma was unfortunately more inclined towards populism. This affected the perception of human rights as well. Populist parties are still guided by one idea only: to create a Serbian ethnic state. In this sense the situation of human rights, and in particular of the rights of ethnic, religious, political, gender, etc. minorities did not change substantively by comparison with 2005, the more so since the concept of human rights collides with the concept of ethnic state. In 2006 political

¹ Chris Donnelly, adviser to the British Defense Minister and Secretary General of NATO, said, "It's been my conviction for long that Serbia would largely benefit from the PfP and that this partnership would make it possible for Serbia to engage herself again, in the best way, in major segments of the Euro-Atlantic community. This is also necessary to improve security in the entire region of the West Balkans." *Nedeljni Telegraf*, February 14, 2007

opponents were notably on the carpet. This particularly refers to political minorities such as the Liberal Democratic Party and its clear-cut position on the recent past, the status of Kosovo and the tribunal in The Hague.

Serbia failed to constitute herself as an independent state and, therefore, remained hostage to her own political vagueness. Serbia's policymakers did not make a clear break with Milosevic's policy. So Serbia not only failed to make a breakthrough in this respect but also stagnated because of her non-cooperation with the tribunal in The Hague, which made the EU cancel the association and stabilization negotiations. European vision formulated by Premier Zoran Djindjic was suppressed from the public discourse. Instead, the floor was given to promoters of the idea of Serbia's neutrality that collides with European values.

Montenegro's independence dealt a heavy blow to Serbian nationalism as it "shook the idea of pan-Serbian unification by reducing it to mere preservation of the 'historical territory'."² Opening of the "Kosovo question" mobilized Serbian nationalistic elites and mechanisms of repression (the army, the police and their services) to prevent "snatching the territory." At the same time, Belgrade was flirting with Republika Srpska and advocating its right to a referendum on independence and merge with the mother country, Serbia. Worn out on her fixation with pan-Serbian unification, Serbia wasted yet another year to make fundamental progress towards transition and Europe.

Serbia's new Constitution, passed overnight as a prelude to the ruling coalition's election campaign, is counterproductive for Serbia's true interests and indicates the political elite's basically anti-European policy. It not only secures continuity with the pre-October 2000 regime but also signals the world that Serbia has lost touch with the realities in her own territory, in the region and worldwide. The Constitution also came as a reaction to the international community's endeavor to put an end to the Kosovo issue, i.e. to define its status. By earmarking Kosovo as Serbia's integral and inalienable part ("Kosovo belongs to us and forever shall") Premier Vojislav Kostunica created preconditions for Serbian political elites' unison and announced Serbia's refusal to partake in the search for a compromise, as well as her intention to work out, in the final stage, some compensation or partition of Kosovo.

Besides, either unaware of European trends or ignoring them totally, the Serbian elite (the government and the Parliament) missed the opportunity to define Serbia as a decentralized, modern country adjusted to European standards. They missed the opportunity to use decentralization for boosting minority rights. Minority rights thus "exist" just in election campaign slogans – a situation only a handful of minority leaders profit on. The constitution-

² Vesna Pestic, "Nationalism of the Impossible State," *Helsinki Charter* No. 99-100, September-October 2006.

makers have turned a blind ear to Vojvodina's legitimate demands, and the province's economic potential and regional tradition. Such disregard awakened Vojvodina's dormant elite and, as it seems, citizens as well. The failed constitutional referendum failed and the outcome of parliamentary elections in the province in January 2007 testified to it. Last but not least, the Constitution's emphasis on the protection of majority rights cannot but generate fascist-like incidents.

The content of the new Constitution made it clear to the West that Serbia has not developed an authentic pro-European policy, and that her democracy was still undefined and weighted by authoritarian tradition. The Constitution's preamble earmarking Kosovo as Serbia's inalienable part infers Serbia's refusal to partake in the search for a compromise. Such attitude could easily lead to a conflict with her neighbors and even with the international community in the near future, once the status of Kosovo is decided on. The ruling coalition was deftly manipulating the threat of the Radicals' coming to power, which would allegedly jeopardize Serbia's movement towards the EU.

Like all Balkan countries, Serbia made a progress in the economic sphere. However, she failed to invest local self-governments with more authority, and create a legal frame conducive to foreign investment and healthy market economy. The economy in the hands of tycoons only logically resulted in new monopolies that choked small entrepreneurs that could have revitalized economic capacity of Serbia but of other countries in the region as well. However, the biggest problem of all is the state-run economy that is unavoidably accompanied by political voluntarism. The very fact that the state is an arch arbiter in economic matters makes it a major generator of corruption. The OECD report pinpoints corruption as the major obstacle to larger foreign investment in Serbia, while, according to *Transparency International*, Serbia is high at the corruption ladder. The *US State Department's* report also highlights endemic corruption in Serbia.

Judiciary still remains among the biggest stumbling blocks in the way of Serbia's democratization. And this is not only about the cadres that used to invest Slobodan Milosevic's regime with legitimacy but also about the general mindset that would not accept the world's realities and particularly the fact that international law has supremacy over national legislation. Such attitude was further invigorated by Serbia's new Constitution. Commenting on Richard Kaplan's book on ex-Yugoslavia's disintegration, Milorad Ekmečić practically summarizes such mindset by saying, "Though it cannot be proved that Serbs are to blame in the first place for the onset of bloodshed, this is taken for granted, almost for a fait accompli that will always follow us." The Hague verdicts are obviously not seen as relevant. "The new world power has made its international law out of the blood shed in our civil war," say Ekmečić in the

attempt to discredit the tribunal in The Hague and the international law it emanates.³

Apart from the judiciary, “special services” hinder constitution of Serbia’s political scene. Hooked up with more or less tycoon-owned media, they systematically fabricate scandals that almost never have epilogues in courts of law. This is how they attempt to discredit not only political factors but also all “hotbeds of resistance” such as some NGOs and small political parties like the Liberal-Democratic Party, the Social Democratic Union and the Civic Alliance of Serbia. Smearing campaigns in the media and earmarking of “patriotic” NGOs that closely cooperate with the regime and enjoy the Church’s strong support follow in the footsteps of the fear of liberally-minded organizations and parties. As “services” are strongly backed by the Church it is only logical that the fundamentalism of the Eastern Orthodoxy resists globalization and liberalism.

Kosovo is Serbia’s central issue, both domestic and foreign. And this is where anti-reformist and reformist Serbia collide again. The new Constitution was also passed in the shadow of the Kosovo question – to unify Serbia on the one hand, and to seek compensation for Kosovo on the other. Rather than looking for a compromise, Serbia opted for confrontation with the US and the EU, and for reliance on Russia. Serbian elites kept invoking historical right to Kosovo but what they actually had an eye on were partition of Kosovo and access to its natural resources. The whetted confrontation with the West was only in the function of maximalist demands. What domestic elite ignores is that Kosovo was placed on the international agenda because of Serbian authorities’ misgovernment in the province throughout the 20th century. The great majority of citizens are aware that Kosovo is a lost case but the Serbian elite still takes it can play on blackmail in the finals. All in all, the resolution of the Kosovo status can only contribute to regional stability and that’s why Ahtisaari’s plan was placed on the Security Council’s agenda. Unless the issue of status is settled neither Serbia nor Kosovo stand a chance for EU integration, which is crucial for their economic growths and mutual reconciliation, says Morton Abramowitz, former US Ambassador and member of the International Crisis Group.⁴

While Premier Kostunica takes the new Constitution has solved the Kosovo problem, President Tadic announces, “It’s more probable that Kosovo would be independent than an autonomy within Serbia.” Nevertheless he insists that Serbia would never accept Kosovo’s independence. Svetozar Stojanovic, one of key strategists, says, “By comparison with the Albanian question the Serbian question exceeds Kosovo itself.” “Serbia’s significance is once again disproportionate with her actual strength,” says Stojanovic

³ Milorad Ekmecic, “Power Knows No Law,” *NIN*, December 14, 2006.

⁴ *Newsweek International*, March 18, 2007.

referring to Russia’s role in the Contact Group and, above all, to special relations between Serbia and Russia.⁵ According to him, the West has wasted much time on the illusion about some difference between President Tadic and Premier Kostunica – for, there is no difference at all when it comes to patriotism.⁶

Centralism Slobodan Milosevic launched on the thesis of Serbia’s unity is one of Serbia’s key problems.⁷ Vojislav Kostunica just continued to fortify the regime’s vertical. However, ever stronger local initiatives resist such trend. Only 42 percent of citizens of Vojvodina voted for the new Constitution that notably chokes its autonomy. The constitutional referendum also mobilized Vojvodina for the elections – the Coalition led by the Liberal Democratic Party passed the electoral threshold (won 6.1 percent of the vote) and entered the republican parliament.

Though the situation in Sandzak is still delicate no major inter-ethnic incidents were registered in 2006. However, one cannot but be concerned with perpetual clashes between two key political leaders in the region and the attitude of Serbian authorities and informal centers of power that instrumentalize those conflicts to slow down, obstruct and practically block major processes within the Bosniak community: firstly, the process of its integration (opened with the adoption of the term Bosniak denoting it); secondly, the process of the community’s constitution into a modern nation (which implies the establishment of an infrastructure crucial for building of national identity and articulation of its interests); and, finally, the process of the community’s overall modernization (secularization, emancipation and economic progress). Apart from hindering political actors in Sandzak to reach consensus on key issues of the Bosniak minority, the official Belgrade deliberately creates conditions for the emergence of Vehabits. With the emergence of Vehabits all those processes are further delayed while the existing splits grow deeper and deeper and transform into religious schisms. The Islamic Religious Community is thus placed in the limelight and its activities are additionally politicized. The regime uses Vehabits and their public aggressiveness not only to radicalize Bosniaks’ mutually opposing political options but also to widen the gap between two major ethnic communities in the region. This indirectly fuels the prejudice about Sandzak as the region endogenously prone to various forms of radicalism (political and

⁵ *Politika*, June 17, 2006.

⁶ *Politika*, “Rivalry of Small Differences,” March 9, 2007.

⁷ State borders and ethnic homogenization are singled out as Serbs’ primary interests. As it turned out in the decade of Milosevic’s rule, Serbia leans on a patriarchal-authoritarian, strongly monistic political culture the inside of which implies collectivism, egalitarianism and intolerance of differences, while the outside ethnic nationalism and warring tradition.

religious) and ultimately disintegrates the ideas on which Sandzak could base its prosperity.

The manner in which Serbia's new Constitution was passed and, in particular, the way it defined Vojvodina additionally frustrated political actors in the province, which just sharpens their mutual relations. Autonomists will be calling for constitutional revision and more authority for the province, while the other side will be strongly opposing them and labeling their demands hidden separatism. This is already evident in the process of drawing Vojvodina's new statute. The Serbian political elite's incapability to recognize autonomy as driving force of overall progress mirrors its poor capacity and deeply rooted centralism. Even those Belgrade-seated political parties that are not openly hostile to Vojvodina's autonomy take calculative and hypocritical stands.

The Serbian political elite's attitude towards the resolution of the Kosovo status cannot but make minority communities feel uncomfortable. Even should a new wave of refugees from Kosovo spare Vojvodina this time, and overt violence bypass minority communities, inter-ethnic relations will unavoidably aggravate. Faced with the province's mounting "Serbianization," minority communities will keep insisting that international institutions, particularly the European parliament, pay more heed to their position, and then on additional, institutional protection – either through two chambers of the Vojvodina parliament or territorial autonomy along ethnic lines. Nationalists will treat both demands as manifestations of disloyalty and absence of solidarity.

The fact that five years after the enactment of the minority law a bylaw regulating the election of national councils has not been passed also mirrors the longstanding disregard and marginalization of the minority issue. One cannot but be concerned not only with the manner in which the new Constitution was passed but also with politicians saying, even before the Constitution was proclaimed, that it would be amended. By failing to include minority representatives in the process of constitutional drafting, the Serbian regime offhandedly missed several major opportunities – it missed the opportunity to reach the widest possible consensus within the Serbian society, the opportunity to democratize the minority question at constitutional level, the opportunity to make minorities feel that the political community relies on their consent, and, finally, the opportunity to safeguard the level of the protection of minority rights provided under the Charter on Human and Minority Rights and Civil Freedoms.⁸

⁸ According to Jovica Trkulja, professor at the Belgrade Law School, fundamental consensus on basic principles guiding the society has not been reached in Serbia for 15 years. *Dnevnik*, July 18, 2006.

The media domain is more or less adjusted to European standards. Though the great majority of media legislation was adopted in the period after October 5, 2000, the media sphere has not changed substantively. Some laws are not consequently implemented, the one providing the transformation of the Radio & Television of Serbia into a public broadcasting service in particular. Allocation of broadcasting licenses has not brought about qualitative changes in broadcasters' programs. As it turned out on the other hand, media legislation by itself was inadequate for minimalizing or at least restricting hate speech, nationalistic discourse, lynch calls against political opponents, glorification of war criminals and defamation of various minority groups to marginal media outlets with little influence on public opinion. The government managed to maintain control over several major media – in the first place over the *Politika* daily and the *Radio & Television of Serbia*, arch mouthpieces of Milosevic's regime. The media failed to constructively help the society adopt new values. On the contrary, they were instrumentalized in the safeguard of the old value system. The pattern of reporting remained the same – i.e. the Serbian public was bombarded with the same discourse. The issues that had brought about wars and are still most topical in politics (the Serbian national program, borders, Kosovo, neighboring countries, etc.) were not opened to question. The media keep deluding the public that the Serbian national project of early 1990s has not ended. Regional normalization is hardly possible with thus shaped public opinion.

Up to now no political factor has plunged into Serbia's huge social and economic problems. The great majority of Serbia's citizens still prefer a social state and some 30 percent of them traditionally vote for the Serbian Radical Party. The answer to the question why Serbia's democratic transition suffered a debacle should be sought way back in history, in the pre-communist era. The popularity of the once Radical Party is a key to understanding today's resistance to transition. When Tomislav Nikolic, the party vice-president, says, "We are not nationalists but populists", he actually points out to the political tradition that gave birth to his party and on which it articulated its positions. This tradition is in between two state and social concepts: collectivistic and civic, i.e. individualistic. The two concepts collided on strategically fundamental issues of the development of the Serbian state and society. Demarcation line between the two was the perception of the West as a cultural and civilizational model in most general sense. This implied different approaches to social and economic modernization, and different understanding of the state and its goals. Anti-individualism, the state organized as a patriarchal community, economic egalitarianism and national-territorial myths – the Kosovo myth in particular – were benchmarks of the collectivistic political consciousness. And it was the Serbian Radical Party that mobilized, organized and gave voice to such political consciousness. Serbia's liberal-reformist elite – ankle-deep by its social roots but still predominant till

early 1990s – was not homogeneous in terms of ideology and political practice. And yet, its representatives can be seen as advocates of the same ideological current when one takes into account the character of the alternative power that emerged with the Serbian Radical Party. The party and its immense social impact in the first place testify that political options in Serbia are defined by a specific criterion: by acceptance or nonacceptance of the model of European civilization in the most general sense, the character of a state included, rather than by the choice between conservatism, liberalism and radicalism as Europe denotes those terms. Serbian authentic radicalism had built its program of “people’s state” on patriarchal-collectivistic and egalitarian understanding of freedom and democracy. And as such it was a negation of a modern state and its elements.⁹

Serbia – a failed transitional country facing numerous demands – is neither capable nor wants to adjust itself to the standards and criteria of new international circumstances. For, globalization threatens the existing structures and social relations, while Serbia’s new political class would not risk the prestige it seized under Milosevic’s rule. This gives rise to intolerance to any otherness, the concept of EU’s multiculturalism in particular. And, at the same time, this fosters radicalism in Serbia.

The parliamentary elections of January 21, 2007 did not change much the positions of Serbia’s three biggest parties – the Democratic Party /DS/, the Democratic Party of Serbia /DSS/ and the Serbian Radical Party /SRS/. SRS won the majority of vote¹⁰ (28.7%), DS gained 23%, while DSS only in coalition with two extremely populist parties (one founded by Arkan and the other led by Velja Ilic) managed to get 16 % of vote. Unlike after previous elections the parties of ethnic minorities entered the parliament this time. However, it was the Liberal Democratic Party-Civic Alliance of Serbia-Social Democratic Union-League of Vojvodina’s Social Democrats headed by Cedomir Jovanovic that made a real breakthrough in the Serbian political scene. This was the first coalition that opened the door to the liberal and pro-European Serbia on its own. With its 15 MPs the coalition will be a major moral corrective for the Democratic Party in the first place, i.e. for the part of its membership close to the coalition’s political stands.

⁹ Olga Popovic, “The Origins of Anti-Modern Political Culture in Serbia,” *Helsinki Charter* No. 103-104, January-February, 2007.

¹⁰ Electoral results mirror Serbia’s realities. Mostly morally indifferent to the issue of responsibility for wars and war crimes, Serbia’s electorate still supports the promoters of warring policy, and ultranationalistic and populist individuals and parties. The electorate is actually seduced by their nationalistic rhetoric, soap-opera archaism and mythomania, and, generally, by their anti-capitalist and anti-Western demagoguery. Depending on petty political needs, their focuses oscillate from social issues to the Greater Serbia project for pan-Serbian unification.

The absence of political will for fundamental change coincides with the absence of political and social energy. The real progress Serbia can make in the direction of the EU remains an open question when one takes into account her frustrating experience. To overcome her post-imperial trauma Serbia needs a more responsible and efficient political elite capable of solving her crucial dilemma of today: to break with the past and move forward, or to resume her patriarchal model. Regardless of their opposite stands, only the Radicals and the Liberal Democratic Party manifest sufficiently convincing political energy this dilemma necessitates.

Serbia’s overall problems are additionally weighted by the state’s domination over the society and non-existent political system. The advocacy of “one party, one civil society” concept actually aspires to block institutionalization by preventing new factors from stepping on social and political scenes. Apart from the thesis about the world’s conspiracy against Serbia - i.e. the world is to blame for all evil that has befallen Serbia - the notion of “inner enemy” is reintroduced. In the wake of the parliamentary debate on Kosovo of February 14, 2007, a guest of the TV B92’s show “Kaziprst” /*Forefinger*/ called Cedomir Jovanovic the enemy of the people because he had not voted for the Resolution on Kosovo.

Though in late 2006 Serbia was admitted to the *Partnership for Peace* and the major regional organization *CEFTA*, her overall relations with neighbors and the world were negative. This was the more so evident since in 2006 the international community - via its relevant organizations and figures directly involved – continued to endeavor to keep Serbia on the course of Euro-Atlantic integrations. However, the official Belgrade’s response was inadequate. On the one hand that can be ascribed to undefined democratic processes weighted by Serbia’s patriarchal-authoritarian tradition – an objective limitation that is hard to overcome. But, on the other, during the last year of his term Premier Vojislav Kostunica manifested such disregard to Euro-Atlantic integrations that finally disclosed his anti-European orientation. And the entire cabinet’s policy was shaped by his tendency.

Therefore, the cooperation with The Hague Tribunal suffered a fiasco as well. Not only Serbian authorities failed to arrest Ratko Mladic but, as it turned out, did not intend to arrest him at all. Besides, Serbia was uncooperative when it came to supplying The Hague Tribunal with relevant documentation. One of the reasons was that in 2006 the process instituted by Bosnia-Herzegovina’s charge for aggression and genocide entered upon the final stage. Even the part of the documentation forwarded earlier to The Hague Tribunal remained out of the reach of the International Court of Justice thanks to an agreement with Main Prosecutor Carla del Ponte.¹¹ The fact that

¹¹ Phon van den Biesen, “When it comes to Serbia’s responsibility for the Srebrenica massacre the Court was in no position to conclude that Serbia had

Slobodan Milosevic and Milan Babic died while in custody additionally burdened the relations with The Hague Tribunal, which was called to account for irresponsibility. After all, Belgrade's strategy of buying time turned successful in spite of all pressure.

Generally speaking, Serbia is off-the-track as she searches for her own identity.¹² Unable to give up the wishful thinking about turning into a regional leader and still aspiring for glory and power, Serbia found herself in the labyrinth of delusions about her glorious past, and split between the role of a victim and that of a winner. The leadership in the Balkans Serbia claims as her right is nothing but her hegemonism that was often uncritically backed by some international factors as well. That's why Serbia needs to redefine dignity and honor, and moral tenets that guide her as a state. Unfortunately, Ratko Mladic, Radovan Karadzic and the others are there to remind that the problem is in moral principles and obligations that are disregarded while the West is blamed instead.

'controlled' the authorities of Republika Srpska or its army. That's disappointing since we've grounded our case on the claim that such control was in place. Our motions were considerably limited since Serbia refused to submit documents (transcripts of the meetings of the Supreme Defense Council) that could have confirmed our claim. Those documents had been handed over to The Hague Tribunal under the condition (which Carle Del Ponte accepted) that some of them were painted over. It is common knowledge that documents were 'painted over' so as not to damage Serbia's position in the International Court of Justice." www.bosnia.org.uk

¹² Smilja Avramov, "Identity of a state is determined by its majority nation, while other ethnic or national groupings figure as minorities," *International-Legal Aspect of the Crisis in Kosovo and Metohija, Serbs in Kosovo and Metohija*, p. 33, SANU, Belgrade, 2006. It is a thesis as such that obstructs the integration of minorities' (that unofficially make up about 30 percent of total population) into Serbia. The prevalent cultural model leans on ethnicity without taking into account specificities and cultural identities of Serbia's ethnic groups.

CONCEPT OF NEUTRAL SERBIA VS. MEMBERSHIP OF THE EUROPEAN UNION

Cohabitation between Premier Vojislav Kostunica and President Boris Tadic closed the door on a dialogue "within" Serbia on the recent past, Slobodan Milosevic's policy of crime in the first place. The thesis about Serbia being a victim of international conspiracy is skillfully imposed on the society.¹ Allegedly, the Serbian people have been sacrificed to Europe's unification.² Thus Europe has had its hand in the wars in the territory of ex-Yugoslavia, they say. Besides, Europe would not admit its responsibility for the Yugoslav drama and blames Serbs and Serbia for all. Therefore, all enthusiasm for Serbia's possible membership of the EU will always be somewhat in the worst of taste.³

While presenting post-communist and post-war Serbia parts of her political, intellectual and cultural elites explain the past two decade and the Milosevic era by force of international circumstances that made Serbia a victim of the West's unprincipled policy. Practically everything is being explained by the coincidence myth. No wonder, therefore, that Serbia has been voting for the same political option for fifteen years now - the focus of her expectations just oscillates from that option's nationalistic to social-populist component. Neither October 5 effectuated a fundamental change in this regard. On the contrary, the then victory of the so-called policy of legalism, i.e. the policy of continuity, crucially determined the outcome of the latest elections of January 2007.

Still obsessed by historical problems and in constant search of identity, Serbian elites try to solve the traditional ethnic misunderstandings in the region to their advantage. The resolution of Kosovo status now best mirrors

¹ "In late 1990s our people and its elites were caught napping by the downfall of the Berlin Wall...Unlike other South Slavs and other nations of Yugoslavia, the Serbs were not prepared for all that change." Slobodan Rakitic, "I Cannot Be Silent," *Vecernje Novosti*, August 13, 2006.

² This mostly relates to Germany's pressure on the EU membership to recognize Croatia and Slovenia in return for its consent to monetary union at the Maastricht Summit in 1991.

³ Milos Jovanovic, "Glorifying Europe," *NIN*, March 22, 2007.

their attempts. But Serbian elites are again turning a blind eye to international realities many of them probably do not understand at all. Their insistence on Serbia's independence, her sovereignty and "unique" international position that invests her with some regional power testify that they ignore cosmopolitan ideas implied in the international political order.

The responsibility for ex-Yugoslavia's disintegration is ascribed to secessionist republics (Slovenia and Croatia) amply backed by the West, by Germany, Vatican, Austria and US above all. This is the thesis on which the memory of the recent past is construed and future of Kosovo and Republika Srpska foreseen. The West is criticized for the unprincipled position it manifested "in the course of Yugoslavia's destruction" by interpreting the right to self-determination "case by case." The West is even reproached for putting no one in the dock for the "crime of inciting war." Serbia's representatives even incorporated this thesis into the case they presented to the International Court of Justice to counteract Bosnia's charge against the SR of Yugoslavia, i.e. Serbia, for aggression and genocide. The emphasis is placed on Serbian elite's duty to confront "Slovenian, Ustashi and Bosnian lying model" that has been taken over by "the unbenevolent world and The Hague Tribunal" with "factual information."⁴ The EU and NATO's insistence on Serbia's unconditional cooperation with the tribunal in The Hague is seen as blackmail that nothing but "fuels those force in Serbia that take joining Euro-Atlantic integrations should not be Alpha and Omega of Serbia's foreign trade."⁵

In line with such interpretation of Yugoslav denouement, this part of the elite defines Serbia as a society somewhere in between East and West, North and South, a society that would not adopt free market but rather seek a specific path of its own – the one that basically identifies it with Russia. For national ideologists, transition is "a return to plunderous capitalism and the road to hypocrite, orchestrated democracy" or "a return to the world of lasting evil and injustice bigger than those we once fought against."⁶ For them, advocates of Serbia's integration into Europe import "democracy as a dead horse to Serbia" and are nothing but "mannequins on corporate capitalism dressed in NGO garments." Those mannequins, they say, play tough guys as it is "easy to be brave when you are backed by Pentagon."⁷ The Kostunica cabinet, consequently, must control and channel transitional processes in

⁴ Dobrica Cosic, "The Serbian Question, the Question of Truth," *Vecernje Novosti*, June 11, 2006.

⁵ Svetozar Stojanovic, "The Right to Self-Determination," *Politika*, December 14, 2006.

⁶ Dobrica Cosic, "The Serbian Question, the Question of Truth," *Vecernje Novosti*, June 9, 2006

⁷ Emir Kusturica, "Dismantling Traditionalist Serbia," *NIN*, December 28, 2006

Serbia in order to prevent "this specific pillage."⁸ They perceive even progress as "a special form of crime" while corporative capitalism bulldozes everything and "actually takes us to totalitarianism."⁹ Because of all those circumstances and her own "advantages" Serbia would only profit should she, like, say, Hong Kong, opt for the status of a free trade zone. Allegedly, Serbia's cheap but skilled labor force, her geographic position and the like are attractive to foreign investors. What is actually referred to is the specific geo-strategic position of the former Yugoslavia and its neutral and non-aligned policy.

This is why Serbia is identified with Putin's Russia faced with similar stumbling blocks in the way of social transformation. Such imaginary likeness to Russia – both in the domain of economy and in mental make-up – is more and more used to veil the ruling elite's incapability to take stock and fundamentally shape Serbia into an European society. This is how national ideologists struggle for "the safeguard of national identity" and the right of small countries to preserve it – the right Slobodan Milosevic had stood for. Two myths are being more and more confronted – the myth of Zoran Djindjic who personifies the European Serbia and the myth of Slobodan Milosevic symbolizing the right of small countries to survive. (The first anniversary of Milosevic's death along with the verdict of the International Court of Justice reopened the door to the thesis about his innocence – the time will tell that he was in the right.¹⁰) It was on those premises that the Serbian elite formulated a new national strategy that actually boils down to the thesis about Serbia's neutrality.¹¹ Serbian business circles have much contributed to this strategy – for, a legal frame that would bring their dealings under control does not play into the hands of Serbian tycoons. They are closely connected with Russia's new financial elite that has compromised – in Russia and Serbia alike – the concept of market economy by using the state to seize monopolies that choke all small-scale initiatives. According to national ideologists, the West has broken its promise to provide assistance and thus let Djindjic down. Branislav Grujic, Serbian businessman in Moscow, says, "In the first six months or a year we were supposed to get at least three-four billion dollars." "Zoran Djindjic was practically left in the lurch as those moneys never came to Serbia. The West failed to support Zoran Djindjic's government as it should have. And what we are having now is most probably the outcome of that failure," says

⁸ Kusturica takes that Kostunica "rationalized transition inasmuch as he possibly could – which was, according to wise economists, the only way to prevent the state's sellout and destruction."

⁹ *Ibid.*

¹⁰ "The period from his ouster till his death in The Hague Tribunal is the peak of Milosevic's career. In that period he clearly proved himself as a defender of Serbs' national rights, doomed for his ideals," *Ogledalo*, February 13, 2007

¹¹ Svetozar Stojanovic, "Historical Anomaly," *Politika*, December 11, 2006

Grujic.¹² Grujic's words question both the West's good will and Serbia's pro-European orientation. For, the Serbs, faced with the challenge of joining the European Union were at the same time faced with "not only abstract but also a vitally unconvincing answer to all or at least the major dilemmas of collective existence at the threshold of a new millennium."¹³

The new strategy leans on the fact that the US wants to "materially disengage in the Balkans, primarily in Kosmet" but to "actually continue to dictate solutions to our problems."¹⁴ This is accompanied by the thesis that "American Kosmet policy is in crisis and calls for thorough reconsideration."¹⁵ As for the EU, its policy "finds itself in a blind alley whenever making promises or threatens with something remote and uncertain."¹⁶ Thus projected weaknesses and crudity of EU and US policies perfectly fit into the assumption of Serbia's neutrality. At this point national ideologists are neither after a full-fledged membership of NATO nor EU candidacy though they pay lip service to both. For, there is no telling what EU would be like in 2015 and what the US position would be at the time one could realistically expect Serbia to join the EU, they argue. When referring to Serbia's membership of NATO, national ideologists claim that "NATO aggression against Yugoslavia in 1999 made people feel bitter about it" and generated "strong anti-Americanism." Therefore, allegedly, people will be "voting in a referendum on Serbia's possible alliance with NATO."¹⁷

Serbian-American Center in Belgrade is the institution that promotes the position about Serbia's neutrality. The Forum for Diaspora (Novi Sad), the Forum for Globalization (Banjaluka), the Forum for Ethnic Relations (Belgrade), the Forum for National Strategy (Kragujevac) and the 4S Institute (Brussels) lend it a helping hand.¹⁸ According to Svetozar Stojanovic, the Serbian-American Center focuses its attention on the topic "US, Europe and Serbia."¹⁹ At the same time he announces that this focus should be changed

¹² *Kurir*, March 11, 2007.

¹³ Mirjana Radojic, "Serbia in the Processes of Euro-Atlantic Integrations: Between Traumatic Experience and Realpolitik," *Filozofija i društvo (Philosophy and Society)*, No.2, Belgrade, 2006.

¹⁴ *Ibid*

¹⁵ *Ibid*

¹⁶ Svetozar Stojanovic, "In One's Own Interest," *Politika*, December 12, 2006

¹⁷ Dragoslav Rancic, "Our Today's Position in the World," *NIN*, December 28, 2006

¹⁸ At the ceremony marking the establishment of the Forum for National Strategy Svetozar Stojanovic said, "The answer to the crucial question, 'How to simultaneously maintain good relations with both the US and Russia even when the two are more rivals than partners?' is far from being an easy one." *Politika*, March 9, 2007

¹⁹ The Center assembles figures who, formally or informally, coin a new national strategy. Svetozar Stojanovic, president of the Center, and the circle close to him, play major part in this.

into "US, Europe, Russia and Serbia" because of Russia's revival under Putin. Russia is making a powerful "comeback" - political, diplomatic, in terms of energy, economy, finances, investment, tourism, real estate - explains Stojanovic.²⁰

National ideologists' new strategy permeated Vojislav Kostunica's election campaign. Kostunica was speaking about "Serbia's integration into Europe and strengthening of relations with Russia." The said strategy is primarily based on further cohabitation between the Democratic Party and the Democratic Party of Serbia since the Radicals want to rule by themselves and the Socialists used to. Developments after the constitutional referendum and parliamentary elections play into the hands of national ideologists - for, in public perception, they stick to their positions.

The Serbian national strategy feeds on the unresolved status of Kosovo. The idea to amputate Kosovo with its uncontrollable demographic boom and move the Serbian state to North West actually triggered off Serbia's warring adventure. Speaking of Kosovo as Serbia's inalienable part is nothing but hypocritical cover for Serbia's claim to Republika Srpska. In his election campaign Vojislav Kostunica kept emphasizing, "Should we give up Kosovo we would renounce the right to defend and protect Republika Srpska as an independent part of Bosnia-Herzegovina." According to him, Serbia and Republika Srpska make a single spiritual and cultural whole no matter what "official and unofficial" stands might be.²¹ National strategists endeavor to keep *status quo* in Kosovo. Or, as they put it, "By fighting for Kosovo we have managed to keep Vojvodina at least for the time being... And as long as we are unison and resolute in this regard, the question of Vojvodina might never be opened at all."²²

The Kostunica cabinet's xenophobic and autistic policy targeted a part of the civil society, notably non-governmental organizations concerned with human rights, as enemies of the state. This implied special media treatment: from demonization to criminalization, let alone the financial pressure on the grouping. For the grouping's efficiency is considerably impaired through financial exhaustion. The government, therefore, was purposely campaigning against those organizations over its contacts with international donors. Hand in hand with non-governmental organizations close to it, the government managed to impose a specific fundraising criterion upon international donors - the NGO sector's cooperation with governmental agencies. The government was speaking highly about its "neutral" partners such as the European Movement in Serbia and the Fund for Political Excellence and thus

²⁰ *Ibid*

²¹ *B92*, January 12, 2007

²² Slobodan Antonic, "Lessons Drawn from Small Successes," *Politika*, September 26, 2006

recommended them for foreign donations. Other NGOs, particularly those making the 8 NGO Coalition, were proclaimed "radical." They were often accused of radicalizing the Serbian society and qualified as equivalents to the Serbian Radical Party.

Such governmental stance particularly came to the fore when the international community placed the Kosovo status on its agenda. As the official policy advocated Serbs' unison and accord on the issue, all dissonant voices were proclaimed hostile or were marginalized in the media and by other methods. The society had to be homogenized so that policymakers could give up negotiations under the pretext that they are of no avail since the Kosovo status will be imposed on Serbia anyway.²³

All those constructions are used just to avoid square facing the truth about Milosevic's era. The major thesis Serbian ideologists promulgate is the one about the world and domestic traitors bent on "permanent lying" about Serbia. "Domestic corrupted intellectual mondialists, anti-nationalists and some civil non-governmental organizations financed from abroad supply foreign media and various centers of power with 'authentic facts' and 'tell-tale truths'."²⁴ Evil days are never specified but referred to in abstract terms such as "evil that has befallen us." This is supposed to indicate that "evil" is beyond human comprehension or inherently opaque.²⁵ Perceived abstractly, evil turns inexplicable while wickedness incontestable. Serbian nationalists would not accept that the US and the EU have sided the Muslims, i.e. Bosniaks and Albanians, in the Balkans so as to put an end to Serbia's aggression. So Dobrica Cosic concludes that the EU and America have backed Balkan barbarianism: they are creating a Greater Albania - a state that will be generating new Osmanlis and islamization of the Balkans.²⁶

²³ According to Nebojsa Covic, leader of the Social-Democratic Party, Ahtisaari's statement was meant to make "the Serbian side walk out on negotiations," *Danas*, August 30, 2006

²⁴ Dobrica Cosic, "The Serbian Question, the Question of Truth," *Vecernje Novosti*, June 12, 2006

²⁵ Lash Svensen, "Philosophy of Evil, *Geopoetika*, Belgrade, 2006

²⁶ *Ibid*

Dictatorship of Thought

Numerous campaigns against and overall demonization of opponents (NGOs, individuals and political parties) were meant to curb the articulation of a political alternative and to publicly compromise its advocates.

Direct motive for the latest smear campaign targeting exclusively chairs of the three NGOs, Biljana Kovačević Vučo, Nataša Kandić and Sonja Biserko, was the statement of Martii Ahtisaari of 8 August 2006 that "the policy pursued by Slobodan Milošević has to be taken into consideration when taking decision on future of Kosovo" and that "every nation shoulders a burden for which it must pay". The said statement was subsequently (nearly a month later) used to kick off homogenization campaign. All relevant prime movers of the Serb society¹ assessed that statement very negatively. However it bears underscoring that the statement was wrongly interpreted, that is, Ahtisari was misquoted as saying that "the Serb people are collectively guilty...and therefore should pay the price for that guilt."

Martii Ahtisari's misinterpreted statement thus served to kick off anew demonization of the three, aforementioned chairs of NGOs, well-known for their stands on war crimes, Kosovo and the facing process. Thus tabloid *Kurir*² more or less carried correctly their comments, but nonetheless ran a sensationalistic headline "Three Riders of the Serb Apocalypse Cheer on Ahtisari". The next day Ljiljana Smajlović, editor-in-chief of the most respectable daily, *Politika*,³ in an article demonized Biljana Kovačević Vučo and her NGO, in a sequel of smear campaign against YUCOM which started after publication of the book "Vojislav Koštunica: One Career". Editor-in-chief availed herself of that opportunity to question the mode of YUCOM's

¹ Serbian Academy of Arts and Sciences in its communiqué underscored "the whole people, regardless of their identity, cannot be accused of wrongdoing committed by some members of the very people". Negotiating team of Serbia sent a letter to Martii Ahtisari with the following message "The state negotiating team of Serbia categorically rejects such claim, for it is not based on fact, therefore its is totally unacceptable from the moral standpoint. However, that claim raises some serious issues related to your biased stand within the framework of negotiations on the future status of Kosovo and Metohija." *Večernje novosti*, 31 August 2006

² *Kurir*, Martii's Girls, 2 September 2006

³ *Politika*, Silence! Committee Is Listening To You, 3 September 2006

financing, whereby she quoted the names of US donors of that organization, whose beneficiary she herself has been for years. YUCOM for a long time has bore the brunt of the harangue orchestrated against it by secret services and all those who had been politically involved in Djindjić's assassination, because YUCOM has been legally representing, in a number of lawsuits Vladimir Beba Popović, a close aide of assassinated Prime Minister Zoran Djindjić.

In parallel the weekly NIN has orchestrated in the course of August 2006 a very sophisticated smear campaign against the author and editor of the publication "Vojislav Koštunica: One Career." Initially that campaign bore the hallmarks of an expert debate, but later it turned into an open harangue against Sonja Biserko and Biljana Kovačević-Vučo, branded as "children of Communism". It is interesting to note that in that harangue took part a broad spectrum of individuals, some of whom even belong to circles close to NGOs and those espousing an alternative way of thinking, in contrast to the official policy line toed by Kostunica-led government. It is obvious that in Serbia methodology of part of civilian society dealing with transition justice is considered as "the one beyond the permitted and decent."

On September 4, Siniša Vučinić in his communique informed the media that "the foreign intelligence services shall first abduct and then liquidate the three ladies in a smoke screen attempt to persuade the international community that they had been liquidated by the state leadership of Serbia for rendering support to Martii Ahtisari, the UN Special Envoy for Negotiations on Kosmet."⁴ He added that he would like to advise "the three women to immediately freeze their public activities and to seek refuge in safer destinations". He allegedly informed in writing about the aforementioned plot the Interior Ministry and the Republican Public Prosecutor.

On the evening of 3 August, Nataša Kandić was a guest in a popular TV B92 talk show "Impression of the Week." The topic was anew the recent Kosovo-related statement of Martii Ahtisari. However the whole program quickly degenerated into an open harangue, led by the talk-show's host, Olja Becković, against Nataša Kandić. Nataša Kandić espoused her well-known public stand on Kosovo and the war crimes responsibility. After her departure from the studio, three shots were heard in the vicinity of TV B92 building. The police maintained that shot-like sounds were in fact petard explosions. Olja Becković stated: "When Nataša Kandić entered the taxi, and closed its door, I heard three explosions. In my opinion Kandić probably has not heard those shot-like sounds, while Stojanovic and I failed to grasp what was happening. But it was clear that she was the intended target of those shot-like sounds, and they were not a coincidence. But I still think those were petard explosions." Police spokesman Dragana Kajganić told B92 that a petard was hoisted from a nearby building, and added: "Policemen on duty, that is, deployed there

⁴ *Kurir*, 4 September 2006

because of a high-risk profile of that talk show, checked the scene of incident and found out that a petard had exploded. They are experienced policemen who can easily distinguish between the petard explosion and pistol or firearm shot."⁵

Editor-in-chief of B92, Veran Matić, stated that he hoped that the incident was caused by petards. But he added: "Even if it was provoked by petards, it is nonetheless a very serious incident, a serious warning, an attempt to instill fear and threaten security. But then when one reads today's "Kurir", in which Siniša Vučinić announces that Biljana Kovačević Vučo and Sonja Biserko are targets, and that their lives may be imperiled, then one understands that it is very important to have a prompt and efficient police response. I am not satisfied with last night's reaction of the police, because our security men informed me that the police did not return to our building, failed to take statements on the goings-one inside and outside the building, and to ask to check our surveillance camera recording. Nataša Kandić told me that she had heard shots, but realized the meaning thereof only when she arrived home, where she was met by policemen from Zvezdara allegedly ordered to meet her, after having been briefed about the incident. Of great concern is the fact that we have not been properly informed of the foregoing. We shall insist that all those who failed to carry out the most complete investigation be held accountable. I don't know why we have not been informed, and I would like to be told how it was established that the shot-like sound was caused by-a petard. Our security men maintain that the sounds heard were more similar to shooting than to a petard explosion."⁶

Rajko Danilović, prominent Belgrade lawyer and one of the legal representatives of family Djindjić in the process against Djindjić's assassins, in the radio B92 talk show *Kažirpst* (4 September) commented the attack on Nataša Kandić and Vučinić's letter given to tabloid *Kurir* as a very dangerous phenomenon. He compared it to announcements that were given ahead of murder of Slavko Ćuruvija, Ivan Stambolić and Zoran Djindjić underlying that freedom of expression was more liberal during Milošević times because his opposition had more influence than the current alternative political opinions in Serbia.

Social -Democratic Union was the first political party or public protagonist which responded to the said incident. SDU stressed that increasingly frequent threats and calls to lynch of chairs of a number of NGOs in Belgrade, dealing mostly with protection of human rights, raises the specter of a possible return of Milošević era mood to Serbia." SDU communique reads: "The attempt to-put it mildly- intimidate Nataša Kandić and statement of so-called Chetnik duke Siniša Vučinić, tantamount to heralding of killing of Sonja

⁵ www.b92.net, 4 September 2006

⁶ www.b92.net, 4 September 2006

Biserko, Biljana Kovacevic-Vučo and Nataša Kandić, indicates that things are going in a bad direction in this country. " The said communiqué demands the Prosecution to respond swiftly and to clearly reply to the question whether death threats may be publicized in newspapers without any punishment. "A whole series of so-called respectable commentators are threatening with lynching anyone who tries to even mildly criticize the incumbent authorities. The foregoing definitely indicates that behind those threats are circles close to government of Vojislav Koštunica."⁷

According to his own acknowledgement, Siniša Vučinić has been a collaborator of military services for the past 15 odd years and has played a major role in heralding certain events.⁸ He frequently publicly unveiled his connections with the Interior Ministry and the Security Services, and talked about important info received from them.⁹ It is indicative that in 2005 he was among the guests celebrating the Day of the Interior Ministry in Makis. ¹⁰

In April 2005 Vucinic and his armed escorts raided TV B92 premises, threatening that they would kill Čeda Jovanović.¹¹ Also when Legija was

⁷ www.b92.net, 4 September 2006

⁸ *Danas* 10-11 2001, Siniša Vučinić: "I don't understand why all and sundry are attacking skinheads. They are wonderful, young people." He went on to note: "They should be permitted to legalize their organization, to freely promote their ideal-type of race of the Serb people. This country needs such people. ...".(30)

⁹ Through my connections in the State Security Services I learnt that afoot were the two plans for removal of Milosevic. According to the first one, Milošević was to be abducted and sent to the Hague. The second plan, to be put into operation in case of a failed abduction, was related to Milosevic's physical liquidation. Namely he was to be gunned down by a nearby sniper-man, while saluting his followers in front of his gate. I know reliably, and I don't fear to say it that hardened criminals were first engaged to effect both plans, while only later members of so-called Special Anti-Terrorist Unit SAY were called in. The latter group was ordered to don phantom-like gear to resemble masked offenders, who had already been put in action. Then criminals were withdrawn. (<http://www.politika.co.yu/ilustro/2232/1.htm>)

¹⁰ *Internacional*, 19 June 2005. The Day of the Interior ministry and Police was celebrated in educational centre, "Makiš", in Belgrade, by fraternization of the elite police units and a large number of curious citizens. There were present also the highest Interior Ministry officials as well as a large number of prominent public personalities, notably Predrag Marković, president of Serb Parliament, ministers Zoran Stojković and Zoran Lončar, Vukašin Maraš, as representative of Serbia and Montenegro, Head of Chief of Staff of Serb-Montenegrin Army, General Paskaš, Rade Bulatović, Director of Security-Informative Agency, Sandra Raskovic-Ivić, Siniša Vučinić, etc.

¹¹ *Kurir*, 20 April 2005, Vučinić Threatens Čeda Jovanović. Siniša Vučinić, president of the Serb Party of Socialists, raided with his armed escorts TV B92 premises on Monday night. Vučinić was furious because of Čedomir Jovanović criticism of his actions in the program "Insider". According to head of informative program of TV B92 Milorad Vesić, Vučinić stated that "my men shall kill Čeda Jovanović....in this city

arrested, Vucinic, several days after that arrest, disclosed that Legija would accuse Beba, Čeda (that scenario was later confirmed, as written by Legija and various tabloids).¹²

Vučinić was arrested in the Sword Action on 14 March 2003 and detained for a month in a solitary cell of the Central Prison. After installation of Kostunica-led government, he filed a damage compensation claim, demanding 1,5 million dinar pecuniary compensation for his arrest in the Sword Action, under suspicion of being a member of an organized crime group. On grounds of "sustained psychological pains" he was given compensation to the tune of 357,000 dinars.¹³

Added to aforementioned smear campaign, Marko Kljajevic, president of trial chamber in the trial of Djinjdic's assassins, in the face of increasing pressures on him, was finally compelled to hand his resignation. It bears saying that much pressure has been piled on Kljajevic since the beginning of "Zemun Gang" trial and notably before testimony of witness-collaborator Dejan Milenković Bagzi. As a result of continual media-patrotic campaigns and fear of renewal of institutionalized violence in everyday life, the public opinion is anesthetized.

Atmosphere of lynch and "justified anger" can be easily created for the sake of demonizing those who think differently. The best example thereof is the current campaign targeting the three "women traitors." Those women simply embody the evil whose destruction would be most welcome. In such a situation it is very difficult to implement the transition justice, or to introduce a new system of values, as imperative in any post-conflict society.

Unfortunately, such incidents often either go unpunished or their perpetrators are sentenced to minimal punishments. The state has almost never reacted adequately.

there is no longer room for both of us. I talked to Maka and Legija's wife. My men from Herzegovina shall kill him, and I am ready to go to jail for that murder."

¹² "I call on Vladimir Beba Popović, Čedomir Jovanović, Zoran Janjušević and Nemanja Kolesar to immediately surrender to the Serb Interior Ministry, in the same way Legija did it. For when on 10th of May 2004 Legija accuses them of being accomplices in assassination of Prime Minister, it shall be too late for them...". *Internacional*, 5 May 2004. (several days after arrest of Legija, Siniša Vučinić announces a scenario later elaborated by tabloids close to authorities. A month and a half later, Legija at his trial, launched the tale of "drugs smuggled on orders of Beba and Čeda")

¹³ *Glas javnosti*, 6 June 2005, Siniša Vučinić, president of the executive committee of the Serb Party of Socialists, received 357,000 dinars as compensation for sustained psychological pains, tainted honor and reputation, violated freedom and personal rights, during his unfounded apprehension at the time of the Sword Action. That judgment, passed by the First Municipal Court in Belgrade, duty-binds the Republic of Serbia and the Serb Interior Ministry to pay out that sum to Vucinic as well as additional 36,000 dinars representing costs of lawsuit proceedings.

ANTISEMITISM GOES TOGETHER WITH THE GREATER SERBIA PROJECT

Anti-Semitism as a Contest of the Other

In her book *The Origins of Totalitarianism*, Hannah Arendt notes an apparent rule that '...anti-Semitic sentiments take on political importance only when they can be combined with major political problems...'¹ In Serbia, where the last two decades have undoubtedly been years of major political problems, anti-Semitic sentiments have assumed not only political but also social and cultural importance although there are hardly any Jews in the country at all. In view of this, how is one to approach the problem of anti-Semitism and analyze its origins in a country in which Jews constitute one of the smallest minority communities?

Whereas earlier theorists have sought the political and social causes of modern² and contemporary anti-Semitism within the confines of enlightenment, in the advent and demise of the European nation state,³ current analysts regard it as an outcome of the radical and extremist tendencies in society brought on by the changed social and economic environments in evidence at the end of the 20th and the beginning of the 21st centuries. Although the historical contexts in which the first two analytical frameworks occurred are undeniably substantially different from the present one, this by no means detracts from their relevance. Leaving aside the contradictory effects of enlightenment and their connection with anti-Semitism,⁴ a belated project aimed at the creation of a (greater) nation state, accompanied by political and social radicalization, seems to provide quite an appropriate framework within which to analyse contemporary anti-Semitism in Serbia.

¹ H. Arendt, *Izvoori totalitarizma*, Feministička izdavačka kuća, Belgrade, 1998, p. 28.

² Referring to the period from 17th to 19th centuries.

³ Adorno and Horkheimer, Arendt, and others.

⁴ Although this approach, in so far as it deals with a specific type of rationality and subjectivity, may well be useful in studying the roots of anti-Semitism in general, its relevance to Serbia's recent historical political and social development, as well as to its present, is almost insignificant.

Serbia's greater state-national project, that is, the way it was conceived and the methods used in the attempt to realize it, could not but bring about a clash with the national minorities. In order to justify nationalism and populism, and along with them Serbia's aggressive policy towards neighbouring states and minorities at home, one had to reinterpret Serbia's recent past and its Orthodox Christian traditions. On the one hand, this strategy sought to legitimize the use of warlike policy as a response to the atrocities committed against Serbs in the past; on the other, it set out to lay the foundations of a new Serbian identity. Within this framework, persons belonging to certain minorities were assigned the role of 'enemy' - Croats, Hungarians, and Bulgarians for their World War Two collaboration with the Third Reich, and Jews as allegedly the chief culprit in a global conspiracy against Serbia and the Serbs, an attitude both in line with the widely known anti-Semitic stereotypes and betraying a total absence of any critical appraisal of Serbia's policy and its consequences.

The basic framework within which one should address the problem of anti-Semitism today is a complex one. In the past twenty years or so in Serbia anti-Semitism has not existed as an isolated phenomenon; it should therefore be sought in the radicalization, intolerance and xenophobia permeating politics and society as a result of a disastrous, destructive policy. In view of the traditional perception of the Jews as ever others and foreigners, anti-Semitism in Serbia may, in a broader sense, be interpreted as a problematic attitude to difference rather than as a purely anti-Jewish ideology, practice, or discourse.

This study addresses anti-Semitism in four of its basic manifestations, namely as political, religious, civil, and cultural. Whereas the first is almost wholly restricted to the field of political discourse, the religious and civil often intertwine, mostly to the extent that in today's Serbia one discerns no clear dividing line between the church as a religious institution and as a social and cultural authority and actor. Although the Serbian Orthodox Church (SPC) has officially entered Serbia's political life, this study considers as being of far greater interest its influence on certain 'civil society' circles which may be said to generate and promote anti-Semitism. The civil form of anti-Semitism is by far the most open and radical, with the cultural providing it with motives and perpetuating its presence on the public stage. The context in which this study addresses anti-Semitism is provided by the political and social circumstances in the last decade of the 20th and the beginning of the 21st centuries.

At present, denial and negation of anti-Semitism are especially strong in the political and social spheres, reflecting as they do a legacy of a society, policy, and elites incapable of confronting and overcoming a controversial past. This study throws critical light on the background and manifestations of anti-Semitism, and of other forms of intolerance, in order to emphasize, among other things, the need to reassess Serbia's past and present as a precondition for the establishment of a modern, democratic and tolerant state and society.

Jews in Serbia

The exact number of Jews living in the territory of the Republic of Serbia (not including Kosovo) is not known. The last official census conducted in 2002 put the number of persons declaring themselves Jews at 1,158.⁵ The total number of Jews is estimated between 2,000 and 3,000.⁶

During the Second World War nearly the entire Belgrade Jewish community perished in the Holocaust. Having embraced the main ideas of National Socialism, especially those concerning racial purity, Serbia's quisling authorities under General Milan Nedić turned into diligent executors of the occupier's policy against the Jews. The Jews were denied the right to work, robbed of their property, and stripped of all their civil rights.⁷ Aleksandar Lebl writes that from April 1941 on the Holocaust was carried out in Serbia too. The occupying authorities were assisted in their mass extermination of Jews in Serbia by the Nedić Government of National Salvation, Dimitrije Ljotić's Yugoslav National Movement 'Zbor', and the gendarmes and special police, who guarded the prisons and camps and ran down and arrested sheltered Jews.⁸ As a result, State Counsellor Harold Turner reported to Berlin as early as August 1942 that Serbia was the only country in which the Jewish and Gypsy question had been solved.⁹ In consequence, Belgrade was officially declared the 'first city of a new Europe to be *Judenrein* [cleansed of Jews]'.¹⁰ In recognition of their successful solution of the 'Jewish question', Nedić's Serbia and Nedić himself received a published tribute from the Reich leaders.¹¹

Although Nedić's and Ljotić's anti-Semitism is a historically validated fact, attempts are being made to relativize and reinterpret it by serving up all kinds of interpretations. Thus, 'In Serbia in 1941, the German occupying authorities were able to achieve the quickest "final solution" of the Jewish

⁵ Jews by ethnicity and religion. Slightly more than half of them were Jews by religion, the rest declaring themselves secular. Aleksandar Lebl, 'Antisemitizam', <http://www.kczr.co.yu/okrugli%20stolovi/politicki%20ekstremizam/7aleksandar%20lebl%20antisemitizam.doc>

⁶ Ibid. See also 'Puzeći i otvoreni antisemitizam', Kažiprst, studio interview with Filip David, Radio B92, Belgrade, 10 April 2005.

⁷ Olivera Milosavljević, *Potisnuta istina. Kolaboracija u Srbiji 1941-1944*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

⁸ Aleksandar Lebl, 'Antisemitizam', <http://www.kczr.co.yu/okrugli%20stolovi/politicki%20ekstremizam/7aleksandar%20lebl%20antisemitizam.doc>.

⁹ Hannah Arendt, *Eichmann in Jerusalem. A report on the Banality of Evil*, Penguin Books, 1994.

¹⁰ World Jewish Congress, www.worldjewishcongress.org.

¹¹ Mirko Đorđević in Nedim Sejdinović, 'Antisemitizam u Srbiji: od Vožda, preko Nikolaja, do grafita', 26 March 2005, www.nedimsejdinovic.com.

question because Serbia was not a German ally but an occupied country, so in Serbia the Nazis had free reign. Countries which were Germany's allies, such as Italy, Hungary, Bulgaria, and the Independent State of Croatia [NDH] were able to conduct their own policy regarding the Jews, and it could differ from Germany's to a degree. Occupied Serbia had no such choice because it was forbidden, under the terms of its capitulation, to pursue any "own" policy. The Germans sought permission from the NDH to open a camp on the old fair grounds near Zemun since Croatia had annexed that part of dismembered and occupied Serbia. It was there that some 8,000 Jews were murdered...'¹²

Since Israel's foundation in 1948, according to the World Jewish Congress, over 10,000 Jews have emigrated from the countries of the former Yugoslavia, including from Serbia more than half of those who survived the Second World War.

Today the majority of Serbia's Jews live in Belgrade, with smaller communities in Novi Sad, Sombor, Subotica, and Niš. Both numerically and politically and economically they exert almost no influence at all in the republic.¹³ In politics they occupy no prominent position but can be found in culture and in the police.¹⁴ In view of the foregoing, there is no doubt that the perpetuation of anti-Semitism in Serbia requires no (influential) Jews: 'The fact that anti-Semitism is in evidence in environments where no one has seen a Jew suggests an irrational phenomenon and a hatred for which Jews are not indispensable.'¹⁵

Anti-Semitism in Serbia Today

The existence of anti-Semitism in Serbia shows that the formal introduction of democracy into politics through the inauguration of a multi-party system, freedom of thought and free speech in the wake of communism does not necessarily result in genuine democratization of politics and society. The effort to realize the Serb nationalist project has given birth to right-wing political parties as well as a welter of nationalist, chauvinist, and racist organizations.

¹² Dr Krinka Vidaković-Petrov, 'Dijaspora je dijalog o identitetu', *NIN*, 3 January 2002.

¹³ Rather than being a qualitative judgement of their individual or collective contribution to Serbia's political, economic, and social life, this is an objective appraisal of their potential to shape politics and its priorities, a potential which is in stark contrast to the dominant prejudice concerning their clout.

¹⁴ Filip David, 'Puzeći i otvoreni antisemitizam', Kažiprst, Radio B92, Belgrade, 10 April 2005.

¹⁵ Aca Singer, president of the Union of Jewish Municipalities in Serbia and Montenegro, *Danas*, 26-27 March 2006.

Not infrequently, freedom of thought and free speech has in Serbia been taken to mean the right to hate speech, through which anti-Semitism has been and continues to be openly propagated. The general political and social climate of intolerance allows anti-Semitism to be manifested in its various forms. Given that it has grown in intensity in recent years, it cannot be regarded as a marginal phenomenon.

Present Socio-Political Context

The removal of Milošević did not result in a total break with the nationalist policy, so in the wake of several lost wars nationalism, xenophobia, and intolerance continue to exert a strong influence on political and social life in Serbia. The frustration in political life and in society as a whole stems from the inability (or rather the absence of a desire) to face the recent past and the catastrophic consequences it has had not only for neighbouring states and peoples, but for Serbia itself.

In spite of promulgating the new Constitution on 7 November 2006, Serbia is still not constituted as a state. The undefined status of Kosovo, which the Constitution treats as an integral part of the Republic of Serbia, prevents the definition of the country's territorial sovereignty, in the absence of which even the institutions of the state cannot ensure an institutional-legal framework indispensable to the normal operation of the state and society.

The idea, enshrined in the Preamble of the new Constitution, of a national-civil state and a state of others betrays the lack of fundamental understanding of the modern state on the part of Serbia's political elites. The defeat of the national project has brought about no redefinition of the direction in which Serbia's future is to be charted. The 'all Serbs in one state' project has been renamed 'a state first for Serbs (and then for citizens and others)'. Serbia's territorial sovereignty still being up in the air, the elites have attached priority in their political and wider social engagement to defining the personal sovereignty of the Serbian state on the basis of a single-nation identity and on that nation's collective memory.

The reordering of the collective memory and the creation of a new Serb identity are pursued with reference to three key periods in Serbia's modern history: the Second World War, the Socialist Federal Republic of Yugoslavia, and its disintegration through wars. This process has been monopolized by the state and by the national political, social, and intellectual elites.¹⁶ In their revision of the past, these elites do not take as their point of departure a critical appraisal of the net results of each of these three periods; on the contrary, they proceed from a relativization of their problematic aspects,

¹⁶ 'Sigurnost građana u nedovršenoj državi', Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

i.e. (anti)fascism and nationalism. For this reason trivialized (anti)fascism and nationalism find room in political decisions, cultural production, social life, and public discourse. The new interpretation of history and the selective collective memory it conditions not only define current socio-political life in Serbia but doubtless augur a controversial future too. Thus reordered national memory is becoming the root not only of Serbia's new national and state identity, but also of its inability to integrate politically and socially the members of the minority communities which are objectively opposed to such an interpretation of the past and to the future which can be built on that basis. There has been no break with this trend since 5 October 2000. On account of its internal political differences, mainly as to the desired course of change, but also of its 'ideological' differences, the ruling DOS coalition failed to make a break with the Milošević legacy. The introduction of religious teaching into elementary schools, the rigid political attitudes to Kosovo, the affording the church a direct role in politics though its participation in the Kosovo talks, the refusal of the government of Vojislav Koštunica fully to cooperate with the Hague Tribunal, etc, keep Serbia in a vicious circle of nationalism to this day.

The lack of a wider political as well as social will to take a critical look at and cognizance of phenomena such as anti-Semitism, xenophobia, racism, intolerance, etc, which are the concomitant of nationalism, deprives Serbian society of a chance to reconstitute itself into a democratic, tolerant and, above all, auto-reflexive society ready to accept difference as such instead of focusing on its own continuing frustrations or making assessments in terms of its own needs.

Political Anti-Semitism

Historically viewed, political anti-Semitism has manifested itself in specific political actions aimed at depriving the Jews of their citizenship and civic status, at imposing special levies on them and confiscating their property, at ghettoising, deporting, and exterminating them as a *final solution*. It culminated during the life of the Third Reich which devised and put into operation a machinery for the systematic production of corpses.

Implicit if not explicit anti-Semitism survives the Holocaust and the adoption of numerous international legal documents starting with the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, and others.

The roots of modern political anti-Semitism may be sought within the context of the growing radicalization of democratic societies and the increasing evidence of right-wing trends in Europe, especially in Serbia. Right-wing radicalism and populism have become a major characteristic of the

contemporary European political scene. The wider social and economic crisis is characterized by a quest for a new identity in substantially changed circumstances, a still predominantly discursive quest marked by anti-immigrant, anti-Islamic, and anti-Semitic verbal attacks. In the countries of eastern and central Europe, former members of the Warsaw Pact, this is additionally aggravated by the reinterpretation of their communist and, above all, anti-fascist past including by all means the 'national' perceptions of anti-Semitism.

Since the defeat of the war project, Serb nationalism has been looking to its ideological roots, especially to the conservative thought personified by Nikolaj Velimirović, Justin Popović, and the 'pragmatic policy' of the fascist Dimitrije Ljotić and the quisling Milan Nedić. In Serbia, it was the post-communist,¹⁷ nationalistic remodelling of the collective memory, which declared Nazi collaborators victims of communism that paved the way for the political and social sanction of anti-Semitism. The rehabilitation of the fascist, quisling, and Chetnik movements in Serbia has laid the ideological foundations for the relativization of extreme nationalism and of the consequences of the policy conducted under its aegis, thus creating a political and social climate for numerous racist and anti-Semitic campaigns.¹⁸ Given that the majority of political parties with right-wing leanings have implicitly legitimized conservative individuals and problematic periods from Serbia's more recent history, one may speak of an implicit or even explicit embracement of anti-Semitic theology and ideology on Serbia's political stage.

The rehabilitation of fascism, or of national anti-fascism according to those who conduct the rehabilitation¹⁹ with a view to a 'normalization' of nationalism, provides a framework within which anti-Semitism figures side by side with racism and xenophobia. In this context, the new 'national heroes' such as Radovan Karadžić and Ratko Mladić are often made use of in the fight against the 'dirty anti-Serb propaganda'. Thus, for instance, the exhibition of photographs by the US journalist Ron Haviv, 'Blood and Honey', in several towns in Serbia was marred by incidents caused by Radovan Karadžić's supporters chanting nationalist slogans.

In political discourse, one notices the use of anti-Semitic stereotypes in inter-party recriminations, such as 'Labus the Jew', 'Kostunica's mother's a

¹⁷ Post-communist both in an ideological sense and in terms of negating the multi-ethnic character of the Yugoslav state and its social identity.

¹⁸ 'Ljudska prava u senci nacionalizma. Srbija 2002', Helsinki Committee for Human Rights in Serbia, Belgrade, 2003.

¹⁹ Todor Kuljić, 'Antifašizam and anti-antifašizam. Propuštanje korisne prošlosti', *Politika*, 10 August 2006. The author sees at work in Serbia today the 'anti-fascization of chauvinism...the promotion of an authentic national anti-fascism' through the legitimization of domestic fascists and quislings.

Jew', and so on.²⁰ A number of members of the Serb political elite – notably Vladan Batić, the justice minister in the Đinđić government, Dušan Bataković, and Prime Minister Vojislav Koštunica – have publicly expressed their respect for Nikolaj Velimirović: 'Bishop Nikolaj is an indisputable moral authority in Serbia...our road-guide who is and will always be with us...his teachings are the appropriate model for true patriots.'²¹

Between Theory of Conspiracy and 'Comparative Victimhood'²²

The first years of war in the former Yugoslavia were marked by a revival of anti-Semitism and the political abuse of Jews through philo-Semitism. According to Milan Vukomanović, anti-Semitism was first revived by certain political circles personified by the 'new left and right' and the clerical-nationalist, Ljotić's and Nedić's movements.²³

The theory of an international conspiracy against Serbia, launched by the Milošević regime and the satellite parties such as the Yugoslav Left and the Serbian Radical Party, had the object of explaining away the failures of Serbia's warlike and nationalist policy. An integral part of this theory was the thesis about the existence of 'shadow rulers', that is, of Jewish power centres, which was a main generator of anti-Semitism in Serbia. Other than there allegedly being a '...planet-wide Jewish conspiracy against Christian Orthodoxy, especially against the Serb people...'²⁴ there was said to be a conspiracy by fifth-colonists including Jews and the few political groups and especially nongovernmental organizations opposed to the warlike policy.

These stereotypes are based chiefly on anti-Semitic publications, notably the *Protocol of the Elders of Zion*. It was in this light too that the numerous foreign and international initiatives seeking to prevent fighting in the former Yugoslavia were interpreted, because they had been initiated and signed by Jews among others. At the same time, Serbia's Jews were asked to make an apology for the acts of the US Administration including the bombing

²⁰ Aleksandar Lebl, 'Savremeni antisemitizam u Srbiji i svetu', talk at the New Serbian Right and Anti-Semitism round table, Helsinki Committee for Human Rights, Belgrade, 3 November 2005.

²¹ Jovan Byford, 'Potiskivanje i poricanje antisemitizma. Sećanje na vladiku Nikolaja Velimirovića u savremenoj srpskoj pravoslavnoj kulturi', Helsinki Committee for Human Rights in Serbia, Belgrade, 2005.

²² Tony Judt, 'From the House of the Dead: On Modern European Memory', *The New York Review*.

²³ Milan Vukomanović, 'O čemu crkva (ne) može da se pita. SPC, država i društvo u Srbiji (2000-2005)', Helsinki Committee for Human Rights in Serbia, Belgrade, 2005.

²⁴ Filip David, 'Antisemitizam među nama', *Danas*, 6-9 January 2000.

of Yugoslavia in 1999.²⁵ As Milorad Tomanić has observed, this theory of a worldwide conspiracy against the Serbs and of a 'new world order' was actually part of a well thought-out Serb plan boiling down to a '...Serb conspiracy against the whole world and to a "new Serb order" that was to be imposed at least in the territory of the former SFRY.'²⁶

As well as encouraging anti-Semitism, certain political and intellectual circles promoted philo-Semitism. In his *Potiskivanje i poricanje antisemitizma*, Jovan Byford observes that the drawing of parallels between Serb and Jewish histories was closely '...related to the martyrdom myth characteristic of Serb nationalist discourse...' ²⁷ In the late 1980s and the early 1990s in particular this 'analogy' was abused by many intellectuals who pointed to a 'historical fatality rendering the Serb and Jewish people increasingly alike'²⁸ or argued that 'For the Serbs, every square foot of Kosovo is a Jerusalem: there is no difference between the suffering of Serbs and Jews. The Serbs are the thirteenth, lost and most unfortunate tribe of Israel.'²⁹

The promotion of philo-Semitism had another objective: to reinterpret the recent historical context of Serbia's war of aggression against neighbouring states of the former Yugoslavia and its nationalist policy towards minorities; this was done by investing the Serb people with the role of victim on the historical model of the persecution of the Jews especially during the Holocaust. The 'analogy' between the fates of the Serb and Jewish peoples also drew upon the period of the Second World War especially in the Independent State of Croatia, whose ideologues 'blamed "Croatia's misfortune" primarily on the Serbs and then on the Jews...' - 'Serbs and Jews know what it means to be the object of collective hatred, so the lessons of historical experience should not be lightly forgotten.'³⁰

Another object of the philo-Semitic rhetoric - wooing the Jewish-dominated power centres with a view to obtaining their support in defence of the 'suffering Serb people and lands' - actually helped to sustain the conspiracy theory and anti-Semitic stereotypes. The Society of Serb-Jewish Friendship, founded on 21 November 1988, was designed as a vehicle for this abuse, declaring as its aim 'bringing closer together the two peoples who have

²⁵ *Ibid.*

²⁶ Milorad Tomanić, *Srpska crkva u ratu i ratovi u njoj*, Medijska knjižara krug, Belgrade, 2001.

²⁷ Jovan Byford, 'Potiskivanje i poricanje antisemitizma. Sećanje na vladiku Nikolaja Velimirovića u savremenoj srpskoj pravoslavnoj kulturi', Helsinki Committee for Human Rights in Serbia, Belgrade, 2005.

²⁸ Dobrica Ćosić in 'Antisemitizam', *Ljudska prava u tranziciji, Srbija 2001*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

²⁹ Vuk Drašković, *ibid.*

³⁰ Dr Krinka Vidaković-Petrov, 'Dijaspora je dijalog o identitetu', *NIN*, 3 Januar 2002.

"often been unjustly accused just because they are different [from the rest]"³¹ and becoming close with those power centres which can help solve the 'Serb question'. Among its founders were Serb nationalist intellectuals inside the Serbian Academy of Sciences and Arts (SANU) - Ljubomir Tadić (president), Dobrica Ćosić (one of the authors of the SANU Memorandum), and others³² - and several members of the Jewish community including the ubiquitous Klara Mandić. Financially supported by the authorities, the Society became part of the regime's propaganda machinery.³³ The launching of the claims about the existence of power centres in which Jews called the shots was fully compatible with the official policy of the Milošević regime based on a conspiracy theory. The Society never enjoyed the support of the Jewish organizations in Serbia. The Union of Jewish Municipalities and Jewish intellectuals strongly objected to the Society's position, criticising it³⁴ and making numerous protests against its announcements.

Anti-Semitism Within the Serbian Orthodox Church

Following the collapse of socialism, during which period the state determined the nature of its relationship with the religious communities,³⁵ and the outbreak of armed conflicts in the former Yugoslavia, the SPC was given an opportunity to throw its full weight behind the Greater Serbia project. The SPC exploited the rise of nationalism in Serbia to ensure its rehabilitation with a view to re-traditionalizing Serbian society and shaping a new collective identity. This implied, among other things, a squaring of accounts with the communist ideology, whose 'main victim was the church itself and then the Serb people';³⁶ cleansing the national identity of this ideology was considered of crucial importance for any return to traditions and Orthodoxy.

The insistence on traditions and Orthodoxy was not confined to the context of the SPC's showdown with the communists but became an integral

³¹ 'Antisemitizam', *Ljudska prava u tranziciji, Srbija 2001*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2002, p. 268.

³² At the time the Society was founded, 16 of its 20 members were from SANU. Novi horizonti, Veza sa Izraelom, <http://www.novihorizonti.com/test/tekst.asp?ArtikalID=721>.

³³ Laslo Sekelj, *Antisemitism and Jewish Identity in Serbia After the 1991 Collapse of the Yugoslav State*, The Vidal Sassoon International Centre for the Study of Antisemitism, The Hebrew University of Jerusalem, Analysis of Current Trends in Antisemitism, 1997, acta no. 12.

³⁴ *Ibid.*, p. 268.

³⁵ *Sigurnost građana u nedovršenoj državi. Srbija 2005*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

³⁶ Radovan Kupres, *Srpska pravoslavna crkva i novi srpski identitet*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

part of the warlike policy itself. Loyalty to Orthodoxy and to the SPC figured prominently in Serb war folklore.³⁷ In 1991 and 1992 the SPC admittedly made several appeals for reconciliation and the cessation of hostilities, but as war in Bosnia took hold it 'demanded' that the war effort be pursued and blocked peace processes.³⁸

The fundamentalism of the SPC is manifested in its advocacy of a return to the roots and beginnings, its opposition to secularization, and its rejection of enlightenment traditions and modern scientific, technical, and political achievements; combined with the SPC's status of an institution enjoying the greatest trust of the citizens, this fundamentalism has been instrumental in the creation of a new Serb national identity which is largely characterized by the absence of tolerance and the rejection of modern political values.

In recent history the SPC has helped the perpetuation of anti-Semitism by laying the foundations for and fabricating the new Serb identity. The first and most significant of its actions was the canonization of Nikolaj Velimirović. The decision to canonize Nikolaj Velimirović was taken unanimously by the SPC Holy Assembly of Bishops in May 2003. As a result, Velimirović is regarded in Serbia today as the most distinguished religious personality since Saint Sava.³⁹ The successful rehabilitation of Nikolaj Velimirović after forty years of marginalization has been hailed by the SPC as proof of the capacity of the 'Serb nation as a whole for revitalization, as well as the much-needed validation of its spiritual values.'⁴⁰ The touting of Nikolaj Velimirović as a key spiritual authority has been accompanied not only by the issue of his works but also by the publication of numerous laudatory writings about him. However, Velimirović's connections with the Nazi collaborators – '...Bishop Nikolaj, "[who was] close to Nedić and Ljotić not only did not object to the totalitarian political systems, but clearly came out in their favour"...'⁴¹ – and his demonstrated anti-Semitism – 'All of the modern European devices are the invention of the Jews, who crucified Christ: democracy, strikes, socialism, atheism, tolerance of all religions, pacifism, world revolution, capitalism, communism alike. All these are the invention of the Jews or rather of their father the devil'⁴² – are in direct contrast to the myth about his martyrdom.

³⁷ Ivan Čolović, *Bordel ratnika*, XX vek, Belgrade, 2000.

³⁸ Milan Vukomanović, 'O čemu crkva (ne) može da se pita. SPC, država i društvo u Srbiji (2000-2005)', Helsinki Committee for Human Rights in Serbia, Belgrade, 2005.

³⁹ Jovan Byford, 'Potiskivanje i poricanje antisemitizma. Sećanje na vladiku Nikolaja Velimirovića u savremenoj srpskoj pravoslavnoj kulturi', Helsinki Committee for Human Rights in Serbia, Belgrade, 2005.

⁴⁰ Atanasije Jevtić, *ibid.*

⁴¹ Mirko Đorđević in *Ljudska prava u tranziciji. Srbija 2001*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

⁴² *Ibid.*

The person and work of Nikolaj Velimirović serve as an inspiration to many right-wing youth organizations which operate if not formally as part of the SPC then under its wing, and which are in the forefront of the anti-Semitic drive in Serbia today.

Several Jewish demands that the SPC dissociate itself from Nikolaj Velimirović's anti-Semitism have not borne fruit because '...Velimirović's anti-European, anti-culture, and...anti-Semitic spirit is implanted in what today constitutes the substance of a good many people from the church.'⁴³

When the SPC articulates its dissociation from and condemnation of anti-Semitism, it does so mostly in the context of its abuse of philo-Semitism. Its philo-Semitic rhetoric is based on the use of comparative victimhood,⁴⁴ the object of which is the defence of the Greater-Serbia project and the negation and relativization of its extreme manifestations including anti-Semitism. In its numerous press releases, the SPC refers to the martyrdom and victimhood of the Jewish and Serb peoples in the past, stresses the authority of the Christian Orthodox Church, and denies that its dogma encourages anti-Semitism. Although the SPC is officially opposed to anti-Semitism, the fact remains that certain circles within it are anti-Semitic; also, the canonization of Nikolaj Velimirović suggests that as an institution the SPC continues to figure in Serbia's political and social life as a promoter of at least implicit anti-Semitism.

Given that anti-Semitism appears in Serbia today within a wider context of radicalization, intolerance, xenophobia, and racism, and considering that the SPC has largely contributed to this state of affairs by its political and social engagement, one cannot help feeling that its declarative condemnation of anti-Semitism is a gesture of political correctness rather than reflecting its substantive position on this and related issues.

The active support of the SPC to the rehabilitation of fascists, collaborators, and Chetniks from the period of the Second World War – Dimitrije Ljotić, Milan Nedić, and Draža Mihajlović – all of whom were more or less anti-Semites,⁴⁵ bears out the fact that other than declaratively, the SPC does not wish to dissociate itself from anti-Semitism in its ranks.

Civil Scene and Anti-Semitism

Blatant anti-Semitic incidents are a feature of Serbia's 'civil scene', which is made up of a large number of more or less formal radical right-wing

⁴³ Filip David, Most Radija slobodna Evropa: Koliko je antisemitizam prisutan u Srbiji i Hrvatskoj, *Dijagnoza bolesnog društva*, Danas, 16-17 April 2005.

⁴⁴ Comparative victimhood. Tony Judt, 'From the House of the Dead: On Modern European Memory', *The New York Review*.

⁴⁵ Laslo Sekelj, *Antisemitism and Jewish Identity in Serbia After the 1991 Collapse of the Yugoslav State*, The Vidal Sassoon International Centre for the Study of Antisemitism, The Hebrew University of Jerusalem, Analysis of Current Trends in Antisemitism, 1997.

and (clerical-) fascist groups. The identity of the persons standing behind the more violent incidents involving the desecration of Jewish cemeteries, monuments and religious facilities, the writing of graffiti and the pasting of posters cannot be established with any degree of certainty: except for three persons arrested for putting up anti-Semitic posters in March 2005, the public is still in the dark as to the identity of the perpetrators.

Characteristically, the right-wing and clerical-fascist organizations attract mostly young people who find their foothold of belief in what has been promoted in the last twenty years or so as a wider social trend, namely revised Serb nationalism and return to traditional Orthodox values. The more extreme among these, such as skinheads, Nacionalni stroj (National Formation),⁴⁶ Krv i čast (Blood and Honour), and Rasni nacionalisti - rasonalisti (Racial Nationalists - *Racialnalists*), have embraced the Nazi ideology as their own. All of these organizations have in common extreme anti-Westernism and rejection of liberal values, racism, nationalism and chauvinism, ideological exclusivity, and xenophobia. Needless to say that anti-Semitism figures too in this milieu. Whereas the proved activities⁴⁷ of the aforementioned groups amount mostly to virtual anti-Semitism, the activities of Serb right-wing youth organizations such as Dveri srbske (Serbian Door), Obraz (Honour), Sveti Justin Filozof (St Justin the Philosopher), Nomokanon (Nomocanon), and Svetozar Miletić include numerous and highly popular panel discussions and periodicals.

Although many public activities of Serb right-wing youth organizations are not explicitly anti-Semitic, the very fact that they support, among other things, the rehabilitation of Nikolaj Velimirović, Milan Nedić, Dimitrije Ljotić, and the Chetnik movement suggests a latent anti-Semitism.

Since civil sector anti-Semitism conforms to the pattern over the last decade and a half of expressing intolerance and often of rabid hatred of minority groups in Serbia, it paints a picture of society's general state of affairs. As the Israeli ambassador to Serbia, Jafa Ben Ari, has observed in an interview with *Danas* (9 May 2005), in Serbia 'there is no question of anti-Semitism *per se*, but of hatred simmering below the surface'.

Anti-Semitism in Culture - Publishing

Since the end of the 1980s Serbia's publishing sector has been a most prominent propagator of anti-Semitism, with over 150 titles published by various publishing establishments. Some of these specialize in anti-Semitic

⁴⁶ The Serbian Ministry of the Interior (MUP) classes this organization as anti-Semitic, among other things, *NIN*, 29 December 2005.

⁴⁷ Placing lists of Jews and anti-Semitic texts of Third Reich officials on web sites.

publishing, notably Ihtus - Hrišćanska knjiga and Klub nacionalnih knjiga Velvet.

The *Protocol of the Elders of Zion* has proved an especially successful product of the anti-Semitic publishing effort, having been printed in twelve different editions between 1990 and 2001,⁴⁸ among the publishers, Ratibor Đurđević holds pride of place, having authored most of over fifty anti-Semitic titles published by Ihtus - Hrišćanska knjiga.⁴⁹

According to Aca Singer, many of the anti-Semitic titles freely published and circulated in Serbia in recent years are far more injurious than the Protocols: Ratibor Đurđević's *Jevrejsko ritualno ubistvo* (Jewish ritual murder) is one of such works. The following is a list of some of the titles that have been on display in Belgrade bookshops: *Jevrejska zavera* (the Jewish conspiracy); *Srpski narod u kandžama Jevreja* (the Serb people in Jewish clutches); *Pod šestokrakom zvezdom - Judaizam i slobodno zidarstvo u prošlosti i sadašnjosti* (under the six-pointed star - Judaism and free masonry in the past and at present); *Zašto se divim Adolfu Hitleru* (why I admire Adolph Hitler); *Mrtve krave protiv šest miliona mrtvih Jevreja* (dead cows vs. six million dead Jews); *Zašto je rasizam ispravan* (why racism is right); *Zašto mrzim Jevreje* (why I hate Jews); *Protokoli sionskih mudraca* (protocols of the Elders of Zion); *Vladika Nikolaj o Judejcima, neprijateljima hrišćana i hrišćanstva* (Bishop Nikolaj on the Judeans, enemies of Christians and Christianity); *Zli i prokleti* (the evil and damned); *Zavera nad zaverama* (the conspiracy of conspiracies); *Zlotvori čovečanstva* (mankind's fiends); *Pet kroavilj revolucija judeo bankara* (the five bloody revolutions of the Judean bankers); *Svetosavski nacionalizam u judeo-masonskom okruženju* (the nationalism of St Sava in a Judeo-Masonic encirclement); *Holokaust - dogma judaizma* (Holocaust - the dogma of Judaism); *Talmud - izvornik satansko-judejskog porobljavanja čovečanstva* (Talmud - the fountainhead of the satanic-Judean enslavement of mankind); *Prokleti Hanaan* (the cursed Hanaan); *Judejska zavera protiv boga i čoveka* (the Judean conspiracy against God and man); *O semitskoj opasnosti i lomljenju srpske kičme u Drugom svetskom ratu* (on the Semitic peril and the breaking of the Serb backbone in the Second World War); *Zašto su Jevreji kroz celu istoriju protiv Srba. Ko su oni?* (why the Jews have been against the Serbs throughout history, who are they?); *Jevreji u ogledalu Svetog pisma* (the Jews in the mirror of the Bible); *Zli i prokleti: Dušmani savremenog čovečanstva* (evil and cursed: the foes of modern mankind); *Drama savremenog čovečanstva* (the drama of modern mankind); *Cionizam, komunizam i 'novi' svetski poredak* (Zionism, Communism and the 'new' world order); *Sindrom straha od Judejaca u Americi* (the fear of Judeans in America syndrome);

⁴⁸ Laslo Sekelj, *NIN*, 2 August 2001.

⁴⁹ The letter of the Union of Jewish Municipalities in Yugoslavia to the SPC Holy Assembly of Bishops dated 28 November 2000.

Rugobe i laži američke demokratije (the monstrosities and lies of American democracy); etc.

Reprints of the works of Milan Nedić, Dimitrije Ljotić, and Nikolaj Velimirović figure prominently in the anti-Semitic publishing sector. Further, periodicals such as *Logos*,⁵⁰ *Kruna*, *Velika Srbija*,⁵¹ and *Pravoslavlje*,⁵² as well as certain tabloids, run anti-Semitic texts or articles by authors who can be linked to anti-Semitism. In reply to protests from the Union of Jewish Municipalities, the publishers and authors of such articles mostly reply that the readers themselves should be allowed to judge what is true and what false in them. In spite of many complaints filed by the Union of Jewish Municipalities against publishers of anti-Semitic books, the prosecutors have decided not to prosecute criminally in most cases.⁵³

The presence of anti-Semitism in culture is also substantiated by Nebojša Vasović book *Lažni car Šćepan Kiš*, published by Narodna knjiga of Belgrade: in this work with a marked anti-Semitic subtext, Danilo Kiš is accused of having achieved his success thanks to his international Jewish connections; that he chose not to write about the 'cooperation of Jews and Nazis and those who... "profited from" Nazism and Stalinism'.⁵⁴ The book reduces the 'Jewish identity to "gain" and to a "racial" or rather racist substance'.⁵⁵ As well as maligning Danilo Kiš, the author alleges that 'cultural policy in Serbia was for years determined by writers such as Oto-Bihalji Merin, Eli Finci, Oskar Davičo, Erih Koš...'⁵⁶

Government Reaction

There is hardly any adequate reaction on the part of the Serbian authorities to anti-Semitic propaganda, incidents, publications and to hate speech in general in which anti-Semitism figures. Under Article 134 of the Criminal Code of the Republic of Serbia, anti-Semitism may be criminally prosecuted as the dissemination of religious, national, and racial hatred. A demand by the Union of Jewish Municipalities to include in the Criminal Code a special provision penalizing the criminal offence of anti-Semitism, negation

⁵⁰ The periodical of the Belgrade Divinity College students.

⁵¹ The organ of the Serbian Radical Party.

⁵² The organ of the SPC.

⁵³ Aca Singer, the president of the Union of Jewish Municipalities in Serbia and Montenegro, *Danas*, 26-27 March 2006.

⁵⁴ Aleksandar Jerkov, *NIN*, 24 February 2005.

⁵⁵ *Ibid.*

⁵⁶ Filip David, Most Radija slobodna Evropa: Koliko je antisemitizam prisutan u Srbiji i Hrvatskoj, *Dijagnoza bolesnog društva*, *Danas*, 16-17 April 2005.

of the Holocaust, minimizing the number of Jewish victims,⁵⁷ and glorifying Nazi ideology and leaders was turned down. Further, Article 38 of the Law on Public Information of the Republic of Serbia prohibits the publishing of ideas, information, and opinions encouraging discrimination, hatred or violence against persons or groups of persons on the basis of their race, religion, nationality, ethnicity, etc. In spite of this, a great many of the complaints filed against publishers of anti-Semitic literature by the Union of Jewish Municipalities have been turned down by the prosecuting authorities.⁵⁸

Most reaction to anti-Semitic discourse and incidents remains on the level of verbal condemnation and critique. A series of coordinated incidents in March 2005 provoked a stormy reaction from the liberal public and well as verbal condemnations from the SPC and the SANU; all the same, lack of an adequate response led Civic Initiatives to issue a press release saying that the 'new wave of extreme Serb nationalism is under the aegis of certain state and church institutions'.⁵⁹ On the occasion of the incidents at the Novi Sad Faculty of Philosophy on 9 November 2005, Professor Milenko Perović charged that the authorities' unwillingness to prohibit the activities of extremist organizations betrays the fact that the 'ruling political nomenclature in some of its elements shares the political beliefs of these extremist organizations'.⁶⁰

It appears that the government's strategy is to characterize anti-Semitism in Serbia as an isolated phenomenon instead of treating it as an integral problem of the general socio-political radicalization. Furthermore, any reference to its existence and manifestations is frowned upon as an attempt to discredit the democratic policy and society and to obstruct the process of reconciliation. The reactions of numerous politicians from the ruling coalition, as well as of certain institutions of the state, to the spate of organized anti-Semitic attacks in the spring of 2005 suggest a link between anti-Semitism and major centres of political power bent on damaging the reputation of the country: 'Just as we have begun to repair the reputation of the country, an action has been launched in order to damage that reputation. This action is orchestrated, but from a different source and with a different objective...'⁶¹

In response to the report of the Council of Europe monitoring mission on the Serbian parliamentary elections held on 28 December 2003, which criticizes anti-Semitic tendencies during the election campaign, the Ministry for

⁵⁷ Aca Singer, the president of the Union of Jewish Municipalities in Serbia and Montenegro, *Danas*, 26-27 March 2006.

⁵⁸ *Ibid.* Moreover, in 2001, Milija Milovanović, the Belgrade deputy district prosecutor, dismissed a complaint by the Union of Jewish Municipalities of Yugoslavia against the publishers of the *Protocols*, saying there were no grounds for *ex officio* prosecution.

⁵⁹ *Danas*, 24 March 2005.

⁶⁰ Radio Free Europe, 26 August 2006.

⁶¹ Miroljub Labus, *Danas*, 24 March 2005.

National and Minority Rights of Serbia and Montenegro announced on 28 January 2004 that the 'carelessly pronounced, sweeping assessments can only harm the process of reconciliation in the region and the development of inter-ethnic trust.'

Unfortunately, such interpretations of anti-Semitism in Serbia and reactions of the authorities indicate their unwillingness to get to grips with the legacy of a policy, now redefined as 'democratic nationalism', which they continue to promote with considerable zeal.

Recommendations

Eliminating anti-Semitism from Serbia's political and social life necessitates the following:

- Having suffered military defeat, Serb nationalist policy must also be defeated mentally because the present nationalist political and social mindset continues to generate intolerance, xenophobia, fascism, anti-Semitism, and so on.
- In order to change mental attitudes in Serbia, the curricula must be purged of all apologetic reinterpretations of the role of the collaborationists in the Second World War, of the role of Serbia in the break-up of the former Yugoslavia, and of all anti-Semitic ideologues and authors.
- International institutions, especially the Council of Europe, ought to insist that the authorities react adequately to anti-Semitism and to other manifestations of hatred and intolerance, in compliance with relevant international documents.

SHAPING OF A CULTURAL MODEL

Politics and culture remained in a kind of symbiotic relationship despite hopes to the contrary, namely that the fall of Milosevic regime would produce a major changeover in both spheres. But contrary to expectations, it turned out that the cultural model, believed to be the consequence of collapsed values and across-the-board hopelessness, survived even after the demise of the political order dominant throughout the 90's. That survival was the first sign that the said cultural model was not only a mere attachment of this era, but rather a persisting cultural blueprint, from which nearly all developments in the society originated. Therefore fundamental changes need to be effected first in the sphere of culture in order to lay bare illusions thwarting full democratization of the society. Without a total break with the persisting cultural model, which is the only genuine successor of Milosevic era, we shall continue to see the re-surgence of "cultural values" supposedly routed during 5 October changes.

Events surrounding the recent Festival of Authors' Films, one of the rare cultural manifestations believed to have resisted successfully the wave of provincialization, best evidenced the above. Namely in the midst of festival the Serb Foreign Ministry received a letter from the Embassy of the Popular Republic of China, requesting non-screening of the film "The Summer Palace" directed by the Chinese film director Lo Jee. Foreign Ministry officials, unfamiliar both with the festival and the controversial film, after an initial shock caused by the request and notably its tone reminiscent of the Cold War era, launched an inquiry into the matter. When the film festival organizers informed them that "The Summer Palace" contained uncensored footage of the 1989 Tiananmen Square students' massacre, the FM officials realized the gist of the problem. They were also told that the film was banned in China in the bid of the authorities to prevent the citizens of that country to see the brutal scenes of the blood-bath and moreover that the Chinese authorities threatened with severance of diplomatic ties all those countries intending to screen that film.

In view of the fact that China is perceived as one of rare countries in the world which is friendly to Serbia, thanks to diplomatic achievements during the Milosevic era, the Foreign Affairs Ministry fully grasped the threatening tone of the Embassy's letter. Following urgent consultations with

the republican Prime Minister cabinet and the cabinet of the City Secretary for Culture, the Foreign Ministry competent officials ordered the festival organizers to take the film off the program. That decision was indeed a throwback to the bleak times of the Socialist Republic of Yugoslavia when creative people were imprisoned for books, films and art works deemed "controversial" and their works were hid from the public eye. The pertinent note of the Embassy of the Popular Republic of China, which inter alia spelled out that "the film should be scrapped from the festival program due to good bilateral relations between Serbia and China" was read to the shocked audience in a movie-house. City Secretary for Culture, Darijan Mihailović, then went on to explain that republican institutions, competent bodies on the level of the city of Belgrade, as well as the festival organizers reached that decision because "the highest state interests implied that it would not be wise to make a diplomatic scandal and offend a friendly country, the UN Security Council permanent member and the factor with a major impact on our foreign relations."

Then the true cause of the film-banning, a rare occurrence even in Serbia, came to the fore. Namely that at stake was something more important, even momentous, and not just plain misunderstanding was subsequently confirmed by Vladeta Jankovic, an adviser to Prime Minister Kostunica and Dragan Kojadinovic, Culture Minister. While visibly transported Janković like a visionary linked the authorities unpopular move to the future of status of Kosovo by maintaining that "showing of that film, despite a polite appeal through diplomatic channels, would impair our efforts to solve the Kosovo problem in the desired way"¹, while Minister Kojadinović for days on end reiterated that "there are many bilateral, Chinese-Serb co-operation agreements and provisions which must be honored."² When part of the cultural public protested against such a bizarre way of conducting the foreign policy through movie houses programs, in a true twist of destiny, the Chinese film was finally screened in the two Belgrade cinemas. However, the whole film-related muddle morphed in fact in the most clear metaphor of distortion of set of values reigning in the cultural public scene, and as such resulting from balance of powers in the political sphere. At play is obviously not a mechanical adoption of criteria from other spheres, but rather an ongoing interaction between the political and cultural scene. Namely some artists by their actions shape the social reality, while some politicians, as evidenced by their attempts during the requested film banning phenomenon, act as if they were commissars trying to tailor the cultural policy. The foregoing is indicated by highly damaging stands of some cultural "officials."

¹ B92, "Banned film would be screened the day after tomorrow", 30 November 2006.

² Idem

Even without the Chinese film scandal, it was obvious that in the course of 2006 the Culture Ministry was bereft of any strategy or well-designed cultural policy. Apart from the initiative that the top 100 artists be granted national pensions, which by the way sowed an additional seed of discord in the midst of that rivalry-charged profession, the Ministry did not give off other signs of life or existence. This did not come as a surprise in view of the fact that the outgoing Minister Dragan Kojadinović found himself in that position quite accidentally. Namely he became the only choice for that position after a prolonged and entrenched party war over other, highly valued ministerial positions during the formation of Vojislav Kostunica cabinet. By and large during all that long jockeying for power someone remembered, in a gesture of unexpected mercy, that Vuk Draskovic's party should be accorded that least-coveted political chair. Aside from emptiness which his work exuded, Kojadinović shall be remembered for his racism-charged statements about "Shiptar hordes.... whose fellow-nationals are not fit to take part in renovation of the Serb sacred monastery Hilandar."³

Kojadinović, at the very start of his mandate, opted for the wait- and-see strategy, namely decided to first "observe the state of cultural institutions and various spheres of cultural life, after which, according to his agenda, "national cultural councils headed by prominent individuals and public figures, tasked with creation of cultural strategy, would be set up. And thirdly, Kojadinovic planned the founding of commissions or task forces composed of philosophers, psychologists, sociologists and other experts from various social spheres to be entrusted with the primary task "of devising the national code of conduct". Hence the trinity of analysis-strategy-code was laid as the foundations of cultural policy, which was only implemented at the very end of Kojadinovic's mandate, due to its factual-unsustainability. True cultural policy could be reduced to the provision of fund for artists able to create worthy works of art. The rest are just empty stories or words tantamount to a time-wasting exercise.

Due to inertia or passivity of the Serb Culture Ministry in 2006, other films shared the fate of ill-starred "Summer Palace", despite assurances of the political establishment about Serb society essential transformation in the post-5 October. In fact the reality demonstrated that the Serb society was still tottering under the burden of old problems. Thus the film „Grbavica" of a young Bosnian woman director, Jasmila Žbanić, an emotionally charged story about a

³ At night of 3 March a big fire broke out in Hilandar monastery. In the aftermath of that fire, Minister of Culture, Dragan Kojadinović, at the opening of Hilandar-themed photo exhibition in Zrenjanin, stated that Hilandar should be renovated exclusively by those of Orthodox faith: "Shiptari hordes can reach any time Belgrade, and that is exactly their intention. Perhaps that fire in Hilandar was not an accident, for this fire from Kosovo may spread to Macedonia, and threatens also Greece and ...the whole Europe."

women raped by the Serb soldiers during the war, caused the resurgence of the proverbial Serb ill-will when at play were war-themed films, or films with themes unpleasant for this milieu. First the circles of nationalism-minded purists were bothered by the fact that a heroine, a Bosnian woman, survivor of torture, was played by the Serb actress, Mirjana Karanović, then there was much criticism of the film's theme, namely the rape, and finally a group of political extremists tried to interrupt the Belgrade's first night of that film. Just when the screening of "Grbavica" was about to start, notorious Svetlana Petrušić, author of documentary "Kill, Convert, Drive Out", portraying the suffering of Serbs during the war, appeared on the Sava Centre stage and tried to address those in attendance. But fortunately her intent, after vocal protests from the present, was prevented by security staff. But even before that incident, which caused the guests from Sarajevo to leave the Serb capital in an embittered mood, a group of people donning T-shirts with images of the Hague Tribunal fugitives Ratko Mladic and Rdoan Karadzic paraded along the Save Centre hall, and once they entered the auditorium, insulted the present, booed the actors and started chanting- "Serbia! Serbia!".

After the post-screening bows of the film director to the audience, and her words that she hoped that her film "would close the circle, for the first pages of its script were written in Belgrade", a true smear campaign against Jasmila Žbanić was launched. That campaign was spearheaded by writer Radomir Smiljanić, who after introduction of sanctions against the FRY, in his capacity of president of organization *Bela ruža*, staged blockade of Danube to prevent the passing of foreign ships. At the time, and some people do remember, that action of Radomir Smiljanić and Milić of Mačva, the painter, was blessed and backed by the Serb Orthodox Church and Paatriarch Pavle, as immortalized by photographs. Therefore the writer Smiljanic now used his connections in some circles to effect a showdown with the film director Zbanic, who, according to him, "was bent on initiating a lynch against the Serb people." Smiljanic also announced that he would file criminal charges against Jasmila Zbanic for her alleged, racist statments.

Shortly after the Berlin Film Festival screening of "Grbavica" and Jasmila Žbanić words that in Bosnia and Herzegovina 20,000 women had been raped, all of which preceded Belgrade's first night of that film, some Belgrade media openly engaged in the campaign of ridicule of the film director's assertions. Despite the fact that Bosnian rapes were qualified as war crimes for the first time by an international court, that is the Hague Tribunal, the Belgrade cynical press media commentaries noted that: "the Serbian forces, even if they had wanted to, would not have been able to rape so many women...though politically motivated allegations about even one raped woman, suffice to proclaim such a policy a criminal one. Some media not stop at the open demonization of Jasmila Žbanić, but even resorted to openly branding Mirjana

Karanović, the actress playing the lead role in "Grbavica", "a Muslim bitch" and "a Muslim whore".

In line with the tacit social consensus that crimes committed by the Serb side be hushed up, the line wholeheartedly encouraged by the political elite, "Grbavica" was not shown in the Serb cinemas, thus sharing the fate of a bevy of Bosniak and Croat war-themed films. Since the widely applauded scene of massacre of Bosniaks during prayer (film "Spasitelj" directed by Predrag Antonijevic) it became clear that war films were something more than sheer cinematic diversion. There is a world-wide tradition of the film audience cheering on the film heroes, but it bears underscoring that for the local, Serb audience, films portraying the recent war were like stripped off patches of reality. Therefore that applause was humiliating for the whole nation to whom the audience belonged. But only the screening of a Bosnian film "Grbavica" demonstrated the true nature of the recent war, and indicated that only few creators were ready and able to scrutinize it from close proximity, to try to understand its true contents and course, and to help define that conflict also by giving it a more precise name, in view of the fact that adjectives "homeland", "defense", "aggressor's", "liberation" war were only of operational nature. Many film creators encountered difficulties in their attempt to translate to the big screen part of the war terror. Many of them despite well-prepared scripts about destroyed families, loves and friendships, and well-chosen cast failed in that intent. But the foregoing does not apply to few, most audacious, including, obviously Jasmila Žbanić. However let us now touch on some films shot in Serbia in the year 2006.

Though it is crystal-clear that this society has problems with acceptance of facts relating to the 90's- a genuine socio-psychological problem almost without paragon in recent history- just a brief glance at the 2006 Serb film production indicates that the very film creators have by and large shunned such themes. Aside from the Serb actors performances in Rajko Grlic-directed "Karaula," a story about preparations for the conflict, which opened wide doors to the war, rather than about the tragic disintegration of Yugoslavia, only two of ten feature films, superficially touch on the war themes. Action of "Žurke," film by Aleksandar Davić, takes place in a weekend villa in Fruška Gora Mountain, out the outset of war. The film portrays desperate, drug- and drinks-infused attempts of a group of youngsters to dispel their fear of imminent mobilization, against the backdrop of a looming war. Davic's film portrays moral decadence in which Serbia was engulfed at the outset of war, and deals with the root-causes of imminent, tragic conflict. On the other hand „Sutra ujutro" directed by Oleg Novković, speaks about the man who in 1991 left Belgrade for Canada, to later return to his birthplace for a three day-wedding ceremony. The film above all portrays grave consequences of the war, namely the traumas experienced by many people. Added to that there is a film "Sinovci" directed by Sinisa Kovačević. That film perfectly fits

into a mosaic of lies, deceits, and self-illusions, still cherished in regard to the 90's. The action takes place in the occupied Vukovar. It is a story of a peasant from village Veliki Krčmar journeying to the Vukovar battlefield to look for his son, who, as it turned out in the later sequences had perished in Jankovci. The director, in the true vein of Milosevic propaganda, tries to ideologically connect the fates of Serb soldiers who perished in that area in the years 1914, 1944, and 1991, against the narrative backdrop portraying the hero-style burial of officers who had taken part in the Vukovar siege.

Though any of those war-themed films had the opportunity to touch on the issue responsibility for all factors contributing to war crimes in Croatia, Bosnia and Kosovo, their authors, including Siniša Kovačević, instead opted for doctoring of events. The foregoing would be a private problem of those authors, if their films were not so attractive for the wide audiences and influential too. In view of such character of feature films, the total 2006 film production was saved from a total shame by documentaries, notably "Vukovar – the Last Cut" by authors Janko Baljak and Drago Hedl, which revealed things which that Slavonija town experienced as the true apocalypse, and "Deportation – an Award for Loyalty" directed by Vlada Mareš, the film which speaks about banishment of over one thousand Bosniaks from Kozluk, and their terrible exile, across Serbia, to Hungary, in mid-1992.

Though an educational role cannot be expected from the movie-making art, there is no doubt that war films also have an extra-artistic, cognitive dimension, affecting notably viewers on the other bank of river Drina, since locals in Bosnia and Croatia have already directly felt the terror of the 90's. In view of the foregoing, films from Croatia and Bosnia have more impact on the topics of responsibility and reconciliation than any related panel discussion, which are, by the way, avoided as a plague by the majority Serbia or, as the most boring lesson. The latter stance is most probably related to the general aversion to facing up to the recent past, that is, atrocities, war crimes and consequences cum results thereof. Hence such film production represents a kind of extra-curricular education for those refusing to believe that such terrible things had happened in Bosnia and Croatia. It is obviously unpleasant to watch how members of a nation are treated as children, but even that is more palatable than the finger-poking into closed eyes, the phenomenon commonplace at panel discussions with participants and audience, allegedly mature enough to realize and admit their mistakes, in order to move forward at all.

Situation is equally bad in other creative spheres. It is a fact that the Serb literature during the 90's was indelibly marked by the war experience, and that the character and brutality of the conflict in former Yugoslavia, largely determined the sensibility of such-themed literary work, oft investing it with the surplus of patriotism. However, as of late writers have been turning their attention to mundane topics. The same holds true of the last year's

literary output. A look at the novels which were shortlisted for the prestigious NIN Award - "The Bridge" by Zoran Zivkovic, "Four Walls and the City" by Zvonko Karanović, "Emilija Leta" by Mirjana Mitrović, "Komo" by Srđan Valjarević and "Rise and Fall of Parkinson's Disease" by Svetislav Basara, shows that only Karanović's heroes walk through the maze of recent developments. Namely his lead protagonist, Vladan Mitić - Tatula, onetime student of the prestigious Amsterdam Art Academy, returns to Serbia in 1991 only to become a victim of the Balkans war, as the film's end sees him as a war invalid. War and post-war scenes lurk between passages of the novel "Through Desert and Dust", by Srđan Tešin, in which the 90's blood-bath cum slaughterhouse becomes a kind of counterpoint to the sheltered youth of the main protagonist. 90's are also dealt with in an artistically impressive way in the novel "Collection" by Mileta Prodanović, dominated by "the 10-day war" memories and reminiscences of a heroine, daughter of a Slovenian woman and the Serb officer. It is noteworthy that the personality of a journalist, one of the novel's heroes, is based on a real-life persona, the one of a tragically perished editor-in-chief of "Telegraf", Slavko Ćuruvija. Thus Prodanovic turned the shadow of death into a symbol of an era, which is still awaits a more serious literary treatment and re-appraisal.

While many important writers are waiting for the dust to settle in order to tackle in a cold-headed way themes related to the war and recent past, writing was taken up, even professionally, in 2006 by some notorious public figures, who until recently in their hands held only arms. After "The Iron Trench" and "The Legionary" the man indicted for assassination of Prime Minister Zoran Đinđić, Milorad Ulemek Legija, who added to everything else, was immortalized in a film showing him and his fellow-fighters agreeing to kill Bosniaks imprisoned near Velika Kladuša, presented in 2006 to his fans even two, new novels, - "The Boys from Brazil" and "Judas: A Novel of Friendship". The byline Ulemek is just a cover-up or a sham, it serves to attract the wide readership, while the name of the real author of this novels is in fact unknown. It was possible to pull such a publicity stunt only in Serbia, where the third-rate writers were the top informers of various secret services and the Interior Ministry employees treated as stars in panel discussions staged by the notorious Writers' Association in Francuska 7 Street, in Belgrade. Hot on the heels of "Narodna Knjiga" success-that publishing house which in recent years established itself as the top publisher earned over 100,000 Euros from the sell-out of "The Iron Trench" novel, depicting the Bosnian war experience of a volunteer from Belgrade-"Spina" publishing house, ran by Ulemek's wife, Aleksandra Ivanović, published 10,000 copies of "The Boys from Brazil", a somewhat smaller circulation in regard to the one of "The Iron Trench" (70,000) and "The Legionary" (25,000). The aforementioned collection of short stories, purporting to show the writer's or Ulemek's literary versatility, describes war developments in Kosovo, Bosnia and Croatia, with a

conspicuous absence of any compassion for the suffering of civilian population and total destruction of cities. And that lack of compassion characterizes other Ulemek's "literary works". In the true spirit of the Serb Greater State ideology, whose foundations were laid in the 90's by some writers, the conflict in Bosnia is portrayed as a fratricide war between the Serbs and "Serbs converted into Turks, read, Muslims". Not only those claims are historic forgery, but biographical data of the alleged author are a conspicuous example of pseudo-biography. Namely on the book covers it is written that Milorad Ulemek in 1996 was appointed the commander of the Special Operations Unit, "the most elite Serb unit", and that "after the year 2000 he fell victim to political intrigues". Even if one wanted to leave aside atrocities committed by that unit in Croatia and in Bosnia and Herzegovina, "elitism" of that unit is still amply testified to by the murder of Ivan Stambolić, assassinations of members of the Serb renewal Movement at Ibar Highway, and the peak of its activity, brutal assassination of Prime Minister Zoran Đinđić. By trampling upon the bodies of those whose death he had directly caused, Milorad Ulemek thus sums up his views on the war: "It was a strange war. We, Serbs, the heavenly people, alone against the whole world." The latter quotation directly indicates the presence of Crncevic's fingers in this literary pie.⁴

In a persiflage manner in 2006 Ulemek also published the novel "Juda," which was originally titled "Boro i Ramiz". The story spans over nearly a century, from the WW1 days to the present. The action takes place in Peć, Prizren, Thessalonica and Belgrade and centers on caricature-style relations between a Serb and Albanian. Ulemek is allegedly winding up the writing of his fifth book, which clearly indicates, that those who are most probably misusing his name have a very fertile imagination, a lot of enthusiasm, and high hopes that a man directly responsible for many murders, would be remembered as a writer in historic records.

Ulemek not only tried to present himself as a victim of political intrigues, but his books in the course of 2006 found their place in the most prominent places in the state-owned bookstores, despite the fact that the state proper, by dint of its courts, is trying to deal with his criminal offences. Management of the publishing house "Prosveta", the first publisher to "adorn" its shop-windows with Ulemek's "body of work", laconically responded to vociferous indignation of part of cultural scene: "Nothing's wrong with this move, for the choice of titles on display was based on readership interests." Does this imply that if readers want anti-Semitic editions by Ratibor Đurđević, they shall get them; if someone wants to revel in glorification of the main

⁴ Branislav Crnčević, (Ruma, 1933), poet, novelist, and publicist. Onetime close collaborator of Slobodan Milošević. Currently member of the International Committee for the Truth about Radovan Karadžić and activist of the Serb Radical Party. His example confirms the thesis about a symbiosis between the far-left and the far-right ideas in Serbia.

protagonist of the Srebrenica massacre, he shall be able to buy the book "General Mladić" by Mladic's self-styled "sister" and "staunch protector" Ljiljana Bulatović, who is just winding up her new manuscript on the Hague indictee, titled "Hallo or Noose". In view of the status of other Hague indictees, which were seen off with full state honours and with the church's blessing, such literature shall for a long time have its loyal followers.

The foregoing is further confirmed by akin works which saw the light of day in 2006, notably "Dark Songs", the collection of poetry by the former director of Radio Television Serbia, Dragoljub Milanović, currently serving sentence in prison Zabela, for having sacrificed RTS employees during the NATO intervention⁵, and diary "The Case of National Squad" by Goran Davidović Firer. Davidović was convicted for spreading religious, national and racial hatred and the neo-Nazi wilding during the panel discussion dedicated to the Day of Anti-Fascism, and sentenced to a year-long prison term. The former however did not stop Zrenjanin-based publishing house "Art projekt" to publish his first literary work. While Milanović, one of key stooges of Milosevic's regime, laments overt the fate of his leader ("Between the thick walls of Sheveningen,/while walking in circles to find a sunny spot,/Slobodan complains to himself..."), Goran Davidović in the shape of a diary espouses his views on political and social conditions in this country, views quite similar to those flouted by Steward Donaldson, *spiritus movens* of the neo-Nazi movement "Blood and Honour", to whose tenets Davidović intimately pays lip service. In parallel Davidović dedicates his book to those who together with him "were arrested because of their love for their people." Davidović's book also contains the statute and program of the National Squad.⁶

⁵ Former director of Radio Television Serbia, Dragoljub Milanović, was sentenced to 10 -year prison term because of «death of 16 employees of RTS during NATO air campaign on 23 April 1999...and his failure to implement the staff and technique evacuation -related decision of federal authorities.» When the judgment became final, on 20 May 2001, Milanovic hid for two months in Montenegro. During the police action «Sword» in March 2003 he was arrested in Montenegro and transferred to prison Zabela near Požarevac.

⁶ Neo-Fascist organization, the National Squad, came to prominence in March 2005, when posters calling on the boycott of TV B92 were affixed on many Belgrade buildings. After that the organization's members started writing the following graffiti: "We want freedom, and not Jewish domination" and "Jews, parasites, leave Serbia!". On the occasion of the 10th anniversary of Srebrenica massacre, the National Squad in Negotin and Sremska Mitrovica wrote graffiti with the following messages: "Knife, Wire, Srebrenica" and "Mladić, thank you for the Serb Srebrenica". National Squad demands unification of all Serb countries in one, Serb national state "vouchsafing existence and revival of the Serb nation in a glorious tradition of the Slavic-Aryan heritage, of predominantly Dinaric sub-racial type."

Flying in the face of detractors of both publishing and sale of such a literature, editor-in-chief of Zrenjanin's "Art-projekt", Ivan Danikov maintains that his publishing venture aimed at underpinning Davidovic's right to freedom of expression. Thus in the name of alleged freedoms, anew are published the books, whose themes are at least morally dubious, if not outright condemnable. But since the competent authorities don't think that such publishing ventures are in violation of laws, the country shall continue to shoulder the problems from recent past, though the once wild, rampant nationalism has now emerged in a more presentable, decent shape. In such a general mood some printing office refused to receive manuscripts dealing with the aforementioned themes, but not on moral grounds. In fact they needlessly feared possible legal consequences of such ventures. Thus the feeling of discomfort of some printers is the most we can expect at this moment of time in this highly desensitized milieu. In other well-ordered countries publishing of such books would be considered more than scandalous. However when likened to Collected Works of Radovan Karadzic, the writing of which neared completion in 2006, the aforementioned books may appear to us as something similar to school textbooks for the young neo-Nazis.

While the international forces in Bosnia and Herzegovina organize sporadic raids in Pale or rather direct hunts for Radovan Karadzic, thus apparently demonstrating their resolve to arrest him and bring him to the face of justice, indirect presence of that Hague indictee is very much felt in the cultural scene of Serbia. As if the ICTY indictment for genocide and crimes against humanity were an accidental, to-be-quickly-resolved, misunderstanding, Karadžić keeps cranking out novels, memoirs and satires, ridiculing in his dramas both the international community and the incumbent Serb leaders. His works are published in Serbia, in Belgrade, by his former wartime Information Minister, Miroslav Toholj, but not in his native Montenegro or in Bosnia and Herzegovina where he spent most of his adult life. Karadžić's books are not only published, but are also widely read: the whole circulation of his novel „Wondrous Chronicle of the Night” was an immediate sell-out. Underway are preparations for the staging his drama „Sitovacija” in a Belgrade theatre. Number of published political works of the author has also increased. In 2006 the International Committee for the Truth about Radovan Karadzic published his "Interviews and Speeches", thus rounding the six-volume edition of Karadzic's selected manuscripts. Those who have no stomach for Karadžić's meditations on war, contained in over 1,000 pages of the last two volumes, were nonetheless "encouraged" to do that by

National Squad believes in biological inequality and geographical segregation, favours official banning of abortions, substance abuse, paedophilia, homosexuality, and placing all media under the national state control.

National Squad is a member of "International Association of White Nazis." Stormfront, whose motto is: "White Pride Across the World".

slogans heard during the books promotion: "Serbs are divided into Hajduks and accomplices of enemies" and that "as long as God exists our brother Radovan shall live and produce new books."

President of that Association, Kosta Čavoški, like many times before intrigued the public by a remark, that Radovan Karadžić himself helped make the right choice of interviews and speeches. Čavoški, on earlier occasions, also confused the audience by maintaining that Karadžić had been informed of the promotion, that he might even turn up at the presentation of his work, or that he might be already in their midst. Such statements consequently prompted many to start turning around in a bid to spot Karadzic among the present, while Čavoški kept mysteriously smiling. But leaving aside Pale jokes, which only Karadzic's war friends find funny, the fact remains that Karadzic's protectors in Serbia proper never hid the fact that they kept in touch with their protégé. They openly spoke about pigeons-couriers, mentioned stones, high up in the mountains, under which were placed Radovan's messages, and unidentified human couriers bringing in the middle of the night Karadžić's manuscripts to his accomplices, living in downtown Belgrade. After warning of prosecutor for the war crimes, Vladimir Vukčević, that "all those who in any way communicate, orally, in writing by e-mail or pigeons-couriers, with fugitives from the Hague justice, shall be prosecuted", human and animal couriers started giving a wide berth to the aforementioned Belgrade flats. And those concerned stopped mentioning stones, under which, in the depth of some gorges, Karadžić's messages were left.

Karadžić's ideological pals stopped bragging about their ties with the fugitive, but nonetheless enabled their spiritual leader to expose once again his notorious theses in recently published, two-volume, "Interviews and speeches". And here is a summary of those thesis: war in Bosnia was imposed to Serbs, for Muslims wanted to create a unified Bosnia; Serbs just defended themselves from a new genocide; it was a civil war in which everyone hated everyone else; at play was settling of scores from the WW2, it was retaliation for old crimes; Muslims themselves staged the bombardment of Sarajevo, to create a media spectacle; war crimes charges are part of propaganda and campaign against Serbs; International Court for War Crimes, if it is a genuine court, shall deal more with crimes against Serbs, then with crimes committed by Serbs; leadership of Republika Srpska is ready to condemn all criminal offences committed by Serbs; engineered ethnic cleansing has never happened, it was not a feature of our policy, it was just an integral part of war; Muslims and Croats left voluntarily their houses in order to get welfare or refugees money in Germany; gang rapes have never happened because thanks to their Communist education generals of the Army of Republika Srpska are very conservative; top brass of the ARS strictly observed basic ethical, decency and morale principles; if some psychopaths raped women, they did it single-handedly, etc.

What Radovan Karadžić fails to do is to mention the Serb crimes in Srebrenica, Bijeljina, Bratunac, Bosanski Šamac, Brčko, Doboj, Foča... in detention camps, four-year long siege of Sarajevo and destruction of many cities. "Interviews and speeches" only confirmed what had been already well-known, namely Karadžić's persistent denial of crimes committed by the Serb side, the ideas which had found a wide following in Serbia. In every single text in that new book Karadzic reiterates that the war goal is unification of all Serbs living in the Balkans, "therefore I cannot not understand why anyone would oppose the creation of a great Serb state...even if it were called Greater Serbia...with its capital Belgrade, with one government and one President." All the foregoing indicates that Karadzic was very familiar with the plans of Serb forces in the 90's.

Of course Radovan Karadžić is not the only criminal who published books while facing the charges of grave crimes. Some fifty years ago memoirs of the Armament Minister in Hitler's cabinet, Albert Speer, became best-sellers in the post-war Germany, but in contrast to Karadzic the principal architect of the Third Reich served his twenty year prison term to which he had been sentenced by an international court. But such scruples of course don't exist in Serbia. When Karadzic's drama, „Sitovacija," was covertly promoted in the premises of Faculty of Philosophy in Pale, none of competent employees of that institution had the courage to admit what had happened, despite the media coverage of that, for Bosnia, unusual event. In Serbia promotions of Karadžić's books, either political manuscripts or fiction, have become a regular part of cultural happenings. In this country *International Committee for the Truth about Radovan Karadžić* works incessantly in defense of the war criminal, by organizing panel discussions which glorify him, by printing, distributing and affixing posters with the words „Every Serb is Radovan" and taking similar actions. In such a mood the general public in Serbia sees nothing wrong in publishing of Karadžić's books. Only sporadically a critical voice dares observe that the said phenomenon is like "someone publishing "Mein Kampf" in Germany 10 ten years after the war." However no-one calls into question the mere act of publishing of such works, since it belongs to the sphere of moral issues. Added to that in the society not overtly sensitive to moral dilemmas, it would be too unrealistic to expect the publishers to morph into -censors.

Last year saw the official instituting of group of writers frequently taking part in panel discussions devoted to Karadžić, meetings of various far-right organizations and rallies of the Serb Radical Party. Members of that group are Gojko Đogo, Rajko Petrov Nogo, Branislav Crnčević, Radoslav Bratić, Momo Kapor and Momir Lazić. Lazić himself at a panel discussion of the Serb Radical Party threatened openly "all traitors of Serbhood" Namely he railed that they would be dealt with in the IRA style, for in Ireland, allegedly, "first the eldest child of the traitor is killed, and then the traitor himself is shot in both knees...so when you see an Irishman limping, you will immediately

know that he is a traitor. I fear that some people here shall start limping soon." In recent years Lazić had become the most vocal and threatening firebrand of the Serb Radical Party in Serbia: he insulted Jews on Krusevac TV, branded his political opponents "idiots", reiterated in paid-for TV spots that "Vatican is a Masonic lodge", "Croatia is an Ustashi state", and "William Walker is a fascist.". He also unveiled that "hundred of Albanian women are giving birth in Novi Sad, so that another part of Serbia may be taken from this country" and harangued against "Satanic and non-Christian authorities". Together with his spiritual brothers, Lazić cursed "domestic scum", "servile and cowardly citizens" and other "Western servants cum stooges". The number of such rallies would have increased, if followers of Radicals had not become terrified of the enormity of their task. Namely it is easy to loudly threaten people, to drive people out of their homes by brute force, and aim pistols at students, but it is not easy to stage a major action against the opponents, since the latter, "the traitors", are more numerous than those who would like to try them.

While Karadzic's spiritual defenders are getting entrenched in Serbia, and Radovan himself hides in gorges and sporadically publishes literary works, a group of his ideological followers, rallied around the Centre "Most" is still trying to dramatize in a Belgrade theatre his play "Sitovacija". The intent to establish the fugitive from The Hague justice as a great playwright to date has failed, which by extension saved the domestic theatres from the trap of heavy compromising, laid by some circles. But despite that lesser victory, theatre people should not feel too proud of their achievements in 2006, for in the year which marked the anniversary of birth of Jovan Sterija Popovic, no theatre director remembered to stage his play "Patriots" which lays bare all the evils of national mythomania. Such a staging was much needed by the country tottering under the heavy burden of the 90's, but theatre directors instead turned their attention to Sterija's play "Lies and Super Lies", as if Serbia were a thoroughly ordered society, troubled only by minor social deviations.

Rare were plays dealing with the current social events. One of such plays was "A Paradox" by Nebojša Romčević (staged in Sombor National Theatre by Egon Savin.) Savin via Romčević spoke about something of momentous importance: the missed chances during the 5 October changeover, which was one of the last opportunities for this country to effectuate a showdown with the war legacy. While "A Paradox" deals with moral downfall of intellectuals, the play "Orange Peel," directed in Belgrade's Atelje 212 by Goran Marković, tackles another kind of social pathology, namely the pursuit of moneyed man by young, nubile females, and describes a symbiotic relationship between the wealth and spiritual emptiness, one of ancillary pillars of social hypocrisy. For want of domestic plays dealing with social problems, Sarajevo director Dino Mustafić revived in Belgrade's Yugoslav Dramatic Theatre, the scenes of rising and strident Fascism, that is, Thomas Bernhard's play "On the Eve of Pension", but due primarily to some

miscasting, that dramatization was reduced to a superficial interpretation of the play proper. Aside from the official theatres program in 2006, a great theatre hit on the fringe scene, was Ana Tomovic's dramatization of "Half Life" written by Filip Vujanović. That play, the most impressive depiction of devastation left in the wake of Milosevic regime downfall, was brought to life by players from an off beat group, "Counter Strike" in a tube station, Vuk's Monument. Highly acclaimed was also dramatization of Bernhard's "Hero's Square" (director was Dejan Mijach) in view of its focus on anti-Semitism, which is also present in this milieu.

In view of the failure of playwrights, directors and other theatre people to relieve the Serb society of a heavy burden it has been shouldering for years, it was even less likely that such a feat would be accomplished by popular culture, despite its continuing, subversive characteristics. However, those recognized subversive features typical of some local pop groups, notably "Beogradski sindikat," were overshadowed by a song, "My best man, I want us to slaughter," by the Nis-based rep group, a song openly glorifying genocide and crimes. We shall now quote verbatim the verses of that song in order to illustrate the stand of some young people on war criminals:

"Srebrenica, my dear place
I have never been there
But I am attached to it
There we cut Muslim throats
For Serbia and with faith in God,
Srebrenica, the place of the Serb pride,
Thanks to the Serb hero,
There are no more Muslims there
With his knife he slaughtered them smoothly,
For there is only one General Mladić Ratko
That is why, brothers Serbs
We should glorify their names
They cut off heads of Turkish infidels,
Seven thousand or slightly more
Hodja's cry can no longer
be heard,
We destroyed their mosques and minarets
Turned their wives into widows
in black
Let Drina carry the Muslim bones
our ancestors from Gazimestan are
proud of us
When wolves from Trebevic
attack,

Turks shall remember who the Serbs are
when Serbs assault from
all sides
There will be no more Muslims
This is your punishment
For betraying your people,
You sold the Cross, God
punished you,
You converts, are worse than
Turks,
Slaughter Ratko, slaughter and
torch them,
Mundže, your country is not Bosnia but Turkey,
And Bosnia was and shall remain the Serb land
Finally Serbs shall see the sun,
for you will be judged by
Chetniks on both sides of Drina,
Useless are your Arabs and mujahideen,
They will end like you in
river Drina
Croats no longer help you
Hey, Rašo and Ratko join your folk
you handed Srebrenica to Serb people
Let Drina carry the Muslim bones
Let the bygones, be bygones, for God shall forgive."

Despite the charges filed against unidentified authors of this song, judicial bodies, alike in many other cases, engaged in so much feet-dragging, that the shameful event sank into oblivion. However these verses have quite a large following, judging by popularity of this song at the fora rallying around the far-right militants.

Crown jewel of stands of some key protagonists of the Serb musical scene on the current events was doubtless the New Year's Concert in front of the National Parliament. It was conceived as a medley of musical genres and joint performances by pop and folk singers, or as a symbol of accord and harmony reigning among the Serb people and in Serbia at large. In that spirit was the misuse of the widow of a war criminal, that is her performance in the said concert. The same applies to performances of some rock singers, who, according to the ahead-agreed scenario, threw insults at and demonized the organizers' political opponents. That "event" best testified to the nature of the persisting set of values in Serbia.

Conclusions and recommendations:

De-construction of the existing cultural model, the model infesting every day events, is a prerequisite for all other political and social reforms.

Reform of educational system is imperative, and the only way forward. Such an overhaul should help Serbia build a new set of values and morph into a fully-fledged democratic society.

THE MEDIA UNDER THE CLUTCHES OF THE REGIME

All laws governing the media, more or less harmonized with the European standards, were adopted after 5 October, but so far there have been no substantive changes in the media sphere. Some of these laws are not consistently implemented, as is the case with the transformation of Radio Television Serbia (RTS) into a public service. The allocation of frequencies also did not bring substantive changes into the programmes of those television stations which were granted frequencies. Thus, at present, there are no evident changes in the programme quality in the media sphere when compared to the period when it was not regulated. On the other hand, it turned out that the legal regulations were not sufficient to minimize hate speech, media persecution and calls for lynching political opponents, nationalism, support to war criminals and defamation of different minority groups, or to push them into the marginal media with no greater influence on the public opinion. The Government succeeded in maintaining control over several main media, including specifically the daily *Politika* and Radio Television Serbia, which were also the backbone of the Milosevic regime. All media (with very rare exceptions) report on the Kosovo issue in the same way. The consensus on this issue, persisting in the media since the late 1980s, already had disastrous consequences for the destiny of the people both in Serbia and in former Yugoslavia. The public was never offered a different view on the Kosovo issue.¹

The Transformation of RTS and Frequency Allocation

In 2006, the formal legal transformation of RTS into a public service was finished, but there are still no substantive changes in its programme concept and the way of running the public service. Television is still under a

¹ See the part of the Report devoted to Kosovo.

strong influence of the Government², that is, the Democratic Party of Serbia (DSS). The case of RTS and the prevention of any changes in the programme, which would correspond to the concept of public service, are one of the key indicators of (failing) democratic transition in Serbia. The transformation of RTS was meant to be the most important process in the sphere of media reform, thus enabling national television to play a pivotal role in reshaping the public opinion and promote the new value system. On the contrary, RTS cemented the values which this media institution has been cherishing since the late 1980s through a nationalist and war propaganda.

RTS never held that the arrest of Ratko Mladic would be of public interest for all citizens. Thus, it never conducted a campaign which would prepare the public for the handover of the most wanted Hague indictee. Last year, the Serbian Government assumed the obligation to carry out the Action Plan for Mladic's arrest and a part of this plan was a media campaign during which the Prime Minister had to use the word "arrest", while the media had to start preparing the public by showing the films on the horrible crimes committed in the name of Serbs.

Second, the Serbian ruling parties, especially the DSS (Prime Minister Vojislav Kostunica) and DS (Serbian President Boris Tadic), have in essence the same view on the Kosovo issue, so that RTS continued its tradition of obediently promoting only one concept of settling this issue, in accordance with the government policy. Third, RTS is also following the government's anti-European policy, primarily through manipulation with Russia's position that it will use a veto in the UN Security Council, thus preventing Kosovo's independence.

The best evidence that RTS is under a strong influence of the Serbian Government is the fact that Aleksandar Tijanic – a columnist and journalist who is very close to the DSS – retained his position as Director General of RTS after its formal transformation. Tijanic was first appointed Acting Director General when Vojislav Kostunica assumed the office of Prime Minister. Although the broadcasting law already existed, Tijanic was appointed, at the Government's proposal, in accordance with the Law on Public Enterprises. Otherwise, Tijanic distinguished himself in the media campaign against the pro-reform Prime Minister Zoran Djindjic shortly before his assassination. His most frequently quoted statement was: "If Djindjic survives, Serbia won't". For some time, he was Milosevic's Minister of Information. At that time he was close to Mirjana Markovic, Milosevic's wife and the leader of JUL.

² The Chairwoman of the Independent Journalists' Association of Serbia (NUNS), Nadezda Gace, stated that the process of RTS transformation into a public service was not satisfactory "due to a very pronounced influence of politics on that process". (*Danas*, 30 June 2006).

The reappointment of Aleksandar Tijanic (3 July 2006) to the position of Director General of RTS, as well as the process of electing the members of the RTS Managing Board are disputable. Tijanic was elected Director General by the RTS Managing Board,³ and two journalists' associations (NUNS and the Independent Journalists' Association of Vojvodina) had serious objections to the election of the members of the RTS Managing Board. They argued that the Republican Broadcasting Agency (RRA) failed to submit the criteria and explanation for its decision on the election of candidates to the managing and programme boards of the broadcasting stations in Serbia and Vojvodina. Although the RRA announced publicly that the candidates to the RTS Managing Board could be proposed only by institutions, organizations, associations and other registered groups, some candidates were elected on the basis of their own proposals (Babic, Markovic, Kuburovic, Savic).⁴

To enable Tijanic to retain his position as General Director, the RTS Managing Board drew up the Statute under which the Director General can be a person with secondary school qualifications. The Chairman of the Independent Journalists' Association of Serbia (UNS), Nino Brajovic, pointed out that the new Statute was evidently adjusted to the present Director General Tijanic⁵. Otherwise, according to the Statute of TV Novi Sad, the Director must have a university degree. According to Slobodan Djoric, a RRA member, the Statute was drawn up by the RTS operational services and the RTS Managing Board and RRA Council only adjusted it at their joint session. The Director General proposes the editors-in-chief, for whom an open competition is announced, while the Managing Board gives approval for his proposals. Tijanic appointed Nenad Lj. Stefanovic (whom he brought to RTS during his first term) as the chief and responsible editor. Stefanovic worked earlier for the weekly *Vreme* where he, as a special reporter from the Hague Tribunal, relativized and criticized its work.

The RTS Programme Council is also disputable. It has 19 members (of whom 7 are the deputies in the Parliament), including the Secretary General of the Serbian Radical Party (SRS), Aleksandar Vucic, who was the Minister of Information under the Milosevic regime. It should be noted that the harshest media repression was practiced just during his term of office.

According to all media polls, the RTS News Programme is still the most popular news programme in Serbia.⁶ On the other hand, citizens are not

³ The members of the RTS Managing Board are: ethnologist Dragomir Antonic, professor Jovan Babic, journalists Slavoljub Djukic and Milica Kuburovic, historian Predrag Markovic, economists Bosko Mijatovic and Dusan Stokanovic, sportsman Dusan Savic and Academician Niksa Stipcevic.

⁴ *Danas*, 8 June 2006.

⁵ *Kurir*, 10 June 2006.

⁶ RTS has the largest area of coverage. In addition, the viewers have become accustomed to watching its RTS News Programme over the decades.

satisfied with its programme concept, manifesting this by boycotting the TV subscription⁷. It turned out that, despite being the best method, the financing of the public service by subscription fees was not sufficient to ensure its independence due to the fact that the social and political context, as well as other control mechanisms have not yet been created, thus preventing the political influence on RTS. Citizens have no influence on the content of the public service programme through civil society organizations. What is in public interest is only the policy pursued by the Serbian Government. RTS Director General Aleksandar Tijanic even announced that RTS might discontinue the live broadcasting of parliamentary sessions, which would actually enable citizens to hear the different views of the minor deputies' clubs.⁸

National frequencies and frequencies for the Belgrade area were granted television stations in April, so that the use of the air was partly legalized. This was the first time that the television broadcasters were granted broadcasting licences. In the past, they operated on the basis of various technical and incomplete licences. On the other hand, like in the case of the public service, this legalization did not bring about substantive changes, especially in the programme quality. Over the years (since 5 October 2000), the existing television stations have been adjusting their programmes to the influential political factors. This was "justified" by their wish to obtain a frequency. However, after being granted frequencies, television stations changed their programme concepts (this refers especially to TV Pink and TV B92), nor did they make any major steps toward improving the quality of their programmes and providing incentives for research journalism.

In addition to Pink and B92, national frequencies were granted to Avala, Fox, as well as Kosava and Happy (which share the frequency). So far, these television stations have not succeeded in introducing the competitive spirit into the media market and imposing themselves on the viewers with the completely different contents of their programmes.

TV Avala never broadcast any programme before; the person behind this television station is the one-time Vice-Premier of the Federal Government (under the Milosevic regime), Danko Djunic, with eight private firms. The Maljevic family is behind Happy, while the owner of Kosava is lawyer Borivoje Pajovic (in the past, Kosava belonged to Marija Milosevic, the daughter of Slobodan Milosevic).

⁷ The TV subscription fee is appended to the electricity bill, so that citizens are forced to pay it.

⁸ In an interview posted on the RTS website, Tijanic says: "We'll try, in agreement with the parliamentary speaker, to broadcast live only the most important sessions, whose duration will be strictly defined. Other parliamentary sessions would be presented in a one-hour programme and its editors would be the representatives of all parliamentary parties". (www.rts.co.yu)

In the process of frequency allocation, TV BK, owned by the Karic family, was shut down. The case of TV BK must be viewed in the political context, because the Karic family founded its political party, the Power of Serbia Movement, which began seriously to affect the electorate of the ruling DSS. This television station was shut down at the moment when the Karic family intensified its use for a political propaganda. Despite the fact that TV BK was unscrupulously and impermissibly abusing the air so as to promote the political option backed by big capital of dubious origin, its shutdown is not only a media problem, but is also a political one, since the criterion for shutting down a television station was selectively applied only to TV BK. The time and the way of its shutdown - in the middle of the night and with the assistance of the police - caused additional chaos in the frequency allocation process.

The formal explanation given by the Republican Broadcasting Agency why the European television with 49 per cent of German capital, RTL, was not granted a national frequency is unconvincing⁹. Instead of RTL, a frequency was granted to the Australian-American Fox television, which ranks among the television stations with a conservative programme.

During 2007, it will also be necessary to finish the process of allocating local frequencies to television and radio stations, thus finishing the legalization of the use of the air, as well as reducing the number of broadcasters from about 800 (their number before the frequency allocation) to about 400. The process of privatizing local media is also forthcoming.

The frequencies for the Belgrade area were issued to the following television stations: ART, Enter, SOS kanal, Metropolis, TV Plus and TV Studio B. The radio stations granted frequencies for the Belgrade area are: Beta Plus, Nostalgija, Naksi radio, Radio MFM, MIP radio, Radio Pink, Radio Studio B, Radio Tri, Sport FM, TDI radio, Top FM, Siti radio, Radio Novosti and Radio Pingvin. Palma, Most and Košava were not awarded broadcasting licences for the Belgrade area.

TV Plus is owned by Interspeed. This company is also the owner of Radio Fokus, which distinguishes itself with a distinctly nationalist programme and hate speech. According to its concept, it is the closest to the Serbian Radical Party. So far, the Broadcasting Agency has not reacted to the programme of Radio Fokus.

⁹ "The RRA justified its decision to disqualify RTL by the disputable ownership structure of the German TV, which exceeded the permissible 49 per cent of foreign capital, because they also found majority foreign capital in the ownership structure of some domestic partners (Atlas sistem, Mali kolektiv, HVB Bank and Parma Suisse)." (*Dosije* No. 19, www.nuns.org.yu)

The Government's Influence on the Media

One of the indicators of slow transition in the media sphere is also the government's control over the media through its ownership share in the main newspapers. So, the government again has a significant share in the daily *Politika*, which was the media backbone of the Milosevic regime, as well as *Vecernje novosti*, a mass circulation daily with a great influence on the less educated population. The government also retained full ownership of Tanjug News Agency. Despite the formal transformation of RTS, the government still has a strong influence on this most important electronic medium.¹⁰ Accordingly, the government has strong mechanisms of propaganda and influence on the public opinion. The media situation is also aggravated by the fact that there is still no social context for fair competition on the media market, because most other media are owned by tycoons who also have their particular interests. Journalist Dragan Janjic points out that the Government, through its direct ownership share in the media, as well as an indirect one – through the shares of large state-run enterprises in them – has obtained the “prerogatives to appoint and replace editors”.¹¹

The Propaganda Campaign for the New Constitution

The referendum process relating to the adoption of the new Serbian Constitution was accompanied by a very negative and aggressive propaganda campaign against the group of political parties and non-governmental organizations calling for the boycott of the referendum.¹² The campaign was marked by attacks on the activists of the Liberal Democratic Party (LDP),¹³ which was leading the boycott coalition, and calls for lynching the leaders of this political coalition and several non-governmental organizations: Cedomir Jovanovic, Natasa Micic, Zarko Korac, Nenad Canak, Sonja Biserko and Biljana Kovacevic Vuco. The absence of international attention at that moment was

¹⁰ See the section devoted to RTS.

¹¹ Dragan Janjic, “Povratak Države u režimske medije”, *Dosije o medijima* No. 20.

¹² In this research we give the examples from the print media for the period from 26 to 31 October 2006, thus covering two days before the referendum, two days during the voting and two days after the referendum.

¹³ In two months there have been more than 9 attacks on the LDP activists. In the night between 26 and 27 October, someone broke into the premises of the Stari Grad Municipal Board of the LDP, located in the centre of Belgrade (Strahinjica Bana Street). On the day of the referendum, one LDP activist was beaten up during the action of signing the Charter of Freedom. (For more detail see the website: www.cedajovanovic.com.)

used to create such a climate as if everything was allowed in the campaign against an alternative. The propaganda campaign shows clearly the connection between a specified action and articles in the media.

Four days before the referendum, on 24 October, the representatives of the Serbian National Council of Kosovo¹⁴ and a group of students from Kosovska Mitrovica organized a protest in front of the LDP premises in Belgrade, shouting and threatening: “We’ll kill Ceda!”, so that the activists of the boycott coalition were blocked in their premises until the protesters dispersed. The protesters, who stopped at the Square of the Republic, wore T-shirts with the symbols of the Special Operations Unit (JSO), whose members are charged with the assassination of the Prime Minister, and the inscription “Terrorism is a disease – call a doctor!”¹⁵ Such a protest was also supported by the daily *Kurir* by the article “Shiptars’ Lobby”.¹⁶ Bogoljub Pejic, a member of the Serbian Assembly Security Committee, said for *Kurir* that the leaders of the LDP and GSS, Cedomir Jovanovic and Natasa Micic, would be “proclaimed traitors in every country” because of their advocacy of Kosovo’s independence”. *Kurir* also carried the statement of the former head of the Kosovo Coordination Centre, Nebojsa Covic, given to Tanjug News Agency, in which he “poses the question as to who is financing the promoters of the anti-referendum campaign” and “points out that the success of the referendum does not suit certain forces in the country and abroad...” The protest was condemned only by the Democratic Party (i.e. its Vice-President Dragan Šutanovac). Two days later, the daily *Politika* carried the article whose basic message was that the advocates of the boycott were “destroying the community”. It condemned mildly this threatening protest, stating that this was a “provocative and mostly inappropriate action”, as well as that this was the “performance of the young from Kosovo”, regardless of the shouts: “We’ll kill Ceda!”¹⁷

In his article “Is the Boycott in the Spirit of Democracy: The Destruction of the Community; Why the Advocates of the Boycott Remained

¹⁴ The protests were supported by SNV leader Milan Ivanovic and Marko Jaksic, a DSS official and member of the Serbian state team for talks on Kosovo’s future status.

¹⁵ The targets of the protesters were Natasa Micic, Nenad Canak, Sonja Biserko, Natasa Kandic and Goran Svilanovic.

¹⁶ *Kurir*, 25 October 2006.

¹⁷ The article entitled “The Destruction of the Community”, published in *Politika* (26 October), begins with the following passage: “The day before yesterday, the campaign of Cedomir Jovanovic for boycotting the referendum for the new constitution received a response in the form of performance of the young from northern Kosovo. The students of Kosovska Mitrovica University and the youth of the Serbian National Council of Northern Kosovo shouted: “We’ll kill Ceda!”, and ‘awarded’ mockingly his allies in the anti-constitution campaign (Natasa Micic, Nenad Canak, Sonja Biserko, Natasa Kandic and Goran Svilanovic) for their struggle for Kosovo’s independence”.

Without More Significant International Support“, the *Politika* journalist uses the statement of one of the leaders of the one-time movement Otpor, Ivan Marovic, in which he explains how the one-time boycott of elections led to the war in Bosnia: “The boycott of elections is the evasion of a political conflict, because those taking part in the election process boycott those boycotting the election process, so that the conflict is postponed or transferred to some other level“. *Politika* further explains: “In this way, says he, the boycott of the referendum for the independence of Bosnia and Herzegovina, which was organized by the Serbian Democratic Party, led to the destruction of the political community in Bosnia and Herzegovina“ (...) The author then gives his commentary: “The case of Kosmet Albanians is also interesting: they were boycotting the elections in Serbia from 1992 onwards, because, as they put it, they were fighting against the oppressive Belgrade regime. In fact, they were fighting against the Serbian state from which they wished to break away. In the end, a war broke out, like in Bosnia and Herzegovina“. It is also emphasized that the boycotters did not receive international support, except from the Executive Director of the International Helsinki Federation, Aaron Rhodes. The author then explains that the Helsinki Committee for Human Rights in Serbia is sponsored by this organization, which is known for its “criticism of the local non-governmental organizations opposing ‘humanitarian intervention’“ during the NATO bombing of the FRY.

Two days before the referendum, there was a rally in Kosovska Mitrovica, which was staged in support of the draft Constitution. At this rally, the participants chanted the name of Ratko Mladic, who is indicted before the Hague Tribunal, while the main speakers were Minister and DSS Vice-President Aleksandar Popovic, SRS Secretary General Aleksandar Vucic and Ivica Dacic, President of the Main Board of the Socialist Party of Serbia (SPS).

On Sunday, 29 October, on the second day of the referendum, *Glas javnosti* published the reader’s letter entitled “Boycott in the Service of an Independent Kosovo“, while *Press*, on its third page, carried the statement of Bora Djordjevic, a musician who is very close to the DSS,¹⁸ under the title “For Whom Are You: for the Patriarch or the Lesbians“. Djordjevic sent the following message to the citizens being in a dilemma: “Why are they in a dilemma? On one side, they have Patriarch Pavle and, on the other, Ceda Jovanovic, gays, lesbians and other shit, so they can choose the Serbia they wish.“

The campaign against the advocates of the boycott continued after the referendum.

¹⁸ The DSS appointed Djordjevic as an advisor to the Minister of Culture.

On Monday, 30 October, the print media published the threat of Prime Minister Vojislav Kostunica:¹⁹ “I am warning the advocates of Kosovo’s independence, who are already unofficially talking about the possibilities for its recognition, that such a step will not remain without consequences – it will have a direct impact on Serbia’s relations with the countries which recognize Kosovo“. On Sunday night, in a threatening tone, parliamentary speaker Predrag Markovic announced that the “failure of the referendum would mean the call for a protectorate and dictatorship“.²⁰

On 31 October, in the editorial commentary of *Glas javnosti*, Vjekoslav Radovic called for the arrest of Cedomir Jovanovic: “... In lawful states one goes to prison for such tricks as those played by Cedomir Jovanovic. It is high time that the authorities ask him to provide evidence how the ‘referendum theft’ was done and how and where the members of the municipal election commissions and the Democratic Party of Serbia went from door to door, threatening citizens if they do not take part in the referendum’. Evidence – or prison! It is high time that the competent bodies address the question who is financing Jovanovic’s project, jeeps and gorillas, for what reasons and through what channels, so that we can finally see whether such pests should be on the list of candidates or somewhere else, not to mention Silerova Street and his connections with mafia gangs. The authorities which are unable to enforce this do not deserve the people’s confidence.“ Despite the fact that during a three-year media campaign against Cedomir Jovanovic, the competent government bodies did not launch any investigation about his alleged connections with the circles around Milorad Ulemek Legija, charged with the assassination of the Prime Minister, and with the headquarters of the Zemun gang at Silerova Street, *Kurir* brought up this topic again by quoting the statement of actor Sergej Trifunovic, allegedly taken from a blog, in which he condemns Jovanovic for his connections with Ulemek.

Kosovo’s status was also in the focus of the propaganda campaign against the advocates of the boycott. In other words, the matrix was the same as that used against the opposition and so-called “internal enemies“ during the Milosevic regime. The monitoring of the media during the referendum campaign revealed an intensified propaganda against the parties and non-governmental organizations advocating a different settlement of Kosovo’s status than the DSS, SRS and DS.

Considering the events during the referendum campaign, which were supported by a greater number of media, including the protest and call for lynching in front of the LDP premises, which were not condemned by any government official, the Helsinki Committee calls on the domestic actors

¹⁹ The original statement was given to Channel One of Russian State Television. Quoted from *Politika*.

²⁰ *Glas javnosti*, 30 October.

(primarily the Democratic Party) and the international community to make an all-out effort to change the present climate and create the new one in which it will be possible to find a realistic solution to Kosovo.

An Attack on Studio B Television

In 2006, the Democratic Party of Serbia infringed seriously on the freedom of the media and the right to a different opinion by exerting pressure on the local Belgrade TV station Studio B, in an attempt to replace its chief and responsible editor, Dragana Milicevic, due to the editorial concept. Studio B is one of the rare TV stations in Belgrade which insists on the criticism of the value system on which the Milosevic regime was based and, through various programmes, explores the roots of the conflicts in the territory of the former Yugoslavia, as well as Serbia's responsibility for them²¹, due to which it became the target of criticism by the DSS.

The President of the Studio B Managing Board and DSS official, Ljiljana Colic, condemned Studio B for its anti-Serbian bias²² and the Democratic Party of Serbia also requested "raising the question of the city television programme, since this party is not satisfied with it".²³ The DSS never condemned the statement of its representative on the Managing Board of Studio B. On the contrary, its spokesman Andrija Mladenovic confirmed that Ljiljana Colic said that some parts of the programme were anti-Serbian and that she, as the President of the Managing Board, had the right to express her discontent.

The attack on Studio B by the DSS is especially disturbing, because this party, as the ruling one, is represented in all media in Serbia and also has a dominant influence on the public service – Radio Television Serbia. Therefore, the attempt to change the editorial concept of Studio B, which is one of the rare television stations giving space to diverse views, is regarded as the intention of the DSS to suppress any alternative.

A direct attack on Studio B was launched during the election campaign. Thus, it can be an indicator of the behaviour of the DSS during its campaign for local elections when this city station will have a special significance. Like other local media in Serbia, NTV Studio B should be privatized in 2007.

²¹ On the occasion of the attack on Studio B, Dragana Milicevic said: "Every normal person will agree that there should be no war from any side any more. For me the question is who instigated the wars and not who fought against the war and victims". (*Kurir*, 15 November 2006).

²² She stated for *Press* that she was deeply dissatisfied with the anti-Serbian attitude of Studio B (*Press*, 11 November 2006).

²³ Ljiljana Colic said for *Press* that the DSS was dissatisfied with the editorial policy of Studio B for a longer period (*Press*, 11 November 2006).

The Media Support to War Criminals and the Revision of the Past

In its regular issue of 13 January 2006, *Glas javnosti* had a special supplement entitled "The Speeches of General Milan Nedic", with the selection from the speeches of the president of the government of national salvation in the Nazi-occupied Serbia. Nedic's texts and statements were published without their historical context and historical facts about the crimes committed against Jews, Roma, communists and others, which were led by his government. It is the question of the tendency towards revising Serbia's anti-fascist history, so that the leaders of the anti-fascist movement are represented as criminals and the perpetrators and instigators of crimes as national heroes. This process of reshaping the public opinion started in the late 1980s and culminated in the first half of the 1990s, when this ideology was dominant in the armed conflicts in former Yugoslavia, instigating mass crimes against the non-Serbian population.

The unanimous author of this supplement even says that Nedic's speeches "must be carried by all true Serbian patriots within their souls and hearts", since they "teach them their national duties for the salvation of the Serbian homeland and the new greatness of Serbdom". It is also stated that they "constitute the essence and base of true Serbian patriotism, originating from the Serbian soil, heroic spirit of Serbia and the bitter experience of the present".

The Helsinki Committee points to some excerpts from Nedic's speeches, which were not published in *Glas javnosti*, and in which he calls for murder:

"Our hatred towards everything that is communist is stronger than anything else and we stand together again, like in 1941, in order to cut off the head of the red dragon (...) We will destroy you, communists, and your seed". (Milan Nedic, *Srpski narod*, 29 January 1944, quoted in: "Potisnuta istina", Olivera Milosavljevic).

Milan Nedic is also known to the historians for his antisemitism and crimes against Jews and the glorification of the German Reich. "Credit for the fact that Europe is still alive should be given to the Great German Reich, which is defending the European civilization, European lands and European peoples in the East. The mother of that communism is the red dragon – bolshevism (...) This is an evil thought which originated from the satanic Jewish brain. They say – if we are to perish, let the whole world perish, too. (...) And you are now suffering because of those apostates from God and people and the Serbian name who are, led by the Jewish-bolshevik scum Tito, Singer, Pijade and others, burning your wheat, homes, bridges (...) Our country is resounding with wailing and weeping because of the red monster with the five-pointed Jewish star on its forehead (...) I called on you to go to a holy war against the

red monster. You obeyed me. We destroyed it, but there are still some renegades from Serbdom, wandering through this holy land. Destroy them, denounce them to the authorities and ask for help. The Serbian people is destined to fight against infidels. (...) It is now destined to fight against the Soviets allied with the Jews and Anglo-Saxons (...) (Milan Nedic, *Srpski narod*, 26 June 1943).

With their uncritical attitude towards the actors of the Second World War and the quisling government of Milan Nedic, the Serbian nationalists contribute to the confusion and disorientation of the Serbian citizens with respect to the basic postulates of European tradition, which is reflected in antifascism. So, the Serbian nationalists (like Kosta Cavoski and others) emphasize that the Serbs were the most numerous in the partisan movement, which was, together with the Communist Alliance of Yugoslavia, the most responsible for the reconstruction of the second Yugoslavia. However, this is in contradiction with the argument that the Serbs were the greatest opponents of communism and that they regarded Yugoslavia as the "prison of nations".

The Helsinki Committee points out that it is inconceivable in any democratic country that one daily newspaper, which is intended for a large reading public, carries the story glorifying war criminals from the Nazi period, thus spreading hatred towards the members of other nations and the anti-fascist movement.

Glas javnosti has the same attitude towards the indicted of war crimes committed in the territory of the former Yugoslavia. This daily "donated" to its readers the poster of an "anonymous" civilian carrying the poster with the full-size portrait of the most wanted Hague fugitive, Ratko Mladic, during the review of the Serbian Army, without provoking any reaction. On the same photograph, one can also see one army officer saluting Mladic. The printing of the poster depicting the most wanted Serbian indictee of war crimes raised a number of serious questions which are of utmost significance for Serbia's facing the war crimes committed in the name of the Serbian people.²⁴ However, the media did not address this issue.

Glas javnosti published the same photograph (from the poster) on its front page one week earlier, thus testing the reaction of the public as well as the government for one week. In this way, the opponents of cooperation with the Hague Tribunal demonstrated their supremacy over the supporters through the media.

The same trends are also observed in some local media and specialized journals. So, for example, *Zbilja*, a magazine for culture, art and

²⁴ One of those questions is how an "anonymous" civilian civil can hold the poster with the full-size portrait of the most wanted Hague fugitive, Ratko Mladic, without any reaction, during the graduation ceremony of one class of Serbian Army officers and in the presence of the highest government officers.

social affairs, awarded the prizes for life's achievement to its contributors, including the Hague indictees Radovan Karadzic and Vojislav Seselj.

In all these cases there was no reaction from the government bodies or the ruling parties.

Conclusion

- It is necessary to ensure the systematic monitoring of the public service and constant pressure for its change by domestic and international experts and the civil sector. To that end, it is also necessary to replace the Director General of RTS, Aleksandar Tijanic.

- The ruling political parties, which regard themselves as democratic, should also prove their progressiveness by creating such a social climate in which the professional media will be encouraged to critically reconsider the role and position of the Government and prominent intellectuals in the Serbian society.

- The professional media must reconsider the dominant views on the crucial questions of the Serbian society, while at the same time facing them with the minority ones.

2006: SERBIA COLD-SHOULDERS THE HAGUE TRIBUNAL

The Attitude towards The Hague Tribunal and the Policy of Memory

Scientific circles are rather indifferent to the recent history and collective memory and are prone to marginalize them, all of which opens to door to manipulation of all sorts. The humanistic elite assembled in the Serbian Academy of Arts and Sciences fosters the thesis about Serbia being a victim of a worldwide conspiracy. They also nourish the memory of the World War II by insisting on genocide committed against the Serbs (the Jasenovac concentration camp). Such attitude shapes the culture of remembrance manifested at almost every anniversary marking some major historical event. So, April 6 is exclusively recalled as the day the Nazi Germany bombarded Belgrade in 1941, while April 6 1991 – the beginning of the Bosnian war – is totally ignored or bypassed. This approach is fully mirrored in the reports on the proceedings conducted in The Hague Tribunal – the Trial Chamber's judgments are presented to the Serbian audience selectively and summarily. The media coverage of the verdict passed by the International Court of Justice was primarily focusing the section proclaiming Serbia not guilty of genocide against Bosniaks. However, the topic itself was short-lived – practically considered hot for a couple of weeks only. Instead, the international law is invoked solely in the context of the future status of Kosovo. And, for that matter, Russia's role is being glorified – for, Russia is expected to veto a new resolution of the UN Security Council.

Co-operation with the International Criminal Tribunal for the Former Yugoslavia (the Hague Tribunal) represents a double measure of readiness of Serbia for an essential and comprehensive democratic transition. On the one hand, it demonstrates the position of the incumbent authorities on the legacy of Slobodan Milosevic and his criminal regime, while on the other hand it demonstrates its (in) sincere wish for latching on the Euro-Atlantic integrations, of which the hand-over of war crimes indictees, primarily of Ratko Mladic, is one of the conditions. Recent behavior of the government of the Republic of Serbia makes us draw the conclusion that the Serb political

elite has problems with both sides of the aforementioned measure. In other words in the year 2006, not a single war crimes indictee from Serbia was handed-over to the Hague, though the government representatives kept promising those handovers during their meetings with international officials and the Tribunal's chief prosecutor Carla de Ponte. It became manifest that Kostunica-led government was, on the one hand, not willing to arrest the indictees (during his three-year long tenure to the Hague Tribunal were handed over only those war crimes indictees who had previously agreed to so-called voluntary surrender), while, on the other hand, he was ready to pay a very high price for such lack of co-operation-namely the early May suspension of negotiations on association and stabilization with the EU.

Staging of the para-state funeral of Slobodan Milošević, who in early March died in the Scheveningen prison, is also an important indicator of ambivalence of the Serb political class on the recent past. Death of Slobodan Milošević and the suicide of Milan Babić, also in the Sheveningen, have additionally burdened co-operation with the Hague Tribunal, in parallel providing the state-engineered propaganda with additional arguments about the anti-Serb character of the International Criminal Court for Former Yugoslavia.

Throughout 2006 the government of Serbia in all possible ways avoided concrete co-operation with the International Criminal Court for Former Yugoslavia. The most wanted indictee, Ratko Mladić, Commander-in-Chief of the Army of Republika Srpska is still at large as are some other Hague indictees, notably Radovan Karadzic. Non-fulfillment of the international commitment relating to mandatory co-operation with the Hague Tribunal was also manifest in procrastinated forwarding of the Yugoslav Army documents to the ICTY. Since April 2005 hand-over of the last of 10 “volunteers”, war crimes indictees, the Serb authorities by the end of 2006 have not apprehended or handed over any other indictee.

Official Belgrade tried to ease up strong pressures from the EU and the US to apprehend and hand-over Mladic by adopting so-called *Action Plan for Co-operation with the Hague Tribunal* on so-called “Croat model”. That plan in fact aimed at covering up the factual severance of co-operation with The Hague Tribunal and absence of a genuine political will for a serious search for, location and arrest of Mladic. After listening for months about the Serb government readiness to arrest Mladic, the promise which even representatives of the international community as well as the ICTY's chief prosecutor Carla del Ponte were ready in early 2006 to place faith in, in mid-year, the European Union decided to respond more firmly, namely on 3 May it suspended negotiations with Serbia on stabilization and association.

Just two months earlier, in March 2006, Prime Minister Vojislav Kostunica stated that co-operation with the Hague Tribunal was the country's priority or primary interest. In his front-page *Politika* interview related to the

first two years of his government, Prime Minister Kostunica said " the case of Mladić must be solved, but it can be done in various ways, and we shall do it in the most suitable way, since we are aware that the said issue cannot tolerate middling solutions. Taking the Mladic case off the agenda is in the interest of Serbia, its government and in my interest, in my capacity of Prime Minister. ". He also assumed the responsibility for a possible suspension of negotiations with EU but added that he was not a pessimist in that regard, for "my optimism is based on what I know and on what relevant services know".¹

Ratko Mladić was not arrested, and Prime Minister Koštunica in late 2006 for that failure even accused the European Union: "If in May the EU had taken the decision to continue stabilization and association negotiations, the last problem in co-operation with the Hague Tribunal would have been solved by now....situation in the country would have been more stable and favorable and for us it would have been easier to meet our commitment to the Hague Tribunal... As of late some EU members have agreed with this stand of mine, namely that negotiations should not have been suspended because of one issue. In our work with the Hague Tribunal we achieved a major progress. A large number of indictees left for The Hague, and we met most documents-related requests. ²". Kostunica made that statement at the annual press conference marking the first 1.000 days of the government of Serbia. Prime Minister then reiterated that there were 17 voluntary surrenders and that 13 indictees were released until the start of their trials before the Hague Tribunal.

The beginning of the year was marked by sharp exchanges between The Hague Tribunal and Belgrade. Representatives of the Hague Tribunal maintained that Mladic was in Belgrade:"Mladić is hiding in military facilities in Serbia and he could be taken to The Hague within 48 hours. The Serb authorities have not even tried to arrest him. When the Serb public starts speaking about his arrest, the competent services only invite him for tea. Mladić could be dispatched swiftly to The Hague, but there is no political will for such a move and state bodies are not doing anything in that regard. Serbia was not given an order for voluntary surrender, but rather-for an arrest. Five fugitives from the justice are in the territory of Serbia and Montenegro, including Radovan Karadžić. The whole state is their hostage, and the competent services according to a Hollywood-style script are allegedly staging the search or hunt for Mladic. "³

Every Hague Tribunal's warning was interpreted by the Serb authorities as the pressure on the country. For example, Justice Minister in the Serb government, Zoran Stojkovic thus responded to a statement of Florence

¹ *Politika*, 4 March 2006

² *Danas*, 23-24 December 2006

³ Florence Hartmand, spokesman of the Hague Tribunal, *Danas*, 13 January

Hartman: "Government does not have a single piece of valid evidence of Mladic's whereabouts."⁴

On the eve of February visit of the ICTY's Chief Prosecutor Carla del Ponte to Belgrade and her threats that she would inform the most influential members of international community and the UN Security Council about Serbia's non-co-cooperation with the Hague Tribunal, the arrest of Mladic was anew in the media and public spotlight. ⁵ President of the National Council for Co-operation with the Hague Tribunal, Rasim Ljajic, assessed Carla del Ponte's visit as a watershed event in Serbia's co-operation with the Tribunal: "There will be no pressures or hand-twisting, It is a working visit which shall result in the arrest of the indictee. I think that we shall be offered exactly the same kind of co-operation that Croatia had been offered in the case of Ante Gotovina. "⁶ Just a day later Ljajić stated that he would propose to the Council of Ministers of the State Union of Serbia and Montenegro to allow investigators of the Hague Tribunal to access military archives. That proposal, by the way, had been made by the Serb officials long time ago. According to the said document of the National Council for Co-operation with the Hague Tribunal, "the Hague investigators have a free access to the archives, but only after observing a determined procedure. Investigators in question shall not be allowed to take those documents out of the archives building. Council of Ministers of the State Union of Serbia and Montenegro shall however have the possibility to demand protection of some documents assessed as of vital importance for our national and security interests. "⁷

But Ljajić maintained that the authorities ignored whether Mladic was in Serbia, or he was hiding in another country. He said that he did not believe that the remaining Hague Tribunal indictees would agree to voluntary surrender, and when asked whether Kostunica was ready to arrest them, Ljajić replied: "Absolutely". Ljajić, as the front-man of the Belgrade-Hague co-operation then noted that it was high time to pass an act on freezing the Hague indictees property : " If we act swiftly in that regard in February, continuation of negotiations on association shall not be threatened. "⁸

It took two months and many difficulties to pass the Act on Freezing the Property of Fugitives from the Hague Tribunal. The act was adopted by 47 *yes* and 18 *no* by the Serb-Montenegrin Parliament o 7 April 2006. Radical Party MPs labeled that Act as "anti-civilized, anti-Serb, an Ottoman-style act"⁹

A major government action aimed at arresting or handing-over Ratko Mladic was first announced by the pro-government daily *Politika* under the

⁴ *Danas*, 13 January 2006

⁵ *Danas*, 19 January 2006

⁶ Interview of Rasim Ljajić to *TV BK*, as carried by daily *Blic* 16 January 2006

⁷ Rasim Ljajić, *TV B92*, 27 January 2006

⁸ *Danas*, 17. January 2006

⁹ *Danas*, 8-9 April 2006

headline. "A major man-hunt for Mladic." The daily also underscored that the US Under-Secretary Nicholas Burns a month ago sent a message to the Serb authorities that "the fate of Serbia hinges on arrest of Ratko Mladic". According to *Politika* "it is obvious that the authorities took seriously that message, for they doubled their efforts to find Mladic. Justice Minister Zoran Stanković recently stated that he talked to Mladic's wife and son. Such a pressure, both of direct and indirect nature, in 2005 produced some results, for after similar contacts with their families, some Hague indictees surrendered voluntarily. *Politika* went on to note that "the Serb authorities' attempts to compel Mladic to agree to surrender-related negotiations have to date failed. On the other hand sporadic police actions are considered futile and deceitful exercises by the Hague Tribunal Chief Prosecutor, Carla Del Ponte. In her talks with Xavier Solana held yesterday she reiterated that she was sure that Mladic was in Serbia under protection of part of the army and that the Belgrade authorities were not doing enough to find and arrest him."¹⁰

Media campaign, on the eve of the Chief Prosecutor's visit to Serbia was stage-managed in such a way to demonstrate a serious intention of the Serb authorities to arrest and hand-over Mladic. Sensation-minded weekly *Nedeljni telegraf* was very active in that campaign. Namely, the weekly heralded that by 1 May Mladic would be in The Hague. Such a plan was allegedly disclosed to the weekly by a member of Kostunica's cabinet: "Hand-over deadline is 1 May. As far as I know Mladic is not in Serbia. It was agreed that an officer would travel to a European capital, which had offered him refuge, to negotiate with Mladic in person the conditions of his surrender. If by the said deadline Mladic is not handed over to The Hague Tribunal, our negotiations with Europe on our European integrations shall be drastically severed."¹¹

Instead of the promised arrest of Mladic, the authorities interrogated his accomplices, all of whom were former or active servicemen of both the FRY army, and of the Army of Serbia and Montenegro. The former was attested to by a controversial report of the Military-Security Agency (MSA), which, for unknown reasons, was proclaimed a confidential one (allegedly because Mladic has not yet been arrested) and verbally presented at the session of the Supreme Defense Council of the Army of Serbia and Montenegro. According to an official military and Supreme Defense Council communiqué the report covered the 1997-2002 period during which Mladic was temporarily accommodated in military facilities. At the time head of Chief of Staff was the Hague Tribunal indictee, General Nebojša Pavković, and head of Military Security was Aca Tomić, close collaborator of the then President of Serbia and Montenegro, Vojislav Koštunica.

¹⁰ *Politika*, 20 January 2006

¹¹ *Nedeljni telegraf*, 25 January 2006

In view of intertwined competences and good-communication between the aforementioned high officers and the Security Adviser to President of Serbia and Montenegro, Rade Bulatović (currently Head of Security-Information Agency of Serbia) President Koštunica, in his line of duty, that is in his capacity of the Supreme Commander of the Army of Serbia and Montenegro must have known that active servicemen were hiding and protecting Mladic. Zoran Dragišić, a military analyst, maintains that till 2002 many knew where Mladic was: "Zoran Djindjić could not arrest Mladic, because he was hiding in military facilities, and Kostunica was in charge of the whole military sector. Informal groups, people who got rich in murky times, in suspicious ways, people fearing Mladic as a potentially dangerous witness, were interested in hiding him."¹² It is noteworthy that the Serb media till the end of 2002 mostly dealt with Mladic's accomplices, without even once questioning the authorities' failure to locate and arrest him. Coverage of the Hague Tribunal was very superficial, sporadic and riddled with alleged scandals. Not a single mass medium in Serbia ever covered in depth the content of the Hague indictments and the nature of war crimes listed in those indictments.

In the secret report on involvement of the army in Mladic's hiding, there was a mention of officers, Branislav Puhalo, former head of Mladic's security team, who in 2006 was serving in the 46th Logistical brigade in Topčider and retired colonel of the Serb-Montenegrin Army, Dragomir Krstović. In 2005 he was appointed head of logistics in the Serb-Montenegrin Army. In the campaign of Mladic's hiding he was tasked with finding secret accommodation for The Hague indictee, securing his transport and rendering of other services. Coordinator between the army of Republika Srpska and the Serb-Montenegrin Army in Mladic hiding campaign was Colonel Jovo Djogo, a former official of the Bureau of Republika Srpska in Belgrade. Instead of embarking on the hunt for Mladic, the state bodies arrested his accomplices, and presented to the general public outdated Military Security Agency report up to the year 2002. That was a bid to convince the domestic and foreign public of their resolve to arrest Mladic and hand him over to the Hague Tribunal. Ljubodrag Stojadinović, *Politika* commentator, wrote that "nothing will happen unless the state decides to overhaul its intelligence services and open up its secret archives and files. The current situation demonstrates total absence of civilian control over secret services, for, on the contrary, that task would have been completed."¹³

Action of arrest of Mladic's accomplices, and unveiling of their names, was followed by statements of various officials. Thus the Defense Secretary of the State Union of Serbia and Montenegro, Zoran Stanković, optimistically

¹² *Politika*, 31 January 2006

¹³ *Danas*, 31 January 2006

stated: "I shall be finally able to present to Carla del Ponte concrete results of our investigation, and I hope that they shall be accepted in the way we consider-acceptable."¹⁴

Rasim Ljajić tried to explain that the ongoing action "was not just a show for the West, but rather an attempt to garner operative data leading to the resolution of Mladic's case."¹⁵ In contrast to the incumbent officials and parties in power, which tried to depict the said action as their readiness to bring Mladic to justice, the opposition Liberal-Democratic Party, one of the rare, sharp detractors of the authorities, notably as regards official co-operation with the Hague Tribunal, asserted that "the government of Serbia does not co-operate with the Hague, but rather gives up on less important members of the criminal association by dint of their voluntary surrenders. Koštunica arrested Jovo Djogo for that was the only way to buy additional time for Karadžić and Mladic"¹⁶.

Similar stand was voiced by non-governmental organizations dealing with human rights: "The state has not shown enough readiness to actively participate in the search for Mladic, and the government claims that he is not here don't ring true enough. Mladic could hardly be anywhere else, he can be only here. The authorities don't want to arrest him, for the state policy is to prevent disclosure of evidence of the state's involvement in Srebrenica crime".¹⁷

If the oral Military-Security Agency Report and arrest of Mladic's accomplices were intended to please The Hague Tribunal Chief Prosecutor Carla del Ponte during her visit to Belgrade, the news about Mladic's arrest spotlighted by the media in mid-February, were obviously intended to please the EU foreign ministers meeting in Brussels. Namely that ministerial meeting sent the following message to the Belgrade authorities: your deadline for Mladic's arrest is late March and try to tangibly enhance your co-operation with the Hague Tribunal, in order to pre-empt partial or total delay of negotiations related to association and stabilization. European Commissioner for Enlargement, Olli Rehn then made it clear that "EU expects from Belgrade concrete and tangible evidence, to be made visible before the kick-off of the official political round of EU-Serbia and Montenegro negotiations scheduled for 5 April".¹⁸

At the time highest officials of Serbia openly spoke about Mladic's hand-over to The Hague. Added to the Defense Secretary Zoran Stanković statement, an imminent arrest and hand-over of Mladic, was announced by

¹⁴ *Danas*, 31 January 2006

¹⁵ *Danas*, 31 January 2006

¹⁶ Communiqué of the Liberal Democratic Party, *Politika*, 3 February 2006

¹⁷ Sonja Biserko, President of the Helsinki Committee for Human Rights, *Danas*, 3 February 2006

¹⁸ *Danas*, 27 February 2006

Vladeta Jankovic, adviser to Prime Minister: "According to my knowledge that problem shall be quickly resolved and all potential and instruments of the state are engaged in resolution thereof. It shall be solved like other problems related to war crimes indictees."¹⁹

Under the headline "Mladić under siege" *Blic*²⁰ disclosed that according to some inter-connected intelligence sources, that Mladic was located and that negotiations on his surrender were underway. "*Agency Beta*²¹ first informed that the arrest was underway and that Mladic was to be transferred from Tuzla to The Hague. Similar optimistic statements and communiqués were issued by the Hague Tribunal: "Mladic might be soon arrested."²² However, the government of Serbia was quick to issue a disclaimer on the same day: "All these speculations are only harming Serbia and its efforts to take the indictees to the Hague Tribunal."²³ Analysts warned that "the much ado about Mladic's arrest was launched by the government proper ... and therefore had to have some solid grounds. At play it probably an attempt of the government to apply the voluntary surrender model ...but in this case, in Mladic's case that attempt shall probably be abortive."

By that gesture Koštunica's cabinet unwittingly unveiled two things: firstly, that it did not know Mladic's whereabouts and that it was not ready to arrest him and hand him over to the Hague Tribunal. Secondly, that in recent years it has engaged amply in deceiving the international community. The Serb-Montenegrin army immediately voiced its reservations with respect to the whole story by stating that: "The Army shall continue to work on locating the Hague indictees and co-operating with civilian security structures, but the army does not have any authorization to arrest the indictees."²⁴

Lies about Mladic's arrest were confirmed by Carla Del Ponte. At a regular press briefing she called the stories about arrest as absolutely ungrounded, and added that there were no indications of any negotiations with Mladic, as confirmed yesterday by shameful behavior of the Serb authorities. The Chief Prosecutor anew called on EU to set precise deadlines for Serbia's fulfillment of its international commitments. She called the EU policy of Serbia's conditioning the key policy and indicated the possibility of total suspension or non-conclusion of association and stabilization talks with Serbia if Belgrade failed to fully cooperate with the Hague Tribunal.²⁵

¹⁹ *Danas*, 21 February 2006

²⁰ *Blic*, 22 February 2006

²¹ *BETA*, 22 February 2006

²² Florance Hartmand, *Danas*, 22 February 2006

²³ Srdjan Djurić, DPS spokesman, *B92*, 22 February 2006

²⁴ Communiqué of the Serb-Montenegrin Army, *Danas*, 23 February 2006

²⁵ *Danas*, 23 February 2006

Persuasion and Deceits

In addition to piling a strong pressure on Serbia throughout 2006, the international community made concerted efforts to persuade Serbia that the hand-over of the Hague indictees, notably of Ratko Mladic, and full co-operation with the Hague Tribunal paved the way for Serbia's accession to Europe. Participants in the EU ministerial meeting on the Western Balkans tried to get across the following message to Serbia: "added to arrests of war crimes indictees, notably of Ratko Mladic, full co-operation with The Hague Tribunal is of key importance for attaining conciliation across the region and removing hurdles on your pathway to the European Union." In the report²⁶ from that meeting apprehension of Mladic's accomplices was not mentioned. Thus Serbia was made aware early on in 2006 that the EU was interested only in concrete results. State Department sent a similar message to Serbia via its spokesman: arrest Ratko Mladic. The State Department spokesman also ased that "recent acknowledgment of the Army of Serbia and Montenegro that it had protected Mladic-is a belated one."²⁷

Every visit of the Hague Tribunal Chief Prosecutor to Belgrade ended with the following message: "our top-priority demand is hand-over of Ratko Mladic to the Hague Tribunal. ". In the course of the year 2006 Carla Del Ponte visited Belgrade as many as three times. In February she told openly the Belgrade leadership, notably Prime Minister Kostunica, that "unless full co-operation with the Hague Tribunal is established swiftly, I shall ask my European partners to suspend negotiations with Serbia and Montenegro." Aside from Mladic's hand-over she demanded a quick forwarding of the material from secret state archives to the Hague Tribunal. ²⁸ In the government's communiqué on that meeting underscored was the statement of Prime Minister, quite similar to his previous statements: "Our co-operation must be wound up, for such a development would be primarily in Serbia's interest. In the previous period we made considerable progress, but the job must be completed."²⁹

After that visit Carla Del Ponte informed European Commissioner for Enlargement Olli Rehn, that co-operation with Serbia and Montenegro worsened since last summer. ³⁰ However during her February visit to Belgrade she positively assessed the work of the *Special Court for War Crimes*, notably the trial of indictees in the "Ovčara" case and trial of members of paramilitary formation "Škorpioni". Agenda of her subsequent visits of Belgrade, on 29

²⁶ *Danas*, 31 January 2006

²⁷ Sean Mc Cormac, State Department spokesman, *Politika*, 4 February 2006

²⁸ *Večernje novosti*, 7 February 2006

²⁹ *Večernje novosti*, 7 February 2006

³⁰ *Danas*, 14 February 2006

March and 2 October was near identical. The Chief Prosecutor accused Belgrade of non-cooperation and warned Belgrade that Mladic had to be handed over to the Hague Tribunal. On the other hand, Prime Minister Kostunica, without mentioning Mladic's arrest, reiterated that Serbia met most of its commitments and should wind up co-operation with the Hague Tribunal. During the last, October meeting, after months-long suspension of negotiations with EU, Prime Minister Kostunica stated that he was pleased with his meeting with Carla del Ponte and assessed that in the given circumstances much was done to complete co-operation with the Hague Tribunal: "I think that the latter shall impact a lot the assessment of co-operation to be made by Carla del Ponte and Brussels".³¹

Announcement of Mladic's arrest by the Serb authorities, which later proved to be a futile maneuver, nonetheless delayed the suspension of negotiations with EU. In early April European Commissioner for Enlargement Olli Rehn, announced that negotiations with Serbia and Montenegro would be resumed on 5 April, since, as he has put it, "Prime Minister Kostunica gave us a firm promise that by that time Ratko Mladic would be located, apprehended and handed over to the Hague Tribunal."³² The former was locally confirmed by the then Vice Prime Minister, Miroljub Labus, who also assessed that "continuation of negotiations was due to additional guarantees on Mladic's voluntary arrest and hand-over given to Carla Del Ponte by the government of Serbia."³³ Therefore Europe expected to see Mladic in The Hague by late April: "We trust the government of Serbia. Kostunica persuaded us that General Mladic would be handed over to the Hague Tribunal by 30 April".³⁴

No-one in Belgrade denied promises and statements about imminent arrest of Mladic. In fact during his visit to Paris, Prime Minister Kostunica confirmed to President Chirac that Serbia would hand-over Mladic ahead of deadline and that it fully co-operated with the Hague Tribunal. ³⁵

Faith of Europe in intentions and resolve of the Serb authorities to complete co-operation with the Hague Tribunal was short-lived. European Union on 3 May called off the new round of negotiations. Due to their false promises, credibility of Serbia and its government was seriously impaired. In communicating the decision on suspension of negotiations, European Commissioner for Enlargement Ollie Rehn, stated the following: "the Hague Tribunal Chief Prosecutor informed me fully about the state of co-operation between The Hague Tribunal and Serbia and Montenegro. Her assessment was

³¹ *Danas*, 5 October 2006

³² *Danas*, 1 April 2006

³³ *Ibid*

³⁴ Anton Nikiforov, the Hague Tribunal spokesman, *Večernje novosti*, 7 April 2006

³⁵ *Danas*, 12 April 2006

negative. It is disappointing that Belgrade was not able to find and arrest Mladic.³⁶

After suspension of negotiations, Mladic and the Hague Tribunal became marginal themes in Serbia. In fact the same story was repeated often in the remaining months of 2006: the Serb officials kept saying that Serbia lacked the political will to hand-over Mladic to The Hague, or that they did not know his whereabouts. During all the meetings, representatives of the international community reminded Serbia of its commitments towards the Hague Tribunal and importance of resumption of association and stabilization negotiations. Aside from the OSCE admonishment, Belgrade was also taken to task by Carla Del Ponte, in her address to the UN Security Council session. After marking Belgrade as the main culprit for the non-hand-over of Mladic, she added: "Belgrade in fact does not want to arrest Mladic. Belgrade still counts on his voluntary surrender". Chief Prosecutor also assessed that what lacked in Belgrade actions was sufficient co-operation between the military and civilian bodies. She also underscored as the hard fact "an evident political and administrative resistance to Mladic's arrest."

When in late September and before the October visit of Carla del Ponte, official Belgrade realized that the EU not only intended to stick to its May decision, but also intended to avoid any re-appraisal of that decision in view of Mladic's non-arrest, a veritable cannonade of accusations and insults was geared towards Carla del Ponte, the Hague Tribunal and the international community. Most vocal detractors were officials of New Serbia and Democratic Party of Serbia. Under the headline "Serb Ministers Angry with Carla" daily *PRESS* carried a sharp-worded statement of the Capital Investments Minister, Velimir Ilić: "How long that woman shall keep on putting spokes into our wheels? She is constantly inventing some stories and burdening us with a past. In that way she is preventing us to move forward, to embark upon the development pathway. I think that it is high time that the people from international community who want Serbia's progress removed Carla and found a more serious prosecutor." Added to that, during the foreign delegations visits, the most responsible people in Serbia did not mention at all the Hague indictee Ratko Mladic. Some analysts thought that such a sidelining of Mladic case was due to importance of the pre-election campaign.

Vojislav Seselj Goes on Strike

Leader of the Serb Radical Party, Vojislav Šešelj, charged with crimes committed by the SRP voluntaries in Croatia, Bosnia and Vojvodina (killings of about 500 non-Serb civilians), voluntarily surrendered to the Hague Tribunal on 24 February 2003. During the last three and half years, while awaiting the

³⁶ *Danas*, 4 May 2006

start of his trial, Šešelj managed to insult judges, lawyers, witnesses, other detainees and the very institution of the Hague Tribunal. He filed to the Hague Tribunal over 1.900 complaints. After considering Šešelj's conduct, the trial chamber of the Hague Tribunal decided to assign to him an official defense counsel: "It was concluded that from the very start the accused raised unimportant questions, used indecent and insulting language, disclosed confidential documents and information to unauthorized persons and behaved in an intimidating way towards the possible witnesses."³⁷ Šešelj even criticized the judges' robes and refused to use computer. In his vulgar insulting of judges he was strongly backed by his Serb Radical Party and other circles in Serbia which viewed the Hague Tribunal as "an anti-Serb institution." Before passing that decision, the court's president Fausto Pocar on several occasions warned Šešelj that he would no longer take into consideration Seselj's complaints "if they continued to be replete with indecent and insulting expressions."³⁸ Šešelj even went as far as to threaten the court with "a bloody showdown" and demanded that the accused Serbs who had admitted their guilt be separated from other "honorable Serbs" held in detention unit. Šešelj explained that the presence of the former irritated him and other Serbs and moreover "obstructed and prevented preparation of their defenses". After being assigned a defendant counsel David Hooper, Šešelj demonstratively left the courtroom: "You have stripped me of my right to defense and you want me to play an extra. You brought in here actors, your spies to play-act my defenders. I do not want that and Hooper shall not be able to take on any part of the proceedings." After demanding exemption of judge Ori, Seselj left the courtroom: "I shall not take part of the proceedings until my right to defend myself is fully reinstated to me."³⁹

As his trial draw closer, Seselj's excesses multiplied. Namely Šešelj also demanded exemption of judge Bacone Moloto from his trial chamber and appeals proceedings.

Appeals Chamber of the Hague Tribunal decided to allow Seselj to defend himself single-handedly on his 2 November trial but also warned him that "if you continue to obstruct the efficiency of trial by your behavior the Trial Chamber shall be in the position to immediately assign to you the official defense counsel."⁴⁰

After placing new demands to the Hague Tribunal, on 12 November Šešelj began his month-long hunger strike, which coincided with the start of trial for Hrtkovci crime, that is, subsequently interrupted testimonies of pertinent eye-witnesses. Leader of the Radical Party of Serbia refused to come

³⁷ Decision of the Trial Chamber, *Politika*, 23 August 2006

³⁸ *Danas*, 20 June 2006

³⁹ *Večernje novosti*, 15 September 2006

⁴⁰ *Danas*, 21 October 2006

to the courtroom and continued his hunger strike. The trial chamber stripped him of his right to defend himself single-handedly, and anew imposed the British lawyer, David Hooper, as his defense counsel. Hooper stated: "I am deeply concerned for the health of the accused." But the court maintained that Seselj was responsible for consequences of his hunger strike, and refused to accept his weak physical condition as a reason for postponing the trial.⁴¹

Šešelj placed new demands before the Tribunal, so that a total number of his demands rose to seven: suspension of restrictive measures relating to visits of his wife Jadranka (there is a video and audio surveillance of those visits); unconditional registration of his legal counsels; forwarding of documents in Serb language and in writing to him; invalidation of decision on imposed defense counsel, that is, removal of defense counsel David Hooper and his co-counsel Oshi from his case; total makeover of the hearing chamber headed by Alfonso Ori; that instructions on length of briefs and mandatory number of words be not applied as a generally binding legal act; invalidation of all pre-trial actions as of 10 November 2006, and of all trial actions as of 27 November 2006, and finally, after meeting of all his demands, that the trial be re-commenced. At the peak of his hunger strike Seselj also demanded that his foreign banking accounts be de-blocked.

In early December Šešelj's health suddenly worsened. He refused to take food and to be checked by a doctor. Later he, however, agreed to be seen by an international team of doctors of his own choice. In the third week of Seselj's strike, the Serb Radical Party members and followers asked Seselj to continue his hunger strike, "for that was the right way to combat for human rights of others." Deputy President of the Serb Radical Party, Tomislav Nikolić, appealed to President Tadic and Prime Minister Kostunica to "beseech their friends in the Hague to stop killing Vojislav Šešelj". Such public marketing campaign of the Serb Radical Party was rounded by a rally in front of the US Embassy in Belgrade (2 December) at which the disclosure of Šešelj's political and personal testament was announced. In that testament Šešelj asked the Radical Party never to renounce its hard-line national ideology and to persistently combat for liberation of Republika Srpska and Republika Srpska Krajina and unification of all the Serb lands." The Radical leader also urged his party to oppose any attempt of Serbia to join NATO and European Union, insisted on Serbia's allegiance to Russia and the policy of "true friendship" with China, India, African and Latin American countries. He banned the forging of coalition with Tadic and Kostunica and demanded that his party never recognize secession of Kosovo and Metohija. In parallel he insisted on co-operation with the pro-Serbia parties in Montenegro.⁴²

⁴¹ *Blic*, 28 November 2006

⁴² *Blic*, 4 December 2006

On grounds of Seselj's hunger strike, Rasim Ljajic as a representative of the Serb government visited the Hague Tribunal. After openly voicing his concern for the life of Vojislav Šešelj, Ljajic justified his visit to the Hague Tribunal with the state commitments towards every citizen accused of the gravest criminal offences, be they war crimes or organized crime. On that occasion he stated: "We provide financial assistance for our 26 citizens, all those who had surrendered voluntarily and who are citizens of Serbia. In view of that assistance it is only logical to demonstrate minimum concern for the treatment of people held in the detention unit."⁴³

It was thought that Šešelj's hunger strike and his possible death could provoke a deep political crisis in the country and among Kostunica-led coalition too. That hunger strike coincided with a very difficult moment of the government, for it faced the upcoming elections and barely survived the rank-breaking by its coalition member, G 17. The government then decided to send a protest note to the Hague tribunal, despite its non-cooperation with that international judicial body. The protest note, related to Seselj's hunger strike in early December was carried by all the print media. It, among other things, included a warning to the Hague Tribunal that "a new tragic event in the Hague Tribunal is unacceptable." In a sharply-worded protest note the Serb authorities accused the Tribunal of irresponsible behavior, and in advance rejected "any possible justification of the Hague Tribunal for possible tragic consequences of Seselj's hunger strike." In its protest note the Serb government also demanded that the rights of the Hague Tribunal indictees be observed, that is, that "Seselj should be reinstated his right to life and his right to defend himself single-handedly."

The Hague tribunal then by a summary procedure accepted Seselj's demands. It is still not known whether his demand for unfreezing his foreign bank accounts was met. Subsequently Šešelj ended his hunger strike- he had staged similar strikes in the past- and after a period of recovery returned to the courtroom, while his Radicals embarked upon their election campaign. Intense media and political campaign in Serbia engineered as a backing for Seselj's hunger strike, on the other hand represented the most welcome brief respite for both the Radical Party and the government, for it provided them with an opportunity to justify during their pre-election campaign suspension of negotiations with EU.

Trials, Judgments, Indictees at Large

TRIALS: In mid-July the trial chamber of the Hague Tribunal started the trial of the political, military and police top leadership of Serbia and the Federal Republic of Yugoslavia: Milan Milutinović, Nikola Šainović, Dragoljub

⁴³ The Forefinger, Radio program, B92, 2 December 2006

Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić. They faced a joint indictment filed against them by the prosecutor's office. Namely they were charged with the commission of crimes in Kosovo in the first half of 1999. In his introductory argument, Prosecutor Thomas Hannis accused them of "forming with the late Slobodan Milošević so-called joint criminal venture with a view of changing the ethnic composition of population in Kosovo, that is, of expelling Kosovo Albanians so that the Serb authorities could establish full control over the Province."⁴⁴ *Politika*, the pro-government daily, alike the large-circulation Belgrade tabloid *Večernje novosti* ran a front-page story from the Hague under an identical headline: „Trial of six- proceedings against Milošević“, “By trying the six top officials they are aiming at Milošević”. All six top officials are charged with crimes against humanity committed against Kosovo Albanians, and mass killings in the first five months of 1999. Before the kick-off of the trial, the Hague Tribunal decided to exempt from the joint indictment, the charges against the fugitive from justice, the police general, Vlastimir Djordjević Rodja. President of the Trial Chamber of the Hague Tribunal, judge Ilan Bonomi, suggested to the Prosecutor to strike off the two events from the indictment - killings in Račak and attack on the Dubrava prison. That suggestion was accepted.

Two days later began a major trial of those indicted for committing the Srebrenica massacre in July 1995. Seven former military and police officials of Bosniak Serb leadership- Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoj Miletić, Milan Gvero and Vinko Pandurević, faced the charges of genocide against Bosniak Muslims, involvement in mass killings and ethnic cleansing campaign, after the fall of Srebrenica into the hands of the Army of Republika Srpska. Gvero and Radivoj Miletić shall be also tried for crimes against humanity committed in Zepa, the UN-protected Muslim enclave. All the accused surrendered to the Hague Tribunal in 2004 and 2005. But the two indictees for crimes in Srebrenica, general Zdravko Tolimir, Mladić's deputy and general Ratko Mladic, Commander-in-Chief of the Army of Republika Srpska are still at large. The Hague Tribunal maintains that they are still hiding in Serbia. They are both charged with very grave crimes-genocide, killings, persecutions on religious and ethnic grounds and expelling of the Bosniak Muslim population of Srebrenica...⁴⁵

SENTENCES: Former political leader of the Bosnian Serbs and close Karadzic's fellow-fighter, Momčilo Krajišnik was sentenced by the Hague Tribunal to 27 years in jail for crimes against humanity. He was found guilty of extermination, deportation, killings and forcible displacement of Bosniak Muslims and Croats. “Krajišnik is accused of crimes committed in 35

⁴⁴ *Politika*, 12 July 2006

⁴⁵ The Hague Tribunal communiqué, carried as Tanjug agency report by *Politika*, 12 July 2006

municipalities in Bosnia and Herzegovina in 1 July 1991-30 December 1992 period. The first-degree judgment acquitted Krajišnik of charges of genocide and accomplice to genocide and killings as breaches of war laws and customs.”⁴⁶ The harsh sentence which Krajišnik received caused quite a stir among the Republika Srpska and Belgrade public. In Banja Luka that judgment was assessed as “shocking”, “political and not legal”.⁴⁷ Official Belgrade was relieved for Krajišnik was not convicted of genocide. The foregoing was confirmed by the following, ad literam, statement of Jovan Simić, an adviser to the Serb president Boris Tadić: “It is good that genocide was not proved. With respect to a possible genocide-related judgment, this judgment may be assessed as very good one for the Serb state and people, since now it has been proved that the Bosnian application for the genocide damage compensation is unfounded”.⁴⁸

Both in Serbia and in Republika Srpska, Krajišnik's sentence was linked to the 2-year term of imprisonment received by Naser Oric, commander of the Srebrenica unit of the Army of Bosnia and Herzegovina in the Hague. He was found guilty only for failing to prevent torture and killing of prisoners in Srebrenica police station between September 1992 and March 1993. In that station were killed several Serb prisoners. Other indictment counts, notably the one relating to the attacks on villages around Srebrenica, were dropped by the Trial Chamber. In its editorial daily *Danas*, among other things, concluded “Two-year prison term for any war crime is in fact a tragicomic sentence, but this is not the first time that the Hague tribunal passes odd judgments. However that sentence should in no way provoke another bout of the notorious Serb spite or interruption of an already problematic co-operation with the Hague Tribunal.” That editorial also included statements of the two leading politicians of Serbia, namely President Tadić's words that the two-year prison term was a very light sentence, while Prime Minister Vojislav Koštunica deemed the said sentence unrelated to a fair trial and dispensation of justice, but thought that it was “rather an open display of mockery of justice and ridiculing of innocent victims.”⁴⁹

For days Oric's sentence received wide media coverage, a more extensive coverage than the one accorded to the sentence which Krajišnik had received. All that coverage aimed to prove the prevailing stand in Serbia, that the Hague Tribunal was an anti-Serb Tribunal. Alongside the text headlined “Award for Crimes” on responses of the highest Serb and Republika Srpska officials to the sentencing of Naser Orić, daily *Politika* ran the names of 86 citizens “from Serbia, Montenegro, Republika Srpska, Republika Srpska

⁴⁶ SENA agency report carried by *Danas*, 28 September 2006

⁴⁷ *Kurir*, 28 September 2006

⁴⁸ *Kurir*, 28 September 2006

⁴⁹ *Danas*, 3 July 2006

Krajina" facing charges before the International Tribunal for War Crimes Committed in Former Yugoslavia. That list also included the names of indictees at large: Vlastimir Djordjević, Stojan Župljanin, Radovan Karadžić, Ratko Mladić, Zdravko Tolimir and Goran Hadžić".⁵⁰

Appeals chamber of the Hague Tribunal sentenced the former general of the Army of Republika Srpska, Stanislav Galić to life imprisonment for his shelling of Sarajevo in 1992-1994 period. That was the harshest sentence passed by the Hague Tribunal to date. Galić was found guilty of terrorizing civilian population, killings of and inhumane acts against civilians in Sarajevo. On 5 December 2003 he had received the first-degree 20-year imprisonment sentence. Both the convicted and the prosecutor's offices appealed against that sentence. Galić was arrested on 20 December 1999, nine months after indictment had been filed against him.

Conclusion:

By its failure to hand-over any war crimes indictee, the government of Serbia in the year 2006 in fact suspended its co-operation with the Hague Tribunal. Consequently it failed to honor the international commitment, which it had taken on, during the signing of the Dayton Accord, on 14 October 1995. The Dayton Accord bears the signature of Slobodan Milosevic. Even eleven years on, the state of Serbia failed to fulfill its international commitment towards the International Tribunal for War Crimes Committed in Former Yugoslavia. After a decade-long delay Kostunica-led government admitted that the army, allegedly only until 2002, protected the Hague Tribunal indictee, Ratko Mladic. The Serb government is yet to disclose facts relating to the police role in aforementioned "protection campaign." Hague commitments in Serbia are still exclusively linked to resumption of negotiations with the European Union, and not to commission of war crimes. That leaves room for retrograde, nationalistic forces to spread hatred towards other peoples in territory of former Yugoslavia, thus impairing neighborly relations, and to glorify war criminals from the 90's of the past century as national war heroes. By its non-cooperation with the Hague Tribunal the government of Serbia directly impacted the shaping of an anti-Hague Tribunal mood across the country. Not only the government of Serbia showed no interest in the arrest of the Hague Tribunal indictees, but it also failed to demonstrate minimal readiness to submit to the Hague the requested military documentation and facilitate the Tribunal's access to witnesses.

Suspension of co-operation with the Hague Tribunal and attempt of Prime Minister Kostunica and his close aides to deceive by false promises about an imminent arrest of Ratko Mladic the international community and

⁵⁰ *Politika*, 2 July 2006

thus ensure resumption of negotiations on stabilization and association, have tainted an already fragile credibility of Serbia. When in late 2006 it became clear that the indictee Mladic would not be sent to the Hague, Prime Minister Kostunica made an indeed unusual if not altogether brazen step by accusing European Union of undermining Serbia's stability and foiling completion of Serbia's co-operation with the Hague Tribunal by its suspension of stabilization and association negotiations.

Arrest of Mladic is uncertain. Distanced from European values, it declaratively advocates and upholds, Serbia is still weighed down by powerful vestiges of Radical-Milosevic models, whose tactic of mock-patriotism, lies, and protection of war criminals, was taken on by the incumbent Prime Minister and his Democratic Party of Serbia. It is quite certain that the new, incoming government would have to face the Hague problem that is non-fulfillment of Serbia's international commitments. It is obvious that in that regard Serbia shall have to make an U turn. For the time being, as co-operation with the Hague Tribunal is concerned, the Serbia authorities have to ponder another European Union offer, that is: to at least demonstrate that they are working intensely on the arrest of the Hague indictees and prove that the most wanted Hague indictee is not hiding in the territory of Serbia.

MILOSEVIC DIES: COLLECTIVE DENIAL

Slobodan Milosevic's death was a major catalyst for Serbia's mindset. The manner in which the Kostunica cabinet reacted to it clearly demonstrated how close to the Premier's heart, policy and ideology Milosevic's regime had been. It also disclosed how much the Premier leaned on the Socialist Party of Serbia's support and how unwilling he was to distance himself from Milosevic's policy. However, reactions to Milosevic's death brought to the fore something much deeper - genuine devotion to the program that had been given plebiscitary support, including Kostunica's and all his coalition partners'. Serbia was saying "the last goodbye" to the man she adored and hated at the same time because she had looked up to him for things impossible. Milosevic's regime and he himself were thus blamed for all dashed hopes. By denying their own responsibility, individuals and groups have renounced all values and criteria. It was only logical that the criteria of good and evil were relativized. Therefore, Milosevic's extradition to The Hague - and the ensuing four-year trial that laid bare his policy of crime and evil - triggered off almost the entire community's mechanism - collective denial. It was his death that best mirrored that mechanism. For appeasement, guilty conscience needs a new model of exclusiveness - this time it seized for simplification and one-sided interpretation of Milosevic and his era.

Milosevic's conduct during the trial indicated that such denouement would be only logical. Once his defense strategy of underrating and discrediting the court failed, as if he wanted by "staging his own death" to place the burden of responsibility for it on the international community. Judging by numerous reports publicized after his death one cannot but conclude that he and his closest associates "had provoked cardiovascular complications, disseminated obviously false information about malpractice, and stirred the feelings of both progressive and reactionary publics" and that Milosevic, "fearing retaliation, kept playing until he overplayed his hand and lost the game." William Montgomery, former American ambassador to Serbia-Montenegro, says about the same, "I strongly believe that for Milosevic the worst alternative was a trial ending in unavoidable life sentence, far from home and far from public eye. His widow Mira Markovic actually predicted his death at a meeting in my Belgrade residence in 2003." Metropolitan Amfilohije begged Milosevic, while the latter was still in the Belgrade Central

Prison, to commit suicide. Actually, both radical and "genuine" Serbian nationalists had invoked his death in the name of national interests.

Judging by reactions, both nationalists and the entire society were ambivalent about Milosevic's death. First and foremost, the fact that death had outstripped the sentence took a load of everyone's mind. The trial of Milosevic was nearing its end, while he himself had lost the battle long ago. His defense was unconvincing and unprofessional. His opting for a political defense found an echo only in Serbia and anti-globalist circles worldwide. Even some legal experts perceived his death as his final victory. Lawyer Toma Fila said, "Everything that took place at the trial to Milosevic is legally invalid, and depositions in favor of the prosecution would have to be rerun in every new case." Milosevic's wife Mirjana Markovic said, among other things, "The Hague found itself in deep waters and that's why they decided it would be best should he physically disappear." "For them, that was an elegant solution," she concluded.

For their part, Serbian nationalists seized the opportunity to build up anti-Hague campaign, question the position of the detained Serbs and, above all, object extradition of Ratko Mladic. Scores of "patriotic" newspapers run headlines that maximally exploited the suspicion the official Belgrade had skillfully launched - Milosevic was poisoned because the Tribunal with insufficient evidence against him had been deadlocked.

The media played a major role in picturing Milosevic as a statesman and ex-president of Yugoslavia. Just few of them reminded of the victims of his policy in the neighborhood and in Serbia proper. He was referred to as a hero, a man of competence and a historic figure. Tabloids and pro-governmental media spoke the same language, while electronic media broadcast live the arrival of his coffin at the Belgrade Airport, the homage paid to him in the Museum of Revolution, the memorial held in front of the federal parliament and, finally, his burial in Pozarevac. Little footage was given to those who spoke critically about Milosevic's life.

Day in day out, the media kept suggesting that Milosevic was killed in The Hague. Front pages bombarded the readership with headlines such as "Killed" (Kurir), "He Was about To Win out the Tribunal" (Kurir), "Dacic: Milosevic Is Murdered" (Politika), "The Hague Tribunal Murders Him" (Vecernje Novosti), "Milosevic Is Poisoned" (Glas Javnosti), "The Hague Kills Milosevic" (Glas Javnosti). Bylined commentaries propounded that "The Hague got its biggest sacrifice so far and probably kissed goodbye to its very existence."

Under the pressure from the European Serbia and Europe on the one hand, and the frustrated, majority Serbia terrified by the looming responsibility, the government opted for a middle way: it did not partake in the memorial service but provided all necessary logistic support. Milosevic was, therefore, given a para-state burial. And not only because his Socialist

Party of Serbia sides with Kostunica's minority cabinet, but also because of general ambivalence about his role and deeds.

Having his coffin exhibited at the Museum of Revolution was a symbolic act in itself, since the museum symbolizes "the second" Yugoslavia he had smashed. Symbolism as such was not a mere coincidence – they actually wanted to see him off as a communist and thus imply that communists were accountable for wars and war crimes. The master of destruction was grieved over and buried in the absence of his family, without state symbols and state officials, under a linden in the garden of his wife's family house in Pozarevac. He bequeathed to Serbia poverty, crime, corruption and anarchy. He turned Serbia into a prison not only because of the sanctions that had been imposed on her, but also because of the fatal brainwashing, which has lasted for almost two decades.

Milosevic's Moscow-based family coordinated "the pitiful amateurish show" in Pozarevac through Milorad Vucelic, an aspirant to his throne in the Socialist Party. Letters by his son Marko and wife Mirjana were read aloud over his open grave, while his daughter Marija demanded from Montenegro that her father should be buried in Lijeva Rijeka, the village of his predecessors. Under the family's direction, Russian General Leonid Ivashov spoke of a huge heart he was holding in his hands, a heart that used to be imprisoned and was brought there as a gift from /Milosevic's/ wife Mirjana. "Following their wish, I've brought it from Moscow and now I lay it down in this sacred tomb. Adieu, you great Slovene, adieu you soldier, Slobodan!" Only those chosen by the family attended the funeral ceremony – his party comrades (and not all of them), the Radicals as representatives of the closest party, retired generals in full dress, several Hague indictees, a number of communists from the East, mostly Russians such as Gennadi Zyuganov, then Ramsey Clark and Peter Handke, along with close relatives and neighbors. Popular Russian songs resounded in the garden while he was laid down in his tomb.

While commenting Milosevic's death, prominent figures and politicians mostly followed the pattern set by Premier Vojislav Kostunica and Patriarch Pavle – they almost spoke as one that his death was not the proper occasion for reconsidering his legacy. Premier Kostunica said, "In our people's tradition, all political and other differences are left behind in such moments. For his part, Patriarch Pavle messaged, "At this moment we expect state bodies and our entire people to keep their dignity before God, history and the tragic end of Milosevic's worldly life...Everyone has unalienable right to a grave and a dignified funeral, particularly the people like Slobodan Milosevic, who have left their seals on their eras and crucial developments in the life of both the Serbian people and other peoples in this trying epoch."

Milosevic's family and closest associates kept upholding the thesis that he had been murdered. For instance, Mirjana Markovic claimed that the

Tribunal had "murdered" her husband, master of funeral rites Milorad Vucelic spoke about "a big tragedy for the Milosevic family, the Socialist Party of Serbia and all true patriots and people of good will in Serbia," Milosevic's legal adviser Zdenko Tomanovic "revealed" that he was told by Milosevic himself that "they were trying to poison" him in the prison, while Momir Bulatovic, former federal prime minister and the last person who met with Milosevic, said, "Milosevic somehow knew what was going to happen. I believe he foresaw his end. And somehow I also knew I would never see him again."

The Radicals, the strongest party in Serbia, seized the opportunity to publicly discredit the Tribunal. "With the assistance of domestic knaves, The Hague Tribunal murdered Milosevic," they said, adding, "The Prosecution and quack judges of the Tribunal are the main culprits for his death." Therefore, as they put it, they would no longer allow that anyone like "Boris Tadic, Vuk Draskovic, governmental officials and aggressors' media branches in our country" maltreat the families of Serbian patriots." Tomislav Nikolic ominously announced that Milosevic's death "raises the question of other tragic deaths in The Hague Tribunal and the question of cooperation at all costs." He also said he was worried about the destiny of his leader, Vojislav Seselj, "since they do not want him to outlive the verdict." Because of such speculations about Milosevic's poisoning, other indictees, regardless of their ethnic origin, protested and demanded that a special commission investigated the conditions of their life and the quality of medical care provided to them. They turned to the Security Council requesting the establishment of an independent, expert commission that would supervise their stay in Scheveningen, given that "after Milosevic's death, no one feels safe any longer."

True masterminds behind Milosevic's project – some of whom have taken the stand for the defense – also had their say. This did not come as a surprise since they had never abandoned their beliefs. According to them, the international community is solely to blame for his death. Mihajlo Markovic, academician and chief ideologist of the Socialist Party of Serbia, pinpointed, "This testified once again that The Hague Tribunal was political, rather than legal institution." Professor Smilja Avramov, the loudest advocate of conspiracy theories, said, "That's not a tribunal, that's a morgue! That's the place for killing the Serbs! Milosevic is the sixth Serb in a row who met his death in that court." Academician Cedomir Popov, historian, grieved over Milosevic and underlined, "Such major historic figure met an undignified death he has not deserved." Expressing the hope that history would differently judge Milosevic and Serbia, Popov says, "History and the part of the Serbian people that is fully aware of national interests and the meaning of dignity will identify those who are responsible for Milosevic's death."

However, Dobrica Cosic, arch mastermind behind the Greater Serbia project and paradigm of anti-Europeanization, was not in the mood to

comment Milosevic's death. "I am sick and cannot make any comment. I've heard that Slobodan Milosevic had died, but am unable to talk." On the other hand, over his latest interview with the NIN weekly on New Year's Eve he said, "Now that Milosevic is behind Sheveningen bars and tried by The Hague Tribunal – a political court rather than a court of truth and justice – I refrain from speaking about Slobodan Milosevic's policy."

The segment of the political elite advocating Europeanization tried to relativize the establishment's and the public's attitudes towards Milosevic. President of the State Union Svetozar Marovic generalized everything by saying, "The news of any man's death is always a sad one. And particularly so when it refers to the death of a sick, imprisoned man who cried for help." Vuk Draskovic was the only official who pointed a finger at the sum and substance of Milosevic's regime. "I am ashamed of the reactions to Milosevic's death. His followers' grief for the man responsible for countless crimes and who has himself ordered many murders was turned into eulogies for him and his policy that produced nothing but death, misfortune and hatred," said Draskovic. As a promoter of the government's pro-European policy, Draskovic took the opportunity to appeal to the world to immediately admit Serbia to the European Union and NATO.

The reactions coming from both official and unofficial Russia were predictable. Russia used Serbia and Milosevic's death to once again oppose the West's more or less unisonous perception of Slobodan Milosevic's role. The reactions coming from Belgrade, particularly from the people close to Milosevic, only testified how much Milosevic and many others had relied on Russia. Speculations that he could be buried in Moscow were soon cut short, while the Russian Foreign Ministry's criticism of The Hague Tribunal did not exceed "a grudge" about Milosevic having been prevented from getting medical treatment in Russia in spite of its "guarantees." The Russian Duma unanimously voted in a resolution stating, "The International Criminal Tribunal for the Former Yugoslavia failed to attain the idea behind its creation." The resolution demanded conclusion of the investigation in all cases processed by the Tribunal, since its decisions were marked by "politicization and bias."

In their initial reactions to Milosevic's death, world officials mostly pinpointed that Serbia should finally make a clear break with her past and turn to future instead, and pursue her cooperation with the Tribunal. Javier Solana said he hoped the event would "at long last change Serbia-Montenegro's perception of the future." Condoleezza Rice said, "Milosevic has been for long one of the biggest demonic forces in Europe. He is definitely accountable for many, many human lives and the policy that brought about the country's disintegration." The CNN summarized all reactions in a single phrase – "Milosevic: The Architect of the Balkan Slaughter." Richard Holbrooke, author of the Dayton Accords, said, "Justice was served. He /Milosevic/ was a

monster who started four wars and spent the last five years of his life in prison, which is an appropriately tough justice." Stjepan Mesic, Croatian president, and other politicians in the region mostly stated it was a pity "he didn't live to the end of the trial and got his comeuppance."

Milosevic's death dealt the heaviest blow to The Hague Tribunal – in less than a week it lost its main defendant Slobodan Milosevic and crown witness Milan Babic. The people working on the case could not but feel immensely frustrated, both morally and intellectually, and for all the time and effort wasted. Commenting Milosevic's death, Carla del Ponte said, "I am sorry for all victims and those who have survived and expect to see justice done." It was only logical that she promptly put the Serbian government under stronger pressure to extradite Ratko Mladic.

Domestic analysts kept expounding the thesis that the Tribunal made sense no longer. In this context, Braca Grubacic, director of the VIP bulletin, said Milosevic's death was "very bad for The Hague," as it "raises the question how the Tribunal can possibly proceed with other processes." "It's hard to expect anyone to give himself up in near future," he added.

According to many analysts, Milosevic's death and the official close of his trial also dealt a severe blow to the proceedings Croatia and Bosnia-Herzegovina instituted before the International Court of Justice. Their cases could have been stronger were Milosevic sentenced for genocide. The thesis was particularly popular in Serbia. Tibor Varadi, legal expert in Serbia-Montenegro's team, takes that Milosevic's death has made things worse for Bosnia-Herzegovina – for, had The Hague Tribunal found Milosevic guilty, "the International Court of Justice might have leaned on such decision." "This pulled a possible rug from under the Prosecutor's feet," said Varadi.

Few were the politicians and public figures of Serbia's younger generation – the one that paid dear for Milosevic's adventure – who reacted rationally and impassively to the news of Milosevic's death. They had recognized his destructiveness from the bottom of their heart and protected themselves from it by instinct. Actually, that was the only way for them to survive. Instead to Milosevic, Bojan Kostres, speaker of Vojvodina's parliament, paid homage to his victims, Zoran Djindjic, Ivan Stambolic and Veselin Boskovic. For Kostres, those figures symbolized "all the sacrifice and suffering at home and in the neighborhood that one man's rule has brought about." Director Gorcin Stojanovic said, "Slobodan Milosevic personifies the school of thought amalgamating stupidity, no vision, primitivism and backwardness that under specific circumstances turn into evil." But Stojanovic also takes that everything Milosevic has stood for was "still in power in Serbia." Writer Marko Vidojkovic said he felt no compassion for Milosevic – "That would be as if someone mourned Hitler." "It would have been much better for Serbia and her health had he lived to his punishment." Cedomir Jovanovic, leader of Serbia's youngest party – the Liberal Democratic Party,

said that "treating Milosevic as a statesman is unacceptable," since his death "can amnesty neither him nor his policy." "Slobodan Milosevic was contemporary Serbia's biggest and costliest mistake and the great delusion we still live in."

Whether or not Milosevic would be possible at all were there not for the atmosphere the Serbian Academy of Arts and Sciences, the Writers' Association, and political and military elites - with ample assistance of the Serbian Orthodox Church and the media - have created for years created over years still remains an open question for the Serbian society. Milosevic nothing but mirrored the will of the Serbian elite. By opting for him, they manifested thorough misconception about the spirit of the times and Europe and the world's mainstream. As it seems, that same elite has already "cemented" the interpretation of the recent past. Probably it was Dobrica Cosic who best formulated it, as if writing his testament to the Serbs. "All those wars in the Balkans in late 20th century were nothing but remnants of the World War II and beginnings of a new war against Europe, which, to her discredit and through NATO aggression against Serbia in 1999, partook in them. Perpetrators are the same, and the same are the victims." It was Milosevic's death that served his purpose. And that's what they've been looking forward to.

The indictment issued against Slobodan Milosevic in 1999 deligitimized him as a political actor and contributed to this ouster in 2000. On the other hand, his extradition to The Hague provided a political window to Zoran Djindjic's reformist government. Though never sentenced, Milosevic left a "legal heritage" - for, over his four-year trial, piles of documents that could have remained buried were brought to the public eye. All those documents will be surely used in other proceedings such as those against Ratko Mladic, Radovan Karadzic and numerous military and police commanders.

Serbia faces a long period of self-examination and digging into the causes and consequences of the Greater Serbia project. She will have to face up the fatal outcomes such as unfinished state, self-isolation, a devastated society and unprecedented loss of human potential.

In the time to come, Milosevic, a phenomenon of the late 20th century, will for sure be both studied and denied in Serbia and worldwide, not only by his followers and contemporaries, but also by numerous researchers and historians. Milosevic stood no chance whatsoever to win The Hague Tribunal. Therefore, his death is, in a way, only logical. What by far more affects Serbia is that he passed away without being sentenced. His sentence could have been in itself a starting point for "inner" differentiation.

THE VERDICT OF THE INTERNATIONAL COURT OF JUSTICE

The Hague Court's ruling that genocide had been committed in Srebrenica in 1995 forced a part of Serbia's political establishment to name that crime, for the first time ever, after international judges' characterization. However, the true outcome of Serbia's facing up the Srebrenica genocide and her own responsibility for it remains highly uncertain. There is still no telling to what extent Serbia's politicians will persist in reshaping the public perception of this tragedy that has been, for twelve years now, deliberately channeled towards the denial of the true character of the crime against Srebrenica Muslims, its minimalization and factual negation.

On the scale of political parties' reactions to The Hague Court's verdict, the Democratic Party of Serbia and its leader, Premier Vojislav Kostunica, are closer to the Socialist Party of Serbia than to the Democratic Party. The latter's leader, Serbian President Boris Tadic, was the first to give voice to the fact that genocide had been committed in Srebrenica. In his address to the nation in the wake of The Hague Court's ruling, Tadic said the Serbian parliament should adopt a declaration that would "clearly condemn the crime committed in the area of Srebrenica." That was almost a U-turn for the Democratic Party which in 2005 denied to sustain the Declaration on Srebrenica parliamentarians Natasa Micic of the Civic Alliance of Serbia /CAS/ and Zarko Korac of the Social Democratic Union /SDU/ submitted to the parliament for adoption on the occasion of the 10th anniversary of the Srebrenica genocide. Immediately after the verdict, the parties in coalition with the Liberal Democratic Party, including CAS and SDU, publicized a draft parliamentary declaration that unambiguously condemns the Srebrenica genocide and lists concrete steps aimed at doing justice to the victims of the Srebrenica genocide and establishing a new value system in Serbia. The Coalition members are the only parties in Serbia that have never negated or relativized the character and consequences of the Srebrenica genocide.

The Democratic Party of Serbia's reaction clearly separates this party from the rest of the so-called democratic bloc. The party leader, Premier Vojislav Kostunica, toned down the significance of the Court's decision by underlying that Serbia has been found not guilty of the severe charge of

genocide¹ but gave no mention to the fact that she had done nothing to prevent the mass murder of Srebrenica Muslims. A statement as such nothing but fuels the climate of impunity. Twelve years ago, in the aftermath of the Srebrenica massacre and Serbian troops' occupation of this protected enclave² Vojislav Kostunica said, "The Republika Srpska Army's entrance in Srebrenica is a defensive action that calls for a new solution for the protected zones in Bosnia." As the DSS leader put it, the international community will have to make a choice – whether to have the protected zones protected as planned or leave them unprotected. "Given that Muslims stage their military actions from other protected zones, it is hard to predict if the Srebrenica case would be repeated in some of them," said Kostunica.³

If the Serbian parliament places a declaration on Srebrenica on its agenda, the Democratic Party of Serbia will insist on condemning "all crimes" so as to relativize Serbs' responsibility for the killing of Bosnian Muslims. Actually, the party will stick to its stance of June 2005 when it proposed that the declaration should explicitly and clearly condemn the crime committed in Srebrenica but insist on identification and punishment of *all war criminals* since "a crime is a common misfortune but implies individual responsibility." DSS Vice-president Vladeta Jankovic said there was no reason at all for his party to change its attitude given that "nothing has changed in our perception of crimes we condemn and abhor but do not take we were the only perpetrators."⁴

The Socialist Party of Serbia /SPS/ tries to relativize the Court's ruling so as to shun its responsibility as the then ruling party. SPS President Ivica Dacic said the verdict was important for his party as well, for Serbia's acquittal

¹ *Vecernje Novosti*, February 27, 2007.

² Kostunica's statement was carried on July 13, 1995, by *Nasa Borba* and *Politika* dailies; the extract is taken from the book "Srebrenica: from Denial to Confession," p. 683, Helsinki Committee for Human Rights in Serbia, 2005.

³ The Helsinki Committee reminds that in July 1995 the Serbian media was regularly reporting the movements of the Republika Srpska Army and steps taken by the UN and NATO. The official explanation Bosnian Serbs provided for the occupation of Srebrenica and Zepa was that the two enclaves failed to observe the terms of demilitarization and that Muslims kept assaulting Serbian posts and villages. The Serbian media were using this explanation profusely. Supporters of the Serbian Radical Party were the only who justified "liberation" of Srebrenica and Zepa by calling them "Serbian towns." On July 21, 1995, the *Interju* weekly carried a Srebrenica reportage by Zoran Petrovic-Pirocanac. „It took Serbs five days only to completely occupy the enclave. The world was shocked with Serbs' efficiency and their capability for the surprise factor...And the world should remember it /the surprise factor/. Of course, not because of refugees but for the manner in which the Srebrenica action was performed. No matter how drastic it may sound, but in a war refugees are nothing but a peripheral phenomenon." (See, „Srebrenica: from Denial to Confession," the Helsinki Committee for Human Rights in Serbia, 2005.)

⁴ www.b92.net, February 27, 2007

of genocide in Srebrenica "turns senseless all the stories about Serbia's and SR Yugoslavia's command responsibility."⁵

The Serbian Radical Party (SRP) made no bones about being dissatisfied with the verdict, which nothing but mirrored its attitude towards Republika Srpska. SRP leader Tomislav Nikolic said, "The fact that the Court found some genocide has been committed is very dangerous as it could indicate that the fate of Republika Srpska is being questioned and that the entire trial was practically aimed at stigmatizing this entity a genocidal creation."⁶

The concern of the editor-in-chief of the *Politika* daily, Ljiljana Smajlovic, was almost identical.⁷ In the editorial her paper carried the day after the verdict was passed she wrote, "The Hague ruling has unraveled the nature of the crime committed in Srebrenica. For the rest of the world, it will forever be genocide. The Srebrenica crime was committed by Serbs, individuals from the other bank of the Drina River, and, according to the Court, Serbia was not their accomplice, helped them in any way or encouraged them. *But the fact that Bosnian neighbors will be most probably using this verdict as perfect grounds for radical deligitimization of the very existence of Republika Srpska is far from being insignificant for Serbian collective fate in this region. In this context, The Hague verdict will not solve the misunderstandings at both banks of the Drina River.*"⁸ "There was no reason whatsoever for celebration," concludes Smajlovic. "For, by the verdict of the most reputed international court we have become part of an official and verified story of genocide. Our innocence before international justice is thus incomplete. Doing nothing to prevent genocide is a sin of disregarding that might not seem a big sin at first glance. But the responsibility for not preventing implies that the court deems that it was in our power to prevent the genocide. An onlooker of a crime doing nothing to prevent it is hardly a moral person."⁹

Conclusion

The arrest of Ratko Mladic as Serbia's only concrete obligation deriving from the Court's verdict will be a benchmark of her attitude towards that ruling. This arrest is referred to the least in all reactions.

The arrest of Ratko Mladic and adoption of a parliamentary declaration on Srebrenica would be a good starting point for reshaping the public opinion in Serbia and a clear-cut condemnation of the crimes committed on behalf of Serbia's citizens. The contents and the tone of the declaration put

⁵ *Vecernje Novosti*, February 27, 2007

⁶ *Vecernje Novosti*, February 27, 2007

⁷ Ljiljana Smajlovic is close to DSS

⁸ *Politika*, February 27, 2007

⁹ *Ibid.*

forth by the LDP Coalition, should Serbian MPs adopt it, would be most valuable for fostering the atmosphere of non-impunity for war crimes.

The Democratic Party's political will to encourage the process of Serbia's facing up the war crimes committed against non-Serb population will be put to the test only once a government is formed¹⁰ and parliamentary speaker elected. The LDP Declaration will not be placed on the parliamentary agenda until the parliamentary speaker is elected. Nationalistic forces could easily profit on the void in which Serbia has found herself since the last election to sweep the crimes committed in Serbs' name and The Hague Court's verdict under the carpet.

DRAFT

**DECLARATION
OF OBLIGATIONS OF STATE ORGANS
OF THE REPUBLIC OF SERBIA
IN THEIR FULFILLMENT OF THE DECISION
OF THE INTERNATIONAL COURT OF JUSTICE**

Taking into consideration the fact that the Republic of Serbia is a full-fledged member of the United Nations, with unequivocal obligations toward the International Court of Justice, the supreme judicial body of the United Nations; and that it is a signatory of the Convention on the Prevention and Punishment of the Crime of Genocide,

Emphasizing that, according to international law, as well as the legal order of the Republic of Serbia, genocide is a crime that opposes the principles and objectives of the United Nations, as well as the foundational values of the constitutional and social system of the Republic of Serbia,

Stressing that denial or approval of genocide is an act which in itself must be qualified as a crime and as such deserves the most serious condemnation and punishment,

Recognizing the supreme state interests of the Republic of Serbia to be: the establishment and development of a democratic society founded on the rule of law, in which human rights are consistently respected; the preservation and strengthening of stability and cooperation in the region, and the inclusion of the Republic of Serbia in a process of European integration which must make room for all states created on the territory of the former Yugoslavia,

Appreciating the efforts made by international institutions, governmental and non-governmental organizations with regard to cooperation with the International Criminal Tribunal for the Former Yugoslavia and

¹⁰ President of the DS Political Council Dragoljub Micunovic said the declaration should not be passed before a new government is formed.

overcoming of the grave legacy of the past in the territory of the former Yugoslavia,

Insisting on the principles and goals of the United Nations Charter, and on the respect of human rights and on durable regional and universal peace and stability,

**The National Parliament of Serbia
adopts**

**DECLARATION
OF OBLIGATIONS OF STATE ORGANS
OF THE REPUBLIC OF SERBIA
IN THEIR FULFILLMENT OF THE DECISION
OF THE INTERNATIONAL COURT OF JUSTICE**

Article 1

The Republic of Serbia recognizes that the International Court of Justice has determined that the state organs of the Republic of Serbia have violated the Convention on the Prevention and Punishment of the Crime of Genocide.

The Republic of Serbia commits itself to undertake all necessary measures, to execute with no further delay all injunctions put forth in the ruling by the International Court of Justice, and arrest all persons indicted by the International Criminal Tribunal for the Former Yugoslavia.

Article 2

The National Parliament believes that:

1. Undertaking a decision made by the International Court of Justice and fulfilling the relevant obligations is not only a duty imposed by the court; a democratic, open and just society in Serbia cannot be established without its facing the crimes committed in the past, including, and in particular, the genocide committed in the enclave of Srebrenica;

2. Any glorification, justification or relativisation of genocide and all other violations of international law is a crime which endangers the constitutional order, the present state of affairs and the future of the Republic of Serbia;

3. The respect of human rights and responsibility entail also a respect for victims, as well as activities which will ensure that all necessary measures have been undertaken to ensure the right to know the truth, the right to justice, the right to symbolic reparation, and the guarantees of non-recurrence of the crimes committed in the past.

4. Forgetting the crimes and rehabilitation of ideas which justify the crimes and its perpetrators are new crimes which are inadmissible in the Republic of Serbia and as such must be punished;

5. The need to face the past requires a system of relevant institutions, mechanisms and processes that authorized organs of the Republic of Serbia will immediately establish and fully support.

Article 3

The National Parliament of Serbia sends its sincere apology and deepest compassion to all victims and families of victims of the genocide committed in Srebrenica, and to all citizens of Bosnia and Herzegovina who were the victims of crimes committed in our name.

Article 4

The National Parliament and all state organs of the Republic of Serbia will found domestic political strategy and the country's foreign policy on the respect of international law, the respect of decisions made by international institutions, on good neighborly cooperation and respect of territorial integrity of Bosnia and Herzegovina.

Article 5

The Republic of Serbia commits itself:

1. to effectively prosecute and punish, in keeping with its constitutional order, criminal legislature and confirmed international agreements, any call on the commission of genocide as stipulated by the Convention on the Prevention and Punishment of the Crime of Genocide, as well as by Articles 370 and 375 of the Criminal Code of the Republic of Serbia;

2. to effectively prosecute and punish, in keeping with its constitutional order, criminal legislature and confirmed international agreements, any incident which calls on national, racial or religious hatred or propagates war;

3. to unambiguously condemn, through its legal system and state organs, any attempt which strives to relativize the crimes committed in our name during the war in Bosnia and Herzegovina, and in particular the crimes committed in the protected enclave of Srebrenica;

4. to clearly condemn, through its legal system and state organs, any act of denial of the Srebrenica genocide;

5. to immediately launch effective implementation of the Law on Responsibility for Human Rights Violations and to officially proscribe a prohibiting measure, through its legal procedure, which will disallow any

person proven to have been responsible for mass violation of human rights during the war on the territory of the former Yugoslavia from assuming a public position;

6. to strengthen the judicial system, using all means of state politics, and to create the conditions for effective and impartial prosecution of all persons involved in criminal acts which contain elements of genocide, violation of humanitarian law, instances of national, racial or religious hatred, war propaganda, or call on aggressive war;

7. to prompt a political and public dialogue which will not tolerate the justification of crimes, the maintaining or establishing of the social conditions which allow for similar behavior in the future;

8. to insist, within its educational system, on unambiguous condemnation of crimes committed in the past, and to found its educational system as a whole on the need for the youth in Serbia to be taught and raised in keeping with the universally accepted values of the civilized world, showing utter repulsion for any attempt to justify the crimes, including in particular war crimes and the crime of genocide.

Article 6

In adopting this Declaration, the National Parliament of Serbia shows unequivocal intention to break with the politics that violated the Convention of the Prevention and Punishment of the Crime of Genocide which led to the ruling of the International Court of Justice. The Parliament thus shows readiness to found its future politics, both domestic and foreign, on values that embrace the existing international order and universally recognized moral values.

II

**CONSTITUTIONAL
SYSTEM**

JUDICIARY IN CONSTITUTIONAL MAKESHIFT

Legal Framework

In the course of 2006 there was no essential breakthrough in the promotion of the rule of law. Serbia is still in a legal limbo and there are growing signs of its sliding into a voluntary, authoritarian system. The manner of adoption and the contents of the new Constitution have verified that trend. Judicial system is still one of the weakest points of transition in Serbia. Furthermore it bears underscoring that the new Constitution does not provide guarantees for establishing and profiling of the judiciary as an independent branch of power. Regardless of the formal adoption of numerous laws, there is no political will or capacity (notably of personnel/human resources nature) for enforcement thereof. Processing of the first indictments for war crimes and organized gangland before the national courts indicated that the state only wants to prosecute direct perpetrators of war crimes and that qualification of crimes remains within the framework of the reached consensus of collective denials. Judgments brought in by the international courts and tribunals are sidelined and relativized, which prevents adequate facing up to the recent past.

Adoption of the New Constitution

Success of referendum on independence of Montenegro caught Serbia unawares. Despite clear-cut political orientation of the Montenegrin authorities to stage the pertinent referendum and the relating, year-long campaign, the ruling clique in Serbia intentionally belittled the impact of referendum consequences for Serbia. Instead of taking constructive, positive steps, and strengthening its position and co-operation with the regional countries and especially with the EU, the Serb political elite resorted to denial of the very referendum, and even to an open spreading of panic that a positive outcome of the referendum might provoke regional destabilization.

In June 2006, proclamation of the independent state of Montenegro at a special Montenegrin parliament session, became a bitter pill for the

incumbent Serb authorities led by Prime Minister Kostunica. Conspicuous public silence of the authorities with regard to that act could be interpreted as the conduct of an offended child and absence of political maturity and wisdom.

Chaotic state which ensued after proclamation of Montenegrin independence and non-harmonization of regulations between the two newly-emerged states in the best way illustrated intention of the government of Serbia to "punish" Montenegro because of its independence. That job was intentionally much-delayed. The Serb parliament failed to officially adopt numerous agreements concluded at the ministerial level. Such a short-sighted tack affected most citizens of both countries, for they could not resolve many salient matters, notably extension and issuance of their IDs, passports, pensions, social benefits, education fees, health services, and notably customs dues.

Unwillingly acquired independence of Serbia, in which citizens of Serbia had no say whatsoever, raised the issue of the new Constitution of Serbia, for whose adoption in the past 5 years there was no clear-cut political will, but only declarative advocacy and total snubbing of numerous submitted constitution drafts, which had been the subject of excessive media polemic. However, in September 2006 the incumbent authorities launched an initiative for a summary adoption of the new Constitution. Such a political U-turn was in fact prompted by frequent announcements of the EU officials relating to an imminent resolution of the Kosovo status.

When the pro-constitution campaign was launched, the work on laying the groundwork of the new Constitution was totally blocked¹, while two draft texts of constitutions were circulated, the one proposed by the government of Serbia and the one submitted by President of Serbia, Boris Tadić. In view of the fact that the 1990 Constitution of Serbia, so-called "hard constitution" could be amended only by approval of the two-third parliamentary majority, and that such decision had to be confirmed by more than half voters taking part in a pertinent referendum, the minority government of Prime Minister Kostunica faced an impossible task. However, in September 2006 pertinent consultations of parliamentary parties were jump-started. It was quite clear that the work on the new constitution presupposed compromises and concessions unrelated to the general, state interests of Serbia.

The ensuing pro-constitution campaign trespassed the legal and constitutional framework as well as the one of the customary political negotiations. In late September the general public grew aware of the fact that otherwise very slow government, was bent on quickly effecting the change of constitution, even if it were in violation of the pertinent procedure.

¹ See Annual Report of the Helsinki Committee for Human Rights for the year 2005.

Civilian sector, NGOs, domestic, legal experts raised hue and cry, and cautioned against the flagrant breach of the constitutional procedure, notably against the decision to adopt the draft constitution without a previous, public debate. The government defended its decision by issuing statements that numerous drafts of constitutions had been already publicly debated in previous years and that staging of a new pertinent debate would be a sheer formality.

At a session held in the early evening hours on 30 September the Serb parliament unanimously adopted the draft constitution, without disclosing to the public any provision of that supreme legal act. Political consensus on the text, reached by behind-the-closed-doors compromises, far from the public eye, was especially controversial when one considered the final version of the Constitution. The constitutional Preamble spelling out that interests of Kosovo and Metohija, as an inalienable part of Serbia, had to be protected, alarmed the general public very much because of awkward statements justifying such a definition. Hiding of the final version of the constitutional text from the very MPs strengthened the public conviction that drawing up of the said version was carried out outside the Constitutional Commission, which was tantamount to a blatant constitutional breach.

Campaign for the referendum adoption of the Constitution-referendum was first scheduled for and then held on 29 and 30 October 2006-represented an open pressure on citizens to vote in a referendum and say "yes" to the new Constitution. It was obvious that the government made concerted efforts, mostly by violation of its own laws and provisions, to have the Constitution approved. To that end the referendum was held on two, instead of on one day, contrary to the provisions of the Act on Referendum in force. Along with the attempt to reach an almost unattainable percentage of 50% of registered voters, it was decided not to take into consideration Albanian voters from Kosovo, otherwise registered in all the election lists, for, as it was stated "they have boycotted all the previous elections." Election silence was not respected, for it was explained that it was prescribed only by the Act on Elections, and not by the Act on Referendum. Added to that the time after the closure of polling stations on the first referendum day was used by the media to additionally intimidate potential boycotters of the referendum, notably in view of the first-day low turn-out-less than 20%. The intention to have the Constitution approved at any cost, made some government ministers utter a very threatening statement that "all those who are against the Constitution are against the state."²

Constitution of Serbia was confirmed by votes of 53.49% citizens of the total of 54.2% who took part in the referendum, according to the final data of the Republican Election Commission.

² *Danas*, 31 October 2006.

However, voices of the opponents of the Constitution found their way in the media. Added to that NGOs, expert circles and the ruling Vojvodina parties (LSV and AVH) also called on the referendum boycott, disgruntled by the constitutional solution of Vojvodina status. Instead of an essential autonomy declaratively urged by the government, the Draft Constitution spelled out that Vojvodina was not entitled to pass its laws, but only its decisions, and that it was entitled to have only its statute and not its Constitution. The only concession made to Vojvodina was that it was for the first time entitled to have its own property and original revenues. That is why Vojvodina politicians thought that the autonomy of Vojvodina under the new constitution was not considerably improved and indicated that the genuine autonomy presupposed existence of executive, legislative and partially judicial power.

As the Radical Party backing was needed in order to vote in the new constitution in the parliament, the general public quickly realized that the final text of the Constitution resulted from Kostunica's concessions both to the Radical Party and all other right-wing parties. Refusal to recognize the genuine autonomy of Vojvodina was one of those aforementioned concessions. Preamble to the Constitution clearly stating the protection of Kosovo and Metohija was the second. Added to that definition of Serbia as the state of "the Serb people and all citizens living in Serbia" and marking of the Cyrillic alphabet as the "only alphabet in official use" (Article 10) were most obvious results of the inter-cabinet deals and also a step backwards regarding the 1990 Milosevic Constitution.

In those terms many other constitutional provisions also provoked sharp criticism of legal experts. Especially controversial was the provision which abolished primacy of the international law over the domestic one, which spelled out that "international contracts must be in line with the Constitution (Article 16)." As regards protection of human and minority rights, the new Constitution of Serbia offers less protection to citizens than the one previously guaranteed by the Constitutional Charter on Human and Minority Rights, which was not included in the legal system of Serbia after disintegration of the state union of Serbia and Montenegro. The chapter on human and minority rights clearly indicates an effort to realize a full protection in keeping with the European Convention on Human Rights and other international documents, but the reasons behind vague definition of many of pertinent provisions, remain unclear. The new Constitution, for example, does not prescribe the protection of the right to privacy.

Security sector is better defined than under the 1990 Constitution, but many questions still remain unresolved. For example it is laid down that the Serb parliament should monitor the work of security services (article 99), but not control them; adoption of the Defense Strategy, and not of the National Security Strategy is envisaged; the Army of Serbia is placed under the

democratic and civilian control (article 141), but it is not stated who would exert that control. Moreover it is indicated that the issue would be resolved by the Act on Army, and not by the Act on Democratic Control of the Army. Added to that there is no clear distinction between competences of the President of the state, as the supreme army commander, and the Defense Secretary with respect to the army command. Conscientious objection is guaranteed by the Constitution (article 45) and any deviation from that right is not possible (Article 202). However that provision is restrictive with respect to the pertinent international standards, for it is laid down that the person invoking conscientious objection may be nonetheless invited to meet his military obligation, that is, to carry arms.

Objections were also raised with respect to the constitutional provisions regulating the issue of work and election of public prosecutors (article 159 and 160.) on grounds of the excessive influence of the executive and legislative power on the election of prosecutors. The Republican Public Prosecutor and public prosecutors are appointed by the National Parliament of Serbia, at the government proposal, after obtaining a pertinent opinion of the authorized parliamentary committee. Deputy public prosecutors elected for the first time to those posts are also appointed by the national parliament at the proposal of the State Council of Prosecutors.

It is laid down that the State Council of Prosecutors, like the High Judicial Council (formerly the High Judiciary Council), shall be an independent body composed of the Justice Minister, President of the competent parliamentary committee, and the republican prosecutor (President of the Supreme Appeals Court in case of the High Judicial Council). Such a solution clearly indicates the Serb authorities' intent to exert control over the judiciary, for the executive and legislative power both through those two bodies and directly impact the election of judges, prosecutors and especially presidents of courts, since the authorities have always realized their control of the judiciary through those positions. It remains to be seen in practice to which extent thus organized bodies would manage to remain independent, that is, outside the influence of the executive branch, and narrow party deals, which in other realms have become quite common.

The reach and effects of thus-adopted constitution of Serbia remain to be seen in practice. In the campaign preceding the adoption of the Constitution the ruling political elite failed to provide valid explanations and comments to all the objections and suggestions of experts and the general public. The elite's reply that the new Constitution prescribes an easier procedure for its implementation, and that all irregularities may be easily amended by a sheer parliamentary vote, can hardly suffice in the state which so slowly and insecurely builds its democracy.

Constitutional Court

Declarative urging of the rule of law by the incumbent authorities was called into question in the case of functioning and work of the Constitutional Court of Serbia. The late 2005 paralysis of the court's work, due to the court's understaffing, that is insufficient number of judges, continued throughout 2006. The two candidates for the judges of the Constitutional Court, proposed by President Tadic, failed to obtain the necessary parliamentary majority and consequently the court's blockade continued.

The situation became even more complicated in September 2006, when President of the Constitutional Court submitted to the Serb Parliament his demand for resignation-having reached the retirement age and the right to pension. Added to that he also warned both the Serb parliament and the Serb President that unless a new court president was immediately elected, the full blockade of the Constitutional court work would ensue. Decision on organization of the Constitutional Court (Official Gazette of the Republic of Serbia, no. 56/02), did not envisage the existence of a deputy court president, or acting court president. Provision of Article 11 of that Decision regulates only that President of the Constitutional Court, in case of his absence or other engagements, be replaced by judges of the Constitutional Court for the period of 6 months, in alphabetical order of judges' surnames.

Although President of Serbia, in line with his competence and prerogatives, launched the initiative for the election of the new court president and suggested two candidates for the vacated judges positions (Sead Spahović, former higher adviser in the Council of Ministers of the State Union of Serbia and Montenegro, and Milan Vlatković, former higher adviser in the Constitutional Court), the ruling parliamentary parties deemed it and treated it as a non-priority issue. According to unofficial statements it was not necessary to elect a new court president, for after adoption of the new constitution and the impending parliamentary elections, that issue would be placed on the agenda.

President of the Constitutional Court of Serbia, Slobodan Vučetić, was relieved of his duties on 10 October 2006. Thus the court was left without a quorum (of the total of prescribed 9 judges, the court at the time had only 7, that is, after Vucetic's resignation, only -six). It also faced serious internal procedure problems, or the ones relating to authorization for signing its decisions and judgments.

It is easy to discern why the paralysis of the work of the Constitutional Court was in the interest of the ruling political grouping. At the time when concerted efforts were made to have the new constitution adopted, and when consciously and aggressively procedure for its adoption was violated, all possible objections to and demands for the re-appraisal of constitutionality of the said supreme legal act- were made nonsensical or superfluous. The

YUCOM -Yugoslav Association of Jurists-proposal for the assessment of constitutionality and legality of the decision of the government of Serbia not to include in the necessary 50% registered voters all citizens of Albanian nationality living in Kosovo, was met with such a fate. That decision of the government of Serbia was assessed by YUCOM as a racist and discriminatory one. But the YUCOM demand for the re-appraisal of that decision was not tackled by any state body.

The new Constitution was proclaimed on 5 November 2006. Its provisions on the Constitutional Court were amended: instead of 9, 15 judges were envisaged, five of which were to be appointed by the national parliament, 5 by the President of the Republic, and 5 by the General Session of the Supreme Appeals Court.

However, those appointments were not made either in late 2006, or two months after the elections (21 January 2007), because of non-formation of the new government and non-holding of the constituent session of the Serb parliament (due to the latter, constitutional act provisions relating to election of president and judges of the Constitutional court have not been met.)

In April 2007 Serbia still did not have a republican parliament, government and constitutional court. The foregoing called into question its existence as a state.

Judiciary

Reform of the judiciary in Serbia is a process which has been formally initiated in 2001. But little has been achieved in that regard to date. It may be said that in 2006 the state of the judiciary stagnated. The judiciary has not achieved its full independence. Moreover it is riddled by corruption, slowed-down or much-delayed proceedings, re-election of judges, insufficient re-organization of the courts of law in the whole republic.

Executive branch continued to pile pressure on and control the judiciary. The manner of adoption of various acts indicated that the national parliament was just used as a voting machine for passing of laws proposed by the executive, while the judiciary and legal experts were rarely consulted in that regard and their suggestions were even more rarely respected. Idea of the rule of law, which is in principle and declaratively backed by the incumbent authorities in practice was reduced by the incumbent authorities to sheer passing of laws. In the course of 2006 government representatives considered as their biggest success in the process of the judiciary overhaul the number of laws passed by the national parliament. In the meantime no-one took care of the capacity and number of courts and judges nor effected the assessment whether the existing judiciary might at all shoulder the burden of such a large number of new acts. Enforcement of laws thus remained totally sidelined.

Putting in place a new network of courts of law has been much delayed, and the trend of strengthened control over the judiciary by the executive peaked by the adoption of the new Constitution which clearly indicated that the judiciary was a sheer object, and not the subject of the reform. Even the composition of the 9-member Commission for implementation of the judiciary strategy—all those members are appointed by the government, that is they are chosen from the executive ranks—clearly indicates that the current political elite does not intend to let the experts deal with the judiciary reform, but rather plans that reform as an external action to be effected by political means.

Alleged overriding concern of the government to put in place an expert and efficient judiciary—flying in the face of its true intention to continue to control the judiciary branch of power—was presented to the public by announcement of re-election of judges. Thus in early 2007 the Finance Minister's Mladjan Dinkić statement that things in the judiciary could be changed by a government's initiative to re-elect all the judge, caused sharp reactions of the public and legal experts. That proposal was triggered by the widespread opinion that the Commercial Court in Belgrade was one of the pillars of corruption. The EU also in its Feasibility Study underscored that with such a Commercial Court and judiciary Serbia could not accede the EU. Judgments of the Commercial Court in Belgrade caused many scandals, most notably the "Mobtel" case. Though it was clear that problems in the judiciary could not be solved by criticism of some ministers or sheer replacement of judges, Dinkić's statement and initiative were taken to task. He was accused of openly piling pressure on the judiciary and interfering into its independent work. Some detractors even went as far as to accuse Dinkic of attempting to destroy the judiciary system, and to trample upon the Constitution.³ What ensued was the public polemic over the question whether the incumbent authorities enjoyed the backing of citizens to effect the judiciary purge, or whether it would be better to first adopt the new Constitution. Some prominent figures even voiced their opinion that some executive members were bent on appointing "their party faithfuls" to the top judiciary positions, while Milan St. Protić, Deputy President of Christian Democratic Party of Serbia in his open letter to the president of the Supreme Court of Serbia, demanded her resignation.⁴

Strategy of reform of the judiciary finally presented to the public by the Justice Ministry in early 2007, in fact did not contain novel proposals, though it in principle envisaged a series of novelties with the goal of establishing "independent, transparent, responsible and efficient judiciary system." However, one gets the impression that the role of the Justice Ministry

³*Večernje novosti*, 10 February 2006.

⁴*Večernje novosti*, "Why is Škero keeping mum", 10 February 2006.

in affairs relating to administrative management of the courts of law is being restricted, for those affairs are entrusted to the High Judiciary Council which together with the Administrative offices should become a managing, monitoring body for the control of enforcement of judicial rules of procedure, efficient management of cases and control of results of the courts of law work. That body is also put in charge of appointment of judges and decision-taking relating to disciplinary responsibility of judges. If one takes into account the composition of the High Judiciary Council, that is, the manner of its regulation under the new Constitution, it becomes clear that the political control shall continue, but in another way.

That strategy envisages the open process of election and promotion of judges in keeping with the objective criteria determined by the law and according to their work results. In the future the national parliament shall appoint the first-time judges at the proposal of the High Judicial Council for a period of three years, while judges for life shall be subsequently appointed by the High Judicial Council. One of conditions for their appointment shall be successfully passed expert exam at the National Institute for Judiciary Training. The said Strategy, *inter alia*, includes the following goals: introduction of a system which shall enable monitoring of productivity, results of work and daily monitoring of efficiency of work of both judges and courts of law, as well as introduction on an integrated information software to enable elaboration of precise statistical evaluation reports on courts' and judges' performances and the cases' backlog.

However, the government has not taken a single step towards translating into practice the principles contained in the said strategy a year on after its public presentation. Criteria for judges' election and evaluation of the quality of their work/performance are still not known. Added to that there is no public mention of founding of the National Institute of a Judiciary Academy, which under the strategy plan should become operational by the year 2008.

An additional confusion ensued after the November 2006 adoption of the Constitution, which guaranteed permanency of the judicial function, barring the first-time judges, which were to be appointed by the national parliament for the period of three years. The new Constitution also envisaged the existence of the Supreme Appeals Court as the highest judicial instance in the state. But the newly-adopted Constitutional Act (10 November 2006), spelled out in its article 7 that president and judges of the Supreme Appeals Court be elected within 90 days and within a year respectively from the day of constitution of the Supreme Appeals Court. Its article 12 lays down that laws and other provisions remain in force until their fine-tuning with the Constitution. The said Constitutional Act also laid down that the newly-elected national parliament at its second session would be duty-bound to fine-tune the

Constitution and the acts relating to enforcement of constitutional provisions on the judiciary and prosecution offices.

In view of the fact that by mid-April 2007, that is three months after the parliamentary elections, the parliament has not been constituted, it is easy to conclude how much chaos the incumbent authorities have caused in the judiciary, which has been already teetering on the brink of collapse. Added to that the aforementioned provisions caused much polemic among the legal experts. One group of jurists was of the opinion that the expression "the first appointment of judges" implied a general re-election of judges, while the second group of jurists thought that it implied the election of the first-time judicial appointees.

The issue of transformation of the current Supreme Court of Serbia into the Supreme Appeals Court, which under the Constitution has totally different prerogatives, remained unregulated, while the enforcement of the Act on Arrangement of Courts of Laws-passed in 2001- was anew delayed. By late March 2007 not a single step was taken to jump-start the work of appeals courts in Belgrade, Kragujevac, Niš and Novi Sad, as well as the one of the Administrative Court. Thus practical issues, namely to which courts appeals shall be submitted, how many Supreme Court judges shall be elected to positions in the Supreme Appeals Court, where the judges shall work until appeals courts are put in place, have remained unanswered.

Political pressures were also piled on the prosecution offices. Added to the aforementioned controversial influence of the executive and legislative power on the appointment of prosecutors to the State Council of Prosecutors, the new Constitution practically established the new prosecutors as servants of the executive power, for it envisaged that the municipal, district and republican prosecutors be elected by the national parliament at the proposal of the government of Serbia. When one takes into account the fact that the new Act on Criminal Proceedings-to take effect on 1 June 2007-spells out that the prosecution offices be in charge of investigation, it is easy to discern the intention of the ruling political parties to become a decisive factor in the assessment against whom the criminal proceedings shall be instituted. It is clear how much such solutions help maintain the high level of corruption, instead of helping combat it.

Appointments and dismissals of prosecutors in 2006 were also indicative of the pressure of the incumbent authorities on the prosecution offices. Deputy Special Prosecutor for Organized Crime, Miodjub Vitorović, did not see his mandate extended in mid-2006, for according to the official communiqué "he disclosed the official secret in the case of Jotka's group, that is, in the case of the bribery trial involving the Supreme Court judge, Ljubomir Vučković." But in fact Vitorovic was dismissed because of his final arguments at the end of the Stambolic trial, that is, his direct accusation of Milosevic regime for the murder of Ivan Stambolic. Special prosecutor, Slobodan

Radovanović, thus commented the decision not to extend Vitorović's mandate: "Special prosecution did not want to disclose to the public the true reason behind our decision."⁵ Such vague explanations convinced the public that M. Vitorovic was replaced precisely because of his final arguments at the end of Stambolic trial. The foregoing also indicated how much influence the Kostunica government coalition partners truly wielded, and how much they shaped the state policy.

In parallel with the media hype surrounding the replacement of Prosecutor Vitorović, Slobodan Janković, republican public prosecutor (1 June) launched the proceedings for suspension of Gordana Čolić, prosecutor of the Third Municipal Prosecution in Belgrade. She was in fact suspended from her duties on 26 June, and informed of that suspension only on 29 June. According to the provisions in place, she had to be informed immediately of the suspension proceedings and the former should have been fully justified in writing. But the failure of the judicial authorities to act in line with the said provisions prompted Gordana Čolić to make a public statement to the following effect: "The dismissal procedure is in fact a persecution campaign against me, for I did not succumb to the pressures to deal with some cases as I was instructed or ordered by some politicians." Then it was leaked to the public that she was suspended on the basis of Slobodan Janković's decision, taken on the basis of the 25 April 2006 brief by District Public Prosecutor, Božović in which the latter quoted that he was informed by the Deputy Prosecutor of the Belgrade District Prosecution, Milije Milovanović, that "judging by impression gained through work with the appeals, the Third Municipal Prosecution in Belgrade was the worst one."⁶ Gordana Čolić maintained that both the District and Republican Prosecution Offices were manipulating the work reports and she consequently filed charges against Milovan Božović, accusing him of basing his decision on her suspension on false and doctored documents, notably in the light of the fact that Milovanovic denied having ever commented the work of the Third Municipal Prosecution Office. High Judicial Council on 12 July abolished the decision on the suspension of Gordana Čolić, having established that "it was wrongfully and illogically grounded", but at the same time demanded that the conditions for retirement of Slobodan Janković, the Republican prosecutor who had instituted charges against Mrs. Colic, be verified. Namely it had been indicated, in keeping with the legal provisions, that Jankovic had fulfilled the first of the two conditions for retirement-to be 65 and to have completed 40 years of service-as early as in December 2005. Conspicuous silence of the Justice Minister, who under the law is empowered to institute proceedings for dismissal of prosecutor once the conditions for his retirement are fulfilled, and

⁵ *Politika*, "Disclosure of an official secret to his colleague", 6 July 2006.

⁶ *Politika*, "Gordana Čolić Reinstated as Prosecutor", 13 July 2006

the ensuing public polemic, have additionally undermined an already weak public trust in the state institutions.

Adoption of a large number of new acts and provisions continued in 2006, but without implementation of any mechanism for enforcement thereof. Enforcement of the Act on Arrangement of Courts of Law was again delayed, while many other laws remained a dead letter.

The Act on Protector of Citizens, adopted in September 2005, was not enforced even 18 months later. The only attempt at naming a protector (one candidate was proposed to the competent parliamentary committee without a previous public debate) failed thanks to a strong opposition and sharp reactions of NGOs. Namely NGO's voiced their doubts as to qualifications of the candidate and indicated that such a dubious election procedure undermined the whole idea of Ombudsman. Added to that they demanded broader consultations in order for the right person to be elected to the position of Ombudsman, namely a person with a clear professional and moral integrity, and not a person closely associated with political parties. The ruling parties did not show their readiness to comply with all the NGO requests, but the total scandal and shame was avoided by withdrawal of the only candidate.

Act on Associations, which was to be adopted at the late September 2006 parliamentary session, out of vague reasons, was never placed on the agenda. Therefore the work of all associations and especially of NGOs is still regulated by an obsolete, 20-years old provision.

Procrastination of proceedings and misuse of procedural authorizations are commonplace in the Serb judiciary. But they became a salient problem after entry into force of the new Penal Code-1 January 2006-which reduced the maximum penalties for lighter criminal offences, and consequently shortened the expiry terms for criminal prosecution and punishment enforcement. However, that problem was depicted by the media as the right occasion to release hundreds of hardened criminals and offenders, notably after the Justice Minister statement that in Serbia 400 cases were obsolete, the statement made even before the entry into force of the new provision⁷! The Belgrade District Court than communicated that the largest number of those cases belonged to the stage of investigation which was interrupted due to the fact that the accused were still at large. According to the President of the Belgrade District Court, the Penal Code, as whole, is not lenient, for the expiry term for the gravest offences is- 10 years. Criminal proceedings were suspended because the accused were at large, but, judging by the president's statement, such phenomenon was commonplace even in Europe, while trials in absentia were not recommended even by European documents signed by Serbia, and are staged only in exceptional cases.

⁷ *Glas javnosti*, "Futile Hopes", 29 January 2006.

The Supreme Court in mid-January 2006 had a case in which it dropped the charges due to their absolutely obsolete nature and suspended detention of the accused sentenced to 18-month prison term due to embezzlement effected in 1996. Then the penalty for that offence was up to 6 months prison term, while the current penalty is a fine or up to three year prison term. Therefore the expiry term is no longer 10, but rather 6 years.

Slow work of courts in Serbia was in the media spotlight after the sentencing of Albanians from South Serbia for the murder of the Serb secret services member. By a first-degree judgment the Vranje District Court on 11 February 2005 convicted Farik Esati, Naser Sejdi and Naim Ramizi, all from Veliki Trnovac, of associating in order to commit hostile activity, for they, as members of a terrorist group, earlier took part in the murder of the Security-Information Agency member, Selver Fazliju in Bujanovac. In February 2006 they were released from detention, due to the expiry of a year-long term for passing of the second-degree judgment. Namely at the moment of their release the Supreme Court of Serbia was still deliberating their appeals. The release of the three convicts caused stormy public reactions and even prompted the Justice Minister to say that he would demand that responsibility of all judges and prosecutors taking part in the pertinent criminal proceedings "be checked ...for it is high time some of them were held accountable for their unconscientious work."⁸. According to the publicly available data, the first-degree judgment in that case was brought in verbally on 11 February 2005, while the pertinent brief in writing was forwarded to the parties four months later. The Vranje District Court only three months later submitted the pertinent appeals to the Supreme Court that is on 22 September 2005. The whole case was then without delay forwarded to the Republican Public Prosecutor. He was due to give his opinion on the case within 15 days. But the whole case was returned to the Supreme Court only on 29 December! On that very day the judge rapporteur was entrusted with the whole case. Deadline for passing a judgment on appeal was 11 February 2006, but instead of a judgment, the judge rapporteur took the decision on the release from detention of the three Albanians, the decision which was faxed to the Vranje district prison on 15 February. After receiving that decision, the competent officials of the Vranje district prison initiated consultations with President of the Vranje District Court and President of the Supreme Court of Serbia, and only after those consultations released the 3 Albanians.

Instead of allowing the public to focus on slow and shoddy work of competent state bodies, notably of courts of law and prosecution offices, or on the fact that the competent officials of the district prison resort to consultations with court representatives, instead of acting on judgments and decisions, the

⁸ *Večernje novosti*, "They released terrorists", 18 February 2006.

general public was entertained by empty threats of the Justice Minister, labeling of convicts as terrorists, etc.

Justice Minister never fulfilled his promises, nor explained the whys and wherefores of slow work of courts of law, and their frequent violations of the right to a fair trial within a reasonable time-frame.

But let us focus on his recent response to the public outcry after the April 2007 sentencing of the members of special unit "Škorpioni" convicted of murdering 6 Muslims from Srebrenica. In the wake of the media coverage of angry reactions of victims' families, NGOs and experts to such lenient sentence, the Serb Justice Minister stated that such comments of the first-degree judgment were tantamount to piling pressure on the court and interfering into the judiciary independence. It bears mentioning that all the convicted Scorpions members are of the Serb nationality.

Slow work of courts and their misuse of procedural authorizations was conspicuous in case of trial of Dejan Mihajlov, Secretary General of government of Serbia. Namely after facing the slander charges filed by Vladimir Beba Popović to the Third Municipal Court as early as in June 2003, Mihajlov failed to show up in the court 25 times, thus snubbing the court summons! However, Mihajlov appeared in the court only once, at the peak of the pre-election campaign in January 2007. And that appearance provoked extensive media coverage. Having in mind the expiry terms, it is clear that arrogant conduct of Dejan Mihajlov aims at suspension of proceedings against him.

European Convention on Human Rights

European Court for Human Rights in Strasbourg in September 2000 passed the first judgment against Serbia, relating to the case "Matijašević against Serbia". Thus the issue of lawsuits of citizens of Serbia filed to that court was spotlighted, as well as the issue of respect of European principles of protection of human rights in proceedings before the national courts.

According to the available data, 1,345 lawsuits against Serbia were filed to the European Court for Human Rights in Strasbourg by the end of 2005. Of that number as unacceptable were rejected 384, while five were submitted to the government for deliberation. In the course of 2006 the number of submitted complaints rose to 1,500, while by the end of September 2006, 33 were forwarded to the state for deliberation. Despite sporadic public warnings of the state agent before the Court, Slavoljub Carić, on the seriousness of situation and the need to create conditions for implementation of international legal standards in national courts proceedings, the state bodies totally ignored his cautionary words.

The first judgment against Serbia established the breach of the European convention with respect to the presumption of innocence, that is,

indicated that the legal provision on reasons for determining detention, as formulated by the Penal Code of Serbia, namely "one of the reasons being that there is a reasonable doubt that the accused may repeat or complete the criminal offence with which he is charged", represented a breach of presumption of innocence of the accused. Matijašević in fact stood accused by the Novi Sad District Court for embezzlement, while during re-assessment of his detention that court gave the justification that the named committed the criminal offence with which he was charged.

Despite the fact that the European Court in Strasbourg indicated the controversial legal provisions, Serbia's representative before the European Court endeavored to explain that the Court made a mistake and that the judgment of the District Court contained a clumsy formulation. Added to that the fact that the Strasbourg court did not determine compensation for Matijasevic, was used by the representative of Serbia, Slavoljub Carić to caution citizens via the media that they should not expect enormous compensations from the Court in the future.⁹

The first judgment raised the issue of non-respect and non-enforcement of judgments of the European Court by the state of Serbia. Moreover, more importantly it raised the issue of payment of determined compensations. In fact Serbia did not plan in its budget special allocations for the European Court decisions, and it moreover failed to set up a fund for the post-judgments payments, though it was duty-bound by its undertaken international commitments to organize a system providing for enforcement of final Strasbourg court decisions. Serbia also failed to tackle the issue of possible collection of those means, that is, establishment of responsibility of the state bodies whose wrong actions and activities caused the proceedings before the European court in the first place. In Matijašević case, the office of the state agent, which under the Decree on its Founding, was duty-bound to oversee enforcement of the European Court decisions-but without any clearer authorizations in those terms- directly contacted the Novi Sad District Court and the Belgrade Supreme Court, whose decisions had initiated the Strasbourg proceedings in the first place, and called on them to pay for the proceedings expenses to the tune of 622 Euro. It is difficult to imagine application of the same method- in view of the fact that the courts don't have their own budget- once the Strasbourg court passes a decision involving a larger sum.

According to the statements of the very state agent, S. Carić, among the cases submitted to the Strasbourg court, the most numerous are compensation lawsuits of owners of the old savings accounts of "Dafiment" bank, Seven owners of such accounts before the European Court demanded a compensation of all their savings deposits plus interest rates, to the tune of

⁹ *Politika*, "Serbia lost its first lawsuit", 20 September 2006.

several thousand Euros. S. Caric also stated that the state could be most financially affected by the lawsuit of a citizen demanding damage compensation for impossibility to open the casino in the face of granted official authorization for such a venture.¹⁰

The issue of compensation payment was seriously posed in the case of the second judgment against Serbia, brought in by the Strasbourg court in March 2007 in the case V.A.M. against Serbia. The case involved a complaint by the V.A.M, legally represented by YUKOM, relating to the length and irregularities of the divorce and HIV-infected child custody proceedings. In its 13 March 2007 judgment the court established violation of Article 8 (the right to respect of private and family life), article 6. and article 13 (the right to a fair trial and efficient legal remedy), and ruled that the state had to pay to the damaged party compensation to the tune of 15,000 Euro for the non-material damage and 4,350 Euro for the judicial expenses. At this moment of time when Serbia has a self-styled technical government and does not have a constituted new parliament, it is not very likely that the said commitment would be honored.

Dilemmas regarding enforcement of the European court decisions are compounded by the fact that the state bodies have not met for over a year their commitment stemming from the decision by the UN Committee for Human Rights in the case *Bodrožić against Serbia and Montenegro*, which established violation of guarantees from the Pact on Civil and Political Rights and ordered removal of consequences of that violation. Domestic judiciary and notably the Justice Ministry, as a competent body for fulfillment of that commitment, have not taken any measures with a view to enforcement of that decision, but have instead by a summary procedure wound up all the current slander-relating proceedings against Bodrožić (a total of 9 final judgments), so that the two fines were replaced by 80-days of prison.¹¹

Legal vacuum and absence of readiness to efficiently enforce decisions of bodies whose authority and competence Serbia accepted by its accession to various international organizations, cause many flagrant violations of the fundamental human rights of citizens of Serbia. Such a conduct taints reputation of Serbia as a credible and democratic state, whose political elite only declaratively upholds European principles and standards. It is patent that the ruling political parties don't have a clear picture of what the international commitments of the state of Serbia are and they are not in the least concerned with the fact that the Committee of Ministers of Council of Europe, which is in charge of enforcement of judgments brought in by the European court, may take a political decision in the shape of the warning issued to the state which

¹⁰ *Blic*, "Seven owners of savings accounts seek redress from the Strasbourg court", 14 August 2006.

¹¹ Source: <http://www.b92.net/info/emisije/pescanik.php>

ignores the decisions of that court. For the ruling political parties the only important thing is absence of-sanctions.

Conclusions and recommendations:

Of special concern is a serious and systematic absence of interest in establishing efficient protection of human rights of citizens of Serbia in proceedings instituted before the domestic courts. Despite efforts of numerous international and domestic NGOs to bring the international standards relating to human rights to judges, prosecutors, state civil servants, by staging of various training and familiarization seminars, that work was sporadic and unsystematic, and not very successful.

Among the judiciary still prevails the conviction that international documents ratified by Serbia, cannot be implemented directly, and even when they are implemented it is done in an arbitrary way, which does not take into consideration the international judicial practice.

The old habit of resorting to formalized proceedings, without tackling the gist of each case and matter and taking into account individual rights and circumstances of each citizen, still persist among the Serb judiciary, notably because of underqualified cadres and absence of their systematic training.

"Judicial Centre", founded in order to evolve into a genuine institution for a continual training of judges, does not have a strategic educational curriculum, hence the reach of its activities falls short of genuinely improving the judiciary situation.

It is necessary for Serbia to abandon its declarative, political lingo and to clearly start toeing the pro-EU policy. In those terms it is necessary to swiftly establish the responsibility and obligations of the state bodies and especially develop financial and human resources in order to realize the most comprehensive protection of human rights of citizens of Serbia.

THE TRIAL OF THE ACCUSED OF PREMIER DJINDJIC'S ASSASSINATION

Proceedings in 2006: Key Events

In 2006, the event which overshadowed the trial of persons charged with assassinating Prime Minister Zoran Đinđić was the departure of Judge Marko Kljajević from the post of President of the Trial Chamber in charge of the case. Kljajević was replaced by Judge Nata Mesarović, hitherto member of the Trial Chamber. In spite of the fact that, towards the end of 2005, the Supreme Court of Serbia had noted in a report on the proceedings that Kljajević was conducting the case lawfully, Minister of Justice Zoran Stojković and the Special Prosecutor's Office for Organized Crime made objections about Kljajević and accused him of not prosecuting the case expeditiously. In addition to a supplementary report by the Forensic Science Institute of the Bundeskriminalamt in Wiesbaden, a ballistic expert with the Institute, Bernd Salzinger, gave evidence by video link. One of the accused, Dejan Milenković, a.k.a. Bagzi, was granted the status of cooperating witness and examined at the main hearing. The consensus of opinion is that the evidence given by Milenković in the main bears out the charges. In June, another cooperating witness, Zoran Vukojević a.k.a. Vuk was kidnapped in front of his house and murdered in a shockingly cruel manner. Five months later, the police arrested Aleksandar Simović, a member of the 'Zemun gang' charged in connection with Đinđić's assassination and other crimes. There are reasonable grounds for suspicion that Simović took part in Vukojević's kidnapping and murder. In spite of the fact that the findings of the Wiesbaden experts and the evidence given by Zalcinger corroborate the charges, a number of print media in Serbia, notably the weekly *NIN*, continued to publish articles by its journalists challenging these findings and evidence and speculating as to the credibility of the evidence presented during the proceedings. The tabloid *Kurir* went a stage further by serializing an interview with the second defendant, Zvezdan Jovanović. The media establishments applying pressure to the parties to the proceedings were joined by *Politika*, which published an 'exclusive

announcement' that cooperating witness Ljubiša Buha a.k.a. Čume was about to lose his status.

The Course of the Proceedings

A crime scene investigation was conducted in front of the Serbian Government building at the middle of February. The event was attended by the President of the Trial Chamber, Marko Kljajević, the Deputy Special Prosecutor for Organized Crime, Jovan Prijčić, defendants Milorad Ulemek, Zvezdan Jovanović and Dušan Krsmanović, and their defense counsel. The object of the investigation was to establish the distances between the entrance to the Serbian Government building and buildings on Birčaninova and Nemanjina streets in order to seek the opinion of the Wiesbaden experts whether Đinđić could have been shot from these buildings instead of from the direction of Admirala Geprata Street as alleged in the indictment.¹ The opinion of the Wiesbaden Institute experts was awaited from February to May, and it was only in June that their examination by video-conference link was announced.²

Meanwhile, the court examined as witness Mile Novaković, the former Deputy Chief of the Crime Police Administration of the Serbian Interior Ministry (MUP). When confronted with Novaković, second defendant Zvezdan Jovanović made the following threats to him: 'Remember, you and I are going to have this out in front of another court. There's only one truth. Both you and I know the truth. You're lying! Remember – you'll tell the truth sooner or later. You have my word for it.'³ The efforts to arrange the giving of testimony by video-conference failing again in June, the trial continued by the reading of BIA (State Security Agency) reports on the advancement in service of defendants Milorad Ulemek and Zvezdan Jovanović.⁴ During the June session, a spokesman for the Special Prosecutor's Office for Organized Crime, Tomo Zorić, accused the Trial Chamber of not prosecuting the proceedings expeditiously. Zorić presented the media with a schedule of hearings held so far and pointed out that while in 2004 and 2005 there had been 53 and 36 hearings respectively, the Trial Chamber had met only nine times in the course of 2006. Zorić said in the end: 'We are not satisfied with the promptness of the court and hold that there is no excuse for the fact that hearings are not set to

¹ R.D., 'Merena rastojanja od vlade do spornih zgrada' (Distance between Government building and controversial locations measured), *Danas*, 15 February 2006.

² D. Čarnić, 'Veštaci iz Vizbadena svedoče video-linkom' (Wiesbaden experts to give testimony by video link), *Politika*, 3 June 2006.

³ Dorotea Čarnić, Aleksandra Petrović, 'Zvezdan Jovanović pretio u sudnici' (Zvezdan Jovanović makes threats in the courtroom), *Politika*, 7 June 2006.

⁴ A. Roknić, 'Neizvesno svedočenje veštaka iz Vizbadena' (Wiesbaden expert testimony uncertain), *Danas*, 13 June 2006.

take place in shorter time intervals.⁵ Reacting to the criticism of the Special Prosecutor's Office for Organized Crime, the President of the Belgrade District Court, Siniša Važić, said that none of the parties to the proceedings had made any complaints to him so far about the proceedings not being conducted expeditiously. Važić also said: 'I'm sure that regarding the case in question the Trial Chamber is absolutely abiding by the provisions of the Criminal Procedure Act, especially in view of the fact that we're dealing with a detention case.'⁶

On 23 June 2006 the Trial Chamber decided to accord Dejan Milenković cooperating witness status and to examine him in September.⁷ In July, a member of the Gendarmerie, Goran Borisavljević, who was posted outside Milorad Ulemek's house at the time of his surrender, gave his evidence.⁸

On 31 August, shortly before the start of the September hearing, the daily *Danas* announced that Judge Marko Kljajević was to 'pull out of the Prime Minister Đinđić assassination trial.'⁹ On 1 September the Supreme Court of Serbia officially confirmed that on 28 August Judge Marko Kljajević had applied for the termination of his judicial office.¹⁰ After prolonged media speculation as to why Kljajević had tendered his resignation, he broke his silence at the end of September and gave the reasons. In an interview with the daily *Danas*, Kljajević explained his decision as follows: 'The newspaper articles to which the State authorities failed to react adequately induced in me a sense of confusion and vulnerability. I was given no support from any organ of the State - I'm referring in particular to the Government and the appropriate Ministry. What is more, they treated me as an enemy. One wonders how much a man can take before his decision-making as a human being is affected. As is well known, my brother Goran Kljajević was arrested on media charges of being the leader of the '[fraudulent] bankruptcies mafia'. He was taken to his workplace, the office of President of the Commercial Court, with handcuffs on his hands and was photographed there...Some of the people charged with

⁵ D. Čarnić, 'Tužilaštvo: Sud neažuran' (Prosecutor's Office: the Court is not expeditious), *Politika*, 14 June 2006.

⁶ M. Derikonjić, 'Traži se "naročita hitnost"' ('Extra promptness' urged), *Politika*, 14 June 2006.

⁷ N. Bjelić, 'Bagzi imenovao ubice i naručioce' (Bagzi names the murderers and the order-givers), *Novosti*, 24 June 2006.

⁸ D.Č., 'Bagzi svedoči 7. septembra' (Bagzi to give evidence on 7 September), *Politika*, 8 July 2006.

⁹ A. Roknić, 'Sudija Marko Kljajević se povlači iz procesa za ubistvo Đinđića' (Judge Marko Kljajević to withdraw from the Đinđić assassination trial), *Danas*, 31 August 2006.

¹⁰ Aleksandar Roknić, 'Sudija Kljajević traži razrešenje funkcije' (Judge Kljajević applies to be relieved of office), *Danas*, 2-3 September 2006.

grave criminal offences, such as war crimes and organized crime, have never been photographed in attitudes insulting to their dignity. Why are they doing this to the accused Judge Goran Kljajević and why is nobody being called to account? I had no assistance in matters of calling for expertise, I worked without a single expert assistant, I did everything myself. Decisions as well as preparation of hearings, both decisions and statements of reasons. I had absolutely no assistance any longer. To say nothing of the security arrangements. I had to read up on the matter given the nature of the case: I was a protected person entitled to be told who was looking after him. I had to find out whether that person's assignment constituted a conflict of interest relative to the case I was in charge with. To tell you the truth, I had my doubts: my first bodyguard had been arrested for kidnapping - so much for the protection given by the police...Actually they were protecting themselves from me, lest I should try to find out the truth. They say that the police treated me correctly - this in spite of the fact that my first bodyguard was arrested for kidnapping.'¹¹

The President of the District Court, Siniša Važić, appointed Nata Mesarović as President of the Trial Chamber, and Važić and the Special Court judges decided at a meeting to appoint Judge Radmila Dragičević-Dičić as a new member of the Trial Chamber. The new Trial Chamber opened the September hearing on 7 September. In keeping with the Criminal Procedure Code, the Non-Trial Chamber of the competent court ruled that the proceeding shall be deemed to have started anew if the records of the evidence given by the accused, witnesses, and expert witnesses at the main hearing are read out, rather than examining the witnesses again.¹²

The Wiesbaden Institute ballistic expert, Bernd Zalcinger, was examined by video-link conference on 6 November. Answering questions by parties to the proceedings, Salzinger confirmed the findings of the domestic experts as well as those of the Wiesbaden Institute.¹³ Cooperating witness Dejan Milenković was examined on 23, 24, 27, and 28 November and he confirmed the main points of the indictment. Of special importance was his testimony concerning the assassination attempt against Đinđić near the Limes Sports Centre in New Belgrade, considering that he talked as a direct participant in the incident.¹⁴ Meanwhile, the police arrested Aleksandar

¹¹ Bojan Tončić, 'Nisam mogao da sudim slobodno' (I couldn't adjudicate freely), *Danas*, 23-24 September 2006.

¹² Aleksandar Roknić, 'Nada Mesarović umesto Marko Kljajević' (Nada Mesarović to replace Marko Kljajević), *Danas*, 7 September 2006.

¹³ I. Pejčić, 'Salzinger: Nema trećeg metka' (Salzinger: No third shot), *Danas*, 7 November 2006.

¹⁴ Ivana Pejčić, 'Odluku o ubistvu Zorana Đinđića doneli Milorad Ulemek i Dušan Spasojević' (The decision to kill Zoran Đinđić was taken by Milorad Ulemek and Dušan Spasojević), *Danas*, 24 November 2006.

Simović, a fugitive member of the 'Zemun gang', in a New Belgrade flat on 25 November. Simović denied having taken part in the assassination and refused to answer questions from the Trial Chamber and other parties to the proceedings.¹⁵

The Events Related to the Trial

Persons associated with the trial remained in the focus of public attention in 2006 too. The most drastic incident in this connection was the kidnapping and cruel murder of cooperating witness at the trial Zoran Vukojević. On 3 June the police found Vukojević's body among bushes next to the Belgrade-Zagreb motorway near Belgrade Airport. A few hours earlier the same day the body of a man later identified as Zoran Pović a.k.a. Pova, a member of the 'Zemun gang', was found outside the Emergency Centre in Belgrade. According to the police event reconstruction, Vukojević was seized in his yard by several members of the 'Zemun gang' including Pović. The police believe that at one moment Vukojević succeeded in grabbing a pistol and shooting Pović during a car ride. The same day, the police discovered a burned Audi 6 car near the Limes Sports Centre. The police believe that the Audi car was used in Vukojević's kidnapping and bore blood stains resulting from Pović's wounding.¹⁶

The incident set off a chain reaction in the public. The Special Court spokeswoman, Maja Kovačević-Tomić, condemned the murder of a cooperating witness in the Đinđić assassination trial as a 'Blow to the State's fight against organized crime', adding that one may well wonder 'whether the incident will not shake the cooperating witnesses who are yet to be examined.'¹⁷ Vukojević's counsel Ilija Radulović asked publicly: 'Can this State guarantee physical safety to the cooperating witnesses, considering that they are an institution of criminal procedure envisaged under the Criminal Procedure Act?'¹⁸ The attitude of the State authorities to the incident, especially of the police and the Special Prosecutor's Office, could be summed up in the statement of the Minister of the Interior, Dragan Jočić, that the killing of Zoran Vukojević was a 'squaring of accounts between members of the same criminal group.' In a statement to the RTS channel, Jočić said that the killing was partly

¹⁵ I.P., 'Simović negira učešće u atentatu' (Simović denies his participation in the assassination), *Danas*, 15 December 2006.

¹⁶ Zagorka Uskoković and Nataša Bijelić, 'Ubijen zaštićeni svedok' (Protected witness murdered), *Novosti*, 4 June 2006.

¹⁷ Ibid.

¹⁸ Ibid.

to blame on the 'surprising' delays in the Đinđić assassination trial.¹⁹

Most puzzling of all in connection with Vukojević's murder was the attitude of the Special Prosecutor's Office, which saw no omission on the part of the police in the affair and subscribed to the formal legal explanation offered that Vukojević himself had turned down the offer of State protection. Thus, the Special Prosecutor's Office spokesman, Tomo Zorić, said: 'The State cannot help a person who does not want to sign up for the prescribed protection programme.'²⁰ The position of the Special Prosecutor's Office on the matter implies that the State should protect a party to a proceeding only for his own sake, there being no suggestion of a desire on its part to enable a cooperating witness to make his own contribution to the resolution of the case. The Special Prosecutor's Office sided with the police by absolving them from any blame and shifting the entire blame onto the cooperating witness who had declined State protection. Regarding the position of the police and the Special Prosecutor's Office that Vukojević alone was to blame for exposing himself to the risk of being kidnapped and murdered, attorney Božo Prelević offered the following commentary: 'If one bears in mind the fact that police protection has been turned down [time and again], including by Gordana Đinđić, sister of the murdered Prime Minister Zoran Đinđić, and by Ljubiša Buha, one may well wonder what kind of protection is on offer to the cooperating witnesses. No one's crazy enough to turn down effective protection! Gordana Đinđić refused police protection after seeing the police officers tasked with guarding her reading Legija's book.'²¹ In spite of the fact that in 2005 the Supreme Court of Serbia, in pursuance of its right of supervision, had noted in a report that Judge Marko Kljajević was conducting the Đinđić assassination trial lawfully,²² Minister Dragan Jočić first suggested that the responsibility for the killing of cooperating witness Vukojević - which he regarded as purely a settling of accounts between members of the same mafia group - also attached to those going slow on the Đinđić assassination trial.²³ Jočić was supported in this by his party colleague, Serbian Minister of Justice Zoran Stojković. At the opening of the Mediation Centre in Belgrade, Stojković said: 'The trial of the persons charged with the assassination of Prime Minister Zoran Đinđić could have

¹⁹ A. Roknić, J. Čolak, 'Dragan Jočić: obračun između pripadnika iste kriminalne grupe' (Dragan Jočić: A showdown between members of the same criminal group), *Danas*, 5 June 2006.

²⁰ A.G., 'Zaštita samo uz saglasnost' (Protection only with consent), *Press*, 5 June 2006.

²¹ Aleksandra Petrović, 'Pokajnici i pokojnici' (The penitents and the deceased), *Politika*, 6 June 2006.

²² See the 2005 annual report of the Helsinki Committee for Human Rights in Serbia.

²³ E.P., 'Šta radi taj Specijalni sud?' (What is that Special Court doing?), *Press*, 5 June 2006.

proceeded faster and the Ministry [of Justice] has done all it could to facilitate the trial. On coming to the head of the Ministry of Justice, I noticed that no proceeding could be got going owing to the obstruction and harassment of the courts. It was not before the law was changed with a view to preventing these obstructions, coming in the form of demands for the disqualification of judges that the trial of those accused of killing Đinđić really started.²⁴ In an interview given to the daily *Danas* following his resignation, Marko Kljajević touched upon the accusations that he had been dragging his feet over the Đinđić assassination trial. Kljajević said: 'Those who have been following this trial, and are experts themselves, know that it isn't so. I'd like to remind you, the public, of the beginning of the trial. You should be able to recall the many objections made regarding the procedure. For a trial to be lawful and regular, such objections must first be heard, then they must be considered and relevant decisions rendered. Some of these decisions must be explained. Some of them can be impugned by appeal. In such cases one must await the decision of a superior court. I appointed hearings whenever I could, in so far as it was technically feasible and there was available room in the Section. My colleagues know this. The assessment that I dragged my feet over the case is simply not true, and this isn't hard to prove if you take even a cursory look at the case. The public must be aware of the fact that the allegations of foot-dragging pose a greater threat to this trial than my resignation. If what they're saying is true, I don't know why they didn't say so earlier. If the Ministry of Justice thought that the proceedings were being delayed, why didn't they carry out an inspection? Why are they speaking out only now, now that I'm no longer the judge in charge of the case? These are the questions that ought to be put to the public.'²⁵

At the middle of July, a member of the working group drafting legislation on criminal law matters, Belgrade Faculty of Law Professor Dr Milan Škulić, announced the establishment of organized crime sections at the district courts in Novi Sad, Niš, and Kragujevac, the object being to transfer the jurisdiction of the Special Section of the Belgrade District Court to these courts with respect to certain cases having to do with organized crime. Asked by reporters whether the announcement spelt the abolition of the Special Court for Organized Crime, Dr Škulić replied: 'There is no Special Court for Organized Crime, only the Organized Crime Section of the Belgrade District Court. Organized crime cases will continue to be dealt with by the Belgrade District Court, that is, by the appropriate chambers, besides which proceedings will also be conducted by other district courts falling within the territorial jurisdiction of the future courts of appeal. The Organized Crime Chamber of

²⁴ J. Čolak, 'Stojković: Suđenje za ubistvo Zorana Đinđića moglo je biti brže' (Stojković: The Zoran Đinđić assassination trial could have been conducted more expeditiously), *Danas*, 26-27 August 2006.

²⁵ Bojan Tončić, 'Nisam mogao da sudim slobodno' (I couldn't adjudicate freely), *Danas*, 23-24 September 2006..

the Belgrade District Court remains, with plans to create the same conditions for conducting proceedings as in the Belgrade court.'²⁶

The spokeswoman for the Special Section of the Belgrade District Court, Maja Kovačević-Tomić, voiced doubts about the announced legislative changes, stressing that at present they would cause more damage than good to the State's fight against organized crime. Judge Kovačević-Tomić put forward the following arguments: 'We were moved out of the District Court building specifically on grounds of trial security needs and the risks associated with organized crime. Because the harm [caused by organized crime] is spread throughout the territory of the State, the trials are held in one place. Speaking of organized crime, the place of commission is hard to establish and the consequences occur throughout the territory of the State, what with the drug dealing networks, the human trafficking networks...

This section has proved worthy of the public's trust which I know exists... Under the new Criminal Procedure Act, which is due to take effect in a few months, there is no indemnity for a cooperating witness, only a halving of the term prescribed. A choice is left between agreeing to give evidence and living in fear for the rest of one's life, or getting twenty years for a criminal offence carrying a forty-year term.²⁷

After TV B92 reported that books by Milorad Ulemek Legija were on sale in bookshops and on display in the windows of the publishing house Prosveta, the Democratic Party spokesman, Đorđe Todorović said: 'In an indirect way, the State is absolutely behind Legija. My guess is that Prosveta is paying royalties to Ulemek Legija of some kind or another. We now face an absurd situation where the State, or rather a State-owned company, is paying money to a man charged with and sentenced for the murder of Ivan Stambolić and for the assassination attempt on Vuk Drašković in Budva, a man also indicted in the Serbian Prime Minister assassination trial.'²⁸ At the end of November, Dejan Milenković testified before the Special Court Chamber in his capacity as cooperating witness. His testimony set off numerous reactions in the public because he insisted that some political leaders (Nebojša Čović and Vojislav Šešelj) knew of the preparations to assassinate the Serbian Prime Minister. Much attention focused on what Milenković had to say about the role of his counsel at the trial, Biljana Kajganić and Nikola Gavrilović. Milenković said that Kajganić was in constant touch with him while he was in Greece, urging him not to give himself up and relaying to him greetings from Milorad Ulemek and his counsel, Slobodan Milivojević. After Milenković surrendered

²⁶ Aleksandar Roknić and Jasmina Čolak, 'Ukida se Specijalni sud za organizovani kriminal' (The Special Court for Organized Crime to be abolished), *Danas*, 13 Jul 2006.

²⁷ Ibid.

²⁸ N.D., 'Prosveta povlači Ulemekove knjige iz svojih knjižara' (Prosveta recalls Ulemek's books from its bookshops), *Danas*, 18 October 2006.

to the Greek authorities, Kajganić tried to put off his extradition to Serbia in various ways. Her efforts having failed, Milenković said, she encouraged him to accept the cooperating witness status and then accuse Čedomir Jovanović and Vladimir Popović a.k.a. Beba of complicity in the assassination.²⁹ Milenković went on to say that the first statement he was to make to the Serbian authorities was drawn up by his new counsel Nikola Gavrilović (hired by Milenković's wife Jasna on the recommendation of Ulemek's wife Aleksandra Ivanović) and Ulemek's counsel Slobodan Milivojević. The object of the statement, Milenković said, was to 'implicate Beba and Čeda [Čedomir Jovanović] in the assassination of the Prime Minister.'³⁰ In an interview with the daily *Press*, Jasna Milenković gave some interesting information concerning her husband's counsel. For instance, concerning the role of Biljana Kajganić in the defense of her husband, Jasna Milenković said this: 'Now, as to that Kajganić woman, she's a story in herself. Why, she's ready for anything. She not only asked him to do that [give false testimony], she also tried to put him up to worse things...Now, however, she's silent, ostensibly she's obliged by the law to keep silent...Kajganić is a liar and a thief. My husband could not agree to all the loathsome proposals she made. She secretly went to him in Greece to persuade him to lie...I can't talk to you about that now, but I'll tell you that on two or three occasions she went with our daughter to visit Dejan in Greece and she tried to put him up to all kinds of things. Well, she tried all sorts of things, she tried this way and that to put ideas into his head, but all that will come out into the open sooner or later.'³¹

The role of the attorneys defending the accused at the Đinđić assassination trial is dealt with at length in our annual report for 2004. The report makes reference to an article by the weekly *Vreme* journalist, Miloš Vasić, who disclosed the existence of a transcript of an intercepted telephone conversation between Biljana Kajganić and Dejan Milenković.³² A corollary of the publication of the article was an attempt to get the Third Municipal Public Prosecutor's Office to institute proceedings ex officio against the journalist. Appearing in the TV B92 programme *Insider*, a prosecutor with the Third Municipal Public Prosecutor's Office, Gordana Čolić, said that on receiving the criminal complaint from the Republic Public Prosecutor's Office, and before bringing an indictment against Miloš Vasić, she wanted to undertake investigative measures to find out whether the intercept transcript existed at all. People from the Republic Prosecutor's Office then began to apply pressure

²⁹ Ivana Pejčić, 'Odluku o ubistvu Zorana Đinđića doneli Milorad Ulemek i Dušan Spasojević' (The decision to kill Zoran Đinđić was taken by Milorad Ulemek and Dušan Spasojević), *Danas*, 24 November 2006.

³⁰ 'Ko je pravi pisac' (Who the real author is), *Novosti*, 24 November 2006.

³¹ S. Vojnović, 'Bagzi ne laže!' (Bagzi does not lie!), *Press*, 9 December 2006.

³² See the 2004 annual report of the Helsinki Committee for Human Rights in Serbia.

on her: 'There was a call from that Deputy Republic Prosecutor. He asked what we intended to do about the case. We said we were trying to find out the truth. He was appalled at the fact that we wanted to establish the truth, being of the opinion that we ought to bring charges against Miloš Vasić at once...Judges with the District Court informed us that the interceptions had been ordered and carried out, the audio recordings and transcripts had been left in their custody, then passed on to the Special Section and the Prosecutor's Office...The Republic Prosecutor's Office applied pressure on us to bring an indictment at once because they knew that the law was about to be amended and that we would no longer be in charge. According to the law, the Republic Prosecutor's Office is entitled to give opinions and instructions, but it must do this in writing. This was not done, and the Deputy Republic Prosecutor kept harassing and reasoning with us for two months.'³³

Biljana Kajganić for her part denied all the allegations concerning Dejan Milenković's testimony and Miloš Vasić's article. She also filed a libel action against Vasić with the Third Municipal Court. Commenting on the case, she made the following statement to the daily *Press*: 'I declare under full responsibility that such transcripts don't exist, for the simple reason that I never had any such conversations with Bagzi! Likewise, I did not ask him to be a cooperating witness, I did not make any mention of any connections with Rade Bulatović and Dragan Jočić, nor did I ask him to make false accusations against anybody!'³⁴

At the end of November the police arrested Aleksandar Simović, one of the persons charged with taking part in the assassination of Prime Minister Zoran Đinđić. Interestingly, before the arrest was made, media had been reporting allegations that the brothers Simović had often been seen in some public places in Belgrade without being bothered by the police. After the arrest, media speculated that it was timed to coincide with the start of the election campaign in Serbia. Miodrag Radivojević, a researcher with the Institute of Political Studies, said: 'There is no doubt that the action against the members of the "Zemun gang" was preserved for the elections. With political considerations in mind, this is intended to prove the existence of a law-governed state which arrests criminals. I expect that in the course of next month the Government will unearth a number of corruption scandals.'³⁵

³³ E.B., 'Optužnica po nalogu' (An indictment to order), *Blic*, 13 December 2006.

³⁴ D. Isailović, 'Slučaj Bagzi' (The Bagzi case), *Press*, 13 December 2006.

³⁵ S.V., 'Tempirano?' (Was it timed?), *Kurir*, 27 November 2006.

The Media and the Trial

Politika - Ljubiša Buha Čume

Even since the Đinđić assassination trial started, the person of the chief collaborating witness, Ljubiša Buha, was a pet subject of certain media establishments, especially tabloids, in Serbia. Among these, the daily *Politika* gave extensive coverage to Buha's status in the proceedings, his relations with the police officers guarding him and the Government authorities concerned with his status in the proceedings, speculations whether he deserves his status at all or should be stripped of it, and even to untrue allegations that his status was about to be abolished. At the beginning of February a number of media outlets announced that 'cooperating witness Ljubiša Buha Čume has gone missing'. The information kept recurring for several days until the MUP and the Special Prosecutor's Office issued denials. A reporter with the daily *Danas* interviewed the Chief of the Crime Police Administration, Milorad Vejović, who said that the MUP had no official information that Buha had disappeared. The Special Prosecutor's Office spokesman, Tomo Zorić, said the same and stressed that 'as far as they knew Buha enjoyed round-the-clock protection' and that the 'Prosecutor's Office will fulfill every legal obligation to Buha with a view to his protection.'³⁶

In March, *Politika* ran an article headlined 'Čume rescinds contract with the State'. The daily was referring to the fact that under the Law on the Programme of Protection of Participants in Criminal Proceedings eligible persons had been entitled since 1 January 2006 to ask the State to provide them with the special protection stipulated by the Law. The author of the article alleged, without naming the official source of the information, that Buha had not signed any agreement with the State entitling him to protection as a party to the proceedings.³⁷ In spite of the denial a month earlier that Buha had 'disappeared', the author suggested that Buha was free to leave Serbia whenever he wished. The author quoted Dr Milan Škulić as saying: 'Ljubiša Buha Čume is a possible defendant and for this reason he shouldn't be allowed to leave the country.' In order to lend credence to the possibility of Buha's walking out of the country unopposed, the author also wrote: 'The law does not forbid him to leave the country. Though Buha's passport is still in the safe of the Organized Crime Suppression Service, nothing practically prevents him from picking it up and going abroad.' Even Nenad Vukasović, who is defending Zvezdan Jovanović in the Đinđić assassination trial, passed the

³⁶ V.Z. Cvijić, 'Buha: Zabranjeno mi je komuniciranje sa medijima' (Buha: I'm forbidden to communicate with the media), *Danas*, 1 February 2006.

³⁷ Dušan Telesković, 'Čume raskinuo ugovor sa državom' (Čume rescinds his contract with the State), *Politika*, 11 March 2006.

following comment on the suggestion: I don't find it logical: up to now he needed protection, but all of a sudden he no longer needs it. I think that it's in someone's interest that Buha shouldn't be here.'³⁸ That such media speculation had serious potential to harm the parties to the proceedings was best shown by the reaction of Buha's attorney, Stevan Protić, on being asked by a *Politika* reporter whether his client had retrieved his passport from the police custody: 'I'm going to report your inquiries to the Prosecutor because you're compromising the security of Ljubiša Buha Čume.'³⁹ Truth to be told, TV B92 announced in its Insider programme that on 17 February Buha had applied for protection of his person and property under the new Law on the Programme of Protection of Participants in Criminal Proceedings. Buha received no reply to his application during the next four months, that is, until Zoran Vukojević Vuk, another cooperating witness in the proceedings, was murdered;⁴⁰ after that, the police gave protection to Buha and to the Trial Chamber President, Marko Kljajević.⁴¹

Within days of Vukojević's abduction and murder, *Politika* ran an article headlined 'Čume maltreats guards and police officers'. By way of an introduction, the author announces, citing secret police sources close to the Prosecutor's Office that Buha would be stripped of his status as a cooperating witness in the proceedings. In the next paragraph, the author quotes an unnamed Prosecutor's Office source as saying that 'Buha would have been stripped of his status if that were within their [the Prosecutor's Office's] competence, but this will be difficult to accomplish given that the decision rests with the Trial Chamber, with Judge Marko Kljajević at its head.'⁴² In support of the case that Buha should be stripped of his status, the author notes that Buha had been maltreating the men detailed to protect him. The author also alleges that Buha had meanwhile been traveling to Bosnia and Herzegovina without the knowledge of the police, that he had extensive business contacts there and engaged in road asphaltting.⁴³

No sooner was the *Politika* article published than the Special Prosecutor's Office issued a press release denying the allegation set out in the article that Buha stood to lose his cooperating witness status. In this connection, Special Prosecutor Slobodan Radovanović said: 'The only persons with authority to give official information to the media are the Special

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ 'B92: Buha četiri meseca čeka zaštitu' (Buha waits four months for protection), *Danas*, 6 June 2006.

⁴¹ E.P., 'Marko Kljajević and Čume u strahu' (Marko Kljajević and Čume live in fear), *Press*, 5 June 2006.

⁴² Dušan Telesković, 'Čume maltretirao čuvare i policajce' (Čume maltreats guards and police officers), *Politika*, 14 June 2006.

⁴³ Ibid.

Prosecutor himself and the Prosecutor's Office spokesman. Regarding matters of this nature, I appeal to the media to desist from citing unnamed sources who do not look forward to the conclusion of this trial...The Prosecutor's Office for Organized Crime, with the Special Prosecutor at its head, has been doing all it can in order than the most important proceeding before the Special Section of the Belgrade District Court – the trial of those accused of the murder of Zoran Đinđić – should be brought to an end as soon as possible and the perpetrators punished. The deliberate aim of such disinformation is to subvert the trial for the Prime Minister's murder, and the media ought not to play any part in this...As Special Prosecutor, I have no information that Ljubiša Buha Čume has refused police protection for a second time. I wouldn't like to go deeper into this subject.⁴⁴

NIN – the indictment against the accused

The weekly *NIN* has from the first focused on the indictment underlying the Đinđić assassination trial. In a series of texts the weekly's journalists Slobodan Ikončić and Nikola Vrzić in particular subjected to close scrutiny the evidence presented during the inquest and the main hearing. The purpose of these texts is to prove that the indictment is factually and legally unfounded. Underlying this writing is the hypothesis that Đinđić was not shot by Zvezdan Jovanović from the direction of Admirala Geprata street but by someone firing from another direction. These texts are dealt with at great length in our previous reports on the trial.⁴⁵ In an article with the inspired headline 'A blank from Wiesbaden', Vrzić argues that the German forensic experts failed to provide answers to many controversies surrounding the assassination. The article was occasioned by the examination of the ballistic expert, Bernd Zalcinger, in his capacity as expert witness. Questioning the motives of the Wiesbaden Institute experts to give evidence at all and going into every detail of Zalcinger's testimony, Vrzić comes to the point of the whole exercise: 'The Wiesbaden experts say themselves that what they wrote in their expertise is only one of the possible explanations of the crime. Now, in whose interest is it to declare the Wiesbaden version as the "definitive corroboration of the indictment"?'⁴⁶

⁴⁴ Ibid.

⁴⁵ See the 2004 and 2005 annual reports of the Helsinki Committee for Human Rights in Serbia.

⁴⁶ Nikola Vrzić, 'Ćorak iz Vizbadena' (A blank from Wiesbaden), *NIN*, 9 November 2006.

Kurir – the exclusive interview with Zvezdan Jovanović

The daily *Kurir* serialized an interview with defendant Zvezdan Jovanović in spite of the fact that one is allowed to communicate with a person subject to an ongoing criminal proceeding only with the permission of the Trial Chamber President. It is unlikely that *Kurir* had Judge Mesarović's permission to conduct and publish the interview, one of whose installments carried the headline 'Throw Prijčić into the clink'. In connection with the Deputy Prosecutor, Jovanović said: 'As to my "Arrest Prijčić!" I meant it seriously and I will go on repeating this until he's called to account for everything he did to my personally and for everything he did during [Operation] "Saber". I declare under full responsibility that Prijčić is a counterfeiter and much worse than that, but all in good time. Unless he invokes his many immunities, he'll have to look me in the eye soon. But even if he invokes his immunity, he'll have to account for all that sooner or later. You can't mean that they handpicked Prijčić for being a hot-shot of a prosecutor, because he is a paragon of honesty and courage and because he has purged Zrenjanin and Vojvodina of crime?'⁴⁷

Conclusion

The trial for the assassination of Serbian Prime Minister Zoran Đinđić is by all means one of the landmark trials in Serbia's recent history. It is significant not only because it is expected to demonstrate that Serbia's Government institutions are ready and able to deal with those who struck at the country's constitutional order, but also because the judgment should throw as much light as possible on the overall socio-political circumstances culminating in the assassination of Prime Minister Đinđić. The trial should also point to the succeeding generations in Serbia the way the country is to follow if it wants to become a regulated, civilized state integrated in the modern European and international community.

In view of the import of this trial, we think it crucial that the future Government of the Republic of Serbia must avoid the temptations to which the Government of Prime Minister Vojislav Koštunica has succumbed so far as the attitude to the trial is concerned. We consider that the attitude of some of the ministers in the outgoing Government has had extremely negative effects on the proceedings and the parties. This precisely is what the new Government must try to avoid. It must make clear that the State stands firmly behind the institutions conducting the trial and that the entire political nomenclature of the State supports the efforts being made by the prosecuting authorities and

⁴⁷ Dragana Manojlović, 'Prijčića u aps' (Throw Prijčić into the clink), *Kurir*, 20 May 2006.

the judiciary in particular to bring the proceedings to the most satisfactory conclusion.

In our opinion, it is especially important that the Government institutions should address themselves to the reporting and activities of the media outlets which published sensationalist information, mostly from unnamed sources, in order to hamper and obstruct the proceedings. Interestingly, no State organ has so far dealt with the publication by certain media of letters and exclusive interviews by some of the accused in spite of the fact that such practices are illegal. We consider that the new Government must address this phenomenon in order to protect the judicial proceeding itself and the participants in it.

SERBIA'S NEW CONSTITUTION SECURES CONTINUITY TO LEGAL SYSTEM

Social Background

If we adopt constitution, which, for example prevails in the US, and which preamble, generally gives explanations and motives for the constitution adoption, without giving direct prerogatives and power to any structure of power, and if we regard constitution as the supreme legal act of the country, the one determining socio-political space in which it is valid, then motives and explanations for its adoption-given in its preamble-, represent the most important sources of system of social values of that society.¹

Which social values are promoted by the Constitution of the Republic of Serbia? Its preamble reads:

"In view of the state tradition of the Serb people and equality of all citizens and ethnic communities in Serbia,

and in view of the fact that the Province of Kosovo and Metohija, is an integral part of territory of Serbia, with essential autonomy within the framework of the sovereign Serbia, and that from its such position stem constitutional obligations of all state bodies to represent and protect state interests of Serbia in Kosovo and Metohija and in all internal and foreign-policy relations,

citizens of Serbia pass"²

The state tradition of the *Serb* people is the most important social value. Any comment of the foregoing would be superfluous. Then the Serb constitution proclaims equality of all citizens and ethnic communities. Is it

¹ *The preamble of the US constitution, which for example, spells out:*

"We, the people of the United States, to create a more perfect Alliance, establish Justice, ensure internal peace, take care of the joint defence, promote general Welfare and provide for Benefits of Freedom for us and our Offspring-sign and adopt this Constitution for the United States of America",

most surely directly fosters a more perfect form of the state order, justice, peace, security of citizens, wealth of citizens, freedom, and indirectly, since it is being passed by the people, equality of all citizens of the US, regardless of their faith, nation, race and social status.

² Draft Constitution of the Republic of Serbia, Belgrade, 2006. preamble, str.1.

equality in poverty, non-freedom and isolation? Or equality in wealth, freedom and justice? As the foregoing is not mentioned in the preamble, one may only draw a conclusion that the only important and desirable thing is equality between citizens and ethnic communities regardless of their living conditions. The third most important social value promoted by the said preamble is "the fact that the Province of Kosovo and Metohija is an integral part of the territory of Serbia...", and the ensuing obligations of the state bodies. Therefore it may be assumed that separation of the province of Kosovo and Metohija from the framework of the Republic of Serbia, which *de facto* had taken place 7 years ago, and which shall most probably happen *de jure* within the next 6 months, would be tantamount to the end of any system of social values in Serbia. Are we to deduce that the constitution authors were just hasty and not prudent? Or are we to assume that such a wording expresses their true wishes and –goals? It is also said at the end of the preamble that the Constitution is being passed by citizens of Serbia. Since the very first article of Constitution lays down that Serbia is the state of the Serb people and other citizens living in it, does it mean that Constitution is not being passed by members of the Serb people? Reply to this question is very simple, and contains the most important criticism of social connotation of the draft constitution. This Constitution was written hastily, by amateurs, and promotes current political goals. Hence it abounds in logical and other errors. Constitutional text should represent a compromise between those political forces which represent the majority of citizens of our country. It indeed represents a compromise, but in fact the compromise of the parties which have the majority in the current parliament. And that majority does not represent the majority of citizens of our country, for in the past 15 years very powerful social forces and interest groups, with more or less success, did their utmost to prevent representation of citizens' interests in the national parliament. This is a political stand, but Constitution is both a legal and political document. Only a constitution representing a compromise of genuine social forces, made up of citizens, may be a long-term document. That holds true of the US Constitution which has been in force for over 200 years. And only a long-living constitution may be a guarantee of a stable, fast-developing and successful society. Can we imagine Serbia in 200 years, Serbia in which the most important ideals are still the state tradition of the *Serb* people, declarative equality of citizens and possession of the province of Kosovo and Metohija?

The Constitution's Political Connotations

Manner of constitution-adoption is usually tantamount to legalization or denial of the previous constitutional system. Manner in which the recent Serb constitution was adopted indicated in fact legalization of the previous constitutional system. It is a political question *par excellence*. One of lesser consequences thereof is impossibility to conduct lustration, as a minimum

form of dispensation or meeting of social justice. More serious consequences of recent constitution-adoption are reflected in the international-legal status of Serbia and treatment which Serb citizens may expect from other countries. But since Constitution is above all an act for «internal» use, the biggest problems shall emerge in the sphere of criminal-legal and legal-property relations. Responsibility, above all the criminal one, from the previous period, shall be shunned, and the property acquired in that period, legalized. For if the constitutional order in that period was legitimate and legal, then decisions of courts of law, the executive and national parliament majority were legitimate and legal too. Let us tackle that issue by quoting a minor example: shall the people who torched the Federal Parliament and Radio-Television building on 5th October 2000 be prosecuted under the new Constitution? Most probably they shall face trials. What about some more important, collective issues. Does the adoption of Constitution legalize the policy pursued in the previous constitutional order, which enabled trials of presidents of the most powerful countries for «aggression»? Would Bill Clinton be arrested and sent to jail if he were to visit our country to collect donations for the victims of tsunami? Of course, he would be arrested. Should all Albanians living in Kosovo be considered as –renegades? Should they be driven out from that territory, like it had been done in the previous constitutional system? Should key actors of such expulsion-politicians, judges, soldiers and policemen, currently facing trials in the Hague-be rewarded? Obviously-yes, they should be rewarded. Does it mean that our state should declare war or at least, like China in case of Taiwan, impose sanctions vis-à-vis countries which recognize Kosovo? The answer is-yes. Such crazy scenarios, judging by the experience of the past 15 years, are quite feasible. But, we however assess that they are less probable. Why then we pass constitution in such a way, and thus legalize the previous constitutional system. Like in earlier instance, the only reply is –haste, amateurism, and current political needs of the prime movers of the political and economic scene. Unless a compromise of forces taking decisions on amendments to the constitution is not tantamount to their wish to institute a non-legal state and to retain a quasi-constitutional system?!

The Constitution's Formal Aspects

Constitution was amended in the form envisaged by the previous constitutional system. Text of the draft constitution was adopted by the National Parliament of the Republic of Serbia on 5 October 2006. Parliament held the final debate on the draft constitution in quite unusual time, namely, in late Saturday night hours, though Serbia was not in the state of emergency! Added to that the debate on adoption of the new constitution lasted 6 years! It was more or less intense and was related primarily to the need for the new constitution and the manner of its adoption. That prolonged debate did not

address the contents of any article of the proposed constitutional text. Therefore it is insulting to impose the lie that the debate was genuinely held for 6 years. Namely the constitutional text was disclosed to the general public only after its parliamentary adoption. MPs were presented with the text on the very eve of the final session, and after adoption of the new constitution many of them were not able to comment its most important points, thus evidencing their total ignorance of the whole matter. Voting, as usual, was in line with party orders. Text was drafted without consultations with the civilian sector, minorities associations and parties, non-party prominent public figures, citizens, professional associations and trade-unions. Thus-written and subsequently adopted Constitution was obviously a compromise between parliamentary parties and some social forces, of , to say the least, debatable legitimacy. On the basis of constitutional text we may only guess the identity of those social forces. To sum it up the text of the constitution was written covertly and citizens were compelled to face it in the «take it or leave it» manner.

Referendum stage-managed to meet the form envisaged by the previous constitutional system unfolded in the manner similar to the one seen during the Milosevic regime. Every trick and manipulation was allowed in order to ensure the success of that referendum. Voting process was not monitored by independent observers. Republican electoral commission in advance kept releasing contradictory results, in order to lay the groundwork for rejection of objections by competent bodies. Also referendum unfolded in a lynch-like mood vis-à-vis referendum opponents. Fascist-style incident stage-managed by a group of students from Kosovska Mitrovica and their political mentors in downtown Belgrade was not condemned by the constitution authors and power-holders. Moreover several days later in Kosovska Mitrovica was engineered a massive rally in support of the aforementioned incident. Branding of constitution opponents as traitors of the Serb people unfolded in line with an oft-applied model in the 90's. And that model encourages the use of physical violence against political opponents and political assassinations of their leaders. The foregoing was confirmed by dint of numerous incidents which followed the referendum campaign. Those violent and brutal incidents were aimed against the constitution opponents.

And finally let us touch on the form of constitutional amendment. That form to a large extent indicates the gist of this draft constitution and importance which its authors attach to some of its parts. That form was determined by the 9th part of the constitutional text. This shall be proved in our later analysis of substantive aspect of constitution. Then we shall also point out that the constitutional text contains the model which became a dominant one in our political practice 15 years ago, and which experiences its peak and confirmation in the current constitutional text.

In the first part of this model there is declarative promotion of freedom and rights of those to whom the model is related. That part serves to legalize the existence of a certain situation and action. Most frequently that part in our political practice was used for foreign policy purposes. Response to pressures on any grounds from the international community was most often declarative promotion of freedoms and rights. The second part of model was intended for «internal» use. Its most important part is a hidden threat and clear message that regardless of declaratively espoused and promoted freedom, the choice envisaged by the model's author must be ultimately opted for or embraced. This model emerges in various shapes throughout the text, but it has a dual essence: its first part is declarative and its second part leaves room for any arbitrary action even if it is considered contrary to other legal acts.

Article 203 of Constitution, paragraph 1, for example, spells out the following:

"Proposal for amendment of constitution may be submitted by at least one third of total number of MPs, president of the republic, government and at least 150,000 voters."

This very easy manner of constitutional amendment represents the basis of the first part of previously described model. It declaratively enabled an easy change of constitution, which is thereafter, declaratively categorized as so-called soft constitution. All substantive shortcomings of the constitution are justified by the fact that it shall be easy to amend the constitution and thus remove those shortcomings. However, the second part of article 203 testifies to the contrary. Paragraph 3 and paragraph 6 introduce the need for the two-third majority in parliament, and paragraph 7 introduces the obligation of referendum decision-taking relating to constitutional amendment. Such stands represent the second part of model which enables constitutional changes only when the authorities find it suitable and under conditions favored by the latter: namely by the two-third majority and over 50% majority in a referendum. Our political practice since introduction of multi-party system indicated that the two aforementioned conditions could not be met, barring in certain stage-managed situations. *De facto* such a manner of constitutional amendment, like in the previous constitutional system means that it is forbidden to alter the constitution. However, paragraph 7 introduces a far worse thing: diverse valuing of importance of some parts of Constitution. If amendments to constitution are related to the constitutional preamble, constitutional principles, human and minority rights and freedoms, arrangement of power, proclamation of wartime and state of emergency, or to procedure for change of constitution, it is necessary to hold a referendum. In case of amendments of other parts of constitution it is not necessary. Thus authors of Constitution in the most open manner showed which parts of constitution indeed make up constitution, and which parts of the text were put there for other reasons. Why other parts were not adopted in the shape of law? The only explanation thereof is the continuing political

practice, which seems to be one of the key factors which impacted the authors of the constitutional text. And that is the practice of watering down of essence.

Substantive Aspects of the Constitution

Criticism of the substantive aspect of Constitution may be divided into two parts. In the first part analysis of some characteristic articles of this model indicates that many first declaratively granted rights, may in fact, later, in practice, be easily suspended and abolished. In the second part we may analyze some concrete shortcomings of some articles, as if we were dealing with an interim situation that is the situation of transition from one to another constitutional system in a state and society with solidly built and well-established institutions of democratic society. The first and more important part, makes nonsensical the second part, but it may also indicate that aside from fundamental error of this Constitution, it also contains some innocently wrong solutions.

In the aforementioned text the analysis of preamble made us deduce that the former introduced into Constitution fundamental social values not corresponding to the ones supposed to be compatible with the 21st century society. This represents the second part of previously discussed model. The first part is in fact embodied in the part of Constitution titled "Constitutional principles". 17 articles thereof contain basic principles which should make ideological postulates of constitution and as such be also a source and mainstay of the system of social values. Some points of those articles are indisputable and well-written, but are not feasible within the aforementioned context. Some articles or their points in fact represent bad solutions, and we shall focus our attention on them:

Article 1: Serbia is not the state of citizens living in it, but the state of the Serb people and other minorities. Aside from already quoted objections to that article, it may be said that the solution was taken over from the Croat and Hungarian constitution, while solutions offered by other countries have been ignored.

Article 5: This article enables creation of the "party state", in which the role once exercised by the Communist Party, is now being taken on by a number of parties-clones. "Political parties cannot directly exercise power, nor subject it to themselves." This declarative part of the aforementioned model, precedes article 102, paragraph 2, which spells out: "An MP is free, under conditions determined by the law, to put his mandate irrevocably at disposal of the political party which had proposed it as an MP." New constitution enables parties to control parliamentary mandates of MPs and create a system in which parties «directly exercise power" and "subject it to itself". This is yet another example of declarative democracy, and realistic abolition of rights and

freedoms, which may have dire consequences for the majority of citizens, that is turn them into hostages of all-powerful parties. .

Article 10: "In the Republic of Serbia in official use are Serb language and Cyrillic alphabet. Official use of other languages and alphabets is regulated by the law, on the basis of Constitution." In this article we may also identify an affirmative part, which, in this case, follows the part denying the given/granted right. The right to official use of other languages and Latin alphabet is yet to be guaranteed by laws to be adopted at a later date. Aside from an obvious general strategy which is present in the whole text of Constitution, this article is likely to create enormous problems for minorities, and also for all those who don't want to directly violate the law. The only acts which currently regulate the use of other languages and alphabets are the old federal laws, which no longer have legitimacy. This means that members of minorities and other citizens shall be compelled to break the law or take part in a circus presented as a legal state until the Serb parliament passes new acts relating to use of Latin alphabet and other languages.

Article 16: "Ratified international treaties and accords must be in keeping with Constitution." This article calls into question all the previously undertaken commitments, which had to be met prior to Serbia's accession to Council of Europe. This article represents a hidden incentive to forces advocating isolation of our country and transformation of our citizens into ignorants, paupers and desperados.

As regards the first part of Constitution, it is per se part of model, articles 5 and 102 being the most conspicuous examples thereof. Some articles- notably 10 and 16- introduce values which are not even hidden by the described model:

The second part of the text of Constitution titled "Human and minority rights and freedoms" should represent the biggest improvement with respect to the previous Constitution. However, we see that in this, like in other parts of Constitution, the model here analyzed also emerges. We shall now quote the most conspicuous articles in that regard :

Article 20: Affirmative part of the model present throughout the whole text of Constitution is visible in articles 18, 19, 23-27, 39-47, 50, 55-59, 61, 75-79 "guaranteeing" human rights, minorities rights, freedom of religious expression, freedom of expression. Article 20 represents the second part of pattern which leaves room to the government to suspend those rights.

"Human and minority rights guaranteed under Constitution may be restricted if that restriction is allowed by Constitution, for the purpose laid down by Constitution, to the scope necessary to meet the purpose of restriction in a democratic society, without encroaching upon the gist of the guaranteed rights.

In and when restricting human and minority rights, all state bodies, notably courts of law, are duty-bound to take care of the gist of the right

subjected to restriction, importance of the purpose of restriction, nature and scope of restriction, relations between restriction and scope of restriction and the way of achieving the purpose of restriction by lesser restriction of the right in question. "

That article is contradictory, vague, unclear and incomplete, and what is most important, enables the government to act at its whim, in order to restrict human, civil, and minority rights. Authors of the draft constitution endeavor to disguise the aforementioned model in paragraph 3, but they do it clumsily, through naive language, by promising to "take care of.....".

Article 44: "Constitutional Court may ban a religious community only if its activities threaten the right to life, the right to physical and mental health, the rights of the child, the right to personal and family integrity, the right to property, public security, and public order, and if it provokes and incites religious, national and racial intolerance. "Does it mean that religious communities may be banned on the basis of 'family integrity'? Doesn't it pave the way to banning religions which lure their new members at the expense of other, already established religions, consequently threatening the compactness of multi-religious families? The key problem of this article is the following: by introducing two categories of religious communities-the church and religious communities-and then treating them in an unequal and unfair way, it abolishes the previously introduced freedom of religion and equality of religious groups.

Article 63 spells out the following: "Everyone is free to take decisions regarding their offspring. The Republic of Serbia encourages parents to opt for having children and assists them in that intent and effort. " In this article the model which we analyzed has emerged in the most clear form. This is yet another example of clumsiness and amateurish stances of authors of the Constitution. By and large, the problem of natality which ranks among the first ten socio-political problems even in organized and highly legal states, and whose resolution represents the most clear indicator of direction of any society, in Serbia was resolved in the most brutal way.

Article 81 which proclaims tolerance may be found on page 21 of the Constitution and is the last article in the part of the text here analyzed. It brings to memory an analogy with the statement of the incumbent Prime Minister that «co-operation with the ICTY in the Hague is my least important task and priority.» Those words indicate the prevailing and long-standing propinquity of some local politicians and power-holders to act as they wish, or at whim.

The third part of the text of draft constitution is related to the "Economic order and public finances". The most important argument of backers of the constitution is the one relating to the abolition of the socially owned property. But does that argument really hold water?

Article 86, paragraph 2 spells out the following: "The existing social property is morphed into the private property under conditions, in the manner and time-frame stipulated by the law."

This constitutional article therefore expresses the wish to shortly abolish social property under conditions, and within the time-frame envisaged by the law. That is yet another example of the model here analyzed. Social property is declaratively abolished, but such a possibility in reality is being prolonged. For in the past 16 years despite such declarative intent, social property was only partially abolished. The largest economic systems, which are the biggest problem of this economy and society alike, are yet to be privatized. It remains to be seen whether in the next 16 years something shall change in that regard, in keeping with the wish expressed on the 24th page of the Constitution.

The fourth part of the text of the Constitution has a very mysterious role and meaning. It is titled "competences of the Republic of Serbia " and made up of only one article that is article no. 97, which lays down what "the Republic of Serbia regulates and ensures". That part includes nearly all matters regulated by the Constitution of the Republic of Serbia, but fails to indicate who on behalf of that Republic of Serbia "regulates and ensures", so that we may only imagine which kind of irregularities and manipulations may take place by sheer invoking of that point.

The fifth part of the text of the Constitution titled "Division of power" defines an important area of political basis of social order through definition of structures of power. It is unnecessarily extensive, and barring some basic principles, contains superfluous definitions of some details which in the majority of countries are defined in other sources of constitutional law, notably in parliamentary rules of procedure, laws and bylaws. Therefore we shall analyze only some articles of Constitution, notably those, which, in our mind, contain the most controversial stances and solutions.

Article 105: This article paves the way for a parliamentary dictatorship. By a simple majority of votes of MPs (at a session attended by the majority of MPs, that is less than 50% of votes of total votes of all MPs), National Parliament may proclaim and abolish the state of emergency and prescribe measures in deviation from human and minority rights in wartime or during the state of emergency.

Article 114: Oath before the National Parliament prevents the president of the republic to take any action which would in any way lead to recognition of the government of independent Kosovo and Metohija. "I pledge to do my utmost to preserve the sovereignty and wholeness of territory of the Republic of Serbia, including Kosovo and Metohija, as its integral part, and implementation and attainment of human and minority rights and freedoms, honoring and defense of Constitution and laws, preservation of peace and wellness of all citizens of the Republic of Serbia, and that I shall conscientiously and responsibly discharge all my duties." Consequences of this article for citizens and their lives may be dire.

Article 118: Procedure for dismissal of the president of the republic, may be instituted by the parliamentary majority that is by the two-thirds of MP votes." President of the Republic is dismissed on grounds of violation of Constitution, by the decision of the National Parliament that is by votes of at least two-thirds of MPs."

The aforementioned article enables the parliamentary majority to hold the president of the republic hostage to the dismissal procedure, which, by extension, may lead to long-term legislative paradox, and inefficiency in the government functioning. Votes of the two-thirds of MPs are necessary for the dismissal of the president of the republic, though he had been elected by the absolute majority of votes.

Article 141: "Army of Serbia is under democratic and civilian control." This sentence is only an expression of wishful thinking, for no mechanism for its implementation has been implemented.

Article 142: This formally confirms that "Courts of law are independent in their work ..." however, processes and structures defined in articles 143–155 clearly remove independence of the judiciary, and firmly place the judiciary under control of the government. This is yet another example of the model whose espoused throughout the whole text of the draft constitution.

Article 152: "Political activities of judges are banned.." Yet another article which may be identified as the second part of the all-pervasive model, which leaves room for the possibility to by-pass formal freedom of the judiciary, proclaimed by article 142, and consequently to morph the judiciary into the tool of privileged minority. What does the term "political activity" subsume?

The sixth part of the Constitution titled "Constitutional court" defines an important source of constitutional law of the future constitutional system, that is, decisions of the Constitutional court. In that part we may also pinpoint the here analyzed model, and also some bad solutions.

Article 169: This article spells out that the Constitutional Court must re-appraise any law adopted by the parliamentary majority in the past 7 years and justify its pertinent decision on the basis of constitutionality, if so demanded by one third of MPs. If Constitutional Court proclaims that a law is not in conformity with the Constitution, it may be assumed that later objections to constitutionality of that law are not possible. " Procedure for appraisal of constitutionality cannot be instituted against the law whose conformity with the Constitution was established before its entry into force.. "

Article 172: This article annuls independence of the Constitutional Court guaranteed under article 166, by empowering the central government to appoint and dismiss 10 of 15 judges. The said 10 judges wield the power of veto. This article also spells out that the Constitutional Court judges be elected for a period of 9 years, which is a relatively short period of time. "Five judges of the Constitutional Court are elected by the National Parliament, five are

named by the president of the republic, and five are appointed by the general session of the Supreme Court of Appeals (which is under the parliamentary control). National Parliament elects 5 judges of the Constitutional Court from 10 candidates proposed by the National Parliament, while the general session of the Supreme Court of Appeals names 5 judges from 10 candidates proposed at the joint session by the High Judicial Council and the State Council of Prosecutors. "

The seventh part of the Constitution titled "Territorial order", is essentially related to the issues of local self-rule and centralization/decentralization. In this part of the text we may once again clearly note the model observed throughout the entire text of the new Constitution. The foregoing notably relates to the fact that the local self-rule is first –declaratively-vested in the right to self-rule and decision-making and later –abolished or suspended. The most drastic example thereof is the case of the territory of Kosovo and Metohija, which is first guaranteed the right to essential autonomy, without any explanation of contents thereof, while the later part of the text clearly leaves room for the possibility of suspension of that autonomy and organizing the state in a centralized mode. In further text we shall analyze only those points which we deem most problematic:

Article 183: This article perpetuates central authorities control over the Autonomous Province of Vojvodina. "Autonomous provinces manage provincial property in the manner determined by the law." The law adopted by the National Parliament of Serbia does not provide Vojvodina with a possibility to protect its own property, financing sources and revenue.

Article 184: This article strengthens the central government control over Vojvodina. "Autonomous province has its original revenue for financing its prerogatives. The kind and scope of original revenues of autonomous provinces are laid down by the law. The law also spells out participation/share of autonomous provinces in part of revenue of the Republic of Serbia. " The law shall be passed by the National Parliament.

Article 184: "Statute of autonomous province is passed by a provincial assembly/parliament, after obtaining the pertinent consent of the National Parliament. " This article, aside from the key problem that it also makes an integral part of the model here analyzed, contains logical inconsistencies and dissonances. Should the statute be first passed by the provincial assembly/parliament, or it shall emerge via informal channels before the republican parliament and later be forwarded to the provincial assembly for adoption ?

Articles 188-189: Central authorities, may take control over the City of Belgrade and other cities in the territory of Serbia, through the National Parliament.

Article 191: Authorities of City of Belgrade have been placed under control of the central government. Central authorities may pass laws, by electing and selecting executive bodies of city of Belgrade, and later exerting influence over their legislation-adopting work. Municipal assemblies elect

mayors. "Municipal bodies are assembly and other bodies determined by a statute and in keeping with the law. Municipal assembly is in charge of election of municipal executive bodies, in keeping with the law and statute."

Article 192: Central authorities may disband municipal bodies and also name/appoint members thereof. "The government under conditions determined by the law, may dissolve the municipal assembly, and thereafter name the interim body to conduct municipal affairs, in keeping with the political and national composition of the disbanded municipal assembly."

The eighth part of the Constitution titled "Constitutionality and legality" regulates some important issues relating to the political and legal relations in the state and makes an important part of the Constitution. We shall now quote some articles which we deem as bad legal solutions:

Article 200: State of emergency. There is no chain of command or authority which defines management of the country during the state of emergency. But after some reading between the lines, one realizes that the governments shall be the supreme authority during such a state. And which is the role of the president of the republic during that period? Shall he continue to control the army or the government shall take on that role?

Article 200: This article defines possibility for the government to ban human and minorities' rights. The foregoing spells out that the government may ban guaranteed human rights and minorities rights during the state of emergency. This article is per se contradictory, and not in conformity with other articles. Added to that it does not include all articles relating to human rights, civil rights, minorities rights, etc.

Conclusion

An in-depth overview of the Constitution indicates that it was written with an intention to by and large legalize political and social practice which took root in this country twenty years ago. It is a practice of double yardsticks and lawlessness, in which thus-written legal acts, are subject to various manipulations and-interpretations. For the majority of citizens those legal acts mean and imply bans, punishments and obligations, while for the minority, or a very small politically and economically privileged group, those acts are sources for legalization, various possibilities, rewards and rights. This Constitution represents a very successful example of how political practice strongly impacts the sources of constitutional law. This text cannot be viewed isolated from the context it had been adopted in, or from the context in which it would be applied/enforced. If the context were to be changed along with the political and social practice, the new Constitution would stop being an insurmountable hurdle on the road to development to our state and its citizens. However in the continuing context of social-political practice -which had been put in place over 15 years ago- and whose changes are not in sight,

the adoption of such a constitution indicated Serbia's "accession" to the ranks of so-called *failed states*, like Afghanistan and Somalia. In the light of recent experience of establishment of previous constitutional system, the adoption of the new draft constitution, for many citizens of this country, notably the younger ones, may mean, in the best case, embarking upon the pathway leading to the group of a better arranged and regulated countries, while in the worst-case scenario, it may be tantamount to embarking upon a pathway leading to a much worse life.

PARLIAMENTARY ELECTIONS (JANUARY 2007)

Parliamentary elections held in Serbia on 21 January 2007 indicated the electorate swing in favor of the pro-democracy camp, but also a conspicuous and continuing strength of the conservative camp. The Serb Radical Party (SRS), Socialist Party of Serbia (SPS) and coalition led by Prime Minister Vojislav Koštunica (DSS-SSJ-NS) got about 2.15 million votes. Democratic block increased to 1.4 million and thus can form a democratic government only with support of Kostunica's coalition. Therefore, this populist component and conservative would inevitably impact the character of the new government in case DS gets a mandate.

In parallel the coalition of Liberal Democratic Party (LDP)-Civic Alliance of Serbia (GSS), Social Democratic Union (SDU) and Vojvodina Social Democratic Party (LSV), flying in the face of enormous, media, political and other pressures, scored a major success by winning 5.3% of votes. Entry of this coalition into the Serb parliament is of great importance, notably because it represents a political option with crystal clear stands on key issues of the present-day Serbia: war crimes, status of Kosovo, relations with neighbors, internal administrative arrangement of Serbia. The said coalition had boycotted the November 2006 referendum on the new constitution because of its flagrant breach of democratic procedure. The coalition rallied all those political, public and other personalities who since 1991 opposed vocally and actively the criminal policy of Slobodan Milošević. Such a personal composition invests that coalition with an enormous moral credibility. Added to that the coalition won over part of the electorate thanks to its direct, sincere and realistic public addresses of its members during the pre-election campaign. Moreover those 5.3% garnered votes indicate that part of the electorate was ready to face the reality and responsibility for war and war crimes.

Čedomir Jovanović-led coalition played an especially important role as a correcting factor of Democratic Party during its close cohabitation with Kostunica-led government. It bears mentioning that in not-so-distant past Boris Tadić removed all close collaborators of the late Prime Minister Zoran Djindjić, including Čedomir Jovanović from Democratic Party ranks, thus seriously impairing the pro-reform line and identity of that party. However in

the run-up to the elections clear and brave messages of Jovanović-led coalition impacted substantively the change of course of Democratic Party campaign and ticket, as well as the return to the party fold of the close aides of Zoran Djindjić, who subsequently contributed to the electoral success of Democratic Party. The said grouping was the main opponent to continuation of cohabitation with Kostunica and acceptance of pre-election deal envisaging re-election of Vojislav Kostunica as Prime Minister in the new government. In the post-election period that grouping continues to oppose such an outcome, in view of the fact that Kostunica-led coalition got less votes than Democratic Party.

Vojislav Koštunica-led coalition got significantly less votes than expected (16%), a score insufficient to ensure him the post of Prime Minister. Despite his sizeable advantage in his capacity of the incumbent Prime Minister and the fact that he enjoyed a very vocal backing of influential so-called analysts of both the leading print media *Politika* and *NIN*, and RTS, but also other newspapers and electronic media, recent elections results cut down Democratic Party of Serbia to its size. The fact that Kostunica forged a coalition with the late criminal Arkan's party (SSJ) and party of Velimir Ilić best denotes the character of DSS. Elections laid bare the character of Kostunica phenomenon, whose rise to power was made possible thanks to the staunch backing of the conservative camp and various secret services who first had fabricated his image of an honest and uncorrupt politician and then overnight launched him as the only politician able to replace Slobodan Milošević. Coalition potential on which Kostunica had reckoned, was largely reduced, not only by the election results, but also thanks to the stand of a Democratic Party fraction that the next Prime Minister should come from the Democratic Party ranks.

Though Boris Tadić has only just started negotiations relating to the formation of the new government, Kostunica's propinquity for shilly-shallying and obstructions has emerged immediately. Some think that he might try to postpone the government-formation (even for another 10 months). This in turn implies that Serbia, transition-wise, might lose another year. Vojislav Koštunica came to power in 2003, after a coup and assassination of Zoran Djindjić. Both developments enabled him to bring back to power Milošević close collaborators and first to slow down, and then to stall Serbia's integration into the European processes. He also ground to a standstill Serbia's co-operation with the Hague Tribunal and subsequently brought about the halting of negotiations with EU. Recent Serbia's membership of CEFTA and Partnership for Peace is rather a fruit of decision of the international community to keep Serbia on the pro-EU course, than a product of an internal political decision of Serbia. In fact it is EU who of late has been mobilizing pro-European forces in Serbia. The Serb Radical Party, SPS and DSS-led coalition are in fact disinterested in Serbia's latching onto the EU integration processes.

They rather favor "a neutral position of Serbia" which presupposes closer ties with Russia. They also count on Russia as an advocate of the Serb interests in the process of resolution of Kosovo status.

Election results have for the first time placed Serbia at a critical transition juncture point. Namely it faces the following challenge: either a definite break-up with the Milosevic era legacy or a definite cementing of its position which has held it in a blockade for over a decade. Objectively speaking there is a democratic potential for Serbia's definite opting for transition and Europe. However, the destructive potential of conservative block is quite hefty. Conservative camp comprises a broad spectrum of political protagonists, ranging from defenders and protectors of criminal policy of Slobodan Milošević, all war profiteers, and war criminals. Serbia harbors all war criminals from Croatia, Bosnia and Kosovo. Added to that parts of army, police and secret services still hold sway over creation of reality in Serbia. At the same time they constitute a principal hurdle to constitution of the political scene in Serbia.

Koštunica is a measure of strength of that camp, the strength which is declining, but nonetheless is lethal because of its chaos and anarchy-creating potential. Kosovo and the Hague Tribunal are their instruments in generating nationalism as the only national ideology. But in fact that ideology serves to halt changes and opening of an internal dialogue on responsibility for the war policy.

III

III Instruments of Actual and Spiritual Pressure

SERBIA AND THE NEW SECURITY ORDER IN THE BALKANS

Serbia is the only country in the Balkans not yet fully committed to European integration, with the Government of Vojislav Koštunica steering a markedly anti-European and anti-liberal course. Situated in the centre of the region, Serbia still figures as a factor of potential instability, something it makes very skilful use of in its communications with the European Union (EU) and other international actors. It is therefore in this light that one should view NATO's offer to Serbia, made at the end of 2006, of membership of the Partnership for Peace. The decision is all the more important in view of the fact that the Koštunica Government has been deliberately playing upon Serbia's weaknesses as a means of blackmailing both the EU and all its neighbors. On account of its failure to cooperate with the Hague Tribunal and its opposition to settling Kosovo's status, Serbia is at this moment the only country in the Balkans unprepared for compromise solutions and respect for international standards.

In the wake of Montenegro's independence, the former Yugoslav People's Army (JNA) has shrunk to a Serbian army disinclined to carry out substantial reform and bring its military doctrine into line with the new reality. Having lost four wars and sharing the frustration of defeat with the Serb people, this army is trying, without any foundation in reality, to portray itself as the successor of the Serbian Army from the early years of the 20th century. Materially and morally devastated, it can pose no serious threat to regional stability. However, the huge quantities of ordnance left over from the former Yugoslavia and kept in depots all over the country constitute a time bomb threatening internal security (e.g. the explosion at Paraćin).

The Army's officer corps with its ideology still rooted in Serb aspirations and conservatism stands in the way of its accelerated transformation. Furthermore, its secret services remain a serious factor of destabilization within Serbia itself because they have sided with the conservative anti-Hague bloc (by their refusal to allow the extradition of Ratko Mladić) and are using all kinds of underhand methods to undermine the articulation of a political alternative in Serbia. In common with other armies of post-communist countries, the Serbian army cannot be substantially reformed

unless it joins the Partnership for Peace and, later, NATO. But the success of this transformation will depend on Serbian society's overall orientation and future attitude to European integration.

There is no denying that Serbia, and the whole of the Balkans for that matter, has European prospects. However, after its state borders are defined Serbia will continue to be faced with serious crime and corruption, which is the region's greatest problem. Additionally, Serbia's obligation to cooperate with the Hague Tribunal will remain an imperative. General Mladić is not just 'a general' as Belgrade is in the habit of saying; he is the symbol and executor of a criminal policy resulting, *inter alia*, in the most heinous of crimes – the crime of genocide. It is therefore for this reason that a society incapable of subduing the hydra of corruption and crime must have a long-term and a much more sophisticated platform.

The Army's Transformation

The year 2006 saw three important events of relevance to the military-political scene: first, in the wake of Montenegro's independence the armed forces were finally constituted as a Serb army in name as well; second – and most important – was the unexpected admission of Serbia to the Partnership for Peace programme, effectively marking the start of placing the Serbian army under the NATO umbrella;¹ third, the new Constitution was adopted which defines the Army only very cursorily. The year was also marked by many incidents in the Army, notably a spate of soldier deaths put down as 'suicides' and the huge explosion of ammunition at the Army depot on the outskirts of Paraćin. As regards the Army reforms,² they could be said to have been carried out at organizational and technical levels only.

The Army and Ratko Mladić

The appointment of Zoran Stanković as Minister of Defense gave rise to great expectations of Mladić's arrest, given that Stanković's personal friendship with Mladić had been the chief argument in favor of his appointment. The Chief Prosecutor of the Hague Tribunal, Carla Del Ponte,

¹ Orthodox nationalists insist that this is the way to neutralize Serbia as the 'mightiest military power in the region', with others claiming that the Partnership for Peace is a triumph of Serbia's policy over the 'Hague Tribunal's conditionality on the arrest of Ratko Mladić'.

² The syntagma 'military reforms' as used in this paper is used rather colloquially to refer to reform of the Army and reform of the defence system. However, it refers here almost entirely to reform of the Army, and to reform of the defence system only in so far as the Army is the key part of that system.

herself upheld and largely contributed to Stanković's appointment, having been given assurances that he himself would bring about Mladić's arrest or at least surrender. The expectations were fuelled on the eve of Stanković's appointment by the public announcement of his meeting with Mladić's wife and son.³ The deception kept up by the domestic media early in January was reinforced by Stanković's inarticulate statement the purport of which was that he 'couldn't now', i.e. 'at this moment' disclose what he and Mladić's family had talked about.

The VBA Mysterious Report

On 1 February 2006 Stanković kicked off his term of office with the presentation, at the meeting of the Supreme Defense Council, of the famed and mysterious report prepared by the head of the Military Security Agency (VBA), the retired General Svetko Kovač.⁴ The report⁵ on the results of the country's cooperation with the Hague Tribunal was expected to disclose both Mladić's hideout and the network of his accomplices. Details from the meeting gave rise to various speculations boiling down to the names of several officers connected with the Hague indictee, notably Branislav Puhalo⁶ and Dragomir Krstović.⁷ In

³ 'Susret sa porodicom Ratka Mladića' (The meeting with the family of Ratko Mladić), *Danas*, 20 January 2006, p. 5.

⁴ Svetko Kovač is the second director of the Military Security Agency since it was given this name on 1 January 2004. The hitherto Security Administration of the Army of Serbia and Montenegro (VSCG), which traces its roots back to the 'legendary' KOS, was first detached from the VSCG General Staff and subordinated to the Ministry of Defence in mid-2003 as part of changes in the VSCG, and then renamed in 2004. The first VBA director was Momir Stojanović. At the end of March 2003, having the rank of colonel, he was first appointed by the Supreme Defence Council (VSO) chief of the VSCG Security Administration, replacing the controversial General Aco Tomić. However, the very first public appearance of the newly-appointed head of the military secret service cost him his career. At the beginning of February 2004, Stojanović said that the VBA had succeeded in re-establishing its presence at the very top of the separatist movement in Kosovo, as well as at the top of local terrorist organizations having branches in the south of central Serbia. 'We have beefed up our operational presence in Kosovo and Metohija by dispatching a number of experienced operatives of the VBA,' said Stojanović, who himself had served in Kosovo from 1993 to 1999 and had been the service's number one man in the province for three years. The statement triggered a public polemic on whether Stojanović ought to have disclosed this at all or kept it secret. The second opinion prevailed and Stojanović was sacked at the end of May 2004.

⁵ 'Prihvaćen izveštaj Vojnobezbednosne agancije' (Report of the Military Security Agency adopted), *Odbrana*, No. 10, 15 February 2006, p. 13.

⁶ The VSCG captain and former chief of Mladić's security, Puhalo, was at the time on regular duty with 46 Logistics Brigade at Topčider.

⁷ He served as logistics commander.

the immediate aftermath of the meeting, Colonel Jovo Đogo⁸ was arrested, among others. As for Minister Stanković himself, he promised to resign if Mladić did not turn himself in; regrettably, a year later he was still 'not considering resignation'. In lieu of a specific report, the public was served a statement setting out the following: 'the report of the VBA head covers the period from 1997 to the present'; 'the VBA established indisputably that Ratko Mladić had occasionally stayed in military facilities up to 1 June 2002'; 'following his retirement and the passing of the Law on Cooperation with the Hague Tribunal, Ratko Mladić left the military facilities'; 'the concealment of Ratko Mladić outside the military facilities was taken over by a number of retired members of the Army of Republika Srpska, with the assistance of retired members of the VJ [Army of Yugoslavia] and civilians'; 'two members of the Army of SCG [Serbia and Montenegro] (an officer and a non-commissioned officer) were found in possession of authorization to collect Ratko Mladić's pension'; after 'March 2003 members of the Army and the Ministry of Defense carried out spot checks' of 27 military facilities and 'it was established that no Hague indictees were hiding in them'.

The statement also said that the 'report of the VBA head was adopted' and that the 'Ministry of Defense is obligated to continue and intensify its activities in fully cooperating with the Hague Tribunal together with intelligence security services outside the Army and abroad'.⁹

Significantly, General Kovač did not expound his report to the expanded Supreme Defense Council but only read it out; further, not even the members of the VSO (Svetozar Marović, Boris Tadić, and Filip Vujanović) were given copies of the report allegedly because of the 'possibility of information leaking out'.¹⁰ The gesture bespoke the impunity of the VBA and its head as well as the absence of any democratic control over the service.

After the meeting, Serbian President Boris Tadić said: 'Unless the investigation produces results within a reasonable time, the report must be made public because keeping it secret [after that] makes no sense'.¹¹ As it remained unclear what was meant by the 'reasonable time', one cannot help doubting the sincerity of the statement.

In the wake of the VSO meeting, Stanković did his best to persuade Chief Prosecutor Carla Del Ponte, among others, of the significance of the report. In his many media statements given at the time, Stanković gave assurances that 'some in the VBA will be dismissed' if there were no results in

⁸ He was employed at the Republika Srpska Bureau in Belgrade and was in charge of coordinating activities between the armies of RS and SCG on hiding Ratko Mladić.

⁹ *Ibid*, p. 13.

¹⁰ 'Poslednji čin vojno-političke farse' (The last act of the military-political farce), *Helsinkiška povelja*, January-February 2006, p. 6.

¹¹ *Ibid*, p. 7.

tracking down and arresting the fugitive general, and he even announced his own resignation as Minister in the event of a failure.¹²

When, however, the last public 'battue' after Mladić in the spring of 2006 left no doubts that he had no serious intentions of arresting the general, Stanković changed his tune to 'I've known Mladić for a many years as a righteous, honest, and responsible man. But this, it's something I can't understand. I think that at present he's incapable of judging rationally'.¹³ Stanković thus effectively admitted publicly that Mladić had turned down Prime Minister Vojislav Koštunica's strategy of voluntary surrenders. On the other hand, another part of the strategy of the State is for Mladić not to surrender above all in view of Bosnia-Herzegovina's genocide and aggression charges against the Federal Republic of Yugoslavia. The judgment passed on 26 February 2007 showed that Serbia's strategy 'paid', the International Court of Justice not finding in favor of the plaintiff owing to lack of evidence of Serbia's involvement in the Bosnian war.

The Army's Relies on Conservative Tradition

On 16 September 2006 the Military Academy held a graduation ceremony outside the National Assembly in Belgrade, at which the 126th and 127th cadet classes were promoted to 'Serbian officers of the rank of second lieutenant' and the youngest officers and junior class cadets took part in a march-past.¹⁴ Among the graduates were 320 second lieutenants including 22 from the Army of Montenegro and 17 from the Army of Republika Srpska.¹⁵

The object of the ceremony was to prompt the highest authorities in Serbia, above all executive and legislative, to restore dignity to the officer's profession and to improve its social and political status. The idea for the ceremony came from the Chief of the Military Academy, the highly ambitious General Vidoje Kovačević. The message was that this important event was designed to 'restore the old glory and pride to the Serbian Army.' Kosovo figured prominently at the ceremony, with references to current developments in the 'southern Serbian province' and at other potential flashpoints within Serbia's security perimeters.

Speaking at the ceremony, President Boris Tadić told the young officers that they in particular were expected to become the standard-bearers of the Army reforms and Euro-Atlantic military integration. Nevertheless, the

¹² *Ibid*, p. 7.

¹³ 'Mladić odlepio' (Mladić off his rocker), Stanković's interview with the Belgrade tabloid *Kurir*, 17 February 2006.

¹⁴ 'Nova snaga Srbije' (Serbia's new force), *Odbrana*, No. 25, 1 October 2006, pp. 20-24.

¹⁵ 'Srbija ponovo ima vojsku' (Serbia has an army again), *Večernje novosti*, 17 September 2006.

underlying theme of his address was that 'our long-term strategic objective is for the Army of Serbia to become a factor of stability of the entire region of South East Europe...' ¹⁶ But although Tadić stressed that the Army of Serbia 'can never again be used in an internal political context', ¹⁷ no reassurances were given that the same army would not be abused vis-à-vis Serbia's neighbors.

The address of Vojislav Koštunica, however, somehow failed to reflect the spirit of the times, his rhetoric being more of a kind fed to officers a hundred years ago. 'Gentlemen officers,' he said, 'I know that Kosovo is deeply engraved in your hearts and in your consciousness, for Kosovo is the heart of Serbia and the soul of our people... Defending the fatherland, as well as justice between people, it spread the glory of Serbia all over the world... Have pride in the Serb military traditions, in Lazar, in Miloš, in Karađorđe, Sindić and Tanasko Rajić, in Mišić and Putnik, in the countless known and unknown heroes who have always defended their country and their people.' ¹⁸

The tone having been set, during the march-past a poster-size photograph of Ratko Mladić was produced by a middle-aged man in civilian clothes standing among the spectators. ¹⁹ Marching past the portrait, a non-commissioned officer - a member of the Military Police unit providing security at the event who was publicly referred to by his initials Ž. S. - raised his hand in a salute. The incident was recorded by the news photographer of the Belgrade daily *Glas javnosti* who had the photograph printed in poster-form. ²⁰ The civilian authorities reacted by calling for criminal proceedings against the newspaper. ²¹

The military authorities reacted too and Ž. S. paid for his gesture with instant dismissal from military service. To be sure, it did not occur to the Ministry of Defense officials at all to find out why the young non-commissioned officer did what he did; otherwise, they would have had to

¹⁶ 'Nova snaga Srbije' (Serbia's new force), *Odbrana*, No. 25, 1 October 2006, p. 21.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

'Vojska factor stabilnosti demokratije i regiona' (The Army is a factor of stability of democracy and region), *Danas*, 18 September 2006; 'Nevolje sa moralnim vertikalama' (Trouble with the moral perpendiculars), *Danas*, weekend issue, 14-15 October 2006, p. IV.

¹⁹ 'Osuda manipulacije javnošću' (Manipulation of the public condemned), *Odbrana*, No. 25, 1 October 2006, p. 19; 'Salutiranje đeneralu u prisustvu vlasti' (Saluting the General in the presence of authorities), *Danas*, weekend issue, 30 September - 1 October 2006, p. IV; 'Podela zbog Ratka' (A rift over Ratko), *Kurir* tabloid, 26 September 2006.

²⁰ 'Poster' (The poster), *Glas javnosti*, 25 September 2006.

²¹ 'Vukčević i Ljajić traže krivični postupak protiv Glasa javnosti' (Vukčević i Ljajić call for criminal proceedings against *Glas javnosti*), *Danas*, 26 September 2006, p. 5.

explain to the public that the gesture was the product of his military training and education, which hailed Ratko Mladić and other criminals as heroes.

Between the Serbian Army and the Army of Serbia

From the start of the year right up to the Montenegrin independence referendum finals on 21 May 2006 the Army officials with Defense Minister Zoran Stanković at their head hardly missed an opportunity to stress that 'The Army will not interfere with the referendum in Montenegro'. ²² Apparently, it had occurred to none of them that the Army had no legal or moral right to interfere in the referendum or arbitrate in it. In the event, it appeared that thanks to the goodwill of the Minister and its generals the Army had relinquished these rights and let the Montenegrin voters follow their political business through in peace. What is more, President Tadić found it necessary to say this, *inter alia*, in a message to Stanković: 'I am sure that at this delicate moment the Army will play the correct role, as it did during the referendum process in Montenegro, and it is on this that I congratulate Minister of Defense Zoran Stanković...' ²³

To be sure, such a distorted view of things is partly justified in view of the peacetime abuse of the Army in the past, in particular in the territory of Montenegro. The military leaders for their part overdid it with assurances that the soldiers would not interfere in the referendum; this was done in hopes of improving the Defense Ministry's and Army's public image, which had been seriously undermined since June 2003 and especially October 2004 by scandals and soldier deaths under mysterious circumstances.

There was, however, no cause for concern whatever either in Serbia or in Montenegro, least of all to dramatize the fact that the hitherto Serb-Montenegrin army had, as the result of the Montenegrin independence, split into an incomparably larger Serbian army and a miniature Montenegrin force. Admittedly, the Constitutional Charter and the law on its implementation do not specify the principles for a division of human and material resources in the event of Serbia and Montenegro going their separate ways. However, Article 59 (3) of the Charter states that 'The property of the Federal Republic of Yugoslavia located in the territory of the member state shall be the property of the member states on the territorial principle' (applying also to 'military' property), while Article 60 (5) stipulates that 'A member state that implements this right shall not inherit the right to international personality...' ²⁴

²² 'Vojska se neće miješati u proces referenduma' (The Army will not interfere in the referendum process), *Odbrana* magazine, No. 16, 15 May 2006, p. 6.

²³ 'Institucija stabilnosti društva' (An institution of social stability), *Odbrana* magazine, No. 17, 1 June 2006, p. 6.

²⁴ *Vojska* weekly offprint, 13 February 2003.

In practice, the Army had already been divided and operating accordingly: the Army of Montenegro was founded on what had been left of the Podgorica Corps and the onetime navy, all the rest being incorporated into the Army of Serbia. Although the members of the officer corps were free to choose between the two armies, the Serb nationalists missed no opportunity to point out that Montenegro's independence was the work of 'foreign anti-Serb architects', that an opportunity to 'cut Serbia's access to the sea' had been eagerly awaited, that 'Serbia's national space has calculatedly been crushed',²⁵ etc.

There being no legal act on the dissolution of the State Union of Serbia and Montenegro, the union ceased to exist on the publication of the official results and the announcement that the pro-Montenegrin-independence wing had tilted the balance heavily in its favor. The Supreme Defense Council held its last session on 2 June 2006 at which it noted the factual state of affairs regarding the system of command of the military forces. The hitherto members of the Council, Boris Tadić and Filip Vujanović, as Serbian and Montenegrin presidents respectively, assumed command of the armed forces of their respective states in conformity with their constitutional powers. The following day, the Minister of Defense decided that 'pending the final appointments in the Ministry and the General Staff, Major General Zdravko Ponoš will perform the duties of the Chief of the General Staff in addition to his regular duties of Deputy Chief.'²⁶

On 5 June 2006, the National Assembly of the Republic of Serbia took a decision whereby the defense system was placed within the competence of the Republic of Serbia 'as the successor state of the State Union of Serbia and Montenegro'. The same day the Serbian Government passed a Regulation naming the armed forces of Serbia – at the time it was believed temporarily – the Army of Serbia.²⁷ The event triggered a public debate, especially political, as to what name should the new army bear, with two main options emerging: the 'Army of Serbia' as it is referred to in the Government Regulation and the 'Serbian Army'.

It is somewhat of a mystery that the strongly nationalist Government of Vojislav Koštunica should not have come out in favor of the 'Serbian Army' option, given that it had come clearly on top in the (mostly media-conducted) public debate, as well as being favored by President Tadić, the Ministry of Defense, and the General Staff. This is no mere formality: unlike the name 'Serbian Army', with its appeal chiefly to the Serb nation and its warrior traditions, the name 'Army of Serbia' is more acceptable to democratically-

²⁵ 'Novi početak Srpske vojske' (A new beginning for the Serbian army), *Helsinkiška povelja*, May-June 2006, pp. 17-18.

²⁶ 'Nova zastava na jarbolima' (The new flag on the masts), *Obrana* magazine, No. 18, 15 June 2006, p. 7.

²⁷ *Ibid.*

minded citizens and offers greater chance that the country's armed forces so named will be accepted by the national minorities as their own.

The insistence on the name 'Serbian Army' also implies a 'link with the victorious times', a necessary ingredient in the 'development of a victorious mentality'.²⁸ Taking part in the debate, the military commentator of the daily *Politika*, Ljubodrag Stojadinović, launched the thesis in the Army periodical *Vojska* that 'in both war and peace all the victories were achieved by the Serbian Army [and] all the defeats suffered by the Yugoslav ones.'²⁹

Politika's journalist Dragoljub Stevanović wrote this: 'We also know vulnerable and exposed a place the Balkans are. The Allies helped the Serbian Army to conclude the First World War victoriously only to thwart it in the Second, assisting at the time the ideologically hostile National Liberation Army of Yugoslavia... The fate of the Serbian Army, that is, of the pre-war Yugoslav one, befell the JNA during the 1990s. A favorite of the West in the 1950s, when it stood at NATO's doorstep, it got bombed in 1999.'³⁰

An inference to be drawn from the above is that the Serbian Army is identified with the Yugoslav whenever this dovetails with the nationalist formula; if not, the two armies are regarded as separate entities. It is further stated that it was only in the wake of the dissolution of the State Union or, rather, 'following the departure of Montenegro that the institutional conditions were created for the internal changes, because after so many years the army finally knows the essentials: its state, coat-of-arms, national anthem and who commands it.'³¹

The Army's Constitutional Status

On 5 September 2006, Defense Minister Zoran Stanković opened a lecture to the 50th General Staff and 53rd Command-Staff classes attending National Defense School advanced training with the claim that 'the army participates in the drawing up of the new Constitution of Serbia'. He then went on to say that 'The fact is, we'd not been undertaking any activities regarding the adoption of the Constitution until a few weeks ago, when we offered to help and submit our frameworks and plans for including the army in the constitutional provisions... At the moment our obligation is to fit the Army into the Constitution of Serbia the right way. We've got to regulate legal matters in the Army and the Ministry of Defense in the way it has been done

²⁸ 'Kakva nam vojska treba?' (What kind of an army do we need?), *Politika*, 2 July 2006, p. 1.

²⁹ 'Srpska vojska' (The Serbian army), *Obrana* magazine, No. 18, 15 July 2006, p. 11.

³⁰ 'Kakva nam vojska treba?' (What kind of an army do we need?), *Politika*, 2 July 2006, p. 1.

³¹ *Ibid.*

by well-ordered states for the simple reason that, although we've drawn up various documents as they've done, we haven't solved the Army's constitutional status...'³²

It is not clear what part the Army played in drawing up the Constitution, which has only three articles pertaining to the Army.³³ The competence of the Army is set out in Article 139: 'The Army of Serbia shall defend the country from external armed threat and perform other missions and tasks, in accordance with the Constitution, Law and principles of international law, which regulate the use of force.' The use of armed force has been regulated by other transition states, including those in Serbia's neighborhood, in more or less the same manner.

In the case of Serbia, however, the following very important and delicate question arises: If the Army's duty is to defend the country from external armed threat (as the Constitution stipulates), is it going to oppose with the force of arms the imminent independence of Kosovo? It is, after all, the opinion of many experts that Prime Minister Koštunica and his assistants and advisers and like-minded persons were in a hurry to push the Constitution through without any public debate at all in order to be able to insert the words 'Kosovo and Metohija is an integral part of the territory of Serbia' into the Preamble. In doing so, it is alleged, they have forestalled an international definition of the final status of Kosovo.

Article 140 conforms to the standards of the democratic world by stating that the Army of Serbia may be used outside the borders of the Republic of Serbia only 'upon the decision of the National Assembly of the Republic of Serbia'. However, the problem lies in the first paragraph of Article 141: 'The Army of Serbia shall be subject to democratic and civil control.' This sentence, which contains the only reference to civil control of the Army, has simply been copied over from the Constitutional Charter of the former State Union and has hardly any meaning at all; it does not define either 'civil' or 'democratic' control, does not say who exercises it and how, and leaves the reader completely in the dark as to the role of the public in controlling the Army.

The constitutional flaws regarding the definition of the armed forces aside, the assertion that the Constitution regulates the 'status of the Army in a modern manner and in compliance with the highest European standards' is untenable.³⁴ The Constitution leaves out mentioning the National Security Council although a constitutional reference would facilitate its formation

³² 'I Vojska učestvuje u izradi ustava' (The Army takes part in drawing up the Constitution too), *Danas*, 6 September 2006.

³³ The Constitution of the Republic of Serbia, Office for Cooperation with Media of the Government of the Republic of Serbia, printed by *Politika*, October 2006.

³⁴ 'Moderna rešenja za Vojsku Srbije' (Modern solutions for the Army of Serbia), *Obrana* magazine, No. 26, 15 October 2006, p. 14.

considerably. Given that the control of secret services, especially military, is in the nature of things a priority responsibility of the National Security Council, the worst possible outcome of this constitutional lacuna regarding this body could be flawed democratic control in the future.

An analysis of the Constitution from the standpoint of security sector reforms would show the need to 'amend and/or complement the just-adopted Constitution almost at once'.³⁵

The Army Reform

'That the reform of the defense system is Serbia's good brand is amply confirmed by the positive assessments coming from abroad,' the Assistant Defense Minister for Defense Policy, Snežana Samardžić-Marković, said in mid-summer.³⁶ If one were to judge by the numerous similar statements of the Defense Minister and his close associates, one would come to the inevitable conclusion that the Army, Ministry of Defense, and defense system are at the height of reforms if not passing through their last stages. For all the undeniable successes, however, the reform results as a whole could only be described as modest. It should also be noted that the 2006 reform achievements should not be credited primarily to the military authorities, that is, to the Ministry of Defense and the General Staff, although these institutions are in the nature of things the chief implementers.

Questionable deaths of Private Soldiers and the Paraćin Explosion

At this juncture it is important to deal with a series of incidents (or 'extraordinary events' as the Army prefers to call them) which affected both the daily life of the Army and the reorganization processes within the defense system. The incidents involved fatal incidents among soldiers and the explosion of ammunition at a depot situated on the outskirts of Paraćin.

On entering upon office, Stanković reproached his predecessor, Prvoslav Davinić, with several unsolved incidents in which soldiers had lost their lives. The incidents continued, however, and Stanković offered no credible proof and explanation regarding the 15 highly controversial soldier deaths in the Army barracks during his first year in office alone (compared

³⁵ Dr Miroslav Hadžić, 'Odgovorno upravljanje resursima' (Responsible resources management), *Obrana* magazine, No. 29, 1 December 2006, p. 36.

³⁶ 'Vojska Srbije počinje saradnju sa Nacionalnom gardom Ohaja' (Army of Serbia starts cooperation with Ohio National Guard), *Danas*, 7 July 2006, p. 5.

with 'only' 13 under Davinić during 2005).³⁷ An explanation of the deaths was offered by Petar Radojčić, Head of the General Staff Human Resources Administration, at a news conference on 26 June 2006.³⁸

In connection with death of private Marko Dejović at the 'Žikica Jovanović Španac' Army barracks in Valjevo, Radojčić declared that a 'special commission' set up by the Ministry of Defense had established that the 'military organization is not responsible for this extraordinary event' and for the rest as well. The commissions having absolved the military organization from responsibility, Stanković gave assurances that any officer found responsible for the death of a soldier would suffer the full consequences. However, no such decisions were made.

A very similar conclusion could be drawn regarding the official explanation of the cause of the explosion at the Army ammunition depot on a hill overlooking Paraćin at dawn on 19 October 2006.³⁹ Radomir Mladenović, the investigating judge of the District Court in Niš and member of the team dispatched to establish the cause of this 'extraordinary event', said: 'I rule out the possibility of terrorist act, sapper attack and sabotage.'⁴⁰ Minister Stanković did not see fit to blame the incident on the Army or the civilians employed by the Army. There were admittedly a number of attempts to find scapegoats among the several guards at the depot itself, but the idea was dropped on time after it had been realized that such an outcome would prove disastrous for the Ministry of Defense and the General Staff.

The cause of the explosion, which was so powerful that it demolished scores of solid buildings besides causing other damage, was discussed by numerous analysts, both military and civilian; while some observed that the facilities were inadequate and had been built at unsuitable locations, others concluded, quite frivolously, that similar and even more serious accidents occur at other armies' facilities in other countries. It occurred to none of them, however, to link the explosion with the fact that the JNA had been hoarding in Serbia military hardware from all over the former Yugoslavia. This is why garrisons sprang up in the most unlikely places, with dumps crammed with ammunition and explosives in a random fashion and in disregard of rules

³⁷ 'Uzrok smrti ne pominjati' (Cause of death not to be disclosed), *Ekonomist* magazine, No. 319, 3 July 2006, p. 24; 'Igrao se puškom i ubio druga vojnika' (Soldier plays with rifle, shoots dead comrade), *Blic*, 21 June 2006.

³⁸ 'Licemerno saopštenje Vojske' (The Army's hypocritical statement), *Kurir*, 27 June 2006; 'Vrednosna praznina' (Lack of values), *Odbrana* magazine, No. 19, 1 July 2006, p. 23.

³⁹ 'Veliki prasak' (The Big Bang), *Odbrana* magazine, No. 27, 1 November 2006, pp. 15-17.

⁴⁰ 'Isključena sabotaza' (Sabotage ruled out), *Odbrana* magazine, No. 28, 15 November 2006, p. 15.

designed to ensure minimum safety of people, materiel, and surroundings.⁴¹ The incident at Paraćin, which fortunately caused no loss of life, was caused by the self-detonation of old artillery shells.

Scope of the Reorganization and Substance of the Reform

Regarding the results of the military reforms, a number of analysts refer to 2006 as the 'year of big strides', this also being the title of an article published in the magazine *Odbrana* (Defense)⁴² following Serbia's admission to the NATO Partnership for Peace programme. Exceptions notwithstanding, the Ministry of Defense and the Army had never had such a team of young, intelligent, educated and pro-reform people before. At their head is General Zdravko Ponoš, who was promoted to Lieutenant General and appointed Chief of the General Staff of the Army of Serbia by President Tadić on 12 December 2006.⁴³

While it cannot be denied that the team was put together after Stanković had come to the head of the Ministry, the birth of this reform-oriented group was largely due to a concatenation of some other circumstances.

Shortly after coming into being the team committed itself to cooperation with NATO mostly through its engagement within the SCG/NATO Defense Reform Group. (This body of experts was set up by SCG and NATO representatives early in 2006 to 'address specific problems concerning the reform of the defense system of SCG and the development of an effective system capable of joining Euro-Atlantic integrations'. After the dissolution of the State Union of SCG, the body was renamed Serbia/NATO Defense Reform Group. The Group met on average once a month, the Serbian part mostly headed by Snežana Samardžić-Marković, Assistant Minister of Defense for Defense Policy, and the NATO part by Frank Boland, Director of Force Planning.)

The third meeting of the Group, held on 10 May 2006 and attended by the US Ambassador in Belgrade, Michael Polt, the Norwegian Ambassador in Belgrade, Haakon Blankenborg, Minister of Defense Zoran Stanković, and Serbian Minister of Finance Mlađan Dinkić, gave a strong impetus to the organizational and technical processes in the Army and the defense system.

⁴¹ 'Prinudna naplata ratnih računa' (Forced collection of war debts), *Danas* weekend issue, 28-29 October 2006, p. III.

⁴² 'Godina velikih koraka' (The year of long strides), *Odbrana* magazine, No. 31, 1 January 2007, pp. 16-17.

⁴³ 'General Zdravko Ponoš - načelnik Generalštaba' (General Zdravko Ponoš - Chief of the General Staff), *Odbrana* magazine, No. 30, 15 December 2006, p. 6.

The meeting was presented with an extract from the Strategic Defense Review (basically an Army professionalization perspective plan). Dinkić was said to have been 'enthusiastic about the plan' and to have promised that the 'Republic of Serbia will support the professionalization of the Army' by setting out 2.4 per cent of its gross national income a year for this purpose until 2010. 'That should be enough to carry out an effective reform of the Army,'⁴⁴ Dinkić said.

Ambassador Polt for his part said that the NATO Allies and the US would be enthusiastic about SCG's participation in Euro-Atlantic integrations. He said that the Alliance was ready to extend its welcome to SCG if SCG was willing to make a step in that direction; he warned in the end that the time had run out and that the hosts would have to run rather than walk.⁴⁵ Ambassador Blakenborg – whose country has been acting as liaison between SCG (Serbia) and NATO and encouraging and assisting Serbian military reforms in other ways – commended the endeavors of the domestic reforms team stressing that a reform was a prerequisite for progress not only in the defense system but in the economy as well.⁴⁶

The numerical strength: According to the Strategic Defense Review (or, more correctly, only a draft thereof which had not been put before the National Assembly by the end of 2006),⁴⁷ the vision of the Army and the defense system reaches as far forward into the future as the year 2015. The review says that the Army's numerical strength, which stood at 45,180 members in mid-2006, should be reduced to 34,000 in 2007 (including 5,100 officers, 8,150 non-commissioned officers, 6,800 soldiers on contract, 6,450 conscripts, and 7,500 civilians). Becoming fully professional in 2010, the Army should consist of 27,000 members; this number should further be reduced to 21,000 in 2015 when the reform is complete in all its segments.

The reorganization: In conformity with NATO organizational standards, the following units were formed in the course of last year: 1 Land Forces Brigade (from the Novi Sad Corps), Special Brigade (63rd Paratroop Brigade, 72nd Special Brigade, and Kumbor Maritime Centre sabotage group), Communications Brigade (various communications units), Guards of the Army of Serbia (former Guards Brigade), First Air Force Base and Central Logistics Base (with another three Land Forces brigades, one Air Force base, a missile brigade and a number of 'fire support' units to be formed during 2007).⁴⁸ The

⁴⁴ 'Vreme za trčanje' (It's time to run), *Odbrana* magazine, No. 16, 15 May 2006, pp. 6-7.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ 'Strategijski pregled odbrane' (Strategic Defence Review), draft document, *Odbrana* magazine printoff, No. 18, 15 July 2006.

⁴⁸ Data from General Zdravko Ponoš's interview to *NIN* weekly, 31 August 2006, 'Po britanskoj mustri' (On a British model), pp. 22-24; from Ponoš's interview to

Operational Forces Command was abolished. The Army of Serbia has two services: the Land Forces and the Air Force and Anti-Aircraft Defense.

Master Plan for sale of surplus 'military' property: The sale of Army surplus property was the subject of all sorts of far-fetched theories, with Serb conspiracy theorists insisting that assets had been going for a song as part of a plot of the 'enemies of Serbdom to destroy its Army'. The truth is, admittedly, that many – chiefly Serbian businessmen – had been looking at the property with covetous eyes; that two parties in the ruling coalition – the Democratic Party of Serbia (DSS) and G17+ – had been fighting tooth and nail over it; that in this scramble the Army Reform Fund was trampled to death before it had a chance to find its feet. This accounts for the fact that, according to information reaching the public, only four military facilities of modest size have been sold so far, the proceeds coming to some 26 million dinars.

On 22 June 2006, the Government approved a Master Plan drawn up by experts from the Ministry of Defense.⁴⁹ The Plan comprises a detailed inventory of immovable property, projected sale and exchange trends, approximate prices, and projected trends of sale proceeds expenditure. The inventory includes 447 'military complexes' with 4,870 hectares of land and 2,196 buildings and civil engineering structures. This property, valued at some €995 million, will be disposed of mostly by public sale, but also through direct exchange.

The key role in this operation will be played by the Government's Property Directorate. The sale proceeds will be paid into the republic budget and disposed of by the Ministry of Defense alone under the supervision of a commission set up for this purpose. In principle, the proceeds would be used to provide for the 20,000 homeless military personnel and their families; for welfare programs for the surplus staff of the Army and Ministry of Defense; and for technical and other modernization projects of the Army. Although the Master Plan is scheduled for realization by 2010, the rate of sales so far and the numerous attendant difficulties indicate that such expectations are unrealistic.

Overhaul of combat aircraft: At the beginning of September, Minister of Finance Mlađan Dinkić said at Batajnica military airfield that in 2006-2007 €30 million would be earmarked from the state treasury for the Army under the National Investment Plan.⁵⁰ Ministry of Defense and General Staff officials said that the resources would be used to overhaul the currently most needed combat and transport aircraft of the Air Force and Anti-Aircraft Defense: five MiG-29 combat planes, seven helicopters (three Mi-8, two Mi-17, and two Mi-

Odbrana magazine, No. 31, 1 January 2007, 'Nema više čekanja' (No more waiting), pp. 8-11.

⁴⁹ 'Početak koji obećava' (A promising start), *Odbrana* magazine, No. 29, 1 December 2006, pp. 18-21.

⁵⁰ 'Revitalizacija borbene avijacije' (Revitalizing combat aircraft), *Ekonomist* magazine, No. 330, 18 September 2006, p. 66.

24), and one An-26 transport plane. Upon completion of the job, experts say, Serbia will again be able to defend 'its airspace' unaided, because being able to 'guard our skies' by own aircraft is 'both a necessity and [a matter of] national pride!' It was for this reason that the 'defense of the airspace' has been elevated to strategic importance and enshrined in the Strategic Defense Review. This duty, the experts say, will be 'successfully performed' by five MiG-29s which are to be overhauled in Russia by mid-spring of 2007 at the latest.

Criteria for grading of professional soldiers:⁵¹ A document entitled Criteria for the Grading of Professional Soldiers has been included in a body of reform documents prepared by experts of the Ministry of Defense and the General Staff with the assistance of foreign experts; as well as the Defense Strategy and the Defense White Paper, both of which were adopted during the life of the State Union, these documents, which have long been waited for parliamentary verification, also include the Strategy of National Security, Strategic Defense Review, and Doctrine of the Army of Serbia. The document was completed in February last year. Based on a rather simple methodology, the officer corps of the Army and the Ministry of Defense will be grouped in three categories: eligible, potentially (conditionally) eligible, and ineligible. The key grading criteria are: age, medical condition, education, service record, performance assessment, and foreign language skills. As each of the above criteria carries a set number of points, every officer can find out how high or low he or she ranks on the list by simply adding the points.

International military cooperation: Shortly after the dissolution of the State Union, Snežana Samardžić-Marković said: 'Serbia, as the successor state of the State Union, has assumed the military agreements signed on behalf of the State Union of Serbia and Montenegro.'⁵² Thanks largely to the SCG (Serbia) - NATO Defense Reform Group, the State Union had signed a number of bilateral military cooperation agreements with several states, mostly NATO members (e.g. Italy, Turkey, Germany, Slovenia, France, Czech Republic, Canada, the cooperation basically consisting in educating Army members under NATO standards, joint tactical exercises, and foreign language teaching).

Nevertheless, domestic reform-minded military circles most value the country's military cooperation with the United States, particularly with the state of Ohio with whose National Guards the Army of Serbia is officially said to have established a rather close relationship. 'That's rather like the fraternization of cities...The fraternization of the two states, the programme of partnership of Serbia and Ohio gives us a catalogue of possibilities that we can

⁵¹ 'Predvidiva karijera' (A predictable career), *Odbrana* magazine, No. 14, 15 April 2006, pp. 20-23.

⁵² 'Srbija preuzela sve vojne sporazume' (Serbia assumes all military agreements), *Odbrana* magazine, No. 19, 1 July 2006, p. 7.

choose ourselves from among the things they can help us with...' said Snežana Samardžić-Marković.⁵³

Yet, the heart of the matter lies elsewhere: However worthy of attention all these organizational and other technical changes in the Army and the defense system are, they do not constitute the essence of military (and security) reforms: what is needed, but is lacking, is a change of mentality.

To begin with, it is necessary to make a professional and objective analysis of the participation of the Serbian (Serb-Montenegrin) army and Serbian (Serb-Montenegrin) paramilitary formations in the recent wars in the territory of the former Yugoslavia. Next, such an objective analysis must be used to draw the right lessons and to make a clear break with the strategy and tactics of war crimes. This process will remain without effect if the lessons are not built into the educational and informative projects of society as a whole and particularly into the educational system of the Army of Serbia.

Second, it is necessary for military personnel and civilians to change their outlook on the role of the Army of Serbia in the modern world, a change calling for rejecting the predominant conservative attitude and adopting the modern collective security system.

And third, 'In the last analysis, the reform of the Army, and of society for that matter, should result in the establishment of a new system of values and morals. In other words, it is only after most citizens of Serbia, and therefore members of the Army (police, secret services, etc.) have embraced as their own the principles and values of modern democratic society, that we shall be able to say that the reform has passed the critical point.'⁵⁴

It is illusory to believe that the reform of the Army can be successful without democratic reforms of society as a whole (above all, of the political and economic systems). It would equally be a fallacy to believe that the Army can become the prime mover ('Serbia's own brand') of security and all other reforms in society, in spite of what Snežana Samardžić-Marković and others may believe.⁵⁵

It goes without saying that the results of the Army reform last year were affected by the failure to act on the part of the Government, in particular the legislative and executive authorities. Appallingly enough, the Serbian

⁵³ 'Vojska Srbije počinje saradnju sa Nacionalnom gardom Ohaja' (Army of Serbia starts cooperation with Ohio National Guard), *Danas*, 7 July 2006, p. . 'Vojska Srbije počinje saradnju sa Nacionalnom gardom Ohaja' (Army of Serbia starts cooperation with Ohio National Guard), *Danas*, 7 July, p. 5.

⁵⁴ Dr Miroslav Hadžić, 'Kako iz kruga prošlosti' (Leaving it all behind), *Odbrana* magazine, No. 27, 1 November 2006, pp. - .Dr Miroslav Hadžić, 'Kako iz kruga prošlosti' (Leaving it all behind), *Odbrana* magazine, No. 10, 12.Dr November, pp. - . HLC interview 27 November 10-12.

⁵⁵ 'Vojska kao brend' (The Army as a brand), *Odbrana* magazine, No. 11, 1 March 2006, p. 8-10.

parliament failed to put on its last year's agenda any topic concerning the Army reforms and the public had no information that the Defense and Security Committee addressed any matter falling within its terms of reference.

To be sure, the executive did nothing worthy of mention either, though Minister Stanković was of a quite different opinion: 'I wish to stress that progress in solving certain problems concerning the defense system has been achieved thanks to the support of the Government of Serbia and some of its ministries. Three working groups have been set up jointly with the Government of Serbia with the main object of finding jointly the best solution to the most sensitive issues such as financing, the sale of military surplus property, and solving the housing problems of members of the Army.'⁵⁶

On the other hand, Colonel Mitar Kovač from the Ministry of Defense stressed that decisions and specific solutions pertaining to the reform of the system must constantly be subject to attempts at revision, change and correction. 'In theory as well as in practice, this is a recognized method in the struggle to preserve the status quo and the positions and privileges acquired. Such attempts are often motivated by personal reasons, though efforts are made to present them as a general social necessity or a solution of national importance.' Noting that organizational changes in the defense system would be carried out in two phases – the first in 2007 and the second from 2008 to 2010 – he said that the current year represented a critical phase of the reform because it was going to be characterized by extremely complex political, security and financial conditions on the one hand and the comprehensive and radical nature of the changes on the other. Kovač also warned that since for the last twenty years the defense system had been using up internal reserves and had 'reached the very end of the road', 'any failure on the part of the competent institutions, the legislative and executive power to comprehend the situation of the defense system may prove detrimental in the future.'⁵⁷

This, however, is probably the minimum of what the Government was simply forced to do, otherwise the military organization would have faced the danger of chaotic disintegration. If it were not so, Serbia would already be in possession of a clearly defined and adopted defense policy, strategic and doctrinarian documents, and relevant legislation. Instead, the Serbian political (both ruling and opposition) and intellectual elites still rely on Russia and on the thesis of a neutral Serbia so far as the reform of the Army is concerned.

⁵⁶ 'Put kojim se ređe ide' (The road less travelled), *Obrana* magazine, No. 26, 15 October 2006, pp. 8-12.

⁵⁷ www.b92.net, 3 February 2007.

The Partnership for Peace and Security Considerations in the Western Balkans

Not even the greatest optimists expected that Serbia would be admitted to the Partnership for Peace towards the end of 2006. The reason was quite simple: Serbia had not fulfilled the 'condition of conditions' for joining the Partnership by arresting Ratko Mladić. In this connection, it ought to be noted that NATO key players, with the United States at their head, had been bombarding the Serbian military and political leaders with messages that Serbia was not going to get an admission ticket for Euro-Atlantic integrations, including the Partnership, unless it arrested Mladić.⁵⁸

All the same, the leaders of 26 NATO member countries meeting in Riga on 28-29 November 2006 invited Serbia to join in the Partnership for Peace programme. Serbia was admitted to the Partnership in a 'package' with Montenegro and Bosnia-Herzegovina, the only European states having had no relationship with NATO previously.

The motives behind the move can only be guessed at. What cannot be denied, however, is that the decision 'brought the European option closer to Serbia, as well as signifying the establishment of a mechanism which could prove significant in the event of a destabilization in Serbia. This is at the same time a victory over the conservative bloc in the Army itself; by defending the sovereignty of the country, the Army was obstructing not only its reforms but its adaptation to the new conditions and the new security concept.'⁵⁹

Specifically: 'The Partnership programme calls for reforming the armed forces, defense system and, finally, the entire security sector in accordance with the Alliance standards, with the Partnership for Peace acting as a transformation catalyst in various ways and by various methods and instruments. In this context, it is of exceptional importance that the Partnership should hold out the possibility of installing new civilian-military relations in Serbia. This calls for the establishment of democratic control of the armed forces, including the secret services, military and civilian, which have up to now mostly escaped all social scrutiny.'⁶⁰

The Partnership programme does not address only military matters but also some important issues from the civil sector such as human and

⁵⁸ 'Neizvestan prijem u Partnerstvo za mir' (Admission to the Partnership for Peace uncertain), *Danas*, 8 November 2006, p. 5.

'Vukšić: Vlada nije htela da ispuni uslov' (Vukšić: The Government did not want to fulfil the condition), *Danas*, 20 November 2006, p. 5.

⁵⁹ 'Moralni izazov' (A moral challenge), *Helsinška povelja*, double issue November - December 2006, p. 3.

⁶⁰ 'Šansa koja se može prokockati' (A chance that may be squandered), *Helsinška povelja*, November - December 2006, p. 13.

minority rights, liberal democracy development, etc. All of this is, of course, in line with the new security concept. 'On the other hand, a stable, well-ordered and organized army is an important prerequisite for a stable state and a stable society, which in turn is a key condition for the inflow of foreign capital into the domestic economy, something without which Serbia's economy devastated by war and crimes would not survive.'⁶¹

Given that collective security is no mere fad but a dire necessity of modern mankind, and because there is already a high degree of interdependence at all security levels (national, regional, global), Serbia, is thanks to its admission to the Partnership for Peace, no longer – at least not formally – a black hole on Europe's security map. After all, it is through the Partnership gate that one enters NATO and the European Union.

All the same, the possibilities the Partnership offers are rather questionable as far as Serbia is concerned. While the Riga decision means victory for Serbia's democratic and pro-Europe forces over their conservative opponents, it was won thanks to the great favor and support of international actors. Further, Ratko Mladić's large shadow which looms over it must not be left out of account. Mladić has not been arrested yet because he enjoys the protection of conservative Serbia (which is surprisingly resilient and vital thanks to its foothold in all strata and chief institutions of society, particularly in the grey zone).

Lastly, there is considerable danger in the fact that the admission to the Partnership has been interpreted, even by citizens who consider themselves democratically-minded, as victory for Serbia's policy opposed to cooperation with the Hague Tribunal and to those EU officials who insist that Serbia must arrest Mladić. In other words, 'Serbia's policy of non-cooperation' with the Tribunal has come out victorious. The arguments of those who subscribe to this view are simple: Serbia has done much in the way of fulfilling its obligations to the Hague Tribunal; one shouldn't keep a noose round its neck all the time; we don't know where Mladić is; if we knew, we'd bring him in.

Finally, Prime Minister Koštunica has seized the opportunity to press Serbia's Partnership for Peace membership into the service of his Kosovo policy: 'As members of the Partnership for Peace, we're much more certain that the integrity of Serbia will be preserved and that Kosovo and Metohija will remain in Serbia with an adequately high level of substantive autonomy...'⁶²

At the same time, the EU is being sent signals that the suspended association talks should be resumed without Mladić's arrest. Judging by the statements of certain EU officials, this option has realistic prospects of success.

⁶¹ *Ibid.*

⁶² 'Prekretnica u razvoju' (A developmental breakthrough), *Obrana* magazine, No. 30, 15 December 2006, p. 17.

In view of this, it is highly uncertain whether the new Government (even if constituted in the wake of the parliamentary elections early in 2007) will arrest Mladić.

Security Challenges in the Balkans and ENP

As a result of the decision of the EU summit in Thessalonica in 2003 to offer European prospects to Balkan countries, association criteria have been developed and all the countries in the region have been included in the process. The enlargement of the EU in this part of the continent is of strategic importance for the Balkans and for Europe as a whole. The pacification and stabilization of the region is not possible if it does not embrace the values and norms of behavior common to the European civilizational circle.

Further, Serbia is still a potential factor of instability chiefly on account of the flaws of its new Constitution, which has not addressed the need for decentralization within the republic. The fact that the referendum was unsuccessful in Vojvodina indicates that the questions of decentralization and substantial autonomy will figure increasingly prominently in the province.

Further, the European Commission says in its report that inter-ethnic relations are tense in the south of Serbia and the Sandžak region. The territory of Sandžak could be said to have been under special treatment since the thesis of an Islamic fundamentalist threat was launched as far back as 1991. The thesis was revived in the wake of 11 September 2001, citing a small presence of Vehabits to prove that the region was about to fall prey to Islamic fundamentalism. The situation in Sandžak is to blame on Belgrade's policy of continually provoking religious and ethnic conflicts. The fact that minority representation in parliament is not guaranteed indicates lack of political will to ensure adequate status to the minority ethnic communities.

From the standpoint of collective regional security, it is exceptionally important to close the still open chapters, above all the status of Kosovo, which should be defined within as short a time as possible. Concerning regional security, defense reform in all Balkan countries is of a key importance. In Serbia, the reform is being obstructed by certain elements of the army and the security services in particular.

A serious threat to the political stability and economic development of Serbia is also posed by organized criminal groups using Serbia as the main Balkan route for drugs smuggling, particularly of heroin, cocaine, marijuana, and synthetic narcotics. The State Department says in a report that most of these narcotics are destined for European countries, with the remainder being distributed in the country for domestic use.⁶³

⁶³ *Politika*, 3 March 2007.

Other than the fact that Serbia still keeps the key to stability and normalization in the region, numerous other problems also pose a threat to regional stability. This concerns above all the urgency of punishing war criminals and genuinely cooperating with the International Criminal Court for the Former Yugoslavia (ICTY), as well as prosecuting war crimes before national courts. This process has only just begun and it is on its outcome that the process of confidence restoration depends. The region is still characterized by virulent radical nationalism which survives largely because the ethnic principle has been adopted as the key to conflict resolution. This also indicates either lack of liberal elites in the region or their deliberate marginalization where they exist.

In view of the above security problems in the region, the EU should focus above all on a substantial educational reform based European values with a view to a long-term establishment of a liberal elite in the region, including the Army. It should also strive to establish a minimum of morals, primarily in Serbia as the generator of war and instability. An interpretation of the wars and the role of the JNA in the break-up of Yugoslavia, and of the crimes committed including the genocide at Srebrenica, must be an integral part of the curriculum of the military schools. This also necessitates study of the judgments of the International Criminal Tribunal for the Former Yugoslavia at the military academies.

The Army of Serbia has made progress regarding reorganization and technical changes with the support of the international community. However, these are still not substantial changes, though there is, admittedly, a reform-minded core which may bring about radical changes in the Army. All the same, the reform of the Army is not possible without a fundamental transformation of the entire society on a political, economic, and cultural plane.

The reform of the Army cannot be carried out without an exact financial arrangement and without disclosing the sources of funding such a project.

The reform of the Army is also being hampered by conservative security concepts on the part of the older members of the staff in particular.

POLICE REFORM

The police reform in Serbia was announced as one of the most important reforms after the 2000 political changes. It had to be one of the most important symbolic gestures of the break with the Milosevic regime. However, to the regret of the citizens of Serbia who were beaten by the police, there have been no serious reforms to the present day. This is best evidenced by the fact that none of the policemen who violated human rights under the Milosevic regime have so far been replaced.

First of all, no proceedings were initiated against the policemen who were beating citizens during protests. Moreover, some of them were promoted, which caused serious discontent among citizens as well as the members of the police who performed their duties in a responsible and professional way under the Milosevic regime. Moreover, many of those who had participated in the operations in Kosovo retained their high positions and some were promoted, like Slobodan Borisavljevic, who was appointed to head the investigation of war crimes. He was the chief of staff of Vlastimir Djordjevic during the bombing of the Federal Republic of Yugoslavia and the so-called "sanitization of terrain", that is, the removal of the bodies of killed Albanian civilians from Kosovo to central Serbia. Some non-governmental organizations objected to his appointment and the Fund for Humanitarian Law submitted the request for Slobodan Borisavljevic's removal, referring to the vetting process which was used in post-conflict countries. The Prosecutor's Office of the Hague Tribunal also expressed its concern about his appointment.¹ All this contributed to his removal from that function.

Although initiating the proceedings against the persons who violated human rights under the Milosevic regime and their ousting from the police cannot be regarded as reform moves in the basic meaning of the word, they would still increase the citizens' confidence in the police to a significant extent and create a good climate for the implementation of genuine reforms, including the new organizational structure of the police, creation of the new police profile and the establishment of an efficient and effective system of internal and external control over the work of the police.

¹ *Danas*, 23 January 2006.

In practice, policemen who violate the law or exceed their powers are punished very mildly. Vladimir Bozovic, Inspector General of the Ministry of the Interior, stated that "there is much covering up and false comradeship. That is very dangerous."² (Vladimir Bozovic, *Nedeljni telegraf*, 12 July 2006).

According to the results of the survey "Professional Characteristics of Policemen and Their Influence on the Efficiency of Police Work" (which forms part of the project of the Higher Police School), "there are few policemen aged over 45", which is the great deficiency of the personnel policy of the police. Among those interviewed, 12 per cent holds that the "police would not finish half of its job without the use of force and torture", while 36 per cent is against such methods, but holds that "it is useful to pressure the suspect a little". Consequently, almost one half (48 per cent) justifies the use of force and torture during the interrogation of suspects in one way or another.³

A substantive reform of the police organization has not yet been effected, so that the police is still militarized and centralized. The conditions for the formation of local police were not created, despite the political promises that the police would be decentralized. Milosav Vasic, President of the Independent Police Union, says that the situation in the Ministry of the Interior is intolerable: "Policemen are paid 20,000 dinars; they cannot meet the requirements of their duties. They are susceptible to corruption. They are on the verge of crime. We are not adequately protected and equipped. Even the emergency squads in Serbia have no adequate equipment. Nobody buys them bullet-proof vests which can be changed; instead, they wear heavy armor. Plainclothes agents do not obtain suits, while brigade members obtain only one pair of trousers and one shirt". He also says that the Ministry is deeply politicized, that the Gendarmerie is controlled by the Democratic Party of Serbia (DSS) and the Special Anti-terrorist Units (SAJ) by the Democratic Party (DS), while G17 Plus keeps a watchful eye on the Organized Crime Directorate (UBPOK). He emphasizes that "apart from our regular duties, we must carry out the assignments given by political parties: to tail or bug someone"⁴.

The international community also insists on the police reform. The OSCE has numerous projects that should support the police reform, but no greater progress has so far been made, except at the technical equipment level. Some governments, such as the United States, allocate the funds for the police reform. The United States also signed the agreement on assistance in the protection of participants in criminal proceedings. The Law on the Protection of Participants in Criminal Proceedings, which came into force on 1 January 2006, stipulates that protection can be granted to the indicted, collaborating witnesses, ordinary witnesses, victims, experts, judges and members of their

² *Nedeljni telegraf*, 12 July 2006.

³ *Politika*, 13. July 2006.

⁴ *Kurir*, 6 February 2006.

families. On that occasion, US Ambassador Michael Polt emphasized that "Serbia must continue to improve the legal framework in order to provide for a fair procedure and safety for all victims and witnesses, which is the necessary step toward the country's full integration into Euro-Atlantic integration processes."⁵

In cooperation with the OSCE Mission to Serbia and Montenegro and the Kingdom of Norway, the Ministry of the Interior will reform the Secondary Police School at Sremska Kamenica. According to Interior Minister Dragan Jovic, thanks to the reform initiated one year ago, Serbia should soon obtain a new police training complex, where training will be more sophisticated". "In the renovated centre at Sremska Kamenica, we will try to combine theory and practice in a modern way. Thanks to the International Management Group and the Norwegian Government, we have got the funds for the beginning of the reform of the Centre. We will collect the total amount of 2.6 million euros by organizing donors' conferences"⁶. The Head of the OSCE Mission to Belgrade, Ambassador Hans Ula Urstad, holds that the essence of the police reform lies in the restructuring of the educational and training centre and that, as of the school year 2006, the secondary police school will suspend the enrolment of new students so as to enable a complete reform of the police education system.⁷

The new Law on the Police does not provide for an adequate system of internal control. The Internal Control Sector is completely subordinated to the Minister, which is contrary to the basic concept of control and does not create conditions for adequate control over the work of the police.

The dissolution of the State Security Sector of the Serbian Ministry of the Interior, the formation of the Security-Information Agency (BIA) of the Government of the Republic of Serbia and the formation of the Gendarmerie can be regarded as good reform moves in the Serbian police from 2000 up to the present.

Control of the Police

Control of the police is stipulated by Articles 170-181 of the Law on the Police, adopted in 2005. The legislator divided control over the work of the police into external and internal control. External control over the work of the police is stipulated by Article 170 in the following way:

External control over the work of the police shall be exercised by the National Assembly, in accordance with Article 9 of the present Law, other law and regulation.

⁵ *Danas*, 3 February 2006.

⁶ *Danas*, 16 March 2006.

⁷ *Danas*, 16 March 2006.

External control over the work of the police shall also be exercised by the Government, competent judiciary bodies, bodies of the state administration in charge of specified supervisory tasks, and other organs and bodies authorized by law.

The powers of the organs and bodies referred to in Section 2 of this Article shall imply the powers stipulated by a special law, which refer to access to the relevant information, contact with the competent police officers, right to receive answers to the questions and other rights stipulated by law.

External control over the work of the police is regulated in a relatively acceptable way, within the constitutional framework within which this Law was adopted. In 2006, Serbia became an independent state and enacted the Constitution with which the Law on the Police must be harmonized. It is necessary to anticipate a special, professional parliamentary body which will be in charge of control over the work of the entire national security system of the Republic of Serbia and the police, as a constituent element of that system. The control competences of the Government and judiciary bodies must also be harmonized with the constitutional status of these bodies.

Internal control over the work of the police is stipulated by Articles 171-181 of this Law in the following way:

Article 171

Internal Control of the Police

Internal control over the work of the police shall be exercised by the Internal Control Sector of the Police.

The Internal Control Sector of the Police shall be run by the Head of the Internal Control Sector.

The Head of the Internal Control Sector shall submit regular and periodical reports to the Minister about the work of the Internal Control Sector.

The Types and Method of Exercising Internal Control of the Police

Article 172

The Internal Control Sector of the Police shall exercise control over the legality of the work of the police, specifically with respect to the observance and protection of human rights while performing police tasks and exercising police powers.

The types and method of exercising internal control over the work of the police shall be prescribed in greater detail by the Minister.

The Employed in the Internal Control Sector of the Police

Article 173

In exercising control, the authorized officers of the Internal Control Sector of the Police shall have all police powers and, with respect to their rights and duties, shall be equalized with other authorized officers.

Acting by the Internal Control Sector of the Police

Article 174

The Internal Control Sector of the Police shall take action upon receiving proposals, complaints and petitions by physical and legal persons, written appeals by members of the police and on its own initiative, that is, on the basis of collected information and other knowledge.

The Head of the Internal Control Sector of the Police shall, timely and in writing, inform the Minister about all cases of police actions taken or omitted which he deems to be contrary to the law, and shall timely take the necessary actions.

A member of the police shall not be called to account for his appeal to the Internal Control Sector.

The Obligations and Powers in the Exercise of Internal Control of the Police

Article 175

The members of the police shall enable the authorized officers of the Internal Control Sector of the Police to exercise control and, to that end, shall provide them with the necessary professional assistance.

In exercising control, the authorized officers of the Internal Control Sector of the Police shall have the authority to:

- 1) *gain insight into the records, documentation and data bases, which are gathered, compiled or issued by the police, in accordance with their competences;*
- 2) *take statements from the members of the police, injured parties and witnesses;*
- 3) *request from the police and police officers to submit other data and information falling within their competence, which are necessary for the exercise of internal control;*
- 4) *gain access to the official premises used by the police in its work;*
- 5) *request the attestations and technical and other data on the technical equipment used by the police, as well as the evidence of the capacity of police officers to use technical and other equipment in their work.*

In the exercise of control, the authorized officers of the Internal Control Sector of the Police cannot interfere with any ongoing action of the police, or obstruct its work or endanger the confidentiality of police action in any other way.

In the exercise of control, the authorized officers can inspect the documentation referring to the exercise of authority referred to in Section 2 of this Article and designated as confidential in the presence of the responsible person who determined the degree of confidentiality of the document, or the person authorized by him.

The Minister may also assign other police officers in the Ministry to perform specified tasks within the control of the police, apart from the authorized officers.

The Duties of the Internal Control Sector of the Police

Article 176

In exercising internal control over the work of the police, the Internal Control Sector of the Police, the authorized officials of the Internal Control Sector of the Police

and other police officers in the Ministry in charge of internal control over the work of the police shall take necessary actions, determine the facts of the case and collect evidence.

The Head of the Internal Control Sector shall acquaint the Minister and the Director of Police with the results of his control and shall give the proposals to the Minister for the elimination of the observed irregularities and for initiating the appropriate procedures for determining responsibility.

Control over the Work of the Internal Control Sector of the Police

Article 177

Control over the work of the Head of the Internal Control Sector of the Police, police officers employed in the Internal Control Sector of the Police and other police officers in the Ministry in charge of internal control over the work of the police, shall be exercised by the Minister in such a manner as stipulated by Article 172, Section 2, of the present Law.

If there is a well-founded danger that the exercise of internal control over the work of the police relating to the exercise of its police powers, as stipulated by this or some other law, shall prevent or substantially aggravate their exercise, or shall jeopardize the lives and health of the persons exercising them, the police officer may temporarily deny insight into the documentation, inspection of the premises or submission of specified data and information until the decision of the Minister.

If the subject of exercising internal control exceeds the competences of the Internal Control Sector of the Police, or is linked to other acts, or has a great significance, the Minister may decide that the further action relating to this subject shall be assigned to another internal organizational unit in charge of initiating proceedings.

The Authority of the Minister and the Obligations of the Internal Control Sector of the Police to the Minister

Article 178

The Minister shall give to the Internal Control Sector of the Police the guidelines, compulsory professional instructions, directives, as well as orders to perform specified tasks and take specified measures falling within their competence.

At the request of the Minister, the authorized officers and other police officers in the Internal Control Sector of the Police shall submit the data, documents and reports on specified issues falling within their terms of reference.

Informing the Government and the National Assembly about the Work of the Internal Control Sector of the Police

Article 179

At the request of the Government and the working body of the National Assembly in charge of security and police activities, the Minister shall submit the report on the work of the Internal Control Sector of the Police.

Control over the Work of the Police by Solving Complaints

The Procedure-Solving Procedure

Article 180

Everyone shall have the right to submit to the Ministry the complaint against a police officer should he hold that his rights or freedoms have been violated by the unlawful or improper action of that police officer.

The person referred to in Section 1 of this Article may submit a complaint to the police or the Ministry within a period of 30 days from the date of such violation.

Any complaint submitted against a police officer shall first be scrutinized and all relevant circumstances verified by the head of the organizational unit in which the police officer in question is employed, or by the police officer authorized by him (hereinafter referred to as: the head of the organizational unit). Should the views of the complainant and the head of the organizational unit be reconciled, it may be decided that the complaint-solving procedure is thereby concluded. This shall be stated in the minutes of the consideration of the complaint, which shall also be signed by the complainant. This procedure shall be concluded within 15 days upon receipt of the complaint.

Should the complainant fail to answer the call for a talk, or should he answer the call but fail to agree with the views of the head of the organizational unit, or should the complaint give rise to a suspicion that the criminal offence in question should be officially prosecuted, the head of the organizational unit shall assign all documents of the case to the commission, which shall conduct the further complaint-solving procedure.

The complaints in the Ministry shall be solved by the commission consisting of three members: the Head of the Internal Control Sector of the Police, or other authorized officer from the Internal Control Sector authorized by the Head of the Sector, the representative of the police authorized by the Minister and the representative of the public. The representative of the public, who shall participate in solving the complaints in the area covered by the police administration, shall be appointed and relieved of duty by the Minister, at the request of the body of local self-government. The representative of the public, who shall participate in solving the complaints about the work of police officers at the headquarters, shall be appointed and relieved of duty by the Minister, at the proposal of the professional community and non-governmental organizations. The representative of the public shall be appointed for a term of four years with the possibility of re-election.

The complaint-solving procedure in the Ministry shall be concluded by submitting an answer to the complainant within a period of 30 days upon completion of the procedure with the head of the police organizational unit. By submitting an answer to the complainant, the complaint-solving procedure shall be concluded and the complainant shall have all legal and other means for the protection of his rights and freedoms at his disposal.

The complaint-solving procedure shall be prescribed in more detail by the Minister.

The Obligation to Keep the Confidentiality of Data

Article 181

The persons participating in the exercise of the control of the police shall be obliged to protect and keep the confidentiality of the data and information obtained while exercising such control even after the termination of their functions.

The provisions of the Law on the Police concerning internal control, which subordinate the entire police control system to the Minister, are very bad and seriously discredit the idea about the civil and democratic overview of police work. First of all, the Head of the Internal Control Sector submits his reports to the Minister, and the Minister prescribes the method of exercising internal control over police work, as well as the types of such control. In addition, the Head of the Internal Control Sector is obliged to inform the Minister about all cases which, in his opinion, violate the law and about all activities undertaken by the Internal Control Sector so as to eliminate the observed irregularities.

Such a solution provides vast scope for various abuses, especially in politically sensitive cases, since the Minister – who always belongs to the ruling political party or coalition – tends, naturally, to hide the facts which might have an adverse effect on the political rating of his party or coalition, as well as the impression of the public about his work. Such a solution always leaves room for the Minister to evaluate the political appropriateness of conducting specified procedures in each concrete case and, depending on his conclusion, to prevent or divert an investigation, instead of conducting it so as to establish the facts on the basis of which it will be possible to bring legal decisions and gain full insight into police work.

The Minister gives to the Internal Control Sector the guidelines, compulsory professional instructions and orders to perform specified tasks, or take specified measures falling within his competence, while the employed in the Internal Control Sector are obliged to submit to the Minister all data he requires, even if they refer to him. In addition, the Minister exercises control over the work of the Internal Control Sector of the Police without the clearly defined control powers which – given the status of the Head of the Internal Control Sector as a police officer who is subordinated to the Minister – enables the Minister to have virtually unlimited powers, thus making him untouchable in the chain of control of the Ministry.

Such a status of the Minister is additionally strengthened by Article 177 of the Law, which authorizes each police officer to deny insight into the documentation if there is a well-founded danger that internal control over the work of the police relating to the exercise of police powers may prevent or significantly aggravate their exercise, or jeopardize the lives and health of the

persons exercising them. A police officer may temporarily deny insight into the documentation, inspection of the premises and submission of specified data and information until the Minister's decision.

Such a legal formulation authorizes each police officer to reject control in every situation, since he can always refer to the aggravation of the exercise of police powers, even if the exercise of these powers implies a gross violation of human rights. Since the Minister decides whether control should be rejected, that provides vast scope for abuses.

Section 3 of this Article narrows the extent of control by the Internal Control Sector still further by authorizing the Minister to assign the exercise of control to another organizational unit if the cases are linked to other cases, or (what is a special "pearl" of the Law) are regarded as being "of great significance".

Thus, it turns out that the Internal Control Sector can deal solely with the cases of "minor significance", when police officers agree to control and when the Minister decides that this control will be of benefit to him. In all other cases, control will be prevented.

One can also make numerous objections to the procedure for solving citizen complaints, but the most serious one concerns the composition of the commission that should solve citizen complaints. Namely, the units of local self-management in whose territory these complaints are to be solved, have the right to *propose* one member of the commission, but such a member is appointed and relieved of duty by the Minister. The Minister can also reject or replace the candidate proposed by the unit of local self-government, whereby the latter cannot have any influence on his decision. Consequently, this commission is also placed under full control of the Minister, while the influence of the unit of local self-government on solving citizen complaints about police work in its territory depends solely on the will of the Minister.

If one also bears in mind that the reports on the work of the Internal Control Sector are submitted by the Minister to the National Assembly and the Government of the Republic of Serbia, then it is clear that the Internal Control Sector represents only a tool in the Minister's hands, which he can use at his discretion. The Government and the Assembly, the two most important state institutions for control over the work of the police, have no influence on the work of the Internal Control Sector nor can they use any results which it might achieve. The provisions of the Law on the Police prevent any control over the work of the Minister and his associates, thus confining "parliamentary control" to the Minister's reading his reports to the uninterested members of the parliamentary security committee.

Therefore, the Head of the Internal Control Sector should be appointed directly by the Government, so that he and all members of the Sector can be independent of the Minister. The Head of the Sector should report directly to the Government. In addition, he should submit his reports to

the head of the professional parliamentary service in charge of control over the national security system, which must be formed so as to enable an efficient and effective parliamentary control.

The results of internal control over the work of the police from 2003 to the present day and the relations between the present Minister and the Inspector General of the Police show that the provisions of the Law on the Police are aimed at preventing control and widening the powers of the Minister.

The Results of Internal Control over the Work of the Police, 2003-2006

In the period from 5 June to 20 December 2006, 136 criminal charges were brought against 212 persons on suspicion that they committed 262 criminal offences.

The legal qualifications of these criminal charges were as follows: 103 abuses of authority, 34 cases of forging an official document, 26 cases of forging a document, 25 cases of bribe-taking, 9 workplace molestations, 8 cases of corruption in the workplace, 5 light bodily injuries, 4 cases of instigating a false content verification.

Insofar as the relationship between citizens and police and the violation of human rights by the police are concerned, criminal offences involving the abuse of authority are especially sensitive. Internal control over the work of the police revealed well-founded suspicion that 103 criminal offences involving the abuse of authority were committed and that 61 criminal charges were brought against 117 persons. Criminal offences with the elements of corruption (bribe-taking, bribe-giving and corruption in administrative agencies) are very closely related to the criminal offences involving the abuse of authority. Police corruption erodes citizens' confidence in large measure and aggravates the realization of citizens' rights before the police organs. During the observed period, 22 criminal charges were brought against 33 persons on suspicion that they committed 40 criminal offences with the elements of corruption.

The Serbian public is especially sensitive to criminal offences with the elements of torture committed by the police. During the Milosevic regime, the beatings of peaceful protesters and torture in police stations were a daily practice and one of the characteristics of this regime. Such criminal offences committed by the police prompt strong public reaction and have very harmful political consequences. Therefore, it is very important to prevent such practices, while the perpetrators must be found and ousted from the police. During the past three years, 12 criminal charges were brought against 15 persons on well-founded suspicion that they committed 18 criminal offences

with the elements of torture, including 9 workplace molestations, 3 serious bodily injuries, 5 light bodily injuries and 1 case of bullying behavior.

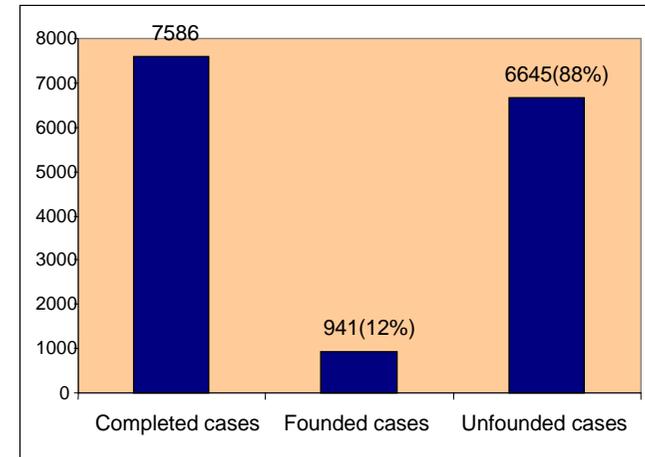
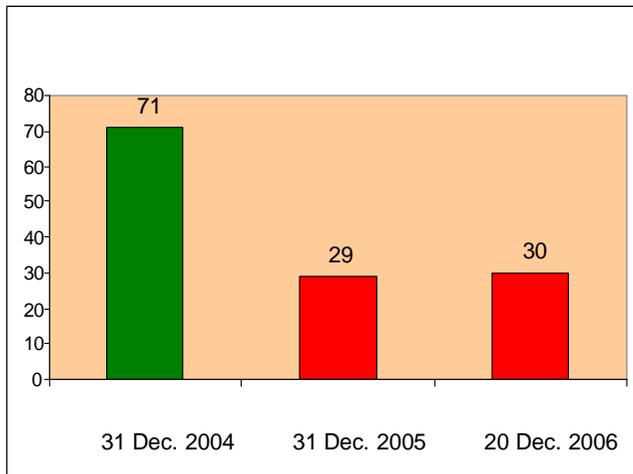
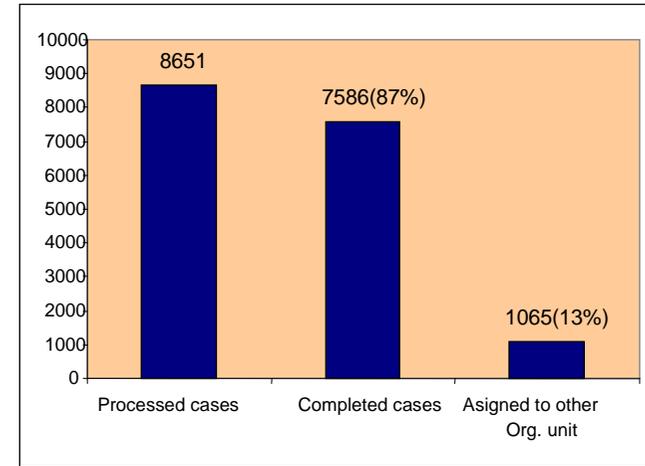
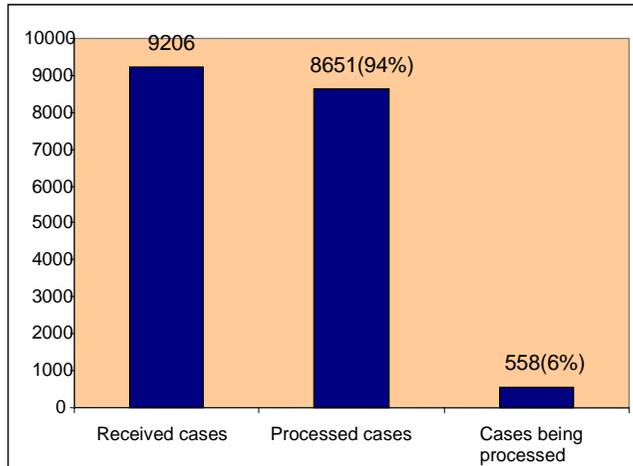
According to the table showing the number of criminal charges by year, it is evident that the number of criminal charges in the first year was two and a half higher than in the second and third.

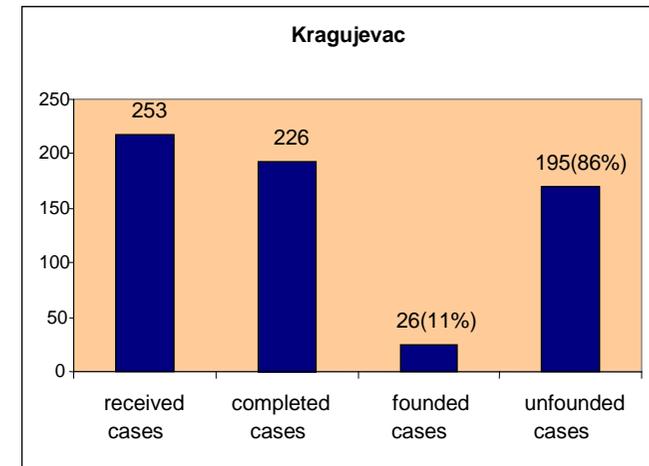
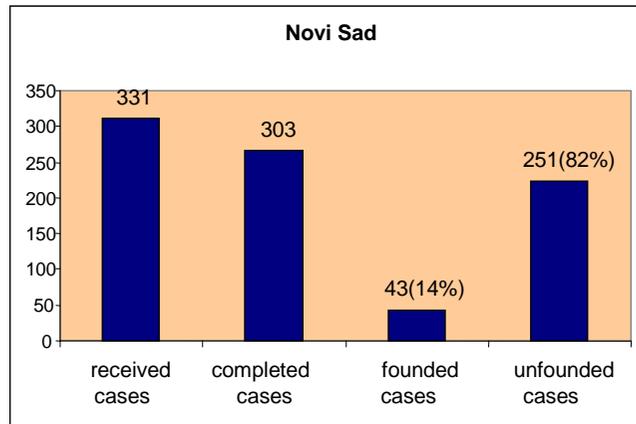
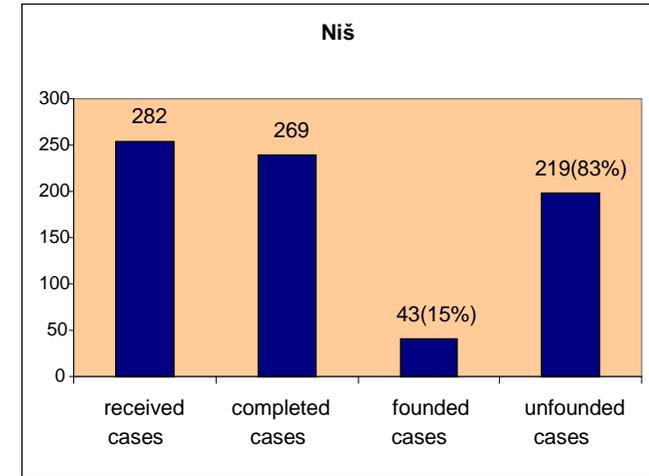
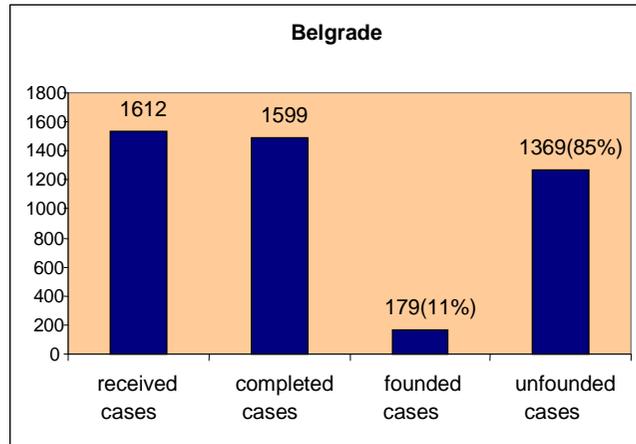
The reasons for a decreased number of criminal charges brought against police officers are certainly an interesting topic for research. Although we did not make a serious analysis of such a significant improvement in the behavior of police officers, we can assume that the main reason lies in the fact that a serious internal control began only in the period under review and that its positive effects became evident in the second and third year, when the number of criminal charges brought against policemen was almost identical. Unfortunately, the system of internal control is seriously weakened by the new Law, so that there is a real danger that the achieved results will be affected in the coming period.

In the period from 15 June 2003 to 20 December 2006, 11,128 citizens, police officers, legal persons and representatives of non-governmental and international organizations appealed to the Internal Control Sector either by petitions or anonymously, which points to a great interest of citizens in its work and their expectations that the Sector will protect them from police abuses, which were very frequent and very serious during the 1990s.

The Sector received 9,206 cases related to the complaints of citizens, legal persons, international and non-governmental organizations, of which 8,651 (94 per cent) were processed, while 558 cases are being processed (6 per cent). Out of 8,651 processed cases, 7,586 (87 per cent) were completed; 6,645 cases were evaluated as unfounded (88 per cent) and 941 cases as founded (12 per cent), while 1,065 cases were assigned to other organizational units of the Ministry and other government bodies.

THE SURVEY OF THE RESULTS OF THE INTERNAL CONTROL OF THE POLICE BY REGION





The data on the regional distribution of the results of the internal control of the police show that, according to the absolute number of cases related to the complaints of citizens, police officers, legal persons, international and non-governmental organizations, the Belgrade region holds the first place with 1,612 cases; it is followed by the Novi Sad region with 331, Niš with 282 and Kragujevac with 253 cases. If we compare the number of charges with the number of inhabitants in the region, we will find out that the Belgrade region still holds the first place, Novi Sad the second, Kragujevac the third, while Niš is the last.

The share of well-founded petitions in the total number of processed petitions is also very evenly distributed: the highest number of well-founded petitions was submitted in Niš – 15 per cent, in Novi Sad – 14 per cent and in Belgrade and Kragujevac 11 per cent each. On the basis of these data it can be concluded that all organizational units of the Internal Control Sector functioned in a coordinated way and according to the uniform criteria, which points out that the procedures were conducted in accordance with the law and control principles.

THE SURVEY OF THE MOST SERIOUS, UNSOLVED CRIMINAL OFFENCES IN THE TERRITORY OF SERBIA

A great number of the most serious, unsolved criminal offences in Serbia became a heavy burden to its society. Numerous killings of politicians, businessmen, policemen, well-known criminals and other public figures remained unsolved for many years, for which the public, rightfully, blames the police. A special problem faced by the police is the fact that just policemen were the perpetrators of many spectacular killings, that policemen were killed or wounded together with “controversial businessmen” in shootings, because they were their bodyguards or close friends, and that many well-known criminals had police identity cards (public or state security).

Among numerous unsolved criminal offences, murders, serious acts of banditry and armed robberies with lethal outcomes are especially alarming.

In Serbia, in the period 1990-2005, there were 922 unsolved criminal offences, involving murders, serious acts of banditry and armed robbery with lethal outcomes, in which 989 persons were killed.

There are still 791 unsolved murders, in which 834 persons were killed, and 131 unsolved criminal offences, involving serious acts of banditry and armed robberies with lethal outcomes, in which 155 persons were killed.

Of the total number of these unsolved criminal offences, 187, in which 218 persons were killed, were committed in the Belgrade region. In the period 1990-2005, in Belgrade, there were 163 unsolved murders, in which 189 persons were killed, and 24 unsolved criminal offences, involving serious acts of

banditry and armed robberies with lethal outcomes, in which 29 persons were killed.

These data point to the dramatic inefficiency of the police, while in some cases there is well-founded suspicion that the then Establishment was directly involved in the murders, so that the police itself obstructed investigations and destroyed evidence. Today, this prevents solving some of the most serious crimes, primarily the political killings committed during the 1990s.

A great number of unsolved serious acts of banditry and armed robberies with lethal outcomes, as well as “ordinary” criminal offences having no political background speaks more about the inability of the police to solve them than about a political influence on it. The inefficiency of the police points to the need to devote special attention, apart from legality, to the appropriateness of police work, employee occupational structure and education, on-the-job training, efficiency of police schools, as well as the quality of personnel admitted into the police service.

In addition to police personnel, special attention should be devoted to the doctrine of police work, which is reflected in the tactical and technical measures and procedures used by the police in combating the most serious crimes. Therefore, it is very important to exchange the latest knowledge in the field of criminology through international police cooperation and enable younger police personnel to receive advanced training in reputed European and American centres for criminology research, and practical training with the most prestigious criminal police authorities, whereby the quality of police work will certainly be raised at a higher level.

CRIMINAL AND MINOR OFFENCES COMMITTED BY POLICE OFFICERS IN 2005 AND 2006

During 2005 and 2006, 583 criminal charges were brought against 587 police officers. The status of police officers against whom criminal charges were brought was as follows: 506 uniformed police officers, 41 police officers with the status of an authorized officer and 40 police officers falling into the category of other workers.

The decisions on the ousting from the Ministry were brought against 135 police officers; 54 police officers were arrested and 36 police officers were placed under detention.

During 2005 and 2006, 1,018 criminal offences committed by police officers were detected and reported: 1 brutal murder; 7 murders; 1 attempted murder; 16 serious bodily injuries; 28 workplace molestations; 6 coercions; 133 abuses of authority; 22 cases of bribe-taking; 75 cases of forging documents; 14 acts of banditry; 8 armed robberies; 31 robberies; 31 cases of instigating general

danger; 3 cases of illicit trading; 151 cases of endangering public transport, and 493 other criminal offences.

A great number of criminal offences committed by police officers had nothing to do with their official status. It is disturbing, however, that such a great number of police officers committed a criminal offence.

Criminal offences involving workplace molestation, abuse of authority, bribe-taking and forging of documents are directly related to the official status of police officers. All other criminal offences, which are committed "at leisure time", are mostly unrelated to their official status, unless official identity cards, uniforms, official weapons and cars are used. However, they have an adverse effect on the reputation of the police in the society.

The fact that policemen committed 8 murders, 16 serious bodily injuries, 14 acts of banditry, 8 armed robberies... raises the question as to who wears the police uniform and under what conditions one can become a policeman.

Given the total number of police officers, the number of those who committed criminal offences in the last two years is disturbing. According to this criterion, the job of a policeman is one of more criminogenic professions, which is totally absurd. It is necessary to strengthen control over the work of the police and check the criteria for the admission of candidates in the police service. We also hold that the requirement that the candidate has no criminal record is not crucial, since insistence on it proved to be absurd. A much greater significance should be attached to the candidate's personality testing and checking of his mental and physical abilities, since just this deficiency proved to be crucial for the behavior of police officers who committed criminal offences.

In addition to criminal offences, police officers committed 977 minor offences, including 628 offences against transport safety, 3,012 offences against public order and peace and 48 other offences.

Offence reports covered 956 police officers, including 799 uniformed policemen, 114 police officers with the status of an authorized officer and 43 police officers falling into the category of other workers.

The number of police officers punished for traffic offences is especially amazing. Namely, it was almost a common practice in Serbia that traffic police did not punish a policeman for traffic violation, regarding such an act as a token of solidarity. According to the above indicators, however, this bad practice is declining, since the number of policemen punished for a traffic offence is very high. There is no doubt that the "dark figure" is still high, but the trends show that it will decrease significantly in the future.

The number of offences against public order and peace, which were committed by police officers, is disturbing. It shows that policemen in Serbia are still prone to violent and unscrupulous behavior, which seriously affects

the reputation of the police that is improving with great difficulty after the „Milosevic era“.

Due to more serious or minor breaches of professional duty, disciplinary actions were initiated against 5,722 police officers, including 5,306 uniformed police officers, 234 police officers with the status of an authorized officer and 182 officers without authorization. The proceedings to establish substantial liability were initiated against 264 police officers.

Against police officers even 86,995 petitions were submitted. The allegations in 44,012 petitions were checked; 1,040 petitions were founded and 42,972 unfounded, while the remainder is being processed.

The number of disciplinary actions initiated against police officers is extremely high if one bears in mind the total number of employed police officers. Compared to the number of police officers employed in the Ministry of the Interior in this period, disciplinary actions were initiated against about 10 per cent of them, which points to the lack of discipline of police officers and their negligent attitude toward professional obligations.

However, the fact that so many proceedings were initiated, points to the resoluteness of the Internal Control Sector to deal with all harmful tendencies within the Ministry of the Interior, thus making it a reputed government agency that will be able to perform its mission and be placed under full internal control, which must be the basis of civilian and democratic police and, thus, modern democracy.

CRIMINAL OFFENCES COMMITTED AGAINST POLICE OFFICERS IN THE PERIOD JANUARY - DECEMBER 2006

According to the data of the regional police administrations, in the territory of the Republic of Serbia, from January to June 2006, there were 999 criminal offences involving the prevention or obstruction of officers in the performance of duty.

This figure included 150 cases of preventing an officer from performing his duty; 224 assaults on an officer while performing his duty, 624 cases of obstructing an authorized officer in the performance of security tasks, or maintenance of public order and peace; one case of preventing an authorized officer from performing his duty, including security tasks and maintenance of public order and peace.

These data point to an increased degree of unscrupulousness of the perpetrators of criminal offences toward police officers and, thus, to the need that police officers change their attitude toward such persons while exercising their powers. It is also necessary to change the legal framework for the reaction of the police to the assault on a police officer while performing his duty. Naturally, a vital prerequisite for improving efficiency in police work and the better protection of police officers while performing their duty is the training

of police officers to react adequately to an obstruction to their exercise of powers.

ORGANIZATION OF THE POLICE

Police Directorate

Article 20

The Police Directorate shall be comprised of organizational units at the headquarters, the police administration for the city of Belgrade and regional police administrations (hereinafter referred to as: regional police administrations) and police stations.

For the performance of police activities the following shall be formed: at the headquarters of the Police Directorate – administrations; at the headquarters of the police administration for the city of Belgrade – municipal administrations and police stations; at the headquarters of regional police administrations – departments, and outside the headquarters – municipal police stations.

For the work of organizational units which are headed by them, as well as for their own work, those responsible to:

- 1) Director of Police – shall be administration heads at the headquarters of the Police Directorate, the head of the police administration for the city of Belgrade and heads of regional police administrations;
- 2) Head of the police administration for the city of Belgrade – administration heads at its headquarters and commanders of police stations in the municipalities;
- 3) Head of the regional police administration – department heads at its headquarters and commanders of police stations in municipalities.

Organizational units at the headquarters shall be formed in such a way as to be operationally linked, according to the line principle, to the appropriate organizational units and activities of regional police administrations and stations, or in such a way as to perform the tasks falling within their competence in the entire region being under the jurisdiction of the Ministry.

The Police Directorate shall be headed by the Director of Police.

Organizational units at the headquarters and regional police administrations shall be run by administration heads, and police stations – by commanders.

Special police units can be recruited for special security tasks only upon approval of the Minister.

The proposal for their recruitment shall include the plan and assessment.

The Activities of the Directorate and the Appointment and Relief of Office of the Director of Police

Article 21

The Police Directorate in the territory of the Republic shall:

- 1) monitor and analyze the state of security and specifically the tendencies favoring the emergence and development of crime;

- 2) adjust, direct and control the work of regional police administrations;
- 3) participate directly in the performance of specified, more complex tasks falling within the competence of regional police administrations;
- 4) ensure the implementation of international agreements on police cooperation and other international enactments falling within its competence;
- 5) organize and render an expert opinion in criminal cases;
- 6) create necessary conditions for maintaining and enhancing the capacity and readiness of the police to operate in emergency situations;
- 7) contribute, through police work, to security-police and educational-scientific activities.

Certain tasks referred to in Section 1 of this Article shall be carried out by organizational units at the headquarters, in accordance with their terms of reference stipulated by the enactment referred to in Article 4, Section 4, of the present Law.

The Director of Police shall be appointed by the Government for a term of five years, at the proposal of the Minister, upon competition and in such a manner as stipulated by the labor regulations applicable to the Ministry.

The Director of Police can be a person who shall fulfill the general conditions of work in the government bodies as stipulated by law, particular conditions of work as a police officer referred to in Article 110, Section 1, Items (2) through (6), of the present Law, has a university degree and at least 15 years of service in the police, and fulfils the job qualifications stipulated for the Director of Police. If more candidates meet the specified conditions, priority shall be given to the candidate with the best results in performing police activities.

Establishing Regional Police Administrations and Police Stations

Article 22

The Government shall establish regional police administrations and police stations, their jurisdictions and headquarters by the decree on the principles for the internal organization of the Ministry.

Internal Organizational Units for Work Coordination

Article 23

In order to perform police tasks in accordance with the specific features of specified regions, the decree referred to in Article 22 of this Law may also stipulate the formation of internal organizational units for the coordination of work of police administrations and police stations in these regions. The decree shall also define the jurisdictions and headquarters of internal organizational units.

The terms of reference and organization of internal organizational units referred to in Section 1 of this Article shall be stipulated by the Minister.

After receiving the opinion of the Director of Police, the Minister shall appoint and relieve of duty the police officer – the head of the internal organizational unit referred to in Sections 1 and 2 of this Article.

Regional Police Administration**Article 24**

The regional police administration shall:

- 1) *directly perform police and other activities and maintain local cooperation in the territory of the municipality in which its headquarters are located;*
- 2) *monitor and analyze the state of security, coordinate and overview the work of police stations and ensure the maintenance of local cooperation and responsibility in the region in which it has been formed;*
- 3) *participate, if needed, in the performance of the tasks falling within the competence of police stations;*
- 4) *undertake the measures of safety and protection of specified persons and facilities;*
- 5) *perform other tasks stipulated by special regulations and other enactments.*

After receiving the opinion of the Director of Police, the Minister shall appoint and relieve of duty the police officer – head of the regional police administration.

Police Station**Article 25**

The tasks of the police station shall be to directly perform police and other activities and maintain local cooperation in the region which it has been formed, within the regional police administration.

Upon authorization of the Minister and after receiving the opinion of the head of the regional police administration, the Director of the Police shall appoint or relieve of duty the police officer – commander of the police station.

Secret Services

After the disintegration of the Federal Republic of Yugoslavia, in the second half of 2006, Serbia finally assumed control over all security services (some of which were under the control of the Ministries of Defense and Foreign Affairs). Like in other areas, Serbia failed to restructure and modernize the security system; instead, it took over the system of the former Yugoslavia. The major deficiency of all those services is a failure to change their aims so as to correspond to the current internal situation and broader international context. At present, Serbia has five services which have no institutional control mechanism. So, for example, the Serbian Government's Action Plan for capturing Ratko Mladic did not deal with the essence of the system too much. Instead, an attempt was made to achieve some results through the existing mechanisms.

Secret services still pose one of the crucial problems in constituting Serbia's political scene. Some political parties and non-governmental organizations pointed to the need for radical reforms as well as the

dismantling of the intelligence-security system in Serbia, but they were not taken seriously. However, since the beginning of Serbia's negotiations with the EU, reform demands have become increasingly more serious and the EU is now insisting on them. Enlargement Commissar Oli Rehn stated that the main reason why Mladic is still at large lies in the fact that the "security services are not under the Government's control, especially the parts of the military intelligence service. It is high time that Serbia identifies those forces so as to be able to hand over Mladic to The Hague". A similar statement was made by Erhard Busek, Special Coordinator of the Stability Pact for South Eastern Europe, while in the Council of Europe's report on the rule of law in Serbia and Montenegro it is stated that the judicial system in Serbia is "in a deep crisis" and "exposed to a great political pressure". The report also points to the lack of democratic control and a clear legal framework in the work of the police and secret services, "especially if one bears in mind the role of those services under the Milosevic regime".

As for the security services, the greatest problem is posed by their control. Parliamentary overview through the Defense and Security Committee was not very efficient. It is an established practice that the Security-Information Agency (BIA) submits its six-month reports but, in practice, there is no efficient overview, partly due to the fact that there are no regulations on the mutual relations of the Committee and BIA. This gap provides a wide scope for manipulation, since most citizens do not know what the BIA is doing. As a rule, an undefined intelligence-security system is susceptible to abuses and the violation of rights. In essence, the practice from the period of Slobodan Milosevic, when these services were the pillar of the regime and his personal rule, has not changed. The security system is still mystified and its services were used by the ruling parties to a great extent. Given the power of these services during the past period and mysticism surrounding them, the majority of the so-called democratic parties wishes to achieve control over them. There were no attempts to change security culture and, thus, control over them but, as experience has shown, it is attempted to preserve the method of their operation. The presence of the security services in the public, primarily through tabloids, illustrates their mystification in the best way. Regardless of the reforms initiated in those services, at least formally, there have been no improvements in their efficiency and respect for democratic values. According to Dragan Sutanovac, who chairs the parliamentary Security Committee, the degree of BIA transformation is lower than in 2003, since the BIA is still a closed and centralized institution, which has no deputy director, inspector general and civilian, parliamentary control. Professor Bogoljub Milosavljevic, expert on security service reforms, says that the reform of secret services is a vital prerequisite for the stabilization of the state, since those "services were the pillars of the previous regime and the main executors of the regime's crimes. Since the very beginning, it has been clear that the services and police

have been criminalized.⁸ For a radical reform of these services, it is necessary to have political will, which does not exist in Serbia. Once they come to power, all political parties tend to subordinate the police to their aims.

In addition, these Services have not sufficiently been integrated into the international security community. The best illustration of their insufficient transparency is the question of the visa regime with the EU and, thus, visa facilitation vis-à-vis Serbia. Namely, the EU requested the transparency of the data base as a prerequisite for visa facilitation. However, the Serbian Ministry of the Interior failed to meet these requirements, thus preventing the agreement between the EU and Serbia, which affects all citizens. The EU Enlargement Commissar demanded from the Serbian authorities to dismantle their secret services within the shortest possible time. In his opinion, just the secret services are to blame why Ratko Mladic was not captured by the end of April 2006.⁹ Strahinja Brajuskovic, coordinator of the EU project of integrated border management, says that Serbia's security system is clumsy and that Europe holds that it is the state within a state and that it hinders European integration and regional cooperation.¹⁰

According to the daily *Blic*, Milosevic's cadres still control the secret service. The Deputy Head of the BIA Fifth Directorate, which is charged with the search for Ratko Mladic, is the man who participated in tailing Ivan Stambolic. Another person who participated in the "processing of Stambolic" is now the head of the Wiretapping Directorate, while the Directorate for International Cooperation is headed by the man to whom all reports on the surveillance of Slavko Curuvija were submitted. Rade Bulatovic relies on the cadres from the Milosevic regime, who retained the crucial positions after 5 October 2000.¹¹

The investigations and numerous court trials, ranging from the crime on the Ibar Highway, murder of Slavko Curuvija, assassination of Zoran Djindjic, murder of Momir Gavrilovic, as well as many others point to the involvement of the Service. The State Security Sector, which kept Slobodan Milosevic in power, remained almost intact. Jovica Stanisic, who was the undisputable head of the secret service from 1991 to 1998, is still the most influential. His cadres remained in this service even after his replacement. Moreover, his well-developed contacts with the underground and foreign intelligence agents have enabled him to retain his power, although he is a Hague indictee.

⁸ *Blic*, "Da je služba raspuštena Djindjić bi još bio živ", 5 October 2006.

⁹ *Ibid.*

¹⁰ *Nedeljni telegraf*, 25 October 2006.

¹¹ Until 5 October, the State Security Service head was Rade Markovic; his deputy was Nikola Curcic and assistants Franko Simatovic Frenki, Branko Crni and Misa Vilotic.

In essence, the basic problem is posed by the BIA, whose Director Rade Bulatovic (since February 2004) is directly subordinated to the Prime Minister. The work of this agency is stipulated by the Law on the BIA of 2002, which was primarily intended to separate this agency from the Ministry of the Interior. However, this Law is deficient and such an opinion prevails among the members of the Government, independent experts, as well as BIA experts. Although several drafts have already been made, this Draft Law has not yet arrived in the Parliament. Apart from legal one, it is necessary to have parliamentary control through the Serbian Assembly Security Council, which is chaired by the Radical Miroslav Mircic. In practice, however, this control is reduced to the appearance of the Director of BIA before this Committee once a year so as to submit his report.

The Prime Minister is authorized only to appoint and relieve of office the Director of BIA, while checking or investigation relating to the operation of the Service falls within the competence of the BIA. During his term of office, Prime Minister Kostunica never brought any allegation of the BIA into question. So, for example, the BIA did not predict the events of 17 March 2004, but frequently announced the presence of Al-Qaeda in the territory of Serbia and its activities.

When submitting the six-month report on the work of BIA to the Serbian Assembly Security Committee, Rade Bulatovic revealed the existence of "local terrorist groups". He also emphasized that the "events of January 2006 point to the attempts to spill over terrorism into the territory of Serbia", and that it was the question of the "groups from Kosovo and Metohija, consisting partly of the members of the dissolved terrorist organizations and partly of the persons living in Kosovo and Metohija". He linked all this to the settlement of the status of Kosovo and Metohija and an attempt to link the settlement of this status to that of southern Serbia. He also noted that "there is no certain support they wish to have".

In the BIA report for the period December 2005 – May 2006, it is stated that the security situation in Serbia is stable, despite the strengthening of certain security risks in Kosovo and Metohija, southern Serbia, Raska region and Vojvodina and that they may aggravate the state of security. Bulatovic emphasizes that the extremist and criminal activities are transferred from Kosovo and Metohija to the whole region and that "Albanian extremists in southern Serbia again direct their activities toward the performance of terrorist actions".

The Director of BIA also stated that, in the territory of Vojvodina, the extremists from among the national minorities "abuse the current political processes", settlement of Kosovo's final status and the dissolution of the state union so as to pursue their separatist aims through new initiatives. According to him, all these events are the result of the influence and direct support from our neighborhood, while Serbia's strategic interest in Euro-Atlantic integration

is used by one part of the international community, for various reasons, to exert pressure, which is primarily reflected in the demand for full cooperation with the Hague Tribunal. It is also stated in the report that neo-Nazi groups and rightist organizations appear in Belgrade and Novi Sad and that they are under the "surveillance of all security bodies in Serbia"¹². The BIA handed over to the Serbian Archives a considerable part of the old personal files. According to Bulatovic, those are mostly the personal files on Chetniks, about 52,000; supporters of the Informbiro - 10,000; anarcho-liberals - 509; supporters of Ranković - 84 and liberals - 8.¹³

The BIA holds that Kosovo poses the greatest security risk to Serbia. Its task is to prevent the spillover of terrorism into Serbia. Bulatovic claims that the BIA knows who leads terrorist groups in Kosovo. He also pointed out that there are certain risks both in Sandzak and in Vojvodina. "In Sandzak, there appeared the Vehabit movement. It has two forms. One is to attack moderate Muslims, and the other involves attacks like the one on the Balkanika group."¹⁴

It seems that the BIA devoted the greatest attention to the opposition, journalists, non-governmental organizations and, in general, all those who might endanger the ruling elite. Its activities can be observed in the specified media to which they provide exclusive information and photographs. Bulatovic stated that "wiretapping is practiced only to the extent being necessary. The number of persons being wiretapped is a state secret. This measure is applied mostly in the fight against terrorism and crime."¹⁵

Mladic's capture, which falls within the BIA competence, failed, although Director Bulatovic often announced himself in this connection. The BIA performed one spectacular action in Valjevo, in May 2006, when police helicopters and masked policemen arrived in the city to "capture Mladic". Although the action was planned in great detail, it failed. Former Vice-Premier Miroljub Labus was the first to point to the responsibility of the secret services for failing to capture Mladic when justifying his resignation after his return from Brussels. "Should we have the services we should have and had they performed their duty as they should have had, nobody would be able to hold the country hostage. The problem lies not in Mladic, but in the services. The Director of BIA is responsible to the Government. As for the Director of the Military-Security Agency (VBA), I do not know", said Labus and added that the mentioned services "were looking for Mladic everywhere, except where he was". That the secret services failed was also stated by Vuk Draskovic, Foreign Minister of the State Union of Serbia and Montenegro, and Rasim Ljajic,

¹² Bojan Kostres, President of the Vojvodina Assembly, requested a meeting with Bulatovic concerning the BIA country report in which "Vojvodina was evaluated as an unstable region in which there is separatism."

¹³ *Danas*, 20 June 2006.

¹⁴ *Večernje novosti*, 22 June 2006.

¹⁵ *Ibid.*

Minister for Human and Minority Rights. Kostunica only said that "it was really done everything that could be done"¹⁶. And the Inspector General of the Police, Vladimir Bozovic, said that he was denied the information from the Ministry of the Interior about the progress made in the search for Ratko Mladic.

Conclusions:

On the basis of the analysis of the Law on the Police, which was adopted by the Serbian Assembly in 2005, as well as the performance of the police in the period 2003-2006¹⁷, it can be stated that the basic deficiency of the police reform, which is contained in the new Law, refers to the internal and external control of the police and its organization.

The Law on the Police gives excessive powers to the Minister vis-à-vis the Internal Control Sector, thus discrediting the very idea about control over police work to a significant extent. The Internal Control Sector should be independent of the Minister in its work, while the reports to the Minister, Government and the National Assembly should be submitted directly by the Head of the Sector, who should be appointed directly by the Government, and not by the Minister, so as to enjoy full independence in his work, which is a vital prerequisite for any control.

The police preserved its centralized structure, without the possibility of having local police services which is, in our opinion, necessary for the countries like Serbia. In addition, local authorities have no influence on the functioning of the police in their territory, except the possibility of handing over donations to the police stations in their territory.

We hold that the new Law on the Police and its implementation did not contribute enough to the police reform, which must be one of the crucial reforms of the Serbian society as a whole.

¹⁶ *Vreme*, 11 May 2006.

¹⁷ All data given in this paper have been taken from the report "The Performance and Activities of the Office of the Inspector General and the Inspector General of the Public Security Sector and the Internal Control Sector of the Ministry of the Interior of Serbia, from 15 June 2003 to 20 December 2006" presented in December 2006.

THE ROLE OF THE SERBIAN ORTHODOX CHURCH IN FRAMING A NEW CULTURAL MODEL

The Serbian Orthodox Church turned into a fundamental social institution but also into the leading spiritual one imposing itself as a major arbiter in the process of shaping Serbian identity after ex-Yugoslavia's disintegration. The belief that the Church has always been a guardian and promoter of Serbs' national consciousness was also forced upon the society. Thus the Church considerably managed to impose desecularization of Serbia, which implied its ever stronger ties with the state. Therefore, the process of clericalization is in evidence in the domains that exclusively belong to a secular state, which Serbia should be under her Constitution.

The moral crisis of Serbia's society is a major concern of the Serbian Orthodox Church (SPC). The SPC blames this state of affairs primarily on foreign but also on some domestic factors. It points out that it is 'hard to stand up to the centuries-old hypocrisy of the big powers, harder still to survive the successive genocides at the hands of the closest neighbors, and hardest of all to understand the treachery of Serb intellectuals and recover from one's own spiritual decline'.¹ Significantly, however, the SPC has demonstrated neither willingness nor ability to take stock of its own role in the wars fought during the 1990s. The SPC is taking advantage of the void consequent upon the devastation of all societal norms and the demoralization of society to advertise an Orthodox model as the only answer not only to the crisis, but also to every modern dilemma facing Serbia's society. The SPC operates within the framework of a wider strategy, implementing it shoulder to shoulder with the institutions of the State (which also avoid acknowledging the debacle) and the cultural and intellectual elites, who are striving for the 're-evangelization of the Serb people' and promoting a fundamentally anti-Western cultural model.

The build-up of the SPC as a key player in society dates back to the late 1980s. Thus, in its 1989 St Vitus Day message, *Glas crkve* put forward its 'Draft Serbian Church National Programme' which read, inter alia: 'There is no

¹ *Pravoslavljje*, 'O srpskom nacionalnom umoru' (On the Serb national fatigue), 15 September 2006.

denying the fact that the last two years have witnessed a thaw in the relations between the Serbian Church and Serbian politics, as well as changes such as have not been seen in the half century since the war. But one must not call a halt now. One ought not to fear and shy away from the Church, which has for centuries been the staunchest pillar of the Serb nation. And although it does not opt in favor of any particular socio-political system or party, I cannot remain completely apolitical...'²Already next year *Pravoslavljje* suggested to the 'political leaders of Serbia who are promoting the programme of creating a democratic European State to restore to the Church the role of which it was unjustly and forcibly deprived, and so to fill the void created by society's neglectful attitude towards it. For there is no strong State without a strong Church. These are the demands: abolishing any discrimination against believers and guaranteeing their equality in everyday life, introducing religious teaching in schools, free access to the media, freedom of Church press, unrestricted construction of religious facilities, the restoration of St Sava [Day] as the Church, State and school holiday, introducing the observance of Christmas, Easter and the *Slava* as holidays...'³Seventeen years later, the Church was conferred by the new law the status it had been wishing for, because the law legitimizes the state-building and political role of the Church.

The SPC opposes separating the concepts of State and culture and holds that the 'Church can and ought to act as a link between the State and the national culture through the restoration of traditions, for culture, tradition and the Church are inseparable concepts.'⁴ Consequent on this is the argument being put about that Serbia's association with the European Union would lead to a loss of identity and a collision with the 'global order and project, that is, to coming face to face with the consumer society Hybrid, with the hedonistic and self-seeking style of living.' Only the Orthodox Church of the East, says Amfilohije Radović, as the mother of all churches, 'has the mission and the responsibility to bear witness and to reawaken recollection in all people, that is, to reawaken in Europe's mind its authentic Christian values, without which any globalism, including Euro-American, leads the world and mankind to a new never-never land.'⁵

The Serb national project, in which the SPC has played a prominent part, is aimed both at territorial aggrandizement and against Western values. At the very start of the Serb national adventure in the 1990s it was stressed that 'while no one denies the necessity of Western technology, Slavophil refuse to adopt the West's decadent theology with it. They safeguard the authentic cul-

² *Glas crkve*, No. 3, 1989.

³ *Pravoslavljje*, No. 5, 1990.

⁴ Amfilohije Radović, 'Pravoslavljje u objedinjenoj Evropi' (Orthodoxy in a unified Europe), *Pravoslavljje*, 1 March 2006.

⁵ *Ibid.*

ture of great Russia and its fountainhead – Orthodoxy.⁶ In the recent wars the SPC's advocacy of the unification of Serb lands made considerable impact. Ever the opponent of the internal borders drawn by the Anti-Fascist Council of National Liberation of Yugoslavia (AVNOJ), in the wake of the Dayton Accords (1995) the SPC withdrew Patriarch Pavle's signature from the document empowering Slobodan Milošević to represent all Serbs at Dayton because it was dissatisfied with the slice of territory given Republika Srpska. The World War Two delimitation still rankles with the SPC: thus, on 15 September 2006, *Pravoslavljje* wrote that 'to cap it all, the large democratic world recognized the AVNOJ borders drawn by a terrorist organization and thus incurs upon us a succession of nation building defeats which seem to be without end.'⁷

In criticizing the current state of affairs, the SPC proceeds from the argument that the crisis menaces the major facets of modern European society's life: according to the SPS, the crisis has encroached deep into the segments of modern European culture referred to as lay culture and destroyed the traditional values which fall within the ambit of the Church and religion. The SPC blames these trends chiefly on the secularization of the Western civilization and the progressive dwindling of the religious legacy. The SPC attributes the rationality of the modern political community solely to a lust for power based on interests, and it is these interests that are superseding as obsolete the eternal questions about human freedom, justice, truth, morality and ethics. This is why, in the opinion of the SPC, modernization as modern man's 'deliverance formula' is today under serious scrutiny. The introduction of Orthodox norms of social conduct, it is said, can mitigate the numerous flaws of the rationalistic approach born under the rule of modern capitalism. Likewise, a synodal way of life is said to be superior to any democratically organized society. The SPC proffers the Orthodox tradition with a view to bridging the historical, cultural and national discontinuity caused by ideological coercion and restoring societal continuity in Serbia.⁸ Metropolitan Amfilohije (Radović) stresses that it is the 'fundamental role of Orthodoxy to restore to peoples the awareness of the dignity of their own culture and synodal identity.'⁹

The SPC attaches priority to 'preserving the Orthodox identity' because, in its view, its cohesion is under threat chiefly from the Hague Tribunal and covert occupation. To counter this, it is necessary to marshal every defensive mechanism available by mobilizing the state apparatus, political parties,

⁶ 'Za Rusiju hristonosnu' (For Christ-bearing Russia), *Teološki pogledi*, 3-4, 1988, pp. 121-129.

⁷ Boško Obradović, 'O srpskom nacionalnom umoru' (On the Serb national fatigue), *Pravoslavljje*, 15 September 2006.

⁸ Dr Gordana Živković, 'Kriza modernosti i pravoslavljje' (The crisis of modernity and Orthodoxy), *Pravoslavljje*, 1 September 2006.

⁹ Amfilohije Radović, *Pravoslavljje*, 1 March 2006.

cultural institutions and nationally-oriented non-governmental organizations, as well as through family and individual engagement. The SPC sees the greatest danger in the operation of the 'Sorosite non-governmental sector', which must be countered by the activities of a national non-government sector above all on the cultural level because the 'most important battle for the preservation of a people is fought in the field of culture'. Another imperative is to oppose the 'Hague policy of de-Nazification' as it is being implemented in Republika Srpska, where individuals are not permitted to engage in politics (this restriction, of course, applies to persons connected with war crimes). The SPC perceives the alternative to this in a Serb Christian culture which is to be promoted by 'hundreds of cultural workers who will guard, cherish and transmit the Serb Orthodox-national idea.'¹⁰

As part of its endeavor to preserve the identity, the SPC advocates the restoration of the monarchy as another chief pillar of Orthodoxy. For having a dynasty is tantamount to possessing an immense spiritual wealth: the dynasty is the 'embodiment of the nation's highest nobility, the guarantee of a glorious future like the golden cross on the imperial crown. This cross points out the direction: the nation's spiritual resurrection on earth and the return of the Karađorđević dynasty to the throne.'¹¹

In keeping with this orientation, the SPC has laid down directions and a framework for the conduct of the 'Serb Orthodox man'. The SPC has also won for itself a domineering position regarding the determination of value systems and cultural patterns, a state of affairs prompting Filip David to observe that the SPC 'often behaves as if the age of the Inquisition were back'. David said this after the Bishop of Bačka, Irinej, had condemned a street performance in Novi Sad by an Italian theatre troupe from Modena as a 'Satanist' event. In connection with Teatro dei Venti's play 'Mala Parata', Bishop Irinej wrote: 'It was a masquerade in which one member of the group, wearing an appropriate costume and mask, played the part of Satan and the rest demons. By words, or, rather, howls and screams, they glorified the Evil One, who alone could have inspired them to this perverse 'rite'. To the accompaniment of overloud drum-beat and wild music, they gesticulated at the Cathedral to show that blasphemy of the religious sentiments of most residents of Novi Sad was their chief aim... When later they set off along Zmaj Jovina Street, in the same outfit and in a morbid trance, the innocent little children cried, screamed, ran away...' The Bishop also described the performance as a 'Satanic show of strength', a 'devil worship' performed by 'witting or unwitting followers of Satan'. The Bishop directed that the 'Church's protest against this sacrilege and

¹⁰ Branimir Nešić, 'Očuvanje identiteta u procesu globalizacije' (Preserving one's identity in the globalization process), *Pravoslavljje*, 15 May 2006.

¹¹ 'O pravoslavnoj monarhiji' (On the Orthodox monarchy), *Pravoslavljje*, 15 May 2006.

barbarity be expressed by the protracted sounding of all the bells of the Cathedral Temple'; and next 'morning he gave instructions that the whole area be sprinkled with holy water and an appropriate prayer read'.¹²

The SPC has the same critical attitude to music, the role of woman in society, and other subjects. Thus, on the occasion of the Monk Arsenije's book *Bog i rokenrol* [God and rock-and-roll], it cautioned that the ideology of rock-and-roll popularizes a way of life which celebrates the glory and misery of the corporeal man and shams spiritual quests that too often prove to be roads with no return. The SPC looks upon rock-and-roll as an import of Western culture, an 'ideology, a new worldview which propagates its own way of life - a break with traditional morals, a life with no responsibility for concluding marriage and founding a family, a gradual degeneration of the person under the slogan of attaining a higher existence.'¹³

The reversion to the traditional role for women in society is a priority in the new cultural model, which denies the women the level of emancipation attained during the previous system, that is, in the Socialist Federal Republic of Yugoslavia. The accomplishments of this emancipation are belittled on every appropriate occasion: thus, the SPC notes a universal identity crisis and perceives a 'discrepancy between natural givenness and societal trends which has brought about an upsurge in feminized men and masculinized women, with the advocates of legalizing homosexuality and other sexual deviations being the only ones who are profiting from this deleterious absurdity.' In reference to 8 March as a women's holiday, it is alleged that the Women's Rights Movement has become corrupt and degenerated into a movement for the exercise of so-called sexual rights and the equality of the sexes in every way, also accusing it of being founded on irrational spite and revanchism. The movement is said to have brought forth as a model an 'emancipated' woman who is actually self-seeking and self-satisfied and regards man as her rival.¹⁴

As a result of the SPC's special interest in winning over young people, numerous studies carried out since 1990s indicate that religiousness is exceptionally widespread among them, especially among adolescents. Snežana Joksimović, senior researcher at the Institute of Pedagogic Research, believes that the large number of believers among young people can partly be attributed to the democratization of society and partly to the fact that religiousness has become a desirable trait. She also says, however, that research indicates that society's current attitude to religion is 'partisan'. She also notes a 'negative nexus between tolerance and religiousness' in that 'those

¹² *Vreme*, 'Egzorcizam u Zmaj Jovinoj' (Exorcism in Zmaj Jovina Street), 31 August 2006.

¹³ Boško Obradović, 'Potkultura rokenrola i droga' (The subculture of rock-and-roll and drugs), *Pravoslavlje*, 1 May 2006.

¹⁴ M. Popović, 'Osmomartovska emancipacija' (The emancipation of 8 March), *Pravoslavlje*, 1 March 2006.

who are religious - or at least say they are - are less tolerant of differences'. Young people, she says, are not adequately informed about minority religious communities and are very prejudiced against them.¹⁵

The SPC is systematically promoting itself, above all through the media, and expanding its influence in society with the wholehearted support of Prime Minister Vojislav Koštunica, its position being that the 'Church is not a community isolated from society but its natural and socially useful part'.¹⁶ The SPC has also developed its own media network. Nearly every eparchy has its own media establishment and there are also numerous parish newspapers as well as Church publishing houses. The SPC has two radio stations: Glas Crkve in Valjevo and Svetigora in Cetinje. In addition to this, the Eparchy of Žiča has founded TV Logos, the first Church television channel in this part of Europe. The SPC also relies heavily on the Internet as a medium for furthering the 'invaluable missionary power of the Church'.

During the last two decades the SPC has been very busy building facilities as part of a strategy of reverting to its mediaeval traditions on which to develop the future cultural model. The new church architecture is distinguished by a heavy reliance on or downright copying of the design of mediaeval edifices; this is particularly in evidence in Vojvodina where an effort at ecclesiastical unification is being made with the object of superseding the province's character. The State's moral and material support for the SPC's construction flurry is laden with symbolism since the emphasis on mediaeval architectural form suggests a rapport between Church and State as well as furthering the former's ideological programme. During the last decade of the 20th century, under the rule of the Socialist Party of Serbia (SPS), 420 churches were built and the trend continued in the wake of the 5 October 2000 change of government. The Serbian Government has set aside 1.320 billion dinars (about €15 million) under its National Investment Plan for the construction and renovation of religious buildings. Milan Radulović, the Minister of Religion, says that 'this is the largest State investment in the construction and renovation of religious facilities since 1940, exceeding in sum total the investments made by the State in the construction of Church buildings during the last half century.'¹⁷

Institutionalization of the SPC Status

The Law on Religious Communities and the Law on Restitution of Church Property have finally *de facto* institutionalized the status of the SPC as

¹⁵ *Danas*, 'Nije lako skočiti u veru bez pripreme' (It's not easy to plunge into religion without preparation), 7 March 2007.

¹⁶ Boško Obradović, 'Status Crkve u srpskim medijima' (The status of the Church in Serb media), *Pravoslavlje*, 15 May 2006.

¹⁷ *NIN*, 'Državni prilog' (The State's contribution), 17 August 2006.

the State Church, thereby placing the clericalization of society within a framework of law. The Law on Religious Communities provides that the 'Church and religious communities may also perform rites in schools, State institutions, hospitals, Army, police, social welfare and child care institutions, institutions for enforcement of criminal sanctions, public and private enterprises, private flats and other appropriate places'; also, 'The Ministry of Religion shall be obliged by law to earmark at least 20 per cent of total annual grants to churches and religious communities for their cultural and publishing activities' (Article 39).

The numerous commentaries on and objections to these laws were not taken into consideration. Vesna Rakić Vodinelić, the Faculty of Law professor, considers that a section of the Law is at variance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Law, she says, fails to note that the Convention prohibits restriction of religious freedom, only that it allows restriction of certain kinds of manifestation of religion. She also points out numerous inconsistencies and contradictions between the Law and the Constitution of Serbia. Whereas Article 41 (2) of the Constitution of the Republic of Serbia states that the religious communities are separate from the State, the borderline between the competences of the State and the scope of activities of religious communities is blurred in the Law in several places. For instance, while the State is forbidden to interfere in the activities of religious communities, there is no provision forbidding religious communities to meddle in State affairs. The provision concerning the prohibition of discrimination on religious grounds contains no stipulation on the right of citizens not to state their religion and no safeguards in connection with this right. The Law also lacks a provision, even declarative, that the Church is separated from the State.¹⁸ A major objection to the Law is that the 'churches should not exercise administrative-legal competence over historical artifacts rated as such as scholars and conservators.'¹⁹

The immunity of religious dignitaries is guaranteed in spite of the numerous objections of the civil sector organizations and individuals who took part in the preliminary draft of the Law on Religious Communities. The Law namely provides that 'priests and/or religious officers may not be called to account to a government authority for their actions during the performance of liturgical functions.' This provision of the Law was implemented at once and Bishop Pahomije was acquitted of a charge of lewd acts against four boys. Significantly, the hearing was held behind closed doors and the public was denied full information about the charges made against the Bishop. In her reasons for the judgment, Judge Katarina Randelović of the Municipal Court in

¹⁸ *Politika*, 24 April 2006.

¹⁹ Marko Omčikus, 'Mimo evropskih standarda' (Against European standards), *Danas*, 15 March 2006.

Niš said that the evidence given by two of the boys was 'contrary to the witness statements' and that the 'expert witness did not establish in the accused the existence of any evidence of pedophilia or homosexuality but only an almost extinct sexual drive.' The boys' lawyer said after the acquittal that 'because of this trial and judgment the judiciary has reverted to the pre-2000 era, to the cave, the dark ages.'²⁰

The boys' families and the general public objected to the outcome of the proceeding before the Niš court. In the case of Bishop Pahomije, the SPC showed its impotence to come to grips with the problem. The analyst Mirko Đorđević commented on the case as follows: 'By avoiding to have the case investigated at the level of a Church court, the SPC has shown that it avoids the truth, thereby inflicting the most harm on itself.'²¹ Bishop Irinej said that the judgment had 'put a stop to this case', that the 'judgment rendered by the court was to be expected' and that a 'cloud was needlessly cast on the SPC during the trial.'²² At the height of the scandal, early in 2004, Priest Goran Arsić and Deacon Milorad Milosavljević were defrocked by decision of the Church Court of the Eparchy of Vranje for appearing as witnesses for the boys.

The law on the restitution of property belonging to churches and religious communities provides for restitution to be made 'in a natural form', but if this is impossible, the State will make restitution in the form of other appropriate property, money and/or bonds. Under this Law, religious communities are given until 30 September 2008 to make applications for the restitution of their property. The Law was railroaded through Parliament chiefly because it was believed that it would add weight to the Serbian side at the negotiations on Kosovo's status. Milan Parivodić of the Democratic Party of Serbia (DSS) stresses that the 'Church knows exactly what belongs to it' and that the 'bulk of its nationalized property is in State ownership, so there will be no problem to return that'. The Law was pushed through mainly to forestall a solution of Kosovo's status because, as Parivodić says, 'in the event of a succession all hope of the property being returned to our Church would be lost'. He says that the intention to denationalize church and religious community property, including that belonging to the Islamic community, provides a serious 'civilizational argument before the international community and the Court in Strasbourg for insisting that our Church in Kosmet [Kosovo and Metohija] should be given back its vast property.'²³ This argument also goes for Montenegro because the SPC lays claim to all Church property there.

Solving the problem of Church property will be difficult also from a legal point of view because a good many of the facilities are not entered in the

²⁰ 'Vladika Pahomije oslobođen optužbe' (Bishop Pahomije acquitted), *Danas*, 7 March 2006.

²¹ *Blic*, 9 March 2006.

²² *Politika*, 7 March 2006.

²³ *Politika*, 'Vraćanje Metoha' (Restitution of Church property), 26 May 2006.

cadastral books; some of the others are, but they are put down as 'property of the Church', a term which lawyers do not consider precise enough to identify the owner. Zoran Knežević, head of the Agrarian Resources Department of the Ministry of Agriculture, says that while Serbia is not the only county where church property has been confiscated, it is the only one which will make restitution in whole. He says that although he has no information on the area of land due to be restituted under the Law, the churches could be given back 42,000 hectares of arable and forest land if a *** per cent quota were applied.

The Jewish community stands to lose under the Law because the Law applies to property seized after 23 August 1945. Jewish community officials say that only a small part of the community's property was confiscated then and that the bulk was taken away during the Second World War by acts of the occupying forces and the Nedić Government. For this reason, the Jewish community considers that it would be 'just for the restitution to include property confiscated after 6 April 1941'. The community sent a letter to Prime Minister Koštunica to this effect, asking him to change the restitution date. Milan Parivodić, the Minister for Foreign Economic Relations, replied that the chief purpose of the Law was to reverse the consequences of an anti-civilizational period which had undermined the foundations of modern civilization. As to the Second World War and the property confiscated at that time, above all from Jews, he considers that the period in question was a 'state of emergency' and that it would be 'very hard to pinpoint a year before which nothing of the kind had happened.'²⁴

The Law caused tension between the SPC and the Montenegrin Orthodox Church (CPC) in the wake of Montenegro's independence over the ownership of several hundred churches and monasteries in Montenegro. Miloš Dedejić, the head of the CPC, has asked all SPC priests to urgently vacate all the monasteries and churches built before 1920, the year the CPC was stripped of its autocephalous status. Dedejić said that 750 religious facilities currently being used by the SPC would be taken over. Up to now, the CPC has taken over about 50 such facilities chiefly with the 'support of believers'. Most of the facilities in question (about 20) are in Cetinje. The two principal places or religious worship the CPC lays claim to are Cetinje Monastery, in which the Metropolitanate of Montenegro and the Littoral has its seat, and Ostrog Monastery.

The SPC and the Recent Past

The SPC is playing an active part in rewriting the recent past. Thus, at its spring session, the SPC Holy Assembly of Bishops set up a committee for the study of crimes committed against the SPC and the Serb people in the

²⁴ *Vreme*, 1 June 2006.

Bosnian war in 1991-95. The first collection of data on war crimes committed against Serbs will be presented at the SPC Assembly in the spring of 2007. Bishop Hrizostom says that the 'Church cannot remain passive when it comes to counting the victims' because that would be tantamount to a 'master of the house not bothering to find out, after a wolf has raided his herd, how many sheep were slaughtered.'²⁵ The SPC considers that there is a tendency in Bosnia and Herzegovina to portray the Muslim people as the only victim of war crimes. The object of the Committee is for the Church to take responsibility for the fate of its people and to draw up lists of Serb victims of war crimes as a contribution to objective history writing. Bishop Hrizostom says that the object is, actually, to 'investigate and let the world know who were the instigators of the genocide and war crimes in BiH committed not only against the Serb but also other peoples.'²⁶ The Bishop argues that there is a tendency in Bosnia and Herzegovina to portray the Muslim people as the only victim of war crimes. After the lists of persons who went missing in Srebrenica in 1995 were made public, Republika Srpska insisted on setting up a commission to identify the victims of war crimes and genocide in the republic. Sources in Republika Srpska put the number of Serbs who disappeared in Sarajevo between 5,000 and 10,000. The SPC has already displayed on its website a preliminary list of missing Sarajevo Serbs containing 575 names.²⁷

On the other hand, regarding certain facts about the SPC and its dignitaries, notably Nikolaj Velimirović, the SPC appears unwilling to acknowledge the truth. In such cases, the SPC is not above seeking to disqualify and discredit its critics. One of them is Dr Predrag Ilić, whose book *Srpska pravoslavna crkva i tajna Dachau* (SPC and the Dachau secret) deals with the presence of Patriarch Gavriilo Dožić and Bishop Nikolaj Velimirović in Dachau. The book throws a completely new light on their imprisonment in the Nazi camp in which they spent just over a month instead of several years as the public has so far been led to believe. In the camp, the two enjoyed the status of 'prisoner of honor', were not tortured and ill-treated, were accommodated in a separate building and served food cooked for members of the SS; the end of the war found them staying at the Austrian hotel Grand. This piece of investigative work dispels the myth of Nikolaj Velimirović's 'martyrdom' in the Dachau concentration camp, a version of events touted for many years. The facts established by Predrag Ilić are ignored in the entire investigative literature in Serbia. Ilić says that the 'transfer of the SCP dignitaries to Dachau was a forced, temporary solution until a better location was found for their internment, a place commensurate with their importance

²⁵ *Politika*, 'Popis žrtava u BiH' (Register of victims in Bosnia and Herzegovina), 14 June 2006.

²⁶ *Ibid.*

²⁷ www.spc.org.yu

for the heads of the Nazi police and diplomacy.²⁸ Because of their importance, and in view of the Nazi plans to involve them in the fight against the USSR and Tito's partisans, Patriarch Gavriilo and Bishop Nikolaj were left alone and accommodated in a facility referred to as the Bunker, which served as accommodation quarters for prominent religious, political and other personages. They were later taken by the Germans, together with Dimitrije Ljotić and other fugitive quislings, to Slovenia and Austria to visit and bless the joint Ljotić-Chetnik formations. The SPC has rejected the allegations as a typical 'example of Communist, perfidious piece of propaganda which is totally incomprehensible in this day and age, something which is far from having come to an end in these parts.'²⁹

The SPC and Vatican

The relations with Vatican are still a sensitive issue though since the death of Pope John Paul II the possibility of the present Pontiff's visit to Serbia is being increasingly mentioned. For all this, however, the SPC is still divided on the issue; on the one hand, the Metropolitan of Zagreb, Ljubljana and all Italy Jovan holds that a 'papal visit could be of use to Serbia regarding Kosovo' because the 'Holy See plays a prominent part in world politics, so if the Pope sees with his own eyes what goes on in Kosovo and to what injustice the Serb people and the Church are exposed, there is no doubt that his voice would resound strongly'; on the other hand, Bishop of Ras and Prizren Artemije is adamant that the 'Pope's arrival would mean nothing for the southern Serbian province.'³⁰

The initiative for Pope Benedict XVI to visit Serbia reflects an improvement of the traditionally bad relationship between the SPC and the innermost leadership of the Roman Catholic Church. The Pope has not been to Serbia so far because he would not like to come without being officially invited by the SPC. Dr Predrag Ilić says that this attitude is based on two considerations: the one is to do with the Vatican's proselytical policy towards the SPC, with a segment of the clergy and believers not forgiving the Croatian and Roman Catholic Church the forced conversion of Serbs in the World-War-Two Independent State of Croatia and the fact that these churches have never condemned the act; the second relates to the ambitions of the Vatican vis-à-vis other Orthodox churches and peoples. In this regard the SPC expresses its solidarity with the Russian Orthodox Church, which has in the wake of the

²⁸ *Večernje novosti*, 'Pod lažnim oreolom mučenika' (Under a false martyr's halo), 7 August 2006.

²⁹ *Pravoslavlje*, 15 September 2006.

³⁰ *Danas*, 'Presudan je uticaj na političare' (Influence on politicians decisive), 15 August 2006.

disintegration of the USSR repeatedly accused the Roman Catholic Church of resuming the old practice of religious conversion of people on the territory of Russia and the newly independent states, notably Ukraine.³¹

Serbia's Ambassador to the Vatican, Dr Darko Tanasković, says that the 'conviction is clearly ripe in the minds of our political elite that the Vatican is an important international address and a potentially invaluable, a quite special partner at this time of trials and uncertainties through which we are passing.' Tanasković believes that the relationship is burdened with a grave legacy of distrust and misunderstanding, perhaps less on a theological than on a historical, social, and psychological plane. He also points out that on both sides one can hear the opinion that ecumenical dialogue has no alternative as far as true Christian believers are concerned.³²

In September 2006 Belgrade hosted a (closed-door) meeting of the Mixed International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Churches, the first after a break of six years. The meeting was hosted by the SPC. Commenting on the meeting, the Archbishop of Belgrade Stanislav Hočevar said that the 'greatest success was in the fact that there is now a very clear desire to continue the necessary dialogue and that the joint document, which has for the most part been processed by the participants, offers considerable chance of bringing the theological standpoints even closer together.'

The SPC and the Serb National Project

The SPC is the only institution keeping up the illusion of a Serb national union, a goal which permeates its activities in all the neighboring countries. The SPC plans to achieve a union of the Serb people within a 'Serb spiritual space'. It proceeds from the conviction that Serbia as a state is inconceivable without Kosovo because 'Serbia is the temple and Kosovo the altar. Without the altar, the temple loses the purpose and sense of its existence. Serbia is the body and Kosovo the heart of that body. If the heart is torn out, there remains the decomposing corpse.'³³

Consequently the SPC is highly active in Kosovo where it is greatly trusted by the Serbs as the only operating Serbian institution. The SPC is also officially part of the Serbian delegation participating in the Vienna talks. Its role has been intensified especially since the international community finally put the status of Kosovo on the agenda. The SPC issues press releases almost daily and is very busy on the diplomatic plane. In his St Sava missive, Bishop Artemije explained this as follows: 'We are today on the eve of the fateful start

³¹ *Nedeljni telegraf*, 23 August 2006.

³² Interview with Dr Darko Tanasković, *Pravoslavlje*, 15 February 2006.

³³ 'Kosovo je oltar' (Kosovo is the altar), *Pravoslavlje*, 1 February 2006.

of negotiations on the future status of Kosovo and Metohija. This leaves no one calm and indifferent. Irrespective of who is directly involved in the negotiating team, we feel that we all of us participate in the negotiations. Each of us in his own way: by thoughts, feelings, prayer, good advice... In Sava's day too, Serbia and the Serb people had their trials and tribulations. But all that was successfully solved with the help of God-inspired wisdom and especially the devoted prayer of St Sava.³⁴

Maarti Ahtisaari's attempt to explain to the Serbian delegation in Vienna that Kosovo is a lost battle, and that every other people has gone through like situation, was seized upon by the Serbian public (which had been appropriately primed for this) as a chance to accuse the international community of wishing to 'confiscate its spiritual and historical core, Kosovo and Metohija.' On this occasion, the SPC Synod issued a press release stressing that the 'SPC would be deeply aggrieved and concerned if anyone were to call any people as a whole the guilty party, let alone when it learned that this label was attached to the Serb people, who make up the overwhelming majority of its believers. Ever greater concern and bitterness was caused within the SPC by the fact that this assessment of the Serb people was made by none other than Mr. Maarti Ahtisaari, the high representative of the international community.'³⁵

Montenegro's independence was regarded as only a temporary arrangement, in view of the SPC's continuing endeavor to retain primacy over the Montenegrin Church which it does not recognize. The SPC also supports the Serbs living in Montenegro in their demand to be given the status of a constituent people in the new Montenegrin Constitution. In a letter to the President of the State Union, Svetozar Marović, Patriarch Pavle wrote: 'We consider the unity of Serbia and Montenegro and the preservation of the joint state as a vital need and a crucial interest of all the citizens individually and of the people as a whole. Breaking up the unity of the people and State, built over the centuries and paid with untold sacrifice, cannot bring any good. On the contrary, the destruction of the togetherness can produce far-reaching deleterious consequences and jeopardize even its freedom in the future, both in Serbia and in Montenegro...this is of exceptional importance for the future of Kosovo and Metohija.'³⁶

IV

Socioeconomic Processes

³⁴ St Sava missive of Bishop Artemije, www.kosovo.net

³⁵ SPC Synod press release, *Pravoslavlje*, 1 September 2006.

³⁶ Patriarch Pavle's letter to President Svetozar Marović, *Pravoslavlje*, 15 May 2006.

“PRE-ELECTION” ECONOMY

Although the economic situation in Serbia in 2006 was framed with the conditions typical of an election year in many respects, it can still be pointed to the unusually positive, yet contradictory and possibly short-term, economic trends, which are not easy to explain, since their economic base is not clear. However, it can be stated in brief that the transition also began to reject the positive economic results, but just at that moment it was brought into question again by the political forces which, in the context of preparing themselves for the elections, embraced the old concept of “national, state economy”. But, this took place in the latter half of 2006, when the contradictory trends crossed illogically each other.

Although it was clear at the beginning of 2006 already that early parliamentary elections were necessary for political reasons, in the middle of the year, the Government agreed to the tightening of an anti-inflation policy, which was activated by the central bank, so that the annual inflation rate was finally lowered to a tolerable 6.6 per cent, while the dinar unexpectedly strengthened relative to the euro by 15 per cent.¹ At the same time, exports

¹ The basic data used in this text originate from the annual macroeconomic study for 2006, made for the publication MAT of the Economics Institute in Belgrade (No. 12, December 2006), which was prepared by its research team headed by Stojan Stamenković and including also Gordana Vukotić Cotić, Vladimir Vučković, Boško Živković, Miroslav Zdravković, Davor Savin, Milan Kovač, Dragana Petraković, Miladin Kovačević, Veselin Pješić, Ivan Nikolić and Miljan Pavlović.

Some of the basic data from the above mentioned study, which referred to the macroeconomic trends in 2006, provided a basis for our estimates and conclusions. Compared to the previous year, industrial production rose by 4.5 per cent (an estimate). In the period January-February 2006, retail trade increased by 21.4 per cent in nominal terms and by 7.5 per cent at constant prices. During 2006, public revenues totalled 1,052 billion dinars, thus increasing by 11 per cent in real terms as compared to the 2005 figure. At the end of November, the money supply (M1) in euros exceeded 2 billion, while the foreign exchange reserves kept with the NBS amounted to 11,766 million dinars (a total of 12,678 million dollars). The average net salary per employee in the first eleven months of 2006 was 21,128 dinars, thus increasing by 24 per cent in nominal terms and 10.9 per cent in real terms, as compared to the same period in 2005. In 2006, according to the MAT estimate, exports were worth about 6 billion dollars (thus increasing by 34 per cent relative to the 2005 figure) and imports about 12.5 billion

sharply up nearly 35 per cent, although an explosive increase in government investments (“National Investment Programme”) was only announced within the economic policy and almost nothing was done to encourage business activity. Despite this, industrial production recorded a decent annual increase of over 4.5 per cent. The jump is all the more unusual, because the National Bank continued to tighten its monetary reigns, restrict private borrowing abroad and exercise stringent control over commercial banks’ credit policies for the most part of the year. In 2006, despite unfavorable political circumstances, the inflow of foreign direct investment reached a record level – over 2.5 billion euros. In other words, the inflow of capital was very large, despite the mounting diplomatic pressure on Serbia by the international community with respect to Kosovo and Metohija in the course of the year.

This increased opening of the Serbian economy to the world in 2006 was achieved despite its specific political self-isolation, which seems unusual at first sight. Namely, the negotiations for a new arrangement with the IMF have not yet started (the old one expired at the end of 2005), while the negotiations with the EU have been suspended since the end of May due to Serbia’s problems in cooperation with the International War Crimes Tribunal in The Hague (the case of General Mladić), while its accession to the CEFTA agreement was uncertain until the last moment (mid-December 2006).

Consequently, although early elections could be sensed since the beginning of 2006 and although they became certain at the end of May, when Serbia’s negotiations on stabilization and association with the European Union were suspended, thus provoking a considerable crisis for the Government (the resignation of Vice-Premier Miroljub Labus), the international centres continued to provide economic support to Serbia and encourage it to persist on its transition path. Toward the end of the year, Serbia was showered with the praises for its reforms and economic results. In early December 2006, they began with the flattering words of the EU Commission about Serbia’s great progress in its reforms, and continued with the statement of the European Bank for Reconstruction and Development (EBRD) that Serbia became the leader in the reforms in South-Eastern Europe in 2006. In the meantime, the Special Coordinator of the Stability Pact for South-Eastern Europe, Erhard Busek, said that Serbia’s economic progress was impressive and that it should continue to work on the improvement of its investment climate and carry out its reforms.² A little earlier, the IMF also began to embellish the introduction to

dollars (an increase of 19 per cent), which means that the trade deficit was about 6.5 billion dollars. It was precisely determined that, in the first 11 months of 2006, a surplus in foreign credit and financial services amounted to 6,864 million dollars. During the same period period, the net inflow of foreign direct investment into Serbia amounted to 2,927 million dollars.

² See: *Pregled*, 13 December 2006 (statement by Dragica Filipović, EBRD Director for Serbia and Montenegro); *Business* section, in *Danas*, page III, 18 December

each current report with the statement that Serbia made significant progress during the past years thanks to its macroeconomic stability. In further text, however, it would point to various economic trends posing a threat just to that stability.

Although Serbia won praise mostly before its decision to conclude the agreement to create a regional free trade area (CEFTA) in Bucharest, on 19 December 2006, it was clear that this positive rhetoric was not inspired by this event. Therefore, liberally oriented domestic economic analysts posed the following question, which was associated with these principled praises for Serbia’s economic reforms: aren’t they also motivated by some broader and more important political reasons? They bore in mind that these praises began to increase only when the early parliamentary elections were scheduled (at which there is always a threat that the anti-transition forces tip the scales) and when the internationally adjusted solution for the (quasi)independent status of Kosovo began to take shape, which was evaluated in advance by the major political parties in Serbia as being unfavorable and dramatic. In other words, the question that imposed itself here was whether these praises were just an attempt to “help” the pro-European forces on the eve of the January 2007 elections, since they could not be helped with the resumption of the association negotiations, which were suspended in May 2006 due to the Government’s persistent refusal to discharge its obligations towards the Hague Tribunal (the case of General Ratko Mladić)?

Apart from those major questions concerning the politically tainted praises for Serbia’s internal reforms and economic results, it is also necessary to raise the question associated with Russia’s rather evident, much more generous attitude towards Serbia’s claims (as opposed to its ill temper over the past years). Thus, we could witness fast progress in overcoming Belgrade’s old problem of its large yet unsettled (clearing) claims towards Moscow, not to mention the sudden signing of the memorandum of understanding on the possibility of building a big Russian gas pipeline across Serbia (on the route from Turkey to Italy), whereby the Russian investment in the Serbian section of the pipeline would be worth about 1.5 billion dollars.³ To put it simply, the observers raised two basic questions. First, isn’t the West (especially the European Union) afraid of pushing Serbia too much towards the East with its policy of constant conditioning and is now praising the part of the Serbian Establishment which is, in principle, supporting transition reforms and its path

2006; *Dnevnik*, 6 and 7 January (p. 5) and Vladimir Gligorov’s commentary in *Ekonomist*, 30 October 2006 (on the IMF statements).

³ In the first 11 months of 2006, trade between Serbia and Russia totalled 2.2 billion dollars, whereby the Serbia’s exports accounted for 281.7 million dollars (an increase of 23.9 per cent over the same period in 2005) and Serbia’s imports from Russia 1.9 billion dollars (an increase of 23.9 per cent). Consequently, the deficit in that period amounted to 1.65 billion dollars (see *Politika*, 21 January 2007, p. 15).

to European and North-Atlantic integration? Second, isn't it true that Russia concluded that it was the right moment to participate in Serbia's privatization process and gain control over many more economic resources in Serbia and Serb-populated regions in the Balkans (Republic of Srpska in B&H), thus promising Serbia its support with respect to the Kosovo issue and meeting its old financial obligations?

It is logical that two basic hypotheses impose itself as an answer to these two questions. The first is that, in pure economic terms, Serbia began to reap the first benefits from its previous five-year transition period, due to which it is (also) encouraged by the West to keep on this course. The second is that Russia enhanced its economic initiative in the Serbian part of the Balkans in 2006 as the result of its increased role in the energy market on the continent and a rapid increase in its oil and gas export earnings.

As for Serbia's economic progress in 2006, most foreign and domestic analysts hold that the favorable results cannot be sustained over a longer term without the continuation of systemic reforms, restructuring of the public sector and further opening to world markets and Euro-Atlantic integration. Bearing probably in mind just this crucial commentary from the liberal economic circles in the country and abroad, Prime Minister Dr Vojislav Koštunica emphasized – when signing the CEFTA agreement in Bucharest – that “Serbia's systemic framework is also increasingly resembling the European one”. He singled out several most favorable economic results achieved during the past three years of which his Government was especially proud. He also pointed out that, in 2007, Serbia would increase its GDP by over 6 per cent and predicted that the annual inflation rate would be maintained at the level of 7 per cent. He added that a significant export increase was expected, coupled with an increase in the foreign exchange reserves, which already exceeded 11 billion dollars. He also pointed to a record inflow of foreign investment of about 4 billion dollars.⁴

It can be stated more precisely (since the annual balance sheets have mostly been made) that the growth of Serbia's GDP in 2006 was about 7 per cent, thus increasing much more than expected (between 4.5 and 5 per cent).⁵ As for a relatively big “drop” in the inflation rate to about 6.6 per cent (as compared to 17.7 per cent in 2005), mentioned by Koštunica, domestic observers point out that it was achieved at the high cost of “a rigid monetary policy”, coupled with a drastic halting of the downward sliding of the dinar (i.e. the dinar “strengthened in real terms” relative to the euro almost magically, due to a large inflow of foreign currency from the privatization of telecommunications) and the postponement of the necessary increase in the

⁴ See the report in *Politika*, 15 December 2006.

⁵ *Gradjanski list*, 23-24 December 2006.

prices of electricity and some other infrastructural products and services (whose prices are government-controlled).

Domestic experts also give various commentaries on an unexpected increase in exports in 2006, showing that the export performance was much lower. So, for example, they say that Serbia's exports to Montenegro worth nearly 600 million dollars have already been included in this year's statistics as a net export increase relative to the previous year, when Serbia's sales to Montenegro were treated as domestic sales (but the export earnings were recorded as foreign exchange earnings, what they actually were). However, a slightly distorted impression about the data on exports, foreign exchange reserves and foreign investment inflow is the result of a fall in the value of the dollar relative to the euro on the world's money markets (which was characteristic of the whole year), rather than the result of this methodological acrobatics. Namely, many foreign exchange earnings in Serbia are effectuated in euros, but are publicly presented in dollars, thus automatically increasing the growth rates due to the disturbances between these two currencies. But, despite this phenomenon, it must be noted that, at the end of the 2006, Serbia's foreign exchange reserves amounted to 9.6 billion euros – which is really impressive, since they were four times larger than the domestic dinar supply, thus being practically equal to the value of Serbia's total annual exports (let us remind ourselves that foreign exchange reserves must be theoretically equal to the value of the country's three-month imports at a minimum).

To put it simply, although one can find many defects in Serbia's economic results in 2006 and although some favorable trends will not be sustainable next year already, which can be supported by many arguments, the fact is that Serbia achieved much, which can only be explained by the beginning of the favorable impact of the previously conducted reforms. Consequently, it is evident that the praises had a realistic base in the current trends.

However, in that context, one must analyze the extent to which these positive results are the product of the policy conducted by Prime Minister Koštunica's Government, or whether they were achieved despite his hesitance to accelerate the reforms. It should also be emphasized that, in pure political terms, even Dr Vojislav Koštunica had to pay the “political price” of such a slow pace of the transition process at the parliamentary elections in January 2007, which he tried to “adjust” to the political ideology of his populist Democratic Party of Serbia. In the eyes of so-called ordinary people, the Serbian Government, headed by Prime Minister Dr Vojislav Koštunica, failed to increase their standard of living more significantly. Namely, during the past three years, the average monthly salary rose from about 190 euros to about 210 euros (in December 2006, the average pay salary abruptly to about 350 euros due to the currency disturbances, holiday and pre-election salary increases and bonuses).

Namely, a rise in Serbia's GDP per capita from about 2,550 to nearly 3,500 dollars was not felt very much by its citizens. Truly, macroeconomic stability was maintained, while a significant rise in GDP reduced the share of public expenditures in it – from 44 per cent in 2004 to less than 40 per cent in 2006.

The Government's economic policy in 2006, especially in the fiscal sphere, must be evaluated as being successful, despite the "acrobatics" with the data, which is characteristic of the statistics kept by Finance Minister Mladjan Dinkić. For the beneficiaries of budgetary funds (every third citizen of Serbia) it is still very important that, after a constant budget deficit, Serbia managed to achieve a budget surplus during the past two years. According to the data presented by Dinkić – the budget surplus in 2005 amounted to 26.8 billion dinars, or about 330 million euros, while the data on this surplus for 2006 are contradictory (it is debated about the nature of the proceeds from the sale of the license for the third mobile phone operator to Austrian Mobilkom). Consequently, during the past three years, the state collected and spent over 15 billion euros – which is a significant improvement relative to the previous period.

So far, the shock from the suspension of Serbia's negotiations with the European Union has not had a direct effect on the suspension of favorable economic trends, since all factors hold that this situation is only temporary. However, should the delay in Serbia's negotiations with the EU be longer or, in other words, should the Serbian Government rely on the coalition of the political parties "which will not give Kosovo in exchange for membership in the European Union" (as stated by the DSS earlier) after the elections, everything that has so far been achieved will melt away very fast.

From a strategic viewpoint, the worst economic consequence of any longer "delay" in Serbia's negotiations with the EU can be the halved price of large state-owned enterprises which have not yet been privatized, especially those in the energy sector. In that case, the forces opposing their privatization will have another strong argument in favor of the concept of "national companies", that is, the continuation of the policy of "preserving the enterprises being in the national interest". This could probably be good for the political elite managing these companies "in the name of the people" and (temporarily) for the employed, but would hardly be good for the users of their services. At the very least, except internal dynamics and some private control, such "private companies" will not get enough money from the sale of minority shares for the elementary modernization of their plants and activities. In this regard, the first test will be the privatization of the Serbian Oil Industry (NIS) for which the Serbian Government adopted the phased strategy, that is, minority share privatization and recapitalization (promising up to 49 per cent of ownership to the potential strategic partner). However, at the last minute, in December 2006, it withheld its consent to invite tenders for a strategic partner

and the sale of the first ownership share in the state capital of NIS (25 per cent) before the elections. This can only be explained by the effort of Koštunica's party to leave the scope for a coalition with the political parties opposing the privatization of NIS.

Bearing in mind all general dangers from the suspension of its negotiations with the EU, the Serbian Government tried, during the summer of 2006, to overcome the problem in a specific way. Namely, the then Finance Minister, Mladjan Dinkić, offered to Brussels the so-called "Package Plus", based on Koštunica's Action Plan for the arrest of the remaining war crime suspects (those who were not handed over to The Hague). It seems that the idea behind the "Package Plus" was to construct a financial "bypass" to the pre-accession funds of the European Union until the resumption of stabilization and association negotiations. It was aimed primarily at the IPA funds from which about 12.9 billion euros could be channeled to the West Balkan countries over the next seven years. Theoretically, about 1.5 billion euros would be earmarked for Serbia – if it embarks on a path that will lead to its membership in the European Union. However, the "Package Plus" was not accepted in Brussels.

In sporadic political statements in 2006, one could also find the thesis that Serbia should not hurry with accession to the European Union, because it could take advantage of not having to comply with its "expensive" standards – especially those in an ecological sphere – for a long time. Moreover, it was emphasized that the Serbian economy was vital and capable of absorbing various shocks, whereby the secession of Montenegro was given as an example. Naturally, such theses are superfluous and wrong, but let us consider the case of Montenegro.

In real fact, that which was symbolically and economically finalized between Serbia and Montenegro on 21 May 2006 (after the Montenegrin referendum on independence) took place a long time ago – on 1 November 1999, when Montenegro began to abandon the dinar zone (by introducing a bi-monetary system with the German mark and the dinar) and especially one year later, when the German mark became the only currency in the "smaller member" of the FRY. The separation of the currencies of Montenegro and Serbia was accompanied by an accelerated "separation" of their economic systems.

As early as February 1999, Montenegro adopted the new privatization law (with the mass voucher distribution of socially-owned property), in 2005 – the law on the central bank, commercial banks, foreign investment and securities, and in 2001 – the company law, bankruptcy law, etc. The intensive and fast transition reform was very liberally oriented, so that Montenegro lifted very soon all restrictions on the exchange of capital with other countries, repatriation of profits, current transactions with abroad, free formation of interest rates and many other institutional frameworks. Since 2003 already,

there has been no enterprise in Montenegro without a share of private capital. So far, about 90 per cent of the overall economy has been privatized.

All this was accompanied, especially between 2000 and 2003, by very high inflationary shocks (over 20 per cent annually), slow growth of GDP (1-1.5 per cent), significant rate of unemployment (about 25 per cent), persistently high trade deficit (25-30 per cent of GDP) and payments deficit (8-10 per cent of GDP). However, all this happened in a small country, with GDP ranging from one billion to one billion and a half – small in absolute terms – by the European and world standards.

Otherwise, Montenegro selected the moment for complementing its economic independence with political one when the first transition difficulties were overcome and a more significant inflow of capital could be expected (as the effect of full political emancipation), but before the emergence of other, more serious economic difficulties.

Consequently, after the political independence of Montenegro, Serbia had nothing to lose in an economic sense and, should it take a realistic, that is, normal approach to this fact, it can even make a gain in the coming period. Such a government's approach is suggested by the Democratic Party in its statements, in which it appeals to both sides not to impose any restrictions in mutual economic relations. It is also emphasized that Serbia must look at Montenegro and its 600,000 inhabitants as a significant market, which is probably an allusion to its frequent disparagement. The Montenegrin market can still absorb Serbia's surplus supply of agricultural and food products, while the Port of Bar and the Adriatic coast can still be very significant for Serbia's transport and tourism needs. One must also bear in mind that Serbia has a surplus in its trade with Montenegro amounting to about 250 million dollars each year, which is very important for the Serbian economy.

In a word, one of the major political events in Serbia in 2006 – the dissolution of the state union of Serbia and Montenegro and indirect "restoration of independence" of the two states did not produce any negative economic results. It is more likely that they contributed to some favorable economic trends (in foreign trade, for example).

However, the underlying reason for the relatively successful business year 2006 in Serbia lies in the sphere of privatization.⁶ Namely, the Koštunica Cabinet made major steps in the privatization of communications (for political reasons, in particular), so that its basic aim – to acquire a large amount of money capital within a short time and thus provide more room for maneuver for the ruling coalition on the eve of the parliamentary elections – was achieved quite easily.

⁶ In 2006, according to the Privatization Agency of the Republic of Serbia, the state generated the revenue of 334 million euros from the privatization of its capital in 337 enterprises. See *Danas*, 5 January 2007, p. 12.

The volume of its three major transactions in the field of telecommunications during 2006 – the sale of Mobi 63 to Norwegian Telenor (1,513 million euros) and the license for the third mobile phone operator to Austrian Mobilkom (320 million and 1 euro), as well as the purchase of 65 per cent of the share of state capital in Banjaluka's Telekom Srpska (646 million euros), which was made by the Public Enterprise Telekom Srbija, support the opinion that the Government fared very well and that it started to invest this big money by combining the economic and political aims.

In other words, by selling telecommunications enterprises it fetched the gross price of 1.85 billion euros, while its purchase cost it 646 million euros; taken together, these incoming and outgoing transactions are worth nearly 2.5 billion euros. And when the amount that belongs to the group of Austrian investors headed by Martin Schlaf (through the purchase of BK Trade) is excluded, it can be stated that Serbia made its major business deals in the area of telecommunications, since it generated the revenue of about 1.4 billion euros, while nearly half of this amount, 646 million euros, was invested in the Republic of Srpska.⁷

It is normal that these transactions attracted great attention. And it is logical that some observers hold that the Serbian Government concluded good business deals and that others hold that its sale could be better and the purchase more favorable. But, there are also some who hold that the best thing is that a part of the proceeds from the sale of state property was reinvested, at least abroad, thus preventing the spending of all money on public consumption or projects that will pay off in one hundred years.

Truly, a certain political strategy of the Serbian Government could be observed in all these transactions, but the Government's presence was logical or, to be more exact, it was unavoidable given such a volume of these transactions in a very significant economic sphere. However, even the greatest critics of this strategy do not dispute its economic rationale. For example, when the sale of Mobi 63 is in question, all major political parties agreed, either expressly or tacitly, to the "cutting" of the knot in which the Karić brothers had tied the government by various legal means during and after the Milošević regime (so that the government's weakness turned into a contagious, decaying moral problem of the whole society, rather than the political problem of the parties to which Karić's Power of Serbia Movement was a rival). After all, the fact that the largest (and constantly legally disputed) domestic mobile phone operator (063) was purchased and generously paid for by a powerful and reputed company from friendly Norway was unanimously welcomed. The Serbian Government was also not criticized much for the sale of the license for the third mobile phone operator, although the controversy over Mobtel was settled by making certain concessions to a rather controversial businessman,

⁷ *Vreme*, 28 December 2006, pp. 18-19.

such as Martin Schlaf, because (in our case) he worked for a solid Austrian state telephone company and because, by purchasing Kari's share in Mobtel, on 15 May 2005, he made a survey of the state of affairs of this company and submitted it to the Serbian Government for inspection.

In the third case, when Belgrade's Telekom purchased a majority share in Banjaluka's Telekom for the price which was higher than that of the next bidder by one-third, it can be concluded that the Serbian Government was motivated not only by economic reasons, but also by "national and political" ones when it, as the owner of Telekom Srbija, approved such a deal. But, critical analyses must focus mostly on the price that will be paid, since the basic decision was economically acceptable. Namely, Serbia itself and in the whole region there, unfortunately, no business deal with similar profit prospects.

It would be fine if someone could prove that those 646 million euros could be invested in a project in Serbia, thus creating 130,000 new jobs (for example, 5,000 euros per workplace) and returning invested capital in fifteen or so years. But, it is evident that the Serbian Government and its critics could not find such a profitable project anywhere else. But, the question remains as to whether it will be possible to return invested capital in ten years (as estimated by Telekom Srbija), since the relevant data show that last year's profit of Telekom Srpska was 40 million euros and that this year's profit rose to about 50 million euros. So, for example, if 65 per cent of that profit is taken, then about 33 million will go to Telekom Srbija. If the amount of 646 million euros (paid for a majority capital share) is divided by 33 - it turns out that it will take at least 18-20 years to return invested capital. This means that Telekom Srbija will have to work harder in B&H in the coming decade in order to double the annual profit.

Attention should also be devoted to the technique employed by the Koštunica Government in the well-known case of taking away and selling Kari's Mobtel. The rough outline of Operation Mobi 63 was probably verified on 12 January 2006, when the Serbian Government made the decision that PTT Srbija should assume the bank receivables from Mobtel, "hovering" in the air after the revocation of its license for a mobile phone operator (29 December 2005). This decision became evident on 17 January, when Prime Minister Vojislav Koštunica, with the team of his ministers, met in Belgrade with Austrian Vice-Chancellor and Minister for Transport, Hubert Gorbach, who headed the delegation of BK Trade investors, including Martin Schlaf, Josef Taus and Herbert Kort. In fact, the arrangement was activated that same day (17 January), since the Public Enterprise PTT Srbija concluded the loan agreement with the Hypo-Alpe Adria Bank and Raiffeisen Bank "for the assumption of Mobtel's debt to these banks" amounting to 71.4 million euros (the new loan was granted for a 15-year period, with a three-year grace period and the annual interest rate of 4.3 per cent); at the same time, the government,

as the exclusive owner of this enterprise, "took over" the security given on the previous loan - Mobtel's property whose value was estimated at 270 million euros.

However, it took several more months to work out all "details", which are very important and expensive when such big transactions are in question. The agreement (14 documents) between the Serbian Government and the consortium which had bought BK Trade, headed by Schlaf, was concluded on 4 April. The contracting parties first opted to form a (legally) new company, Mobi 63, with the capital of about 130 million euros; Schlaf invested 30 per cent and the state of Serbia 70 per cent of capital. Since Serbia actually invested the real capital of Mobtel in this new company and Schlaf his ownership of BK Trade, the Government had to conclude an agreement with PTT Srbija and pay 91 million euros "for the transfer of equipment", plus 8 million euros for the voluntary pension fund of the employed in that same public enterprise (for virtual free shares of PTT Serbia's capital in Mobtel), and to withdraw its charges before domestic and foreign courts. Schlaf "assumed" Mobtel's debt of 30 million euros to Ericsson and withdrew his charges before the arbitration tribunal in Zurich. This created the legal assumption for the sale of Mobi 63. Its minimum price was set at 800 million euros, which included the price of the license of 320 million euros and, it seems, the accrued dividend receivables due to PTT Srbija, which amounted to 52 million euros. At the same time, Schlaf practically set a higher minimum price by arranging that he would not have to sell his 30 per cent share should the bid price of Mobi 63 be below 1.1 billion euros.

However, at the auction for the sale of Mobi 63, on 31 July 2006, the representatives of Norwegian Telenor outbid Austrian Mobilkom by offering the price of one billion and 513 million euros. So, Serbia earned 1,155 million euros and Austrian businessman Schlaf about 360 million euros. Finance Minister Mladjan Dinkić - who advocated the settlement of the Mobtel case for years and was "at war" with the Karićs before they founded their political party which, according to some surveys, was "stronger" than Koštunica's DSS - initiated immediately the preparation of the well-known National Investment Programme on the basis of that money.

It is evident that the bidding for the sale of the license for the third mobile phone operator was also linked with Mobi 63 and Martin Schlaf (tenders were invited on 19 September). At the auction, Austrian Mobilkom came out as the successful bidder with its bid price of 320 million and 1 euro (as was published on 6 September). Despite the grumbling of some observers, this price is very good if one bears in mind that the third license in Croatia was paid 23 million euros, in Slovenia 36.5 million euros, in Slovakia 3.9 million euros, in Bulgaria 21 million euros and in Romania 15 million euros. These data simply show that the Serbian Government obtained 3.2 times more money for the third license than these five countries taken together (99.4 million

euros), with five times as many inhabitants. As announced by the Austrians after the acquisition of the third license, their aim is to win the 25 per cent share of the Serbian market in five years, so that they will invest an additional amount of nearly 300 million euros and employ 700 people.

Otherwise, the sale of Telekom Srpska was publicized on 5 December 2006, when the Dodik Government in Banjaluka approved the sale of 65 per cent of its capital to Telekom Srbija for 646 million euros, after it was determined that the second bidder, Austrian Telekom, offered the price being lower by 179 million euros. Telekom Srpska has 350,000 fixed network subscribers and 630,000 mobile phone subscribers, as well as 30,000 Internet cable subscribers.

In short, these basic data about the “technique” of taking over and selling telecommunications companies show that the Koštunica Cabinet is not obsessed with “legalism” so much as it claims – and that, in the use of “national capital”, it followed the guidelines of “national political strategy” to a great extent. However, we repeat that this Government, with its transactions in the field of telecommunications, provided a “material base” for the “political survival” of those political parties which continuously comprised it and supported it (DSS, G-17 Plus and SPS) and for the preservation of the so-called “populist ideology” in the economic sphere as well.

In the period January-October 2006, the total inflow of foreign direct investment amounted to 4,035 million dollars and the total outflow to 1,108 million dollars, so that the net inflow was 2,927 million dollars. In October, the inflow of FDI amounted to 307 million dollars, which represents one of the highest monthly values, while the outflow amounted to 32 million dollars. Thus, the net inflow was 275 million dollars. The sale of Telekom Srpska to Telekom Srbija will be recorded as the outflow of FDI from Serbia at the moment of payment, so that it is possible (if the payment is made at the beginning of 2007) that the net inflow of FDI will have a negative value in the first months of 2007.

ECONOMIC AND SOCIAL RIGHTS

If the year 2001 is taken as the year when the transition process began in Serbia and when the first post-Milosevic government was formed, the period of six years should be sufficient for summarizing the results, assessing the pace and quality of reforms and making a fairly reliable assessment of the future processes in the society. However, despite numerous analyses in the country and abroad, which testify about “leadership” or “moderate progress” (depending on who refers to them and for what purpose), the fate of transition in Serbia is still uncertain. There are numerous reasons to worry, although most of them also existed in other countries in transition, especially in the Central and East European ones. However, what arouses concern here is the fact that even after six difficult years and evident efforts there is still no clear answer to the question whether the Serbian society wishes to be transformed at all.

Namely, despite their declarative support to reforms and democratization, Serbian citizens are becoming increasingly distrustful of the political and economic elite as the agents of change, while the loss of necessary energy is assuming disturbing proportions. Although the population was already exhausted six years ago, and although the society and institutions were almost completely destroyed, the potential driving force still existed and there was also the readiness to follow the vision of the first democratic government. Therefore, evident disappointment, the loss of interest, apathy and distrust are not only the consequences of the usual transition-related difficulties, but are also due to the absence of credibility of the subsequent governments. In the East European countries, the period of strong recession, characterized by a significant fall in output and job losses and regarded as the most serious threat to reforms, lasted three years on the average. Therefore, according to this criterion, Serbia should have already surpassed the risk that the transition process might come to a standstill and collapse.

There are two basic reasons why this is not so. One is of an economic and social nature and lies in a continuous rise in unemployment and the other one is of a political nature and should be sought in the unskillful play of the political elite with the international community and, in essence, the continuation of Milosevic’s policy by other means. Naturally, these reasons are closely correlated with each other and, coupled with numerous other factors,

are increasingly bringing the hitherto results into question, blocking little remaining energy and individuals who still have the capacity to carry out reforms. This has been especially evident over the past three years, both through increasing abstinence and the lack of interest in political life, as well as through persistent social contradictions and more pronounced deviations, whereby different studies point to the disturbing tendencies which cannot be regarded as a side effect, or a transitional phase in the transformation of society for a long time. Thus, the results of the research conducted by the Centre for Free Election and Democracy (CESID)¹ in April 2006 show that the political parties and the Serbian Assembly are ranked highest when the degree of distrust is in question: between two-fifths and one half of the population do not trust them at all. Distrust is also dominant in their attitude toward the Government and Prime Minister Kostunica, as well as toward NGOs and trade unions. However, even one-fifth of citizens did not form any opinion about the civil sector. The utterly negative image of government could not be improved by a balanced attitude toward the judiciary (although the ranking is not impressive either), while the citizens' confidence in the European Union also eroded: at present, it accounts for only 39 per cent of citizens (vs. 35 per cent of those being distrustful of it). It must be noted that all previous studies have confirmed the citizens' support to European integration by at least a qualified majority, so that this result is also very disturbing. Serbian President is ranked somewhere between the negatively ranked groups and those in which citizens have mostly confidence (the army and police, as well as the Church).

The complete erosion of confidence in the most important state institutions (and the programs and political platforms of power holders) is logically accompanied by the widespread views on the real "rulers" of Serbia. Namely, in the citizens' view, one-third of power is in the hands of the official political actors and state institutions, one-third of power is held primarily by criminals and, to a lesser degree, by owners of large companies, and one-third of power is held by the international community.

Apart from the degree of (dis)trust in various actors, such a perception points unambiguously to reasons for their low credibility. The identification of crime as the prevalent deviant phenomenon in the society testifies not only about its spread, but also about the inability of the authorities to combat it and evident links among crime, politics and business. This fact, which is susceptible to dangerous generalizations, can often be found behind the lethargic behavior of the increasing number of citizens. On the other hand, stubbornness and confrontation with the international community, instead of pursuing partnership policy, returned like a boomerang - the Government's rating continues declining, since it is always experienced by the public either as being weak and feeble, or as being too servile. However, the problem is

¹ www.cesid.org

much more complex and surpasses the citizens' simplified perception of politicians, which is the least important: stubborn insistence on the conflicting interests of Serbia, on one side, and the European Union, the United States and other countries, on the other, is enhancing the present feeling of inferiority and xenophobia in the country. At the same time, by minimizing the true values of advanced democracies, Serbian citizens are deprived of the right and possibility to fight for such standards. Regardless of its evident weaknesses, Serbia is the example of a country whose current political elite is far below the existing social potentials. In that sense, this is a big step backward relative to the Djindjic Government.

Such great discontent among citizens is primarily the result of their realistic feelings that the reforms are at a standstill and that rare moves are of no significance for the economic and social status of the whole nation. Namely, although the average salaries have continuously been increasing since 2001 (compared to December 2005, the average salaries in December 2006, without taxes and contributions, increased by 28.3 per cent in nominal terms and by 20.78 per cent in real terms),² the cost of living, economic conditions and general climate in the society are very unfavorable. The greatest problem is posed by unemployment, which has continuously been increasing since the beginning of the reforms. At the end of 2001, the registered unemployment rate was 21.8 per cent; in 2002 - 24.5 per cent, in 2003 and 2004 - 26.1 per cent and in 2005 - 27.0 per cent.³ According to the latest data, at the end of 2006, there were 2,018,595 employed persons and 1,011,139 job seekers, of whom even 916,257 were unemployed (53,9 per cent accounted for women). The officially reported unemployment rate is very high and amounts to 28.05 per cent.⁴ The situation is all the more complex, because the restructuring and privatization of the socially-owned sector (especially large loss-making enterprises) have not yet been completed, while public enterprises and the state sector have remained almost intact. Their transformation is persistently delayed, although it is the question of unsustainable systems which are burdened by heavy losses and redundancies. The fears of mass social unrest are immanent in all governments of transition countries. Despite numerous critiques by liberal economists, the Djindjic Government was also very cautious in that respect, but it still took some politically risky moves (such as the decomposition of the Kragujevac giant Zastava, the sale of Sartid, the winding up of banks, etc.), succeeding in offsetting social tensions and enabling the smooth process of privatization. On the other hand, the Government of Vojislav Kostunica, in its general confrontation with the

² Republican Bureau of Statistics, www.statserb.sr.gov.yu

³ *Ibid.*

⁴ Monthly Statistical Bulletin No. 52, National Employment Office, December 2006.

previous Government, opted for slower and “humane” reforms, promising the revision of the previous ones and the continuation of the privatization process, but without the dismissal of workers. The effect was disastrous: at one moment, this process came to a complete standstill; pressure on the budget increased and investments decreased. Although it did not stick to its promises too long, the “technical” Government will be remembered by numerous scandals, nontransparent and utterly dubious privatizations, violations of law, as well as the return of the social function into enterprises and its intervention in the economy and market.

Despite the promises, there was no revision or privatization without redundancies. Moreover, in 2006, the initiative for amending the Labor Law was also launched, although the Government had argued that it would return dignity to workers and that it was in conformity with the highest international standards. Namely, this Labor Law was adopted in 2005, despite strong opposition from the IMF, foreign investors and the Employers’ Union. It was a concession to the trade unions for their political support to Vojislav Kostunica when coming to power and superseded the Labor Law which was adopted at the proposal of the Djindjic Government (in 2001) and was much more progressive and market-oriented. It was now aimed at restricting once again the numerous social and humanitarian functions that proved to be unsustainable. Expensive work force is too heavy a burden to inefficient and weak enterprises and an undesirable burden to successful ones. Naturally, the announced amendments were strongly opposed by the trade union, which even succeeded in placing it on the agenda of the Social and Economic Council. It seems, however, that the Government itself gave up this idea, because it again needed the support of the trade unions and employed, but this time for the constitutional referendum. It can be expected that one of the first tasks of the future Government will be to amend the Labor Law, as well as to implement other unpopular yet necessary measures.

The drafts of the Law on the Corporatization of Public Enterprises, Privatization of Public Enterprises and Privatization Register, Foreign Investment Law, Law on Conditions for the Employment and Work of Foreign Citizens, as well as the set of anti-corruption laws (the drafts of the Law on the Anti-corruption Agency, Law on the Ratification of the Civil Law Convention on Corruption and the Law on the Ratification of the Supplementary Protocol to the Civil Law Convention on Corruption) have been in parliamentary procedure for a long time. The three long-awaited laws, the Law on Investment Funds, Law on the Takeover of Joint-Stock Companies and the amended Law on the Market for Securities and Other Financial Instruments, adopted in 2006, have already been challenged in practical practice⁵. The experts hold that they

⁵ All these laws were published in the *Official Gazette of the Republic of Serbia*, No. 46/2006.

will not be adequately applied in Serbia, because its capital market is not developed, while many other legal restrictions practically invalidate the concepts of investment funds, national stock exchange and the essence of free market. There are still no laws which will regulate and efficiently protect private and public property; denationalization has not yet been carried out; there are no strict and clear guidelines for the use of natural resources and municipal building land, while the financial market is deficient in many respects. Considering the relations among the political parties and the sensitivity of the forthcoming activities, one can expect new draft laws and new delays and endless adjustments in the search for compromise solutions. Unfortunately, this situation lasts very long and has a high price. If one can speculate that the first years of economic reforms were devoted to the search for the best and socially sustainable model of transformation, during the past three years one could observe an attempt to slow down a market approach and preserve the methods being characteristic of socialism and social ownership.

According to all indicators, the private sector is recording the highest productivity and creating the greatest number of new jobs. Thus, its faster development would reduce unemployment and contribute to the relaxation of social tensions in an efficient way. The fact that the Government failed to create a sufficiently creative environment for this – which has also been pointed out by international financial organizations (the IMF and the World Bank), foreign investors and domestic businessmen for years – makes any mention of social justice and humane reforms inappropriate. Instead, the Ministry of Labor, Employment and Social Policy and the National Employment Office developed the programme entitled “A Job with Severance Pay”, which should enable workers who lose jobs due to privatization to invest their severance pay in a new job. The data show that almost the total amount of severance pay given so far went into consumption and not into self-employment, but it is hard to believe that this innovation will contribute more significantly to a rise in employment. First of all, severance pay is not high and will not be too attractive to new employers if one considers the actual costs of creating a new job and, in particular, the obligation to employ the worker on a full-time basis, without the possibility of dismissing him, except in the case of a more serious breach of work obligation. On the other hand, most workers still hold that the state is obliged to find them new employment, so that it is logical to expect that they will rather keep the money than invest it in a business with an uncertain income. It is also anticipated that workers and employers negotiate the terms of employment directly, so that it is not clear what mediation services and legal security for the employed will be provided by the National Employment Office. Such a type of employment can be attractive to older workers who will receive higher severance pay and need a few more years of service so as to be entitled to a pension. The question that imposes itself here is how many employers require such an employee profile.

Since 1 September 2006, employers have been offered one much more favorable possibility for the employment of new personnel. Namely, all of those who employ a person younger than 30 or with special needs will be exempted from paying the compulsory social insurance contributions for a period of three years from the date of employment. Otherwise, Serbia falls among the countries with the highest rate of unemployment among young people aged 19-30; at the end of 2006, they accounted for 31.5 per cent of the total number of unemployed; they are followed by persons aged 31-40 (24.7 per cent) and 41-50 (22.0 per cent) and, finally, by those being older than 50 (21 per cent).⁶ The new legal solutions for the unemployed who lose their jobs due to privatization and need up to five years so as to realize their right to retirement, should also contribute to an increased employment of young people. Namely, the state would pay them pecuniary compensation, as well as the contributions during the first three years and then only the contributions during the next two years, thus removing them from the list of job seekers for good. It is the fact that older workers have great difficulty in finding new employment, but it would be much better should the Government encourage productivity by its overall economic and financial measures, thus providing scope for the creation of new jobs, both for this group of (un)employed people and for the young. However, such a proposal is only one of a series of inefficient moves, whose aim is to maintain social tranquility and, thus, remain in power. The Minister of Employment justified it as being necessary and very good, since the average age of the employed in the Serbian economy is over 48 years,⁷ forgetting (or not knowing) that much more affluent societies make a great effort to create conditions for keeping the experienced work force employed as long as possible. The proposal was also supported by the Social and Economic Council, but it has not yet found itself in parliamentary procedure. The reason should probably be sought in disagreement within the Government and especially in the Finance Minister's resistance to such a solution, since it would impose an additional burden on the budget, that is, the pension fund. This is plausible reasoning, because 2006 there were more than 172,000 persons meeting the requirements set by this proposal, while this year there will be even more of them.

It is expected that a rise in unemployment will also be influenced by the continuation of privatization, as well as the bankruptcy and liquidation of enterprises, which are still carried out slowly and restrictively. In this case, the Government also delayed implementing the Bankruptcy Law despite an economic imperative. Last year, according to the Agency for the Licensing of Bankruptcy Trustees, about 1,266 bankruptcy proceedings were conducted and

⁶ *Monthly Statistical Bulletin*, No. 52, National Employment Office, December 2006.

⁷ *Danas*, 7 July 2006.

236 of them were initiated in 2006. This is a very small number in view of the fact that there were more than 30,000 insolvent enterprises in Serbia at the time the Law was adopted. An even greater problem is posed by the obstruction of the Agency by other government bodies, so that the persons appointed as bankruptcy trustees often have no license; the law is most often violated by the Trade Courts, as well as the Privatization Agency.⁸ Otherwise, some bankruptcy proceedings cause suspicion and spark off the protests of the employed (e.g. the bankruptcy of the Beograd Department Stores), so that the unlawful appointment of bankruptcy trustees contributes to the already existing view that in many cases it is the question of gross malversation and corruption.

The Foreign Investment and Export Promotion Agency (SIEPA) also included itself in solving the problem of increasing unemployment by offering non-repayable aid to investors in specified sectors, whose business activities are geared to international trade, research and development. One requirement for receiving these funds is to create a certain number of new jobs, which depends on the amount of money applied for.⁹ However, the basic idea of this project and the Agency itself is to cut a very high trade deficit, which is seriously endangering every effort to achieve stability. At present, the degree of potential investors' interest in this aid and its influence on employment are still unknown. The same applies to the project relating to the development of 49 industrial estates throughout Serbia, which have to be equipped with infrastructure prior to be able to attract new investments and employ the local population.¹⁰ The funds for this project have allegedly been provided under the National Investment Plan (NIP), but the possible effects still cannot be predicted.

Otherwise, the National Investment Plan was arousing controversy throughout the year and it is still being disputed by many experts. The International Monetary Fund also evaluated the whole project negatively and requested its immediate suspension. As opposed to the Government, which claims that, at the end of 2005, Serbia recorded a budget surplus for the first time, thus securing the funds for financing the NIP, the IMF dismisses this claim and requests the return of these funds into the budget, strict control over government expenditures and financing of only major investment projects. This important financial institution also pointed out that an increase in the salaries of the beneficiaries of budgetary funds during the last election campaign disrupted macroeconomic stability. Therefore, apart from the suspension of the NIP, the future Government should return these salaries to

⁸ The Annual Operating Report for 2006, Agency for the Licencing of Bankruptcy Trustees, www.alsu.sr.gov.yu.

⁹ www.siepa.sr.gov.yu

¹⁰ Bulletin on the Implementation of the Poverty Reduction Strategy in Serbia. No. 10, March 2007.

their previous level, thus preventing a rise in inflation in 2007. In all probability, the “technical” Government does not intend to listen to this advice, since it increased the funds for the NIP projects by the Decree on Provisional Financing. It should also be noted that the NIP is absolutely non-transparent: there is no special budget line; instead, the funds are transferred to the ministries; the exact source and amount of revenue are unknown; it is also unknown how the projects that will receive funds are selected, how the funds will be spent, who supervises the whole procedure and the like. The Internet presentation¹¹ contains only superfluous details, while access to the proposed projects is enabled only to “internal users”; it was announced almost a year ago that the detailed analyses, plans and graphs would be given in the “publicly accessible part of the presentation”, but almost nothing has changed up to the present and one can only guess the amount that has already been spent. Naturally, the advocates of the NIP also point to a rise in employment as its important characteristic but, on the basis of the available data, it can be concluded that, in fact, only the construction industry will need new workers, but in view of the fact that construction workers are employed mostly for a definite period of time (frequently as moonlighters), all this will have no influence on a solution to the unemployment problem.

The increasingly frequent warnings about the presence of so-called “systemic corruption” in Serbia are also based on the fact that the budget revision system has not yet been established and this also applies to the establishment of its institutional and legal framework. When all this is coupled with a constant stream of scandals and the questions posed by the public which are ignored by the authorities, rise in unemployment and an evident delay in reforms in all sectors of the society, it is clear why citizens have no confidence in the political elite and institutions. The failure to reach the post-election agreement and form the new Government, as well as the dangerous heightening of tensions with respect to Kosovo’s status are also affecting the unstable political situation in the country, blocking new investments and aggravating the already difficult economic conditions. Regardless of this delay, the future Government will have to begin with the serious transformation of public enterprises, as well as to drastically decrease its subsidies which, despite constant promises and a disastrous economic effect, are still burdening the budget and extending the agony of large loss-making enterprises. The new redundancies created only the mentioned grounds imply a new social pressure and the further erosion of the reform potential. Low productivity is also a logical consequence of an inadequate and anachronous economic environment. According to the assessment of the Employers’ Union, the actual labor utilization in Serbia is 2.5 hours on the average, while the President of the Nezavisnost United Trade Unions, Branislav Canak, holds that it is about 4.8

¹¹ www.nip.sr.gov.yu

hours a day.¹² Apart from low efficiency, mention should also be made of an excessive number of non-working days and various holidays. All this, coupled with the remaining smaller privatizations, is endangering the transition process and keeping it on the brink of survival.

Despite the public warnings of legal and economic experts that the Government has no legitimacy for the full exercise of executive power for a long time – which also applies to decision making and negotiating business deals of strategic importance – it can be stated that the coalition of the Democratic Party of Serbia (DSS) and New Serbia (NS) has been ruling Serbia in an absolutist way for almost six months, thus violating the Constitution, laws and the basic principles of parliamentary democracies. Although the voters did not give it a vote of confidence at the last elections,¹³ it is still holding the political scene in a stalemate position, which speaks clearly not only about this coalition, but also about other political actors in Serbia.

At the end of 2006, after the scandals linked to large privatizations during the past two years (Knjaz Milos, C-market, Mobel), the Government concluded another problematic business deal in the opinion of many of them – the sale of the Bor Mining and Smelting Complex (RTB Bor) to the Romanian company Cuprom. Many economic analysts were very skeptical about this business deal and some blatantly stated that the sale of RTB Bor is the most disputable privatization in Serbia: both the negotiations and sale were absolutely nontransparent; the sale was not effected by the Privatization Agency, but by the ad hoc body consisting of five ministers (all of them being the members of the DSS), the contract has not yet been seen by anyone, so that the public is not familiar with its most important clauses; sparse data, presented by the Government, are unclear, the buyer has no financial credibility, etc.¹⁴ All this, coupled with the fact that the contract contains a number of buyer protective clauses and the provision that the property of RTB Bor can be placed under a mortgage so as to obtain a loan for the repayment of the purchase price, sparked off the mass protests of the employed and citizens of Bor, the complaint of the second-ranked company in the tendering process (East Point) and gave rise to numerous speculations about the true motives of this business deal and possible large-scale corruption. At this moment, the details of the contract are still unknown, so that the number and fate of redundant workers are not known either. There are still dilemmas and guessing about some other large business deals in which the “technical”

¹² *Glas javnosti*, 30 September 2006.

¹³ The parliamentary elections in Serbia were held on 21 January 2007. The coalition headed by Vojislav Kostunica won 16.7 per cent of votes of the citizens who turned out at the polls. Otherwise, it is behind the Democratic Party and the Serbian Radical Party, which won 22.9 per cent of and 28.7 per cent of votes respectively.

¹⁴ Economic analyst and journalist Misa Brkic, TV B92’s talk show Poligraf, 20 March 2007.

Government has entered, including the sale of the Interior Ministry building in the centre of Belgrade, granting of a concession for the Horgos-Uzice highway, etc.

During the past three years, as opposed to the first three transition years, when the protests of the employed and trade unions were staged on a daily basis, thus significantly aggravating the still resolute moves of the then Government, the largest trade unions were almost completely passive, while the strikes of the employed were reduced to the well-known and well-timed blackmailing of the competent ministries by teachers and the employed in the health services and judiciary. The three largest trade unions (the Alliance of Independent Serbian Unions, Nezavisnost United Trade Unions and Alliance of Independent Serbian Unions) are paying a high price for their political pragmatism and unprincipled interest-based agreements. According to the mentioned survey, hardly one-third of citizens expressed their confidence in the trade unions. The only three groups whose confidence in the trade unions is somewhat higher than mistrust are office workers (41 per cent vs. 30 per cent), experts (34 per cent vs. 33 per cent) and students (31 per cent vs. 27 per cent). It is even more disturbing that the greatest mistrust is expressed just by those who were always unionized, such as skilled and highly skilled workers and technicians. Although it is quite clear that it is the question of so-called "losers in transition", the fact is that the trade unions were not prepared for the process of privatization and that they themselves are responsible for their discrediting and absolute marginalization. Being organized like the political parties in an authoritarian and centralized way, the trade unions missed the opportunity to fight for credibility among their members and become reputed partners to employers and the authorities. Their last year's activities are almost not worth mentioning: they were confined to the usual accusations of each other and sporadic, mild and inefficient support to the demands of the employed. The two leading trade unions were more occupied by their own elections (at which the same leaders were reelected), perennial quarrels over the undistributed property and the like than by the representation of the workers' interests. The strongest reaction of the trade unions was provoked by findings of the study "How Much Trade Union Activities Costs Employers", which was made by economic analyst Miroslav Prokopijevic of the Free Market Center for the needs of the Employers' Union of Serbia. The study, which was presented at the end of February, dealt with the estimates based on seven types contributions stipulated by the current Labor Law, at the "depressed" prices.¹⁵ According to the findings, trade union activities cost the Serbian economy about 149 million euros, just due to those legal solutions which impose very high costs on employers. The trade union leaders dismissed this study as being unrealistic, "superfluous and economically

¹⁵ *Danas*, 22 February 2006.

unjustified" (Branislav Canak), accusing Prokopijevic that he "initiates the derogation of workers' rights" (Milenko Smiljanic), and that the Employers' Union "wishes war with the trade unions" (Dusko Vukovic, head of the Construction Workers' Union).¹⁶ Regardless of the findings of this study, some comments of the trade union leaders reflect clearly the socialist pattern of thinking and the defense of their own privileged status. On the other hand, they were strikingly reserved towards the newspaper articles in which the members accused some trade union leaders of money embezzlement and spending millions of trade union money.¹⁷ Bearing in mind the number of registered trade unions (about 16,000), complex political structure at the local level, as well as the overall climate in the society, it is quite logical that the indications of corruption in the trade union have a realistic ground. This could also be one reason for the great disappointment of the employed in their representatives.

Although the official statistics show that both GDP and productivity have been recording a continuous increase since 2001, the number of poor citizens in Serbia is not declining. There is still 10 per cent of the population living below the poverty line. According to the data of the Ministry of Labor, Employment and Social Policy, there are about 800,000 persons living on less than 2.4 euros a day, while even 1.6 million citizens earn only a little more; one-fifth of citizens earns less than 70 euros a month, so that according to poverty Serbia is behind Albania.¹⁸

The most destitute segments of the population are still pensioners and the elderly, rural population, as well as workers in industrial urban environments. Apart from the already described economic policy of the Government, there are realistic concerns that the problem of poverty will also be topical in the future and that the Poverty Reduction Strategy will not achieve the proclaimed aim - to reduce poverty in Serbia by half until 2010.

Apart from poverty and unemployment, a bad social picture is also influenced by other problems, such as: functional and actual illiteracy, low level of professional and work competence, decline in the quality of life in a great number of households, as contrasted to the enormous enrichment of a small percentage of the population, growth of general and organized crime, increased intolerance, violence against women and children, etc. Many experts hold that just the slowness and failures in the transition process contributed to the surge of some social problems and deviations.¹⁹ Due to the protracted

¹⁶ *Ibid.*

¹⁷ In the Railway Workers' Union, for example, about which almost all daily newspapers were writing for months (*Vecernje novosti*, 12-19 February 2006; *Glas javnosti*, 5 March 2006, etc.).

¹⁸ *Danas*, 29 May 2006.

¹⁹ Professor Milosav Milosavljevic, *Drustvene devijacije i tranzicija, Republika*, 1 June - 31 July 2006.

crisis, one can observe numerous types of so-called adaptive deviations (the grey economy, criminal behavior in an attempt to ensure basic social security, black-marketeering and resale of goods, etc.), as well as organized and systemic deviations (where the interests of specified groups are pursued in an unlawful way by using economic and political power and taking advantage of the weaknesses of the system). Apart from organized crime, one can also observe various forms of political deviations, "that is, political activities, which are carried out contrary to some universal, civilizational, democratic and political norms with a view to preserving or winning power".²⁰

Although government's interventions aimed at providing citizens with minimal social security seem to be significant at first sight, the fact remains that its unsuccessful policy and suspension of reforms actually contribute to the heightening of social tensions. Moreover, social policy is still on the margin of the Government's interest; there is no long-term and sustainable project relating to the reform of this sector; there is no coordination between the competent ministry and other ministries, the existing institutes of social security are obsolete and inadequate; the system is centralized and inefficient, etc. The poor condition of social care institutions, increasing alcoholism and drug addition, juvenile delinquency, family violence and other disturbing social deviations testify about the social regression of the Serbian society and the government's inability to recognize the complexity and mutual linkages of different social relations and processes. The non-existence of the visionary and reform capacity within the political elite has logically resulted in Serbia's stagnation and lagging on its path to the desired democratization and development.

- Evident populism and social demagoguery, coupled with an unproductive and turbulent foreign policy, are certainly in the service of preserving power. However, they are increasingly pointing to one much more dangerous phenomenon, which has already been seen in this territory - the attempt to develop a unique international position and internal system by combining democracy and autocracy, partnership and unrestricted sovereignty, market and socialist economy... A frequent reference to the Chinese model of "one country, two systems" by the highest officials of the DSS gives grounds for concern that one part of the political and intellectual elite is again pondering on some "third path" or, at least, on keeping the status quo. It is quite clear that this or similar "vision" has no future, but the Serbian society is still receptive to such experiments.

²⁰ *Ibid.*

HEALTHCARE SYSTEM BYPASSES SOCIAL NEEDS¹

The State of Population's Health: General Background

Despite relaxation of the general mood, in the wake of the 2000 political changeover, all research data indicate that among population in Serbia still prevail the feelings of threat, anxiety and fear, obviously modified in line with the times and current problems. In addition to the fear of poverty, and in most likely connection with it, the majority of people are concerned for their own health and health of their next of kin. The foregoing makes us draw the two, very serious conclusions: firstly, that the degree of perception of threat of various illness and their occurrence in real life is conspicuous and real and as such threatens the vital core of population, and secondly, that the health system in force is not considered trustworthy by most people in view of that system's inability to guarantee security of most people either in the shape of prevention or an adequate, timely and efficient response. The existing health needs are not met with a corresponding protection, and protection of human lives is not viewed within the security context, as a guarantee that every individual should a fully free life, providing him with opportunities to fully realize his own potential and that of the whole community.

Population data are the basic material for a good analysis of public health and health system in the Republic of Serbia, in view of a crucial importance of complex sociological relations and demographic set-up for the existence and quality of life and the state of health and functioning of the related system.

According to the last, 2002 census, population of Serbia totals 7.4980.01 people. With respect to the previous census, the one conducted in 1991, number of inhabitants was reduced by 324.794, though one should be wary of reliability of such census data comparisons. According to the October 2005 official estimate there was a small increase in the shape of 70.347

¹ To analyze the health status in Serbia we made use of some parts of text „Security and Public Health“, done by the Helsinki Committee for Human Rights in Serbia for the needs of the 2005-2006 Report: „*Indicators of Human Security in Serbia*“, Open Society Fund, Belgrade, 2007.

inhabitants. Similarly to the 2002 census, this estimate does not include population of Kosovo. When likening that pertinent data one should take into account demographic trends in 1991-2000 period (internal migrations, migrations caused by the wars in ex-SFRY, emigration of several hundred thousand youngsters to the third countries, etc.), all of which had a major impact on the population structure, and even more so on population's health status.

According to the large age groups, population breakdown is the following: participation of the young up- to- 19 years of age in total population is 22.3%; those in 20-39 years of make up 26.4% of total population, and 40-59 age group makes up 28.2% of total citizens; and finally, population over 60 years of age makes up 23.1% of total population. Average population age of both sexes in Serbia has been on the rise since the first post-war census conducted in 1953; in view of the fact that the average age is over 40, population in Serbia is considered-old. Barring municipalities with the majority Albanian population in South Serbia, demographic trends are more or less unfavorable in the whole country. Natural birth rate in the whole territory of Serbia has been steadily declining since the 60's. Moreover since 1992 a negative rate was recorded, while the trend of the rate worsening was marked until the year 2000. Since 2001 the ratio between the births and death was more stable, but still demographically unfavorable, whereby the decline in population number is larger in rural settlements than in urban settlements, that is, in cities and towns. To illustrate the persistence of such a negative ratio we shall give the two salient examples: as early as in mid-2004 as much as 53% city municipalities, and 74.2% of rural settlements in Central Serbia registered negative birth rates. Situation in Vojvodina is even more dramatic, with its 94.2% cities and 88% rural settlements having a negative, natural birth rate. Having in mind unfavorable trends in the age structure on the level of the whole country (decrease in share of younger population, increase in average age and increase in share of old people in total population), in the next period, until the year 2015 we may expect further decline in the natural birth rate. In parallel, the life expectancy of both male and female newborns increased (in 2004 life expectancy for male children was 69.9, and for female children 75.4).

Though population aging and negative demographic trends are characteristic also of developed European states, in Serbia they are compounded by poor socio-economic status of population and traumatic war-related experiences from the 90's of the last century. The latter thus affected and still very much affects health of citizens of Serbia. That said we must also note the following: the Serb society embarked upon transition in a totally exhausted state of mind and body, and inevitable consequences of the system's overhaul (notably in the sphere of employment and wages, social benefits, as much as prolonged political tensions and instability of totality of social conditions), were additionally stressful for citizenry. However the 2006 Study

of Health of Population of Serbia ² indicates a turnaround: with respect to the year 2000, the percentage of households spending over 70% of their income for food/nutrition decreased from 47.7% to 10% in 2006. Moreover income of 40.5% of households sufficed to meet the basic life necessities-food, personal and household hygiene, clothes and footwear, and health protection. But about 37% of households still assess their financial standing as bad, which is only 3% less than in the year 2000 (34.1% urban households and 41.1% rural households, when compared to the 2000 data, when 43.3% of urban households and 34.1% rural households assessed their financial standing as-poor).

Continued exposure to stress and hard life has caused many illnesses to which population or rather the health system in place has not responded timely and adequately. The aforementioned survey/study inter alia estimated illness-prone percentage of population, on the basis of respondents' statements on diagnosed illnesses and states thereof, as well as on measured blood pressure, corporal mass and corporal height data. According to preliminary results, even as much as 47% of respondents stated that they were diagnosed a chronic illness, most frequently hypertension (25.8%). However medical measuring of hyper tension indicated that 47.2% of adults (that figure was 44.5% in the year 2000) were affected by hypertension of potential hypertension. The most often quoted cause thereof, even by 73,8% of citizens, was-stress, followed closely by hard life and wrong nutritional/eating habit. The most stress-exposed group is the one of 35-54 years of age, constituting a total of 44% of population.

Added to that, though slow and gradual, the health reform system gives rise to continuing prices hikes in services, hikes cannot be covered by the existing health insurance. The foregoing causes increasingly high participation of citizens in diagnostics and treatment-related expenses. Frequent inability of most citizens to earmark money for the necessary health protection, makes their socio-economic standing and health status even more vulnerable or outrightly worsens them.

Educational structure is correlated with the public health system. On the one hand, educational structure ensures employment of adequate professional cadres in the area of vital importance for the people and state, and on the other hand, it impacts health habits and lifestyles of population, which are subsequently reflected on population health in general and total capacity of individuals, larger groups and total population.

² A representative sample of population was surveyed by the Health Ministry with assistance of the World Bank. This is the second survey of that kind, while the first was conducted in the year 2000. Survey on the ground was carried out by the Public Opinion Polls Agency, "Strategic Marketing" with assistance of the Public Health Institute of Serbia. Official poll results are to be disclosed in April 2007.

According to the 2002 census results the share of citizens with secondary, higher and high education diplomas in total educational structure of population is 52.1%, while the share of citizens without any education is only 5.66%. No data are available for 2.18% of population. However of great concern are citizens with only primary school education or with completed only several grades of primary school providing them solely with elementary literacy- 40.06% of them. Over half of female population boasts secondary, higher or high education diplomas, but that is only 24.02% of total population older than 15; of total female population even 24.72% of women have only primary school education, and 15.94% of them have incomplete primary education; without any education are 8.55% women, while 2.70% of women have only the first three grades of primary school. When compared to men, a far greater number of women is without any education or with partial or full primary education, but also a much smaller number of women have secondary, higher and high education. Such a situation is proportionately spread across the whole territory of Serbia. Though the said situation is clearly a consequence of patriarchal legacy from an earlier period, many other indicators confirm a basic inequality of women in the Serb society. In recent years there was much talk about woman's rights and responsibility of state to enhance the status of women. But all that talk was of a purely declarative nature; despite social changes and partial emancipation women are still less educated, underpaid, and their status of mothers is not sufficiently backed by financial and institutional assistance of the state, while their health protection is still underdeveloped and oft dysfunctional.

In speaking about importance of education in building healthy habits and lifestyles one should also note the total absence of health education within the framework of education/school system. And consequences of the latter are very grave. Barring basic advice on elementary hygiene imparted to children in pre-school institutions and in the first two grades of elementary schools (the latter being a more recent practice), creators of educational programs failed to recognize the need for educating children and the young about basic health parameters and good health preservation. Without lessening the importance of genetic predispositions, and of other health-impacting factors, the aforementioned, serious shortcoming of health and educational policy keeps producing worrisome trends and results, notably among the young. All recent polls and surveys indicate a high incidence and spread of harmful habits (alcohol, tobacco and drugs consumption or abuse), and of unhealthy lifestyles (low degree of physical activities, irregular and bad nutritional habits, etc.) Preliminary data of the Survey of Health of Serbia's Population indicate that among children and under-19 young, every fifth person does not have all three main meals, but instead indulges in overconsumption of sweets and sweetened non-alcoholic drinks. Percentage of obese, over-15 population rose from 16.2% in the year 2000 to 18.3% in 2006. As expected, the published data indicated

that children and the young spend most of their leisure time before TV sets and computers. Generally bad and irresponsible attitude towards health is also characteristic of adult population. Although it is obvious that some habits are gradually changing (for example a conspicuous increase in consumption of black bread, vegetables and fruit in every day diet of population at large), general status of health and the most frequent illnesses among adults indicate that in fact unhealthy habits and lifestyles are the root-cause of many illnesses. As regards smoking, the survey estimated that 35.3% of adult population belong to the category of smokers, while 29.4% of citizens belong to the category of regular smokers. Total number of smokers was reduced by 5.2%, and in a larger percentage among the males than females. Despite legal provisions as many as 50% of employees stated that they were still exposed to cigarette smoke in their workplaces. Reduced use of tobacco was reported among 15-19 age group, but the pertinent data are still alarming: in 2006 15.7% of the young from this age group were smokers, and in 2000 in that group there were 22.9% smokers; added to that 71.4% of children and youth were exposed to cigarette smoke in their own houses, while that figure in the year 2000 was somewhat higher -85.1%. Alcohol consumption among the young is even more alarming: every third person from 15-19 age group sporadically consumes alcoholic drinks. Many other surveys done in schools and in local communities caution against an excessive consumption of alcoholic drinks, even among the primary school children. Legal provisions in the last case failed to produce any result, for, according to some estimates, over 10.7% of underage children buy alcohol in public places, that is, shops, despite express legal bans.

Having in mind all the aforementioned circumstances (structure and natural population movements, educational and socio-economic status, historical and current social conditions, problems in the reform of system and its institutions, etc.), it may be maintained with certainty that the health status of population corresponds with the existing conditions of life in Serbia. Total number of illnesses and injuries as established by the general medical services is on a steady rise and that trend is evident in the territory of the whole state, in Vojvodina and in Central Serbia alike. Similar to that phenomenon is also an even distribution Serbia-wide of illnesses reported by citizens to general medical and labor medicine services. The foregoing is indicative of a high spread of causes and risk factors of illnesses, as well as of inability of the health system to correct/modify the pertinent population habits through education and prevention. The most common and of high incidence are respiratory, circulatory, muscular tissue and osseous framework diseases, followed closely by urinary tract, digestive tract and venereal diseases. Alarmingly small is the number of regular dental check-ups, the latter being a most direct result of insufficient education about prevention of mouth and teeth diseases,

understaffing in dental facilities (1 dentist caters to the needs of 2.403 citizens), and high prices of dental services.

The aforementioned diseases are most commonly represented in stationary treatment; the largest number of hospital days was reported in psychiatric health institutions,³ then in internal medicine wards, surgical wards, pneumophysiology and tuberculosis wards, general rehabilitation wards, orthopedics and traumatology wards. Also the largest number of de-registered patients was recorded in internal and surgical wards, daily hospitals, gynecological and obstetrics wards, pediatric wards, pneumophysiology and tuberculosis wards, etc.

As regards infectious diseases, according to the available data, Serbia belongs to the category of countries with a low prevalence of HIV infection rate,⁴ with an estimated HIV prevalence of 0.05 – 0.1%. However one should have in mind the fact that the number of persons tested to HIV in this country is still very low (in 2005 the rate of testing was 4.7 per 1.000 persons). Thus in Serbia in 1984-20 November 2006 period 2.088 HIV infected persons were officially registered. Of them 1,339 (64%) have already contracted AIDS, while 918 died of AIDS. The largest number of HIV positive persons was registered in Central Serbia, mostly in greater Belgrade area (nearly 80%). It is assumed that in any capital the riskiest behaviors are most common. On the other hand in Belgrade the largest number of tests is being effected. But the foregoing cannot obliterate the suspicion that in other milieus the number of infected persons is much larger than it had been reported.

Since 1997 a continuing decline in the AIDS-caused deaths was registered. Thus on average, on an annual level, 25 AIDS-caused deaths were registered. That decline is most surely the result of free of charge and widely available application of a highly active, anti-retroviral therapy (HAART) since 1997 in Serbia. But the said decline is not in parallel followed by a drop in the newly-discovered number of AIDS infected persons. Thus in parallel with extended lifetime, the total number of persons, potential transmitters of the disease, is also on the rise.

The number of infected and dead men is three times superior to similarly infected and dead women, which points to a larger exposure of men to the infection, and is in accordance with pertinent data from Europe and the world. However practically three times greater danger of HIV transmission from an infected man to a woman by a sexual contact most surely impacts the

³ Very large number of patient hospitalization days in psychiatric institutions primarily results from an outdated treatment of the related illnesses, as well as from an inadequately, closed-institution treatment of psychiatric patients. See report: *People on the Fringes of Society: Human Rights in Psychiatric Wards*, Helsinki Committee for Human Rights in Serbia, Belgrade, February 2007.

⁴ AIDS-related data were obtained from the Public Health Institute "Dr Milan Jovanović-Batut" from Belgrade.

trend of a growing share of women in the total number of HIV infected persons, a phenomenon similar to the pan-European one. Consequent rise in the HIV transmission from mother to the offspring, has turned the HIV infection into a general problem of population at large.

According to the latest data, the majority of HIV positive persons were diagnosed among 25-39 age group (58%), followed closely by 40-49 age group (13%). Among up-to-15 age group, HIV infection is rare (3.3%), likewise among 15-24 age group (12.8%).

***Generally speaking the principal manner of AIDS-transmitting was the use of joint injections by intravenous substance abusers (44%), who together with hemophiliacs and blood-transfusion recipients (8%, mostly before 1987, the year when voluntary blood, organ and tissue donors started being officially tested to AIDS) make up over half of all AIDS victims, infected via blood or blood derivatives. Another large transmissible group is made up of persons infected by AIDS during an unprotected sexual act/contact, either with the same- or different-gender person (35.5%). AIDS transmission from mother to child is very rare (1.4%), while for over 10% of infected, mostly males, the manner of infection was not established or reported. The foregoing indicates that due to a marked stigmatization of homosexuality and homophobia in Serbia, males frequently hide their risky behavior. The same holds true of other countries, notably of Eastern Europe.

Added to the foregoing what makes epidemiological situation in Serbia precarious, is the trend of a plummeting HIV infection rate among intravenous drug users (from 72% in 1991 to 21% in 2005), in parallel with the trend of a growing HIV infection rate among heterosexuals and homosexuals, particularly marked in the last 10 years (from 15% in 1991 to 49% in 2005). That trend is even more pronounced among the newly-diagnosed HIV-infected persons.

In the course of 2006, up to 20 November 2006, the Public Health Institute of Serbia „Dr Milan Jovanović-Batut“ registered 71 newly-diagnosed cases of HIV-infection, 40 persons who had contracted AIDS, and 21 deaths of AIDS.

Though Serbia ranks as the country with a low HIV –infection prevalence, epidemiological situation may be judged as precarious, in view of the trend of further worsening of AIDS, caused by poor socio-economic conditions and continuing risky behavior.

In February 2005 the government of the Republic of Serbia adopted the National Strategy for Combating AIDS for the 2005-2010 period. Unfortunately education of the young, as potentially most vulnerable population group is still sporadic and left to the initiative of some health institutions and rare NGOs dealing with this problem. The foregoing was confirmed by the latest surveys of health of population of Serbia: 42.1% of adult population which had sexual relations with irregular partner did not use

condoms. According to the said survey, in 2006 nearly 90% of adult population did not know in which institutions tests to HIV were carried out (with respect to 40% of population in the year 2000.) Among 15-24 age group, 22.5% of youngsters correctly identified modes of prevention of HIV sexual transmission, while in the year 2000 only 7.4% of them possessed that knowledge.

Though in recent years informing and educating of broader public was enhanced, the lack of public campaigns against stigmatization and discrimination of the infected and diseased is still conspicuous.

Added to HIV infection, cases of other, curable contagious diseases, few of which result in deaths, are registered every year in Serbia. In recent years registered were the cases of bacterial intestines infection, hepatitis B, salmonellosis, tuberculosis and viral meningitis. The fact that the occurrence of the majority of those infectious diseases is due to unhygienic conditions of life, dirty hands, dirty food, insufficient and bad nutrition, indicates the lack of concern of the state institutions for the most vulnerable population strata, notably some categories of retirees and elderly persons, Romany population, the underprivileged, the poorest... Though according to some data mandatory immunization campaigns are carried out to a large extent, surveys confirm that a number of the Romany children were not covered by vaccination, or that immunization process was not fully completed.

Death rate data indicate a higher death rate among men, than women, and a very small difference in the death-causing diseases. Added to circulatory, respiratory, digestive tract diseases, and disturbances in nutrition and metabolism, a frequent cause of deaths were cancers. In fact cancers rank as the second cause of death among the Serb population, after circulatory diseases. It bears saying that developed countries monitor closely other, numerous, causes of deaths, notably –suicides, murders, accidents. In Serbia the incidence of such death modalities are not sufficiently monitored, but what is striking is the established fact that in all the three categories the highest death rate was registered among over 65 age group.

Though statistical data noted that a large number of the dead had been subjected to treatment (for example in the year 2004, even 92.5% of total number of the dead), only 34.3% of deaths in health institutions, amply indicated various shortcomings of the healthcare system. In that regard it bears noting that medical statistics in Serbia are not on a satisfactory level: the pertinent data are not collected in a systematic way, they are rarely updated, they don't cover private medical practice, etc. Due to numerous problems and shortcomings it is difficult to analyze some health and healthcare system indicators and view them in their entirety. By extension, cross-referencing and cross-examination of various data yield unreliable results. Thus, for example, in case of deaths of treated patients we do not know whether they died of illnesses for which they had been treated (a momentous information for the

appraisal of quality of cure); furthermore, questionable is an allegedly systematic arrangement and effectiveness of specialist and control check-up of patients released from stationary institutions, as well as primary protection (notably in view of strategy of down-sizing patients' days in stationary institutions); low financial possibilities of citizens regarding their participation of treatment expenses, health habits of population, etc. Antiquated and underdeveloped health-related legal regulations (notably those concerning the patient's rights, existence of independent and expert controls in the process of treatment, etc.) cast doubt over adequateness of health services and give rise to popular discontent with many facets thereof.

However, it is important to underscore that decades-long development of medicine and notably recent investments in medical services to a large extent reduced incidence of deaths caused by some illnesses, and enabled improvements in spheres of diagnostics and treatments. In the year 2000, 43.4% citizens had their own G.P. (number of visits per capita was 2.3), while in 2006 more people resorted to using medical services in general medicine institutions: 50.7% of citizens had their own G.P. (an average number of visit per capita was 3). In parallel, due to improved quality and extent of medical services in so-called, state-run health institutions, and high prices of private medical practice, inaccessible to the majority of citizens, visits to private clinics dropped from 23.9% to 19.4%. Difficult financial situation was somewhat alleviated by recent stabilization of pharmaceutical market. That led to an increased purchase of medicines by dint of official medical recipes -from 39.4% in the year 2000 to 54.1% in 2006.

Problems in the Healthcare System Functioning

Ministry of Health of the Republic of Serbia was one of the rare ministries which to date (or in 2002-2006 period) was not subjected to a major top personnel re-shuffle. The former certainly enables continuity in the process of the health system overhaul, but the results thereof are yet to satisfy both citizens and health personnel. In view of the state of health, a legacy from the past decade, one may say that some turnaround has been achieved. On the other hand the process of the total health system overhaul is judged by many to be too slow and riddled with difficulties. Obstacles on that road are of various nature: lack of funds, grave state of all the health institutions, resistance to changes put up by personnel, stemming from their poor adaptation to changes and demands of a responsible and sustainable health system, and lastly, problematic stands and unrealistic expectations of the very users of health services.

As one of the most important social activities, health is financed by over 80% of the total budgetary revenues and funds of the Republican Institute for Health Institute. Higher economic growth would most certainly bring

about more visible changes in the health sector. However, the fact is that budgetary allocations to the health sector are by far inferior to budgetary allocations to some, less important social activities and sectors. In fact large allocations to defense and police, and not to health and education, clearly indicate the policy of the ruling elite, and by extension its limited visionary capacity.

However, it is evident that the health protection expenditure per capita continued to grow over the past years. Thus allocations for the health protection per capita in 2002 amounted to 124 Euro, in 2003 to 131 Euro, in 2004 to 146 Euro, in 2005 to 157 Euro, and in 2006 to 185 Euro. Despite their continuing growth, those allocations may be considered extremely low when compared to other countries. For example, allocations for the health protection per capita in Croatia were 700 Euro in 2006, while in Slovenia in that year they totaled 1.700 Euros. Accordingly the health fund budget in Croatia was 2.5 billion Euro, in Slovenia 3 billion Euro, and in Serbia only 1.3 billion Euro. Over 50% of that budget was earmarked for wages of health personnel, 14% for medicines, 8% for sick leaves, while the remaining 24% was used to finance other expenses of health institutions and health protection (fuel, implants, consumption, perishable and building material etc.)

As an important part of the health system, the Fund is undergoing a continuing process of reform, but is still far from being shaped into an optimal model which would ensure a high-quality and economically rational health protection of citizens. On the other hand the service providers (health institutions) are disgruntled with the continuing changes and restrictive policy of payment by the Fund. Hence rows, disagreements and tensions between all the participants are commonplace. Because of its economic depletion and low economic growth Serbia most surely is not in the position to base its health system exclusively on the social insurance. For the same reason, full acceptance of or total passage to the market model and private insurance is not feasible, while the socialist (so-called Semaško's) model proved to be unsustainable. Majority of European countries increasingly applies a combination of elements of various models (Bismarck's -social-health insurance still dominant in Germany, Austria, Belgium, France, Beveridge's model of national health system in force in England, Ireland, Canada, Australia and Scandinavian countries, and the market model in place in the US, and to a lesser extent in other countries.) In view of the abundance of factors conditioning a viable model and functioning of health insurance (demographic movements, economic parameters, migrations, general health status, etc.), governments in developed democratic countries tackle this problems with a lot of responsibility and care. Though the health insurance reform was kicked off in Serbia, one does not have the impression that the system's overhaul and development was fully agreed on, and as such firmly put in place. Evident are also many shortcomings in the functioning of private medical practice, which

is yet to be incorporated into the total health system. In view of such a chaotic state, introduction of private insurance is not imminent or better said, feasible, though citizens were imposed participation fees for medical and other services. The aforementioned are the most salient problems of the health system in Serbia.

It is also noteworthy that in 2006 health institutions for the first time in 15 years had a positive balance. In parallel they paid off their long-standing debts amounting to 150 million Euros. Along with investments already made in reconstruction of institutions and procurement of equipment, in 2006-2007 period another 331 million Euro shall be invested in the health system, of which 60 million will be allocated to recovery of public health institutions Serbia-wide, while the bulk of that sum, that is, 150 million Euro shall be used for renovation of four clinical centres (in Belgrade, Novi Sad, Kragujevac and Niš). Underway is recovery of 20 hospitals financed by the European Investment Bank loan to the tune of 50 million Euro. Added to the ongoing investments, wages of medical personnel steadily rose over the past few years. In 2006 wages of medical personnel rose by 46%, while those of non-medical personnel were increased by 15.5%. In 2007 21.8% wage increase is planned for doctors, 14% one for the personnel with high and secondary school education and 9.6% one for other professionals employed by the health sector. However, early 2007 has already seen several protests of health personnel: psychiatric institutions staff staged a strike over difficult work conditions and very low wages, health sector trade-unions staged a strike over collective contracts and low wages of non-medical personnel, the outgoing government was accused of breaches of agreements, etc. Outgoing Health Minister, Tomica Milosavljević, for months now has been running the ministry in an odd way: he kept turning up in his workplace and elsewhere at will, while his function was in fact discharged by Labor, Social Policy and Employment Minister Slobodan Lalović. Outgoing government, that is, self-styled "technical government" at will decided when to act and when to remain passive: it declared itself incompetent for discussing employees' demands, but was competent enough to raise wages of its own administrative staff. In parallel it stayed away from any burning issue, but easily and quickly sold the Bor Copper Mining and Smelting Complex, and granted new, expensive concessions, etc.

Meddling of politicians into the health sector is a regular phenomenon in this country. The former, Socialist era prerequisite of „moral-political compatibility“ for appointment of the leading medical cadres was „successfully“ supplanted by the party membership in recently installed multi-party system. Because of the feudal-style distribution of ministries among the parties of the former ruling coalition, party followers, and their career-minded members were appointed to the leading posts in the health sector. Inflow of considerable funds geared for investing in facilities and equipment attracted profiteers of all kinds. Thus the health sector has become the breeding ground

of so-called „large-scale“ corruption. Large number of health institutes recovery and building works, and related, expensive medical equipment procurement deals, as of late have been a source of incredible possibilities for illegal profits and other misuses. Unfortunately despite doubts, wide media exposure and some malpractice charges, not a single case of alleged “large-scale corruption,” has been clarified. Membership of advisory, executive and monitoring boards, granting of specialization stipends and high education grants, are also the subjects of big manipulations, while the role of powerful pharmaceutical lobbies in creation of the health protection policy may only be guessed. Examples of so-called „small-scale corruption“ (involving patients and doctors, or patients and medical institutions) received much media coverage in 2006, but such cases have never been judicially processed. Corruption in the health sector, despite its notoriety and public speculations, is yet to be dealt with by the police, courts of law, medical professionals proper and the Health Ministry. The latter, instead of embarking upon a systematic uprooting of weaknesses and irregularities, in fact tries hard to cover them up.

Legal Provisions

Despite the aforementioned reform, the health system in Serbia still relies on a large number of legal provisions dating back to the ex-Yugoslavia period, notably as regards sub-legal acts. In view of a highly sensitive nature of this much-devastated sphere, it is surprising that the government, parliament and the Health Ministry have not yet come up with a clear legal framework within which the overhaul of the health sector would unfold in stages, without threatening elementary functioning of that sector, but in parallel enabling its continued transformation. Partially responsible for such an oversight are the health personnel engaged in scientific-research work and professional medical associations, for they have failed to assist with their professional expertise in creation of better conditions both for them and their patients.

Like in other sectors, the outgoing government with respect to the 2006 health policy demonstrated a high degree of apathy and the lack of will for and vision of the further reform. No new laws, or amendments were passed.

Basic legal regulations relating to the health system are: Act on Health Protection, Act on Health Insurance, Act on Chambers of Medical Workers,⁵ Acts on Medicines and Medical Means,⁶ Act on Protection of Population from Contagious Diseases,⁷ Act on Waters⁸, Act on Health Surveillance of Foodstuffs

⁵ Official Gazette of the Republic of Serbia, no. 107/05.

⁶ Idem, no. 84/04.

⁷ Idem no. 125/04.

⁸ 1991 Basic Text, last amendments dating back to 1996.

and General Use Objects⁹, Act on Sanitary Surveillance¹⁰. The Health Ministry, alike other ministries, frequently resorted to the practice of relations-regulating by dint of decrees, rules of procedure and acts with lesser legal force. Such a practice was essentially illegitimate and illegal, and paved the way to large-scale corruption and meddling of various political and interest groups.

Large number of incriminated phenomena and socially harmful behavior are in fact linked to bad, murky and arbitrary legal solutions. Thus one of the most salient objections to the Act on Health Protection, stemmed from the fact that its article 199 practically enabled doctors fully employed by the state-run health institutions to exercise the same job, by dint of the contract on additional work, in private medical practice. That leads to numerous misuses and causes large discontent of citizens because they are, on unjustifiable grounds, re-directed to private institutions charging them very high fees. Though such an admixture of national and private health care is in place in some much more developed and ordered countries, it bears noting that the said solution has been assessed as a highly workable one, because the local provisions prevent misuses and pre-empt the possibility for corruption, and health systems in those countries are more efficient and better organized. Possibility for parallel work leaves room for many manipulations notably in a situation when many state-run health institutions in Serbia are malfunctioning (on various grounds), when “waiting lists” abound, when doctors are disgruntled with their wages, and when anti-corruption measures have not been properly defined. But in parallel it has been fully established and recognized that private practice is not in an equitable position, and that there is no adequate legal control over the work of private health institutions. The case of on an interim ban on the work of private hospital “Ostrog”, and notably few suspicious deaths in that hospital in 2006, are fairly indicative of numerous shortcomings and irregularities of private health institutions and an over tolerant stand of the Health Ministry and other state bodies on private clinics.

Especially problematic are provisions of the aforementioned act, but also of other acts relating to composition and prerogatives/competences of various expert bodies, management and monitoring boards, etc. Though health system has become notorious for the corruption among its ranks, cases thereof, likewise work irregularities, oversights in diagnosis and applied therapies, etc., are very difficult to uncover because of a very closed and specific nature of the system itself, solidarity of medical professional associations, and common interests. However, it is noteworthy that similar situations in other states have been overcome by a continuing improvement of legal provisions and strengthening of responsibility of medical staff. Absence of similar efforts in Serbia casts doubt on existence of political and professional interests and will

⁹ 1977 Basic Text, last amendments dating back to 1994.

¹⁰ Official Gazette of the Republic of Serbia, no. 125/04.

to fully regulate the health sector. Last year's events surrounding formation of the Medical Chamber of Serbia and passing of its Statute, that is, divisions between and mutual accusations of opposed medical associations, insinuations about the roles of the Health Minister and Health Ministry, only corroborate the aforementioned theses.

Most serious objections to the Act on Health Protection are related to compulsory or mandatory hospitalization of psychiatric patients, that is, its decree or security measure that all such patients must be taken care of and treated in a closed psychiatric institution. The act also spells out that non-enforcement of the said, mandatory measure entails a criminal sanction. The new Act, instead of additionally protecting the patient, and underpinning guarantees of unbiased and complex mental health assessments of potential in-house cases by several medical specialists, in fact simplified the procedure and derogated the Penal Code, thus enabling many misuses with grave consequences. Despite warnings by some legal experts and few NGOs¹¹, the Health Ministry, the Justice Ministry, professional medical associations sat on the fence, without even proposing amendments to the controversial legal provisions. Of special concern is the absence of the legal act on conditions, procedure and organization of treatment of psychiatric patients (though announced long time ago, it has yet to see its first draft), notably in view of not so rare and quite recent cases of psychiatric misuses.

By the way, psychiatry in Serbia is certainly the most neglected and sidelined area of the health system and society as a whole. That holds true both of patients and medical staff in psychiatric hospitals. Added to that conditions in and the entire state of specialized psychiatric hospitals represent a scandalous example of discrimination and of inhumane and degrading treatment of patients. Like other specialized institutions in Serbia, psychiatric hospitals are housed in old facilities, of which only few were adapted in line with their new purpose. In Serbia for a long time has been applied the practice of hiding psychiatric patients from the public eye, in contrast to psychiatric practices in other European countries. Thus numerous categories of population (elderly and disabled, that is people devoid of careers, homeless persons, individuals with special needs, psychiatric patients, children with arrested development, etc.) were practically excommunicated from broader community. They were usually accommodated in the existing facilities, on the outskirts of big cities and far away from municipalities to which they belonged. Barring initial funds invested during adaptation of those facilities for their new purpose, in the majority of cases, no new investments were made

¹¹ Those legal provisions were sharply criticized by the Helsinki Committee for Human Rights, Belgrade Centre for Human Rights, Prof. Dr. Momčilo Grubač and some legal experts. See, for example, "Danas" of 31 January 2006, as well as the report: "People on the Fringes of Society : Human Rights in Psychiatric Hospitals ", Helsinki Committee for Human Rights in Serbia, February 2007.

into renovation or reconstruction of the old facilities. In the meantime the old facilities went to seed after decades-long use, and due to the spatial spread of urban municipalities they became part of the newly formed urban conglomerates. However, all the foregoing did not bring about a better position of psychiatric patients. On the contrary they remained isolated, and their social stigmatization continued.

Aside from short hospitalization- psychiatric wards in general purpose hospitals, clinical centres and the Mental Health Institute, there are five large psychiatric institutions in Serbia. They are located in Belgrade (with Padinska Skela department), Vršac, Kovin, Gornja Toponica and Novi Kneževac. Under the Decree on Planned Network of Health Institutions, capacity of the aforementioned mental health institutions should provide for a long-term hospitalization of psychiatric patients. In Belgrade the related institutions have 650 beds, in Novi Kneževac- 300, in Vršac- 900, in Gornja Toponica- 800 and in Kovin -1.000 beds. Total number of specialists in those institutions is 124, which means that one doctor takes care of 29 patients; total number of nurses is 724, so every sister renders services to 5 patients. Due to the fact that those hospitals are regularly filled to capacity, and specific nature of illnesses treated in them, the said number of employees does not provide for adequate treatment (that is individual approach to every patient), let alone for a high-quality care.

Accommodation, treatment and work conditions in those institutions are below standards set for such facilities by developed and civilized countries, while many of them do not meet even minimal building, sanitary and technical requirements. In recent years the state has earmarked larger funds for renovation of those facilities, but the former only covered cosmetic changes. The National Investment Plan ¹² (NIP) envisages additional funds (mostly for recovery of old facilities and building of a new facility within the existing complex in Kovin). The foregoing indicates that the Health Ministry obviously stuck to its stand that the existing system of psychiatric treatment should not be altered. Accommodation of various kinds of patients in one place and their isolation from families, friends and community, is a concept long rejected and surpassed by developed countries. According to a modern concept, psychiatric patients should be accommodated in small stationary facilities within the fold of local communities, in order to be able to freely communicate and interact with those communities. Moreover, patients, in keeping with status of their health and consequently their possibilities, should be professionally trained and educated. A special problem in all large psychiatric institutions is posed by patients who no longer need a treatment, but have no alternate accommodation. Thus in some cases those institutions took on the role of permanent social centers. Unfortunately the state has not developed its social

¹² www.nip.sr.gov.yu

function in desirable direction of protection and accommodation/care of psychiatric patients. While in those terms the social institutions capacity remained insufficient, on the other hand, families due to the negative social stigma, feel oft ashamed of their sick members, and consequently tend to refuse to take part in their treatment and accommodation. Even when families decide to take care of them, in that effort they don't have the expert or broader social backing. Consequently, no adequate care is taken of patients in question. The following scandalous disclosure recently caused quite a public stir: in Kovin there are patients who have spent in that institution 10 or even 20 years! Since the price of hospital day is about 9.2 Euro, for the state such a prolonged hospital stay is the cheapest solution, but for the patient obviously the worst one. Similar cases, though to a lesser extent, were reported in other mental institutions. It also bears saying that other medical areas have a very discriminatory stand on psychiatric patients, but also on psychiatrists and other psychiatric hospitals medical staff. Health and social policy are not evidently interested in effecting de-stigmatization and change of position on psychiatry in general, and patients in particular. In view of such a state of affairs, inclusion of psychiatric patients into social life (in line with their health status and possibilities) does not seem very feasible, or imminent.

Labor, Social Policy and Employment Ministry is in charge of protection of children and youngsters, as well as of adults. However situation in the related institutions is similar to the one in psychiatric hospitals. In view of the fact that wards of those institutions need different, but continued kinds of health protection, the pertinent position of the Labor, Social Policy and Employment Ministry may be also qualified as discriminating, if not altogether ignorant. Specially alarming situation is encountered in institutions for children with arrested development.

Dramatic situation in psychiatric institutions and institutions for social protection of children, youngsters and adults, and lack of serious initiatives for gradual, but key changeover in that area, are indicative of the grave state of the entire society in Serbia, and also testify to the defeat of humanity towards and solidarity with, and not only, the weak and sick.

Aforementioned bad solutions of the Act on Health Protection, absence of other laws and adequate bylaws, lack of co-operation between ministries and other state institutions and institutes, non-existence of continuing education of employees (not only in the health sector, but also in the judiciary, police, social services, etc.), are serious problems, for whose tackling initiatives are yet to be made. Though we have taken into consideration difficult conditions in which the reform of the health system unfolds, and the existing priorities, we are nonetheless still under impression that the Health Ministry (alike the government) respond slowly and unsystematically to the said issue. Absence of vision is best manifested in adopted strategies, which resemble more declarations for external use, than

serious plans laying down the foundations for changes within the state. Government has to date adopted several strategies in the health area: Strategy of Development of Health of the Young, National Strategy for Combating against HIV/AIDS, Strategy of Tobacco Control, and Strategy of Protection of Mental Health. Contents of those strategies are not controversial, for contemporary trends are incorporated into them, to the extent currently possible. But what is controversial are their purposes, for a number of indicators confirm inapplicability of such strategies. Moreover some of those strategies are shunned by the government proper and the Health Ministry proper. For example, Strategy for Protection of Mental Health envisages closure of outdated, large psychiatric institutions, while the NIP foresees reconstruction thereof and even building of new facilities. Or, the fact that this Strategy promotes the system of protection of mental health on the basis of effective, acceptable and sustainable evidence, while the Act on Health Protection lays down compulsory/mandatory accommodation in a psychiatric institution only on the basis of assessment of one doctor. Strategy of Development of Health of the Young places special attention on special needs-youngsters, while competent ministries and other state administration bodies do not foresee in the new facilities or the renovated ones special conditions for education and work, or easing of accesses to them. The same holds true of the Action Plan for Protection of Romany Health, which envisages a long-term and heavy reliance on the aid of international organizations, and in the country, on assistance of the newly-formed Committee for Romany Health, Centre for Minorities Rights, Romany NGOs, and the National Romany Council. Aside from the abundance of generalized goals and measures, the Plan does not define the roles and responsibility of numerous state institutions, without which it is impossible to more seriously ponder enhancement of total living conditions and health of Romany population. Despite a catastrophic status of Romany minority, it seems that different Romany-related action plans, strategies and other documents intended to bring about some improvements during "The Romany Decade" may remain only declarations and advocacy papers, unless concrete actions aiming at inclusion of Romany into a broader community and turning them into equitable citizens, are not swiftly taken.

Though all the said acts impose honoring of human rights and upholding of high ethical principles, the legal protection thereof is not adequate. Added to the poor protection offered by some protection mechanisms (for example, protector of the patient's rights is a jurist employed by a health institution, which is a total nonsense), some good rules are not applied in practice, or are intentionally shunned because of imprecise legal provisions. Thus a vague, non-existent or politically or on other interests based legal framework is directly opposed to interests of population, health workers, and the state too.

And finally one may say that the recent slowing down, even stalling of the reform processes in the country is evident also in the health sector. Important health sector-minded reform laws have not been passed, while some adopted acts from that sphere were harshly criticized because of their non-compliance with many European standards and documents. Aside from recovery of some facilities and procurement of equipment, there were no major steps in direction of transformation of the current model of the health system into a more efficient, accessible and sustainable one. There is no vision of the health sector development, though the existing system does not function properly and is riddled with serious shortcomings. Therefore the future government and the competent ministry face an enormous challenge: not only to continue the health system reform, but to previously analyze moves made to date and thereafter responsibly embark upon the necessary changes. That is a difficult and painful process, but consequences of bad health system for the whole society are- much more tragic.

Conclusions and Recommendations

Catastrophic legacy of the 90's is a totally devastated social and economic life of Serbia and near total collapse of the health system, reflected in an antiquated equipment, malfunctioning and bad network of institutions, emptied funds, inadequate and corruption- riddled human resources. It will take a very long time to reform the health sector in its entirety. However, results of the ongoing reform to date have been significant. Notably the scope of health services and treatment opportunities has been broadened and made accessible to a much wider strata of population. Numerous donations and loans-provided funds facilitated the purchase of new equipment and recovery of old institutions, Therefore in that regard improvement is visible. However the general state of public health system cannot be assessed as good, let alone satisfactory. Reasons for that may be found both within the framework of the health system proper and outside that system that is in poor developmental strategy and bad institutional-political solutions. Currently the health system in Serbia is reminiscent of a house without foundations; its facade looks better and nicer, but the house inside seems shaky and unstable. What is lacking are clearly defined legal solutions and regulations. Moreover the existing laws are not enforced or observed. Added to that their solutions are quite bad; many areas and activities are not normatively covered, or they rely on inapplicable and outdated solutions; voluntarism is commonplace due to lack of rules and professionalism and in view of blatant and frequent breaches of ethical principles. Although it is difficult to prove corruption, it has definitely taken root on all levels of the health sector. Its manifestations range from "small-scale" kickbacks paid to medical and non-medical staff for certain services, to unlawful acquisition of high education titles and expertise, and lastly to very

suspicious tenders relating to the purchase of medical equipment or to carrying out building works. Misuse of legal possibility of physicians' work in both state-run and private medical institutions, manipulations of "waiting lists", illegal influence of some pharmaceutical house in selection of pharmacotherapies, bad and unregulated relations regarding competences over various level -health protection institutions, constant changes in the Health Insurance Fund, and putting in place of arbitrary rules reducing the health protection, are just some of negative phenomena burdening the health sector. Problem apart is access of some population categories to health institutions and treatment thereof. Linkage between various levels of power and other segments of society within the framework of public health system does not seem to be imminent. Hence the whole system, despite aforementioned improvements, looks unsustainable and not very solid, while the users of its services, rightfully, feel neglected and unsafe.

In view of importance and sensitivity of medical activities area, we recommend the following guidelines as the most necessary for the health system overhaul:

- additionally spell out in detail and bring into a functional line different levels of health protection (primary, secondary, and tertiary), as well as the leading institutions in those fields;
- elaborate a clear and sustainable strategy of development of public health, with precisely established stages, tasks and prime movers;
- effect the reform of the Health Insurance Fund in line with the adopted vision of the health sector development;
- improve the existing legal regulations and pass new, necessary laws and sub-legal acts in whose drafting medical workers of various profiles would be actively involved;
- added to increased investments in infrastructure in line with the projected needs, it is necessary to continually capacitate, train, and educate the current and future cadres, including the health sector management staff;
- in order to strengthen the entire health system, emphasis should be placed on development or promotion of special programs for specific illnesses, either rare or the fast-expanding ones, or concerning stigmatized or sidelined illnesses;
- set up state-owned funds for treatment of patients needing expensive and inaccessible medical procedures;
- by dint of legal regulations, and adequate control thereof, ensure full transparency of medical supplies and investments in health system;
- fully eliminate political and other interest lobbies; depoliticize the health system and re-shape it on the basis of professional references;
- establish an objective and independent system of control of medical institutions, medical staff and medical procedures applied in medical treatments and cures, both in the state-run and private institutions;

- issue of health security and health protection of population should be raised to the level of priority for the state and society, and in those terms encourage and focus all the existing potential on removal or mitigation of negative social phenomena and processes which indirectly affect the health of population (improve educational system, security and availability of water and food, ensure higher education, equality of sexes, anti-discriminatory measures, public information, etc.);
- insist on substantive and more responsible participation of various social actors (the state, provincial, local ones, educational institutions, professional associations, and private sector) in constituting and development of a sustainable public health system;
- establish a system of co-ordination between donors, on the basis of priority needs of institutions and adequate assistance, as well as a system of serious monitoring and revision of procured funds and equipment;
- introduce a principle of evaluation as a mandatory part of work in all segments of health system.

PEOPLE ON SOCIAL MARGINS

This report represents the concluding considerations of the Helsinki Committee's involvement in the project called 'Civil Society and Marginalized Groups: Initial Insight into Involuntary Placement in Psychiatric Institutions'.

The project aims first and foremost to provide an impartial insight into the situation in domestic psychiatric institutions, including the accommodation of the patients and their treatment and all other aspects of their stay in the institution; to register any inconsistency between the provisions of domestic law and especially of international documents on the one side and the state of affairs in an institution; to give insight into instances of violations, if any, of patients' human rights; to lend support to legislative reforms aimed at bringing domestic legislation into line with relevant international standards and ratified agreements; and to help raise public awareness of the way in which psychiatric patients, especially involuntary ones, are treated in the social community, and of the conditions of their treatment and accommodation in the state institutions. The Helsinki Committee's full report has been published in the book "The people on the margins of society", and available on the Committee's website www.helsinki.org.yu. The publication contains reports that have been made after monitoring of psychiatric hospitals in Kovin, Vrsac and Padinska Skela.

1. Quality of Life

All the three psychiatric hospitals visited by the Helsinki Committee for Human Rights team were designed to accommodate a large number of patients (400 to 1,000); this practice is the result of a long-abandoned concept of psychiatric patient care which presupposes the total isolation of sufferers from the community as well as giving rise to the marginalization and stigmatization not only of patients but also of staff and the profession in general. Consequently, psychiatric hospitals have always been housed in already existing facilities situated at some distance from habitation and adapted to the new purpose. Given that at the time they were built most of these facilities were intended for a different purpose (serving as armories, military dormitories, stables, etc.) they have never been adequate for the hospitalization of patients. The scanty investments made on rare occasions in these facilities

have not improved the general situation including the treatment and working conditions.

After several decades of use with minimal investments, most of the buildings forming part of every psychiatric hospital are in an intolerably poor condition bordering on dereliction. On arrival, patients and visitors alike are greeted by a terribly depressing sight presented by the grim and peeling facades; inside, the rooms and corridors, sanitary conditions, equipment, etc. are often in such poor condition that the establishment seems to be on the verge of being denied operating license. The walls, floors, ceilings, and furniture of both the impermissibly large and overcrowded dormitories (Kovin) and the smaller and more adequate ones (Vršac and Padinska Skela) are in such poor state of repair that no amount of regular maintenance by staff can mitigate or conceal this fact. With their high ceilings, lack of thermal and damp-proof insulation, damp and moldy walls, concrete flooring, poorly fitting window frames and doors, and other shortcomings these facilities do not provide even minimum conditions for the accommodation and treatment of patients; lack of both natural and artificial illumination, stale air, cold or tepid radiators make up the environment which the patients and staff share every day.

What with the worn-out condition of the entire infrastructure (electrical wiring, heating piping, water supply and drainage piping) and lack of funds, the sanitary facilities are in an even worse state. In spite of partial face-lifting (new ceramic tiles, washstands, taps, etc.), the general condition of the bathrooms, toilets, kitchens and dining rooms, laundry rooms, etc. is such as to call for urgent fundamental reconstruction of these facilities.

The equipment in the dormitories and other rooms used by the patients and medical staff is both Spartan and totally inadequate. Having been made probably decades ago, the often rusty and ubiquitously scarce patients' beds, bedside tables, tables and chairs and other pieces of furniture are more or less falling apart. The beds are often covered with thin worn lengths of foam instead of mattress, with not enough bedding and blankets on top. Although in somewhat better condition, the doctors' and nurses' rooms are rather shabby with old and worn pieces of furniture and mechanical typewriters, if any. None of the hospitals visited has a computer system for patient record-keeping.

The oligophrenic ward at Vršac Hospital is in the worst, shocking state in every respect. In our opinion, the overall conditions in which these patients live amount to inhuman and degrading treatment.

Although all the three hospitals occupy large areas with enough space between their many buildings, they lack courses and recreational grounds as well as landscaping designed for therapeutic purposes. The hospital grounds are bereft of any adequately stocked mini-markets to cater for patients' needs, with only one payphone per such a large number of inmates; the work therapy

rooms lack the necessary materials and there are no special buildings or rooms for the pursuit of cultural and educational needs.

In spite of the passage of time, recent medical discoveries, and procedures that have been in use in the treatment of psychiatric illness for decades past, and also in spite of the current reform of the health care system, the psychiatric hospitals, their patients and their staff are still isolated and shunned. This attitude is yet another piece of evidence among many bearing out the serious disarrangements and shortcomings at institutional level and in Serbian society at large.

2. Treatment

Members of the staff interviewed insisted that upon admission a patient is informed about the nature of the illness diagnosed and told where he/she will be placed and who is going to treat him/her; nevertheless, there are no assurances that a specific and detailed treatment plan is made for each patient containing the diagnosis, the reasons for the treatment proposed, the treatment method, the expected duration of hospitalization, and alternative treatment methods including less restrictive ones. Such information (in particular advice on alternative and less restrictive treatment methods) is not offered the patient at the time of admission before he/she is asked to give consent to hospitalization.

Patients are not asked to give consent to planned treatment methods. Consequently, there is no independent body within the system to arbitrate in case a patient does not agree to the proposed treatment method. In certain situations the patient may request an end to a particular therapy though this is not a rule, nor is it regarded as the patient's right. The staff may (but does not have to) grant the patient's request if they assess that the patient has the capacity to make such demand. If, in the staff's judgment, the patient has no capacity to make a legitimate request for a therapy change, the medication is administered parenterally.

The purpose and object of our visit was not to judge the correctness of the diagnoses made and the adequacy of the pharmacotherapy prescribed to the patients. Our entire information regarding patient treatment and care was obtained from staff only. Every patient admitted to the hospital is given pharmacotherapy. The pharmacotherapy applied by the hospitals is in keeping with current developments in the treatment of psychiatric patients and is varied and in sufficient supply. The range of medication available (neuroleptics, psychostabilizers, sedatives) is varied and includes latest-generation neuroleptics which do not produce extarpyramidal symptoms. The other types of medicines that an establishment of this kind must have are also in sufficient supply. The medication is not administered for diagnostic purposes or as a form of punishment, but only for therapeutic purposes.

Pharmacotherapy is also administered to patients who are placed in the hospital for the purpose of obtaining an expert opinion on their mental condition. In either of the two hospitals in which such examinations are carried out (Kovin and Vršac), no patient found to be sound in mind is known to have been discharged.

The latest diagnosis of the patient's condition is largely influenced by the one made previously. Staff at Padinska Skela stressed that a diagnosis made there could be revised relative to the previous one or the one made upon admission.

The medical file is not accessible by the patient, his/her family members or lawyer. Also, medical records do not routinely follow the patient on his/her transfer for hospitalization in another establishment; likewise, if the patient returns to his/her community, the records are not transmitted to the case doctor. The records may be taken out of the establishment only on the request of a court.

According to staff, ECT therapy is not practiced in any of the hospitals. If a Kovin patient needs ECT therapy, he/she is taken to the Institute of Mental Health. If a patient is opposed to ECT therapy, there is no outside independent body authorized to decide whether or not to go ahead with the therapy.

The same goes for surgery in case of a somatic condition. Decisions regarding medical interventions are taken by a team of doctors from the establishment on the basis of specialist consultations performed. If a patient does not want to be subjected to an intervention, there is no independent body which can examine the patient and decide whether the proposed intervention is necessary.

With respect to the patient's right to give consent to proposed treatment and care, the Law on Health Care of the Republic of Serbia is respected in none of the three establishments. The Law on Health Care regulates this matter in detail. The Law states specifically that every patient is entitled to make decisions regarding any medical measure proposed as part of his/her treatment. The law also specifies that every incapable patient should at least be included, in so far as he/she is capable of judgment, in any decision-making regarding a medical measure proposed as part of his/her treatment.

The three hospitals provide the same types of treatment and care. They organize therapy groups and therapy communities comprising all the patients in a ward.

Treatment approaches and orientations do not vary considerably, consisting mostly of behavioral reward techniques, the teaching of social skills, etc.

The occupational therapy work involves painting, sewing, knitting, pottery (a kiln was procured recently), planting of flowers, etc., with cigarettes the usual award. But only a very few therapists (up to three at most) pointed

out that due attention is not devoted to such activities. In this connection, it should be borne in mind that patients placed in 'locked' wards have no opportunity to engage in varied activities.

The treatment of special categories of patients is not accorded particular attention (with support and cognitive approach being only occasionally applied in the treatment of depressive patients).

The psychologists carry on individual treatment as and when necessary. Some patients never get an opportunity to talk to the psychologist alone, and others spend on average four hours with him/her during psychodiagnostic assessment.

Only the day hospitals operating as part of psychiatric establishments provide proper treatment and care, though it should be borne in mind that their capacity is small and their patients are in a much better condition than the rest. As to the rest, i.e. 'the great majority', they are put away in psychiatric hospitals in effective isolation from the community, an expedient which accelerates the deterioration of their condition.

The psychiatric hospitals' cooperation with other health establishments is poor because they do not like to deal with psychiatric patients even if their lives are in danger. The stigma because of mental illness is so great that psychiatric patients cannot obtain adequate medical care and protection when they seek help as somatic patients. This phenomenon calls for society's attention and concern and we consider that the State should address this problem in a responsible manner.

3. Staff Issues

Like many other health institutions, psychiatric hospitals have largely been affected by the Government measures which offer incentives to health workers (as well as teachers and other employees) to resign with a view to reducing the public sector work force. The spate of haphazard resignations from government-financed institutions caused a lot of problems: many services were left without necessary personnel because vacated positions were not filled again. The Padinska Skela part of Dr Laza Lazarević Psychiatric Hospital was faced with a most drastic situation: owing to the resignation of 60 employees, the management found it necessary to merge wards in order to be able to spread out the remaining staff adequately. In the wake of this reorganization occurred a tragic incident resulting in the death of three patients.¹ Low staffing levels overall are among the primary sources of problems affecting the operation of the psychiatric hospitals. The treatment and care of psychiatric patients is a highly specific profession calling for higher staffing levels compared with other hospitals and establishments concerned

¹ See report on Dr Laza Lazarević Psychiatric Hospital at Padinska Skela.

with the treatment of somatic patients. With pharmacotherapy being the predominating type of treatment, the number of work therapists is glaringly inadequate. The shortage of social workers on the hospital staff is another severe problem. In view of the social workers' highly important role in the process of resocialization and reintegration in the social community, this shortage gives rise to serious concern. By way of example, at Kovin one social worker is in charge of over 800 patients.

Supporting staff and nursing staff are not specially educated and trained for work with psychiatric patients. No training in the specifics of psychiatric illness and treatment of psychiatric patients is organized for supporting staff either before being employed by the hospital or during service. In some of the establishment, support staff take part in controlling disturbed patients without first being properly trained in non-physical and manual control techniques.

The secondary and post-secondary nursing schools have no special courses in the field of psychiatry. All the medical nurses and technicians have only been given general training, having had no special or additional training before being employed by the hospital in the treatment and care of psychiatric patients. Relevant special training is organized for them at the workplace only very seldom.

Since the afternoon and night ward shifts are severely understaffed and because none of the hospitals has a set procedure for dealing with high-risk situations, our conclusion is that these members of the staff are exposed to additional pressure and stress. For instance, at Kovin the afternoon and night shifts in the acute wards (male with some 70 patients and female with some 80) consist of three medical nurses each. The situation in other psychiatric hospitals is the same or similar. In view of their difficult working conditions (understaffed shifts afternoon and night shifts, absence of adequate training, lack of set procedure for dealing with high-risk situations, poor material working conditions), these staff in particular are dissatisfied with their pay. They stress that the State ought to reward them adequately for their hard work and commitment to the patients by paying them more and improving their working conditions.

Highly qualified staff consider that the funds spent on education are not enough and that much more could be done in this regard. In some establishments, *e.g.* Dr Laza Lazarević Psychiatric Hospital, the management pays special attention to staff education and sets aside substantial resources for this purpose. Trained staff are particularly dissatisfied with their general working conditions. They also say they must have continuous education and information about the latest developments in the sphere of psychiatry. What with hard working conditions, shortage of qualified staff, and lack of opportunities for workplace change (qualified staff only very rarely transfer to other establishments, are entrusted with other work, or advance

professionally), these employees are prone to burnout. They also complain about their low pay relative to their working conditions and the specific requirements of work with psychiatric patients.

4. Prevention of Ill-treatment (Torture)

Although we found no obvious evidence of patient ill-treatment during our visits to the psychiatric hospitals named (other than the living conditions of the oligophrenic patients at Vršac),² we believe that the mechanisms designed to prevent ill-treatment in hospitals are not effective.

The selection of staff and their education should be a first mechanism designed to make sure that no ill-treatment of patients will occur in the hospital and that any such attempt will be adequately sanctioned. This is especially important regarding the selection of support staff and nursing staff (technicians) helping to control disturbed patients or prevent inter-patient violence. As mentioned before, in selecting staff not enough care is taken to find out whether they have passed any training in non-violent communication or in non-physical and manual control techniques. Neither support staff nor nursing staff are trained in working with psychiatric patients before they start work in psychiatric establishments. Coupled with the fact that the establishments have no set procedures for dealing with high-risk situations, these mechanisms are clearly not enough of a safeguard against patient ill-treatment.

The problem is compounded by the fact that during the afternoon and night shifts there is no adequate supervision – sometimes none at all – by highly qualified staff and management of the work and conduct of support staff and nursing staff.

It should also be borne in mind that owing to the afternoon and night shift staff shortage the patients themselves are not properly supervised. A most drastic consequence of this situation occurred at Padinska Skela.³

The fact that in nearly all the hospitals patients assist staff in controlling disturbed patients indicates that the safeguards against ill-treatment leave a lot to be desired. In some hospitals therapy groups appoint team leaders and assistants from the ranks of the patients to help in emergencies to protect other patients and staff.⁴

In the context of ill-treatment prevention, of special concern is the fact that the conditions and procedure for restricting patients' freedom of

² See report on monitoring of Dr Slavoljub Bakalović Special Neuropsychiatric Hospital at Vršac.

³ See report on Dr Laza Lazarević Psychiatric Hospital at Padinska Skela.

⁴ See report on monitoring of the Special Neuropsychiatric Hospital at Kovin.

movement (by placement in 'locked' wards or physical restraint) are not prescribed at either State or establishment level.

The Serbian Law on Health Care provides for organizing the services of a protector of patients' rights in every health establishment. The protector is most often a lawyer. He/she is employed by the health institution to receive and examine patients' grievances and complaints about staff work and hospital treatment as well as rights violations. The protector's duty is to prepare a report, a copy of which is submitted to the patient, within five days from receiving the complaint. A patient who is dissatisfied with the protector's findings may complain to the Ministry of Health Inspection. The Law on Health Care does not state whether the Inspection must reply to the patient's complaint. This mechanism can be effective regarding complaints about the work of other health establishments. But in view of the fact that treatment in a psychiatric hospital is specific in that placement may be involuntary and patients may not leave at will, this mechanism for protecting patients' rights cannot be considered sufficient: first, the protector must not be an employee of the establishment but a completely disinterested and independent person or body; second, the procedure must guarantee transparent proceedings, fixed deadlines, and the obligation of an authority of first and second instance to examine the complaint carefully and reply to the patient; third, there must be a mechanism ensuring that the patient's complaint will be transmitted to the protector to whom it is addressed. Some of the establishments have not engaged a protector of patients' rights. In these establishments the patients make complaints to the head of the ward or at therapy group meetings.⁵ Other than protectors of patients' rights, establishments have internal control commissions made up of staff doctors authorized to supervise the work of the staff and their treatment of the patients from a professional point of view.

Contacts with the outside world can be an effective mechanism for preventing the ill-treatment of patients. Although patients are not forbidden to communicate with the outside world (by way of mail, visits, telephone calls), there are no set rules guaranteeing these rights to the patients. Patients in 'locked' wards maintain all their contacts with the outside world through members of the staff. Although the time and duration of visits are laid down, a doctor may restrict visits to a patient if he/she considers that they would be harmful to the patient's condition. Further, patients in 'locked' wards may make telephone calls only when permitted to do so by staff. Since generally relatives and friends can reach patients only via the telephones installed in the offices, it is again down to staff to decide whether or not to permit the contact. Further, patients in 'locked' wards can send letters only through staff. Because there are no set procedure and guarantees regarding the patients' right to

⁵ See report on monitoring of Dr Laza Lazarević Psychiatric Hospital at Padinska Skela.

communicate with the outside world, staff have full power of discretion in deciding to allow or forbid any kind of contact.

The Ministry of Health exercises supervision of the work of hospitals. The system has no independent body to carry out regular or *ad hoc* monitoring of psychiatric establishments to ascertain respect for the human rights of psychiatric patients, particularly of involuntary patients.

5. Means of Restraint

The means and procedures for restricting freedom of movement in psychiatric hospitals are not laid down by regulations. This means that there are no legal or sub-legal acts prescribing the means and their application, duration of their application, possible complaints in connection with their application, and any obligation periodically to revise application decisions.

The hospitals use two methods of restricting patients' freedom of movement. The first method is to place a patient in one of the 'locked' wards. The purpose of their placement there is to keep them under closer supervision by the staff. In a 'locked' ward, the patients can move within a hospital wing comprising corridor, dormitory, bathroom and, possibly, day-room. The patients may communicate among themselves, with staff, and with the outside world, but these contacts are more controlled more strictly than in other wards. In summer, patients are taken out for a walk but not every day because there is not enough staff to watch them during the walk. In view of the fact that there are no set criteria regarding placement, its duration, possibility of complaint, and regular revision of placement decisions, everything concerning a patient's stay in a 'locked' ward and its duration is subject to staff's discretionary powers. 'Locked' ward treatment is prescribed for all involuntary patients, those prone to escaping, those who do not accept the fact of their condition and consider that they need no treatment, and those who refuse medication. But because other wards are overcrowded, patients are sometimes kept in 'locked' wards for several years.⁶

Another form of restricting a patient's freedom of movement is by fixation or immobilization, when the patient is fastened to the bed with leather belts. None of the hospitals prescribes action to be taken in emergencies or how to immobilize patients. Owing to low staff levels in the wards, patients are used to help control disturbed and agitated patients. There is no specific procedure for preventing such therapy treatment from turning into torture. The notion of extreme agitation is subject to the personal assessment of a member of the staff. There are no special records of patients subjected to the means of restraint. Information on the need to immobilize a patient is entered in a report book kept on every ward. The information is entered on a doctor's

⁶ See report on Dr Slavoljub Bakalović Hospital at Vršac.

oral instruction without his/her signature and contains a note that the case psychiatrist ordered the measure upon being consulted. A special immobilization register is kept by only one establishment.⁷ In some establishments patients are immobilized in the presence of other patients.

6. Guarantees in the Context of Involuntary Placement

The procedure for placing persons in a psychiatric hospital is regulated by the Law on Health Care and the Law on Non-Contentious Procedure. A thorough analysis of the legislation pertaining to the placement procedure is to be found in the introduction to our report. In our opinion, the existing legislation and the procedure followed by hospitals and courts based on this legislation do not offer sufficient safeguards, in particular in the context of the involuntary placement of patients.

Voluntary placement implies that the patient gives written consent to his/her placement in a hospital. This should invariably be done in the presence of two members of the public who are not employed by the establishment, have not brought the patient to the hospital, and have not made any report on the basis of which the patient was brought to the hospital. The witnesses present at the time a person is brought to a psychiatric hospital are usually former members of staff who live nearby and come when asked to do so.⁸ Before being admitted, a voluntary patient is not informed about the proposed treatment plan including information about the diagnosis, the reasons for the treatment proposed, the treatment methods, the expected duration of hospitalization, and alternative kinds of treatment including less restrictive ones. This leads to the conclusion that the procedure for signing consent to placement and treatment is an extremely routine and formal affair. The form is attached to the case history. If the 'statement of consent to placement and treatment' is not signed immediately owing to lack of cooperation on the part of the patient at the time of admission, the statement may be signed later whereby the involuntary placement becomes voluntary.

If no placement consent is obtained, the establishment informs the competent municipal court that the patient has been placed against his/her will. That the courts are in this connection ineffective and, dare we say, superficial is borne out by the fact that in most cases they merely rubber-stamp what the hospital requires of them. In other words, the courts are under no obligation to see the patient, obtain independent expert opinion, and assign the patient a lawyer if the patient so requests and is unable to find one himself/herself, which is most often the case. The courts do not have to, and in most cases do not, present any other evidence that may be of consequence for

⁷ See report on the Kovin hospital.

⁸ See report on monitoring of the psychiatric hospital at Kovin.

an involuntary placement decision. The courts never submit an involuntary placement decision to the patient, nor are they under an obligation to providing a lawyer to help draw up a complaint to a higher instance court. Informing the family of the decision is of no consequence particularly where the family was directly involved in placing the patient in hospital against his/her will. Since a court can render its decision only after over a month later, the existing judicial procedure and practice in this domain is clearly inconsistent with the relevant international standards, in particular with the European Convention on Human Rights. The procedure announced by the Second Municipal Court in Belgrade, which is yet to be put into practice, is somewhat of an exception.⁹ With regard to placement, the law is clear in that it specifies that involuntary placement is applied to persons who, owing to a deterioration of their mental health, may pose a serious threat to their and other persons' life and health; the practice, however, is quite different from this. Given that Dr Laza Lazarević Psychiatric Hospital deals with emergencies, it is often forced to admit persons whose condition in no way satisfied the above criteria. Members of the Ministry of the Interior are largely responsible for this because they bring persons under the influence of alcohol or other unruly persons to the hospital doors and merely leave them there. For this reason the hospital is forced to admit and care for categories of persons it is not obliged to deal with under the present regulations.

Owing to the fact that there are no legal and sub-legal acts guaranteeing the rights of especially involuntary psychiatric patients, no adequate and effective procedure for making grievances and complaints about staff to a body outside the establishment and independent of the Ministry of Health, and no regular and *ad hoc* monitoring of psychiatric establishments by a body independent of the Ministry of Health, it is clear that such guarantees as exist in the context of involuntary placement in psychiatric hospitals are insufficient to say the least.

We also take this opportunity to point out the situation of forensic patients, whose treatment in hospitals is not regulated at all. This is due to the fact that they cannot be subject to the provision on the Law on the Enforcement of Criminal Sanctions. In a legal sense, these persons are effectively in a more unfavorable position than prisoners, in particular in view of the fact that the new Law is, at least on a normative plane, largely in conformity with relevant international standards.

Whether or not a patient is discharged is subject to an appraisal of a team of experts. Even voluntary patients cannot be discharged from hospital when they wish or decide to do so. The decision whether the patient is able to continue his/her treatment at liberty rests with staff. In most cases, the patient

⁹ See report on monitoring of Dr Laza Lazarević Psychiatric Hospital at Padinska Skela.

is given assurances that discharge would not be good for him/her; in case the patient insists, involuntary placement proceedings are instituted and a court is included in the proceedings. Judging by judicial records in cases of involuntary placement, however, we have no reason to believe that in this case the court will not merely rubber-stamp the course of action already decided upon by the hospital staff.

Although things differ somewhat when it comes to the discharge of forensic patients, in these cases too the court procedure and the manner in which decisions are made are inadequate from the point of view of respect for human rights, in particular with reference to the European Convention.

There are also no temporal limitations regarding the placement and hospitalization of forensic patients. The court is under an obligation periodically to review a safeguard measure every six months. The court should base its decision above all on the opinion of a hospital doctor as well as on other evidence it is required to collect. The courts rarely if ever render decisions on the basis of carefully collected evidence, witness testimony, independent expert opinion, centre for social work report, and patient interview. The courts very often do not bother to go too deeply into the facts and render their decisions automatically on the strength of the position of the prosecutor's office alone; and the latter, for their part, are as a rule opposed to terminating safeguard measures. The courts are under no obligation to see the patient and hear his/her opinion before rendering decision.¹⁰

Another great problem of the staff of psychiatric hospitals are the patients who have been there for a number of years because they have no adequate family and social care institution support and cannot look after themselves without help. These patients are forced to live in hospitals and the State has not yet come up with adequate arrangements for their alternative accommodation. At present, finding more adequate accommodation for these patients is a matter of personal initiative by members of the staff;¹¹ unfortunately, there is no cooperation or coordination of efforts with the Ministry of Labor, Employment and Social Affairs to solve the problem in a systemic manner.

Recommendations

- Instead of building new large-capacity establishments as planned (at Kovin) and renovating existing ones (at Vršac and Padinska Skela), smaller-capacity psychiatric hospitals should be built to cater for patients from the respective municipality with a view to providing patients with medical

¹⁰ See report on monitoring of Dr Slavoljub Bakalović Hospital at Vršac.

¹¹ See report on monitoring of Dr Laza Lazarević Psychiatric Hospital at Padinska Skela.

care and other necessary therapy in conformity with relevant internationally recognized professional standards;

- Patients from all parts of Serbia who need hospitalization should be accommodated in appropriate establishments nearer their home, family, and friends;

- In collaboration with the Ministry of Health and local, provincial and republic authorities a plan should urgently be worked out for the placement and care of patients whose condition does not require hospitalization; such patients should be placed in smaller social care establishments serving local communities as a temporary solution pending their full integration into the social community;

- A sufficient number of payphones should be installed on the hospital premises with each ward having at least one;

- The rules of behavior (house rules), weekly menus, and other important information should be displayed prominently in all the wards;

- The patients should be enabled to arrange and decorate the space in which they live;

- A system of marking and individualizing clothing should be worked out especially with regard to long-staying patients;

- Collaboration should be established with educational establishments, non-governmental and humanitarian organizations and arrangements made for continuous volunteering in the establishment;

- A separate treatment plan should be made for each patient;

- A new mental health law should be adopted to incorporate the rights provided by relevant international documents; this should include the patient's right to choose, insofar as his/her mental condition permits, his/her doctor, to give consent to a proposed medical intervention, and to refuse a medical intervention;

- The patients must have the right of access to their medical records; but while such access may be restricted in certain cases, the restriction and its implementation must be prescribed by domestic law in the same way as it is prescribed by relevant international documents;

- There should be a law to regulate the obligation to transmit the patient's medical record to the hospital or another establishment to which the patient is transferred on health grounds;

- The doctor must at all times give the patient exhaustive information about his/her state of health, proposed treatment, the course and effects of treatment, and expected condition following treatment;

- Staff should be encouraged to develop sincere and helping attitudes towards and relations with patients;

- Fundamental components of psychosocial rehabilitation treatment (work therapy, group therapy, individual psychotherapy, artistic and sports activities) should be developed; more work therapists should be

employed; more psychologists and social workers should be included in the these activities and experts employed to take charge of sports activities; the sports grounds should be repaired and new requisites bought and old ones made serviceable;

- Treatment should be geared as much as possible to preserving the patient's independence (there should be no distinction between therapy and rehabilitation; rehabilitation should be undertaken as soon as minimum cooperation by the patient is established; in undertaking rehabilitation, care should be taken, depending on the extent of the personality damage, to develop above all the unaffected part with a view to the patient's maximum socialization);

- Protected workshops should be launched to enable some patients to work in them (considering the severe psychopathology of those requiring such treatment, they should be made to work in special protected workshops for protracted periods of time, the emphasis being placed more on work therapy than on actual work);

- The stigma because of mental illness should be fought against (for instance, the World Psychiatric Association has started an 'Open the Doors' campaign against the stigma because of schizophrenia). Health care workers should be educated in particular in view of the widespread negative attitudes in their midst toward mental illness and their lack of optimism regarding the potentials of treatment and resocialization of persons with mental illness. But although education and contact have been defined as the most effective principles for attitude change, the significance of 'two-way education' in the health care sector between all categories of experts engaged in somatic medicine and mental illness is negligible;

- Since rehabilitation in hospital conditions should be only a first step in assisting persons with (severe) mental illness on the road to social reintegration and 'return' to the community, the environment (family, wider systems) ought to be educated to be able to understand the needs of the patients (psychologists and social workers trained to work with the family and to provide family therapy should discourage members of the immediate family from catering to the regressive needs of the patient and his/her need for dependence lest they should turn the home into a one-patient asylum);

- It is necessary to adopt codes of ethics for psychiatrist associations, other professionals, and medical staff involved in the treatment and rehabilitation of psychiatric patients;

- The curricula for secondary and post-secondary vocational medical schools should be modified so as to include specialist training in psychiatry;

- Before being employed by the hospital support staff should be given special training in how to deal with and treat patients including non-physical and manual control techniques;

- The number of psychologists, work therapists, and social workers should be increased;

- These professionals should be given more opportunity for engagement in social therapy work;

- More up to date techniques, tests, and scales should be acquired;

- Psychologists should be engaged in assessing the (remaining) working capacity and rehabilitation potentials of patients;

- Greater attention should be devoted to patients whose potential for rehabilitation has been exhausted;

- The support staff should be more closely supervised;

- The management should control the staff more closely;

- Communication between various categories of experts should be stepped up;

- The presence of independent persons (students, researchers, volunteers) should be encouraged; the burnout syndrome among staff should be investigated; the relationship between the quality of life and mental disorders should be explored, in particular in schizophrenic patients and in patients with affective disturbances with residual chronicity, of whom many are accommodated at Kovin, etc. (Changes in the structure of the psychiatric care system, particularly the transfer of chronic patients from hospitals to the community and the move towards deinstitutionalization involving various treatment services, day and occupational structures and special accommodation arrangements, have stimulated interest in the evaluation of these services, with the quality of life concept becoming a measure of the successful operation of the services available.);

- Continuing education of staff should be encouraged (nursing staff appear to have been especially neglected in this regard);

- The conditions of work of the staff should be improved starting with furnishing the work area with adequate furniture and equipment;

- The staff should be compensated for their workload and difficult situation by higher pay;

- Special care should be taken when selecting support staff for work in the hospital;

- The establishment should be staffed adequately to avoid using patients to assist in restraining disturbed and agitated patients;

- The duty roster should provide for the presence of professional staff (psychiatrists) on the premises during afternoons and nights;

- Relevant legal and sub-legal acts should be passed urgently to regulate patients' rights in detail, specifying in particular a procedure for submitting complaints to an authority outside the hospital established specifically for this purpose. This body must have very specific powers as well

as the obligation to review a complaint within a set period of time and to take adequate action in case it establishes a violation of a prescribed right;

- A special body should be established to monitor the hospital to find out whether and to what extent the prescribed rights of patients are respected, especially those of involuntary patients;
- There should be a law prescribing the methods of restricting a patient's freedom of movement and specifying applicable cases and length of restriction, as well as establishing independent authorities or bodies charged with reviewing restriction decisions at patients' requests;
- There should be an internal book of rules specifying how, when and under what conditions a patient can be placed in a 'locked' treatment ward; All placement decisions should be obligatorily reviewed at regular intervals;
- Specific guidelines should be adopted at hospital level regarding the procedure for controlling disturbed and agitated patients;
- The fixation of patients – the ultimate resort procedure regulated by a special hospital set of rules – should be performed in a separate room in which no other patient is present;
- There should be a special registry for all relevant information on instances of fixation (who ordered a fixation and why, which members of the staff carried it out, the duration of the fixation, injuries, if any, caused the patients during the procedure);
- Before being admitted, a (voluntary) patient should be informed about the proposed treatment plan including information about the diagnosis, the reasons for the treatment proposed, the treatment methods, the expected duration of hospitalization, and alternative kinds of treatment including less restrictive ones. Treatment plans should also be prepared for patients placed against their will; these plans should be available to the patients themselves as well as to their representatives and other relevant institutions (courts) charged with rendering placement decisions;
- A new law on mental health care should be adopted. The law should be consistent with the European Convention on Human Rights and its interpretations through the decisions of the European Court of Human Rights. The law should specify the procedure for the involuntary placement of patients and obligate judges to obtain the opinion of an independent expert authority rather than render decision solely on the basis of a finding by a hospital doctor;
- The new law should include the obligation of the court to provide a lawyer to a person subject to involuntary placement proceedings; If a person is brought to the hospital on the strength of information given by the family, the person should be assigned a lawyer by the court rather than by the family in order to avoid a conflict of interest;

- The new law must provide for the obligation of the court to see the patient before rendering a placement decision;
- If a patient does not speak Serbian, the court should be obliged to provide him/her with an interpreter;
- The decision on involuntary placement should be delivered to the patient. If the patient wishes to appeal he/she should be provided with a lawyer to help him/her with the appeal;
- After the State passes the new law on mental health care and the appropriate sub-legal acts the hospital should prepare a brochure containing information on all patients' rights as well as specific instructions to patients on how to protect their rights;
- The 'locked' wards should be equipped with payphones and letter boxes for patients' petitions and complaints to the protector of their rights;
- The Ministry of Health Care and the Ministry of Labor, Employment and Social Affairs should work out a strategy to deinstitutionalize persons living in hospitals and social care homes, giving priority to those with the greatest problems and needs.

EDUCATION: EXCESSES INSTEAD OF REFORMS

Aimed at transforming the academic sphere, the Bologna Process in Serbia reflected the awareness that the University should change and adjust to the realities of the 21st century. Serbia's lagging behind in this domain fully corresponds to her general social situation. As the most conservative of all, the university elite, humanistic in the first place, considerably contributed to the promotion of the Serbian national project in the late 20th century. To this very day the biggest part of the University is engaged in keeping the Serbian national program alive and, therefore, interprets the recent past as the West's conspiracy against Serbia. It's only logical that this part of Serbia's elite reforms that unavoidably imply digging deeper into the recent past. Besides, university professors' resistance is the more so bigger since they are faced with new professional standards and requirements.

If educational system overhaul, initiated by Djindjic-led government, had not been ground to a halt, the reform of that system in Serbia, in 2006 would have fully overcome initial resistance to changes in educational sector. Added to making a U turn, the conservative, nationalistic government of Prime Minister Vojislav Koštunica, whose cadres dominate the educational sector, remembered with a two-year delay to meet its international obligations (the Bologna declaration and Copenhagen Document) in the process of implementation of the new educational system.

Thus instead of being the year of reform implementation, 2006 became the year of adoption the reform documents mainly relating to high education. With 18 months delay the National Educational Council, the highest body of social control of the entire educational system, from primary schools to university, became operational.

Moreover the entire educational system slid into the chaos both due to absence of pertinent legal regulations or adoption-by a summary procedure-of half-baked and vague legal solutions. And while education process in primary and secondary schools evolved more or less smoothly, due to non-start of the reform, the price of a totally disordered society was paid mostly by the university sector. Because of high and disparate tuition fees and a major rift between pertinent legal solutions and practice in determining the diploma

titles, students kept staging strikes and protests throughout 2006. Discontent of students caused by changes in enrolment conditions and exam terms plunged some faculties in a veritable chaos.

Because of delayed reforms in Serbia, the EU Education Conference Ministers last year set a deadline to Serbia –the end of the year 2007–to do the following: to enforce the High Education Act (adopted by the Serb parliament in September 2005), and to set up commissions for accreditation and examination of quality of studies. In terms of the EU established set of values, the onus is on Serbia to present quality and length of studies, as well as acknowledgment of diplomas in line with the Bologna Declaration at the next conference of the EU Educational Ministers.

Enforcement of the High Education Act

A year after adoption of the *Act on High Education*, the newly-formed *National Educational Council* and *Commission for Accreditation and Examination of Quality* submitted to faculties proposal of norms and standards for accreditation of high education institutions and program studies in keeping with the Bologna Declaration. Due to a notable delay faculties shall have to complete that important job within the two year, instead of the initially envisaged three year term.

Conditions for the accession to unified educational system of Europe are the following: observation and introduction of European standards for institutions, study programs, quality-check and self-evaluation. That practically means that, for example, a lecturer without at least five valid and publicly-exposed references from his narrower scientific area, shall not be able to deliver lectures at faculties. Slobodan Arsenijević, President of the Commission for Accreditation, says that “after completion of his studies, a student shall have to possess faculties of analysis, synthesis and of foreseeing solutions and consequences. Any student would have to master the methods, proceedings and the entire process of research, and also to be able to put in practice and develop critical and self-critical thinking. Any student would also have to be able to use his knowledge in practice and possess the knowledge of professional ethics.”¹

In Serbia there are currently 7 state and 7 private universities with 135 faculties, plus five independent private faculties. 150,000 students are studying at the state-run faculties and several ten thousands of them are studying at privately run faculties. About 50,000 students enroll every year at the state universities, of which only 12,000 complete their studies. Despite a veritable expansion of private high education institutions, which oft serve as a cover-up for money-laundering operations of their founders cum newly-emerged

¹ *Danas*, 18 September 2006.

tycoons-businessmen, or as a rich source for quick money-making, since wages of private university professors are exempted from taxes, judging by the number of faculty-educated people-under 10%- Serbia is very far from the European average. If criteria of accreditation are fully observed, experts assess that at least 20% of faculties would be stripped of their work permits. The impending fine-tuning to the EU standards would inevitably result in shortage of educational professionals, for it shall be clearly evaluated that many of them fall short of the prescribed criteria for faculty lecturers.

It is not known how some faculties responded to the proposed criteria for standards and accreditation. However the Serb Educational Minister Slobodan Vuksanović, pompously announced that “the majority of faculties shall smoothly meet all the prescribed standards.”² That statement of Minister Vuksanovic could be interpreted as a pre-election promise that no faculty would be closed and that no university lecturer would be dismissed because of his or her failure to meet the expert, scientific and pedagogical criteria. But the said statement also indicated that those in charge of educational system had not properly understood the warning issued to Serbia at the EU meeting in Bergamo, namely that “accession to the unified educational system of Europe presupposes respect of European standards in faculty work, study programs and quality check and evaluation.”

Added to the setting up of the National Educational Council, and putting in place the aforementioned standards and accreditation criteria, in keeping with the High Education Act, educational authorities have announced gradual disbanding of faculty departments outside the high education institutions. According to the established rationalization or downsizing procedure aimed at preventing a chaotic and uncontrolled opening of new departments, the enrolled students shall continue their schooling in the established ones, but such departments shall be strictly banned from receiving new students. Judging by the first response the honoring of the Act has already been contested. Harun Hadžić, from Novi Pazar University, thus says: “The new Act on High Education cannot nullify the efforts made by universities and faculties to date.”³ New departments are an easy source of money-making for the faculties. They are in fact places for accruing money instead for accruing knowledge. Level of lectures in them is under par. In many departments lectures are organized only over the week-ends. To illustrate the above here's one salient example. According to the unofficial data there are 100 law faculties and their local departments in Serbia. Private law faculties in Novi Sad have to date “spawned” over 50 new local law centers and departments.

Selective and imprecise insistence on enforcement of the High Education Act by the Serb Education Ministry caused an even bigger chaos in

² *Danas*, 18. September 2006.

³ *Glas javnosti*, 15 April 2006.

activities of faculties and universities. The manner of financing remained the same, while the Act, for example, compelled universities to set up new bodies (senate, rector's council, national council for high education, etc.). However the Act failed to determine who would bear the costs of the aforementioned accreditations and study programs, which will cost the Belgrade University alone about 14 million dinars. It turned out that the money was one of the main reasons behind a month-long dispute between students and deans.

Some faculties (Philosophical, Mathematical, Physical, Stomatological, and Architectonics) have single-handedly, enrolled graduated students in highly costly master studies. Education Ministry and the Belgrade University failed to respond to the afore mentioned move, though the said faculties did not even determine degrees of education as envisaged by the Bologna process (three-year long bachelor studies, four-year long master studies and doctoral studies.). They have simply proclaimed that four-year long studies would suffice for earning a bachelor degree. In return they offered to graduated students additional higher studies with enormously high tuition fees. Thus such an equalization of the old diplomas with the master diplomas/title was spotlighted. System of set of values imposed by the Bologna Declaration was sidelined. The law-maker failed to envisage fine-tuning between the existing systems, but instead let that task be done by the joint body of the Serb universities, that is, the Conference of Universities of Serbia.

On the eve of the referendum campaign-preceding the adoption of the new constitution-the Rector's Council of the Universities Conference suddenly decided that pre-graduate studies completed under earlier regulations sufficed for earning the master title or diploma. ⁴ Just a day earlier, Prime Minister Vojislav Koštunica, in a move designed to clearly indicate the forces on whom he counted in toeing of his political line, at the Belgrade University presented the new Constitution of Serbia. ⁵ At the said gathering the Constitution was backed by the University rector, Dr Dejan Popović, who stated that “it is high time that Serbia enacted the constitution of civil, parliamentary democracy character, for by promulgation of such a Constitution Serbia shall send a clear message to the international community that it shares the same orientation with modern, democratic countries. This shall be the first constitution of the post-Communist Serbia based on European values from the second half of the last and the beginning of this century.” The new constitution was also backed by deans of the Law and Political Sciences Faculty.⁶

Many faculties' deans were revolted by the decision of the Rector's Council of the Conference of Universities of Serbia on equalization of

⁴ *Danas*, 19 October 2006.

⁵ *Danas*, 18 October 2006.

⁶ *Danas*, 18. October 2006.

diplomas.⁷ They demanded that an assembly of the Conference of Universities of Serbia be convened. And though two such assembly sessions were held- on 6 and 18 November- they produced no results. Under a strong students' pressure, instead of taking their own decision, members of the Conference suggested to the government of Serbia to ask the National Parliament to come up with an authentic interpretation of provisions of Article 127 of the Act on High Education relating to equalization of diplomas. But the final ruling on the matter, came in fact from the Republican Secretariat for Legislation. In its official interpretation of article 127 the Republican Secretariat for Legislation of the Government of Serbia stated that it deemed that "graduated students must be equalized with the master diploma holders", along with justification that "the acquired rights and legal security of citizens who have acquired academic titles in line with the earlier Law, must be protected."⁸ Students' demands were backed, and deans responded that for the Conference of Universities of Serbia Secretariat's interpretation was not binding. Thus the problem was once again put on the back burner.

The case of acknowledgment of diplomas indicated that universities in Serbia are not too keen to embrace the ongoing educational reform. Moreover the conflict over diplomas equalization sidelined the genuine reform of high education. No-one mentioned outdated study programs which were only partially innovated. In fact, the conservative university prefers the halting of the reform process and is in fact not interested in accession to the community of European high education system or in the international validity of domestic faculties' diplomas.

Panel discussion at the Philosophical Faculty, (22 November) staged to mark the tenth anniversary of 1996-97 students' protests ended in an incident. A group of youngsters shouting fascist slogans "Zig heil", "Knife, wire, Srebrenica" and by attacking the Liberal Democratic Party leader, Čedomir Jovanović, who had spearheaded the said protests, prevented the holding of the discussion. Without mentioning scandalous political messages, daily *Politika* explained the attack on Čedomir Jovanović by students' justification that "our protest was not of a political nature...we only fight for equalization of diplomas/titles and reduction in tuition fees." According to *Politika*, those who shouted fascist and nationalistic slogans were vexed by "Jovanovic's turning up with armed bodyguards...which was tantamount to the breach of university's autonomy." There were no official comments or condemnations of the incident at Philosophical Faculty.⁹ The only response came from the three NGOs, Initiative of the Young for Human Rights, Committee of Jurists for Human Rights, and the Helsinki Committee for Human Rights, which in a

⁷ *Politika*, 24. October 2006.

⁸ *Danas*, 21. November 2006.

⁹ *Politika*, 24 November 2006.

sharply-worded communiqué, titled "The state elite encourages Fascism" (ran by daily "Danas" on 24 November), noted, inter alia: "It is scandalous that some groups existing within the fold of the Belgrade University want to mark in such a way the tenth anniversary of students' protests. Such a deplorable conduct results from glossing over the recent past, and encouragement of Fascism and Nationalism in Serbia by the ruling elite. Democracy and legal state are not feasible without facing up to the policy of Serbia in the past decade, and condemnation of all crimes committed in our name."¹⁰ Incident at the Philosophical Faculty was condemned also by the Civic Alliance of Serbia.

Textbooks and Illiteracy

Reform of primary and secondary education unfolds just in the way it was announced by Education Minister Slobodan Vuksanović in his presentation of the 2005-2010 National Strategy of Education: without essential and quality changes. New plans and curricula are yet to be adopted, while old textbooks were either amended or simply retained. Education Minister however gave his highest mark to primary school textbooks.¹¹ Without touching on the issue of their quality he lauded the publishers' effort to print on time all the required textbooks. Though the Institute for Textbooks and Teaching Aids still has a monopoly over sets of textbooks for all grades, in 2006 was partly applied the idea of the previous Education Minister, the one who held that tenure during the Djindjic-led government, that private publishing houses had the right to equitably take part in the textbook market. The incumbent authorities so far only let them take part in that competition with textbooks for the first four grades of primary school. Even the Ministry officially assessed that liberalization in textbook publishing resulted in a considerable improvement of their quality.¹²

According to the official data related to primary schools, 226 textbooks were printed, of which 37 were brand new, while 10 were amended. Regarding innovations, situation is even worse in secondary schools. Of a total of 288 secondary school textbooks, only 6 were brand new and four amended. Separation of Montenegro from the State Union of Serbia and Montenegro which educational officials call "the newly-emerged circumstances" compelled the Textbook Institute to print a new geography textbook for the 8th grade of primary schools.¹³

The fourth volume of international manual for teaching professionals, published by the Thessalonica Centre for Democratization and Reconciliation

¹⁰ *Danas*, 24 November 2006.

¹¹ *Večernje novosti*, 18 August 2006.

¹² *Večernje novosti*, 18 August 2006.

¹³ *Danas*, 25 August 2006.

of South East Europe, dedicated to the WW2 was not green lighted by the Institute for Promotion of Education. That information was imparted to the media by Education Minister proper (who was a member of the government who had approved that project): "I was not against that manual...I can understand those who are sensitive to that issue."¹⁴

The idea behind this big, four-volume project ("Ottoman Empire", "Nations and States of South East Europe", "The Balkans Wars" and "World War Two") is reconciliation between the peoples and strengthening of tolerance. More than 60 historians from 11 countries of South East Europe offered to the region a different concept of viewing their national histories from the one espoused to date by classical textbooks. In any case at play is a unique attempt to perceive in a different way the Balkans-related controversial historical themes.

The first and foremost opponent of such an interpretation of history and a new tack to reconciliation was the very director of the Institute for Textbooks and Teaching Aids, Radoš Ljušić. The aforementioned four-volume manual was in fact published by "Prosvetni pregled" According to Ljusic "those historical textbooks are sheer nonsense...and classical anti-Serb books." His principal objection to the later rejected manual on WW2 was "its non-mention of Jasenovac and of the Serb victims in that period."¹⁵

Institute for Textbooks and Teaching Aids printed 1,270 textbooks in minorities languages: 263 in Hungarian, 184 in Slovak, 10 in Croat, 178 in Ruthenian, 1 in Ukrainian, etc. Textbooks for other national minorities, notably for Albanians and Romany, are not mentioned in the Institute's report. The aforementioned Radoš Ljušić, Director of Institute for Textbooks and Teaching Aids, and a member of Democratic Party of Serbia, stated that "the Institute loses every month 100 million dinars because of its publishing of minority languages textbooks and textbooks for children with special needs (blind children)." According to Ljusic that issue should be resolved by the Act on Textbooks, binding other publishing houses to print those low-distribution textbooks too.¹⁶

Though textbooks are one of the weaker links of education, due to their antiquated contents and obsolete tack to topics/themes, their authors received kudos both from Education Minister and Prime Minister Vojislav Kostunica. Added to that most textbooks are intended to induce chauvinistic and nationalistic ideas in pupils in order not to lose momentum in preservation of quasi-nationalistic mood and to keep the young as far as possible as from influence of the European set of values. In the Institute for Textbooks and Teaching Aids was celebrated the day of its saint protector. The

¹⁴ *Politika*, 8 June 2006.

¹⁵ *Politika* and *Večernje novosti*, 11 March 2006.

¹⁶ *Danas*, 25 August 2006.

entire top state leadership, including the most important ministers and Prime Minister, was there. On that occasion Kostunica praised his party official Ljušić and the institute proper "for it has many reasons to be proud of its performance...which includes publishing of many important textbooks and masterpieces of literature."¹⁷

To Archimandrite of Monastery Krka, Fotije, who was also present at the festivity, Prime Minister gave as a present 300 sets of religious textbooks. In contrast to previous years, in 2006 the print media did not run any serious analysis of quality of textbooks. There were no official reactions either to the fact that one serious state-run educational institution, namely, the Institute for Textbooks and Teaching Aids, published complete works of academicians Matija Bečković and Ljubomir Tadić.

According to the last population census, one fourth of citizens of Serbia are illiterate or semi-illiterate. In other words, 232,925 citizens of Serbia cannot write or read. Social anthropologist, Dr. Zagorka Golubović, warns that 60% of population is afflicted by functional illiteracy, "those people know only 30 letters, so they don't read books, but rather newspapers of tabloid type with big headlines and big pictures. They are only interested in sensations, since they cannot understand any more complex written content."¹⁸ Experts warn of a drastic decline in education level in Serbia. According to them, most people are easily manipulated due to their very low level of education. The latter was additionally compounded by bad textbooks and retrograde educational system, whose comprehensive reform is opposed by many. Tijana Mandić, professor, says that "today children are served false patriotism, history textbooks are written by amateurs, and attempts are made to exclude computers and Darwin's theory from the curricula."¹⁹ Much emphasis is placed on learning national history, which is in turn dominated by-national myths.

Religious Schools within the State-run Educational System

Five years ago religious education was officially introduced into educational curricula of both primary and secondary schools. Under the new Act on Churches and Religious Communities, first approved by the Serb Parliament MPs and later, by the 27 April decree issued by President Boris Tadić, church and religious communities were empowered to set up the entire range of religious education institutions, from pre-school institutions and primary schools to faculties and universities (Article 36 of the Act). They were

¹⁷ *Kurir*, 22. September 2006.

¹⁸ *Nedeljni telegraf*, 30 August 2006.

¹⁹ *Nedeljni telegraf*, 30 August 2006.

also vested in the right to launch procedure for accreditation of religious education institutions by which they practically became part of educational system in Serbia, in accordance with education provisions. Under the aforementioned Act religious schools were granted educational and program autonomy, though duty-bound to respect education-related laws. The Serb Orthodox Church has vested interest in making major inroads into the state-run educational system, and in that design it is being helped by the incumbent authorities in Serbia. One Serb Orthodox Church representative is also a member of the National Educational Council. Activities of schools founded by the church and religious communities shall be financed by the state.

Serious warning of the Committee for Jurists for Human rights to the Serb Education Minister also indicated that the religious education in schools got out of hand. Namely, that NGO was addressed by parents with children attending the first grade in a primary school in Belgrade. The motive for their intervention were contents of magazine "Saint Sava Bell" distributed to seven-year old children during religious education classes. Magazine is published by the Informative-Publishing Centre of the Holy Synod of the Serb Orthodox Church. Namely its no. 8/2006 issue there was a text "New Martyrs: He did not renounce Christ", describing an event in Chechnya and a fate of a young Russian soldier: "Chechen terrorists demanded from Evgeny to take off his cross, renounce Christ and convert into the Muslim faith if he wanted to save his life. He refused to do that, and then Chechens after three-month terrible torture axed his head." The Committee of Jurists for Human Rights was of opinion that "the text is not suitable for 7 year-old pupils, for it may foment intolerance, discrimination and incite retribution towards members of other faiths." The aforementioned NGO demanded examination of the method of control of magazine contents and requested the competent Ministry to inform it whether such primary school publications were green-lighted by the said body. The Committee's communiqué inter alia read: "We demand that you respond timely to such texts, for only in that way you may impact the promotion of tolerance, Ecumenism and normal set of values, and not brutality and violence, among the school-children." ²⁰

Violence in Schools

Despite numerous actions and appeals (police patrols, joint action of Education Ministry and UNICEF "Security in Schools", etc.) violence in schools continues. Added to showdowns between pupils, parents have been also embroiled in the school-related violence, for they frequently attacked professors considered "guilty" of giving low marks to their children. Two parents have attacked and beaten up a chemistry professor at the end of the

²⁰ *Danas*, 23 November 2006.

school-year in school "Dositej Obradović" in Sombor. After that incident teachers' council decided not to distribute pupils' booklets and to stage a protest "which shall last until Education Minister, police, judicial bodies, and all other competent bodies which should protect professors provide an adequate response". The Sombor school staff was then "instructed" by the Deputy Education Minister, Bogoljub Lazarević, "not to engage in any violence, but rather to act only preventively, for there is no way to sanction violence ..." ²¹ Two similar attacks on professors happened in Belgrade schools "Jovan Jovanović Zmaj" and "Laza Kostić". The foregoing prompted the following statement by the City Secretary for Education, Vladimir Todić: "Both parents and pupils are responsible for 90% of cases of violence in schools." Pupils also attack professors. Indicative is the case of a tourism and catering school in Vrčnjačka Banja. A third-grade pupil, angered by low marks, beat up with a baseball bat his cooking professor. After the incident the pupil on his own initiative dropped out of school. ²²

Education Ministry and its first man in fact failed to tackle in the right way everyday violence in schools. They should have analyzed the related negative phenomenon, and consequently put in place a strategy of anti-violence combat. Currently Minister Vuksanović only makes post-incident statements, in which he expresses his regret for violence and communicates to the public that "such cases would be dealt with by competent bodies." In schools in Serbia is being implemented the project "Security in Schools" whose goal is prevention and reduction of violence against children, and among children and youngsters. The project covers 54 schools with 29,000 pupils and 2,500 professors. ²³ Competent ministry announced that as of September 2006 the project would cover another 112 primary and secondary schools. Minister Vuksanović expected that "once pupils, school directors and professors rally to discuss the violence in schools, they shall find the right way to combat that blight, and to develop school work in the spirit of friendship and tolerance."

Exercise of Educational rights of National Minorities

Added to the Constitution of Serbia and the Act on Protection of Rights and Freedoms of National Minorities (adopted in 2002), educational rights of national minorities are regulated by the Act on the Basic Education, and a special Act on Primary, Secondary, High Schools and Faculties. Frequent amendments to those acts (every two years) aimed at invalidation of reforms carried out by the first democratic government of Serbia and though they did not affect guaranteed rights of national minorities, they did not make any

²¹ *Blic*, 23 June 2006.

²² *Politika*, 15. September 2006.

²³ *Danas*, 18 April 2006.

attempt to enhance them. For example, under the 2004 Act on Amendments to the Basic Educational System, the National Educational Council, is composed of 42 members with only one representative of national minorities.

The aforementioned acts enable national minorities to attend classes in mother tongue in the entire range of schools, from pre-school institutions to secondary schools, and to participate via their National Councils in elaboration of curricula in minorities languages. According to the Act on High Education (adopted in 2005) classes in mother tongue in high schools and universities may be held only if the program is accredited and approved by the state institution. The state also took on the commitment to provide textbooks and educational cadres for classes in national minorities languages. Educational system in mother tongues of national minorities however functions only partially.

Secondary school pupils (school-year 2006-2007), depending on the national minority to which they belonged, had to choose between further education in mother tongue or profession of their liking. Members of Hungarian national minority had the best choice. Classes in Hungarian language are imparted in 30 secondary schools in 12 Vojvodina cities. Bosniaks, for example, are only now working on programs for secondary schools in their mother tongue. Currently pupils from the 1st to the 3rd grade of primary schools attend Bosniak language classes.²⁴ Decision on mother tongue classes in all grades of primary and secondary schools is taken by the National Educational Council and the Republican Council for National Minorities.

The last proposed amendments to the Act on the Basic Educational System which should have been adopted by summary procedure last fall, have generated a stormy polemic between representatives of national minorities and Education Minister. Co-coordinator of National Councils in Serbia, Ana Tomanova-Makanova, criticized the competent Minister for his poor communication with the National Minorities Councils. The gist of her protest was related to snubbing of the representative institution of national minorities, by Education Ministry. The latter, in a total breach of the Act, failed to inform in detail the National Minorities Councils about amendments to the Act and consequently to consult them about those amendments. It turned out that the authorities for over a year "have been shilly-shallying with respect to the adoption of the Act on Councils of National Minorities, which would prescribe also the manner of selection of members thereof."

Minister Vuksanovic assessed as unfounded and incorrect Makanova's claims, since the amendments to the Act were not related to national minorities. He furthermore claimed that "international organizations, the OSCE, Council of Europe, the European Commission, lauded the progress

²⁴ *Danas*, 26 May 2006.

made by Serbia in recent years with respect to observation of educational rights of national minorities.²⁵

However, national minorities are mentioned in several articles of proposed amendments to the Act. Thus article 3 clearly spells out that "educational work relating to members of national minorities unfolds in their national languages/mother tongue or bilingually, in accordance with a special act." The National Council "submits its opinion relating to the realization of educational work in national minorities languages to Education Ministry." Article 5 regulates "competence of the National Educational Council, which consequently takes on a decisive role in the entire educational system. That body also proposes curricula and plans, textbooks, monitors the quality of classes and level of harmonization with European standards. Use of textbooks in minorities languages is regulated by article 29. Textbooks are approved by Education Minister at the proposal of the National Minorities Council, after submission of the pertinent opinion of the Republican Council." (Proposed amendments to the Act on Basic Education.)

Amendments to the Act generated a strong response by the Trade-Union of Educational Professionals of Serbia. Namely trade-unions threatened to stage a general strike, unless amendments were withdrawn from parliamentary procedure, and the amendments were submitted for a public discussion. In a rare educational trade-unions communiqué unrelated to wage hikes demands, Education Ministry was accused of "intending to take on all educational prerogatives and thus by-pass the state strategy under which primary and secondary education are entrusted to the National Educational Council, Education Ministry, and Institute for Promotion of Education.²⁶ Moreover, Education Ministry failed to submit the proposed amendments to the highest body in educational hierarchy, the National Educational Council.

Urging of national minorities that their legally-guaranteed rights be respected and their attempts to downsize non-transparent amendments to the related acts, finally bore fruit. In late September meeting between Minister Vuksanović and representatives of Council of Minorities the latter were given guarantees that all their proposed amendments would be green lighted. Firstly, that the amendments would not threaten the provision guaranteeing the right to education in national minorities languages.

Secondly, that educational work shall be bi-lingual only until the state complies with its commitment to create conditions for education in minority languages. If Education Minister keeps his pre-election word, then national minorities shall have 6 instead of 1 representatives in the National Educational Council. In the future the national councils shall propose their candidates for directors, members of management boards, that is, of school boards in pre-

²⁵ *Danas*, 11 August 2006.

²⁶ President of Union, Leonardo Erdelji, *Danas*, 18 September 2006.

school institutions and in schools in which classes are imparted in minorities languages.²⁷

As regards educational sector, in Serbia the most threatened are Romany children. Mandatory education does not cover between 7% and 17% of children from Romany families, while 72% of Romany children never complete basic education (results of survey of organizations Save the Children and the Centre for the Rights of the Child, published in July 2005 - March 2006 period.)²⁸ To meet commitments stemming from the international project "The Romany Decade", one of which concerns education of Romany children, the government of Serbia launched the project of so-called Romany assistants. Since the second-term of the 2006-2007 school-year, in 46 schools in at least 20 cities in Serbia so-called Romany assistants started counseling work with a view to discouraging prospective drop-outs and encouraging them to continue their education. They shall be present during the classes, oversee teachers work and overall progress. Those assistants shall also counsel parents, teachers and educators in pre-school institutions. If their work proves to be efficient, Education Ministry is also contemplating a possibility of making counseling mandatory part of educational process. The pilot project of Romany assistant is funded by the European Agency for Reconstruction and Development, which intends to invest in this and similar projects in Serbia over 2 million Euro.²⁹

It is noticeable that in Serbia the majority of projects related to promotion of the minority right to education are launched, drafted and implemented thanks to the imitative and funding of international organizations. Thus thanks to brokerage of the OSCE Ambassador to Serbia, Hans Ole Urstad founding of a special department of Pedagogical Faculty in Albanian language at Nis University was agreed. Education Minister, Slobodan Vuksanović, representatives of municipalities Bujanovac and Preševo, Ragmi Mustafa and Nehat Aljiju and rector of Nis University agreed to kick-off education in Albanian language in this high education institution as of 1 October 2007. The seat of the faculty shall be in Bujanovac, while Nis University shall co-ordinate elaboration of study programs (according to the 14 December communiqué of the Serb Education Ministry). Members of Albanian minority in Serbia attend classes in mother tongue in a primary school, secondary school and secondary technical school in Preševo. In contrast to other national minorities neither the mass media or the Serb Education Ministry web site divulge information relating to conditions of education of the Albanian national minority in Serbia. In his communiqués and press releases the Serb Education Minister however keeps underscoring that the Serb

²⁷ *Danas*, 28 September 2006.

²⁸ *Glas javnosti*, 31 March 2006.

²⁹ *Danas*, 25 October 2006.

Education Ministry "constantly renders assistance and backing to all minorities and has a good co-operation with all their representatives."

Conclusions

Aside from promises given during the pre-election campaign for parliamentary elections, that educational professionals shall get higher wages and schools would be equipped with computers and modern classrooms, Kostunica-led government in 2006 did not show much interest in education sector. That government in fact halted the process of reforms and fine-tuning between the Serb and European educational criteria and standards. Political elite only initially protested against some anti-reform moves, while of late it has been very indifferent towards developments in that realm. Due to understaffing of Education Ministry, and two-year long total control thereof by Education Minister- until the recent founding of the National Educational Council- no major reform moves could be made, let alone completed in 2006. By extension stricter discipline and order could not be introduced in schools and universities. Education Ministry does not even know the exact number of the employed educational professionals. The issue of non-existent educational professionals, for whom school directors every month demand wages from Education Ministry, is yet to be resolved. It is estimated that several thousand educational professionals exist only on the payrolls. Until mid-May of 1,765 schools only 170 submitted the accurate data on their employees to the Finance Ministry, in line with its official request.

Schools function by sheer inertia, and the majority of university staff, because of privileges and good pays, endeavors to preserve the status quo.

Several years on since the kick-off of university reform, the truly reform-minded education professionals are in the minority. Thus instead of changes in educational curricula and plans, modernization of textbooks, the year 2006 was marked by an artificially imposed issue of new versus old diplomas. Has the reform rested on more sound foundations, such an issue would not have even been raised. Too swiftly adopted legal and other documents, in the face of undertaken international commitments, instead of stabilizing the situation, generated chaos in schools and universities.

In the worst situation are secondary schools, for the reform process in them has barely been initiated. Long-announced profiling of secondary school professions in keeping with the so-called Copenhagen Rules (another international obligation) has been postponed for the next year. .

Recommendations:

- Kick-start the reform of the entire educational system by primarily updating the teaching methods and introduction of new textbooks which shall not present quasi-national values and the wrong picture of the world to the children and students.
- Resume the interrupted education of educational staff, in order to enable them to impart in a more contemporary way knowledge to pupils and students. Protect their impaired reputation and integrity.
- Enable national minorities to exercise in practice their educational rights, as envisaged by the legal solutions: equality in education, education in mother tongue, the right to national culture. Fully implement legal solutions relating to formation of the national council of minorities and above all their representation in the state-run educational institutions.

V

Decentralization: A Developmental Imperative

VOJVODINA - FROM HIGH HOPES TO BOYCOTT

During 2006, several events left a strong mark on the political life in Serbia and Vojvodina. Those were the beginning of negotiations about Kosovo's final status, suspension of the negotiations with the European Union, referendum on the independence of Montenegro and the enactment of the new Serbian constitution.¹ Although Vojvodina's interest in the first three events is indisputable, the greatest interest was shown in the new Serbian constitution. The new constitution was evaluated by a large part of Vojvodina's political elite, especially the one of an autonomist provenance, as a great disappointment and the continuation of the policy which was pushing Vojvodina backwards.

Insofar as the new constitution is concerned, one must also bear in mind three important facts: the first is the procedure by which the constitution was enacted. Namely, the enactment of the constitution was not preceded by a public debate, while the provincial and national minority representatives were not included in the drawing up of its final text.² The second fact is the beginning of negotiations about Kosovo's final status. There is no doubt that these negotiations accelerated the adoption of the constitution,³ but they also showed that the Serbian Government and its parliamentary cohabitants regarded the constitution primarily as the means of defending Kosovo and

¹ Already two of these four events were sufficient for the dissolution of the Serbian Government. The fact that the Government "survived" speaks not only about the weakness of the Serbian political society, but also about the Government's persistence and commitment to its publicly proclaimed aims, among which the continuation of the country's integration into Europe and the preservation of the state union were highlighted as the strategic ones.

² Professor Momčilo Grubač said for *Danas* (1 October 2006) that the authorities had forgotten that the constitution is enacted not only by the meeting of the minds of political party leaders, but also by the consensus of all relevant political factors in the state, including citizens, non-governmental organizations, civil associations, the academy, science community, university and many others.

³ It is not clear why they hurried with the enactment of the new constitution when the old one also stipulated that "Kosovo is an integral part of Serbia".

Serbia's territorial integrity.⁴ And finally, bearing in mind the obligation of the state bodies to protect the state interests in all domestic and foreign relations, including Kosovo's status within sovereign Serbia, the third fact announces the aggravation of the relations with the international community as well as on the Serbian political scene.

The aggravation of the relations on the internal political scene will certainly be contributed by the hard-line position of the opponents of autonomy, as well as the demands of the frustrated autonomists for constitutional revision and redefining Vojvodina's constitutional status.⁵ Even before the enactment of the constitution, the former emphasized that Vojvodina's current degree of autonomy should be the highest about which it could be discussed,⁶ since everything else, in the words of Tomislav Nikolić, Deputy President of the Serbian Radical Party (SRS), would either embitter Vojvodina's citizens or would break up Serbia.⁷ Nikolić's party colleague Milorad Mirčić has a similar opinion. He holds that the granting of greater competences to Vojvodina could create conditions for its statehood, thus bringing some future generations into the situation to "carry on war and political strife, as is happening now in the case of Kosovo and Metohija".⁸ "Vojvodina's autonomy must not endanger the Serbian state in any way", stated the Socialist Party of Serbia (SPS), through Dušan Bajatović, while at the same time emphasizing that the autonomist position – "legislative, executive and partial judicial authority" – is unacceptable.⁹ Slobodan Lalović, Republican Minister of Labor, Employment and Social Policy, shares their opinion: "The

⁴ When speaking about the constitution, Vojislav Koštunica emphasized that, apart from relying on international law, Kosovo should also be defended by the elements of domestic law and this would best be done by the new constitution (*Danas*, 1 October 2006), which would seal that "Kosovo will always remain an integral part of the territory of Serbia". *Dnevnik*, 6 October 2006.

⁵ After his return from Spain, where he attended the General Meeting of the Assembly of European Regions (AER), Bojan Kostreš stated that he asked for and obtained support from the AER for redefining Vojvodina's status through constitutional means. *Dnevnik*, 14 November 2006. As opposed to Vojvodina, the constitution stipulates that Kosovo should be granted "substantive autonomy within the sovereign state of Serbia".

⁶ In his interview for *Dnevnik*, Tomislav Nikolić, Deputy President of the SRS, said that the Radicals were ready to accept two-level autonomy – one for Kosovo and the other for Vojvodina, the latter remaining at the present level. *Dnevnik*, 17 July 2006.

⁷ Tomislav Nikolić, *Gradjanski list*, 25 September 2006. Nikolić announced that the SRS would boycott the new constitution should it stipulate that Vojvodina has its statute and the right to pass laws.

⁸ *Dnevnik*, 28 September 2006.

⁹ *Dnevnik*, 8 July 2006. Milorad Vučelić, Vice-President of the SPS, stated that Vojvodina should have the rights in accordance with the current constitution and that would be enough. *Dnevnik*, 20 September 2006.

stories about Vojvodina's legislative, executive and judicial authority represent the continuation of the story... of the team which was working against Serbia's interests".¹⁰ Like Lalović, Zoran Lončar, Minister of Public Administration and Local Self-Government, also holds that the draft constitution stipulates the right measure of autonomy, which is after the taste of the majority of Vojvodina's citizens.¹¹ According to Minister of Economy Predrag Bubalo (both ministers are from the Democratic Party of Serbia, DSS), Vojvodina will be an autonomous province and will enjoy a better economic status, but it will not be a state.¹²

Vojvodina's better economic status was often highlighted as an argument in favor of the new constitution. Namely, under the new constitution (Art. 184), the provincial budget will amount to at least 7 per cent of Serbia's budget, whereby three-sevenths will be used for financing capital expenditures. So, Vojvodina's Prime Minister Bojan Pajtić said that he was very satisfied with the economic part of the constitution,¹³ because "Vojvodina's money will be ours again. After 20 years we got direct revenues and the Province will be able to shape its destiny".¹⁴ In public, however, one could also hear opposite views. So, Nenad Čanak, the leader of the League of Social Democrats of Vojvodina (LSV), argued that the "alleged increase in direct revenues is only fun and games, since the larger amount of money is of no relevance if it cannot be allocated from here and if the related laws and regulations cannot ensure infrastructure for its efficient investment."¹⁵ Slobodan Beljanski, President of the Vojvodina Bar Association, said that the statements of some politicians that, under the new constitution, Vojvodina achieved a substantive financial autonomy were not correct.¹⁶ In the statement released by the Coordinating Committee of the Vojvodina Constitutional Initiative, it was emphasized that "the type and amount of something called

¹⁰ *Dnevnik*, 12 October 2006.

¹¹ *Dnevnik*, 6 October 2006.

¹² *Dnevnik*, 28 September 2006.

¹³ *Gradjanski list*, 7-8 October 2006.

¹⁴ *Dnevnik*, 1 October 2006. It should be noted, however, that Pajtić stated on a number of occasions that he was dissatisfied with the constitution in general. In his interview for this daily he said: "I agree that we have not got everything, but that simply is not possible and we must be aware of that... We will never be able to force the Serbian Assembly to vote for everything we wish". However, he stressed: "In essence, our demands have been met – much more money will remain in Vojvodina, thus enabling its citizens to live better. And that is the essence of autonomy – to provide money."

¹⁵ *Danas*, 28 September 2006.

¹⁶ "I consider those statements as some form of political consolation after a failure in the talks about the constitution, and not as a victory". *Dnevnik*, 3 October 2006.

direct revenues are determined by the republican law and not by the Vojvodina Assembly”,¹⁷ so that one cannot talk about “economic autonomy”.

In criticizing the draft constitution, some other arguments (apart from economic ones) were also presented, involving Vojvodina’s identity and political subjectivity, as well as its degree of autonomy. According to the members of Forum V21, the new constitution “challenges the historical subjectivity and identity of Vojvodina’s autonomy, while at the same time leaving to the parliamentary majority to prescribe a dose for Vojvodina’s autonomy, to plunder it, to annex it, to limit it territorially and, finally, to abolish it”.¹⁸ The Forum also stated that the constitution was the result of a deal made by the leaders of four parties and that all praise for its being modern and European should give away before the fact that it was enacted by “assault”.¹⁹ In its public address, the mentioned Coordinating Committee of the Vojvodina Constitutional Initiative pointed out that the “new constitution resolutely denies Vojvodina the right to its historically acquired and confirmed political autonomy as well as its political subjectivity, threatening it with the suppression of its identity”. Considering the hasty enactment of the constitution as an act of arrogance by the Serbian nationalist oligarchy, the Vojvodina Party pointed out that “Vojvodina is again doomed to be sacrificed to serve the national interests in the defense of Kosovo.”²⁰ According to Živan Berisavljević, Serbia made again a great historical mistake vis-à-vis Vojvodina: “Vojvodina is offered some insubstantial autonomy and, by definition, insubstantial autonomy cannot be autonomy. It reduces Vojvodina to this Pajtić’s, wheeler-dealer’s, budget-percentage, make-believe “autonomy”, which does not exist anywhere as a form of autonomous political organization.”²¹ The media also carried the crucial views from the analysis of the draft constitution, which was made for the President of the Vojvodina Assembly by a team of lawyers from the Forum Iuris. The analysis shows that the constitution does not take into account the constitutional identity of an autonomous province; it does not guarantee its original competences, legislative authority, or even its right to enforce its own decisions (there is no guarantee of executive authority), as well as its participation in the election of

¹⁷ It is emphasized that “Vojvodina contributes over 40 per cent of the republican budget, but its budget will be only 7 per cent of the republican one!

¹⁸ *Danas*, 19 October 2006.

¹⁹ *Ibid.*

²⁰ Igor Kurjački, President of the Vojvodina Party, called for elections for the Vojvodina Assembly, which would bring the decision on the suspension of the Serbian constitution in the territory of Vojvodina. *Gradjanski list*, 2 November 2006.

²¹ *Danas*, 18/19 November 2006. Berisavljević added that the constitution would cause the greatest harm to Serbia, because it missed the chance to constitute itself as a democratic, modern and stable European state under the first constitution enacted after the fall of the Milošević regime.

judges in the courts taking part in the protection of provincial autonomy. The constitution stipulates declaratively that Vojvodina will be entitled to direct revenues, but the type and amount of these revenues will be determined by the laws which are adopted by the Republican Assembly. Also, the Province cannot enact its statute autonomously, only upon approval of the Republican Assembly. The constitution does not guarantee that the Province will decide about its territory by itself, nor does it guarantee its autonomy, because it can be abolished. Since it does not recognize the supremacy of international law and does not foresee the direct implementation of international law by domestic courts, the draft constitution rules out the possibility of Serbia’s EU and international integration.²²

Discontent with the draft constitution was also expressed by other reputed individuals, such as Stanko Pihler²³ and Radivoje Stepanov,²⁴ as well as by non-governmental organizations, such as the Civil Society Development Centre, Panonija Fund, Centre for Regionalism, Independent Journalists’ Association of Vojvodina and the Helsinki Committee for Human Rights in Serbia,²⁵ political parties,²⁶ especially the League of Social Democrats of

²² The analysis of the Forum iuris points out that the legality and legitimacy of the referendum and its outcome can be disputable, since there is no central register of voters, or the reliable data on their total number (which varies by about 400,000). The two-day voting process could also be disputable due to the lack of supervision and control, not to mention the exclusion of Kosovo Albanians from this process, although Kosovo and Metohija are defined as an integral part of the Republic of Serbia. *Gradjanski list*, 10 October 2006.

²³ According to Professor Pihler, this constitution is an expression of the policy aiming to abolish autonomy and dissolve the province as an institutional and constitutional notion, which means the final settlement of the Vojvodina question.

Professor Pihler holds that such a settlement method is precisely defined in the constitution: “This is the mechanism of changing the constitution, especially the *lex specialis* provision of Article 182, Section 3, according to which autonomy can be abolished ‘by the procedure stipulated for the change of the constitution’”. *Danas*, 5 October 2006.

²⁴ “The new Serbian constitution is exclusively the result of a political deal which was made by three distinctly national parties – the DSS, SRS/SPS and DS. It includes the reception of the national political past, restoration of the (fundamental) inherited political and legal institutions (from the Milošević regime), elimination of the principles of citizenship and civic values of society, as well as the complete blockade of the process of accession to the European community of nations”. As for the preamble to the new constitution, Professor Stepanov says that it is in the sign of the 19th century “Blut and Boden” doctrine, announcing to the whole world that Serbia is entering into a constitutional, state, political and ‘Orthodox jihad’ for Kosovo. “Instead of ‘constitutional patriotism’, we have got ‘constitutional nationalism’ in the ‘fundamentalist’, Balkan/Serbian version”. *Danas*, 21 October 2006.

²⁵ The mentioned non-governmental organizations, together with the Open Lyceum from Sombor, called Vojvodina’s citizens to boycott the referendum.

Vojvodina (LSV), and others. Expressing their discontent both with the enactment procedure and the text of the constitution, the mentioned non-governmental organizations called the citizens of Vojvodina to boycott vote on the new constitution.²⁷ The call for a boycott was also made by political parties, as well as by Bojan Kostreš, the President of the Vojvodina Assembly. Even before the text of the draft constitution became accessible to the general public, his office issued a serious warning to Vojvodina's citizens that they would be called not to support the constitution should it be contrary to their interests or, better said, if it "does not anticipate legislative, executive and partial judiciary authority, direct revenues and property."²⁸

The republican authorities ignored all these warnings, as well as the wish of Vojvodina's representatives to take part in the drafting of the constitution. However, the views of the provincial authorities, presented in the

²⁶ Discontent with the draft constitution was also expressed by the Alliance of Vojvodina Hungarians (SVM) and the Power of Serbia Movement (PSS) which, together with the League of Social Democrats and Democratic Party, constitute the backbone of the provincial government. József Kásza, the leader of the SVM, says that his party is not satisfied with the constitution, but it will not call its voters to boycott the referendum. His opponents within the Hungarian community in Vojvodina, Páll Sándor of the Democratic Party of Vojvodina Hungarians (DSVM) and András Ágoston of the Democratic Union of Vojvodina Hungarians (DZVM) say that they will call their voters not to boycott the referendum, but to encircle "NO" on the ballot paper. Of all the parties having their seat outside Vojvodina, the strongest support to the boycott of the referendum was given by the newly formed Liberal Democratic Party. Discontent with the new constitution was also expressed by other political parties, such as the SPO (Serbian Renewal Movement), as well as the leaders of the two largest trade unions, Branislav Čanak and Milenko Smiljanić. The SPO, for example, was dissatisfied because the new constitution was not enacted by the constituent assembly. It pointed out that the imprecise constitutional formulations could serve political parties with more extreme views on Vojvodina's autonomy to stir up political crises.

²⁷ The calls for a boycott were publicly condemned. So, Milorad Vučelić (SPS) condemned all those "who boycott the referendum, because they are acting directly to the benefit of the forces wishing to take away Kosovo from us. Those are the individuals who have been instructed and have their bosses abroad." *Dnevnik*, 7 October 2006. According to Nebojša Čović of the Social Democratic Party (SDP), it is important to enact the constitution as soon as possible, but "some wish to postpone the enactment of the constitution until next year, so that the Security Council resolution could be brought in November". Therefore, he argues, various international structures have agreed to open fronts in Serbia so as to divert attention from Kosovo and Metohija. *Dnevnik*, 17 September 2006. In the opinion of Dragan Djilas (DS), all those who call publicly for a boycott, do that to achieve some political gain and not because they care about the progress of Serbia's citizens. As for a boycott, it is also necessary to point to the behaviour of the media which were closed for all individuals, organizations and political parties advocating the boycott of the referendum.

²⁸ *Gradjanski list*, 26/28 August 2006.

PEC Platform on Vojvodina's status, were not observed in the new constitution²⁹ and the provincial and minority representatives were not only excluded from its drafting,³⁰ but did not even gain an insight into its final text.³¹ Stating that such a behavior is "absolutely undemocratic and not good for Serbia's democratic future",³² Bojan Kostreš called on Boris Tadić, the

²⁹ According to Tamás Korhecz, the provincial Secretary for Administration, Regulations and National Minorities, it is extremely important that the Republic's authors of the constitution observe the views presented in the Platform of the Provincial Executive Council (PEC) as much as possible. If these views are ignored and disparaged, the constitution cannot be regarded as democratic. *Dnevnik*, 3 June 2006. In this connection, Bojan Kostreš was very explicit: "We stick to those demands, because that's the minimum Vojvodina should have". *Dnevnik*, 28 September 2006.

³⁰ The members of national minorities also requested to take part in the drafting of the constitution. Bojan Kostreš pointed out that the representatives of the national councils should also be included in the drafting of the constitution, since that is the only way that the new constitution is acceptable to all".

³¹ In his letter to Predrag Marković, the President of the Republican Assembly, Bojan Kostreš wrote: "I have learned from the media that the consultations about the new constitution have been completed and that all important items in the text have been finalized. Please send us the final draft, so that the deputies to the Vojvodina Assembly can be acquainted with its contents at its next session which is scheduled for 27 September". *Dnevnik*, 26 September 2006. Kostreš reminded him that he saw the draft constitution on the day when it was adopted by the Serbian Assembly, despite his privileged status in relation to other citizens of Serbia. *Dnevnik* 8 October 2006. One month earlier, Kostreš said that he met with Predrag Marković on several occasions and that he asked him each time "not only to obtain the text of the new constitution, but also to take part in its drafting prior to its becoming the official draft". *Gradjanski list*, 26/27 August 2006. He also asked Serbian Prime Minister Koštunica to postpone the enactment of the constitution for one month so as to enable a public debate about it and the participation of all interested parties in its drafting, but this did not happen. *Dnevnik*, 12 October 2006.

³² *Dnevnik*, 28 September 2006. In the words of Nenad Čanak, it would be disastrous for the democratic forces in Vojvodina if the DS softens its position on the need for Vojvodina's wider measure of autonomy under the new constitution. *Dnevnik*, 29 September 2006. On the other hand, Vojvodina Prime Minister Bojan Pajić said for *Dnevnik* that the DS practically remained alone in its fight for Vojvodina's autonomy. "Last night, around one o'clock, President Tadić interrupted the talks, because other parties were making a fuss about Vojvodina's autonomy. These talks were interrupted and the Democratic Party will not take part in them unless Vojvodina's economic autonomy is guaranteed. Accordingly, we are alone in this, both among the parliamentary parties and those calling for a boycott which, in essence, only inflicts damage to Vojvodina." *Dnevnik*, 30 September 2006. However, it remains unclear why President Tadić abandoned the PEC Platform if he was ready to suspend the talks. It is also unclear why he and the DS agreed to the talks from which the public, as well as Vojvodina's and minority representatives were excluded? It turns out that the opponents of autonomy insisted more on this issue than the Democratic Party which

Serbian President and leader of the Democratic Party (DS), to uphold the PEC Platform and fight for Vojvodina's right to autonomy.³³ However, the following day, the DS representatives issued the statement in which they pointed out that the constitution should be the result of the coordinated views of different political parties due to which it would be unrealistic to expect that all Vojvodina's demands could be met.³⁴ This actually meant that some political actors in Vojvodina abandoned the Platform³⁵ as their joint minimal request.³⁶

The differences between the Democratic Party³⁷ and the League of Social Democrats of Vojvodina became also evident when the President of the Vojvodina Assembly, Bojan Kostreš, made the decision to call citizens to boycott the referendum. In their attempt to stop him, the parties from the

supported it. In other words, a wider measure of Vojvodina's autonomy is not the crucial issue for President Tadić and his party.

³³ *Dnevnik*, 27 September 2006.

³⁴ Bojan Pajtić, Vojvodina's Prime Minister and Vice-President of the DS, said that he was also dissatisfied with the need to make a compromise and that the DS itself was not satisfied either. However, this was something that could not be avoided at the moment. In his opinion, under the new constitution, Vojvodina will be granted greater competences, especially in the financial sphere, but that is less than they wished. *Dnevnik*, 11 October 2006.

³⁵ In the statement issued by the Reformers of Vojvodina, a social-democratic party, it is emphasized that "Pajtić and all his associates should resign, since they failed to fulfil any of their promises and programmes; they should apologize to the citizens of Vojvodina instead of telling them what to do with respect to the referendum". It was also emphasized that "nobody will grant autonomy to Vojvodina; it must win it by itself, so that we can begin to live decently and be our own masters." *Dnevnik*, 11 October 2006.

³⁶ According to Bojan Kostreš, the difference between the LSV and the DS lies in several facts. "The LSV holds that Vojvodina must have full judicial authority, which includes the Supreme Court and Constitutional Court of Vojvodina. The LSV members also hold that Vojvodina must have its central bank and its president. The LSV and the DS do not agree on these issues. But, the least common between us and other coalition partners is – legislative, executive and partial judiciary authority, direct revenues and property". *Dnevnik*, 6 July 2006. In mid-November, LSV leader Nenad Čanak confirmed that he declined Boris Tadić's offer to appear on the list of DS candidates: "This is the first time that we differ from the DS with respect to Vojvodina. In our opinion, this party made too great a compromise concerning Vojvodina and its status under the new constitution. This is why we cannot appear together at the elections". *Gradjanski list*, 13 November 2006.

³⁷ Although it is not mentioned, the Vojvodina Party's position that Vojvodina is faced with a high treason, which will be committed by those who have "advocated" autonomy, including legislative, judicial and executive authority, but have their bosses in Belgrade, refers just to the Democratic Party.

ruling coalition took a common stand³⁸ on the draft constitution, anticipating that they, as a coalition, should formally call voters to support it; Kostreš was asked to observe the coalition agreement and not call citizens to boycott the referendum.³⁹ However, the Assembly President called citizens to boycott vote on the constitution,⁴⁰ thus provoking the fury of the coalition partners. who immediately met for consultations (without the LSV) and concluded that the President of the Provincial Assembly behaved improperly and abused his function so as to promote the views of his party. For this reason, according to the coordinator of the ruling coalition, Dragoslav Petrović, "he lost the majority confidence and should not perform this function any more".⁴¹ Petrović's request was upheld by some opposition parties. So, the leader of Vojvodina's Socialists, Dušan Bajatović, said that he would, together with

³⁸ "Most deputies from the ruling coalition have agreed that the aims set forth in the PEC Platform will not be achieved in full, but that the conditions have been created to do that through the relevant laws, Vojvodina's future statute and the provincial parliament's decisions." *Gradjanski list*, 5 October 2006. It should be noted that the position of the provincial coalition was adopted by a majority of votes and not unanimously, which means that it could have been adopted by the Democratic Party alone. Otherwise, at a special meeting, the DS deputy club stated that, under the new constitution, Serbia would finally be shaped as a European state and that the DS defended Vojvodina's autonomy, especially in the economic sphere. The ruling coalition consists of the DS, LSV, SVM and PSS.

³⁹ Each political party can criticize the draft constitution and call citizens to boycott the referendum to its heart's content, but this cannot be done by the officials elected by the provincial coalition, including Kostreš. *Gradjanski list*, 5 October 2005.

⁴⁰ In his response, Kostreš stated that he is not the leader of the ruling coalition, but the President of the Vojvodina Assembly, who should protect its interests and the interests of all Vojvodina's citizens. He added that he brought the decision on a boycott after consultations with the representatives of Vojvodina's political parties, leaders of national minorities and experts on constitutional law. His decision to call for a boycott was prompted by the fact that, under the new constitution, Vojvodina was not granted legislative, executive and partial judiciary authority, direct revenues and property, that the democratic procedure was not observed, that citizens could not have any influence on the text of the constitution and that domestic law would take precedence over international one. "As the President of the Vojvodina Assembly, I do not wish to give post festum consent for the document on which one cannot have any influence. Therefore, I made the decision to urge citizens not to vote, since that is the only way to defend Vojvodina". Kostreš emphasized that if he would have to choose "between Vojvodina and the function, I would choose Vojvodina". *Dnevnik*, 12 October 2006. It is interesting to note that Kostreš's call for a boycott was supported, inter alia, by the Regional Committee for Assistance to Refugees. In the statement issued by this Committee, it is said that "in this way, Kostreš is defending not only Vojvodina's honour, but also the authority of his function, and proves that he does not accept unilateral solutions which rule out the free will of Vojvodina's citizens". *Gradjanski list*, 13 October 2006.

⁴¹ *Gradjanski list*, 12 October 2006.

other political parties, initiate the holding of an urgent parliamentary session at which Kostreš would be replaced.⁴² Regarding the request of the ruling coalition as logical, opposition as being logical, the Radicals added: "We wish to replace them all".⁴³ As opposed to the DSS, which said that it did not wish to meddle in the relations within the coalition,⁴⁴ G 17 Plus Vice-President Ivana Dulić Marković said that her party deputies would not uphold the request for Kostreš's replacement.⁴⁵ Although the request for Kostreš's resignation was repeated a few times, it never turned into an official initiative. This was contributed by a disagreement among the members of the ruling coalition, but even more so by the failure of the referendum in Vojvodina.⁴⁶

Several reasons contributed to the failure of the referendum:⁴⁷ first, the non-acceptance of citizens to play the assigned role of a subject; second, the anti-referendum campaign of non-governmental organizations, some political parties and the call for a boycott by Assembly President Bojan Kostreš; the third reason was the arrogance of Belgrade's politicians who, by excluding a public debate, reduced the constitution to an agreement among (Belgrade's) party oligarchies,⁴⁸ not to mention their failure to include the minority representatives in the shaping of the constitution. The fourth reason is related to the third one – the conviction of minority members that they would have the status of second-rate citizens under the new constitution, since Serbia is defined as the state of the Serbian people and other citizens. By confining the

⁴² *Dnevnik*, 9 October 2006.

⁴³ *Dnevnik*, 12 October 2006.

⁴⁴ Predrag Bubalo, Minister of Economy and a high-ranking official of this party, evaluated the call for a boycott as "an unprecedented case on the modern political scene", *Dnevnik*, 14 October 2006.

⁴⁵ Ivana Dulić Marković said that, instead of asking for his resignation, it would be better to open a debate as to who defended Vojvodina's interests and how. *Dnevnik*, 3 November 2006.

⁴⁶ In Vojvodina, only 43.93 per cent of citizens turned out to vote for the new constitution. In Serbia, 53.04 per cent of registered voters voted for the new constitution at the referendum (on 28 and 29 October). The new constitution was promulgated at the formal session of the Serbian Assembly (8 November). "The promulgation of the Constitution is a festive and historical event for Serbia", said Serbian Prime Minister Vojislav Koštunica. He pointed out that Serbia, as an independent state, obtained a good and democratic constitution after 103 years.

⁴⁷ There were some doubts in the public that the voter turnout at the referendum was such as was officially presented.

⁴⁸ Milorad Vučelić said on TV Pink that there was no need for a public debate, "since the Serbian people has a constitutional tradition; it is a democratic people and the enactment of a new constitution is not a market event". Considering such political cynicism and arrogance, the citizens' decision to boycott vote on the constitution meant nothing else but the defence of their dignity and non-acceptance to be assigned the role of a subject.

constitution to an instrument for the defense of Kosovo and missing the opportunity to reach the broadest possible consensus about the constitution in the society and, thus, democratize the minority issue, the authors of the constitution manifested the limits of the official policy or, better said, its ethno-nationalism, which is now grounded in the constitution, "dogma of sovereignty" with Europhobia underneath, as well as the fear of autonomy.⁴⁹

In critical commentaries on the draft constitution it was stressed on a number of occasions that it would return the "dogma of sovereignty" into political life, which could have a negative impact on the citizens' rights and could "shut the door to all European integration processes".⁵⁰ Looking at European integration as a chance for its development and the development of Serbia, Vojvodina was continuously demanding such a degree of autonomy which would enable its citizens to enjoy the basic rights and manage their own affairs, salaries, lives and the future, while at the same time taking into account the future prospects and welfare of their state.⁵¹ In this connection, Vojvodina's demands were also upheld by the representatives of European regional institutions. According to Klaus Klipp, Secretary General of the Assembly of European Regions (AER), a wider measure of Vojvodina's autonomy would facilitate Serbia's accession to the European Union. During his stay in Vršac, where he took part in the regular session of the AER Committee B, Klipp said that the European politicians were closely monitoring the developments with respect to Vojvodina's status. This could be evidenced by the letter sent by

⁴⁹ The statement about the fear of autonomy may sound ironical in view of the fact that, under the constitution, Kosovo is offered "substantive autonomy". However, the problem lies in the fact that it does not touch upon the essence of the requests of Kosovo Albanians, who do not see themselves within Serbia and, thus, do not aspire to substantive or nonsubstantive autonomy, but to independence. On the other hand, those who demand a higher degree of autonomy, like the citizens of Vojvodina, are offered "measured-out" and strictly controlled autonomy instead of substantive one. Vojvodina's autonomy, and not vice versa, is the test that will confirm or dispute the sincerity and seriousness of official Belgrade's offer to Kosovo Albanians. If one bears in mind the experience with the realization of the Greater Serbia project, where the autonomy of Serbs in Croatia and Bosnia and Herzegovina was regarded as the gateway to statehood, then the following conclusion imposes itself – Belgrade neither offers "substantive autonomy" to Kosovo nor sees Kosovo within Serbia!

⁵⁰ This was stated by Slobodan Beljanski at the forum organized by the Independent Journalists' Association of Vojvodina in Novi Sad. The dogma of sovereignty means that "domestic law has precedence over the confirmed international agreements and not vice versa, as was stipulated by the Constitutional Charter of the State Union." *Gradjanski list*, 3 October 2006.

⁵¹ Such autonomous Vojvodina would know how to demonstrate its solidarity with Serbia, said Bojan Kostreš at the session of the Committee B of the Assembly of European Regions, *Danas*, 24 May 2006.

Ricardo Illy, President of the AER Assembly, to the Serbian officials,⁵² in which he pointed out that the new Serbian constitution was not in conformity with the modern European standards relating to regionalism and decentralization. Apart from pointing out that Vojvodina should have legislative and executive authority, direct revenues and property, it was also stated that this was the only way to build a functional and effective democracy in Vojvodina and Serbia. Illy also pointed out that the text of the draft constitution was not in conformity with the recommendations of the AER, the European Parliament and the Vojvodina Assembly, adopted at two conferences on regionalism, which were held in Novi Sad in 2005 and 2006, as well as with the Declaration of the AER Bureau. "All those documents expressly recommend the restoration of Vojvodina's autonomy, based on the modern European principles and standards, and the implementation of the European standards in Serbia's territorial organization, which implies strong regions with wide competences".⁵³ At the end of his letter, Illy stressed that the AER was strongly supporting the restoration of Vojvodina's autonomy through all democratic means.

Bearing in mind that an increasing number of Serbia's neighboring countries is joining the European Union (Hungary, Romania, Bulgaria and, soon, Croatia), it is understandable that Vojvodina, as a border region, wishes to take its chance by acquiring greater competences. Therefore, at the beginning of April, the Office for European Affairs was opened so as to coordinate the efforts of the provincial authorities towards Vojvodina's closer integration into European processes.⁵⁴ The opening of such an office in Brussels was also announced. According to Sándor Egeresi, Vice-President of the Vojvodina Assembly, all crucial decisions are made in Brussels, so that it is the right place for lobbying for Vojvodina's economic, political and cultural interests. Egeresi stressed that "the opening of an office in Brussels is not an act of separatism", but the need to be present "at the source of decision-making and lobby for our economy, institutions and the country". Pointing out that this office would be a good place for the promotion of Vojvodina and Serbia and for providing a strong impetus to Serbia on its path to the EU, Bojan Kostreš said that the priority item on Vojvodina's European agenda would be the establishment of a network of strong allies, through which Vojvodina could gain easier access to the European funds.⁵⁵ He also emphasized that the

⁵² The letter was sent to Serbian President Boris Tadić, Prime Minister Vojislav Koštunica and the President of the Serbian Assembly, Predrag Marković.

⁵³ *Dnevnik*, 12 November 2006.

⁵⁴ The opening of the Office was supported by the Serbian Government's Office for EU Accession, OSCE, Council of Europe and representatives of the European Commission in Serbia and Montenegro.

⁵⁵ At the end of December, the high-ranking officials of the Vojvodina Assembly reached agreement with the representatives of the Hungarian District of Bács-

partnership with European regions would also yield other benefits and not only financial ones. Thus, he pointed to cooperation with the French province of Champagne, thanks to which young people from Vojvodina can improve their business skills and take on part-time employment abroad. These benefits are also reflected in a political sphere, primarily through support to Vojvodina's demands for a higher degree of autonomy, as was done by the AER Assembly.

However, this activity was evaluated by the opposition political actors as parallel diplomacy and a deliberate effort towards the further dissolution of Serbia. "Kostreš played the role of Serbian Foreign Minister at the Assembly of European Regions"⁵⁶ and "promoted his own political programme and the recognizable League's separatist aims", said Dušan Bajatović. According to him, there is no decision of any institution in Serbia or Vojvodina from which the views, which had been officially presented by the speaker of the provincial parliament at the Assembly of European Regions, could be taken.⁵⁷ Therefore, the Socialists repeated their request for Kostreš's immediate replacement.⁵⁸ Bajatović also criticized the DS by pointing out that the "autonomist group within the DS cannot support the project of Vojvodina as a republic due to the party policy, but is blowing, in that direction, into the back of its liberal-radical wing – the LSV."⁵⁹

In response to these allegations, the President of the Vojvodina Assembly repeated that the easiest way to disqualify someone on the domestic political scene is to accuse him of being a separatist. Truly, he admitted that he would like to secede Vojvodina, but "from stupidity, primitivism and dishonor. This is how I wish to secede Vojvodina. Everything else is out of question".⁶⁰ Emphasizing that his basic aim is "to help Serbia to improve its

Kiskun to compete for the European funds worth to about 40 billion euros with a greater number of joint projects. *Dnevnik*, 21 December 2006.

⁵⁶ *Dnevnik*, 16 November 2006.

⁵⁷ After his return from the General Session of the Assembly of European Regions, where he was re-elected a member of the Bureau (its executive body), Kostreš stated that he informed the participants that Serbia enacted the constitution despite the conclusions of the AER Bureau's session at Saint Gallen: "I asked for and received their support for redefining Vojvodina's status by constitutional means". *Dnevnik*, 14 November 2006.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Dnevnik*, 4 July 2006. It should be noted that separatism was also mentioned in the report submitted by Rade Bulatović, Director of the Security Intelligence Agency (BIA), to the Serbian Assembly Security Committee. In this report, Vojvodina was described as a region posing a security risk and that extremists among national minority members were abusing the settlement of Kosovo's final status and separation with Montenegro so as to covertly achieve their separatist aims, through new initiatives. Kostreš asked Agency Director Bulatović for a meeting so as to prevent the abuse of this

image in Europe and in the rest of the world“, he repeated that, during the rule of Bajatović’s party, Vojvodina turned from the richest region into one without any prospects, so that it must fight again for the right to govern itself and its resources.

In their attempt to ensure rational control over Vojvodina’s resources as much as possible, the provincial authorities were trying to dissuade the Republican Government from inviting tenders for the Horgoš-Požega highway concession for more than a year, pointing out that this would be harmful both for Vojvodina and Serbia. One of their main arguments was the fact that, at the time the provincial fund existed, the Horgoš-Novi Sad semi-highway, with toll collection, was constructed by Vojvodina’s own money. The tolls collected from this highway, together with the tolls collected from the Novi Sad-Belgrade section, would be diverted to the concessionaire, who would construct the highway section up to Požega.⁶¹ At a press conference, which was held on the Belgrade-Novi Sad highway, Kostreš repeated that the provincial authorities had nothing against the construction of a road network in Serbia, nor against the appropriation of Vojvodina’s funds, but this should not be done without asking its citizens. He also pointed out that the highway to Čačak should not be constructed in such a way that the concessionaire could collect tolls from the already existing section through Vojvodina without Vojvodina getting anything.⁶² “The Government must understand that Vojvodina is not a pantry or a bag of money from which something can be taken at any moment. If Finance Minister Mladen Dinkić said that the construction of roads from Leskovac to Macedonia would be financed out of the credit, because that would be cheaper, then the extension of the highway should also be completed that way. The highway cannot be used for someone’s political marketing and if the Government is incapable of constructing the Horgoš-Belgrade highway, it should let us complete it (...) The provincial government will use all available legal means to cancel this concession. Vojvodina is not a colony and nobody has the right to trample the interests of

issue. After their meeting (which was held in Belgrade), Kostreš expressed his satisfaction with the fact that the security situation in Vojvodina is stable and that there is no separatism as an organized political activity. *Gradjanski list*, 3 October 2006.

⁶¹ *Dnevnik*, 14 April 2006. Miodrag Jocić, Deputy Minister of Capital Investment, disputed the statement that Vojvodina alone had repaid the credit for the sections it had built. According to him, the credit was also repaid by the Republican Road Directorate. *Dnevnik*, 18 April 2006.

⁶² Kostreš, presented the estimate showing that, given the current flow of 19,000 vehicles a day, the concessionaire would collect 450 million euros in toll revenues over a period of 25 years for which the concession would be granted. “These 450 million euros cannot be taken out of Vojvodina without the permission of its citizens“. *Gradjanski list*, 12 September 2006.

its citizens and disregard them without their permission“.⁶³ In an attempt to thwart the Government’s plan, Kostreš sent the letters to the German, French, Italian, Austrian and Croatian Ambassadors so as to inform them about the Vojvodina Assembly’s position on this concession. He pointed out that “the Vojvodina Assembly, as the responsible representative of Vojvodina’s citizens, cannot agree with a bad and irrational policy in its territory, which is directly affecting the standard of living and future of the citizens“.⁶⁴

The provincial government’s resistance to the granting of this concession could not avoid the reactions of the competent minister and Prime Minister himself. So, Velimir Ilić, Minister of Capital Investment, expressed his regret that Kostreš was hindering such a big project, reproaching him for not meaning well to the state. Moreover, by challenging the decisions of the tender commission, he was doing a favor to “those constructing the bypass corridors, that is, to Bulgaria and Romania. I don’t know his intention, but it is senseless to divide the property into Vojvodina’s and Serbia’s“. The day before, on the occasion of the commencement of work on the bypass road around Užice, Minister Ilić said: “I do not know for whom Kostreš is working. He is allegedly concerned over Vojvodina: Serbia is constructing a new Beška bridge – the work will begin on Thursday. Serbia is also constructing the Beška-Novi Sad road, bypass road around Novi Sad, as well as the Novi Sad interchange that will cost over 30 million euros. Serbia raised the credit worth over 150 million euros for these projects in Vojvodina. Kostreš would like us to construct all these projects and then turn them over to him to operate them. The question raised by him is not serious. The Serbian Parliament and the Serbian Government have already expressed their views. All discussions and studies have been finished and the World Bank, the European Investment Bank and the European Union have also given their approval“.⁶⁵

The decision on the awarding of concessions will not be annulled, said Željko Tomić from the DSS. He pointed out that the citizens “saw through this never-ending stories of the autonomists about the endangerment of Vojvodina

⁶³ *Gradjanski list*, 12 April 2006. Kostreš repeated the words of Vice-Premier Miroslav Labus that the IMF had a negative opinion about concession activity, which was based on the bad experience of the neighbouring countries. Namely, the Hungarian and Croatian Governments granted concessions and then had to revoke them, but the concession agreements were broken to the detriment of the signatory countries. Attention must also be paid to Dimitrije Boarov’s warning that – even if Vojvodina acquires legislative authority again – it will not be able to cancel the concession granted by the Republican Assembly. “If the Vojvodina Assembly becomes the holder of title to state property in this territory, it will be able to change the Concession Law. However, it will not be able to annul the already granted concessions, because the concession agreements concluded thus far will remain in force even after the change of the constitution.“

⁶⁴ *Dnevnik*, 3 April 2006.

⁶⁵ *Danas*, 19 September 2006.

a long time ago“ and that he does not wish to attach them greater significance.⁶⁶ Tomić’s party colleague and Serbian Prime Minister Koštunica had a different opinion. At the election rally of his party in Novi Sad, he said that the Horgoš-Požega highway “connects Serbia with central Europe, so that only someone who supports the breakup of the state and the people and cares only about his own interests can be against it”.⁶⁷ When Minister Ilić announced that, out of four firms which had met prequalification criteria, the Spanish firm FCC, in cooperation with Mayerder from Austria, won the tender for the Horgoš-Požega highway concession,⁶⁸ the President of the Vojvodina Assembly reacted right away and sent a letter to the consortium of concessionaries, in which he presented the above mentioned arguments and called on them to reconsider “their decision to invest in this project which is, under these conditions, contrary not only to the interests of the citizens of AP Vojvodina and Serbia, but also to your own interests as an investor”.⁶⁹ After some time, the Spanish owner of the company, disturbed over these letters, asked the Serbian Government for an additional explanation,⁷⁰ which practically meant that the signing of the agreement, planned for 18 January, was postponed.⁷¹

Apart from trying to prevent the outflow of funds, Vojvodina’s representatives were also trying to provide funds which, according to them,

⁶⁶ *Dnevnik*, 13 September 2006.

⁶⁷ *Gradjanski list*, 16 January 2007.

⁶⁸ Minister Ilić referred again to the President of the Vojvodina Assembly: “I can’t understand that he is unable to catch on the basic things. The young man is anonymous and wishes to distinguish himself... Therefore, he challenges everything progressive, which was also evidenced by his call for the boycott of the referendum. If we propose him now to build an airport in Novi Sad, he will say – no, we don’t need an airport”. *Danas*, 3 November 2006.

⁶⁹ They in the Austrian company said that they were surprised with Bojan Kostreš’s act and that they did not receive any letter. “If Mr Kostreš has something to tell us he should turn directly to us, instead of sending us messages through the media. We are ready to talk with him, but we think that Mr Kostreš should solve the problems between the Province and the Republic with his Government. We entered into this deal with the Serbian Government being convinced that it works in the interests of all citizens and in conformity with law, just as we do in other countries”. *Dnevnik*, 23 November 2006.

⁷⁰ “They are a little anxious, because they have received some letters about this concession from various sides and you should check who has written them and contacted them”, said Predrag Bubalo, Minister of Economy. *Gradjanski list*, 26 January 2007. Under the Concession Law, the agreement must be concluded within 60 days from the date of coming into force of the decision about the selection of the concessionaire. In the opposite, public tendering must be repeated.

⁷¹ Bojan Kostreš commended “the Spanish partner for his responsible behaviour, because he realized that it would not be good to have a concession on stolen goods”. *Gradjanski list*, 26 January 2007.

belonged to the Province. So, for example, it could be read in the print media that the state earned “630 million euros from the sale of four big Vojvodina-based banks”, and that “Vojvodina got almost nothing from that money. Also, the provincial authorities were not asked anything nor were they consulted after the completion of the tendering procedure for Vojvodjanska, Panonska, Novosadska and Kontinental banks”.⁷² Miroslav Grubanov, Chairman of the Assembly Privatization Committee, said that the Provincial Assembly was not receiving any information from the Republican Ministry of Finance about the proceeds from the privatization of the enterprises in its territory: “Some money is flowing into the Vojvodina budget, but the Republican authorities do not bother to tell us which enterprises are in question”.⁷³ It should be noted that these privatization proceeds create the financial basis of the Vojvodina Development Fund and that Vojvodina was asked to participate more actively in the national investment programme, through its institutions, thus being able to have a greater influence on the allocation of the funds which are required for its development, all the more so because Serbia’s development structure has changed to the detriment of Vojvodina.⁷⁴

It has already been mentioned that, under the constitution, three-sevenths of Vojvodina’s budget should be used for financing capital expenditures. To ensure more rational use of these funds, the coordinator of the ruling coalition in the provincial Assembly, Dragoslav Petrović, asked the Assembly President to convene a session at which the Decision on the Formation of the Capital Investment Fund would be brought. The Assembly brought this decision, but the session was marked by a quarrel and divisions within the ruling coalition. Namely, Nenad Čanak said that, under the constitution, Vojvodina would only get “crumbs”, which would be allocated by the Serbian Assembly and administered by the provincial government without any parliamentary control, thus restoring the communist distributive economy. Vojvodina’s Prime Minister Pajić replied that the amount of 18 billion dinars, which should be allocated to the Fund, would be small for a

⁷² *Dnevnik*, 16 September 2006.

⁷³ *Dnevnik*, 13 September 2006. “So far, it has been agreed three times with the Republican Government’s representatives, in my presence... that all information about the privatization proceeds to be allocated to Vojvodina would be given in a few days, but this has not been done to the present day.... Since the provincial authorities have not yet received any information, I am absolutely convinced that they are hiding something”, said István Pastor, provincial Secretary for Privatization. *Gradjanski list*, 28 September 2006.

⁷⁴ Over the past decade, Serbia’s development structure has dramatically changed. Among Serbia’s 20 most developed municipalities there are only a few from Vojvodina: Apatin, Beočin, Novi Sad and Vršac, while the municipalities being at the bottom are Alibunar, Bela Crkva, Irig, Opovo, Plandište and Žitište. At the same time, among 25 municipalities being most diligent in tax collection activity 18 are from Vojvodina. *Dnevnik*, 24 September 2006.

child, a gambler or a dictator and that Čanak himself should decide who he is.⁷⁵ After these words, the deputies of the Together for Vojvodina coalition, together with Čanak, left the session.⁷⁶ Despite this act and the SRS resistance, the decision on the fund formation was brought, since the SPS deputies also voted for it.⁷⁷ This prompted Djordje Djukić, the former President of the Executive Council, to say that the Vojvodina Government fell and that the Prime Minister should resign.⁷⁸ Dušan Bajatović said the same thing, but the Democratic Party had a different opinion: “The Government has not fallen... it has only changed the majority structure, but has not fallen ...”⁷⁹

Apart from the Capital Investment Fund, Petrović asked that the Decision on the Formation of the Fund for Assistance to Refugees and Expelled Persons in Vojvodina should also be placed on the agenda. The purpose of this

⁷⁵ *Danas*, 13 December 2006.

⁷⁶ Čanak later explained that he provoked the incident for three reasons: the first is the fact that Vojvodina has no autonomous budget, since its budget is controlled by the Republic of Serbia; the second is the increased size of administration and the third is the throwing of dust into the eyes of citizens, who did not vote for the new constitution, with the formation of this fund.

⁷⁷ The deputies from the DS, SVM and PSS coalition, as well as from the opposition – G17 Plus, DSS and seven SPS deputies – voted for the formation of the Fund. Dušan Bajatović, the leader of the SPS deputy club, asked the members of the ruling coalition to say publicly whether they felt shame because they had to rely on the Socialists’ support in voting on two very important funds. If their answer is “yes”, they should immediately dissolve the parliamentary majority, said Bajatović. On the other hand, it should be noted that the Socialists, who were demanding the replacement of Bojan Kostreš for a long time, missed the opportunity to inform the public that the ruling coalition had no majority in the Assembly by abstaining from voting like the Radicals. *Dnevnik*, 14 December 2006.

⁷⁸ Djukić said for *Gradjanski list* that the President of the Executive Council and the group of people around him decide how the fund resources would be used. “It is unbelievable that, according to this proposal, the Chairman of the Management Board of the Fund will be Bojan Pajtić. who will be responsible only to Bojan Pajtić. I think that something like that is unknown in political practice”. *Gradjanski list*, 16 December 2006.

⁷⁹ According to Dragoljub Petrović, the coordinator of the ruling coalition, it is not necessary to have a greater-than-half majority in the Parliament for decision-making, but only a majority vote of those present. “Since 70 deputies were present at that moment, it was necessary that 36 should vote “for”. Petrović said that there was a problem with the LSV, because its representatives supported the formation of the fund at the sessions of the parliamentary committees and the Executive Council, but the change occurred when Čanak called his deputies to leave the parliamentary session. “I repeat that it is the question of the smallest deputy club, whose withdrawal from the coalition cannot endanger its survival in any way.” Petrović praised Assembly President Kostreš (who is also a member of the LSV) for remaining in the Parliament and, thus, demonstrating a high measure of responsibility towards his function. *Gradjanaski list*, 14 December 2006.

Fund was to facilitate solving the housing⁸⁰ and other problems⁸¹ of these persons. “Today, there are about 51,000 registered refugees and expelled persons in Vojvodina, but unofficially there are about 130 thousand”, said Janko Veselinović, President of the Council for Refugees, Expelled and Internally Displaced Persons. He also said that ten years ago about 43 per cent of all refugees lived in Vojvodina, while today there are about 48 per cent of all refugees in Serbia. The aim of the Council is to create conditions for a lasting solution of the refugee problem in Vojvodina by their integration into the local environment, or their return to the countries from which they had fled. “Our aim is to arouse the interest of state-run and international organizations to take an active part in financing refugee housing in the coming period. There must be partnership relationships among the local management, the province, the republic and the relevant international organizations...”⁸² The Democratic Party of Vojvodina Hungarians (DSVM) reacted to the possible purchase of rural houses and estates for refugees, expelled and internally displaced persons in the territory of the Subotica municipality. It requested from the Subotica City Assembly to bring an adequate decision so as to “prevent the artificial change of the ethnic composition of the population in the regions where national minorities constitute a majority by tradition. In the territory of the Subotica municipality, national minorities constitute an absolute majority and Hungarians a relative majority, so that a ban should be imposed on the whole territory”. András Ágoston and Páll Sándor, the leaders of the DSVM and DZVM, called on Jozsef Kásza, the leader of the SVM, the most influential Hungarian party in Vojvodina, to stand up against the “Serbian settlement programme” together with them. In their letter to Kásza, they stated that due to a “wrong provincial decision”, empty houses would also be purchased in the settlements inhabited by Hungarians, primarily for Serb and Roma refugees from Kosovo, that is, for returnees from Germany, thus “showing the intention of the Serbian authorities to change the ethnic composition of the settlements with a Hungarian majority, which is contrary to the international documents. You know very well that this will be one of the many settlement waves that will affect the already disrupted composition of the Hungarian community in Vojvodina”.⁸³ Ágoston and Páll called on Kásza to send a joint message to the presidents of the municipalities with a Hungarian majority and Hungarian deputies, and convince their coalition partners to bring decisions

⁸⁰ The members of the Assembly Health Committee proposed that the bulk of money be used for the purchase of empty village houses, thus put a stop on a wrong refugee housing policy.

⁸¹ The proposal for the formation of this fund was advanced by the Provincial Executive Council. For its operation it will be necessary to provide 25 million dinars.

⁸² *Gradjanski list*, 11 August 2006.

⁸³ *Dnevnik*, 30 December 2006.

against the realization of the settlement project in their municipalities.⁸⁴ The Civic Alliance of Hungarians also called on the Serbian Government and main political parties in Vojvodina to stop financing such a housing project and focus on the return of refugees to their original places of residence.⁸⁵

These requests triggered strong reactions from the Subotica Board of the Serbian Radical Party (SRS) and refugee associations, as well as the Alliance of Vojvodina Hungarians. The former stressed that it was an unprecedented proposal that one population group should be treated as second-rate citizens... The Radicals also stressed that this proposal was mostly supported by the representatives of three parties – the DSVM, SVM and the Democratic Alliance of Vojvodina Croats (DSHV). According to Gojko Radić, the leader of the SRS deputy club in the Subotica City Assembly, the expression of views has shown “who supports joint life in these lands”.⁸⁶ The Association of Refugees and Expelled Persons from the Territory of Former Yugoslavia stated that – by resisting the integration of refugees into the territory of Subotica – the DSVM was taking part in the new persecution of expelled persons, so that “in addition to bringing a national disgrace, it is deeply hurting unhealed wounds of those who lost everything in the operations ‘Flash’ and ‘Storm’ except their lives.”⁸⁷ Janko Veselinović, the President of the Council for Refugees, Expelled and Internally Displaced Persons, commented on the DSVM demand András Ágoston’s letter to Hungarian Prime Minister Ferenc Gyurcsány as election marketing. He said that the Decision would be applicable only to the refugees living in Vojvodina at the time of its adoption and that it stipulated clearly that the constitutional provision on the disruption of the ethnic composition should not be violated. Veselinović also stressed that about 90% of refugees live in the municipalities in which they have relatives, who came to Vojvodina earlier – in Novi Sad, Futog, Veternik, Kać and Sremska Mitrovica, and that only a very small number of refugees, if any, lives in northern Vojvodina.⁸⁸ Tamás Korhecz, the provincial Secretary for Administration, Regulations and National Minorities, also held a press conference at which he condemned Ágoston and Páll for misleading the public about the aim of the Refugee Relief Fund: “The Fund has not been formed for new refugees and the purchase of houses for them in the settlements where national minorities constitute a majority. These lies are

⁸⁴ *Dnevnik*, 30 December, 2006. The DSVM requested that the placing of the revision of the decision on the purchase of empty rural houses on the agenda of the Subotica Assembly. This request was upheld by 27 deputies, as many voted against it and the rest was sustained, which means that the number of votes was not sufficient to place this issue on the agenda.

⁸⁵ *Dnevnik*, 30 December 2006.

⁸⁶ *Danas*, 30 December 2006.

⁸⁷ *Danas*, 30 December 2006.

⁸⁸ *Gradjanski list*, 14 December 2006.

aimed at discrediting the SVM”.⁸⁹ Tivadar Tot, the leader of the SVM deputy club in the Vojvodina Assembly, also condemned his party opponents that, by giving incorrect statements, they wished to provoke disquiet among the Hungarian population and discredit the SVM with their allegations that it had supported the provincial government’s policy concerning the settlements of new refugees from Kosovo and abroad.⁹⁰ After the new year, the Regional Committee for Assistance to Refugees in Vojvodina issued the statement condemning increasingly pronounced chauvinism towards refugees and rejecting all claims that their presence could change the ethnic composition of some places in Vojvodina more significantly. The Committee also warned that the increasing violation of refugees’ human rights could cause their strong reaction, since they were exposed to injustice and pressure for years. Pointing to the negligence of the Serbian Government, the Committee stated that Petar Ladjević, Director of the Agency for Human and Minority Rights, should also be held responsible, because he did not say anything, although he had enough reason to do that.⁹¹

The revival of the story about (new) refugees and a change in the ethnic composition was influenced not only by the formation of the Fund and parliamentary elections scheduled for next January, but also by the negotiations about Kosovo’s final status. Bearing in mind the general position of the Serbian political elite that Kosovo is an integral and inalienable part of Serbia, the statements issued by some party leaders aroused concern both among the majority and minority populations. It was the question of the messages sent to the Radicals and Socialists and, through them, to the Serbian public: one came from SRS leader Vojislav Šešelj from The Hague and the other from the Congress of the SPS, that is, Ivica Dačić. In the first message, the Radicals were told not to agree with the secession of Kosovo and Metohija or abandon hard-line national ideology and the concept of Greater Serbia, and that they should fight for the secession of the Republic of Srpska and unification of all Serbian lands.⁹² In the second message it was stated that “Kosovo will be defended by all available means” and that “nobody has the right to say that there will be no war any more”.⁹³ These short and concise statements contain all crucial ideas which brought about the collapse of former

⁸⁹ *Gradjanski list*, 5 January 2007. The Fund deals exclusively with refugees who already live in Vojvodina. It assists them in their return home and in their integration.

⁹⁰ “The SVM deputy club submitted two amendments to the originally proposed, unacceptable decision to the Vojvodina Assembly and they were accepted and included in the decision. Both of them referred to the prevention of a change in the ethnic composition of those regions which are overwhelmingly populated by minorities.” *Dnevnik*, 5 January 2007.

⁹¹ *Danas*, 9 January 2007.

⁹² *Danas*, 4 December 2006.

⁹³ *Danas*, 14 December 2006

Yugoslavia, whose final phase will be the settlement of Kosovo's final status. It should also be pointed to an old thesis that can be heard in Vojvodina – that the Serb nationalists can be appeased for the loss of Kosovo by making concessions regarding Vojvodina's autonomy, which could lead to the aggravation of interethnic relations.

Expressing his understanding of the Serb trauma over the loss of Kosovo and comparing it with the collapse of the Austro-Hungarian Empire, when Hungary lost two-thirds of its territory, including Vojvodina, Kásza said that the new wave of refugees could change Vojvodina's demographic picture significantly and, thus, minimize the minority issue. Some commentators went a step further, predicting that the new wave of refugees could not only aggravate interethnic relations, but could also result in the emigration of minorities from Vojvodina. Bearing in mind the experience of March 2004, when Albanian violence in Kosovo prompted the violence against minority members in Vojvodina, the mentioned warnings must be taken very seriously. On the other hand, one must not disregard the warnings that the requests for territorial ethnic autonomy can also lead to the aggravation of interethnic relations.⁹⁴ In the course of the year, the requests for this form of autonomy were mentioned and commented in public on a number of occasions. So, for example, in late April, Jozsef Kásza said that the Alliance of Vojvodina Hungarians (SVM) began its talks with the DSS about the autonomy of Hungarians in Vojvodina, announcing the same talks with the DS and other pro-democratic parties.⁹⁵ The other Hungarian leader, Páll Sandor, also talked about the Hungarian Autonomous Province.⁹⁶ Dušan Janjić, Director of the Forum for Ethnic Relations, stated that the stories about territorial autonomy had a slim chance to succeed,⁹⁷ while Emil Fejzulahu, the provincial Secretary for Local Self-Government, stressed that any linkage based on the national principle would not lead to the citizens' progress, but to divisions and problems.⁹⁸ LSV leader Nenad Čanak evaluated the proposal for the territorial autonomy of Hungarians negatively, because it was contrary to the requests for Vojvodina's greater autonomy⁹⁹ and would only take Hungarians to a

⁹⁴ In the HCHRS report for 2004 it is emphasized that the requests for different forms of ethnic autonomy are a response to the violation and narrowing of the scope of minority rights. However, it is also pointed out that – when reflected through the prism of Balkan political culture – the demands for territorial autonomy are experienced as the announcement of secession in the future.

⁹⁵ *Danas*, 25 April 2006.

⁹⁶ The Hungarian Autonomous Province would include the municipalities of Kanjiža, Senta, Ada, Bečej, Bačka Topola, Mali Iđoš, Subotica and Čoka.

⁹⁷ *Glas*, 13 June 2006.

⁹⁸ *Glas*, 13 June 2006.

⁹⁹ In his interview for *Glas*, DZVM leader Páll Sandor said that "Vojvodina should be dissolved. What we need it for! The way it looks is not in the service of

ghetto.¹⁰⁰ "Who is Čanak to speak in the name of Vojvodina Hungarians", replied Jozsef Kásza and added: "If Hungarians wish to be in a ghetto and like to be there, then they will live in a ghetto".¹⁰¹

If we disregard the warnings that underneath these requests for territorial autonomy are particularistic interests of the party leaders and political elites, they should also be observed from the viewpoint of minorities, that is, their perception of equality with majority members. The very procedure by which the constitution was enacted and even more so its definition of Serbia and some constitutional provisions, point to the disruption of equality. Although the electoral threshold for minority parties was lowered by amending the Election Law, they are still dissatisfied and the parliamentary elections, scheduled in accordance with the new constitution, served to the representatives of minority parties to point to some provisions, bringing minorities into an unequal position. This refers, above all, to the number of signatures (10 thousand) which political parties must collect so as to submit their lists of candidates. This problem was illustrated by Páll Sandor by using concrete examples. Namely, in the case of his community it would be necessary to collect the signatures of 4 per cent of Hungarians, or all Ruthenians. On the other hand, when the majority population is in question, it is necessary to collect the signatures of only 0.005 per cent of Serbs.¹⁰² To facilitate the participation of minority parties in the elections, the Republican Election Commission reduced the number of court-verified signatures of voters required for national minority parties from ten to three thousand. However, according to the DSVM, this was done without any legal basis and

Vojvodina Hungarians. We propose the creation of our own autonomy. We do not need autonomy in which the Serbs constitute a majority. If the Serbs want to be autonomous in relation to Belgrade, that's their problem and we do not concern ourselves with it". *Glas*, 22 June 2006.

¹⁰⁰ *Novosti*, 13 August 2006. Čanak said for the *NIN* weekly that "he has not changed his opinion about territorial autonomy since the early 1990s. At that time, I was telling András Ágoston that territorial autonomy for Hungarians in Vojvodina would be the same as territorial autonomy for Serbs in the then Serb Autonomous Province of Krajina. After the operations 'Flash' and 'Storm', I reminded Ágoston of his words and asked him whether the Hungarians would now be leaving Vojvodina on tractors". *NIN*, 17 August 2006.

¹⁰¹ *NIN*, 17 August 2006. These and some other Kásza's statements, like the one that his party would not care if the LSV would not be in the Vojvodina government any more, revived the speculations about the reshuffling of the provincial Government, which would allegedly be joined by the DSS and G17 Plus, while the LSV and PSS leave it. Čanak answered that the political parties constituting the Republican Government regarded Kásza as a good collocutor so as to reduce the Vojvodina question, after the settlement of Kosovo's status, to the minority issue instead of the issue of substantive autonomy.

¹⁰² *Gradjanski list*, 6/7 May 2006.

violated the Election Law. Thus, it launched an initiative for the verification of the constitutionality and legality of the mentioned decision.¹⁰³

In the context of drafting the new statute of AP Vojvodina, there was talk about the equality of members of different national communities.¹⁰⁴ The authors of the statute announced that Vojvodina's basic values, such as national equality, would be incorporated into the basic provisions of the statute and that the presence of minorities in the Parliament would be institutionally ensured and their interests protected by consensual decision-making. The minority question was also raised from one more aspect – the structure of the provincial parliament. While drafting the statute, the question that also imposed itself was whether the Vojvodina Assembly would be unicameral or bicameral because, under the constitution, the Vojvodina Assembly should organize the provincial bodies autonomously. Todor Gajinov, a legal advisor to the President of the Vojvodina Assembly, stated that, it would be useful to have a bicameral parliament – the provincial chamber, as he called it, and the chamber of national communities.¹⁰⁵ The representatives of some (national) councils – Slovak, Hungarian and Croatian – agreed to the idea to have a bicameral parliament. Otherwise, the separation of parliament into two chambers has been the subject of debate since 2002, so that the draft of Vojvodina's basic law contained similar provisions. At that time, Dragan Veselinov of the Vojvodina Coalition opposed the formation of a bicameral parliament, stating that this was a dangerous idea, since a bicameral parliament would cause conflicts and destabilize the Province by dividing it along national lines.¹⁰⁶

¹⁰³ In the initiative of the DSVM it is stated that the number of court-verified signatures required for Vojvodina Hungarians should be reduced from 10 thousand to only 450. "This is the only way to avoid discrimination on the basis of national origin and observe the principle of equality and proportionate burdening with the election issues."

¹⁰⁴ The differences between Assembly President Kostreš and the parliamentary majority (DS) were also manifested with respect to the drafting of Vojvodina's statute. Prime Minister Pajić reproached Kostreš for announcing his meetings with the deputy club leaders so as to reach agreement as to whether the new statute should be adopted by this or next parliament without consulting the majority. Kostreš was also reproached for announcing that he would adjust the dates of provincial elections with Prime Minister Koštunica, and not with the coalition partners. "All this points out", said Pajić, "that the speaker of parliament does not observe the views of the majority any more; instead, he is deliberately defying them with every move". *Dnevnik*, 6 November 2006. Pajić said that the text of the new statute would be adopted by this Assembly, regardless of whether the provincial elections would be held this or next year. Assembly President Kostreš also announced "his" team for drafting the statute.

¹⁰⁵ *Gradjanski list*, 9 November 2006.

¹⁰⁶ *Ibid.*

At the beginning of November, Tamás Korhecz, provincial Secretary for Administration, Regulations and National Minorities, stated that the Province would not repeat the mistake of the republic's administration with respect to the adoption of the constitution. The draft statute would be submitted to the Assembly for consideration, which would be followed by a public debate, after which the text of the statute would be finalized.¹⁰⁷ Korhecz noted that Vojvodina's supreme law would be drafted in conformity with the PEC Platform on Vojvodina's autonomy. A similar opinion was voiced by Assembly President Kostreš: "All competences stipulated as being transferred will be treated as original competences. Everything that will be defined by the new statute of AP Vojvodina will be in conformity with the European standards, PEC Platform, needs of Vojvodina's citizens and, finally, the new constitution." As for the remarks of the opposition that the ruling parties in Vojvodina have no right to draw up the statute¹⁰⁸ and that, in accordance with the constitutional law on the enforcement of the constitution, this must be left to those who will win at the provincial elections, Kostreš said that he did not see any obstacle to the adoption of the new statute.¹⁰⁹ Dušan Bajatović had a different opinion: "I would like to know very much how they intend to draw up the statute without the state-building parties, such as the Radicals, Socialists and DSS. Do they wish to impose this statute on Vojvodina through their parliamentary majority? Is this the tolerance they are talking about every day, or is this the question of feral people who simply hate?"¹¹⁰ Bajatović also criticized some solutions which could be incorporated into the new statute, such as the idea about a bicameral parliament, in which he saw the provincial government's intention to adopt various examples from Europe, taken out of context, thus making an even greater circus out of Vojvodina. Bajatović described the tactic of the autonomist forces in the following way: "When they failed to squeeze Vojvodina's quasi-statehood through the Serbian constitution, the remnants of obsolete autonomist consciousness, embodied in two Bojans... will now try to squeeze it through the province's statute".¹¹¹ In the words of Bajatović, the League wishes, in cooperation with the autonomists within the DS, "to draft the statute deliberately in such a way that the Serbian Assembly will have to reject it in order to protect the Republic's statehood, which will be followed by a new call for the internationalization of the

¹⁰⁷ "We will consult experts, political parties and citizens and then initiate the process of enacting the constitution". *Gradjanski list*, 8 November 2006.

¹⁰⁸ Velibor Radusinović, the leader of the DSS deputy club in the Vojvodina Assembly, *Dnevnik*, 23 November 2006.

¹⁰⁹ *Dnevnik*, 13 December 2006.

¹¹⁰ *Dnevnik*, 9 November 2006.

¹¹¹ *Ibid.*

Vojvodina question. And their radical liberalism represents only the singing of the same old tune about Vojvodina being a republic".¹¹²

In addition, their argument about the quasi-statehood contained in the autonomist demands was also presented by the "state-building" parties in the case of the provincial symbols – its flag and coat-of-arms (and, at one time, the anthem). On the initiative of Dragan Kerleta (DSS), the Constitutional Court of Serbia launched an initiative for the verification of the constitutionality and legality of the decision about the use of Vojvodina's symbols, but the procedure was suspended at the request of the Vojvodina Assembly, which was given the deadline, up to 29 May, to adjust its decision with the constitution and law and to inform the Court accordingly. Several days before the expiry of this deadline, the Executive Council decided to withdraw its decision on amending the provincial statute from the parliamentary agenda, justifying this move by the fact that, after the announcement of the results of the referendum in Montenegro and the ensuing atmosphere, "most members of the Executive Council concluded that the debate about the symbols could be abused. Some could relate the debate about the symbols with the reduction of the state territory".¹¹³ On that occasion, Assembly President Kostreš appealed to the Constitutional Court of Serbia to extend the deadline for the adjustment of the decision about Vojvodina's symbols with the Serbian constitution until the end of the autumn session of the Serbian Assembly.¹¹⁴ The Constitutional Court approved the extension of the deadline for settling this issue until the end of the autumn session, that is, the last working day of the Republican Assembly in December. However, the decision was not brought within that deadline either, because at the end of September, before the beginning of the parliamentary session,¹¹⁵ the Executive Council withdraw its proposal for changing Vojvodina's statute once again, justifying this move by the fact that this issue would be regulated after the enactment of the new constitution.¹¹⁶

¹¹² *Ibid.*

¹¹³ *Gradjanski list*, 25 May 2006. Bojan Kostreš gave a similar explanation: "After the referendum in Montenegro, some political parties used the announced change of the statute to frighten citizens with Vojvodina's alleged separatism". *Dnevnik*, 25 May 2006.

¹¹⁴ Justifying his request, Kostreš said that, due to a boiling situation caused by the referendum in Montenegro, this issue was not discussed at the session scheduled for 23 and 24 May so as to prevent politicization and disquiet among the citizens of Serbia and Vojvodina.

¹¹⁵ At the session, one SRS deputy called Vojvodina's flag a rag, while the other said that the coat-of-arms had two beers in it and that Vojvodina's symbols were unconstitutional and illegal.

¹¹⁶ "This initiative is the result of my consultations with Serbian President Boris Tadić", said Bojan Pajtić. "We agreed that it would be senseless to discuss the adjustment of the provisions of the provincial statute to the constitution, which would last at least another two months". *Dnevnik*, 27 September 2006.

However, the adoption of the new constitution¹¹⁷ did not solve the problems with Vojvodina's symbols. Namely, after the dissolution of the Zrenjanin City Assembly and the imposition of compulsory administration, the Provisional Council¹¹⁸ brought the decision to remove all symbols of AP Vojvodina with the justification that they were violating the law,¹¹⁹ thus making again the provincial symbols the subject of political and media attention and provoking the strong reactions of political and civil actors. The President of the Vojvodina Executive Council, Bojan Pajtić, called the removal of these symbols an anti-European act, which was "met with disgust from all European partners."¹²⁰ The President of the Vojvodina Assembly expressed his protest with Serbian Prime Minister Koštunica, stating that the "constitutionality and legality of the coat-of-arms and flag of AP Vojvodina should not be brought into question" after the enactment of the constitution.¹²¹

¹¹⁷ According to Article 183 of the new Serbian constitution, the autonomous provinces should determine the provincial symbols and their use.

¹¹⁸ The Provisional Council is comprised of the DSS, New Serbia and SPO representatives. It should be noted that, apart from the removal of the flag, its members also convened an urgent session at which they replaced the director and members of the Management and Supervisory Boards of the *Zrenjanin* Newspaper Publishing Company. In the words of President Gadjanski, this was done so as to protect the interests of its founders and because of disagreement with its editorial policy. The former director Vojislav Došen said that his replacement was a "classical case of political shooting". The Independent Journalists' Association of Vojvodina and the Independent Journalists' Association of Serbia protested strongly against the replacement of the editorial staff, announcing that they would inform about it the CSCE representatives, international organizations dealing with the protection of the freedom of information and the EU countries' ambassadors in Belgrade.

¹¹⁹ Council Chairman Borislav Gadjanski (DSS) noted that two years ago the Minister of Public Administration and Local Self-Government recommended to the Zrenjanin Assembly to remove the symbols. The head of the town administration, Dušan Ćulibrk, pointed out that there were many ambiguities with respect to the display of the provincial symbols. He said that the competent minister advanced a nonbinding proposal and that the provincial authorities did the same thing, while the Constitutional Court has not yet brought a valid decision. *Gradjanski list*, 15 December 2006.

¹²⁰ *Dnevnik*, 21 December 2006. According to Pajtić, the removal of the provincial symbols should divert attention from the crucial issue and that is why compulsory administration was imposed on one of the most successful self-government units. At the opening of the Bioecological Centre, a plant for the use of new technologies in larvicide production, Vojvodina's symbols were again displayed, together with the official symbols of the Republic of Serbia.

¹²¹ In his protest lodged with Prime Minister Koštunica, Kostreš also stated the following: "The public in the Republic of Serbia and AP Vojvodina is familiar with the fact that the parties feeling animosity towards autonomy and the people feeling like Vojvodina's citizens participate in the Serbian Government. However, since you stressed your legalism on a number of occasions, I call on you to prove your

Kostreš also informed the representatives of the Assembly of European Regions, the European Parliament and the European Commission about the undemocratic replacement of the legitimately elected members of the Zrenjanin City Assembly and the removal of the symbols of AP Vojvodina from all public institutions in Zrenjanin.¹²² However, one day after the mentioned institutions had been notified about the events in Zrenjanin, the multilingual tablet with the Vojvodina coat-of-arms was removed from the Zrenjanin Town Hall and the new one, with Serbia's coat-of-arms, was displayed.¹²³ However, the tablet of the Central Banat District with the Cyrillic inscription was not removed. According to political scientist Miroslav Samardžić, this tablet should also be removed because, under the Law on the Official Use of Language and Script, it should be written in all official languages and where minority languages are used, the inscription should also be in these languages.¹²⁴

commitment in practice, regardless of the fact that the provisional body in Zrenjanin, which violates the constitution of our country, is governed by the members of your party. While Vojvodina's flag and coat-of-arms are treated as the greatest problem in Zrenjanin and Vojvodina, the deputies to the Serbian Assembly wear T-shirts and badges with the portrait of a Hague indictee, and war and other criminals are glorified. Does it mean, Mr Prime Minister, that in Serbia it is better to be a Hague indictee than a citizen of Vojvodina?", *Danas*, 16/17 December 2006.

¹²² Commenting on Kostreš's letter to European institutions, Branislav Gadjanski, President of the Provisional Council, said: "Bojan Kostreš has just come hand on something that is happening in Zrenjanin. It seems that he is not interested in the fact that the provincial symbols have never been displayed in many other places in Vojvodina." Kostreš answered: "Unfortunately, Vojvodina's flag is not displayed only in those municipalities in which the representatives of the Serbian Radical Party are in power and in the municipality in which Gadjanski is in power." *Gradjanski list*, 26 December 2006.

¹²³ Apart from the Provisional Council's decision to remove Vojvodina's symbols, the LSV also criticized its coalition partner in the Vojvodina Assembly, the Democratic Party, because it had announced that the flag of AP Vojvodina should be changed. In its statement, the League quoted Dragoslav Petrović's words that the DS would launch an initiative for the removal of three stars from the flag and their replacement with a more appropriate symbol, probably Serbia's coat-of-arms. The LSV emphasized that Petrović had forgotten to mention what was disputable about these stars, which characterize Vojvodina as a European region. The LSV members also said that, instead of stars, the flag could contain his three photographs and Vojvodina's coat-of-arms Boris Tadić in person, should the citizens of the Province hold that these symbols would be appropriate. *Dnevnik*, 23 December 2006.

¹²⁴ According to Samardžić, it is even stranger that the mentioned law was adopted in 1991 and has not yet been applied in the mentioned case. *Dnevnik*, 26 December 2006. Let us note that the official languages in the Zrenjanin Municipality, apart from Serbian, are Hungarian, Romanian and Slovak.

The last example is only one illustration of the policy pursued by the current Serbian Government – underneath legalism and a verbal commitment to the rule of law are ethnic bias and a double standard. Among other things, this is evidenced by the statement of Zoran Lončar, President of the Provincial Board of the DSS. Namely, at the convention of his party for Southern Bačka, Lončar said that Vojvodina is not governed by the Serbian Government, but by the provincial administration. He expressed his discontent with its work, which became especially evident when the European Parliament passed the resolution on the disruption of inter-ethnic relations in Vojvodina. According to Lončar, it is especially important that the Vojvodina has a democratic government that will know how to follow the successful moves of the Serbian Government. In response to Lončar's allegations, Tamás Korhecz, the provincial Secretary for Administration, Regulations and National Minorities, said that "the Vojvodina administration can be responsible only within its terms of reference. We cannot be responsible for the malfunctioning of the prosecutor's office, judiciary and police, where we have no competences. In addition, our responsibility and our possibilities are limited by the budgetary funds approved by the Republic".¹²⁵ As emphasized by Korhecz, despite the lack of competences, the Province initiated the project "The Affirmation of Multiculturalism and Tolerance in Vojvodina" to which the Republic provides only moral support. Finally, Korhecz stressed: "I think that the European Parliament acted properly when it passed that resolution, because it forced all of us to be more active than before".¹²⁶

Conclusions and Recommendations:

The political actors in Vojvodina are entering the new year being frustrated. Some of them are frustrated about the procedure by which the constitution was enacted and the contents of Vojvodina's constitutional competences, while others are frustrated about the proposed settlement of Kosovo's status. Their frustrations may lead to the aggravation of political relations in the Province. The former will demand constitutional revision and greater competences for Vojvodina, while the latter will oppose them strongly, regarding autonomist requests as disguised separatism, as was evident in the case of drafting Vojvodina's statute. The inability of the Serbian political elite to embrace autonomy as the prime mover of overall development, points to its limited abilities and the toughness of centralism. If it is not openly hostile, the attitude of Belgrade's political parties towards Vojvodina's autonomy is calculated and hypocritical.

¹²⁵ *Dnevnik*, 21 February 2006.

¹²⁶ *Ibid.*

The unreadiness of the Serbian political elite to accept the proposed solution for Kosovo's final status, as well as the announcement of its anti-European policy arouse concern among minorities. Even on the assumption that Vojvodina is spared of the new wave of refugees from Kosovo, and open and increasingly frequent violence against minority members, the aggravation of inter-ethnic relations imposes itself as an unavoidable consequence. Faced with the pronounced Serbianization of the province, minorities will insist on the greater attention of international institutions, primarily the European Parliament, and on their additional institutional protection, either in the form of bicameral parliament, or in the form of ethnic autonomy. Both requests will be regarded by nationalists as an act of disloyalty and a lack of solidarity.

However, the Belgrade regime succeeded almost completely in marginalizing the autonomists, who are now lacking cohesion and are on the defensive. The failure of the referendum in Vojvodina is rather the result of the citizens' nonacceptance to new humiliation and the role of a loser, than the result of an efficient campaign of autonomist leaders. However, the resistance offered with respect to the new constitution can be a valuable asset in the revival of autonomism, provided that "dealers in autonomy" are replaced by persons of integrity, who can respond to challenges and provide substantive answers to the questions concerning the concept of autonomy, as well as the strategic development of Vojvodina and its position in Europe and in Serbia.

Recommendations to the Serbian Government and the International Community:

- Uphold the demands for constitutional revision with the aim to widen Vojvodina's competences;
- Support Vojvodina's efforts towards fuller integration into contemporary European integration processes;
- Provide the provincial government with the necessary instruments for regulating and preventing ethnically motivated incidents;
- Ensure the consistent enforcement of the laws guaranteeing the rights of national minority members;
- Increase the presence of the representatives of European institutions and the monitoring of the situation in Vojvodina.

SANDZAK IN A TRAP

After proclamation of independence of Montenegro, Sandžak became an inter-state region cut through by yet another border in Europe, notably the one between the last members of the former Yugoslav state union. Although disappearance of the common state of Serbia and Montenegro divided Bosniaks and the region of Sandzak in which they make the most numerous ethnic community, the former development failed to generate any crisis. After the aforementioned independence lives of Bosniaks on both sides of border continued unchanged, for they remained focused on their everyday problems. Thus claims of advocates of the common state that disappearance of the state union of Serbia and Montenegro might provoke a crisis in Sandzak and sow discontent among Sandzak Bosniaks were denied. Bosniaks in the Serb part of Sandžak failed to respond to proclamation of independent Montenegro, but intra-Bosniak conflicts between the two largest parties, Sulejman Ugljanin-led Party of Democratic Action and Rasim Ljajic-led Sandzak Democratic Party continued and even escalated last year.

Political clashes between "Suljo's" and "Rasim's" faithfuls, as well as the 2006 Novi Pazar referendum were accompanied by serious, even armed incidents, in which two persons lost their lives. Part of Sandžak general public blamed for the above incidents both immature Bosniak politicians and government of Serbia, which for the sake of its survival and interests (mis)used both Ljajic and Ugljanin, by fanning their run-ins and siding first with the former, and then with the latter. In the course of 2006 Islamic Community led by Mufti Muamer Zukorlić imposed itself as a strong political factor in Sandzak. In 2006 were also reported incidents caused by the militant Vehabits. Mufti Zukorlić and the official Islamic Community of Sandžak tried to neutralize the influence of militant Vehabits, whose membership is still small, but whose actions and presence are very much felt in the region.

Sandžak and Independence of Montenegro

At the end of the First Balkans War, in 1912, Sandžak, formerly part of the Ottoman Empire, became part of the then independent monarchies of Serbia and Montenegro. Sandžak's division saw Serbia encompass 6 Sandžak

municipalities (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varoš), and Montenegro five of them (Bijelo Polje, Rožaje, Plav, Pljevlja i Berane). Region of Sandzak has never enjoyed any special status or any kind of autonomy either in the former Yugoslavia or in the territorial division of Serbia and Montenegro. However, Bosniaks of Sandzak, notably those in the Serb part, have always had strong feelings of regional appertaining. According to the 2002 census held in Serbia population of the Serb part of Sandzak amounted to 235,567 people. Of that total number, 132,350 are Bosniaks, or Muslims, 89,396 are Serbs, while other 5,000 people belong to other ethnicities. In the whole Republic of Serbia there are 136,087 Bosniaks and 19,503 Muslims, who make up 2% of the total population of Serbia. It is interesting to note that Bosniaks in Sandžak nearly unanimously responded to appeals of their cultural and political organizations to declare their nationality as Bosniak, and their mother tongue as Bosniak. In other parts of Serbia the terms Bosniak and Bosniak language did not gain wide currency. In Belgrade only 1,188 people declared themselves as Bosniaks, and 4,617 as Muslims. In Vojvodina, according to the 2002 census results, only 417 persons declared themselves as Bosniaks and 3,634 as Muslims.

With only 2% share in total population of Serbia, Bosniaks do not represent an important political force, but in Montenegro the situation in that regard is quite different. Bosniaks in Montenegro are the third largest people. Of total of 672,656 citizens of the Republic, Montenegrins make up 40.64% of its population (273,366), Serbs make up 30.01% (201,892), Bosniaks 9.41% (63,272), Albanians 7.09% (47,682), and Muslims 4.27% (28,714). In Montenegro intellectual and political elite of Bosniak people grew divided over the term Bosniak, but ultimately the majority accepted that term. Montenegro was much more successful than Serbia in incorporating "its" Bosniaks -Muslims into institutions of the system. With the above success must be above all credited the former Montenegrin President Milo Đukanović, who at the very outset of his conflict with Slobodan Milošević, managed to lure members of minorities into the ranks of his party. Thus Bosniak-Muslims were elected to high offices in the Montenegrin authorities, while large part of Democratic Party of Socialists simply forgot tragic developments from the beginning of war in Bosnia and Herzegovina, when hundreds of Bosniaks, who had fled to Montenegro, were arrested and handed over to the Republika Srpska army. The incumbent frontmen of the Montenegrin police blame for the said incidents the late Pavle Bulatović, the then Interior Minister and a close aide of Momir Bulatović.

In view of different stands on the most numerous peoples of Montenegro, that is Serbs and Montenegrins on the issue of state status, it was clear that stands of Bosniaks, like those of members of other ethnic minorities, would have a crucial impact on the outcome of referendum on status of Montenegro. Hence a visible pandering of Podgorica and Belgrade to

Montenegrin Bosniaks. As expected advocates of independence were more successful in that pandering campaign, and consequently Bosniaks in the Montenegrin part of Sandzak overwhelmingly voted for independence. Belgrade tasked Ugljanin's PDA to win over Bosniaks to vote against independence, despite the fact that Ugljanin and his party wielded no influence among Montenegrin Bosniaks. Stand on the state union of Serbia and Montenegro was one of the key reasons of closing of ranks between PDA and Kostunica's DPS. On the other hand Rasim Ljajić rejected the official offer of government of Serbia to more actively commit himself to "struggle" for survival of the state union by mounting a strong NO campaign in the Montenegrin part of Sandzak. That Belgrade's offer was however accepted by Ugljanin. The foregoing along with the fact that the survival of the Belgrade government hinged on two Ugljanin's MPs in Parliament of Serbia, had a crucial impact on signing of a PDA and DPS coalition in fall 2005.

In early 2006 rumors circulated Montenegro-wide that Northern Montenegro and Novi Pazar were toured by envoys from Belgrade tasked with persuading the locals, notably Bosniaks and Muslim not to vote for breaking up of the state union of Serbia and Montenegro. The said activities of Belgrade envoys were first disclosed at Prime Minister Djukanovic press conference. He then also vocally demanded a stricter control of the Montenegrin secret police during the referendum. Đukanović then also confirmed readiness to effectuate such kind of control but "in conformity with Montenegrin laws and international practice....for Montenegro shall act in that regard as other states do. It is noteworthy that a hue and cry against the secret police was raised by those who disregard the work of other, neighboring secret services. They have somehow failed to protest against the workings of neighboring Military-Security Agency in the cabinet of Montenegrin Metropolitan Amfilohije or against the activities of certain Belgrade services in Sandzak aimed at transplanting that Bosniak-Muslim idea on the Rozaje tissue."¹

Official Belgrade totally disregarded Djukanovic's accusations, while representatives of Bosniak parties from the Serb part of Sandzak did their utmost to prove that they were only bent on voicing their stands, and not interfering into internal affairs of Montenegro. In explaining the stance of Ugljanin's *List for Sandžak*, Bajram Omeragić, MP and President of the newly-founded Council for Equitable Economic Development of government of Serbia, underscored that the survival of the state union was in the interest of Bosniaks: "Survival of the state union of Serbia and Montenegro is in the interest of European future of Serbia and Montenegro, as well as in the interest of Bosniaks in both states. Hence we shall call on all Bosniaks to vote against the independence of Montenegro. Unfortunately the voice of our fellow-

¹ *Danas*, 14-15 January 2006

nationals is not now heard in the Montenegrin media, while Albanians, who are less numerous in Montenegro, have much more rights.”²

Survival of Serbia and Montenegro was officially backed by Rasim Ljajić, but he nonetheless refused to take part in the propaganda campaign and in the *Movement for Joint European Serbia and Montenegro*, whose most prominent members were academicians Ljubomir Tadić and Matija Bećković, and also former Prime Minister of the Federal Republic of Yugoslavia, Zoran Lilic. Ugljanin's political organization orchestrated the pro-state union campaign in Montenegro via the Bosniak National Council, which accordingly staged various cultural and political manifestations to that end. In the Montenegrin part of Sandžak the *Block for Unified Sandžak and Common State of Serbia and Montenegro* was set up, but it had no clout whatsoever. On the eve of referendum, on the 13th May in Rožaje, the majority Bosniak municipality in the Montenegrin part of Sandzak, a pro-state union rally was held. The principal speakers at the rally were the then frontman of PNM and Block for the Common State, Predrag Bulatovic and Co-coordinator of the Block for Unified Sandžak and common state of Serbia and Montenegro, Erdžan Fetahović. However, such appeals to Bosniaks came to nothing. Rožaje's population voted overwhelmingly for independence of Montenegro, and according to unofficial estimates, about 90% of Bosniaks in the Montenegrin part of Sandzak backed independence of Montenegro.

New Constitution and Sandžak

In contrast to Bosniaks in the Montenegrin part of Sandzak, who showed more interest and unity in regard of the issue of status of Montenegro, their fellow-nationals in the Serb part did not ponder in the least the new Serb constitution adopted in late 2006. By and large lesser Bosniaks parties in recent years focused on the status of region, status of Bosniaks, and constitutional-territorial position of the region in the newly-emerged situation. Fevzija Muric's *Party for Sandžak* was among the parties who raised the said issue. In March 2006, at the annual conference at that party, a Declaration was adopted. That Declaration, inter alia, laid down the following: “If the state union of Serbia and Montenegro survives after the Montenegrin referendum, Sandzak with 6 municipalities in Serbia and 5 in Montenegro, should become a distinct political-territorial unit within the framework of that union.” The position of that party was the following: “In case of separation between Serbia and Montenegro and their international recognition, Sandžak must survive as a cross-border political-territorial unit.” President of Party for Sandzak, Fevzija Muric, accused the Belgrade and Podgorica authorities for “the still unresolved status of Bosniaks and Sandzak”, but also blamed for the foregoing “Bosniak

² *Vecernje novosti*, 13 January 2006

political leaders, who squabble instead of reaching a consensus on the minimum political demands of their people.”³

The following month the youngest coalition of Bosniak parties made up of *Sandžak Democratic Union*, *Sandžak Alternative and Popular Movement of Sandžak*, staged the congress of Sandžak Bosniaks, at which they demanded regional autonomy on the basis of the October 1991 referendum, and adopted a declaration demanding wholeness and not division of Sandzak, and granting of status of people to Bosniaks. The text of declaration also spelled out that: “if anyone adopts an act on secession of Sandzak, Bosniak people would not recognize that act and would oppose it with all the means available.” It also noted that “borders of Sandžak were recognized at the 1943 AVNOJ session.” The said declaration also proclaimed that “Bosniaks shall thus be reinstated status of people, of which they were stripped by the FRY Constitution.” Participants in the Bosniak Congress were representatives of the EU Monitoring Mission, of the Embassy of Slovenia in the State Union of Serbia and Montenegro, of Union of Sandzak Diaspora, as well as several guests from Bosnia and Herzegovina, including Omer Behmen, a high official of PDA of Bosnia and Herzegovina.⁴ Representatives of Ugljanin's Coalition List for Sandžak and Ljajić's SDP stayed away from the congress. They maintained that the congress was no importance, for its organizers held no sway among Bosniaks.

When the talks on the new Constitution of Serbia began, Party for Sandžak adopted framework proposals of thesis for elaboration of the supreme legal act of the state. Those proposals were related to the chapters of general provisions, rights and liberties of national communities, and territorial organization.

The basic proposal of PFS was that Sandžak be proclaimed a political-territorial unit within the framework of Serbia and Novi Pazar its political and cultural centre. It was also proposed that Serbia be arranged as an union of political-territorial units as forms of territorial organization encompassing several municipalities with akin geographic, political, economic, social, cultural, linguistic characteristics. Self-rule would presuppose participation of representatives of national minorities in governance and administration, in proportion with their national representation and the unit's needs. Party for Sandzak also suggested that the constitution clearly defined and regulated the rights of minorities and ethnic communities to property and manifestation of their symbols, to education, formation of scientific, educational and cultural institutions, and media, and to founding of economic, cultural, social, religious and humanitarian institutions and organizations, and to establishing links with their domicile states. Party for Sandzak opined that the constitution should

³ *Politika*, 13 March 2006

⁴ *Politika*, 3 April 2006

regulate the right of minorities to administration and exploitation of natural resources, then the right to taxation in keeping with legal regulations in force, and finally that the judiciary and police had to reflect the national set-up of population of a political-territorial unit.⁵

When the draft constitution was adopted, Bosniak parties grew divided over the proposed document. *Coalition List for Sandžak*, member of the ruling coalition in Belgrade and its MP Bajram Omeragic, a member of the parliamentary Committee for Constitutional Questions, called on citizens to take part in the referendum and say YES to the new constitutional solutions, for, according to their assessment, "the new constitution creates conditions for development of Sandžak region.". *List for Sandžak* expressed its satisfaction with the degree of envisaged human and minority rights guaranteed by the supreme legal act of Serbia. During Prime Minister Kostunica's visit to Novi Pazar in October 2006, the republican prime minister and president of municipality of Novi Pazar, Sulejman Ugljanin,⁶ jointly called on citizens to approve the new constitution.

Party for Sandžak opted for an active boycott of referendum. According to PS Deputy President, Azem Hajdarević, the party thus wanted to show that Bosniak people were not ignorant, and that various kinds of authorities could not deceive them for ever. Hajdarevic was of the following opinion: "Defining Serbia as the state of the Serb people irritates all minority communities, including the Bosniak one, and the new constitution represents continuity and not discontinuity with the previous one, contrary to its portrayal by the incumbent authorities. The said continuity is best manifested in perpetuation of centralization of power." The Bosniak Coalition, comprising Sandzak Alternative and Sandzak Democratic Union, called on its members and other citizens to boycott the referendum. One of the coalition leaders, Tarik Imamović, was of the opinion that some solutions of the new Constitution of Serbia "disregard needs of Bosniaks."⁷ Those Bosniak parties like Ljaljic's SDP criticized Belgrade for failing to include representatives of Bosniaks in drafting of Constitution. SDP had many objections to the document, but did not call on citizens to boycott the referendum.

Islamic Community of Sandžak took to task republican authorities for turning a deaf ear to demands of several Sandzak parties to discuss constitutional solutions with Bosniak representatives. At the initiative of *Congregation of Islamic Community*, Mufti Zukorlić in mid-October convened a

⁵ *Danas*, 4 July 2006

⁶ Ugljanin's call to citizens to vote in the referendum: " Dress nicely and go to the referendum in a good mood, united and happy, and give your vote to the new Constitution of Serbia, for that new constitution of Serbia guarantees civil, minority, and human rights and represents a definite break up with terrible Milosevic's past." *Sanjak News*, 27 October 2006

⁷ *Danas*, 16 October 2006

meeting of all Bosniak parties at which they took a united stand on the proposed Constitution. However, Ugljanin's List for Sandžak was the most prominent absentee from the meeting. Five Bosniak parties then adopted a Declaration which spelled out major objections to the draft constitution and was critical of the government for failing to consult them during the drafting process. However a joint call for the referendum boycott did not materialize. According to the official data, the referendum turn-out was a record one in the majority Bosniak municipalities. However independent observers voiced their doubts about the reliability of such data.

Those doubts however were not translated into official stands or complaints. Thus everything was reduced to unofficial statements that ballot boxes at some polling stations were full of ballot papers, while none of them had a name of any voter and that the number of signatures on electoral lists and ticked off names of voters did not correspond to the number of ballot papers. According to the final results of municipal electoral commissions in Novi Pazar, Sjenica and Tutin, 60% of citizens voted in the constitution-related referendum, and an overwhelming majority of them favored the adoption of the new constitution. In Novi Pazar of 69,983 registered voters, 59% took part in the referendum and 98% of them voted in favor of the new Constitution. In Tutin 62% of registered citizens voted, and also 98% approved the new Constitution. In Sjenica 58.48 % of citizens cast their ballots, whereby 96.98% of them favored the promulgation of the new Constitution. It is interesting to note that the turn-out in Sjenica till 13 p.m of the second day of referendum was only 15.57 %.⁸

Intra-Bosniak Conflicts

In 2006 Bosniaks in the Serb part of Sandzak were more concerned with the strife between members and supporters of the PDA and PDS than in the issues of status of Montenegro and Constitution of Serbia. Rivalry between Sulejman Ugljanin and Rasim Ljajić, dating back to the mid-90's, peaked in 2006. Several cases of physical and armed showdowns were reported as well incidents involving planting and blowing up of explosive devices. Several persons fell victims to such incidents. Ruždija Durović, candidate for PDA assemblyman was killed on the 10th September, on the very day of local elections in Novi Pazar, while Zumreta Hajrović died of consequences of wounds sustained when the bomb, thrown into her house, exploded. Her husband and sons are PDA activists. Police arrested several persons suspected of being responsible for those incidents. In the course of 2005 in Sandžak, and notably in Novi Pazar, relations between PDA and PDS were strained. At 2004 local elections Sulejman Ugljanin won the post of president of municipality,

⁸ *Danas*, 30 October

but lost the majority in municipal assembly. Hence the local rule was won by PDS-led coalition. Since cohabitation between the assembly majority and Ugljanin was not feasible, the local self-rule was in fact blocked. Initially government of Serbia was more inclined towards Ljaljic's PDS, and consequently did not contest the municipal majority decisions, despite Ugljanin's demands. In parallel, DŠ assemblymen also backed the PDS majority. But the U turn in the official policy on Novi Pazar came about after the signing of PDA and DŠ coalition agreement.

In late 2005 dismissal of Ljajic's cadres and naming of Ugljanin's began. Moreover assemblymen of DŠ bolted from the coalition ruling the Novi Pazar municipal assembly. The ruling coalition continued somehow to function, and in early April 2006, the majority of municipal assemblymen launched an initiative for dismissal of Ugljanin from the post of municipal president. The initiative was justified by Ugljanin's alleged blockade of local bodies and his misuse of several million Euro by unlawful dealings during his long-time administration of municipality. Ugljanin's backlash consisted in demand of his party that the municipal assembly be dissolved and temporary measures be introduced.

Government of Serbia dissolved municipal assembly of Novi Pazar in early April. The media and larger part of opposition parties linked that move to an earlier municipal decision to start the proceedings of dismissal of municipal president Sulejman Ugljanin. Dismissal-related referendum was scheduled for the 14th May, but Kostunica, in a bid to save his coalition partner, had previously imposed temporary measures. Zoran Loncar, Minister for Local Self-Rule, rejected such allegations by underscoring that the said measures were introduced in conformity with the law and due to the blockade of work of municipal assembly. The former president of municipal assembly, Azem Hajdarević, Vice President of Party for Sandžak stated that "the government for the sake of its survival made a terrible mistake and violated the laws." He furthermore cautioned that "the decision shall affect referendum in Montenegro, for the local Bosniaks there shall see this as a bad signal from Belgrade".⁹ Human and Minority Rights Minister of Serbia and Montenegro and President of PDS Rasim Ljajić qualified the introduction of interim measures as a legal and political violence, for which the government of Serbia was entirely to be blamed. Ljajić also warned that the said move could generate further radicalization of political conditions in Sandžak. According to Ljajic, "this was yet another proof of wheeling and dealing of the Serb Parliament."¹⁰ Ljajic then handed in his resignation, only to withdraw it after talks with Kostunica. Thus he remained President of Coordinating Body for South Serbia.

⁹ *Danas*, 8-9 April 2006

¹⁰ *Danas*, 8-9 April 2006

First some Bosniak parties, and later Democratic Party, Social-Democratic Party and the ruling Serb Renewal Movement and G17 Plus criticized introduction of extraordinary measures in Novi Pazar municipal assembly. The then leader of G17 Plus and vice president of the Serb government, Miroljub Labus, assessed that the republican authorities took a scandalous decision and underscored his opposition to it: "Government of Serbia should not interfere into a sensitive area in which two large parties exist." At the session of the main committee of G17 he sent the following message: "We don't intend at all to become members of an interim council to be formed after dissolution of municipal assembly of Novi Pazar".¹¹

After the dismissal decision was made public, a Molotov cocktail was thrown onto the PDA seat and windshield and side windows were broken on a car with Belgrade license plates and of a regional TV vehicle. List for Sandžak blamed PDS for the incidents, but the party denied those accusations. Several days later, a bomb exploded in front of the Novi Pazar municipality building, and List for Sandžak accused Party for Sandžak, whose offices were in the vicinity, of being behind the incident. Fevzija Murić, President of Party for Sandžak strongly denied those accusations. A day or two later a bomb was thrown onto the family house of Fevzija Murić.

Because of the then incidents in Novi Pazar Union of Associations and NGOs "Sandžak" accused the Serb Radical Party of "participating in terrorist actions in the shape of showdowns between the Muslim-Bosniak parties". Novi Sad branch of SRS then issued a communiqué in which they maintained that "in 1991-1995 period we had been the party to be most credited for preservation of peace in the region, while those who are criticizing us now, had been priming for an armed struggle in Sandžak." In the communiqué it was also clearly spelled out that "our party shall not get embroiled into the showdown between the Muslim-Bosniak parties." *Sandžak Committee for Protection of Human Rights and Sandžak Intellectual Circle* in their joint communiqué called on the police to find the incident perpetrators and on citizens to preserve peace and dignity.¹²

Referendum and Local Elections

Appeal of NGOs did not have any effect, and run-ins and incidents continued. Municipal electoral commission set up by the assembly majority before its dissolution, decided to hold the referendum for dismissal of municipal president Sulejman Ugljanin as previously scheduled, on the 14th of May. The government, after the disbanding of municipal assembly, set up an interim body which appointed the second municipal electoral commission.

¹¹ *Danas*, 10 April 2006

¹² *Danas*, 15-16 April 2006

That new municipal electoral commission re-scheduled the referendum for the 25th of June. Five-member interim body of municipality of Novi Pazar, appointed by the government of Serbia, became officially operational in late April. Its members were Zekirija Dugopoljac, president, Dr. Dževa Memić and Ahmedin Škrijelj from coalition List for Sandžak, Radomirka Rajović (DŠ) and Vujica Tiosavljević (NS). At the first session the first changes in cadres were made, and a new, 9-member municipal council was elected. Its members were elected from the ranks of the ruling coalition made up of List for Sandžak, DŠ and NS. Minister for the State Self-Rule and Local Administration Zoran Lončar stated that he agreed with the decision to postpone the referendum in Novi Pazar. At the press conference he acknowledged the following: "That is my political stand. Competent bodies shall decide whether it is lawful or not." He also assessed that the two options should urgently reach a political consensus.¹³ Government organized a meeting between representatives of PDA and DPS with a view of making them reach an agreement on the holding of referendum and local elections. But the said agreement was not reached. The two sides then accused each other for that failure.

In view of the entrenched and contrary stands of the two parties, the two referendums relating to dismissal of Ugljanin had to be held. The first one was staged on the 14th of May by the municipal electoral commission of the replaced assembly majority, and the second one by the new municipal electoral commission of the caretaker administration. In the first referendum citizens convincingly voted for dismissal of Ugljanin, while in the second one they as convincingly voted for retaining Ugljanin as the municipal president. The official Belgrade recognized only results of the June referendum. President of the electoral commission which organized the 14th May referendum Ešref Rahić stated that of 69,248 registered voters, 21,188 or 30.6% participated in the referendum. 20,833 or 98.3% voted in favor of Ugljanin's dismissal. After the May referendum Rasim Ljajić stated that Sulejman Ugljanin was "a political past of Sandžak since the majority of voters replaced him."¹⁴ List for Sandžak labeled that referendum as "a political circus."

According to the president of the new municipal electoral commission, Zejnepa Kavrajić, in the June referendum voted 30,070 citizens, of whom, 29,017 were against the dismissal of Ugljanin. Rasim Ljajić called that referendum "a total political farce", and added that "its results were doctored and thus invalid." He also pointed out that 11,000, and not 30,000 people voted in the referendum. At the SPD press conference a video recording of a citizen allegedly voting instead of members of his family was shown.¹⁵ *List for Sandžak*

¹³ *Danas*, 9 May 2006

¹⁴ *Danas*, 15 May 2006

¹⁵ *Danas*, 28 June 2006

assessed the referendum results as yet another confirmation of the citizens' support to their policy and leader.

At snap local elections held in Novi Pazar on 10 September, voted 36,268 of a total of 60,989 voters. *List for Sandžak* won convincingly enough, by garnering 27 of a total of 47 seats. Coalition Together for Novi Pazar - DPS-DP-G17 Plus Dr. Mirsad Đerlek won 12 seats, coalition DŠ-NS won four seats and LDP and coalition SR-SPS won two seats each. Voting was overshadowed by an incident at a polling station, when a verbal skirmish turned into an armed showdown between members of the PDA and DPS. Ruždija Durović was killed, and his cousin Sulejman Durović was wounded. After incident, fearing retaliation, Ljajić withdrew his members from the electoral committees. Party for Sandžak followed suit. Ljajić then also stated that such a tragic outcome was to be expected in view of the reigning mood of tension. He pointed out that he had been cautioning against lawlessness for over a month and added: "For a month now president of electoral commission from Ugljanin's partner toured every day polling stations with her armed escort made up of criminals, threatened and intimidated people. The elections were a life or death issue for Ugljanin and his party." In view of that, according to Ljajić, the plan of List for Sandžak (Sulejman Ugljanin) was to disrupt the elections in places traditionally won by Democratic Party of Sandžak.¹⁶

President of municipality of Novi Pazar, Sulejman Ugljanin, accused DPS leader Ljajić of being responsible for Durović's murder, for "he is arrogant and brazen, and he announced such a terrible development during his pre-election campaign." Ugljanin also said that the Sandžak Mufti Muamer Zukorlić "added fuel to the fire by disseminating misinformation." Ugljanin called on citizens to remain tolerant and peaceful and to trust him and the government of Serbia.¹⁷ Because of the incident the OSCE voiced its concern as did President Boris Tadić and the government of Serbia. Justice Minister Zoran Stojković was of opinion that "elections in Novi Pazar were clearly legal and free, whereas the killing of contender for the post of assemblyman resulted from dirty and harsh words of some parties bent on provoking conflicts and divisions".¹⁸ *Bosniak National Council* asked Boris Tadić, President of Serbia and Democratic party to voice his reservations about his coalition partner DPS and thus help clarify the killing of Ruždija Durović which deeply shocked all Bosniaks and citizens of Novi Pazar." In its statement that body also cited that it would demand the Constitutional Court probe into Ljajić's and DPS activities "because of their use of political violence as an impermissible instrument in the political struggle".¹⁹

¹⁶ *Blic*, 11 September 2006

¹⁷ *Danas*, 12 September 2006

¹⁸ *Politika*, 12 September 2006

¹⁹ *Politika*, 13 September 2006

Ramiz Crnišanim, co-president of Federal Electoral Commission, on behalf of Sandžak Intellectual Circle stated that he would ask Prime Minister Vojislav Koštunica and President of Serbia Boris Tadić to impose a ten-year long ban on all activities of Bosniak parties in Serbia." He explained that "there were constitutional grounds for such a ban, for those parties resort to violence in politics, they use underage youths in their political games and amply resort to hate and intolerance speech. By and large Bosniak parties have developed an unprecedented level of intra-Bosniak intolerance."²⁰

Police in Novi Pazar arrested Ertan Gegić (32) and Ismet Derdemet (26), both denizens of Novi Pazar, on reasonable doubt that they have participated in the murder of DPS activist Ruždija Durović and the wounding of Sulejman Durović. Warrant for the arrest of Sead Papić (32), the third suspected killer, was also issued. Charges were filed against the three aforementioned persons. Many denizens of Novi Pazar maintained that they were supporters of Democratic Party of Sandzak. Several days later shots were fired at the house of DPS activist, Dzemail Plojović, in Novi Pazar. DPS blamed List for Sandžak for the incident, but the latter rebutted those accusations and instead alleged that "the incident was stage-managed in order to launch a smear campaign against our Coalition."²¹

In mid-November a bomb was thrown onto Hajrovic family house. In the explosion Mahmut Hajrović was lightly wounded, while his wife, who had sustained grievous injuries, died several weeks later. However suspected perpetrator was arrested and charges were filed against him. He was allegedly a supporter of DPS. After that bomb attack, with a view to calming down Bosniaks and letting up tensions, several initiatives to arrange a meeting between Ugljanin, Ljajić and Mufti Zukorlić were launched. Although officially all three of them backed such an idea, that meeting has never materialized. Ljajić invited Ugljanin and Mufti Zukorlić to a meeting, but then Ugljanin, in his capacity of President of the Bosniak National Council convened a meeting and invited Ljajić and Zukorlić to attend it. But the two key protagonists of Sandzak political scene turned down Ugljanin's invitation, branding it "Ugljanin's political show."

It is noteworthy that in the nearby Sjenica the referendum for dismissal of municipal president, dissolution of municipal assembly and snap elections were incident-free. Referendum on dismissal of municipal president Esad Zornić (DPS), was held in Sjenica in late September at the initiative of the List for Sandžak. However Zornić was not replaced, and at the snap elections, no party won an absolute majority in the local municipal assembly. But *List for Sandžak* managed to form the majority thanks to the support of the Serb assemblyman from the ruling coalition. Despite an evident miscommunication

²⁰ *Danas*, 13 September 2006

²¹ *Politika*, 15. September 2006

between Zornić and the assembly majority, no serious incident was reported in Sjenica. Different nature of developments in Novi Pazar and Sjenica may be interpreted by different positions of the two municipalities. Novi Pazar, as the largest town is the unofficial, attention-attracting centre of Sandžak. During the referendum and election campaigns Novi Pazar was frequently visited by numerous Serb ministers, mostly in support of Ugljanin. However some visiting ministers, members of G 17 Plus, extended their support to Ljajić.

Bosniak National Council

One of organizations which also reflected conflict between Ljajić and Ugljanin was the *National Council of the Bosniak National Community* or the *Bosniak National Council*, as this body is called in Sandžak. In September 2003 assembly elections held in Novi Pazar, 203 electors elected a 35-member National Council of Bosniaks. Sulejman Ugljanin, the incumbent leader of the Bosniak (earlier, Muslim) National Council of Sandzak, organization founded in the early 90's with a view to unifying political and social organizations of Sandzak Bosniaks, was elected president of the newly-formed body. Esad Dzudzevic, was elected president of the Executive Committee of the National Council of Bosniaks. Electors were representatives of local self-administrations, parties and association of citizens under influence of Ugljanin's PDA, while other parties boycotted that assembly. National Council of Bosniaks was elected on the basis of the Act on Protection of Rights of Ethnic Minorities of the former FRY and aimed to represent Bosniaks from both Republics. In Montenegro that body never became fully operational, and its activities were reduced to staging of literary evenings and cultural manifestations. Under the law national councils represent ethnic minorities before the state bodies and their primary task is to preserve cultural identity and boost education of members of minorities.

After his election for the Bosniak National Council, Ugljanin stated that the election of National Council was "the fruit of decade-long labor of Bosniaks and Bosniak parties." He underscored that the election of National Council would be beneficial not only for the Bosniaks, but also for the state: "State bodies thus get legitimate representatives of Bosniak people empowered to participate in further democratization and Bosniaks get people empowered to represent their interests in many areas of vital interests." He promised that the "Council would continue to do what the Bosniak National Council of Sandžak (BNCS) had been doing in the past 12 years".

Sandžak Democratic Party, *Party for Sandžak*, like the then existing *Liberal Bosniak Organization* of Kasim Zoranić boycotted the elections of the *National Council* for "political and legal conditions for elections of this institution were not mature due to Montenegro's refusal to accept the Act, adopted in the FRY Parliament without MPs of Democratic Party of Socialists.

Both protagonists accused the *List for Sandžak* of misusing the election of *National Council*, by putting the personal and party interests above the national ones. With the backing of 9 NGOs the parties which had boycotted the election of *National Council*, several days before the elections, at a meeting held in Novi Pazar adopted the *Declaration of the Minimum of Bosniak Interests*. Declaration urged the resolution of status of the Bosniak community in Serbia and Montenegro and in Sandzak as a region with Novi Pazar as its political, cultural and economic centre.

In recent years, the Bosniak National Council, determined national symbols and Bosniak holidays. Bosniak flag is white with the coat-of-arms consisting of three lilies and three crescent moons on a blue, that is, green backdrop. The BNC decision clarified that the presence of lilies on the blue backdrop and crescents on the green backdrop symbolized European origins and Islamic faith of Bosniaks. The following days were determined as national holidays: 11 May-Day of the Bosniak National Flag, celebrating the founding of the Bosniak (then Muslim) National Council of Sandzak in 1991 in Novi Pazar, then Ramadan Bairam (three days), Kurban Bairam (three days) and 20th November -Day of Sandžak, celebrating the founding of the Anti-Fascist Council of People's Liberation of Sandžak in 1943, in Pljevlje. Bosniak national awards and important dates from the national history of Bosniak people were determined too. The said decision of the BNC irritated some Serb nationalistic parties, but general mood remained calm, because they had been taken in keeping with the law. Bosniak National Council was actively involved in preparation of textbooks for optional classes of Bosniak language and culture in primary schools. That was done in co-operation with the Serb Education Ministry. However Educational Committee of the Serb Parliament tried to thwart introduction of Bosniak language in schools in Serbia. But they failed in their intent because the *Act on Protection of Rights of Ethnic Minorities* expressly allows the official use of minorities languages.

When Ugljanin lost the majority in local municipal assemblies, DPS and the akin parties launched an initiative for the election of new assemblymen of the Bosniak National Council. Emergency electoral assembly scheduled for the 3rd September 2005 in Prijepolje, was later called off. BNC stated that the initiative failed because the number of collected signatures was not sufficient to underpin the convening of the Electoral Assembly. Rumor had it that Kostunica suggested to Ljajić to stop the quest for Ugljanin's dismissal from the post of president of the Bosniak National Council. After elections held on 21st of January 2007, DPS called on Ugljanin to convene the electoral assembly for the sake of calling new BNC elections since "on the level of the whole region List for Sandzak lost the majority, and most votes were garnered by the DP list which also included the names of candidates of *Sandžak Democratic Party*."

Member of DPS Presidency Meho Mahmutović stated that „ the National Council of Bosniaks cannot be ruled only by Ugljanin's collaborators from the PDA, notably so now, when they have lost the majority support of Bosniaks. That body should be composed of representatives of all parties, NGOs and prominent individuals“.²²

Growing Influence of the Islamic Religious Community and Religious Incidents

Last year, the *Islamic Community of Sandžak*, headed by Mufti Muamer Zukorlić, became an important political and social factor in the region. This should not come as a surprise in view of the importance attached to the Islamic faith by Sandzak citizens of that religious denomination. For Muslims Islam is not only a faith embracing a host of religious dogmas, but rather the way of life. In that regard Bosniaks in Sandzak are no exception. At the outset of the Yugoslav crisis religious organizations and religions in general gained ground in the area. Croats and Serbs increasingly started turning to their religion, as did the Bosniaks. War in Bosnia and atrocities committed against the Muslim population only strengthened Muslim faith among the Bosniak population. Muslims in the region also showed greater solidarity towards their fellow-faithfuls in the world. Thus in early February Novi Pazar was also the scene of protest against insulting caricatures of Prophet Muhammad ran by a Danish newspapers and by press of some Western countries. Over 2,000 Muslim faithfuls rallied in downtown Novi Pazar in the sign of protest against those caricatures. One of speakers tried to get across the following message: "We want in a peaceful and dignified way to show that Islam signifies peace and that we are ready to defend our faith by dint of Muslim language and lifestyle." Flags of Denmark, Croatia and Israel were torched, while the crowd shouted Allah Akbar. Most prominent members of the Islamic Community and leading politicians, stayed away from that event. Though they backed the protest, they criticized the flag torching. Names of protest organizers were never disclosed.²³ Israeli attack on Lebanon was condemned by all Sandžak parties, the Islamic Community and local NGOs. The most vocal in public criticism of the Israeli army crimes was Rasim Ljajić, leader of DPS. That incursion into Lebanon was also criticized by the *Islamic Community of Sandžak*, while several NGOs initiated the signing of the petition against the attack on Lebanon.

Disintegration of Yugoslavia was followed by disintegration of the then unique Islamic Community. Subsequently in the former Yugoslav republics Islamic communities at different levels and with different mutual ties

²² *FoNet*, 25. January 2007.

²³ *Danas*, 12February 2006

were founded. Since the inception of the Islamic Community of Sandžak at its helm was Muamer Zukorlić (1969), who finished the highest religious schools in Algeria. In 2006 conflict between Mufti Zukorlić and Sulejman Ugljanin peaked by mutual filing of criminal charges and Ugljanin's appeal to Meshihat to replace the Mufti (flatly refused by Meshihat, which subsequently fully backed Mufti) and to the faithfuls to stop recognizing Zukorlić as a Mufti. Ugljanin proper stated that he no longer recognized Zukorlić as a Mufti and his *Islamic Community*. That long-simmering conflict peaked after the September rally of the *List for Sandžak* on the eve of local elections in Novi Pazar. Islamic Community accused Ugljanin's followers of raiding the building of the Islamic Faculty under reconstruction and demolishing its premises. Then in all mosques a communiqué relating to the incident was read. It deeply shocked many Muslims. Ugljanin rebutted Mufti's claims and filed charges against Zukorlić and his deputy Mevludin Dudić "for spreading misinformation." Several weeks later the court dismissed those charges. Then the *List for Sandžak* and the *Bosniak National Council*, also headed by Ugljanin, accused the Mufti of politicizing the Islamic Community, of supporting Ljajić and of being behind the religious and political incidents in Novi Pazar. Both organizations broke off their co-operation with the Islamic Community and Zukorlić, whom they called "self-styled Mufti". On the other hand Zukorlić stopped collaborating with the local, regional TV, on grounds of the latter's "role in disseminating misinformation about the Islamic community and becoming a mere propaganda tool in Ugljanin's hands."

Zukorlić asserted that "Sulejman Ugljanin was responsible for a decade of negative developments in Novi Pazar, for he was bent on installing undiversified mind-set in Sandžak. But while he was without Belgrade partners, he dared not admit it publicly. Now he thinks that he is strong enough. In the electoral procedure he showed that he could neutralize all his political contenders. If he scores a regular victory, then he says that he has routed them, and when he fails to win regularly, he enlists criminals to produce incidents and thus provide him with an opportunity to engineer a kind of his personal victory." He accused Ugljanin of politically misusing the funeral of Ruždija Durović, killed on the election day, for "Ugljanin wants a total control over the Islamic Community and to morph it into his own political service ensuring his life-long political survival." Added to that he accused the government for radicalization of political situation in Sandžak: "Government should elevate its position to the level of interests of the region and its people, instead of taking care only of interests of one political grouping."²⁴ In early October the city inspection teams tried to pull down partition walls and stop renovation of the building of the Islamic Faculty, but several hundred faithfuls and Imam staged a protest rally in the city centre and thus managed

²⁴ *Blic*, 13 September 2006

to foil that action. The crowd was addressed by Mufti Zukorlić who accused the municipality of trying to seize the Islamic Community property. In November the Islamic Faculty in that building was officially opened, while local DPS officials accused the Mufti of unlawfully appropriating the building of the former department store Grmija. In the pre-WW2 period that building had belonged to the Islamic Community, but after the war, by a Communist Party decree it was nationalized. Islamic Community after the adoption of the *Act on Restitution of Property to Religious Communities* demanded restitution of that building, which in the meantime was bought by a private trading house. After several weeks long negotiations with buyers, the Sandzak Mufti reached with them an agreement on joint utilization of the building considered among the most valuable ones in Novi Pazar. .

Though he managed to open the Islamic Faculty and preserve the University, of which he is rector, Mufti Zukorlić to date had no luck in unification of Islamic Communities in the territory of Serbia. Last fall Congregation of the Islamic Community of Sandžak officially launched an initiative for unification of the four Islamic communities currently existing in Serbia. Their seats are in Novi Pazar, Belgrade, Preševo and Novi Sad. In that regard Zukorlić made the following statement: "Our platform presented to other Islamic communities outside Sandžak, is based on our conviction that we need a unified Islamic Community. Added to that we believe that putting in place a horizontal, rather than a vertical organization of a kind is quite feasible. Such a community would encompass four regions, Sandžak, Central Serbia, Presevo Valley and Vojvodina, with a very high degree of administrative, financial and other autonomy, along with a possibility to have representative bodies on the regional level, and also some administrative bodies in keeping with the needs of those regional communities. Our platform clearly spells out our orientation to have at the level of Islamic Community of Serbia both Meshihat and congregation." However Zukorlić admitted that "in that regard there were some disagreements with Belgrade." The seat of thus unified Islamic Community would be both in Novi Pazar and Belgrade.²⁵

The story about formation of a unified Islamic Community of Serbia has been circulating for years, and as early as in 2003, during the tenure of Prime Minister Zoran Živković, Zukorlić asked the then government to back his initiative. But then like now the main hurdle was the Belgrade Islamic Community which several years ago formally registered the Islamic Community of Belgrade. Mufti Hamdija Jusufpahić is at the helm of the registered Islamic Community of Serbia, which powers do not go beyond Belgrade and parts of Central Serbia. Jusufpahić's son and deputy Muhamed after talks with the Sandzak Mufti, disclosed his many objections to the SIC proposal. Delegation of Meshihat of the Islamic Community of Belgrade,

²⁵ *Danas*, 21-22 October 2006

headed by Imam of the Belgrade mosque, Muhamed Jusufspahić, during its December 2006 stay in Novi Pazar first had talks with the Sandzak Mufti and then with Ugljanin on the unification initiative. Jusufspahic then stated that their goal of their visit was to express their dissatisfaction because of their non-inclusion in the Committee for Unification of Islamic Communities in Serbia and with proposals of the Sandzak Islamic Community. Jusufspahic then added: "the Serb Meshihat takes the stand that a riaset with its seat in Belgrade should be formed, while Sandzak Meshihat suggests formation of the Islamic Community Meshihat from Serbia with its seat in Novi Pazar, and under the auspices of Sarajevo. But, for the time being we are against it". Sulejman Ugljanin voiced his stand that all organized Islamic communities in Serbia should speak with one voice and underscored that "the Islamic Community should not be misused by anyone for political and pre-election purposes".²⁶

Despite the List for Sandžak criticism and contesting of Zukorlić, he has become an important interlocutor of foreign diplomats and state officials last year. Developments in 2006 indicated that along with a moderate Islamic Community, influence of a popularly called faction of militant Vehabits was also noticeable. In early June a group of several Vehabits foiled the concert of "Balkanika" in downtown Novi Pazar. The concert was organized by the Assembly of Municipality of Novi Pazar and Ministry of Culture. A dozen Vehabits donning white caps, short slacks and wearing long beards burst onto the stage, started throwing around instruments and bashing loudspeakers. One of them grabbed a mike and uttered the following message to the audience: "Brothers, go home. This event aims to hurt Islam." The audience responded by booing him. The police however failed to arrest the incident-making Vehabits, for according to some people in attendance, they found refuge in a nearby mosque. President of Novi Pazar Municipality Sulejman Ugljanin accused the police and Security-Informative Agency for disrupting the concert.

Ugljanin assessed: "This is a difficult day for Novi Pazar. A handful of mice on someone's orders is trying to provoke incidents in Novi Pazar." He then apologized to producer of Balkanika, Sanja Ilić.²⁷ Disruption of concert was widely condemned by citizens of Novi Pazar. Responses of political parties and NGOs were also vocal. Spokesman of the Sandžak Democratic Party Mirsad Jusufović said that such moves produced a bad image of Novi Pazar, which was furthermore "a consequence of the bad general situation in that city." President of the Municipal Committee of Democratic Party, Vinko Dobrić, assessed such conduct as unacceptable and condemned any ban on cultural manifestations. Chair of Sandzak Committee for Protection of Human Rights, Semiha Kačar, assessed that the concert organizers were partly to

²⁶ *Danas*, 7 December 2006

²⁷ *Danas*, 6 June 2006

blame for the development, and that "such incidents produced a picture of Novi Pazar as a city of militants and extremists."²⁸

Rumors about existence of Vehabits in Novi Pazar have been circulating for five or six years, but they made their presence visible only last year, that is, in 2006. Some say that they belong to the "sect" or "Vehabits", but the Vehabits prefer to call themselves "the faithfuls" or "Muslims". According to some claims their first stronghold was the city suburb of Mur. At the time some members of that Islamic movement distributed leaflets in front of a Novi Pazar mosque. The said leaflets called on Muslims to stop fraternizing with Christians and stop wishing them happy religious holidays. Meshihat of the Islamic Community of Sandžak early on condemned such actions and alleged that it was trying to curb any extremism among members of the Islamic faith.

First direct conflict between Vehabits and officials of the Islamic community came about in early November 2006, when during the afternoon prayer in the central Novi Pazar Arab mosque, Vehabits and other faithfuls, spearheaded by imam, clashed because of Imam's refusal to conduct the prayer in line with the Vehabits standards. Around and in the mosque there was a physical showdown and shots were fired too. The police prevented escalation of violence and filed criminal charges against 17 participants in the incident. Subsequently the mosque was closed down for several days, and the incident shocked Islamic faithfuls. Ljajić-led SDP thought that the incident was provoked on political grounds. Presidency of SDP stated that "the worsening of security situation in Sandžak was caused by a series of wrong measures taken by the government of Serbia". Sandžak Committee for Protection of Human Rights and Freedoms expressed in its communiqué its concern over "increasing divisions and internal strife among the circles of Islamic faithfuls whose continuing process of disintegration on ideological grounds may have lethal consequences." By pointing out tolerance of Islam as a religion, *Sandžak Committee for Human Rights* called on the faithfuls to preserve the values of their religion, and on the competent municipal and city institutions in Novi Pazar to put an end to anarchy and violence.²⁹

In its 2006 report the International Crisis Group cited the presence of about 1,000 Vehabits in the whole territory of Sandžak and maintained that the movement emerged above all in consequence of wars in former Yugoslavia. Representatives of the Islamic Community in Belgrade, Novi Pazar, Podgorica, condemn the conduct of Vehabits, and ordinary Muslim population of Sandzak also openly manifests its growing dislike of their actions. Different are answers to the question who stands behind such actions of Vehabits or whether someone is trying to instrumentalize them. Aida Corović from Novi Pazar NGO Urban underscores that many members of the Vehabits movement

²⁸ *Danas*, 6 June 2006

²⁹ *Danas*, 6 November 2006

have a criminal record and that the state fails to respond adequately to their activities. "I think that in a way they enjoy the blessing of our government, our state security and the police ...for the latter find it suitable to have in our midst such militant elements bent on perpetually undermining our stability. That became manifest at the beginning of the concert of Balkanika, when Vehabits started breaking up instruments, while policemen stood placidly on the sidelines."³⁰

According to President of Islamic Community in Novi Pazar, Sead Sacirovic, the Islamic community by dint of educational measures tried to curb the ascent of Vehabits movement, but the former did not yield any result. He went on to note: "For years we kept pinpointing and indicating those problems to the state bodies, prosecution, and police, but for some reasons of their own they kept turning a deaf ear to our pleas and warnings and failed to adequately respond to a growing danger." According to Šaćirović, "Sulejman Ugljanin is instrumentalizing this group to score some new political points in his uphill battle against Mufti Muamer effendi Zukorlić".³¹ List for Sandžak contests such claims and accuses Zukorlić of being the puppet-master of Vehabits.

Conclusions and Recommendations:

1. Although in 2006 no serious inter-ethnic incidents were reported, Sandžak is still a sensitive and volatile region. Of major concern are conflicts between the two leading political leaders in Sandžak, as well as the instrumentalization thereof by the Serb authorities and informal power centres with the idea of slowing down, preventing or totally blocking important internal processes within the Bosniak community: firstly the process of its integration (that process was opened by acceptance of the new national name: Bosniak), secondly, its constitution into a mature and modern nation (which presupposes creation of infrastructure of key importance for the building of national identity and articulation of national interests) and finally the process of total modernization of the Bosniak community (secularization, emancipation, economic development).

By such conduct the Belgrade authorities, remaining true to their interests, thwart political protagonists in Sandžak to reach a consensus and solve problems by dint of compromise, and intentionally make room for the stronger emergence of Vehabits. Added to that the presence of Vehabits has not only slowed down the said processes, but deepened and expanded the aforementioned divisions, and even morphed them into the religious ones. By the foregoing the Islamic Community is pushed into the spotlight, and its

³⁰ B92, 6 November

³¹ B92,6 November

activities are additionally politicized. The Belgrade authorities radicalize opposing political options among Bosniaks, by throwing in the problem of Vehabits and their aggressive public exposure, and they deepen the rift between members of the two dominant ethnic communities in the region. The latter strengthens indirectly prejudices about Sandzak as a region endogenously prone to various forms of radicalism (political and religious), which may ultimately contribute to the collapse of region and disintegration of ideas through which Sandžak could build its prosperity.

2. One gets the impression that the whole public space within the Bosniak community is occupied by key party protagonists and that exposure of other actors, notably representatives of Bosniak or Sandzak intelligentsia, is deemed undesirable and consequently thwarted. Whether imposed or voluntary, such "emigration from the political sphere" is not beneficial for Sandzak, and an increased exposure of other prominent members of intelligentsia would be most welcome and useful, notably if they centered on helping overcome the current intra-party strife and conflicts and attaining the minimum consensus of confronted party camps. Although there is no strong cultural elite in the midst of the Bosniak community, in a stark contrast to the case of the Hungarian minority, we should not however undervalue and belittle its role and importance in stabilization of political conditions and opening of new, developmental opportunities. And finally monopolization of public space by the party coteries, prevents articulation of interests both of the Bosniak community and of the Sandzak region proper.

3. Employment of Bosniaks in the police and judiciary is far below their numbers on the ground. In the course of 2006 Serbia made more investments in development of infrastructure of Sandzak, but little economic progress was achieved in the region. An economic crisis could undermine the established regional stability, in which pauperization is on the rise, and an increasing number of citizens are compelled to eke out a living. In such a crises situation, younger Bosniaks could fall prey to the influence of militant Vehabits. The influence of the latter may be curbed by strengthening the role of the official Islamic Community, stabilization of relations between Bosniak parties, improvement of living and educational standards.

4. Political stabilization in Sandžak could help clarification of crimes committed during the war in the neighboring Bosnia and Herzegovina. In cross-border parts of Sandžak, namely Bukovica and Priboj, there were several armed attacks on Bosniak villages and abductions of Bosniak citizens of Serbia and Montenegro. Moreover displaced Bosniaks cannot be repatriated for their houses were destroyed. The most notorious was the case of abduction and killing of 17 Bosniaks from Priboj village of Sjeverin and of 19 passengers of Bosniak nationality from Beograd-Bar train taking place at the railway station in the village of Štrpci. Those cases were handled by a Special Prosecution for War Crimes and after a long trial, after handing down the long prison

sentences, the Sjeverin case was wrapped up. Unfortunately dispensation of justice did not embrace the principal indictees. As a “relict of the past” there is a pending Novi Pazar trial of 24 Bosniaks, supporters or members of the Party of Democratic Action, who in 1993 were convicted of associating for the sake of committing hostile activities and undermining territorial integrity of the Federal Republic of Yugoslavia. Namely the Supreme Court of Serbia in 1995 declared the judgment null and void and ordered a new trial. In the meantime some indictees had died, and some had left the country. Hence continual postponement of the trial by a Novi Pazar court of law. Some indictees believe that that state bodies do that intentionally, so that the state would not admit a foul play, that is, that at play was a framed-up political trial.

VI

Kosovo Status: The Final Stage

THE ATTEMPT TO POSTPONE RESOLUTION FAILS

The previous year has been marked by the last attempt of the Serbian political elite to postpone the foundation of the Serbian state - one that would be based on legitimate and internationally recognized borders. During the year, the Belgrade negotiating team only simulated negotiations with the Kosovo Albanians. The behavior and the actions of the Serbian negotiating team, the Government and the President, only confirmed that they wanted to maintain the existing state of affairs in Serbia, which would continue to engender nationalism, as the only concept of values, thus preventing the necessary radical reforms and the integration of Serbia into the European community on the political, economical and social level.¹ It was confirmed, yet again, that the policy of the ruling structures is anti-European and anti-reformist, based on emotions and myths, not rational politics.

Instead of preparing Serbian citizens for a new reality and good neighborly relations with Kosovo Albanians, the ruling Serbian elite rejected Ahtisaari's plan for the status of Kosovo and continued to incite nationalism, thus drawing attention away from reforms. Media campaigns and the call to lynch those who believe Kosovo should become an independent state, point to a serious danger of exploiting the conclusive foundation of the Serbian state to deal with the advanced part of the society, the part that advocates Euro-Atlantic integrations and the formation of a new value system.

During the negotiations, the Belgrade team showed a total lack of concern for Kosovo Serbs and their vital problems. Not one speech or parliamentary declaration, nor the Constitution itself, mentioned citizens of Serbian origin in Kosovo, but only the territory. In the northern part of Kosovo, Serbian ruling politicians established a political group obedient to Belgrade, embodied in the *Serbian National Council*. This center is the main factor of destabilization among Kosovo Serbs, which hampers the establishment of any form of alternative among Kosovo Serbs. Despite the heavy pressure, Serbian

¹ In the eighties, it was the Kosovo Myth Serbia exploited to start a conflict with ex-Yugoslav republics. Kosovo was used to make Serbia start the war, first for a unitary Yugoslavia, and later for a Greater Serbia.

alternative in Kosovo is being formed. By refusing Ahtisaari's plan, Belgrade also impedes the chance of improving the position of Kosovo Serbs.²

On the other hand, Belgrade showed no willingness to cooperate with Albanian representatives. During the negotiations, members of Belgrade team addressed their interlocutors with insults³ and contempt. Belgrade's is only interested in territories, but not in the cohabitation of Serbs and Albanians based on equality. This is confirmed by the fact that the Constitution defines Serbia as the state of Serbian People. Sanda Rašković Ivić inferred that besides this standpoint, the basic principle of the Constitution is that Kosovo is an unalienable part of Serbia.

The Kosovo issue reflects the attitude of politicians towards the inheritance left by Slobodan Milošević and confirms the continuity with his politics. A consensus was reached amongst leading Serbian parties on this issue, as in the late eighties, when Serbia entered into a conflict with other Yugoslav republics and initiated the dissolution of Yugoslavia. The fact that Slobodan Milošević's regime waged a war against Kosovo Albanians is not being accepted.

The Democratic Party (DP) and the President Boris Tadić did not oppose the policy of the Democratic Party of Serbia (DPS) on the Kosovo issue. In their messages, the representatives of Tadić's DP simply follow the political statements made by Koštunica's DPS. The only difference is the language used to express these opinions. DPS uses a more rigid nationalistic discourse similar to the one used by the Serbian Radical Party, which includes threats to the international community and to its own citizens who disagree with Government politics. Koštunica has stated, one more than one occasion, that "in the entire Serbian history there has not been a single opposite opinion, and

² The Contact Group sent a clear message to Serbs, that economic development requires the cooperation of the two communities, pointing out that the decentralization of local government could help communities in northern Kosovo to safeguard their identity and protect their rights. "What can especially be provided though decentralization is the *transparency* (italic HC) of the aid coming from Belgrade, and broader autonomy for local authorities in fulfilling the special needs of their populace". The message also states that the protection of the right to property, freedom of movement and the return of displaced persons are issues of great concern for both Serbs and Albanians, and that the solution of the status should secure full implementation of these rights. They stated that after the proclamation of the Kosovo status, an international structure will be established to monitor the implementation of the solution for the status and guarantee the rights of the entire Kosovo populace. *Politika*, August 5, 2006.

³ While describing the atmosphere during the negotiations during the *Kažiprst* radio show on B92, Aleksandar Simić, advisor to the Prime Minister, stated that, during the talks, he frequently addressed Albanians as "Shiptars". "Shiptar" is an offensive name for Albanians.

no Serb has yet been born who would say that Kosovo is not a part of Serbia", and that "if this hasn't happened until now, it will not happen in the future either".⁴

However, for the first time, a new force is rising in Serbia, gathered around the Liberal Democratic Party. This force has managed to enter the Serbian Parliament with more than 200,000 votes, on a political agenda that opposes the national consensus on Kosovo. Despite strong obstructions (political and media), LDP has managed to bring a new, more rational approach to the policy on Kosovo in the public life. This approach accepts the reality that Kosovo has been virtually independent for seven years and that a new relationship between Serbs and Albanians needs to be established on this basis. Furthermore, this is the only political group that visits Kosovo and talks with their Albanian colleagues on equal grounds.

The Serbian negotiating party did not engage in the negotiations⁵ with a sincere goal to reach a solution. During the negotiation process, the Serbian party frequently conditioned its participation in Vienna negotiations, and after almost every round, expressed its dissatisfaction. During the negotiations, the Serbian was conflicted with the international community, whereas a media campaign was launched against Marti Ahtisaari, the UN Special Envoy and the person in charge of the negotiations.⁶

The new tactics developed by Belgrade with the aim of postponing the final solution was to attempt to obtain an extension of the negotiations. Belgrade kept insisting on that even after Ahtisaari's plan was presented. Its latest attempt was to place the proposal to create a Serbian entity on the negotiating table. This would lead to the division of Kosovo, or "a correction of borders", as it is being more and more often formulated.

Kosovo Serbs

The presentation of Marti Ahtisaari's proposal caused great confusion and uncertainty among Kosovo Serbs, especially the ones living in enclaves, because they did not know what it offered to the Serbian community. The only

⁴ *Beta*, December 29, 2006.

⁵ The negotiation process started in February 2006. A year later, UN Secretary General's Special Envoy, Marti Ahtisaari, presented a comprehensive plan for the status of Kosovo, which envisages "supervised independence" for Kosovo.

⁶ On February 6, 2007, in the daily paper *Politika*, Djordje Vukadinović, an analyst close to the Democratic Party of Serbia, stated: "However, it is stupid to be angry with Ahtisaari - this Finn was, from the very beginning, simply a messenger, a nervous envoy and occasionally an arrogant puppet of those who put him there, despite his faulty Balkan references. The same people kept him on the post, and finally expressed their 'satisfaction with his work' and his 'compromise suggestions'". At the same time, *Nedeljni Telegraph* published an article entitled "World Peacemaker - son of a Nazi" (February 7, 2007), which was reprinted by several other daily papers.

source of information was the media in Serbian, where instead of detailed information, only unclear propaganda messages could be found.⁷ Since most of these people live in villages, they are in total media isolation, as they even have no computers and no access to Internet.

Kosovo Serbs complained that not a single Serbian leader addressed them on the issue of Ahtisaari's plan. Representatives of the international community, the US office in Priština and the OSCE mission, in the first place, made attempts to explain the contents of the plan to the Serbian populace, but even these organizations did not have sufficient capacity to visit all the locations where Serbs live.

The message of Oliver Ivanović, the leader of Serbian List for Kosovo, to the Serbian populace,⁸ is that at the moment of international recognition of Kosovo, no individual decisions should be made or any euphoric action taken. He believes that at that moment Serbs should remain where they are for a while, and assess the development of events. According to him, the only alternative are collective centers in Serbia, since 90% of those left in Kosovo have no other place to go. Those who stay should get organized, and fight for their position in Kosovo institutions. Ivanović also warns that the confusion which is being created amongst Serbs can force the population to move out.⁹

The main factor of destabilization amongst Kosovo Serbs is the Serbian National Council, which is preventing the integration of Serbs into the Kosovo society. Members of the Council formally participate in the work of the negotiating team of the Serbian Government, where they strictly adhere to the objectives and ideas laid out in the Belgrade Declaration. In western Kosovo, especially in Kosovska Mitrovica, informal centers of power also operate, brutally intimidating all those who believe that Serbs should cooperate with Kosovo institutions.¹⁰ The Council obstructs the building of capacity that would empower the Serbian community to act independently from Belgrade and to lobby for the improvement of its own position, pointing out to the real problems it faces. While the Serbian National Council emphasizes security as the priority, primarily in the attempt to deny the credibility of the Kosovo society to be able to evolve towards multiethnicity, "common" citizens, during

⁷ Based on Helsinki Committee interviews with Serbs in enclaves.

⁸ Stated in his interview with the Helsinki Committee, in March 2007.

⁹ Oliver Ivanović; "In the media, Ahtisaari's plan has been portrayed as threatening, and they (Serbs) don't know if their village will be included in the decentralization. Someone has to explain this to them (...) People will leave in case of confusion, and if Kosovo Serbs do not receive accurate information as to the status Ahtisaari's plan offers and what Serbia can do for them". (*Kurir*, January 4, 2006)

¹⁰ Certain prominent persons living in northern Kosovo complained to the Helsinki Committee of threats by certain individuals if they publicly advocate cooperation with Kosovo institutions. They also complained of being afraid to create any organizations of Kosovo Serbs that would oppose the Serbian National Council.

their talks with the Helsinki Committee, named economic hardship, the possibility of moving freely (not only in terms of security but also in technical terms¹¹), medical services and electric energy supply as their main problems. According to the words of Nenad Radosavljević, member of the State Council for Kosovo and several times councilor in the cabinet of UN mission chief, the authorities in Belgrade only deal with "big issues, like the status, decentralization... and behind these phrases, they have never concretely and efficiently touched the essence – how to win the battle for the everyday life of the individual in Kosovo, his property and the return of the people".¹² He stated that the Kosovo Serbs "surrendered not only themselves, but also the destiny of the people, to the hands of Belgrade politicians".¹³

The Serbian National Council condemned Oliver Ivanović, the leader of the Serbian List for Kosovo, when he made public his proposal on decentralization,¹⁴ which Marti Ahtisaari included in his negotiation package and which the Albanian team was ready to talk about. Ivanović did this in order to "improve the negotiations that were reaching a dead end".¹⁵ Members of the Belgrade team assessed this initiative as "sticking a knife in the back" of the Serbian negotiation team, accusing Ivanović of national treason.¹⁶

BYRN researchers from Kosovo, Jelena Aleksić and Tanja Matić, stated that Belgrade insists on broader autonomy for Serbian municipalities, while Oliver Ivanović believes that Serbs should have the same rights as Albanians in their municipalities. The Serbian community in Kosovo can find a common language with the Albanian community on basis of this concept.

Ivanović believes that the Serbian National Council and Belgrade are wrong when they insist on territorial solutions and believe that isolation will bring safety to Kosovo Serbs. Contrary to that, the Serbian List for Kosovo believes that maintaining a parallel society is dangerous, "because it could strengthen ethnic tensions and put the Serbian minority in danger".¹⁷

¹¹ The lack of regular bus lines that would transport them from one place to another, which would create greater chances of finding employment.

¹² *Blic*, June 14, 2006.

¹³ Radosavljević: "I am sure that Koštunica and Tadić, like many others, have no ties to this region, for the most part. They feel an obligation because they will have to say something about Kosovo before the next elections". *Blic*, June 14, 2006.

¹⁴ Oliver Ivanović suggested that eight more Serbian municipalities should be formed, apart from the five that already exist, while Belgrade demands the formation of 12 new municipalities and 3 mixed.

¹⁵ *Glas javnosti*, June 14, 2006.

¹⁶ Marko Jakšić, a member of the Belgrade negotiating team: "This is a knife in the back of the Belgrade team and a siding with Albanian national interests. This shouldn't have been done". Jakšić believes this to be a destruction of the official state policy on Kosovo, and an impairment of Serbian state interests. *Glas javnosti*, June 12, 2006.

¹⁷ *Danas*, October 7, 2006.

Ivanović also believes that the Prime Minister, the Government and the Serbian representatives should be in touch and he encouraged the Serbian delegation to go to Vienna for the meeting on the minority question.¹⁸ On the other hand, the Serbian National Council refused this, because they don't accept that Serbs are a minority.¹⁹

Municipalities in the north of Kosovo (Leposavić, Zvečan and Zubin Potok, as well as the northern part of Mitrovica) ceased all cooperation with the Kosovo Government and the international community at the beginning of June. The alleged reason (finding the perpetrator of the attacks on Serbs and establishing safety in Kosovo) is only instrumental to other goals: Momir Kasalović, head of the district of Kosovska Mitrovica conveyed to the international community that "Serbs, whatever hardships they endure, will not accept the devilish plan to create independent Kosovo, and they will fight with all possible means to keep the Province within Serbia".²⁰

The Government in Belgrade, the Serbian National Council and the informal Serbian power centers block every type of cooperation between the Serbian and the Albanian community in Kosovo, thus completely excluding the Serbs from the Kosovo society, which generates fear amongst the population. Very often, under the pressure and threats against local Serbs by Serbian structures in Kosovo, visits by Kosovo officials to Serbian enclaves have been canceled. These visits were primarily meant to offer "first hand" information to the Serbian community on the intentions of the Kosovo government and to create trust between the two communities.²¹ The Serbian National Council distanced itself from the "welcoming" of the President of Kosovo, Fatmir Sejdiu, to the monastery of Visoki Dečani during Easter. On the other hand, they supported bishop Artemije in his decision not to allow the Prime Minister, Agim Čeku, to attend the celebration of Easter in the Gračanica monastery.

Within the Serbian Orthodox Church in Kosovo, dissonant tones in regard to the official position of the Church are emerging for the first time. The bishop of Australia and New Zealand, Irinej Dobrijević, stated that no member of the Church wants Kosovo to become independent, but that it would be

¹⁸ Oliver Ivanović: "We believe that the communication with the (Kosovo) Government is very important, and that it is the place where the solution to these problems (decentralization, rights and the protection of Serbs) should be sought. *Danas*, August 12, 2006.

¹⁹ Marko Jakšić: "It's widely known and natural that a nation can not be a minority in its own country". *Glas javnosti*, August 8, 2006.

²⁰ *Danas*, June 6, 2006.

²¹ Experience of the Helsinki Committee and related fieldwork showed that direct contacts between Serbian and Albanian representatives have great success in creating mutual trust. Serbs in the enclaves have told HC that these meetings are helpful and asked for as many meetings as possible to be organized.

"irresponsible not to get prepared for every eventuality, to try to extract as much as we can in order to safeguard Serbian presence in Kosovo. Serbian Church is the leading part of the people in Kosovo..."²²

A new potential amongst Kosovo Serbs could be the *Independent Liberal Party*, headed by Slobodan Petrović, which supports the creation of a multiethnic Kosovo. The Founding Assembly was held in Laplje Selo near Priština, in September. This is the first Serbian party to open an office in the center of Priština, thus giving a concrete example of its will to cooperate with Kosovo authorities in solving the problems of Serbian community. This party is exposed to strong pressure of both formal and informal structures located in northern Kosovo.

Confrontation with the International Community

After Kosovo is internationally recognized, Vojislav Koštunica will advocate a policy which will most probably lead towards severing relations with Western Europe and USA, and lead Serbia into self-isolation. For the Serbian Government, Kosovo has become the excuse for abandoning negotiations with the European Union and Euro-Atlantic integrations. On several occasions, Prime Minister Koštunica clearly stated that: "Serbia will never agree to give up Kosovo and Metohija for the sake of shortening its path to the EU, and Belgrade would reply with all legal means to the possible independence of the Province",²³ adding that all "carrots offered" to Serbia in order to give up are pointless, for there can be no compensation for Kosovo.²⁴

After Ahtisaari's plan was presented, the Democratic Party of Serbia (in coalition with New Serbia) warned the international community that "each state that recognizes Kosovo's independence will have to count with the fact that this action will have serious consequences on the relations with Serbia". Koštunica announced "serious endangerment" of relations with NATO and its members, using the same argumentation as Slobodan Milošević: "If any state - member of NATO, recognizes Kosovo's independence, it will cause a serious endangerment of relations between NATO and Serbia, because that would mean that NATO bombed Serbia in order to seize Kosovo".²⁵ Koštunica's

²² *Glas*, June 7, 2006.

²³ *Danas*, July 31, 2006.

²⁴ Speech held in the Parliament, February 14, 2007.

²⁵ Quoted from the platform published by DPS and Velimir Ilić's New Serbia in January. DPS stated that the adoption of this platform is a precondition for further negotiations on the government. There was no public response to the platform from Boris Tadić's cabinet. (source: www.b92.net) Koštunica reiterated the same standpoint on other occasions: "... this would shed a totally different light on the so-called humanitarian NATO intervention in 1999. In that case, the bombing of the country could be related to the usurpation of a part of Serbian territory seven years later.

statement that “the primary state and national interest” of Serbia is for Ahtisaari’s plan “to dismember Serbia” to fail, can be interpreted in the same context.

In July, *Večernje novosti*, one of the best-selling daily papers close to the Government, printed an article claiming that possible offers of the international community to Serbia, in exchange for independent Kosovo, could be: membership in Partnership for Peace,²⁶ agreement on joining the EU without fulfilling the obligation to extradite Mladić, financial aid by the US, access to EU funds and increase of direct foreign investments.²⁷ The Serbian Government told *Novosti* that their position is clear and that “only a puppet government would agree to trade 15% of its territory for political concessions”.²⁸ “Prime Minister Koštunica and his cabinet believe that those who offer a ‘shopping list’ won’t find a government in Serbia that would agree! Such a government would be a treacherous government.”²⁹

On the issue of Euro-Atlantic integrations, the Democratic Party of Serbia is sending the same message as the Serbian Radical Party. The vice-president of SRP, Tomislav Nikolić, stated that the EU is “an enemy” if “it usurps the territory” of Serbia.³⁰ In the daily paper *Politika*, Branko Milanović³¹ writes that Serbia needs to “urgently develop a backup plan, with the basic premise that Serbia will never become a full member of the EU”. He suggests that Serbia should not accept EU conditions on developing good neighborly

Without going into details, it is certain that nothing could be the same in the relations between Serbia and those countries”. *Večernje novosti*, November 18, 2006.

²⁶ This already happened before the January elections in Serbia, but for three months the Government did nothing to fulfill any of its obligations or sign the documents that commit Serbia to membership in this organization.

²⁷ There are even certain circles, close to the government, which are trying to convince it that it is better to give up Kosovo, as it is already lost. Director of the Center for Alternative Studies, Milan Nikolić: “If we are given only one choice, to lose Kosovo and Metohija, then it’s better to do it with some kind of compensation. We advised our negotiators not to say: we are not giving up Kosovo, but instead to ask: what can we get in return”. According to him, if Kosovo is taken from Serbia, the country should gain “a serious economic compensation: a shortening of the path to the EU, access to pre-candidate and candidate funds, along with additional US financial aid of 4 to 5 million dollars”. *Politika*, September 10, 2006.

²⁸ *Večernje novosti*, July 8, 2006.

²⁹ *Večernje novosti*, July 8, 2006.

³⁰ Nikolić: “If the EU says that UN rules do not apply to Serbia, and that only Serbia will have a part of its territory taken away and made into an independent state, then the EU is our enemy. Even in the animal world, those who usurp the territory are not called friends”. *Beta*, December 28, 2006.

³¹ He signed the text as an expert of the Carnegie Endowment for International Peace. The article was published in the column *Pogledi*, where opinions of individuals, influential in Serbian public, are printed. (In the issue dated August 30, 2006)

cooperation with Kosovo, in case it becomes independent. For this reason “in foreign politics, Serbia should do more to strengthen economical and political relations with non-European (and thus, non-Euro-Atlantic) partners. Moreover, it should be kept in mind that the 21st century most certainly won’t be the century of Europe”.³²

The Serbian Government tried to block each attempt, made by countries in the region, to establish cooperation with Kosovo. Statements issued by the Government in relation to these regional attempts brought Serbia 20 years back into the past, to the begging of the Yugoslav crisis, when the opening of the Kosovo question was used precisely in the function of the conflict with other Yugoslav republics. Thus in 2006, Slovenia and Montenegro were the prime targets of attacks. In these attacks the same language of propaganda was used as in the years that preceded the wars in ex-Yugoslavia. Slovenia was heavily criticized for educating Kosovo state officials in Ljubljana in the Centre for European Perspective, affiliated with the Slovenian Ministry of Foreign Affairs. On this occasion the pro-Government daily paper *Politika*, wrote an especially offensive article on Slovenia.³³ The author of the article, opposing the education of Kosovo officials, asks “isn’t it too early for Slovenia to organize courses for Kosovo apparatchiks”.³⁴ (Some time ago, Belgrade denied hospitality to the Slovenian President, Janez Drnovšek, because of his statements on Kosovo independence.)

Dimitrij Rupel, the Slovenian Minister of Foreign Affairs, also reacted to the statement that Serbia is prepared to sacrifice its European perspective, by saying that such a statement is problematic from the European point of view.³⁵ He stated that in “the final stages of solving the Kosovo question, various statements are piling from all sides, different ‘investments’ that do everything but contribute to the solution of Kosovo’s final status”. Aleksandar Simić, advisor to the Prime Minister, reacted to Rupel’s statement, claiming it to be in accordance with prior Slovenian standpoints “in the destruction of the SFRY, as the promoter of secession and instigator of subsequent tragic events in ex-Yugoslav territories”. This statement is only one of the examples of how leading political and intellectual circles interpret the past.

Montenegro was attacked because of the official visit of Kosovo Prime Minister, Agim Čeku, to Podgorica. On this occasion, the Serbian Government warned the Montenegrin Government of “its duty to strictly respect the sovereignty and territorial integrity of Serbia (...) In the contrary, the responsibility for serious consequences in relations between Serbia and Montenegro will be solely on the Montenegrin Government”. Koštunica

³² *Politika*, August 30, 2006.

³³ See the issues dated September 21 and 22, 2006.

³⁴ Apartchik – offensive term for a state official.

³⁵ Only a week earlier, during his visit to Belgrade, Rupel announced the possibility of creating a pressure group under the name of *Friends of Serbia*.

accused the Government in Podgorica of “breaching, most directly, the sovereignty and territorial integrity of Serbia” by its position that Kosovo is a neighboring country of Montenegro. On the same occasion, Sanda Rašković Ivić, president of the Coordination Center for Kosovo and Metohija, said “I am sorry that the official Podgorica, building its own identity on Anti-Serbism, welcomed Agim Čeku as a statesman, thus betraying Serbia”.³⁶ Rašković stated that Milo Djukanović, the then Prime Minister “should know that the worst a man can become is Judas”. Tomislav Nikolić, vice-president of the Serbian Radical Party, demanded for diplomatic relations with Montenegro to be severed, while secretary general of the party, Aleksandar Vučić, accused Djukanović of receiving money and a political order “to harm Serbia”. On the front page, *Politika* printed an article, entitled “Against Serbia”.

All Serbian attempts to maintain *status quo* are directed towards Russia.³⁷ Editor-in-chief of *Politika*, Ljiljana Smajlović, wrote: „The only chance to keep Kosovo within Serbian state borders for another year is for Russians to prevent the passing of a resolution in the Security Council that would pave the way for unilateral recognition of Kosovo. Russia might persist in its intention to block a solution detrimental to Serbia, but on the other hand, it might not. We cannot know this with certainty. The only thing we can be sure of is that Putin will not be a bigger Serb than Koštunica and Tadić. But, if the two of them continue to fight for Kosovo, he might as well. Even if he ultimately does it for selfish interests, only known to himself.”³⁸

The two countries bordering Kosovo, Albania and Macedonia, support Ahtisaari’s plan. The support of Macedonia is especially important, because of the balance in Macedonian-Albanian relations established after the Ohrid Peace Agreement. Nikola Gruevski, Macedonian Prime Minister, stated that Ahtisaari’s plan is acceptable to Macedonia. He believes that Ahtisaari’s solution “will facilitate the stabilization of the region and help the countries in the region to prepare for membership in the EU and NATO”. The fact that the plan solves the technical problem of the unmarked border between Macedonia and Serbia in the part towards Kosovo is of special importance to Macedonia. Alfred Moisiu, president of Albania, believes Ahtisaari’s plan to be “a

³⁶ *Politika*, November 6, 2006.

³⁷ Russia has not yet explicitly stated that it will veto the resolution. “Vladimir Putin, the Russian President, never gave a statement that Russia will use the right to veto in the Security Council on the issue of Kosmet, but rather that the decision to grant Kosmet independence, without the agreement from both sides, would be without precedent in the post-war history”, said the Russian Minister of Foreign Affairs, Sergei Lavrov, in an interview for the German *Spiegel* magazine, reprinted in *Glas javnosti*, February 4, 2007.

³⁸ *Politika*, February 6, 2007.

document of compromise with the new reality in the Balkan area” and “that it leads towards establishing peace and stability”.³⁹

Partition of Kosovo

At the very end of the talks, Belgrade revived the old idea of the division of Kosovo or “correction of borders”.⁴⁰ The idea about the division of Kosovo originates from Belgrade, while the Kosovo Serbs living in enclaves are explicitly against this idea. The Serbian Orthodox Church also opposes the division of Kosovo, as the Serbian Community would “obtain” the north part bordering Serbia, where no important churches or monasteries exist.⁴¹

Bearing in mind the fact that the area around Mitrovica⁴² is virtually separated from the existing legal system in Kosovo, and that parallel institutions, directly related to the Belgrade Government have been established, it is possible that Belgrade could insist, following the model of Krajina in Croatia and Bosnia, on annexing this territory to Serbia and its international recognition. Such a solution would seriously endanger the security in the region and provoke similar demands by other minorities in Serbia⁴³ and in the region. Serbs living in enclaves in Central Kosovo strongly oppose the division.⁴⁴

³⁹ *Danas*, February 5, 2007.

⁴⁰ This idea is almost three decades old, and was first formulated by Dobrica Ćosić, believed to be the main figure of contemporary Serbian nationalism. It was revived in the mid nineties, and at that time, Dušan Bataković, advisor to the President of Serbia, insisted on it.

⁴¹ The bishop of Raška and Prizren Artemije believes that the idea of division is “a worse solution for Serbia than the imposed independence of the southern Serbian province”. *Danas*, August 15, 2006.

⁴² The northern part covers an area of a 1,000 square kilometers (the entire Kosovo is over 10,000 square kilometers) and besides Kosovska Mitrovica, includes Zvečan, Leposavić and Zubin Potok. According to Serbian sources, around 50.000 Serbs live in this area. *Blic*, February 4, 2007.

⁴³ During a parliamentary session, Riza Halimi, a member of the Serbian Parliament and representative of the Albanian Community, stated that Ahtisaari’s plan should be considered more seriously, as other minorities in Serbia want to have the same rights that are now being offered to communities in Kosovo. Albanians participated in the parliamentary elections “because they want to solve their problems through institutions of Serbia”. The 2005 platform of the Albanians from Preševo Valley states that, in case a division of Kosovo takes place, Albanians from Preševo, Bujanovac and Medvedja will demand the annexing of these municipalities to Kosovo. Skender Destani, a representative of Albanians from the south of Serbia “expects and considers entirely legitimate that in the future status of Kosovo, special relations between Albanians living in the south of Central Serbia and those living in Priština will be envisaged, in the same way Serbs from Kosovo should have special relations with

The leading candidate of the Serbian List for Kosovo and Metohija, Oliver Ivanović, also warns of the consequences of division, stating that it is a “very likely scenario” and that Serbs in the northern area would, in case Kosovo becomes independent, declare secession. “In that case, the south part of Kosovo would have full, not limited independence. The question is, if this happens, who could guarantee the safety of 60,000 Serbs living in the south. At some point, it would lead to their migration”.⁴⁵

After Ahtisaari’s plan was made public, the Belgrade team presented a proposition to create a Serbian entity in Kosovo.⁴⁶ According to this proposition the municipalities in Kosovo would gain the right to inter-municipal cooperation and relations with Serbian state agencies in areas of joint interest when exercising their jurisdiction. The Belgrade negotiating team demanded that the Serbs have the status of constituent nation, their own entity, the right to veto decisions of vital interest, and that the Constitution of Kosovo be aligned with the Constitution of Serbia.⁴⁷

The creation of entities could be the first step towards the division of Kosovo. Along those lines, the Serbian project dating back to the nineties was to cantonize Kosovo on an ethnic principle, which would lead to the creation of entities, and ultimately to the division of Kosovo.

Goran Svilanović, an official of the Stability Pact for South Eastern Europe, reckoned that the division could occur in phases, with the first step being the talks on the special status of the northern part of Kosovo.⁴⁸ He said that the status of the northern part of Kosovo would not be resolved in that first phase, but that in the second phase the issue of *correction of borders and annexation of that part of the province to Serbia* could be raised. In return, Serbia would accept the independence of the remaining part of Kosovo. Svilanović believes that Serbia should also insist on the strengthening of the jurisdiction of

Belgrade”. Representatives of the Alliance of Vojvodina Hungarians announced that, in case favorable positive solutions on the subject of rights and protection of ethnic minority liberties are reached during the negotiations, they will demand that these solutions be applied to all ethnic communities in Serbia.

⁴⁴ Based on the Helsinki Committee interviews with Serbs in the enclaves.

⁴⁵ *Blic*, February 4, 2007.

⁴⁶ The proposition was presented on the meeting of the negotiating teams in Vienna on February 21, 2007.

⁴⁷ *Blic*, February 23, 2007.

⁴⁸ Svilanović: “The part of the public that believes Kosovo is already lost would accept the division as some sort of a result of the negotiations, even as a fair solution. Ahtisaari’s plan already includes the proposal of a *de facto* division. Namely, it doesn’t appear reasonable to expect a legal division at this moment, but I believe that by strengthening the entities, their jurisdiction and opportunity to cooperate with Serbia, a special status for the north of Kosovo could be defined for a period of a few years, which would be reexamined after the expiration of this period”. (www.b92.net, March 25, 2007)

Serbian municipalities in the North, and even that they gain “the outlines of entities”.

In August, Sanda Rašković Ivić launched a test balloon on the issue of the division of Kosovo, when she told *BBC* that: “Kosovo should have fundamental autonomy within Serbia, but in case nothing else succeeds, division could be one of the options”.⁴⁹ She gave a similar statement in the B92 TV show *Poligraf*⁵⁰, a few months later.

Regarding Sanda Rašković Ivić’s statement, a journalist of the pro-Government daily paper *Politika* concludes on the cover page: “Besides, even if Serbia wanted the division of Kosovo, it would probably wait for the Albanians to offer it first. In that case, the situation could take a u-turn. However, Kosovo Albanians stand firmly on their initial position – nothing less than independence – and their position could change only if they realize that the promised independence will not come that fast, namely in the fear of a delay of the rapid solution they were promised. Belgrade would have to consider this offer seriously, and that is probably what Sanda Rašković Ivić hinted at.”⁵¹

Srđan Bogosavljević, an analyst and researcher of the public opinion, says that party and political circles in Serbia still flirt with the idea of division, wrapped in the cellophane of border correction. “I know that the option of division is strongly present both in the party and political elite thinking and in the public. Inasmuch as I know that the word division is almost forbidden in international use. Thus, I simply thought it wiser to talk about correction of borders”.⁵²

It is possible that Belgrade will keep on trying to maintain tension in the region by exploiting the issue of potential annexation of Republic of Srpska

⁴⁹ *Danas*, August 14, 2006.

⁵⁰ Rašković- Ivić: We don’t think about options B and C precisely because we don’t want to weaken our position. Because if you think about options B and C, your concentration wanes and all the forces you use to support option A weaken as well. Besides, if Kosovo is declared independent, and if the international community comes and says – we do not respect the international law and there is no sanctity of borders – then really everything is allowed.

B92: But borders were never sacred.

Rašković- Ivić: I know, but then really everything is allowed. Why wouldn’t it be possible then to alter the borders of independent Kosovo? Whatever we call it, ‘border adjustment’, like the Americans like to say, or division, or no matter what.

B92: Correction of borders.

Rašković- Ivić: Or correction, whatever, but at this moment, we have our own platform, we want substantial autonomy for Kosovo and Metohija, with a high level of decentralization, and there is no word on division. (copied from www.b92.net, April 4, 2007)

⁵¹ *Politika*, August 15, 2006.

⁵² www.slobodnaevropa.org, February 7, 2007.

to Serbia. During the last year, the Prime Minister and President of Serbia intensified relations with the leaders of the Republic of Srpska, Dragan Čavić and Milorad Dodik. Dodik stated that “in case Kosovo becomes independent, people in the Republic of Srpska will demand that Republic of Srpska gains the same status as Kosovo”.⁵³ Spreading the tension to other regions, Nenad Popović, head of the Economic Team for Kosovo, gave a similar statement, that “the solution for (independent) Kosovo could be applied in *Pridnestrovie, Abhasia, South Ossetia...* but also in case of the Republic of Srpska and Bosnia and Herzegovina”.⁵⁴

National Unity

All major parties in Serbia, the Democratic Party of Serbia, the Democratic Party and the Serbian Radical Party as well as their coalition partners have reached a consensus on the status of Kosovo, that is, Serbia,⁵⁵ as in the time of the opening of the Yugoslav crisis twenty years ago, when Slobodan Milošević and the largest part of the opposition shared the same position regarding the national question. The media are on their side, as well. Attacks on people who think differently, namely those who believe that independent Kosovo is a realistic solution and a starting position for a Serbian-Albanian agreement in the Balkans, are very serious and threaten to escalate into physical violence at a certain moment.

The Kosovo issue is used in Serbia to recreate the atmosphere in which “internal enemies” are proclaimed, against whom all means are allowed - from media lynch to unsanctioned street violence⁵⁶ towards the “opponent”. The culture of non-punishment, cultivated in Serbia for years, encourages certain groups to reach even for physical violence against the so-called traitors of national interests, as it already happened several times in the past.

The referendum campaign for the Serbian Constitution was, in its nature, in the service of mobilizing citizens to accept the Government politics on Kosovo, and based on emotions and stereotypes, not rational arguments. The matrix the campaign was founded on, and which could be understood as a threat to those who reason differently about Kosovo, can be observed in the speech given by Prime Minister Koštunica on the occasion of the passing of the Constitution (cursive in the following paragraph is by the Helsinki Committee). “In the history of our people and our state, we are not the first to

⁵³ *Glas javnosti*, September 19, 2006.

⁵⁴ *Novosti*, August 24, 2006.

⁵⁵ 225 out of 244 Representatives present in the Serbian Parliament voted against Marti Ahtisaari’s proposal.

⁵⁶ Cases of demonstrations held in front of the buildings housing political parties or NGOs and calls to lynch. Danger that this will escalate into bigger incidents is always present. More about this in the section on media.

declare our position on Kosovo, but we know the answer is one and only one possible in all times. Ever since those (people) who left their lives on the Kosovo Field six centuries ago, through all the generations that *lived, fought and died for Kosovo*, that answer was that Kosovo has always been, and will always remain an integral part of Serbia. As long as Serbia exists, there is no other answer. (...) Since the first day of Serbia, every our citizen is born and dies knowing that Kosovo has always been, and will always be an integral part of Serbia (...) that means only one thing: for Serbia, Kosovo will never be independent. It means that even if Kosmet is seized by legal violence, it will remain an integral part of Serbia according to its Constitution”.⁵⁷ Announcing the referendum on the new constitution, Koštunica stated: “there is no citizen of Serbia who wouldn’t vote on the referendum on the New Constitution, if only to confirm that Kosovo belongs to us and will always remain an integral part of Serbia.”⁵⁸

During the referendum campaign, the daily paper *Novosti* described Koštunica’s presentation in Hilandar as taking the Kosovo pledge, with numerous emotional and mythic elements. “Strong, convincing and bounding sounded the words spoken by the Prime Minister Vojislav Koštunica yesterday, as he stood in the porch of Hilandar, under the grapevine of Saint Simeon, and just a few feet from his earthly remains and the miraculous icon of three-handed Virgin Mary”.⁵⁹ Koštunica’s support in his visit to Hilandar were also bishop Amfilohije Radović and the poet Matija Bećković, who were amongst the most influential representatives of clerical and intellectual circles in the formulation of the Serbian national program Slobodan Milošević used to destroy ex-Yugoslavia. Also present were Dragan Jočić, Minister of Police, and Velimir Ilić, Minister for Capital Investments. Koštunica also bowed down before the icon of Virgin Mary. He stressed that Kosovo “is the core and essence of our people throughout the centuries of temptations”. Kosovo is still claimed to be “Serbian Jerusalem” (Minister of Foreign Affairs, Vuk Drašković).⁶⁰ Dušan Petrović, head of the Democratic Party Representatives’ club, tells Europe that the issue is that “the Christian civilization survives in Kosovo, which is an important argument at the beginning of the 21st Century in Europe”.⁶¹

The only Albanian in the Parliament of Serbia, Riza Halimi, who represents the Albanian community of Preševo, Bujanovac and Medvedja, was accused of voicing anti-constitutional opinions in the Serbian Parliament. No

⁵⁷ *Politika*, September 13, 2006.

⁵⁸ *Politika*, September 13, 2006.

⁵⁹ *Novosti*, September 18, 2006.

⁶⁰ During his visit to Jerusalem, Drašković said: “No one can take Kosovo away from Serbia, for it is so much in our hearts and souls. We call it Serbian Jerusalem. And that is what it is. It is European Jerusalem.” *Novosti*, November 7, 2006.

⁶¹ *Politika*, September 13, 2006.

one from the Democratic Party of Serbia or the Democratic Party reacted to these harsh accusations, stated by the President of the Socialist Party of Serbia, Ivica Dačić,⁶² which could probably imply the removal of Representative Halimi's immunity, nor did they protect the representative of the Albanians from parliamentary lynch.

It is an encouraging fact that, for the first time, a Group of Representatives has been formed in the Serbian Parliament, led by the Liberal Democratic Party⁶³, which distinctively opposes the consensus on 'national interest'. Čedomir Jovanović, leader of the Liberal Democratic Party, clearly stated that "Serbia no longer can and should not govern Kosovo, or use it to protect or prove its sovereignty, because, under Milošević, it first destroyed the political union of Serbia and Kosovo provided by Constitutional autonomy, and then, through armed conflicts, lost even the security control of the territory. The recognition of Kosovo by Serbia ensures the most favorable Constitutional and legal position for Serbs in Kosovo".⁶⁴

Claims made by politicians in power (from the Democratic Party of Serbia and the Democratic Party) that "independent Kosovo" has no supporters amongst the citizens are false and are used simply to manipulate the public and the international community. Their other argument, that such a position only helps the strengthening of extremists (the Serbian Radical Party) is also false, since the standpoint on Kosovo of the Democratic Party of Serbia does not differ from the standpoint of the Serbian Radical Party. On the other hand, over 200.000 citizens voted for the option of the LDP coalition. During his pre-electoral campaign, Jovanović stated several times that Kosovo is already independent, and gained votes of Serbian citizens on this standpoint. Fourteen representatives ready to build good neighborly relations between Serbs and Albanians entered the Parliament of Serbia, which was inconceivable before, when the degree of unity in the Parliament was far greater (in the former elected Parliament, only two Representatives, Žarko Korać and Nataša Mičić, made decisions different from other Representatives).

Furthermore, public opinion polls show that a significant percent of citizens believe that independent Kosovo is the future. For example, according to a CeSid survey conducted in September 2006, 36% of the participants believe that Kosovo will be an independent state, 17% believe it will be divided, 13% see Kosovo as an autonomous province, and 5% believe that the current state

⁶² Ivica Dačić accused Halimi of "voicing anticonstitutional opinions in the middle of Belgrade". He also said that "it is not a secret that separatism exists not only in Kosovo and Metohija, but also amongst Albanian parties in Bujanovac, Preševo and Medvedja".

⁶³ Social-Democratic Union also belongs to this Group, whereas the League of Social Democrats of Vojvodina votes the same way on the issue of Kosovo, although it belongs to a different Group of Representatives.

⁶⁴ *Danas*, April 8, 2006.

will be preserved. The remaining 29% of participant replied that they "don't know" what will be the future of Kosovo.⁶⁵ The potential of those who can be further influenced towards rationally accepting Kosovo's independence is big.

Conclusions and Recommendations

It is still uncertain how the Government in Belgrade will react to the international recognition of Kosovo and whether it will apply the Krajina model on Kosovo Serbs, organizing or inciting them to leave their homes. Since the migration of Kosovo Serbs to Serbia would have dire consequences for themselves, it is necessary that the international community makes every possible effort to encourage them to remain in Kosovo and that it applies pressure on Belgrade not to stimulate migration.

It is necessary to strengthen organizations of Kosovo Serbs that are sensitive to real problems and ready to act independently of Belgrade.

Kosovo Serbs themselves must show a strong will to leave self-isolation and to make an effort to resist the politics dictated from Belgrade, which petrifies their ghettoization in Kosovo.

The international community and institutions of Kosovo must support economic development of the Serbian community in Kosovo since that is one of the crucial conditions for the Serbs to remain in Kosovo.

The international community and the institutions of Kosovo, in cooperation with the civil society from Serbia, must enhance the way citizens of Serbian origin in Kosovo are informed, through media and meetings which will provide Kosovo Serbs with information about the society they live in. Participants in these meetings should be prominent individuals from all structures of Kosovo society.

⁶⁵ *Glas*, September 26, 2006.

VII

**Minorities on the
Margins of the Society**

MINORITIES ANXIOUS ABOUT DISSOLUTION OF THE STATE UNION

Despite the fact that the question of minorities did not belong to the group of questions that mobilized the attention of the Serbian public during the year, it was present in public in an indirect way. Since the public discourse was primarily shaped by the unresolved Kosovo problem or, during the second part of the year, by the question of the Constitution, the attention of the public was drawn on quite a few occasions to the possible consequences these two issues could have on the position, rights and freedoms of the members of minorities. Thus, for example, the beginning of negotiations on the final status of Kosovo, due to the rigid position of the Serbian negotiating team, raised concerns amongst the members of minorities that they would be faced with pressure and violence of frustrated nationalists, should the question of Kosovo status start resolving contrary to the interests of the political elite.¹ The suspension of the negotiations with the EU² incited further concerns of the minorities that the weakening of the potential for reform will have a negative impact on the solving of minority problems. Finally, even before the citizens of Montenegro voted for state independence in a referendum, some Bosniak political actors raised the question of the consequences the “splitting” of Sandžak will have on the exercise of rights of the Bosniak minority.³

¹ According to Aleksandar Popov, director of the Center for Regionalism, a direct connection exists between relations in Vojvodina and the situation in Kosovo. Popov believes that solving the status of the Southern Province could lead to radicalization of relations in Vojvodina. *Gradanski list*, May 13/14 2006.

² The suspension of negotiations was caused by problems in cooperation with the Hague tribunal. The failure to fulfill the obligations, above all the fact that some of the key indicted persons are still at large, proved to be an unbridgeable obstacle on the road to European integrations.

³ A Congress of Bosniacs from Sandžak took place in Novi Pazar in the first half of the year, and the functioning of the Bosniak national council was reestablished. Džemail Šuljević, the president of the Council, declared that Bosniacs might even organize a referendum for the citizens to decide whether Sandžak will be a part of Serbia or Montenegro (*Danas*, May 25, 2006). In the debate “Bosniacs and the referendum in Montenegro”, organized at the end of April in Novi Pazar, the sudden interest of Koštunica’s government in Sandžak was explained by his wish to use

The fact that, with the dissolution of the State union⁴, certain institutions that were in charge of minority rights⁵, like the Ministry of Human and Minority Rights, ceased to exist, caused special concern amongst the members of minorities, as well as other citizens. In the beginning of June, the Belgrade Center for Human Rights launched an appeal to state agencies not to allow Serbia to be left without basic constitutional guarantees of human rights because the state union ceased to exist. Inviting all social actors to join the appeal, the Belgrade Center for Human Rights strongly emphasized that “everything has to be done to keep the Charter on Human and Minority Rights and Civil Liberties in power”, because, if that fails to happen, Serbia will revert to the Constitution of 1990, and its citizens will become victims of an outdated understanding of human rights⁶. The appeal points out that the greatest flaws of this Constitution are precisely in the area of human rights. The right to liberty is curtailed, and the minority rights are far below those guaranteed by the Charter. The appeal points out that even those few rights anticipated by this Constitution can be easily revoked or limited.⁷

Amongst the factors that strongly influence the behavior of minorities and their perception of security, one should also mention the atmosphere of intolerance animosity and distrust.⁸ Frustrations which the unsuccessful policy

Sandžak to influence Bosniacs in Montenegro to vote against the independence of this republic. The assessment reached within the debate was that this was a dangerous scenario, and concern was expressed that in case of its failure Bosniacs might pay the price. *Danas*, April 4, 2006.

⁴ The disappearance of the state union of Serbia and Montenegro showed, amongst other things, that “the production” of national minorities is not a finished process, because the dissolution of the state union posed the question of a new, Montenegrin minority in Serbia.

⁵ The government of Serbia issued a decree establishing the Agency for Human and Minority Rights to handle issues related to protection and enhancement of human rights. The Agency is administered by a director who is, by function, the secretary of the Council for National Minorities of the Republic of Serbia.

⁶ See the website of the Belgrade Center for Human Rights: www.bgcenter.org.yu/arhiva

⁷ Furthermore, as the appeal points out, the government has the “right” to limit ALL human rights by proclaiming the state of war, including the rights that are indisputable according to international agreements that bind Serbia and according to international common law.

⁸ In such an atmosphere certain positive advancements towards the realization of minority rights unjustifiably remained in the shade. Namely, the affirmation of national symbols and holidays in the case of Hungarian, Bosniac, Croatian and other minorities; the fact that a minority language became the second official language in some parts of municipalities in Vojvodina – by changes in the Statute of the municipality of Apatin, Hungarian (in the local communities Kupusina and Svilojevo) and Croatian (in the local community Sonta) became the second official language; issuing bilingual personal documents – the first ID card, issued in both Serbian and Hungarian, was

of protecting national interests of the ethnic majority caused, and is still causing, left deep marks and resulted in reduced sensitivity for the demands and problems of the members of minorities. On the other hand, it should be pointed out that, except for the Hungarian minority that makes up for more than 3% of the population, other minorities in Serbia are small communities, strongly influenced by the general atmosphere in the society.

In addition to that, the absence of a coherent, democratically planned policy based on the consensus of the reform-oriented actors is another problem that influences the position of minorities. The absence of this kind of policy is obvious both in the area pertaining to the development of minority legislation and institutional system and in the area pertaining to the creation of a pro-minority atmosphere in the public. Activities undertaken over the last few years in the effort to sensitize the society did not yield desired effects. Especially when young people are in question. A survey conducted by the Center for Modern Skills identified amongst young people an animosity towards an increasing number of different social groups, varying from ethnic, sexual to generational. The subjects of ethnic and racial intolerance are Roma, Albanians, Croats, Bosniaks, Bulgarians, Americans, black people and others. Other groups subjected to this intolerance include: gays, lesbians, transvestites, necrophiliacs, the opposite sex, invalids, fat people, thin people, handicapped students, mentally ill, etc.⁹ A study carried out by CESID does not raise more optimism. According to the words of Dragan Popadić, 56% of examinees agree

handed to Tamaš Korhec, Provincial Secretary for Management, Regulations and Minorities. On the basis of the Law on Official Use of Language, members of minorities were given the right to bilingual documents in parts of the country where minority languages were in official use, but for years these documents were issued only in Serbian; the creation of the Provincial Council for National Minorities; the establishment of the Teacher’s Training Faculty in Subotica, where classes are to be held in Hungarian. By a decree of the University Council of Novi Sad, the department of the Sombor Teacher’s Training Faculty in Subotica evolved into a Teacher’s Training Faculty that will educate teachers in Hungarian. By enrolling 30 students, this faculty should begin to operate in October. The foundation of this faculty, as well as of the High School of Linguistics “Deže Kostolanji” in Subotica and the High School of Mathematics “Bajai” in Senta, was considered to be the greatest result the Hungarian national council achieved on the educational level. It should also be pointed out that the European Charter for Regional or Minority Languages was ratified in 2005.

⁹ The survey of the Centre for Modern Skills was realized under the name “Students against prejudice”. *Danas*, June 6, 2006. According to the words of Miloš Đajić, students would not share a room with Roma, Croatians, Bosniacs, Albanians, or homosexuals. According to a survey carried out by the Strategic Marketing agency, almost 90% of the Serbian population would not live with a person infected by HIV. Two thirds would not allow a HIV positive person into their house. Every third examinee would terminate his/her friendship with an infected person. *Danas*, May 5, 2006.

with the statement that other nations should be approached with caution, even when they present themselves as friends. Contrary to the opinion of minorities, who deem themselves loyal citizens, members of the majority believe that national minorities are disloyal to the Serbian state. Popadić points out that Albanians are unanimously considered disloyal, while the majority believes that the Croats and Bosnians are disloyal as well.¹⁰

Incidents: from Threats to Awards

In a society dominated by ethnocentrism, where ethnic distance is clearly expressed, and (non)efficiency of state agencies is often criticized by minority representatives, different forms of showing intolerance, as well as a large number of incidents, are not surprising. During the year, this intolerance took different forms, through:

- graffiti - racial and anti-Semitic graffiti were written on the Red Cross concentration camp memorial in Niš: "Holocaust - Jewish lie to rule the world", "Death to Soros, Kandić and Liht", "Death to the servants of Zionism, glory to the victims of Communism and Judeo-Masonry", "In Serbia a Serb must come first", "Serbia to Serbs, Serbia for a Serb", accompanied by "four S" symbol from the Serbian emblem and the swastika¹¹. On the asphalt road between two Banat villages Mihajlovo and Jankov most a graffiti "Death to Hungarians"¹² was written. The graffiti "Anti-Roma - 'undertakers' from the South" was written on the public fountain and the wall of a bakery in Sremski Karlovci with a black spray¹³. In Bečej, next to the graffiti "Death to Gypsies", "Kill the Gypsy" a number of swastikas were painted¹⁴. Graffiti were written in other cities and smaller towns as well: in Vrbas - "Death to Zionists", "For race, nation and white generation", "Israel terrorist state", "Death to Croats", "Serbia to Serbs", "Ratko Mladić", "Let's kill the Gypsies and live like normal people"¹⁵, in Telep, the suburb community of Novi Sad, where the majority of population is Hungarian - "Move out - It's time - Serbian youth"¹⁶. In Zrenjanin, a swastika was written over a billboard announcing a panel on the assassination of Zoran Đinđić.¹⁷ In Mali Iđoš, swastikas were painted on

¹⁰ *Dnevnik*, October 15, 2006.

¹¹ *Danas*, February 17, 2006.

¹² *Dnevnik*, April 25, 2006.

¹³ *Gradjanski list*, July 11, 2006.

¹⁴ *Dnevnik*, July 29, 2006.

¹⁵ *Dnevnik*, November 6, 2006.

¹⁶ *Dnevnik*, November 16, 2006.

¹⁷ The police arrested the 30 year old Igor T. who, according to the unofficial information of "Gradanski list", gave a statement saying that he drew the swastika because he considered Đinđić to have been a Nazi and to guilty of the death of Slobodan Milošević and other Serbs. *Gradanski list*, March 16, 2006.

several houses owned by Hungarian nationals.¹⁸ In Subotica, in one of the main streets, a graffiti stands intact for months "Shiptars - you are finished when we get fed up". It should be pointed out that, besides graffiti against the members of minorities, some were written against members of the ethnic majority, as well. In March, in the Banat village Srpski Itebej, unknown perpetrators drew swastikas on nine houses belonging to people of Serbian nationality.¹⁹ In the middle of July, in Senta, chauvinist graffiti were written on the walls of private houses and certain state facilities: "Death to Serbs", "F..k Serbia", "Go to Kosovo", "This is a shitty state", "Hungary", "Szabad Delvidek", "Independent Kosovo".²⁰

- Hate speech - during a session of the Serbian parliament, a delegate of the Serbian Radical Party, Zoran Krasić, called Ivana Dulić Marković, the Minister of Agriculture who is of Croatian nationality, "Ustashi".²¹ A similar incident occurred during a session of the local assembly in Leskovac where Ms. Marković was again called "Ustashi and an enemy of Serbia" by the Municipality President Goran Cvetanović.²² On a session of the Pančevo party committee of G17 plus, a party member, Zlatko Bekić, publicly stated that "we shouldn't worry about Roma and Jewish people, because they are preparing gas chambers for them, anyways".²³ In the middle of July during a soccer game in Bački Petrovac, a group of fans of the soccer club "Maglič" from Maglič chanted "Kill, slaughter, that no Slovak exists".²⁴ During a soccer game in Čačak a group of fans showed up with hoods over their heads, imitating the racist organization Ku Klux Klan. The group put up a banner on the soccer field fence that read: "The South will rise again", "Leave this place, for no one likes you here". These banners were addressed to the Zimbabwean soccer player Mike Tanjavera. When the group began to chant "Sig Heil" and raise the right arm for the Nazi salute during the 24th minute of the game, the

¹⁸ *Večernje novosti*, July 27, 2006.

¹⁹ *Gradjanski list*, March 7, 2006.

²⁰ The appearance of graffiti, written in green spray paint on fifteen different places in the city, was denounced by the leading people of the provincial administration, while Jožef Kasa called upon the authorities to find the authors of anti-Serbian graffiti. An action of repainting the graffiti, funded by the local self-government, was initiated by the municipal president Atila Juhas and the president of the municipal assembly, Aniko Žiroš Jankelić.

²¹ *Danas*, June 7, 2006.

²² *Danas*, July 31, 2006.

²³ *Politika*, June 9, 2006. Bekić was barred from the G17 plus and a criminal denunciation was filed against him for inciting racial, religious and ethnic intolerance.

²⁴ *Danas*, June 19, 2006. The National Council of Slovaks condemned the chauvinist behavior of the "Maglič" supporters and appealed to the General Police Inspectorate to investigate why the police remained passive. The Committee also appealed to the authorities to detect and bring to justice the perpetrators of this incident.

referee stopped the game.²⁵ A similar incident happened in Banjica, where the fans of the soccer club "Rad" chanted "Knife, wire, Srebrenica", "Serbia to Serbs, out with the Turks", and offended the late and the actual prime minister, before and during the game. The slogans "Knife, wire, Srebrenica" and "Sig Heil" were also shouted on the Faculty of Philosophy, during the celebration of the tenth anniversary of civil and student protests.²⁶ The District Public Prosecutor in Novi Sad raised an indictment against the member of the unregistered Neo-Nazi organization "Nacionalni stroj" for inciting national and racial hatred. The Criminal Council of the Municipal Court declared fifteen members of this organization guilty - Goran Davidović and Miodrag Stefanović were declared guilty of inciting ethnic, religious and racial hatred, while the remaining thirteen members were declared guilty of endangering public safety.²⁷ The Criminal Council of the Municipal Court sentenced Dolf Pospiš to one year of imprisonment for beating an underage citizen of Novi Sad as well as for writing Nazi symbols on buildings in Novi Sad and Veterenik in October 2004, for reasons of racial intolerance.²⁸ Milojka Perović, from Futog, was sentenced to six months in prison, suspended for three years, for inciting racial, religious and ethnic intolerance.²⁹

- physical violence - at the end of February a group of a dozen young men, with shaved heads and wearing black jackets, attacked the residents of the Roma settlement "Beograd mahala", shouting "Gypsies, you are dead".³⁰ In Jaša Tomić, a group of hooligans entered a bar, shouting "We will kill gypsies", and beat up Milena P. who was of Roma nationality. In June unknown young men beat up three Roma in the Belgrade suburb of Borča, and seven Roma were beaten up in Ripanj, in July.³¹ Two skinheads were arrested for physically attacking a Roma.³² In the second half of July a group of high school Roma was attacked in Valjevo.³³ Aleksandar Bošković was sentenced to 40 days in prison for attacking two Croatian diplomats.³⁴ In Novi Pazar, a

²⁵ *Danas*, October 16, 2006. The match was continued after the police cleared the east side of the stadium stands. The soccer club "Borac" was fined 300.000 dinars, and was obliged to play two games on its field without the presence of the audience.

²⁶ *Danas*, November 24, 2006.

²⁷ *Dnevnik*, November 11, 2006. During the year, graffiti reading "Nacionalni stroj" were written, and a large number of swastikas were painted in Telep, the suburb community of Novi Sad. In Niš, activists of this organization distributed fliers on which slogans such as "Serbia to Serbs" and "A Serb for a Serb" dominated.

²⁸ *Gradanski list*, March 28, 2006.

²⁹ *Dnevnik*, July 12, 2006. The said person had, on a number of occasions, insulted her fellow-citizen Janko Tot on ethnic grounds.

³⁰ *Dnevnik*, April 12, 2006.

³¹ *Blic*, July 10, 2006.

³² *Blic*, November 18, 2006.

³³ *Beta*, July 21, 2006.

³⁴ *Politika*, January 28, 2006.

group of Vehabits obstructed the concert of the group Balkanika, while the fans of the local soccer club stoned the stage.³⁵ In the middle of October, in the restaurant of the gas station "Minut", three unidentified persons attempted to physically assault some guests when they heard them talking in Albanian. When these unidentified attackers, after verbal treats, started to approach them, the Albanians ran away from the restaurant.³⁶

- death threats - anonymous death threats, followed by insults on ethnic grounds, were twice delivered to members of the editorial board of "Hrvatska reč" at the beginning of February. An unidentified person called members of the editorial board "Ustashi", "Ustashi stinkers" and threatened to "slaughter them all". On July 25, the editor of the political column of the newly formed weekly paper "Glas Sandžaka" was threatened over the phone: "You are done. You are dead. Tonight we will burn your house".³⁷

- stoning - unknown perpetrators stoned the Catholic church of the Birth of John the Baptist in Smederevo. In the last two years, this is the third stoning of that church.³⁸ In Šimanovci, the house of Mirko Đorđević was stoned after his appearance in a TV show where he expressed a critical view of Nikolaj Velimirović.³⁹ In October, two young men urinated over the walls of the Islam Aga's mosque in the center of Niš, insulted the believers and threw rocks towards the mosque.⁴⁰ In the middle of December, in Novi Sad, the Christian Baptist church was stoned⁴¹, the Church of the Holy Spirit was

³⁵ *Danas*, June 5, 2006. The police arrested four perpetrators for inciting racial, religious and national hatred.

³⁶ *Gradanski list*, November 1, 2006.

³⁷ J. Fehatović reported this call to the police. Initially they refused to answer his call and told him to come to the police station in the morning to report the threat. After he insisted vehemently, the police patrolled around his house several times during the night.

³⁸ *Danas*, March 31, 2006.

³⁹ *Danas*, May 18, 2006.

⁴⁰ *Danas*, October 20, 2006. During the year cases of grave desecration were reported - in the middle of February, in the Subotica orthodox cemetery, 9 headstones were smashed and 4 crosses were pulled from the ground. *Gradanski list*, February 2, 2006. On the night between the 9th and 10th of June, in the west part of the Temerin catholic cemetery, 10 headstones were desecrated. *Dnevnik*, June 13, 2006.

⁴¹ On this occasion, the Union of Evangelical Believers of Serbia issued a statement indicating that the assaults on their churches, threatening graffiti and smashed windows are only a fragment of what happens to members and priests of multinational protestant churches in Serbia. The statement points out that the current Law on Churches and Religious Organizations legalizes the discrimination of multinational protestant churches. *Danas*, December 20, 2006.

robbed⁴² and a Molotov cocktail was thrown at the Protestant church in Kraljevo.⁴³

- repainting of signposts – in the night between the 21st and 22nd of April the sign for Sent Mihalj was repainted with black color, on a bilingual signpost on the entrance to Mihajlovo.⁴⁴ In Vrbas, members of the informal group “Woman’s Artistic Workshop as an Alternative” protested against the placement of several monolingual signboards with new street names in Cyrillic only. Their statement declared that these signs should have been written in the languages on minorities – Hungarian and Ruthenian – that are in official use in this municipality.⁴⁵

- glorification of persons indicted by the Hague tribunal – realized in different ways: by writing their names – in Vrbas, where Ratko Mladić’s name was written, by chanting – on the pre-referendum gathering in Kosovska Mitrovica, where members of the ruling coalition were also present, Ratko Mladić’s name was chanted,⁴⁶ through awards – on the celebration of 15 years of its existence, the magazine for culture, art and social issues “Zbilja” presented awards for a life’s work to its collaborators, amongst other people to Radovan Karadžić and Vojislav Šešelj,⁴⁷ or by painting their portraits on walls – in the Belgrade suburb Sremčica the portrait of Ratko Mladić saluting, in a military uniform, was painted on the facade of a house.⁴⁸

⁴² Attacks on religious buildings can be motivated by hatred towards members of a different confession, but important social factors should not be overlooked. Churches are robbed for money and valuables that are later sold for material gain.

⁴³ *www.b92.info*

⁴⁴ *Dnevnik*, April 25, 2006. Local authorities in Zrenjanin condemned the repainting of signs in Hungarian. On the signs placed in February, the name of the city was also written in Slovakian, Romanian and Hungarian, but the name in Hungarian was repainted. *Gradanski list*, February 21, 2006.

⁴⁵ *Dnevnik*, October 6, 2006. The decision of the local self-government was regarded as an example of arrogance towards national minorities. The self-government was called to correct its error and obey the law.

⁴⁶ Representatives of the international community have, according to the information acquired by radio B92, filed a strong complaint to Rasim Ljajić, the coordinator of the Action plan to arrest Ratko Mladić. They believed that the state was behind this incident, and that it brings into question the alleged efforts of the authorities to locate and arrest Ratko Mladić. *Dnevnik*, October 28, 2006.

⁴⁷ The argumentation for the award given to R. Karadžić stated that he is “a person indicted by the ‘Hague conquista’ and fugitive from the inquisitors of the new world order” and “the paradigm of the civilization that has lost its compass”. Šešelj received his reward as “a lawyer, politician, people’s tribune, dissident, the most banned author, a writer of political, historical, polemical books and memoirs”. *Danas*, March 25/26, 2006.

⁴⁸ The painting of the portrait of Ratko Mladić took several days and five “young artists” worked on it. A journalist of the daily paper “Kurir” wrote “People

- During the year, a few more incidents worth mentioning were reported. At the beginning of the year, a small explosive device was thrown at the building of the Albanian embassy, causing minor damage.⁴⁹ In January, in the studio of the TV station Apolo in Novi Sad, the editor of the informative program burned the magazine “Bezbožnik”.⁵⁰ More than two thousand Muslim believers protested in Novi Pazar over the caricatures of Mohammed published in the Danish newspaper “Yllands posten”. With the shouts “Allah Akbar” (Allah is the greatest), the flags of Denmark, Croatia and Israel were set on fire.⁵¹ The Provincial Secretary of Education and Culture Zoltan Bunjik strongly protested and asked the Ministry of Education and Sport to immediately withdraw from distribution the high school enrollment workbook for Hungarian language, because of the messages – “You could leave” and “You will sink” – that were printed on the cover page.⁵² The public were very disconcerted to hear that Ostoja Sibinčić was named Secretary of local community “Ruma 2”. This man is well-known for reading a list of names of undesirable people on a gathering of local citizens in Hrtkovci on May 6, 1992. After this incident, a large portion of the Croatian population moved out of Hrtkovci.⁵³ On April 20, radio Kikinda ceased to broadcast the program in Hungarian. This move was characterized by the Municipal Committee of SVM as the abolition of Hungarian minority rights to be informed in their own, native language. Representatives of the local government explained the absence of broadcast in Hungarian by a reorganization of the Information

were simply gloating when those boys painted him”. The portrait, 1.5 by 2 meters “embellished the whole street”. *Kurir*, October 26, 2006.

⁴⁹ *Danas*, January 3, 2006.

⁵⁰ After the public reacted to this incident, the editor was removed from office.

⁵¹ *Danas*, February 11/12, 2006. The planner of the protest is unknown. The presence of the leaders of the Islamic community or leading politicians was not noticed.

⁵² The publisher “Prosvetni pregled” explained that the messages on the cover page were there simply by coincidence, with no bad intent, as a consequence of insufficient knowledge of Hungarian language. The Ministry of Education stated that the workbook will be withdrawn from use. “The technical error” was explained by the fact that the technical editor had no knowledge of Hungarian and randomly chose one of the questions from the workbook, whose authors were members of the Hungarian national minority. *Dnevnik*, February 3, 2006.

⁵³ Sibinčić is also remembered for changing the name of the city from Hrtkovci to Srbislavci, with the help of Trivo Ivković, former warden of the prison in Sremska Mitrovica. After the public reacted, the municipal authorities in Ruma withdrew their decision to appoint Sibinčić Secretary of local community. Before that, Srđan Nikolic, the President of the Ruma municipality, criticized the public reaction to the appointment of Sibinčić as political insinuations and concoctions of journalists, with the aim to internationalize the problem of the allegedly endangered minorities in the Ruma municipality. *Danas*, March 21, 2006.

center “Kikinda”, of which this radio was a part.⁵⁴ In May, the president of the Main Board of SPS, Ivica Dačić, accused the advocates of Montenegro’s independence of winning the elections with the support of anti-Serbian votes. When asked if it was advisable to count votes on a national basis, Dačić answered “it is very advisable, for in their history Montenegrins have always fought against Turks, Muslims, Albanians and Croats, never against Serbs. It is true that the vote of each citizen has the same value, but the voting here was not done on a civil, but rather on an anti-Serbian basis. If the Albanians are to decide on the relationship between the Montenegrins and the Serbs, why did we fight the Turks for 500 years, why didn’t they join forces against Serbia from the beginning?”⁵⁵ At the beginning of June, the members of the police force in Senta visited apartment houses and demanded reports from heads of tenants’ councils on empty flats in their buildings. These actions taken by the police disconcerted the citizens, because they recognized there “the intent to move in refugees from Kosovo into empty flats, in case that Kosovo gains independence”.⁵⁶ In the second part of June, due frequent complaints from parents and relatives of the convicts of Bosniak nationality, the Sandžak Committee for Human Rights and the Sandžak Intellectual Circle issued a statement pointing out the fact that the convicts of Bosniak nationality, serving their sentence in the Niš correctional facility, are subject to mistreatment and physical assaults by convicts of Serbian nationality. The statement points out that the authorities in this institution did nothing to prevent open threats and assaults.⁵⁷ The statement issued by SRS, in relation to the elections of the president of the municipality of Kula, reprimanding 70% of Serbs for not taking part in the elections and thus allowing some 17% of Ruthenians and Hungarians to decide the president of the municipality and the future of our children in the so-called country of Serbia, attracted a lot of public attention.⁵⁸

⁵⁴ The broadcast in Hungarian, consisting of 3 radio shows, was not on-air from April 20 until May 10, when, as a result of the SVM’s protest, the news program started broadcasting again. *Gradanski list*, May 15, 2006.

⁵⁵ *Dnevnik*, May 24, 2006.

⁵⁶ The deputy chief of police in Senta told the municipality president, Atila Juhas, that the police wasn’t undertaking an organized action, and that the data were probably compiled because a local police officer was going to be assigned to each city district in the near future, and these officers needed the data on apartments and their tenants in order to get acquainted with their district in the best way. *Gradanski list*, June 9, 2006.

⁵⁷ The statement was submitted to the Helsinki Committee for Human Rights in Serbia, as well.

⁵⁸ The SRS candidate lost the elections to the candidate of the Democratic Party. The SRS denied having any connection to the controversial statement “the DS is trying to ascribe to the Serbian radicals”. The presidency of the National Council of Rusyns sent a memo to 23 addresses, pointing out this scandalous statement. The memo was sent to the highest state and provincial bodies, the embassies of Ukraine and the

In August, reacting to the complaint filed by the SPS from Vladičin dvor, the police stopped a street performance by the Italian ensemble Teatro del Venti, declaring that it “disturbed a religious ceremony”. The church dignitary Irinej Bulović assessed the performance as “a primitive satanic séance”.⁵⁹ In Ruma the performance “Bad parade” remained also unfinished, because a group of young men provoked an incident which made the actors decide to shorten their performance.⁶⁰ The Student Union of the University of Kosovska Mitrovica and the Youth of the Serbian National Council of North Kosovo organized a meeting in Belgrade, where they made a number of insults to NGO-s and parties that advocated the boycott of the referendum. The opponents of the referendum were called “Shiptars”, and they were honored with taunting awards “The little golden clog” (to Natasa Kandić) and “The golden calotte” (to Čedomir Jovanović). Similar gestures were made toward other participants of the boycott Nataša Mičić, Sonja Biserko, Goran Svilanović and Nenad Čanak.⁶¹ At the beginning of November, three people were injured in a conflict between the believers and the Vehabits in the Arab mosque in Novi Pazar, when the Vehabits attempted to impose their way of performing rituals to the believers.⁶² In Novi Sad, a monument to Jaša Tomić was inaugurated on the International Day against Fascism and Anti-Semitism. On that occasion the president of the Holocaust Memorial center, Jožef Lapid, wrote a letter to the mayor of Novi Sad, Maja Gojković, reminding her that Jaša Tomić was an anti-Semite.⁶³ Nandor Kiš, a priest of the Christian Reformed Church municipality of Zrenjanin, left a formal reception in celebration of the Day of the Municipality when Ljubomir Marković, president of the Union of

Russian Federation, OSCE, EU Monitoring Mission, European Center for Minority Issues, UN Commission on Human Rights and other organizations. *Gradanski list*, July 14, 2006.

⁵⁹ In the letter published on the SPC website, Bulović wrote: “Not only did I give the instructions to ring all the bells of the Congregational Temple to express the protest of the Church against this sacrilege and barbarism, but the following morning I gave the instruction to sprinkle the whole area with holy water, accompanied by appropriate prayers”.

⁶⁰ The young men called the actors demons, devils and said that they should be banished immediately. According to the words of one of the organizers of the show, members of the group decided that the best course of action was to end the show. *Dnevnik*, August 27, 2006.

⁶¹ *Gradanski list*, October 25, 2006.

⁶² *Danas*, November 6, 2006. Due to the confrontation and the shooting in front of the mosque the Islamic community decided to close down the mosque until further notice. The mosque was reopened on November 8.

⁶³ The letter points out that Tomić implemented into Serbian minds ideas that were later used in Nazi propaganda: that Jews are loan sharks who shouldn’t be trusted and crooks who rob Christians of their money gained by hard work. *Danas*, November 10, 2006.

Associations of War Veterans of Serbian Liberation Wars 1912-1920 and their Descendants, stated that the celebration marked the day the Asian rule in Europe and this part of the Balkans is ending, and that it is time for the Asians to go back where they came from. Kiš said that he was affected by this statement, because the Hungarians are of Asian descent, and that the colonel was referring precisely to that.⁶⁴ In Preševo, the Serbian flag on the Assembly building was removed and replaced by the Albanian flag on the occasion of the Day of the Flag, an Albanian national holiday.⁶⁵ In the village of Torda, municipality of Žitište, a few cases of maltreatment of children of Hungarian nationality by their peers of Roma nationality were recorded. These events were not considered to be intra-national incidents, but they were assessed as a serious problem.⁶⁶

New Constitution: A Missed Opportunity

Besides different forms of intolerance, a distinctive case of distrust of members on national minorities was recorded during the year, namely, the one related to the making of the new Serbian Constitution.⁶⁷ On numerous occasions, minority representatives expressed their interest in the highest legal act and their wish to participate in the process of its drafting, but were prevented from doing so by the will of the ruling oligarchy. Thus the opportunity was missed for a general consensus to be reached in the society, and for the strengthening of the feeling of minorities that the society rests on their consent. The highest legal act that establishes the legal and political order was, already on its first step, faced with the deficit of legitimacy, since the

⁶⁴ *Gradanski list*, November 18, 2006.

⁶⁵ *Danas*, November 29, 2006. In Bujanovac, the Albanian flag was raised alongside the Serbian flag for the first time. A day before that, the director of the Office for Human and Minority Rights, Petar Ladević, stated that “the Albanian national minority has no right to celebrate its national holidays and symbols at this moment, because it did not create its national council”. We draw attention to this statement because it is contrary to the Law on Minorities. Namely, according to the Law, the creation of national councils is not a prerequisite for the exercise of minority rights, including the right to celebrate national holidays and display national symbols, because the creation of national councils is not mandatory, but rather an elective right. The Law states that “members of national minorities may elect national councils” (Art. 19), which means that they are not obliged to do so.

⁶⁶ Young Roma, fifth grade students, made their Hungarian peers kneel and pray to God in Romani language. In the primary school “Endre Adi” classes are held in Hungarian and, especially for Roma children, in Serbian. *Dnevnik*, December 4, 2006.

⁶⁷ However, it should be noted that this is not simply a case of distrust of national minorities, but also of underrating of democratic public and democratic procedures. This fact, along with the fact that the Constitution did not “pass” in Vojvodina, seriously brings its legitimacy into question.

members of minorities, for the most part, ignored the appeal to participate and confirm the Constitution in a referendum. Besides the fact that they were not involved in the drafting of the Constitution, nor was there any public debate held on this subject, this decision of the minorities was influenced by appeals to citizens by certain political parties, as well as NGO-s,⁶⁸ by the aggressive pro-referendum campaign led by the Serbian Radical Party,⁶⁹ double standards regarding autonomy,⁷⁰ the belief that the Constitution brings nothing to minorities,⁷¹ that their demands have not been met,⁷² but first and foremost, by the proposed definition of the State of Serbia as “the state of Serbian people and all citizens who live in it”. This constitutional definition of the state (Art. 1) created the belief amongst members of the minorities that there are first and second class citizens in Serbia, and that the role of second class citizens was meant for them. This belief was strengthened by Art. 13 which already by its title – Protection of citizens and Serbs abroad – points to discrimination.⁷³ It is

⁶⁸ The League of Social Democrats of Vojvodina, Liberal Democratic Party and Civic Alliance of Serbia are only some of the political parties which called on citizens to boycott the referendum. In Novi Sad, an ad hoc coalition of NGO-s was formed with the same goal. This coalition constituted of several NGO-s, including the Center for Development of Civil Society, Independent Journalists’ Association of Vojvodina, Center for Regionalism, Panonija Fund, Helsinki Committee for Human Rights in Serbia and others.

⁶⁹ The campaign of the Serbian Radical Party was accompanied by billboards with Šešelji’s picture. In the surroundings where national minorities live, this was counterproductive, because it discouraged the minorities from voting.

⁷⁰ The Constitution guarantees fundamental autonomy to Kosovo, as opposed to Vojvodina. The ruling parties in the Vojvodina assembly reached a consensus on the desirable degree of autonomy, but their requests were not met by the makers of the Constitution. Discontent with the existing degree of autonomy will definitely be one of the mobilizing factors for advocates of autonomy in the next elections.

⁷¹ The Alliance of Vojvodina Hungarians (SVM) translated the draft of the Constitution to Hungarian and organized debates in parts of the country where Hungarians live, in order to introduce them to the content of the Constitution. “Thanks to this, the Hungarians had the opportunity to get informed in detail about the Constitution and realize that it brings nothing to the minorities”, said Karolj Dudaš, vice-president of SVM. *Gradanski list*, November 1, 2006.

⁷² “We have demanded” said Ana Makanova Tomanova, the coordinator of national councils, “that the Constitution envisage the autonomy of Vojvodina in line with the platform of the Executive Council, that Serbia be defined as a civil state, as well as that 10% of seats in the republican parliament be guaranteed to minorities.” *Gradanski list*, September 21, 2006.

⁷³ Article 13 of the Serbian Constitution has two paragraphs and reads: “The Republic of Serbia protects the rights and interests of its citizens abroad. The Republic of Serbia develops and improves relations of Serbs that live abroad with their native land”. It is obvious that this provision is discriminatory, because it singles out the Serbs,

interesting to note that the abovementioned article belongs to the first part of the Constitutional draft that states the principles of the Constitution, amongst other, the rule of law⁷⁴ and the protection of national minorities.

The new Serbian Constitution, proclaimed on the parliamentary session on November 8 guarantees special protection of minority rights to members of minorities in achieving full equality and preserving their identity (Art. 14).⁷⁵ In a special section of the Constitution – Rights of members of national minorities – besides the rights guaranteed to all citizens, additional individual and collective rights are guaranteed to members of minorities.⁷⁶ By the right to preserve individuality (article 79) the following rights are guaranteed to members of minorities: to express, protect, foster, develop and

although their citizenship status must be the same as the status of other citizens of Serbia living abroad.

⁷⁴ It is unclear as to what kind of rule of law this refers to if the protection of rights and interests of Serbs is singled out, and if their interests and rights are more important than those of the citizens of Serbia?!

⁷⁵ In the aim of achieving full equality, the Republic of Serbia can introduce special regulations and temporary measures into economical, social, cultural and political life (Art. 76). Guaranteed by the Constitution, human and minority rights are applied directly, same as the rights guaranteed by generally accepted rules of international law, asserted by international treaties and laws (Art. 18). The Constitutions explicitly states that the attained level of human and minority rights can not be reduced, but that the human and minority rights can be restricted by law, if the Constitution provides for this restriction (Art. 20). If any of the rights guaranteed by the Constitution is withheld or violated, members of minorities have the right to seek court protection. They also have the right to appeal to international institutions in order to protect their rights and liberties guaranteed by the Constitution. The purpose of Constitutional guarantees of human and minority rights is in protecting human dignity and achieving full freedom and equality for each individual (Art. 19). Constitutional regulations on human and minority rights are interpreted in favor of promoting the values of democratic society, compliant to existing international standards in the area of human and minority rights, as well as to the practice of international institutions that monitor their enforcement (Art. 18).

⁷⁶ Through collective rights, members of national minorities decide or participate in the decision making process on certain issues relating to their culture, education, informing and official use of language and alphabet (Art. 75). Minorities are guaranteed equality under the law and equal legal protection. Any type of discrimination based on a person belonging to a minority is forbidden (Art. 76). Minority members have the right to participate in the administration of public affairs and be appointed or elected to public office under the same conditions as other citizens. Ethnic composition of the population and appropriate representation of minorities have to be taken into consideration when hiring personnel for state agencies, public services and provincial and local self-government bodies (Art. 77). Forced assimilation of minority members, as well as measures that could lead to artificial change of ethnic structure of the population in areas where minority members live traditionally and in large numbers, are prohibited by the Constitution (Art. 78).

publicly express national, ethnic, cultural and religious individuality, and to use their language and alphabet; to use their name and surname in their language; to be provided with education in their language, and to found private educational institutions; to be fully, timely and impartially informed in their own language, including the right to express, receive, send and exchange information and ideas, and to establish their own public media compliant to the law; to use symbols in public places; in environments where they represent a significant part of the population, to the proceedings by state agencies, organizations having public authority, agencies of autonomous provinces and local self-government in their language as well; that in environments where they represent a significant part of the population, traditional local names, street and city names, as well as topographic signs be written in their language as well. Compliant to the Constitution and based on the law, additional rights for the members of national minorities can be established by provincial regulations. In addition to that, members of minorities can establish voluntarily funded educational and cultural societies, whose special role in fulfilling their rights is recognized by the Republic of Serbia. The right to establish contacts and cooperate with fellow nationals outside the territory of the Republic of Serbia is also granted to the members of minorities (Art. 80).

In order to secure the exercise of guaranteed rights without hindrance, the Constitution obliges the Republic of Serbia (Art. 81) to promote the spirit of tolerance and intercultural dialogue and take effective measures to improve mutual respect, understanding and cooperation amongst all people living in its territory, regardless of their ethnic, cultural, linguistic or religious identity, in areas of education, culture and information.

In the Constitution, within the part that deals with the rights of the members of national minorities, most of the regulations are taken from the corresponding (third) part of the Charter on Human and Minority Rights and Civil Liberties. However, some regulations from the Charter did not find their place in the part of the Constitution dealing with the rights of the members of national minorities, but rather in the part dealing with human rights and liberties, for example, regulations pertaining to the right to express ethnic affiliation, prohibition to incite racial, national and religious hatred, namely, guarantees of acquired rights.⁷⁷ In addition to the fact that it is professionally better articulated – the language of the Charter is more precise and the solutions are outlined more clearly than in the Constitution – the regulations of the Charter are much more favorable for the members of minorities. For example, both documents forbid forced assimilation of minority members, but

⁷⁷ In the second part of the Constitution, among basic principles, Art. 20 states that “the acquired level of human and minority rights cannot be reduced”. The Charter on Human and Minority Rights and Civil Liberties gives a broader formulation, because it encompasses both individual and collective rights.

only the Charter provides for and clearly points out the responsibility of the state (member and state union) to protect members of minorities from any action directed towards forced assimilation (Art. 50). The Charter also regulates in a more comprehensive manner the right of members of minority to preserve their individuality. In the part of the Constitution that deals with the preservation of individuality of minority members there is no regulation that pertains to the right, guaranteed by the Charter (Art. 52), to “a certain number of mandates in the parliament of the member state...”. Instead, different solutions are present in the Constitution, depending on the assembly in question. For example, Article 100 specifies that the equality and representation of both sexes and representatives of national minorities is secured in the Parliament of the Republic of Serbia, compliant to the law, while Article 180 states that proportional representation of national minorities will be secured in assemblies of provinces and local self-government units where the population is of mixed nationality, compliant to the law. Provisions disfavoring minorities exist also in Article 75, where Paragraph 1 states that individual and collective rights of minority members are exercised compliant to the Constitution, the law and international agreements. Compared to the provisions on human and minority rights in the Charter, the Constitutional provisions restrict these rights. Namely, the Charter states that individual and collective rights are exercised compliant to the law and international standards. In relation to this, it should not be overlooked that there is no integrative clause in the Constitution, and that international agreements must not contradict the Constitution.⁷⁸ However, the real cynicism of the Constitution makers is present in the part of the Constitution that provides for the possibility to file a constitutional appeal in order to protect human and minority rights (Art. 170), but it is unclear as to whom this appeal is filed, given that the Constitutional Court does not have jurisdiction over this type of cases.⁷⁹

Bearing in mind that the provisions offered by the Constitution fall behind those in the Charter on Human and Minority Rights and Civil Liberties, as well as the belief held by members of minorities that the Constitution turns them into second class citizens, their decision to ignore the appeals to participate in the referendum is completely understandable. Although members of the Government and ruling parties attempted to compel representatives of minorities, especially of the numerous ones, like Bosniaks and Hungarians, to call upon their fellow-citizens to participate in the

⁷⁸ A completely different solution existed in the Constitutional Charter of the State Union: “Ratified international agreements and generally accepted rules of international law have supremacy over the law of Serbia and Montenegro and the laws of member states”.

⁷⁹ We also have to point out the fact that the Constitutional Court is, de facto, not functional.

referendum in a greater number, these attempts were fruitless.⁸⁰ The representatives of minorities, if they have not already taken an explicit position, took a neutral stand in most cases, leaving the decision whether to participate and how to vote with their fellow-nationals, as in the case of the Croatian and Slovakian national councils.⁸¹ Motives for this kind of behavior are not hard to understand. In the climate of ethno-nationalistic mobilization, accusations and assaults on opponents of the constitution,⁸² catastrophic warnings,⁸³ as well as reprimands that they are preserving Milošević's constitution,⁸⁴ the representatives of minorities wanted, above all, to avoid

⁸⁰ In fact, in the case of Bosniacs, the only result was the deepening of political divisions. Sulejman Ugljanin, leader of the List for Sandžak, called upon his fellow-nationals to “put on their Sunday clothes” and vote in the referendum, for the Constitution, while other representatives either asked Bosniacs to boycott the referendum, like the Party for Sandžak and the Bosnian Coalition, or avoided taking a clear position as to how the citizens should behave in the referendum, like the Sandžak Democratic Party. Displeased with the way the constitution was passed, Bosniac parties accused the Government of Serbia of not including Bosniac representatives in the making of the constitution. They also blamed members of parliament belonging to the coalition List for Sandžak for not participating in the Constitution making out of their own interest and in hope of gaining favors of some other governments in Belgrade (*Danas*, October 16, 2006). The leaders of two Hungarian parties, Democratic Party of Vojvodina Hungarians and Democratic Union of Vojvodina Hungarians, which struggle for influence over the Hungarian electoral body with the presently strongest party, the Alliance of Vojvodina Hungarians, were much more explicit in their stands than the leader of SVM. While the leader of SVM, Jožef Kasa, asked the Hungarians to participate in the referendum and vote as they see fit, Andraš Agošton and Pal Šandor asked their fellow-nationals to vote in the referendum against the Constitution. (*Dnevnik*, October 26, 2006).

⁸¹ *Dnevnik*, October 23, 2006.

⁸² Proponents of the boycott were accused in public of working on foreign orders, of destroying the country and working in favor of those who want to take Kosovo away from us. On the Square of the Republic in Belgrade, a few days before the referendum symbolic awards for the contribution to the independent Albanian state of Kosovo were given, and leaders of certain parties and NGO-s were called Shiptars. *Danas*, October 24, 2006.

⁸³ Nebojša Čović, president of the Social-Democratic Party, concluded that chaos could ensue in the country should the new Constitution fail to be confirmed in the referendum. He warned that domestic and international forces exist that want the referendum to fail and raised the question as to who finances those who promote the anti-referendum campaign. *Danas*, October 20, 2006.

⁸⁴ Dragan Šutanovac, vicepresident of the Democratic Party judged the announced boycott of the referendum on the part of Albanians and other minorities as a bad affair and expressed his regret that national minorities will turn out to be the guardians of Slobodan Milošević's constitution. *Danas*, October 20, 2006.

accusations for possible failure of the referendum,⁸⁵ as well as accusations that they deprived Serbia of one important instrument of defense of territorial integrity,⁸⁶ in such a “key” moment in history.

Ethnic Autonomy

In their intent to use the emotional and political potential of the Kosovo problem for the support of the Constitution, the Serbian political elite faced the demands of three Hungarian parties to discuss the autonomy of Hungarians in Vojvodina, parallel to the talks on the future status of Kosovo, and to secure the same level of ethnic autonomy for Hungarians that will be given to Serbs in Kosovo. On December 12, believing that the Hungarian problem in Serbia is opened and not solved, Andraš Agošton, Šandor Pal and Laslo Rac Sabo, leaders of the Democratic Party of Vojvodina Hungarians (DSVM), Democratic Union of Vojvodina Hungarians (DZVM) and the Hungarian Civil Union (GSM), addressed their demands to the highest officials in Serbia. When there was no answer from the officials, the Hungarian leaders sent in March a letter to Maarti Ahtisaari, UN special envoy for Kosovo.

This request was not received positively in the Serbian public. According to the words of the president of the parliamentary committee for Kosovo and Metohija, the talks on the final status of Kosovo have absolutely no connection with the position of Hungarians in Vojvodina.⁸⁷ The president of the provincial government, Bojan Pajtić, also opposed the parallel between Kosovo and Vojvodina. On a joint conference with Ferenc Šomodiji, the Hungarian Minister of Foreign Affairs, Pajtić said that in the case of Serbs in Kosovo, the preservation of life is at stake, while in the case of minorities in Vojvodina, the issue is the advancement of European standards.⁸⁸ Similar

⁸⁵ On the 28th and 29th of October, 53.04% of the electoral body voted for the Constitution in the referendum. However, there was publicly expressed doubt whether the turnout in the referendum was as high as it was officially presented. In Vojvodina, only 43.93% of the citizens voted for the new Constitution.

⁸⁶ Serbian prime minister kept stressing that the territorial integrity of Serbia and Kosovo within Serbia must be defended by all legal instruments.

⁸⁷ “There are essential political and technical differences between these two things. We could only wish that Kosovo Serbs have all the rights the Hungarians have in Vojvodina. In Kosovo, there is a security problem, freedom of movement is limited, people do not have the right to work, gain employment, no right to education, and in some parts they can’t even exercise some of the elementary rights, like the right to health care... Besides, people down there die for belonging to a different nationality and the position of the Kosovo Serbs and Hungarians in Vojvodina is absolutely incomparable”. *Dnevnik*, January 1, 2006.

⁸⁸ *Danas*, April 3, 2006.

opinions were stated by Dušan Janjić, director of the Forum for Ethnic Relations, as well as James Lion from the International Crisis Group. Janjić said that “relating the future of Hungarians with Kosovo Serbs is a bill without the innkeeper”. “As if these politicians want the Hungarians to go through what Serbs or Albanians went through in Kosovo. It is a dangerous, security threatening message”.⁸⁹ Lion said that “Vojvodina and Kosovo can not be compared on any grounds” nor “can the position of minorities can associated with negotiations on the Kosovo status”.⁹⁰

The ideas of the Hungarian leaders found no support within the Hungarian political society, either. Thus, Jožef Kasa, the leader of the Alliance of Vojvodina Hungarians (SVM), the strongest party amongst Hungarians in Vojvodina, gave a statement saying that Agošton, Pal and Sabo have the constitutional right to write letters, but that “Ahtisaari should not deal with our problem”.⁹¹

According to Kasa’s opinion, instead of appealing to international intermediaries, the question of Hungarian autonomy in Vojvodina should be solved by talks with the representatives of the Serbian political elite. At the end of April, Kasa stated that SVM started a serious dialogue with the Democratic Party of Serbia,⁹² and he also announced talks with President Tadić’s party, as well as with other democratically oriented parties, in order to reach a consensus on the question of Hungarian autonomy. It should be said that Kasa decided to negotiate with the representatives of Serbian establishment only after an unsuccessful attempt by the representatives of the Hungarian political and civil society to agree on the desired model of autonomy.⁹³

⁸⁹ *Građanski list*, March 31, 2006.

⁹⁰ *Građanski list*, May 13/14, 2006. Lion said that it is true that the question can be raised as to why decentralization is not good for Serbia and Serbs in Serbia, if it is good for Serbs in Kosovo. Decentralization is the key issue in Serbia, and it is in favor not only of national minorities, but of all citizens.

⁹¹ “This is an issue which depends on possibilities, the existing reality and agreement, but an agreement to be reached within this state, not with Marti Ahtisari”. Jožef Kasa, *Dnevnik*, April 1, 2006.

⁹² After the talks with the Serbian Prime Minister Koštunica, Jožef Kasa stated that “we have found an open door when autonomy is concerned, and we will soon discuss the possibilities to realize this autonomy with the Minister for Public Administration and Local Self-Government and the DSS legal team”. *Dnevnik*, April 8, 2006.

⁹³ In February, the NGO Civil Movement appealed to all relevant actors of Hungarian political and civil society to start negotiating on the desired model of autonomy for Hungarians in Vojvodina. On a meeting held in Feketić, an agreement was reached that political parties (SVM, DSVM, DZVM and GSM), NGO-s and the Reformist Church appoint their members to an expert committee that should have (until May 10) presented a concept of Hungarian autonomy in Vojvodina. The first meeting of the committee should have been held in Novi Sad, but it was canceled until further

Namely, all four Hungarian parties believe that autonomy is the best means to protect the interests of Hungarian minority, but they have differing opinions on the type of autonomy which comprehensively realizes these interests. Unlike Andraš Agošton who believes personal autonomy to be the most suitable means of protection, other party leaders, like Pal and Rac Sabo,⁹⁴ prefer territorial autonomy or, in the case of Jožef Kasa, a combination of personal and territorial autonomy.⁹⁵ Furthermore, the government of the neighboring Republic of Hungary insists on reaching an intra-Hungarian consensus. Atila Komloš, the chief of the Department of the Republic of Hungary for Out-of-State Hungarians, said in an interview given to "Građanski list" that the Government of the Republic of Hungary will not abandon out-of-state Hungarians. Hungary will help its minority to live as stable as possible, and if autonomy contributes to that, Hungary will support the autonomy. However, according to Komloš's words, representatives of the Hungarians of Vojvodina first have to reach a consensus on this issue. Komloš added that if they find a solution and reach a consensus, Hungary will have something to support in its contacts with the neighboring country.⁹⁶

The issue of Hungarian autonomy was also mentioned in a letter sent by Hungarian NGO-s from Vojvodina to the President of Hungary, Laslo Šoljom, in June. In this letter they asked him to initiate before the national parliament the passing of a legal act that would guarantee protection to out-of-

notice, as none of the parties, except SVM, fulfilled the obligations they have taken. Namely, on the meeting in Feketić it was agreed that parties make their future cooperation official by signing a joint document. The document was signed by SVM, but none of the remaining parties, which made representatives of SVM cancel their participation in the meeting.

⁹⁴ Laslo Rac Sabo believes that personal autonomy does not guarantee the survival of Hungarians. The only way Hungarians in Vojvodina can save themselves and resist the approaching assimilation is territorial autonomy. *Dnevnik*, March 31, 2006.

⁹⁵ According to Kasa, "a strong territorial autonomy by itself would not be suitable for Hungarians in Vojvodina, as only a smaller part of them live in the north of Vojvodina, while over 50% are scattered over the province. Thus, it would be better to search for a solution in the combination of territorial and personal autonomy which, besides, are not mutually exclusive." *Dnevnik*, March 26, 2006. The concept of territorial autonomy would encompass municipalities in Vojvodina where Hungarians represent the majority, while personal autonomy would include the municipalities where Hungarians live in a large number.

⁹⁶ *Građanski list*, 2006. After the talks with the leaders of provincial administration, Žolt Nemet, the president of the Committee on Foreign Affairs of the Hungarian Parliament, stated that "inter-ethnic tensions are efficiently appeased by autonomy, which is why we advocate different forms of autonomy in Vojvodina, along with the autonomy of local Hungarians". *Dnevnik*, March 26, 2006. At the beginning of the meeting in Feketić, Agošton notified the participants that he received an answer from the Hungarian Minister of Foreign Affairs that Budapest is ready to "immediately support a joint concept of autonomy". *Građanski list*, February, 27, 2006.

state Hungarians. To the authors of the letter, the desired protection, besides autonomy, entails also dual citizenship and guaranteed seats in the Serbian parliament. The letter states the reasons why the NGO-s believe that Hungarians need protection, one of these reasons being the refugees.

According to official data, 48% of all refugees in Serbia live in Vojvodina, and 25% of those are refugees from Kosovo. In the attempt to support their integration, the provincial assembly set up a Fund for helping refugees, exiled and displaced people.⁹⁷ With the assets at its disposal, the Fund will buy village houses with homestead, invest money in refurbishing, and acquire building materials to finish the building of houses or refurbish the ones where refugees already live. For those who want to return to the states they took refuge from, the Fund will provide packages with the most necessary agricultural tools and household furniture.⁹⁸ DSVM believes that such a policy of the Fund might lead to the infringement of the ethnic structure of municipalities with predominantly Hungarian population. This is particularly the case with refugees from Kosovo, who would, in accordance with the readmission agreement, be returned from Western countries and settled precisely into the borderline traffic zone, not in central Serbia, where, according to DSVM, some depopulated villages also exist.⁹⁹

Andraš Agošton and Šandor Pal sent a letter to Jožef Kasa, asking him to join them in a public appeal against "Serbian policy of settlement", but the appeal was rejected by SVM and denounced as a (pre-electoral) attempt to discredit SVM. Tivadar Tot, the head of the parliamentary group of SVM in the provincial assembly, accused political rivals of trying to incite anxiety among the Hungarian population by erroneous statements, which blame the SVM of backing up the provincial government policy of settling new refugees from Kosovo and abroad. Tamaš Korhec, Provincial Secretary for Management, Regulations and Minorities said that the Fund "was not formed to secure new refugees and to buy houses for them in communities where minorities represent the majority of population".¹⁰⁰ Janko Veselinović, the president of the Council on Refugees, Exiled and Displaced People, reacted by pointing out that the decision to create the Fund pertains only to refugees who were already

⁹⁷ The provincial budget will provide over 28 million dinars for the functioning of the Fund.

⁹⁸ The Fund will not make any difference between refugees and exiled and displaced people from Kosovo.

⁹⁹ *Dnevnik*, December 20, 2006. A party official of DSVM said that the coalition "Hungarian Unity", composed of DSVM and DZVM, does not agree on the acquisition of abandoned village households for refugees and displaced people in Vojvodina to be carried out in Subotica, Bačka Topola, Kanjiža, Senta, Ada, Čoka and Bečež. *Dnevnik*, January 27, 2006.

¹⁰⁰ *Građanski list*, January 5, 2007. The Fund deals only with refugees that are already in Vojvodina, and it is created to support their repatriation and integration.

in Vojvodina at the time of its passing, and that the decision clearly states that the Constitutional provision against infringement of ethnic structure cannot be violated.¹⁰¹

Conflicts within the Hungarian Community

Divisions like the ones that exist within the Hungarian minority are also present within other minority communities. The conflicts that stand out for their seriousness and even tragic consequences are the ones amongst Bosniaks in Sandžak, where, besides verbal, devices suitable for armed conflicts are also used. In the first part of April a Molotov cocktail was thrown at the headquarters of the Sandžak Democratic Party, followed by a bomb thrown at the house of Fevzija Murić, the leader of the Party for Sandžak, in the middle of the same month, then another one thrown at the area in front of the municipally assembly,¹⁰² and finally, in September, into the room of Mahmut Hajrović, an activist of SDA. During the same month, shots were fired in Novi Pazar, and during the local elections,¹⁰³ Ruždija Đurović, a candidate for a representative on the List for Sandžak, lost his life in a conflict between two opposing camps, whereas his brother, Sulejman Đurović, got wounded.¹⁰⁴ The two sides in conflict blamed each other for this murder.¹⁰⁵ Worried by the

¹⁰¹ Veselinović pointed out that around 90% of refugees live in municipalities were their relatives, who settled in Vojvodina earlier, already lived, namely Novi Sad, Futog, Veternik, Kać, Sremska Mitrovica and Ruma. He also said that there are no, or few refugees in the north of Vojvodina.

¹⁰² The Party for Sandžak was blamed for this incident, but it denied any involvement. The vice-president of the party, Azem Hajdarević, „suggested” that the reasons for the bombing should be sought in the conflicts between the highest ranks of Ugljanin’s leadership on one side, and the people who are from SDA, but are opposing the introduction of coercive administration, on the other. *Dnevnik*, April 12, 2006.

¹⁰³ Only a day after the Government of the Republic decided on dismissing the municipal assembly of Novi Pazar, Rasim Ljajić assessed that decision as legal and political violence, and stated that the Government has to take responsibility for the consequences of this act, because it is going to provoke a radicalization of the situation in Sandžak. *Gradanski list*, April 8/9, 2006.

¹⁰⁴ Ruždija Đurović was hit by three bullets, while his relative, Sulejman Đurović sustained a gunshot wound above the knee.

¹⁰⁵ The coalition List for Sandžak accused the Democratic Party of Sandžak leader’s security team of the murder at polling station 74. The accusations were vehemently discarded by Rasim Ljajić. According to his words, the incident happened when members of Sulejman Ugljanin’s SDA beat up one of the members of the election board from SDP, who then called his friends, and a full-blown fight started with shots being fired. After the murder, both SDP and LZS withdrew their representatives from the election boards for security reasons. The president of the municipality, Sulejman Ugljanin addressed the citizens calling for peace and tolerance. He also asked the

escalation of the conflict, the public demanded from the state agencies to urgently find and sanction the perpetrators, and from the opposed sides to withhold from any escalation of violence in their relations.

The responsibility for the radicalization of the situation is Sandžak was attributed to the Serbian Government, as well as to the parties and their leaders. According to the NGO “Urban in”, the government greatly contributed to such a development with its policy of unconditional support for only one side.¹⁰⁶ Zibija Dervišhalitović Šarenkapić, director of the cultural center “Damad” declared that “We are hostages of the regime. We turned politics into a spittoon, and, instead of devising a strategy to develop the region, politicians devise strategies how to defeat each other”.¹⁰⁷ According to Ramiz Crnišanin “Instead of carrying out the law and taking necessary measures, the government and its ministries are influenced by daily politics, and tolerating the paralysis of local self-government provoked by the conflict between the municipal assembly and the president of the municipality”.¹⁰⁸ In an authored text, published in the daily paper “Danas”, Crnišanin laid the responsibility for the escalation also with Bosnian political parties and their leaders.¹⁰⁹ He criticized them for not showing maturity for political life and democratic political culture, for tolerance and evenhanded dialogue. Parties are “populist, essentially nationalistic, they harbor hate speech and create an atmosphere of intolerance”.¹¹⁰ Crnišanin announced that the organization he leads will ask the prime minister and the president of Serbia to ban all Bosnian parties for a period of 10 years. “There is a constitutional basis for this, because

citizens gathered around the municipal building to disband, which they did after reciting Fatiha (prayer for the dead) for Đurović. The executive board of the Bosnian National Council announced that it will demand from the Constitutional court to re-examine the political actions of SDP and its president Rasim Lajijić. *Dnevnik*, September 13, 2006.

¹⁰⁶ *Danas*, September 15, 2006. The List for Sandžak participates in government through parliamentary support of the government by two LZS representatives, while SDP participates in the work of an important government agency through Ljajić.

¹⁰⁷ *Danas*, December 22, 2006.

¹⁰⁸ *Danas*, September 15, 2006.

¹⁰⁹ The president of SDP, Rasim Ljajić, also brought accusations for lawlessness and anarchy in Sandžak against the government. He stated that the government tolerates lawlessness, anarchy and crime in order to retain support of the two representatives from the Party of Democratic Action. Ljajić called upon the police to release the information whether former members of Kosovo Liberation Army, now members of SDA, participated in the attack on the activists of his party. *Gradanski list*, August 19, 2006.

¹¹⁰ *Danas*, September 15, 2006.

they apply violence in politics, exploit juveniles for political games, and use hate and intolerance speech".¹¹¹

After the incident in which a bomb was thrown into the sleeping room of Mahmut Hajrović's house, Rasim Ljajić called Sulejman Ugljanin to a joint meeting with the mufti Muamer Zukorlić, so that they could discuss the options for reducing the tension, as the most influential people in Sandžak. Ugljanin answered by a counter-call to Ljajić and Zukorlić asking them to participate in the work of the Executive Board of the Bosnian National Council "as the only suitable place for such talks". Both Ljajić¹¹² and Zukorlić¹¹³ declined the invitation, convinced that it is simply a publicity stunt, and not a sincere wish to soothe the hot-tempered passion.

A certain level of tension existed in the Croatian community as well, but with a far lesser potential for conflict than in the case of Bosniak community. The Croatian community is more interesting from another angle – their relation towards the Bunjevci. The relations between these two communities have been tense for quite some time. While members of the Bunjevac community, namely, their National Council, insist on their distinctive national identity, representatives of the Croatian community claim that the

¹¹¹ *Danas*, September 13, 2006. In the shadow of party conflicts amongst Bosniacs, a conflict with the Islamic community is developing. The List for Sandžak accused the Sandžak mufti Muamer Zukorlić of contributing to the escalation of conflicts by pouring oil on the fire through misinformation in the aim of achieving dominance in politics. The Executive Board of the Bosnian National Council also criticized the Islamic community of Sandžak for scandalously interfering in political life by severe violation of pre-electoral silence. Before this, two letters were sent to Sulejman Ugljanin. The first was sent by the Meshihat of the Sandžak Islamic Community, protesting against improper and biased attitude of the Regional television towards the Islamic Community. In the second letter, Mevlud Dudić, dean of the Faculty for Islamic Studies, strongly condemned the vandalism of the supporters of the List for Sandžak during a pre-electoral rally on the Faculty premises. The coalition List for Sandžak responded by filing criminal suits against Mufti Zukorlić and Dean Dudić for causing panic within the ranks of members of Islamic religion by circulating false information. Namely, according to the Information service of the Coalition List for Sandžak, a communication of the Islamic Community was read in all mosques in Novi Pazar and its surroundings during religious ceremonies "spreading lies and fallacies about the Coalition List for Sandžak Sulejman Ugljanin".

¹¹² Ljajić asked himself why they should go to that session. It would be the same as me calling Ugljanin to join the session of the Main board of my party. "The National Minority Councils deal with education and culture, not with security issues". *Danas*, November 16, 2006.

¹¹³ The communication sent to the media by Mufti Zukorlić states that: "If Sandžak was a monarchy, and if Mr. Ugljanin was Louis the 14th, his order to BNVS to invite Messieurs Bajram Omeragić, Rasim Ljajić and Sandžak Mufti would be sensible. As this is not the case, this act can be taken as downgrading of everybody else, by giving them tasks to fulfill in the interest of the sacrosanct". *Danas*, November 16, 2006.

Bunjevci are part of the Croatian national body. The disagreements surfaced when the Bunjevac National Council filed a request to introduce the Bunjevac language, with elements of national culture, as an optional subject in schools.¹¹⁴ In reaction to that, the Democratic Alliance of Vojvodina Croats (DSHV) stated that the Bunjevac issue should not burden Serbo-Croatian relations and raised the question as to who has the interest in, and who are the powers who want to shape one part of the Croatian ethnic group into a new ethnic group. In its statement, the DSHV points out that "the infamous Bunjevac language" "is no more than a spoken dialect, like many other local or regional dialects" and that "we consider the support of the government to the formation of the Bunjevac nation, unknown to the world, and in the standardization of their spoken language (where they also rely on Serbian linguists from the Novi Sad University) primarily as an attempt to prevent our community to integrate in a natural way into the Croatian nation where, considering our linguistic and cultural tradition, it fully belongs".¹¹⁵

In December, DSHV issued another statement, this time on the occasion of a symposium on the Bunjevci origins. DSHV assessed the meeting as "quasi-scientific in character, since the only participants were people who negated that Bunjevci belong to the Croatian nation, and have very little knowledge of Bunjevci. The only goal of this meeting was to attempt to find historical and scientific grounds for the state project of creating a distinct ethnic group of Bunjevci. Political preconditions for this project were already created during Milošević's time, whereas the legal ones were created recently".¹¹⁶

Reacting to the contesting of their distinct identity, and to the statement by Ivo Sanader, the Croatian prime minister, that he had reached an

¹¹⁴ The Provincial Secretariat of Education and Culture demanded from the SCG Ministry of Human and Minority Rights to take a more concrete stand and give recommendations on the issue of introducing the Bunjevac language as an optional subject in lower grades of primary schools. This institution asked for help because the opinions on the standardization of the Bunjevac language, previously requested from other institutions, were different, even opposed. The opinions were submitted by the Serbian Academy of Sciences and Arts, the Vojvodina Academy of Sciences, the Croatian Academy of Sciences and Arts, the Provincial Secretariat for Legislation, Administration and National Minorities and the Pedagogical Institute of Vojvodina.

¹¹⁵ *Hrvatska riječ*, February 24, 2006. The statement stresses that the actions of state agencies on all levels on this issue have hitherto been nontransparent and politically motivated, and that the whole procedure was under a veil of secret, led by people whose competence is more than questionable. The statement ends by saying that in case that the government "continues to give active support to the creation of a distinct language from a dialect, and generally, to the creation of a new nation, by singling it out from the Croatian nation, DSHV will be forced to seek protection of its rights from the Council of Europe".

¹¹⁶ *Danas*, December 13, 2006.

agreement with Belgrade authorities that the Croatian community should no longer be divided between Bunjevci, Croats and Šokci, the Bunjevac National Council addressed an open letter to the highest state officials warning them that a process of equalizing Bunjevci and Croats is underway. Nikola Babić, president of the National Council, stated that the political representatives of Croats in Serbia, with the obvious support and help from Croatian state bodies, categorize Bunjevci among members of the Croatian national minority using various, organized and devious methods, violating international conventions and laws.¹¹⁷

At a round table, held in Novi Sad in March, Vladimir Đurić, from the Ministry of Human and Minority Rights, denied accusations that the state supports either Croats or Bunjevci, as the government “has to respect the freedom of ethnic self-determination based on the subjective feeling of belonging to a certain nation”. Answering to a remark voiced during the meeting, that on the occasion of the ratification of the European Charter on Regional and Minority Languages, the Bunjevac language was not mentioned as one of the ten languages this Charter pertains to, Đurić declared that this does not mean that this language does not exist and that it is not mentioned, because this questions refers to the possibility of exercising rights.¹¹⁸

The Church and Minorities

When the exercise of rights is in question, it is interesting to note that the members of the Bunjevac community also raised this question from the angle of the right to religious practice. On the invitation of the National Council, Milan Radulović, Minister of Religion in the Government of Serbia, visited Subotica during October, and engaged in talks with the management of

¹¹⁷ *Dnevnik*, August 2, 2006. The open letter points out that the manipulation of ethnic feelings is unacceptable, as well as the appropriation of members of other national minorities for political or other reasons. Mirko Bajić, a member of the Bunjevac National Council suggested to the Council to request the prohibition of the distribution of the Investment manual, as it contains a distorted ethnic picture of Vojvodina. According to Bajić, the book contains totally erroneous data about the national structure of the population. “For example, the manual says that only Serbs, Croats and Hungarian live in Bajmok. According to the data from the population census, around 700 Croats and 1266 Bunjevci live in this place. In the village of Ljutovo, 308 Croats and 379 Bunjevci live, but, like in Bajmok, they do not exist there”. *Građanski list*, April 17, 2006.

¹¹⁸ On the occasion of the passing of new Rules of Procedure a debate was initiated among representatives of the Subotica municipal assembly on whether the Bunjevac flag should be raised next to the republican, provincial, Hungarian and Croatian flags in the Assembly room. By a majority of votes, the Assembly supported the proposal to place the Bunjevac flag in the Main Council Chamber of the City Hall. *Danas*, September 30, 2006.

the Council, trying to find the answer as to how Bunjevci could exercise this right to the fullest extent. Representatives of the Bunjevac minority believe that the Catholic Church, to which the majority of them belong, does not recognize them on the national level. They believe that the Church should recognize the ethnic distinction of Bunjevci, the same way the state did, and that it should include their language into its interchurch life. Milan Radulović, Minister of Religion, stated that the churches have gained a high level of autonomy with the Law on Churches and Religious Communities, and thus they are the ones to decide on the language used in religious ceremonies. Pointing out that this issue is within the jurisdiction of the Catholic community in Subotica, the Minister of Religion expressed his hope that relationships will be created within that community which will make the believers feel acknowledged in all dimensions of their beings, not only spiritual, but ethnic, as well.¹¹⁹

Besides the abovementioned case, the question of the church became also of interest in the case of Montenegrins and Macedonians. The Association of Montenegrins in Serbia “Krstaš” announced, one more than one occasion, the construction of a Montenegrin Orthodox Church in Lovćenac, in order to enable the exercise of religious rights to Montenegrins. Referring to the Law on Churches and Religious Communities, the Ministry of Religion and the Serbian Orthodox Church opposed the construction of the temple, underlining that “in Serbia, only churches and religious communities can build religious buildings”, not civic associations like “Krstaš”. According to the words of Milan Radulović, the Minister of Religion, the society “Krstaš” can not be registered as a religious community, because it is a civic association. The Law on Churches and Religious Communities provides that organizations, whose name contains the name or part of the name expressing the identity of a church, religious community or organization already registered, or one that already filed a request to be entered into the registry, can not be entered into the registry of religious communities. In practice, Article 19 of the abovementioned law means that in Serbia, no other Orthodox church, beside the Serbian Orthodox Church, can be registered. This applies to the registration of Montenegrin, as well as of Macedonian Church, which Macedonians gathered around the Society of Vojvodina Macedonians asked for.

These discriminatory effects of the Law on Churches and Religious Communities, particularly revolted Nenad Stević, president of “Krstaš”, who accused the Serbian Orthodox Church of “exterminating Montenegrins, the Montenegrin Orthodox Church and Montenegro itself, which asserts the anti-evangelic and anti-ecumenical character of Serbian Orthodoxy. I would call this Serbian Orthodox fundamentalism”. According to Stević's opinion, the historical roots of this fundamentalism lie in the organic fusing of the Serbian imperial state, Serbian Orthodox Church and Serbian faith. The Law on

¹¹⁹ *Dnevnik*, October 25, 2006.

Churches and Religious Communities was created in the spirit of this fusion. Stević stresses that the law discriminates ethnic Montenegrins and violates their religious and human rights. In an interview for Radio Free Europe, Stević stated: “We will file a request to register the Montenegrin Orthodox Church in Serbia. In case our request is denied, we will appeal to the Constitutional Court of Serbia, and if that doesn’t work, we’ll go to Geneva and Strasburg... We are not second-rate citizens to accept wearing yellow armbands just because we do not belong to the majority nation or majority religion in this country”.¹²⁰

Like the Montenegrins, the members of the Macedonian community also managed to secure a building site for the construction of their church, but were unable to obtain a building permit. “We know” said Dragan Velkovski “that the Serbian Orthodox Church is opposing the issuing of the permit, but we are prepared to confront it and secure our rights”. The idea to build a temple of the Macedonian Orthodox Church in Vojvodina is a few years old, but the Macedonians were not able to secure the building site and the funds to build it, until now. At the moment when they finally succeeded and revealed their intention, Bishop Jovan was arrested in Macedonia. Velkovski stated that “Because of his arrest, the local public reacted to the news about the building of a Macedonian Church with a lot of animosity”. He added that even his friends refused to accept the explanation that ordinary Macedonians had nothing to do with this arrest. “Because of the arrest of Bishop Jovan, we didn’t want to raise public tension. We did not want to build without permit, and live to see that what we build during the day is torn down overnight”.¹²¹

The Law on Churches and Religious Communities was passed by the Serbian Parliament in the first half of the year, in the month of April. The public praised the efforts to pass this law, but it also drew attention to a few problematic points¹²² which could enable discrimination of members of different religious communities. However, this law is not of interest only from the aspect of the members of particular religions, but also from the ethnical aspect. Considering the fact that religious and ethnic differences in Serbia correspond to a certain level, provisions of the Law on Churches that enable unequal treatment are considered as a denial of minority rights. While not disputing the importance of the abovementioned law, we should point out that

¹²⁰ *Danas*, September 9-10, 2006.

¹²¹ *Građanski list*, May 8, 2006.

¹²² Article 6 of the Law states that “Churches and religious communities... are equal before the law”. But what law is in question? Already in this law, different churches and religious communities have been put in an unequal position during registration. Conditions for registering some religious organizations are stricter than conditions for the registration of others. Even orthography was used to further underline the inequity of different religious corporations. Thus the word church in the syntagm Serbian Orthodox Church is written with a capital letter, while the same word, in the syntagm Christian Baptist Church is written with a lowercase letter.

the passing of the Law on Election, Authority and Funding of National Councils would, however, be more important for the exercising of minority rights.

Between Sinecures and Lawlessness

Each of the fourteen national councils elected so far, was elected on the basis of a legal act passed by the Ministry of Human and Minority Rights in 2002. The Law on the Protection of Rights and Liberties of National Minorities anticipates a separate law to regulate the election of national councils. However, four years after the Hungarian National Council was elected,¹²³ as the first national council, this law still hasn’t been passed.

When Petar Lađević became Director of the Agency for Human and Minority Rights, in one of his first interviews he stated that the Agency will continue its work on the creation of minority legislation by preparing a draft Law on Authority and Election of National Councils.¹²⁴ The emphasis on the abovementioned laws is not accidental, because the Hungarian National Council’s mandate ended in the second part of September, and the issue of electing a new council, or councils (because the mandates of the Croatian, Slovakian and Bunjevac Council will also end very soon) is not regulated by law.¹²⁵

Several different public actors pointed out, on more than one occasion during the past few years, the obligation to pass this law. Despite the promises that came primarily from the Government, the law was not passed, due to a lack of political will. There were also warnings on several occasions of the problems that national minorities, as well as the Republic of Serbia, will face because of this. Thus, at the beginning of May, Laslo Joža, president of the Hungarian National Council, warned the Serbian Government that, if the appropriate law is not passed until September, a legal vacuum will ensue, whereupon national councils will have no legal grounds to continue their work. Joža stated that a suggestion was given to the Government that, in the absence of a better solution, it should modernize the former legal act of the Ministry of Human and Minority Rights, but the Government did not react to

¹²³ The National Council of the Hungarian national minority was constituted on September 21, 2006.

¹²⁴ According to Lađević, the creation of this law is behind schedule for justifiable reasons. Lađević mentioned the Montenegrin referendum as one of these reasons. *Danas*, July 7, 200.

¹²⁵ This is a very illustrative example of the irresponsibility of the state towards members of national minorities and of the lack of any kind of government strategy. Simply said, on the political agenda, the question of minorities is on the bottom of the government’s list of interests.

that initiative.¹²⁶ The Provincial Secretary of Administration, Regulations and Ethnic Minorities, Tamaš Korhec, also gave a statement on this issue. He pointed out that when the election of national councils is concerned, we are moving towards “a state of factual lawlessness”.¹²⁷ To avoid this development of events, rather unpleasant to the Government, the Agency for Human and Minority Rights stated that the regular electoral Assembly for the elections of the National Council of the Hungarian national minority¹²⁸ will be postponed until the creation of legal conditions and the transfer of functions from the ex-Union of Serbia and Montenegro to Serbia, and that the Agency will take over the specialized jobs associated with the status and the exercise of jurisdiction of national councils of national minorities, until these proceedings are concluded.¹²⁹ However, it is unclear whether, and on the basis of what legal act, is the Agency for Human and Minority Rights authorized to take over the jurisdictions of national councils? The basis of the standpoint, taken by the Council of the Republic of Serbia, that the duration of the four year mandate of a national council begins at the moment of entry into the Register of National Councils, and not on the date of the founding assembly, is also unclear.¹³⁰ Finally, it is not clear why the Agency for Human and Minority Rights did not consult national councils before making this decision, instead of letting them obtain the relevant information through the media?¹³¹ What is, however, clear, is that the Serbian Government, through its agencies, is attempting to prolong the life of national councils illegally, by manipulating dates, and thus avoid a rather unpleasant situation in which it put national councils as well as members of national minorities by its policy of marginalization - the councils cannot continue their work legally while the members of minorities are faced with the possibility of losing their key representative structures.

¹²⁶ *Gradanski list*, August 1, 2006.

¹²⁷ *Gradanski list*, August 8, 2006.

¹²⁸ The same is true for the electoral assembly of the National Council of Roma.

¹²⁹ *Gradanski list*, August 10, 2006.

¹³⁰ *Dnevnik*, October 19, 2006. According to Tamaš Korhec, Provincial Secretary of Administration, Regulations and Ethnic Minorities, “the date of the entry into the register cannot be taken as a valid determinant, because elections are held regularly, entailing a mandate that starts with the elections, and the entry into the register is done only once, when a particular institution is established”.

¹³¹ “I am unpleasantly surprised to learn this from the media, because I believe that the national councils should at least be notified that the Agency for Human and Minority rights is taking over the jurisdiction of national councils”, declared Ana Tomanova Mikanova, President of the National Council of Slovaks and coordinator of all national councils. She emphasized that it would be “perfectly logical that the Agency Director Petar Lađević summons the representatives of all national minorities on a short meeting before passing such a decision, and, as advisory bodies on these issues, at least asks for their opinion which he does not necessarily have to respect”. *Dnevnik*, August 9, 2006.

The impression is, however, that even the members of national councils, although some of them warned of the problem on time, did not apply, for different reasons, enough pressure to have the abovementioned law passed. Without accurately defined jurisdictions, methods of funding and election, national council are some sort of sinecrist institutions. “The method of functioning and election of councils does not... stimulate a broader participation of minority representatives. The electoral method of voting... is suitable for well organized and politically profiled national minority parties, but not for small or territorially dispersed and insufficiently organized minorities. In this case, national councils become a gathering point for interest groups within a minority, which are most often closed and inflexible towards different opinions and views”.¹³²

The indirect and undemocratic method of election faced national councils with the problem of legitimacy.¹³³ The institution of council was never questioned as such, but the method of election was subject to many criticisms and objections. It is precisely because of this indirect and undemocratic method of election that the national councils, instead of harmonizing different interests, became the source of divisions and radicalization within minority communities themselves. For example, the legitimacy of the National Council of Hungarians has been disputed from the moment of its constitution, and the situation is similar with some other councils.

At one point, the formation of separate electoral rolls for national minorities was suggested as a solution to the problem of legitimacy. In a letter sent to the Director of the State Agency for Human and Minority Rights, Andraš Agošton rekindled the abovementioned suggestion and proposed that the hitherto method of electing councils be discontinued, as undemocratic and illegitimate. Members of the representative body of national minorities should be elected through democratic multiparty elections based on electoral rolls of minority communities. According to Agošton, the body created in such a

¹³² See the contribution by Goran Bašić in: *Demokratija i multikulturalnost u jugoistočnoj Evropi (Democracy and Multiculturalism in Southeastern Europe)*, Centar za istraživanje etniciteta, Beograd, 2003, p. 176. Hungarian sociologist Đerđ Serbohorvat believes that SVM has the National Council of Hungarians and the media in Hungarian in Vojvodina in his hands. Serbohorvat called the National Council a “single-party SVM creation”. *Dnevnik*, September 4, 2006.

¹³³ At the same time it is totally unclear how some of the national councils could have been elected in the first place, since within the community they represent, according to the last census, the sufficient number of adult individuals for a national council to be formed does not exist. We have in mind here the National Council of the Greek national minority. According to the publication “Ethnic mosaic of Serbia”, 572 members of the Greek national minority live in Serbia. In order to form a national council, according to the legal act of the former Ministry of Human and Minority Rights, they need three thousand signatures of adult members of the Greek minority with voting rights.

manner, “would be capable of detecting, expressing and representing the basic interests related to the safeguarding of the national identity of ethnic minorities.”¹³⁴ Agošton suggested the same method of election for the Serbian Parliament, when minorities are in question, appealing to the Government to start creating electoral rolls for Vojvodina Hungarians.

Parliamentary Elections and Minorities

The representatives of minorities used the elections, set for January 21, 2007, as an opportunity to point out the conditions that put minorities in an unequal position to the members of ethnic majority. This pertains, in the first place, to the number of signatures (10 thousand) the political parties are required to collect in order to submit their candidate lists.¹³⁵ In order to alleviate the participation in the elections to minority parties, the Republican Electoral Commission lowered the number of certified voters’ statements from ten to three thousand. However, according to DSVM, this was done without any legal basis and contrary to the Law on Elections, which made the party file an initiative for the assessment of constitutionality and legality of the abovementioned decision.¹³⁶ DSVM believes that the number of certified signatures for Hungarians in Vojvodina should be reduced from 10 thousand to only 450, as “it is the only way to avoid negative discriminations on ethnic basis, respecting the principle of equality and proportional responsibility for electoral issues”.

As in the case of former elections, the minority parties decided again to participate in the parliamentary elections on separate tracks. The attempt to reach an agreement within Hungarian parties ended in failure. SVM decided to participate in the elections alone, while DSVM and DZVM formed a coalition “Hungarian Union”. Given the serious conflicts between the coalition List for Sandžak and the Sandžak Democratic Party, a joint appearance of the two

¹³⁴ *Građanski list*, September 4, 2006. According to Agošton's words DSVM will not participate in the elections of the members of the Hungarian National Council if they are elected again through electors, instead by direct and secret ballot. Agošton believes that in the case of Hungarians, indirect elections can only serve for “manual managing” of the faction of the minority political elite favored by the government.

¹³⁵ The aforementioned problem was effectively illustrated through concrete examples by Šandor Pal who pointed out that, in the case of the community he belongs to, this means that signatures of 4% of Hungarians must be collected, that is, of all Rusyns. On the other hand, in the case of the majoritarian ethnic community the signatures of only 0,005% of Serbs need to be collected. *Građanski list*, May, 6/7, 2006.

¹³⁶ DSVM's initiative states that the number of certified signatures for Hungarians in Vojvodina should be reduced from 10 thousand to only 450. “This is the only way to avoid negative discriminations on ethnic basis, respecting the principle of equality and proportional responsibility for electoral issues”.

leading Bosnian parties was not realistic. At one point, it looked almost certain that the Albanian parties from the South of Serbia will reach an agreement with the help of OSCE, and participate in the elections as the “Albanian Coalition from Preševo Valley”. However, this did not happen. Estimating that the presence of Albanians in the Republican Parliament will not alter the stance of the Serbian Government that Kosovo is a part of Serbia, the two Albanian parties, Movement for Democratic Progress and Democratic Party of Albanians, decided not to participate in the elections. A statement issued by the Movement for Democratic Progress emphasized that its presence in the Parliament, after the solution of the Kosovo problem by its independence, could be very destructive.¹³⁷

At the beginning of February, Roma from several Serbian cities announced the formation of the Movement for the Political Emancipation of Roma and its participation in the elections. However, the only parties that participated in the elections were the Roma Union of Serbia and the Roma Party, but they preferred to participate alone. According to Srđan Šajn, the Roma Party will participate independently in the elections, because the Roma “do not want to be deceived by other parties anymore”. Bearing in mind the size of the Roma electoral body, both parties could enter the Parliament with at least one representative, if not more. The presence of Roma in the Parliament would be of great symbolic significance and could strongly affect the attainment of self-confidence and national self-consciousness, on the one hand, and the modernization of the Roma Community and improvement of its position, on the other.

Some political parties made an effort to recruit members from national minorities as candidates for representatives, by means of their electoral lists, in order to put forward a more efficient electoral appearance and obtain as many mandates as possible. For example, on the list of the Democratic Party (DS) are members of the Slovakian, Ruthenian, Croatian and other minorities. This kind of political arrangement opens the door to members of smaller national

¹³⁷ *Dnevnik*, December 22, 2006. The Party for Democratic Action (Riza Halimi) and Democratic Union of the Valley (Skender Destani) will participate in the elections within the coalition “Preševo Valley”.

The announcement of Albanian parties that they might participate in the elections was judged by Vuk Drašković, Minister of Foreign Affairs, as an act of responsibility. “If they made that decision on their own, they made a good decision. If someone advised them to do so, he/she made a good advice”, stated Drašković. According to Dorđe Vukadinović, editor of “Nova srpska politička misao”, Albanians did not reach the decision to participate in the elections on their own, but rather through consultations with Albanian leaders from Kosovo and the international community. In his opinion, the decision of the Albanian parties to participate in the elections is an acknowledgment of the legitimacy of the Serbian state. *Dnevnik*, December 8, 2006.

communities to participate in the work of the Parliament, which they wouldn't be able to achieve on their own, given their scarce capacities.

Are Minorities Constitutive Nations?

Another factor, beside the aforementioned, which influenced the Democratic Party to act in the way it did, was the poor impression it left by its attitude regarding the new Serbian Constitution. Namely, the Democratic Party tried to neutralize the odium that came upon it due to its consent to the passing of the new Constitution by the will of political oligarchies, without a public debate and the participation of minorities in the creation of the Constitution. To that end, amongst other, an idea was articulated by Bojan Pajtić, president of the Executive Council of Vojvodina and a high-ranking official of DS, that national minorities in Vojvodina represent „constitutive nations“ and that a provision on this issue could find its place in the new Provincial Statute.¹³⁸

Tamaš Korhec, the leading figure of the Provincial Secretariat for Management, Regulations and Minorities, who was entrusted with the drafting of the new statute, stated that “As a lawyer, I could not sign a regulation introducing constitutive nations”. Korhec pointed out that his decision “is based on two reasons. The first is that the concept of constitutionality does not exist in the Constitution and our legal system. It existed before, in 1974, but it does not exist now. The other reason is that the Statute of APV is not a constitutive act, because it does not establish the Province. The Province is already established by the Constitution”.¹³⁹

The intention of the acting provincial government was to first draft a new provincial constitution and then use it for providing the status of constitutive nations for national minorities. However, this idea was confronted by fervent criticism on the part of representatives of the so-called state-building parties. Referring to the regulations of the Constitutional Law, they warned that the new Provincial Statute should be passed by the new, and not by the old Parliamentary Assembly.¹⁴⁰ According to the words of Dušan

¹³⁸ Our idea is to secure to national communities, which represent constitutive nations in Vojvodina, participation in the Parliament and in the government, declared Bojan Pajtić in November. *Dnevnik*, November 9, 2006.

¹³⁹ *Dnevnik*, November 17, 2006. Korhec emphasized that the new Statute will not contradict the Constitution, but that “the platform of the Provincial Executive Council will be our leading idea”.

¹⁴⁰ Representatives of DSS and SPS also pointed out the provision of the Constitutional Law which states that the newly elected Assembly of Vojvodina is under the obligation to submit the draft of the new Statute of the AP Vojvodina to the consent of the National Assembly, prior to its passing, and no later than 90 days from its constitution. The elections for the Provincial Assembly are, however, announced by the

Bajatović, president of the SPS Provincial Board, the remnants of the outdone extreme autonomist consciousness, personalized by the “two Bojans”,¹⁴¹ are trying to smuggle the quasi-statehood of Vojvodina into the Provincial Statute, since they failed to do so in the Constitution. Bajatović perceived the idea to recognize national minorities as constitutive nations as the groundwork for a “new circus”: “The League of Social Democrats and the extreme autonomist forces inside the Democratic Party will write a statute in such a way”, believes Bajatović, “that it will be bluntly rejected by the Serbian Parliament, and then appeals to internationalize the question of Vojvodina will follow”.¹⁴²

Bajatović also criticized the proposal to use the new statute to change the Provincial Assembly into a two-house representative body, precisely because of the minorities. Bajatović stated that the Provincial Government intends to use different examples throughout Europe, taken out of context according to its needs, and turn Vojvodina into an even bigger circus.¹⁴³

The idea of a two-house structure of the Vojvodina Assembly is not new and it was discussed even before the Serbian Constitution was passed. However, at that time, during the pre-drafting of the Basic Law of Vojvodina, the Democratic Party did not agree with this idea, which was, thus, only noted as an alternative in the aforementioned document. However, at the end of March, Bojan Pajtić stated that the new Constitution should specify that the Vojvodina Assembly will be composed of two houses. The People's Council, according to his opinion, should not be composed of representatives of the Serbian majority, but only of those chosen from the ranks of national councils.¹⁴⁴ According to Pajtić, the Council would protect the identity of ethnic communities and would have the right to place a veto when issues of vital interest for national minorities are decided.

At a round table on the position of minorities held at the beginning of the year, a representative of the National Council of Slovaks articulated a request that the Regional Assembly be composed of a Council of Citizens and a Council of Ethnic Communities. According to the reactions that followed, this request gained wider support. Josip Pekošević, the president of the Croatian

President of the National Assembly, but only after the Law on the Territorial Organization of the Republic has been passed.

¹⁴¹ Bajatović is obviously referring to Bojan Pajtić, president of the Provincial Executive Council and Bojan Kostreš, president of the Provincial Assembly (translator's remark).

¹⁴² *Dnevnik*, November 9, 2006.

¹⁴³ *Dnevnik*, November 9, 2006.

¹⁴⁴ *Gradanski list*, March 27, 2006. Bojan Kostreš, president of the Vojvodina Assembly did not agree with such a solution. He believes that members of the Serbian majority should also be represented in the Council of National Communities, and that the Constitution of Serbia should not prescribe the structure of the Parliament of Vojvodina, but rather leave this issue to Statute of Vojvodina.

National Council stated that the Council did not discuss this question in detail, but that it supports the idea of a two-house assembly. Laslo Joža, the president of the Hungarian National Council, also supported this idea, stating for the newspaper "Građanski list" that the Council of Vojvodina Hungarians has been advocating this idea ever since 1999.

Karol Verde, who articulated the request on behalf of the Slovakian National Council, stated that the members of the Council of Ethnic Communities would be elected in proportion to their number in Vojvodina. As a result, members of the Serbian nation would have the largest number of representatives in this Council, followed by members of the Hungarian, Roma, Slovakian, Croatian, Romanian and Ruthenian community. The remaining, smaller communities would have a certain number of joint representatives. This solution which places the Bunjevci among other smaller communities was opposed by Mirko Bajić, because that would mean that certain communities, although smaller than the Bunjevci community, would have their representatives, while Bunjevci would have none.

According to Todor Gajinov, advisor to the Provincial Parliament, the new Serbian Constitution provides for a two-house Assembly, since it stipulates that the Vojvodina Assembly arranges the organization of regional bodies independently, compliant to the Constitution and the Statute. "There is experience throughout the world how this is done", Gajinov declared, "a constitutional decision that did not gain consent from the council representing relevant minorities can not be enforced for a certain period of time, until consent is reached. These are the experiences used throughout the world and they can be applied during the drafting of the new Statute of Vojvodina".¹⁴⁵

During the drafting of the Statute of Vojvodina Assembly, experts who were entrusted with its making were guided mostly by regulations of the new Serbian Constitution, the "Omnibus Law", as well as by the Executive Council's Platform on the position of AP Vojvodina. As Tamaš Korhec pointed out, their goal was to maximize the use of legal potential provided by these legal documents, and to widen the scope of jurisdiction of the Province and ascertain its status to the largest possible extent. Korhec explicitly stressed that the Province will not repeat the mistake the Republic did when passing the Constitution. The draft (proposal) of the Statute will not be forwarded only to the Parliament for considered, but also to the public, political parties, local self-governments and citizens, who will all have the opportunity to give their opinion on the document presented.

Korhec used the meeting with the representatives of national councils, held in the first part of November, as an opportunity to inform them of the contents, principles and basic values of Vojvodina that will be defined in the basic provisions of the Statute. Representatives of national councils agreed that

¹⁴⁵ *Građanski list*, November 9, 2006.

the Basic Act should use the term national communities instead of national minorities. According to Korhec "The introduction of this term has more of a psychological than legal importance, because it sends a specific message to the citizens. Most of the representatives present on the meeting believed that the best solution was to list the larger communities individually, namely, the presence of Serbs, Hungarians, Slovaks... Not to have all statistical categories on the list, but only those that are most numerous, with a statement that other nations are present, as well. An agreement was reached to enter provisions into the Statute that will make the development of multiculturalism and tolerance a permanent consideration of provincial bodies, and that will underline the role of national councils."

Korhec pointed out that, during the drafting of the Statute, care was taken that the presence of all national communities in the Vojvodina Assembly is institutionally protected by a certain type of consensual decision-making process, instead of imposing the will of majority. "We tried also to underline the fact that Vojvodina is a part of Central Europe in a geographical, cultural and civilization sense, and to emphasize that the struggle for autonomy, which has its historical roots, is an inalienable right of all citizens of Vojvodina."¹⁴⁶

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The issue of minorities is totally marginalized and stands in the shadow of the unresolved Kosovo status. The concern of the minorities that they will become a target of frustrated nationalists in case that the status of Kosovo is resolved contrary to the expectations of the ethnic majority should not be easily ignored. Furthermore, a fear exists that Kosovo's independence will result in the exodus of Serbs from Kosovo and that, if that happens, one of their destination will precisely be Vojvodina. The minorities fear that this could lead to the change of ethnic structure and make the exercise of minority rights more difficult. On different occasions, representatives of Hungarian national minority expressed their compassion for the efforts the Serbian political elite is making in order to retain Kosovo, pointing out that, at one time, they went through a similar traumatic experience with the Treaty of Trianon. However, the problem lies in the fact that the Serbian Government is not taking any steps to prepare the public for the possibility of independent Kosovo and thus prevent the pressure, and possibly violence towards minorities. Announcements that relationships with countries that recognize Kosovo's independence will be reconsidered are something minorities are also concerned about.

¹⁴⁶ *Građanski list*, December 12, 2006.

The fact that, five years after the passing of the Law on Minorities, the law regulating the elections of national councils has still not been passed, testifies to the practice of ignoring and neglecting the minority issue for many years. The way the new Serbian Constitution was passed, as well as statements of certain politicians that the Constitution will be modified, even before it was passed, raise particular concern. This witnesses the political voluntarism of the ruling oligarchy on one side, and the constitutional stopgap of Serbia on the other. Both of these problems alienate Serbia from a well ordered society where minority rights are an element of stability and security. Missing the opportunity to include representatives of minorities in the drafting of the Constitution, the Serbian Government lightly missed several other important opportunities: the opportunity to establish a broad consensus within the society,¹⁴⁷ then the opportunity to democratize the minority issue on the constitutional level itself, further, the opportunity to strengthen the feeling of minorities that the political community rests on their consent as well, and finally, the opportunity to preserve by the new Constitution the level of (protection of) minority rights attained by the Charter on Human and Minority Rights and Civil Liberties.

Six year after the “October Revolution” there is still no thought-out minority policy in Serbia. What is called minority policy is burdened with incompleteness, lack of coherence and, at moments, by incomprehensible incompetence. The minority issue sheds the light on the confusion of the entire Serbian society and its political leadership, unwilling, incompetent and indecisive to accept European values without restraint and radically sever its ties with the old politics.

The attempt of certain Hungarian parties to draw Marti Ahtisaari’s attention to the problem of the status of Hungarians in Vojvodina stressed the unreadiness of the Serbian elite to start a public and evenhanded debate on (all) possible ways of resolving the position of minorities. This unreadiness impelled the representatives of Hungarian political and civil society to try and reach a consensus on the preferred model of ethnic autonomy. However, it should be kept in mind that a particular non-Hungarian factor influences this consensus, namely the aforementioned untrustworthy Serbian political elite, with its indecisive conduct of reforms, especially decentralization and transfer of jurisdiction to local self-governments. There were even certain accusations, during the year, that the Serbian political elite influenced the escalation of conflict within the Bosnian community.

¹⁴⁷ According to the words of Jovica Trkulja, professor at the Law Faculty in Belgrade, the primary consensus on the basic principles of the community does not exist in Serbia for as long as fifteen years. *Dnevnik*, June 18, 2006.

The singling out of Hungarians into a distinct ethnic autonomy suits the conservative structures in Serbia,¹⁴⁸ who perceive this as a special way to eradicate the issue of the autonomy of Vojvodina. It also suits the Hungarian party-political elites in Vojvodina, as it wets their appetite, and secures their leadership and control over national institutions. However, the question is how much those arrangements meet the needs of ordinary people, especially of those who will remain out of the envisaged area of territorial autonomy. On the other side, the question as to how all this will affect the position and interests of other minorities is not unimportant. The stronger and territorially concentrated minorities will most certainly follow the example of the Hungarian community. Without substantial support from “native countries”, smaller and territorially dispersed minorities will be condemned to folklorization and reproduction on a constantly decreasing cultural level. Assimilation is not only a problem of the minorities, but also of societies insensitive to ethno-cultural pluralism, unable to see this pluralism as an advantage, not a handicap.

Recommendations

- Build a coherent, consistent and active minority policy. The shaping of this policy must be approached as one of the most important Serbian strategic interests
- Instead of the existent Agency for Human and Minority Rights form a special ministry for minorities
- Pass a Law on Minorities and a Law on the Election of National Councils. Insist on the transparency of these processes and public participation in the drafting of these Laws
- Influence the creation of a pro-minority atmosphere in society through systematic and continuous efforts
- Make the promotion of tolerance an integral part of the activities of the informative, educational, cultural and political subsystem, instead of an object of campaigns
- Instead of deepening the divisions, the Government should instigate cooperative relations within minority communities, and the spirit of mutual respect and tolerance
- Strengthen the preventive work, increase the efficiency of legal bodies and sanction every form of violence against members of minorities
- Foster the processes of European integrations

¹⁴⁸ According to the results of a survey conducted by CESID, the majority finds it most acceptable that the members of other nationalities become citizens of Serbia, and most undesirable that they become a relative by marriage or hold a leading position in the state.

- Strengthen the presence of representatives of European institutions and the monitoring of inter-ethnic relations, especially in Vojvodina and the South of Serbia.

VIII

Foreign Policy Stagnates

BETWEEN EAST AND WEST

Regardless of Serbia's recent member status of the Partnership for Peace and also of an important regional organization, CEFTA, in late 2006, its entire performance on international plane may be judged as a negative one. The more so, because of concerted efforts of the international community throughout 2006 to make Serbia stay on course of Euro-Atlantic integrations. That, however, has not resulted in an adequate Belgrade's response. Namely it became evident that in Serbia an authentic, pro-Western, pro-European policy has not become a dominant policy. On the one hand it is a result of undefined democratic processes, weighed down by patriarchal-authoritarian tradition, an objectively hard-to-overcome constraint. On the other hand it bears underscoring that in the last year of his mandate Prime Minister Vojislav Koštunica by his blatant ignoring of Euro-Atlantic integrations, more obviously than ever, demonstrated his, essentially, anti-European line, toed in practice by the government he headed.

An early May suspension of negotiations on association with European Union, on grounds of Serbia's non-cooperation with the International Criminal Tribunal for Former Yugoslavia (the Hague Tribunal), barring resignation by Vice Prime Minister of the republican government, in charge of those negotiations, did not cause any political quake on the internal plane. Moreover, though none of the relevant prime movers of the political elite called into question the formally pro-Western line of the country, on the public scene the number of voices urging "more balanced" international position of Serbia and of its foreign policy line grew. The foregoing in fact implied a more pronounced turning towards the East, notably Russia, which in the course of 2006, as concerned the settlement of Kosovo issue, anew represented itself as the "protector" of the Serb interests.

In contrast to Euro skepticism, a legitimate option existing in democratic countries of the Old Continent (Norway, Switzerland), sincerity of the pro-European mood in Serbia was put to the test in 2006 on several, most concrete occasions. And those situations proved that the Serb political elite viewed the objectivity of international factors not only as a biased one, but also as the "betrayal" of the Serb national interests to the benefit of other regional actors. In May it was the case with the referendum on independence of Montenegro, carried out in line with the EU criteria and under direct EU

control (Miroslav Laichak). Then, an intense diplomatic action spearheaded by President of Serbia Boris Tadic and Prime Minister Vojislav Koštunica aimed at reviving the negotiations on association only on the basis of so-called action plan relating to hand-over of Mladic to the Hague, failed to produce the expected result. And finally, only several days after parliamentary elections (21 January 2007) Maarti Ahtisaari, a special envoy of the UN Secretary General, unveiled his draft solution of the future status of Kosovo.

Conduct of international factors in all three cases was received by Belgrade with open disappointment and bitterness. Such an overall negative mood peaked in the third case, and was manifested by open calls for exacerbation of relations with the international community (Platform on Kosovo of Democratic Party of Serbia) and discredit of European policy, as unjust, untruthful and hostile: "...European orientation of Serbia should be called into question for a very simple reason: who in Serbia is ready to believe that someone who is part of the hostile context, notably the process of establishment of Kosovo status, may in any other matter have friendly intentions. Advice like "Let go of Kosovo, ahead of you is European future" is unacceptable for Serbs, not because it is a bad offer, but because, after all recent developments, no-one any more places faith in its sincerity and good intentions."¹ Or, as editor-in-chief of weekly NIN, who views (the future) Kosovo independence as the victory of force over rights and justice "And what's the hurry then? Are we hastening to join the Union, NATO? What for? To join a group of international aggressors? In order to get, in line with a secret order, some unhappy people, at whose faces we shall throw the UN charter and lustily trample upon their dignity for the sake of vis major?"²

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After kicking off negotiations with European Union (in 2005), as the first formal step in the process of joining the most important European integration, and after relatively successful co-operation with the Hague Tribunal (over 10 successful "voluntary " surrenders of war crimes indictees), it seemed that Serbia in the course of 2006 would continue along that path. In that regard Brussels was the party which had high hopes that Serbia would follow suit, that is, quickly arrest and hand-over Ratko Mladic, notably after Croatia's successful apprehension and hand-over of the indictee Ante Gotovina (in fall 2005) and consequent unblocking of the process of Croatia's joining the Union. Thus the meeting of foreign secretaries of EU countries on 20 March "extended firm support to the Serb people in their efforts to be rid of

¹ *Nin*, 8 February 2007

² Slobodan Reljić, *Nin*, 1 February 2007

legacy of Slobodan Milošević". That, on that occasion also, implied "full co-operation with the Hague Tribunal" which, as it was stated "is necessary for reaching a lasting reconciliation in the region, an international commitment and condition for quicker approaching the Union".³ Guided by consideration that the Balkans stability was of a key importance for the security of EU and European continent as a whole, Brussels officials made great efforts, some of them, notably Olli Rehn, of personal nature, to pre-empt Serbia's slow-down on that path. The foregoing was also connected to the fact that the technical part of negotiations was completed successfully and without a glitch. While there were still convictions that Serbia would not take on the risk of negotiations suspension, Olli Rehn, in the text written especially for the most influential Serb daily, "Politika" underscored the importance of hand-over of Ratko Mladic to the Hague Tribunal: " at play is realization of democratic maturity. Armed forces and security forces must be fully placed under control of democratically elected civilians. I call on all democratically elected leaders of this country to co-operate in order to attain full co-operation with the Hague Tribunal by putting once and for all fugitives from justice aboard a Hague-bound aircraft. People of Serbia merit to move forward towards their European future. Don't let Ratko Mladić stand in your way in the future".⁴

Belgrade authorities did not rise to those expectations. Disappointment of both the Hague prosecutor Carla del Ponte and Brussels officials was also due to the fact that practically until the very last day (30 April was the deadline) they believed, as it turned out, the false promises of the "political will" (which allegedly did not exist before) that Ratko Mladić would most certainly be handed over to the Hague. According to later statements of Carla Del Ponte, behind those promises was the republican Prime Minister, Vojislav Kostunica, in person.

After a negative report of the Hague prosecutor on Serbia's non-co-operation with the Hague Tribunal, submitted to the EU leaders, on 3 May 2006, EU suspended negotiations on the Agreement on Association. And then, like now, it seemed that such decision troubled more the Brussels, than the Belgrade officials. Miroljub Labus, Vice Prime Minister, head of the Serb negotiating time, was the only Serb politician who dramatically reacted to that decision. Namely on that very day he handed in his resignation and called on other ministers from his party (G 17 plus) to follow suit. Labus did not hide his disappointment with what he called "hitting hard on the wall" and acerbically remarked that "they looked everywhere for Mladic, except in the place where he was."

With the benefit of hindsight one may note that in the government of Vojislav Koštunica, which consistently maintained that it was favoring the

³ *Politika*, 21 March 2006

⁴ *Politika*, 30 April and 1 and 2 May 2006

European option, Labus was the only sincere politician. As if sensing a possible, negative denouement, as early as in March 2006, in the regular column with his by-line in daily "Politika", along with the warning that diplomatic activity managed to ensure that last extension of deadline for Mladic's hand-over, and the remark that there would be no new extensions, he wrote: "Serbia must sign its first contract with European Union, not only because of it secures conditions for investments, new jobs, and enhancement of living standard of citizens, or even our interest to ensure a better position for Serbia in the future negotiations on the fate of Kosovo and Metohija. We must do it because we must definitely bury a dead project. Generations are succeeding each other. Generation which weeps over Milosevic's death has the right to do that, but after the burial, comes a new day. A new day for our children and children of our children. We expect them to understand that. Our only common prospects are in Europe."⁵

The government ignored Labus resignation, and even his own party failed to side with him. An immediate spin-off was his resignation from the post of party's president, after which his successor, Mladen Dinkić, "pledged" his support for the government, until 30 September. However all the ministers from G 17 remained in the government and Ivana Dulić Marković, replaced Labus at the post of the Vice Prime Minister. (After that Miroljub Labus ceased to exist for the local public, and his column in "Politika" was suspended).

Since the aforementioned suspension nearly coincided with the referendum on Montenegro's independence- Belgrade expected Europe to prevent it- even declarative Euro enthusiasm in those days retreated before virulent criticism of "European offices" because of their alleged ignoring of "rules, legal principles, justice." Even the most skeptical among Brussels politicians, concerning the Montenegrin referendum, "Xavier Solana, joyfully waved aside and welcomed Lipkin's (that is European middleman and "controller" of Montenegrin referendum) lightness of rejection of any possible objection" (to the referendum's outcome).⁶ Though it was EU proper who placed a too high benchmark for the referendum's success ("for " the referendum had to vote nearly half of registered voters plus one), Đukanović's "hot slap" to the Serb political elite would not have been possible without "generous assistance of the international community".

After collapse of the Brussels negotiations and Montenegro's departure from the state union with Serbia, shapes of the strategy, probably devised much earlier, in view of the most responsible people in Belgrade, including Prime Minister Kostunica's knowledge that there would be no arrest and hand-over Mladic to the Hague Tribunal, became more pronounced. Namely messages began to be sent to Brussels, that the suspension did more

⁵ *Politika*, 18 March 2006

⁶ *Nin*, "Lightness of humiliating Serbia", 1 June 2006

harm to EU than to Belgrade. The background of the thesis was that "segregation of Serbia" would strengthen the Radical-nationalistic camp, that is, that the next elections would be won the Serb Radical Party. In fact in early June editor-in-chief and responsible editor of "Politika", Ljiljana Smajlović "reminded " Brussels and Washington that once when Carla del Ponte was angry with Zoran Živković (in the post-Djindjic assassination period, he was elected the Serb Prime Minister and had a very short-lived mandate), during her next trip to Belgrade she was met by Vojislav Koštunica in the Prime Minister's office (as Lj. Smajlović, put it, "in Brussels and Washington, the most disliked Serb politician, after 5 October"): "In the key Belgrade embassies analysts and intelligence officers as of late have been speedily calculating the possibility of encountering one day in that cabinet, to their horror, the leader of the leading opposition party in Serbia. However they are not thinking of Boris Tadić. Del Ponte, Washington and Brussels now fear that the next talks on Mladic would have to be conducted with Tomislav Nikolic".⁷

That essentially, blackmailing policy of Belgrade-which sporadically led to concrete concessions by international actors- had also its more polished and polite form, notably the mid-summer initiative of the leading Serb politicians, President Boris Tadić and Prime Minister Vojislav Koštunica. On their tour of European offices, by proposing their "action plan"⁸ (for an alleged arrest of Mladic), they endeavored to soften the hard-line stand of international community, that is, of the Union, and make it resume the association-related negotiations. That activity of theirs was backed by the Belgrade media thesis that it would be easier for Belgrade to apprehend Mladic and other war crime indictees if negotiations were resumed: "...Perhaps Olli (Olli Rehn, the EU Commissioner for Enlargement) is in the right when he says that Serbia does not merit any reward for its past performance, but for the goal to which both Serbia and EU strive, according to him, it is essential to establish whether Serbia merits a reward for the next thing it should do. Even if it does not merit it, they cannot overlook the fact that Serbia now wants such a reward. That is why what unfolds between Serbia is called negotiations, and not bombardment."⁹

Despite Belgrade's efforts, EU throughout 2006, adhered consistently to its stand not to resume the suspended negotiations (though towards the year end, talks on the visa relief measures for some categories of Serbia's citizens were completed in a relatively easy way). In a bid to hold on its mandate as long as possible, Kostunica government in September announced promulgation of the new Constitution of Serbia. Though adoption of the supreme legal act presupposes dissolution of parliament and new elections,

⁷ *Politika*, 8 June 2006

⁸ Plan was modeled on the Croat plan for apprehending Ante Gotovina

⁹ *Politika*, 8 October 2006

Kostunica's team (thanks to the wholehearted assistance and support of the Serb Radical Party), once again deceived the international actors.

Namely, another regional denouement, frustrating for Serbia, was scheduled for the end-year: unveiling of Maarti Ahtisaari's plan on the future status of Kosovo. By a deft diplomatic maneuver Serbia managed to convince international officials to disclose that decision only in early 2007. The trade-off, as then promised by the Belgrade leadership, were post-Constitution elections for the new parliament before the close of the year.

But as it is well-known, parliamentary elections were held only on 21 January, and when on 2 February Ahtisaari with his plan arrived in Belgrade, outgoing Prime Minister Vojislav Koštunica did not want to meet with him.

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Generally, according to all public opinion surveys during 2006, a convincing majority of citizens were still favoring Euro-Atlantic integrations, notably joining the European Union. According to the November public opinion poll, conducted for the needs of the Republican Office for Joining the European Union by the "Strategic Marketing Agency" in case of Join the EU referendum, as many as 69% of citizens would say "yes".¹⁰ It is interesting to note a certain contradiction, namely positive opinion of that most respectable international institution, have 39,4 citizens, negative - 22% and neutral- 38,5%. Though down-sizing of positive image of Europe and its values partially resulted from the negotiations suspension, opinions of influential representatives of the Serb elite, analysts, columnists and the mass media that the European offices allegedly took an arrogant stance on Serbia, had a key impact on such a reasoning of citizens. "The future they offer us is an ordered future. Mapped out future. They are trying to make us happy anew with ideological commands. Once it was done by Bolshevik bureaucrats, not it is done by Euro bureaucrats. Methods of those Brussels self-styled mentors of ours, are quit similar to those of our former Kremlin mentors. ...We are not talking now about our refusal of limited sovereignty. If we unite with European Union, we must renounce some contents of our sovereignty, but we can never renounce our identity and our geographical, anthropological, cultural, creative, distinct features. ... In my mind there is a lot of Orwellian ideology and Soviet methods, in the current creation of European Union, which may turn eventually to be the Euro utopia," said Dobrica Ćosić¹¹, and then went on to reiterate, on the same occasion, a successfully induced belief

¹⁰ *Politika*, 7 November 2006

¹¹ *Večernje novosti*, 9, 10, 11 and 12 June 2006

among the Serb social milieu, that disintegration of Yugoslavia was a result of the decision taken by the European and US offices.

Analyst of the Institute for International Politics and Economy, Milos Jovanovic, in a similar way "justifies" that anti-EU mood. Namely Jovanović writes that "a relative ill-will of the incumbent Prime Minister Vojislav Koštunica in regard to the Hague Tribunal and his lack of enthusiasm towards European integrations, in contrast to evident enthusiasm shown by officials of Democratic Party and Liberal Democratic Party, is understandable to all who think that we are not the only party to be blamed for our misfortune. All those who tend not to forget how much European Union helped produce the wars and misfortune in this region-by foolish and wrong recognition of the Slovenian and Croat independence-cannot gladly talk about European integrations... Someone would say that it is all past which should not be revisited. Even if this stand were considered the right one, it leaves untouched the issue of Kosovo and Metohija and fails to explain the role of EU in the current process of resolution of status of the Southern Serb province. But Serbia, not only because of its past, but also because of its present cannot have the same stance on EU like other European countries."¹²

In the last quarter of 2006 when turning towards Russia (with the emphasis on "Putin's Russia") became a dominant foreign-policy blueprint, openly or covertly were elaborated new, different options of international positioning of Serbia. In view of the hard fact that Russia has indeed strengthened its international position, thanks primarily to its energy resources, in Serbia was encouraged the debate on "the newly-devised national strategy," whereby much emphasis is placed on criticism of the policy of conditioning, allegedly pursued by the Western prime movers. They were accused of open meddling in our internal affairs and relations, thus allegedly harms our dignity and reputation. All in all, as Svetozar Stojanović, President of the Serb part of the Serb-US centre in Belgrade, put it "my Centre from now on, shall shift its focus from the topic "the US, Europe and We... to the topic "The US, Europe, Russia, and We", due to recovery and strengthening of Russia under Putin."¹³

Along with guesses that Serbia shall perhaps never become an EU member (if the condition for such a membership is for example, recognition of independence of Kosovo), afoot are also suggestions to strengthen the non-EU, or non-EU-Atlantic partners, to select potential, trustworthy partners, to select those who like us and show that liking of us by their deeds, ...with nostalgia for the times of the Non-Aligned Movement thus speaks the analyst, Slobodan Antonić. He moreover maintains that "Serbia does not have an exit strategy if its European prospects fail to materialize: "Perhaps we should take into

¹² *Politika*, 24 January 2007

¹³ *Politika*, 12 December 2006

consideration such a possibility too. Is there an alternative to EU in Serbia? What does it look like? And how much does it cost? And then when we unveil those things to the general public, everything shall be easier..."¹⁴

That evident and recent shunning of the option of European Union, as a without-alternative-foreign-policy alternative of Serbia, is assessed by the local, prominent analysts and influential public figures, as a successful diplomatic conduct. By resorting to a football lingo, Branko Milinović, collaborator of the Carnegie Endowment for International Peace in Washington, asserts that "Serbia is playing a match in which referees and umpire have openly sided with its opponent, while the rule of the game are changed whenever the former need it" and adds "the way that the Serb political class "played" the game in the last six months (since April) is commendable and one may only hope for similar game-playing in the future. I am not only referring to the 'trenches battle' waged in Vienna, but also to the fact that the Serb government did not panic when the suspension of negotiation with EU happened. Moreover also praise-worthy is the fact that Serbia well and moderately played its cards in strengthening its economic ties with Republika Srpska, that attempt to provoke a split between President and Prime Minister over the issue of Kosovo failed, and finally that all relevant political parties adopted the new Draft Constitution."¹⁵

That "newly-fangled national strategy" and its implementation was noticed by some experienced foreign analysts, notably by the former US Ambassador to Belgrade, William Montgomery, who still follows developments in Serbia, and regularly comments them in his column in daily *Danas*. As early as in December 2006 he remarked that the West's position on Serbia is guided by "the two assumptions which may yet prove to be wrong....the first resting on the conviction that the West in the final denouement shall accept independence of Kosovo ...the second being that Serbia, perhaps in more slowly, than her neighbors, would follow the same pathway of democratic transition and integration into the Euro Atlantic structures...Though perhaps it was true in 2001, it is no longer clearWarning signs thereof have been present for some time, since the rise in popularity of the Radical Party of Vojislav Šešelj and the comeback of the Socialist Party of Slobodan Milosevic..."¹⁶

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¹⁴ *Politika*, 27 June 2006

¹⁵ *Politika*, 17 October 2006

¹⁶ *Danas*, 9-10 December 2006

Throughout 2006 European institutions and organizations (European Union, European Commission, Council of Europe, OSCE) made great efforts to "make" Serbia re-embark upon the European pathway. Offer of the European prospects to Serbia, conditionally speaking, by summary proceedings, was due to the perception that the year 2006 was in fact the year of great challenges for the country which had not got rid of the burdens of the past, and some concrete consequences from Milosevic era, which still cause the feeling of frustration. Departure of Montenegro from the makeshift state union, is one of those, aforementioned consequences, which hit hard the Serb elite, for it was tantamount to abandonment by the closest partner and ally in former SFRY. But it is an imponderable whether Podgorica's remaining under Belgrade's control would have soft-cushioned formalization of status of Kosovo, which was placed on the international agenda in the course of 2006. But the fact is that the said placing led to channeling of totality of political energy in the second half of the year to the former province. To the imagined, simplified question "Europe or Kosovo", political prime movers and media give a nearly unison reply – Kosovo. With that objective in mind, and with a total consensus of all parliamentary parties the new constitution was adopted by the Serb parliament. Forecasts of some experienced foreign observers, noted as early as in late 2005 (William Montgomery) that "the Serb feeling of "being a victim" of an unjust outside world most certainly would grow stronger", came true.

In other words, efforts of the aforementioned European organizations and institutions and their agile representatives, who frequently and in succession visiting Belgrade, notably Olli Rehn, Xavier Solana, Miroslav Laichak, and others who tried to rationalize that inevitable sequence of events, bore no fruit at all. On the same course (and with the same unsuccess) were engaged diplomatic representatives in Belgrade. Among them the US Ambassador, Michael Polt and his German counter-part, Andreas Coebel, excelled in such activities. By being frequently in the media spotlight they tried to appeal to the Serb officials and the populace at large to soberly grasp and accept the current and their local reality in the region and in Europe. But all that was to no avail. The former was without any bitterness commented in the following way by Miroslav Laichak: "In Serbia the European idea is not that present, and is not that positive." He went on to note: "The foregoing is best seen when you liken Serbia to other countries in the region. In all other countries, the European idea took more ground, and is felt in all segments of society, at every step. Those countries are trying hard to show how much they care about European Union, and to show what they are doing in order to become members thereof. It is not the case with Serbia."¹⁷

Absence of "the European idea" is clearly one of the most important characteristics of the socio-political course in Serbia throughout 2006. Such a

¹⁷ *Danas*, 11 September 2006

general course was modeled by the top leadership, primarily by the cabinet of Prime Minister Vojislav Koštunica. That veering was best illustrated by a rather bizarre detail ran by the pro-government "Politika" in early 2007: namely, according to the daily's assertions, though the Serb officials doubtless had most frequent contacts with representative of the Western governments (including their local diplomatic emissaries), "the most influential ambassador in Belgrade is not Michael Polt (the US), but Alexander Alekseev (Russia). (A year earlier, in January 2006, by summing up international contacts of the Prime Minister Kostunica in 2005, even "Politika"'s sub-heading emphasized that "the most frequent interlocutor of the Serb Prime Minister was the US Ambassador Michael Polt)". Regardless of absence of facts corroborating the said influence (moreover it is stated in the text that until "several months ago, he was nearly unknown to the local public"¹⁸), it seems that Alekseev owes his "influence" to the hard-line Russian support for the Serb side concerning the resolution of Kosovo status. In summer months of 2006 he was the first one to talk about the possibility of Russia's veto in the Security Council in case of a resolution implying the state independence of Kosovo.

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Were it not for its unexpected membership of Partnership for Peace, Serbia's balance of its own international engagement in 2006 would be next to none, or- rather poor. The more so because it did not become a member of the Partnership for Peace thanks to its own efforts, but instead thanks to the wish of international actors to soften their stance on Serbia (the condition for the membership of Partnership was the same as for the EU - hand-over of Ratko Mladić to the Hague Tribunal) and thus contribute to revival of Euro enthusiasm in a geo-strategically key country in the region. On the other hand the above move is telling of a genuine sense of frustration of the Western prime movers regarding the fact that for the last 6 years they failed to contribute to revving up of the pro-European potential and energy in Serbia. To be more precise, since assassination of Prime Minister Zoran Đinđić, "Europe", "Euro-Atlantic integrations", "European spirit", existed on an abstract level, while in the concrete life and in political actions they took the shape of pressure and blackmail to do this or that. Though it cannot pluck up the courage to openly say that European integrations are not the goal to whom Serbia is striving, the Serb political class is distancing itself from the European vision and is apparently in the quest for an "alternative", "new national strategy ", "neutrality" and similar.

¹⁸ *Politika*, 3 January 2007

Pretext for renunciation of European prospects, if it ever materializes, shall be the resolution of status of Kosovo, The threatening vocabulary in those terms is not only used by the strongest political party, the Serb Radical Party, and the tenuous vestiges of the hard nucleus of the Socialist Party of Serbia, but by the party which successfully trades with (both on the domestic and international scene) its alleged allegiance to the democratic camp-Democratic Party of Serbia.

SERBIA AND CROATIA: RIVALROUS RELATIONS

In 2006 relations between Serbia and Croatia were still burdened by the recent past. On the other hand stable relations between Serbia and Croatia are a prerequisite for stability in the whole region, and have a major impact on the stability of Bosnia and Herzegovina, for the B and H entity leaders are still under influence of Croatia and Serbia.

In 2006 Croatia continued to pursue EU integrations, notably membership of EU and NATO. In view of its great success on the road to those integrations, Croatia was considered a regional leader in the year 2006 too. Croatia remained stable and strong in both economic and political terms in 2006 too.

By arresting Gotovina, Croatia also set a good example in the region (notably with respect to Serbia.) In other words it demonstrated how a state was able to wind up successfully co-operation with the Hague Tribunal and to continue without any more hindrances on its road to the EU accession.

In August 2006 Croatia passed a new security-intelligence act, under which the number of secret services was down-sized from three to two. Thus Croatia demonstrated to the whole region that the civilian control of intelligence sector was a key prerequisite for the progress of the country to the EU accession. Therefore since August 2006 only two secret services remained operational in Croatia: Security-Intelligence Agency (SIA) and Military Security-Intelligence Agency (MSIA). The aforementioned overhaul of secret services entailed closure of the Counter-Intelligence Agency (CIA), Military-Security Agency (MSA) and Intelligence Agency (IA). The new Act also defined the possibility of tapping and tailing citizens of Croatia, without the consent of the Supreme Court, but only in the first 24 hours.¹

Of special interest is the role of Croatia in regional co-operation. Useful initiative of the Croat Prime Minister relating to redefinition of relations in

¹ "Tapping without consent of the Supreme Court only in the first 24 hours", *Danas*, 18 August 2006.

Bosnia and Herzegovina, although criticized by Republika Srpska², constitutes a good basis for Serbia to kick-off redefinition of internal relations in an obviously dysfunctional Bosnia and Herzegovina.

In the course of 2006 bilateral co-operation between Serbia and Croatia continued. Visit of the Serb President to Croatia, in June 2006, represented a step forward in stabilization of relations between the two countries. During that visit, President of Serbia and President of Croatia together paid a visit to Knin. That was the first-time visit of the top Serb official to that part of Croatia.³

However because of Serbia's and Serb elite's pretensions to become a regional leader, a positive image of Croatia among the Serb general public is the least desired thing. Hence Croatia is still depicted in Serbia as a hostile prime mover, with which Serbia is compelled to co-operate for the sake of its European future.

Both the Serb elite and media in 2006 also gloated over and fed on internal problems of Croatia, notably the failure of the Croat judiciary to successfully hold trials of the war criminals.

On the other hand official Zagreb in 2006 showed a notable degree of tact with respect to the most salient problem of Serbia: Kosovo and resolution of its status. Namely the official Zagreb was against an imposed solution and took the stand that the only possible resolution of status of Kosovo is the one reached jointly by Pristine and Belgrade in direct negotiations, thus backing the official Belgrade line on settlement of that issue.

Unfortunately the year 2006 did not bring about lasting solutions to the open issues between the two countries: repatriation of refugees, the issue of missing, the problem of tenancy rights of the Serb minority in Croatia, restitution of property, revision of lists of Serbs indicted for war crimes, border issues and the issue of trials of perpetrators of war crimes.

On its road to the EU Croatia must overcome the following: it must first secure the conditions for repatriation of refugees, ensure high degree of security and safety of minorities in the territory of the Republic of Croatia, and prove efficiency of its judiciary in handling of war crimes trials. In 2006 the judiciary proved to be the weakest link of governance in Croatia. In fact after few failed trials in 2005 and 2006 it bore the brunt of criticism both by the Croat President,⁴ and the European commission.⁵

Last year the Serb media covered extensively all developments in Croatia, and *vice versa*. The Serb media ran a record number of Croatia-related articles, while the broadcast media also aired many events which took place in

² "Ivo Sanader would cause chaos in Bosnia and Herzegovina", *Danas*, 4 August 2006.

³ "Tadić and Mesić in Knin", *Politika*, 28 June 2006.

⁴ Mesić: Stop playing the law, *Slobodna Dalmacija*, 5 December 2006.

⁵ Time shall have to pass before Croatia gets an independent, objective, transparent and efficient judiciary (from the European Commission report). Source: <http://www.tportal.hr/vijesti/eu/fset.html>

Croatia. However the Serb media still failed to offer an unbiased or neutral picture of the political and social reality in Croatia. Added to that the media insisted on covering topics from recent past, and avoided to deal with topics having a bearing on the future between the two countries (notably, an increased trade, improved cultural co-operation and the 10th anniversary of diplomatic relations between the two countries. ...) . Thus in 2006 hundreds of articles dealing with Jasenovac,⁶ crimes of the Croat state against Serbs (much focus was also placed on the military action the Storm), cases Glavaš and Merčep, and Lora trial, were published.

Eleven Years after The Operation Storm

Marking of the 11th anniversary of the action of the Croat army, the Storm, remains the stumbling block in relations between Serbia and Croatia. Both the Serb media and political elite have one-sided tack to that military action. Namely for the Serb national elite the Storm still symbolizes the most massive act of ethnic-cleansing of Serbs from Krajina. However, what the Serb media failed to do was to engage in and then present to the public a concrete analysis of developments which had led to the Storm. The Serb media also avoided to analyze the wrongful policy of Serbia in the 90's of the 20th century, and instead focused only on the number of the Serb victims. So in 2006 one side again celebrated the aforementioned military action as the victory day, and the day of homeland gratitude, while for the other side that action epitomized another terrible day of the "Serb century-long suffering."

Articles ran by the Serb media are more or less a throwback to the same-themed ones published last year. Like in 2005, on the 4th of August 2006 the top leadership was present at the mass held in Saint Mark's church in Belgrade. ⁷ At the same time the print media ran dozens of headlines with a clear message. ⁸

However what was also noticeable in 2006 was a more moderate tone of Belgrade officials when speaking about the Storm anniversary. This notably holds true of the rhetoric of President of Serbia, Boris Tadic. In 2006 he floated a more moderate stand with respect to the aforementioned issue, in contrast to 2005, when he directly demanded from the Croat authorities to face the issue of the Storm, in the same way he faced the issue of Srebrenica. ⁹ But despite a

⁶ "Doctoring of truth ", *Politika*, 27 March 2006.

⁷ "Mass for Krajina locals ", *Politika*, 5 August 2006.

⁸ "Storm-originated Pogrom ", *Večernje novosti*, 5 August 2006; "Tuđman ordered total destruction - ", *Večernje novosti*, 7 August 2006; "Serbs left over the week-end", *Politika*, 6 August 2006;

⁹ Presdient of Serbis assessed that pogrom of Serbs should never be forgotten and that all criminals should be brought to justice. But he also opined that Serbia and

generally milder rhetoric, in 2006 there were several sharp-worded exchanges between the official Belgrade and official Zagreb. Thus Prime Minister of Serbia Vojislav Koštunica assessed that the Storm "was a big and unpunished crime".¹⁰ What followed was an equally sharp-worded response by the Croat Prime Minister Sanader.¹¹

Most balanced stance on the issue of the Storm was voiced by the Croat President Stipe Mesić. Namely he was of opinion that during the action Storm all war conventions were honored, but he also tried to get across a clear message that after the end of war operations, the legal state fell short of its obligations and duties. ¹²

It is interesting to note the developments surrounding the participation of representatives of the Serb community in the central celebrations in Knin. After initial confusion and some shilly-shallying, ¹³ Deputy Mayor Dragan Jerković, member of the municipal top leadership, Sanja Kosijer and Vice President of the Municipal Council, Rade Simić - all members of the Serb Democratic Independent Party for the first time took part in the pertinent celebrations. ¹⁴

In a response to the footage showing shooting down of youngsters in Srebrenica, the crime committed by members of Scorpions paramilitary formation, during the 2006 tribute to the 11th anniversary of the action Storm, the Serb broadcast media aired video recordings of crimes committed by paramilitary formations "Hamze" and "Black Mambas".¹⁵ Reactions of the media and politicians to those broadcasts were stormy. Unfortunately it was an act of misuse of the Serb victims, without an accompanying analysis of the 90's developments and events. Obviously Belgrade politicians overreacted. The Serb

Croatia had to continue the process of stabilization of their relations. "Tadić: Pogrom of Serbs should never be forgotten ", *Danas*, 5 August 2006.

¹⁰ "Return", *Večernje novosti*, 5 August 2006.

¹¹ Ivo Sanader "In the homeland war Vukovar and not Novi Sad was destroyed, Dubrovnik and not Podgorica was shelled. Škabrnja did not happen in Nis, Croat soldiers did not go to Serbia, but the Serb ones came here to on a conquest-minded rampage. But all that shall not impair normalization of relations between Croatia and Serbia, we offer the hand of peace to Serbia in order to face together a better future. " "Sanader against Kostunica", *Politika*, 6 August 2006.

¹² "However on this occasion we should remember that the legal state failed to do its job properly after the end of military operation...what also went amiss was an accelerated reintegration of liberated areas into the political and legal order of Croatia. That is why, unfortunately, crimes happened.". "Mesić: All the war conventions were honored", *Danas*, 7 August 2006.

¹³ Milorad Pupovac stated that representatives of Serbs would not be present at the celebrations of the 11th anniversary of the action Storm. Milorad Pupovac stated that the statement by Deputy Mayor of Knin, Dragan Jerković, was clumsy, and added : « Serbs shall not take part in celebrations of the action Storm ", *Danas*, 1 August 2006.

¹⁴ "Serbs left for the week-end", *Politika*, 6 August 2006.

¹⁵ "Crne mambe, Hamze and Škorpioni", *Danas*, 7 August 2006.

Interior Secretary, Dragan Jovic, thus equalized the crime in Srebrenica with the Storm and demanded that "criminals, members of "Hamza" and Black Mambas be arrested immediately, in the same way I arrested members of paramilitary formation "Škorpioni".¹⁶

With an enormous delay the media in Serbia informed the public that the said video recordings were of older date and that they had already been handed to the ICTY. Unfortunately one must say that the same video recordings were misused during the media campaign probably aimed at gelatinizing the anniversary of Srebrenica.¹⁷

Vukovar: Fifteen Years Later

18 November 2006 was the fifteenth anniversary of the fall of Vukovar, that is the end of a three-month long siege of that city during which several thousand people died and nearly the whole town was destroyed. In the campaign of heavy shelling of Vukovar nearly 90% of housing blocks were destroyed. During the siege of Vukovar, tanks, heavy artillery and the Yugoslav People's Army aircraft were used. 30,000 soldiers and officers of the Yugoslav People's Army took part in that assault.¹⁸ Practically there was no media coverage on the related anniversary in Serbia.

The Glavash Case: Scotch Tape Affair

The case of the war commander of Osijek, Branislav Glavash, received wide coverage of the Serb media. In view of the foregoing one must however note the misuse of that case. Failure of the Croat judiciary to start properly the Glavas trial, and the ensuing games in the Croat Parliament (concerning the issue of immunity of independent parliamentary MP, B. Glavaš) were much discussed by the Serb media. It is true that developments in Zagreb and Osijek were interesting, for the pertinent investigation in the meantime morphed into a veritable circus. Glavas's immunity was suspended in the month of May,¹⁹ while charges against him were filed several days.²⁰ In the ensuing months Glavaš was arrested several times, then released, his immunity was first suspended, then restored, while the judge in Osijek declared himself incompetent to handle that case. All those developments put Croatia in an unfavorable position, at the very moment when Prime Minister Sanader

¹⁶ "Criminals must be arrested", *Kurir*, 7 August 2006; "Jočić: Perpetrators must be apprehended", *Politika*, 7 August 2006; "I expect arrests", *Večernje novosti*, 7 August 2006.

¹⁷ "Exclusive video recording on well-known crimes" *Danas*, 10 August 2006.

¹⁸ "Evil came from Belgrade", *Danas*, 18 November 2006.

¹⁹ "Parliament suspends Branislav Glavaš immunity», *Danas*, 11 May 2006.

²⁰ "Rock-solid Indictment ", *Politika*, 13 May 2006.

repeatedly praised the judiciary for its successful reform. However what the Serb media failed to notice in their coverage was the fact that the Croat police and judiciary dared to prosecute one of the most popular politicians in Croatia. What was never reported was also the fact that investigation into Glavas crimes was made possible by efforts of research journalism of Drago Hedl, journalist of *Feral tribune*, and also that because of such engagement of his Hedl was under the permanent police escort.²¹ Moreover what the public in Serbia failed to notice too was the following: while the Serb media ridiculed the mishaps concerning Glavas case, Lora trial and general inefficiency of the Croat judiciary, the Supreme Court of Serbia suspended the first-degree sentence in the case Ovčara, thus reaching the record of the third suspended judgment for the war crime by the highest judicial body of Serbia.

Serbs in Croatia

According to the last census from 2001, 200, 000 Serbs, integrated for years now in the constitutional order of the Republic of Croatia, live in Croatia. SDIP practically makes part of the Croat authorities, (notably on local level), for in the Croat Parliament it supports the government led by Prime Minister Sanader. That support is conditioned by the resolution of issues of primary importance for the Serb community in Croatia.

In view of the failure of the Croat government plan to effect repatriation of 100,000 refugees by the end of 2006, the *Human Rights Watch* report warned Croatia that further slowing down of the return of the Serb refugees might subsequently slow down the accession of Croatia to the EU.²²

In the course of 2006 inter-ethnic incidents were reported in Vukovar, Zadar and its greater area. And though the police dealt efficiently with the most serious incidents (according to the *Human Rights Watch* report), and the top political leadership condemned them, violence against the Serb returnees still remains a challenge for the state bodies of the Republic of Croatia.

However, readiness of the police and judiciary to deal with crimes against Serbs was very evident. Proceedings relating to criminal offences against Serbs (both in wartime and in peacetime) are becoming commonplace in Croatia.

Thus for example four men suspected of killing a four-member family Olujić, in a locality called Cerna near Županja in 1992, were arrested.²³ Though there were doubts about the staging of a trial of the four suspected criminals, in

²¹ "Prosecution's proposal due to death threats", *Danas*, 12 May 2006.

²² "Croatia : Unfavorable conditions for repatriation of the Serb refugees may be slowed down by accession to the EU", Source:

<http://hrw.org/croatian/docs/2006/09/05/croati14122.htm>

²³ "Two keep mum, two defend themselves", *Danas*, 26 August 2006.

view of the fact that they were still active military and police servicemen, that trial saw the light of day.

It is also noteworthy that the Croat Radio and Television in the course of 2006 broadcast many radio and TV programs analyzing responsibility of Croatia for the crimes committed during the action Storm, in Lora and in other Croat localities.

In 2005 and in 2006. in Croatia about 4,000 house, mostly owned by Serbs, were reconstructed.²⁴

Principal hurdles to a more accelerated repatriation are the same like in the past years: lack of progress in settlement of the lost tenancy right to socially-owned flats, limited possibilities for economic development of areas to which refugees return, and to a certain extent discrimination in employment, notably in the public sector.

However the key problems of repatriations are those related to property restitution, and reinstatement of tenancy right. The program adopted by the Republic of Croatia by the end of 2011 envisages building of 3,600 and purchase of 400 flats for returnees, at favorable prices.²⁵ Such a proposal which caused quite a stir in Serbia,²⁶ but also in the international community, prompted the OSCE to back the action of the Croat government, though condemning in parallel, part of the plan judged to be the most problematic, namely the absence of the right of returnees to purchase flats, and non-transfer of the protected tenancy right to their offspring.²⁷

Success of the repatriation program of the Serb refugees hinges on the work and efforts to that end of their representatives in the Croat institutions, notably in the Croat Parliament. Representatives of Serbs from Croatia continually underscore difficult position of returnees while in parallel offering a relatively balanced picture of every day life of Serbs in Croatia. Representatives of Serbs in Croatia, above all Milorad Pupovac, are legitimate actors in the political life of Croatia, and according to the Constitutional Law on National Minorities, in the minorities-populated areas, they have the right to proportional participation in the state, administrative and other services. The Partnership Agreement signed by the SDIP and the ruling CDC guarantees exercise of rights of Serbs in Croatia. In the course of 2006 Serbs in Croatia fully

²⁴ "4, 000 reconstructed houses", *Nedeljni telegraf*, 27 September 2006.

²⁵ "Returnees to get flats only if they have certificates" *Danas*, 29 August 2006.

²⁶ Dragiša Dabetić, Commissioner for Refugees "There are many those with tenancy rights. About 30,000 of them. I deem unjust the announcement of Croatia about buildind 4,000 flats by the end of 2011." *Glas javnosti*, 31 August 2006.

²⁷ "OSCE welcomes the pertinent decision of the Croat authorities, but thinks that returnees should be entitled to purchase of those flats. OSCE is of opinion that the 2003 government conclusions envisaging the flat prurchase possibilities should be respected ." *Glas javnosti*, 31 August 2006.

exercised their constitutionally guaranteed right to get their own flag.²⁸ Added to that the Museum of the Serb Orthodox Church with 250 exhibits was opened in Zagreb.

By words "better than yesterday, worse then tomorrow" Milorad Pupovac perhaps in the best way defined the total status of Serbs in the present-day Croatia.²⁹

In many areas progress in confidence-building between Serbs and Croats was noticed. It may be noted that in 2006 co-operation was established in the sphere of politics, judiciary and police, and in some cases even in economy.

However what it noteworthy is the fact that Belgrade itself opposes the return of Serbs to Croatia, for by having settled them in Vojvodina Belgrade managed considerably to stabilize the Serb majority in that area. Namely during the 1991-1995 war many minorities members left Vojvodina, as did the Serbs. However Serbia keeps using the issue of the return of Serbs to Croatia as a bargaining chip. That open issue also serves Serbia to blackmail Croatia and to slow down the latter's latching on to the EU. One may objectively expect the return of a number of Serbs to Croatia, due to the latter's more accelerated economic progress.

Future of relations between Croatia and Serbia lies in their economic and technological co-operation aimed at finding joint markets and implementing joint programs. Increased trade and signing of the CEFTA Agreement in the late 2006, shall enable continued building of good-neighborly relations in the near future too. Settlement of open issues hinges on the internal stability of Serbia, which remains a weaker link in the chain of development of inter-state relations.

Serbs from Croatia who have remained in Serbia may prove to be an important bridge in promotion of relations between the two countries, for they have strong emotional ties with Croatia.

²⁸ "Serb national community in Croatia, as the largest national minority in the Republic of Croatia, was the first one to avail itself of the legal possibility to select its official flag, which may be now hoisted on the occasion of all holidays and festivities along with the official flag of the Republic of Croatia. Serbs have chosen as their official flag the national-popular Serb flag, plain red-blue and white tricolore»" "Serbs in Croatia get their flag", *Politika*, 9 June 2006.

²⁹ "Better than yesterday, worse than tomorrow", *Politika*, 5 June 2006.

SERBIA AND BOSNIA-HERZEGOVINA: DENIED CRIMES WEIGHT MUTUAL RELATIONS

Last year shall be remembered for a continuing failure to build a stable, and democratically prosperous society in Bosnia and Herzegovina. Eleven years after the signing of the Dayton Accord it became clear that the international community had finally renounced a much-needed redefinition of the Dayton Accord. In 1995 that Accord had brought peace to the war-devastated Bosnia and Herzegovina, but in the following decade its cementing turned into an enormous obstacle to democratic prosperity of Bosnia and Herzegovina. Redefinition of the Dayton Accord is a prerequisite for overcoming inter-ethnic divisions in Bosnia and Herzegovina, but amendments to the parts of Accord relating to the forthcoming European integrations are also much-needed. The stumbling stone in Bosnia and Herzegovina in 2006 was also the "surplus" of constitutional rights enjoyed by Republika Srpska, that is, its elite, which thanks to its close co-operation with Belgrade remains a staunch opponent of redefinition of relations within the framework of Bosnia and Herzegovina. Insistence of the Republika Srpska political elite to preserve the rights of entities within a lastingly weak confederation harms and thwarts consolidation of the central state.¹

Continuation of negotiations on Stabilization and Association with the European Union is conditioned by lack of ability of Republika Srpska to attain the desired degree of co-operation with the Hague Tribunal. That insufficient co-operation causes much frustration among the Federation's population, because the progress and prosperity of the whole country hinge on co-operation of one entity, which remains loyal to its war criminals.

Process of building of stable relations between Serbia and Bosnia and Herzegovina cannot be fostered because Serbia remains a destructive or upsetting factor in the region. After Kosovo, Serbia also shows its foreign policy immaturity in case of Bosnia and Herzegovina. Serbia cannot build stable relations with Bosnia and Herzegovina as long as Belgrade remains the crucial mainstay of Republika Srpska elite efforts aimed at thwarting a full integration of Republika Srpska into the constitutional order of Bosnia and Herzegovina.

Relations between Serbia and Bosnia and Herzegovina cannot be enhanced as long as the Serb political leadership refuses to show its genuine repentance for crimes committed in the 90's of the past century. Policy of aggression and of ethnic cleansing which resulted in killing of over 100,000 people, ten thousands of gang rapes, and displacement of over 2 million people has never, even formally, been condemned by an adequate action or move by the Serb Parliament, the Serb Prime Minister and the Serb President. Moreover, the issue of a concrete financial compensation to Bosnia has never been touched on.

Recent judgment by the International Court of Justice relating to the Bosnian application for genocide and aggression against Serbia, has in a bizarre way awarded the official Belgrade policy. Consequently that judgment has been highly praised by all the media in Serbia, the Serb authorities, the largest part of opposition, and unfortunately by part of the NGO sector. In a way that judgment of the Hague court has potentially cemented future relations between Serbia and Bosnia and Herzegovina and their peoples.

The most momentous political events in 2006 in Bosnia and Herzegovina were general elections, "Dudaković case", signing of the *Agreement on Special and Parallel Relations between Serbia and Republika Srpska*, and general disagreement between Sarajevo, Belgrade and Banja Luka over survival of Republika Srpska and Bosnia and Herzegovina as a whole.

In 2006 on the eve of the eleventh anniversary of Srebrenica massacre it was showed once again that the event continued to be relativized and denied by Republika Srpska and Serbia. Added to that in 2006 during the marking of that anniversary both Belgrade and Banja Luka launched a new and intense, media campaign. Namely new video recordings, evidencing crimes committed by various military and paramilitary formations under command of Asif Dudakovic, were aired. Those video recordings of crimes were used for domestic political purposes several days before the eleventh anniversary of Srebrenica massacre, and several months before the passing of the BH application-related judgment by the International Court of Justice in the Hague. The Serb media used those recordings of heinous crimes² to appeal to prosecutors and courts in Ljubljana, Zagreb, and even Sarajevo to bring to trial their perpetrators.³

Benefits of a systematic overhaul of the police and army forces in the whole Bosnia and Herzegovina became evident in 2006. Namely the 2005 Amendments to the Act on the Army and Armed Forces finally brought about down-sizing of powers of Republika Srpska within the military system of Bosnia and Herzegovina, that is, the transfer of most prerogatives on to the B and H institutions. Abolition of the Defense Ministries and Chief of Staffs in entities, establishment of a single military budget, disbanding of the reserve

¹ "Nations Fear Their States", *Danas*, 23.September 2006.

² "Can We Rape?", *Politika*, 6 September 2006.

³ "Evidence before the B and H Prosecution", *Politika*, 6 September 2006.

units and finally comprehensive professionalization of the army (made up of 10,000 professional servicemen and 1,000 civilians) led to elimination of one of the factors of potential destabilization in Bosnia and Herzegovina. Reform of the police forces is evolving at a slower pace, because Banja Luka in collusion with Belgrade tries to maintain full and total control over the "entity" RS police.

Agreement:

On 26 September 2006 in Banja Luka was signed the *Agreement on Special and Parallel Relations* ⁴ between Serbia and Republika Srpska. Signing of that agreement may be interpreted as a final veering of official Banja Luka towards Belgrade instead towards Sarajevo, and it was made possible thanks to the international community blessing. A special aspect of the agreement was continuation of territorial claims of Serbia towards Republika Srpska, as the resolution of the final status of Kosovo drew nearer. Agreement on Special and Parallel Relations at the first glance looks like a political act which may contribute to improvement of inter-state relations, notably those of economic nature. Advantages of such an agreement may be numerous ones, both for Serbia-a new market for its otherwise uncompetitive commodities- and Republika Srpska-health and education benefits for its citizens. However, that agreement caused quite a stir in the rest of Bosnia and Herzegovina. Thus B and H officials -before and after signing of the agreement-repeatedly called on Belgrade and Banja Luka to renounce that agreement considering it a potential threat to stability of Bosnia and Herzegovina and maintaining that such an agreement should be approved by the official Sarajevo.⁵

On the other hand, in Serbia, notably in its regime-controlled media signing of that agreement was assessed as the final rounding of special relations between the matrix Serbia and Republika Srpska.⁶

Along with signing of the agreement, the official Belgrade made two, market-wise, unfounded moves. The first one was allocation of 100,000 million Euro from the Serbian budget as aid to Republika Srpska,⁷ and the second one was the purchase of Telecom Republika Srpska by Telecom Serbia. Analysts assessed that the purchase of 65% shares of the most underdeveloped telecommunication enterprise in this part of Europe for 646 million Euro, and the planned investments to the tune of 50 million Euro in the next 5 years, was a totally unfounded move. The fact that Serbia, recipient of financial aid from

⁴ "Hand Over Drina", *Politika*, 26 September 2006.

⁵ Sulejman Tihic "Any special relations between the entity of Republika Srpska and the former republics of the SFRY must be approved by B and H institutions." *Tihic calls on Belgrade to renounced the agreement with Banja Luka*, *Danas*, 18 September 2006.

⁶ "Long-Awaited Step", *Politika*, 25 September 2006.

⁷ "Dodik: Republika Srpska To Get 100 Million Euro from Serbia's Budget", *Politika*, 25 September 2006.

many countries, "invests" 646 million Euro into a non-profitable enterprise may be interpreted only as an attempt to monopolize economy of Republika Srpska.

Elections

1 October 2006 elections were the ninth elections in Bosnia and Herzegovina after signing of the Dayton Accord. General elections in Bosnia and Herzegovina are in fact elections of popular representatives at the local, entity and state level. The last elections may be appraised as the crucial ones for the future of Bosnia and Herzegovina, for after the planned down-sizing of international forces in B and H, and reduction of powers of the Office of High Representative, elected representatives in the next period shall have far greater freedom in the decision-making process than their predecessors.

However, the election campaign was assessed as by far the dirtiest one in the post-Dayton period. It was dominated by the two topics: possible abolition of Republika Srpska, and possible secession of Republika Srpska from Bosnia and Herzegovina in case of proclamation of independence of Kosovo. The principal contenders in the election race were, like in the past elections: Sulejman Tihic, President of Presidency of Bosnia and Herzegovina and successor of Alija Izetbegovic, who also discharges the duties of president of Party of Democratic Action, and Haris Silajdzic, former Prime Minister and Foreign Secretary, currently the leader of the Opposition Party for Bosnia and Herzegovina, in the Federation. In Republika Srpska the leading contenders were Milorad Dodik from the Party of Independent Social-Democrats and President of Republika Srpska, Dragan Cavić still at the helm of SDP.

Election campaign was marked by the Belgrade-engineered smear campaign against Asif Dudakovic and sharp responses from Sarajevo, which kept insisting that Republika Srpska was a genocide and war-based creation. Added to that a bomb was planted on Alija Izetbegovic's grave.

But the victory of Social-Democrats in both entities was tantamount to ouster of up-to-then leading, nationalistic trio of ruling parties, SDP-PDA-CDC. Alas the foregoing does not also mean an automatic relegation to political history of the war-mongering and nationalistic rhetoric.

Results of elections in Republika Srpska were the following: 20 seats for the Serb Democratic Party headed by Dragan Cavić, and 7 for the Party of Democratic Progress headed by Mladen Ivanic. Democratic Popular Alliance headed by Marko Pavic won four seats, while the new entries to the RS Parliament became Party for Bosnia and Herzegovina and Socialist Party with 2 seats each. An absolute victor of elections was Milorad Dodik with 48 seats, 6 more than the needed majority. Dodik's rule in the next four years shall raise many issues, for this Social Democrat, with a typical Balkans character, shows a greater swing to the right than his colleagues from SDP.

Before and especially after elections Milorad Dodik in his public speeches insisted on a possibility of referendum in Republika Srpska in case of

proclamation of independence of Kosovo.⁸ The new aspect of his policy was insistence on introduction of the suffrage for citizens of RS by Serbia.⁹ And though the new Constitution of the Republic of Serbia does not envisage such a possibility, Serb officials in their recent statements did not preclude such a possibility in the near future.¹⁰ Though the international community have made it clear both to Belgrade and Banja Luka that any referendum in RS as a trade-off for independence of Kosovo was not feasible, politicians in RS and in Serbia have announced the possibility of unification between Republika Srpska and Serbia.¹¹

Redefinition of relations within the framework of Bosnia and Herzegovina remains the key prerequisite for development of that country. Relations between Serbia and Bosnia and Herzegovina may be enhanced only if Belgrade renounces its policy of destabilization of B and H, and if official Belgrade at least formally apologizes to families of victims of war in B and H. Until then mass graves across Republika Srpska shall remain a lasting reminder of Belgrade's wrongdoing. In Podrinje area, in which Srebrenica is located, over 2,000 are still missing. By the end of 2006 only from a secondary mass grave in settlement Jaz, in Zvornik area, 1,200 bodily remains were exhumed. Those are probably remains of Srebrenica locals who tried to reach free territory. It is estimated that exhumation of victims from Srebrenica area shall last another five years.¹²

⁸ Milorad Dodik, Prime Minister of Republika Srpska warned in Belgrade that independence of Kosmet could cause massive and angry protests u Republika Srpska: "We in Republika Srpska think that Kosovo and Metohija should remain within the framework of Serbia. Any solution enabling independence of Kosovo may lead to strong movements of discontent in Republika Srpska." *Politika*, 1. September 2006.

⁹ Serbs from Republika Srpske Should Be Granted Suffrage in Serbia, *Glas javnosti*, 16 September 2006.

¹⁰ "A Reserve State", *Danas*, 18 September 2006.

¹¹ "Bildt and Frowik Promised Secession of Republika Srpska" *Blic*, 19 September 2006.

¹² "Exhumations May Last Another Five Years", *Danas*, 7 September 2006.

SLOVENIA MEDIATES IN REGIONAL STABILIZATION

With respect to other members of "the new Europe", Slovenia may be considered the most successful in its process of full accession to the European Union. Slovenia met the end of 2006 totally ready to join the Euro zone, thus becoming the only member of the newly-acceded countries club which had fully and timely complied with its EU-related commitments. That process shall be completed with the entry of Slovenia into the Shenghen zone, announced for the early months of 2008.

In 2006 Slovenia was also an important partner of Serbia on its pathway to economic and political integrations with the European Union. The official stand of Slovenia is that strengthening of democratic processes is the only way leading to stabilization and progress of the whole region. Relations between Serbia and Slovenia in 2006 were relatively stable with a special emphasis on the economic co-operation between the two countries. What was also noticeable was a lower profile of official Ljubljana as regarded the resolution of Kosovo problem in 2006. Namely after several sharp-worded statements of the Slovenian President, Janez Drnovsek in 2005, tantamount to his opinion that the conditional independence of Kosovo was the only vehicle leading to attainment of full-scale regional stabilization, communication and relations between Belgrade and Ljubljana (following a stormy response of Belgrade to Drnovsek's words) grew sour. The foregoing led to cancellation of the official visit of President Drnovsek to Belgrade in mid-2005.

Relations between Serbia and Slovenia worsened in April 2006, after an intense month-long, anti-Slovenian media campaign launched by Belgrade. Key protagonists of that campaign were the Yugoslav People's Army soldiers allegedly killed at the border pass Holmec in 1991. During that intense print media campaign dozens of the YPA soldiers -themed article and features were run. That unprecedented campaign in fact aimed at drawing Slovenia into the story and history of war crimes, in Serbia's bid to effect another apportionment of blame to all former republics of the former SFRY. The campaign was initiated by airing an ORF -Austrian TV- video recording of alleged shooting of the YPA soldiers. In fact the recording showed surrender of soldiers and then a barrage fire. On that occasion were allegedly killed soldiers Zoran Ješić, Goran Maletić and Antonije Šimonjić. From the 6 April airing of the filmed "shooting" to the 27

April when it was unveiled that the "shot" soldiers were in fact-alive, dozens of related articles¹ appeared to be a throwback to the early 90's coverage of the pro-regime media. During the campaign it was also maintained that practically all former or incumbent officials of Slovenia were to be held accountable for that "war crime.". Anti-Slovenian campaign ended in late-April when the Defense Minister, Zoran Stanković, disclosed that the soldiers were alive. ² It is noteworthy that the army was all the time in possession of that knowledge, as well as that journalists during the month of April failed to launch a probe into allegations about that killing or find families of the allegedly killed soldiers.

Event at Holmec, most probably may be qualified as a criminal offence, for unarmed soldiers were shot at, but the fact remains that the Belgrade-launched campaign, generated only new problems between the two countries, at the moment of time when their economic co-operation was on the rise and when tens of thousands of Slovenian tourists visited Belgrade and other parts of Serbia.

Slovenia, on the other hand, not even in 2006 managed to solve the problem of "deleted " citizens, mostly of the Serb nationality. In the face of the 2005 Constitutional Court decision clearly ruling that all the "deleted" citizens be reinstated their unlawfully taken right to residence in Slovenia, the Slovenian government "resolved" that problem by adoption of a constitutional law, which envisaged only individual solutions to that problem. Damaged citizens think that individual tack to resolution of that problem is tantamount to introduction of a political aspect in the status resolution, for the aforementioned constitutional act foresees negative solution of status of those citizens who have committed some criminal offences. It is assumed that on the list of deleted were about 18,000 citizens. Failure of the government of Slovenia to resolve the issue of minorities, that is to abolish division into autochthonous and non-autochthonous, that is, new minorities, is probably of a temporary nature, for in

¹ "Slovenian war crimes", *Kurir*, 7 April 2006; "Execution at Holmec", *Politika*, 7 April 2006; "Bloody Vidovdan", *Kurir*, 8 April 2006; "Identity of killer of the YPA soldiers is known", *Politika*, 8 April 2006; "Holmec killers must be tried!" *Večernje novosti*, 8 April 2006; "Blooded hands of Slovenians" *Kurir*, 9 April 2006; "Rewards for Killers", *Kurir*, 10 April 2006; "Criminals", *Kurir* 11 April 2006; "Kučan must be tried by the Hague Tribunal", *Press* 12 April 2006; "Certified", *Kurir* 12 April 2006; "Bloody age of innocence", *NIN*, 13 April 2006; "Janez Drnovšek is a war criminal too", *Glas javnosti*, 13 April 2006; "Bullet in the back of the head", *Politika*, 13 April 2006; "Janša is worried about Holmec" *Večernje novosti*, 14 April 2006; "Drnovšek is offered to the Hague Tribunal", *Politika*, 14 April 2006; "Burnt", *Kurir*, 15. April 2006; "Janša is lying ", *Press*, 17 April 2006; "Over 140,000 Slovenians attacked the blocked Yugoslav People's Army" *Svedok*, 18 April 2006; "They killed us slyly, shooting us in the back", *Večernje novosti*, 20 April 2006.

² "Soldiers filmed at Holmec are alive ", *Danas*, 27 April 2006.

that issue has interfered the European Union, after several successful actions taken by the "deleted" and a good part of NGO sector in Slovenia. ³

Special problem in 2006 was a series of incidents involving Romany settled in Slovenia. Inter-ethnic conflicts in Slovenia escalated in November 2006, in locality Ambrus, in which local population staged a showdown with Romany families settled there. Unfortunately the government of Slovenia resorted to the worst possible solution, that is, a forcible relocation of Romany families, which led to breaches of several constitutional rights of that group of citizens in Slovenia. In November several EU officials⁴ demanded the government in Ljubljana to change its tack on Romany minority,⁵ that is stop discriminating them. This time around the Serb media also reported extensively on that problem, all the while underscoring so-called infamous Slovenian racism and xenophobia.

Future of relations between Slovenia and Serbia most surely does not lie in digging out the Slovenian wartime past and responsibility, but rather in promotion of inter-ethnic relations, with the emphasis on economic co-operation. A long-running feeling of inferiority and insecurity which Belgrade demonstrates towards Ljubljana and its European accomplishments, may produced lasting ill consequences in co-operation with otherwise friendly Ljubljana. Belgrade should treat differently Ljubljana, for it can be a serious partner of Serbia as regards European integrations. This time around the co-operation between the two countries also hinges on Serbia, whose rational conduct is awaited by Ljubljana.

³ "Today Romany, tommorrow non-Slovenians, then-we", *Politika*, 16 November 2006.

⁴ "Eviction of family Stojanov is unacceptable", *Politika*, 17 November 2006.

⁵ "Slovenia must guarantee security to Romany children", *Danas*, 17 November 2006.

MONTENEGRO BECOMES INDEPENDENT

Process of emancipation of Montenegrin society and its political elite was crowned by independence chosen by the majority of Montenegrin citizens in 21 May referendum. Independence decision in fact stemmed from a lasting orientation of Montenegro, built into the Yugoslav federation at the second AVNOJ session in 1942. Peaceful mood in which the entire campaign and notably its last stage was immersed, confirmed that the majority of the population of Montenegro, in the face of enormous pressure from Belgrade and European Union, favored independence. Moreover, it bears stressing that the referendum campaign unfolded in keeping with all European democratic standards, and was nearly incident-free. It was monitored by a large number of foreign observers, notably those from the OSCE.

Republican parliament proclaimed independence of Montenegro on 3 June and adopted Declaration of Independent Montenegro, accepted by the European Union too.

In the course of the referendum process Serbia mounted a stiff opposition campaign against independence of Montenegro by funding the pro-Serbia political parties and meddling in internal affairs of Montenegro especially by dint of activities of its secret services. Added to that the Serb media were engaged in an intense anti-Montenegro campaign until the 2003 adoption of the Charter of the State Union of Serbia and Montenegro. The Serb Orthodox Church also mounted a very aggressive anti-independence campaign via pro-Serbia parties and associations in Montenegro. Swift recognition of Montenegro by European Union, the United States, Russia, China and the entire international community, as well as its UN membership, represented a genuine backing for Montenegro.

Nearly all regional countries were the first to recognize independence of Montenegro, while Serbia did it with a notable delay. Montenegro was first recognized by the Serb president Boris Tadic, under the EU pressure, while Prime Minister Vojislav Kostunica did it at a later date, under influence of the Russian President Vladimir Putin. Pro-Serbia parties refused to recognize the referendum results and the state symbols, though Montenegrin national flag was hoisted on the East River UN building in New York.

After Montenegro gained independence, the state union between Serbia and Montenegro was dissolved. That loose union between the two states, established under the auspices of the EU High Representative Xavier Solana

was rather short-lived, it lasted only three years. By forging the state union between the two Balkans states, Brussels wanted to soft-cushion the Montenegrin drive towards independence, prolong the related referendum and delay the kick off of the process of resolution of Kosovo status.

The ruling coalition (Democratic Party of Socialists and Social-Democratic Party) which in recent years focused its political engagement on independence-gaining process, won the 10 September parliamentary elections hands down, thus heralding its future referendum success. That victory, like the one at local elections demonstrated that the DPS -SDP coalition faced no real opposition or political alternative. The principal task of the new parliament is drafting and adoption of the new Constitution, a prerequisite for Montenegro's accession to the Council of Europe. Added to that the state of Montenegro should define itself as a civil and democratic state, based on respect for human rights and freedoms, and with fully-fledged parliamentary system.

Referendum

In the 21 May referendum on the state-legal status of the Republic of Montenegro, the pro-sovereignty camp scored a convincing victory: total turnout was 86.5%, 55.5% of citizens voted for independence, 44.6% voted against it. 55% plus one vote "benchmark " for gaining independence was set up by the EU. European Union also engaged its representatives during the referendum process, notably the European envoy for Montenegrin referendum, Miroslav Laichak and president of the Republican Election Commission, Frantisek Lipka. Key actors in the referendum process were the Movement for Independent and European Montenegro and the ruling coalition (the pro-sovereignty block). The Movement for Independent and European Montenegro rallied a very broad circle of prominent citizens of various ethnicities and religious denominations thanks to its advocacy for the European and Euro-Atlantic pathway of Montenegro as an independent state.

Movement for the common state (Unionists) was made up of pro-Serbia parties and associations. The Serb Orthodox Church played a major role in their unification to that end. Nationally homogenous members of that movement advocated close state ties with Serbia. The Movement was openly backed by Belgrade, and its leaders frequently received by Prime Minister Vojislav Kostunica.

Referendum unfolded in a peaceful and democratic mood. What characterized it was near-total observation of the highest European standards. Independent state of Montenegro was quickly recognized by the regional countries, European Union and the entire international community.

A. Serbia's Position

Open and frequent messages and warnings by the government of Serbia to the effect that Serbia cannot be indifferent and that it shall be involved in the pre-referendum campaign, likewise statements of some Serb ministers that Montenegrins in Serbia shall not enjoy the same rights like in Montenegro, were indicative of direct Belgrade's meddling in the independence-gaining process of Montenegro with the objective of foiling such an outcome. Occasionally those messages were tinged with threatening tones.

Large pressure was brought to bear on the referendum process. Part of that pressure was the demand that the names of Montenegrin citizens living in Serbia be included in electoral lists in Montenegro. It was thought that such "migration" of voters' contingent from Serbia to Montenegro would prevent Montenegrin independence. Though the Venice Commission, an expert EU body, rejected Serbia's request to grant the referendum suffrage to Montenegrin citizens living in Serbia, Prime Minister of Serbia, Vojislav Koštunica took to Brussels a list of names of 263,000 Montenegrin citizens living in Serbia as crown evidence of "non-feasibility" of independence of Montenegro (Montenegrin electorate totals 450,000 voters).

Official Podgorica repeatedly offered to Belgrade talks on relations between the two countries, as suggested by European Union too. The Serb government, having high hopes of failure of referendum, rejected all those offers. Montenegrin President Filip Vujanović thus commented that development: "Refusal of Prime Minister of Serbia, Vojislav Koštunica, to talk about future relations between the two countries, is part of Kostunica's campaign aiming to impact the will of citizens. Koštunica obviously does not want such talks, for he does not want to divulge the possibility of a most certain development-independence of Montenegro."¹ Both the incumbent authorities and the opposition in Serbia refused to accept the April 2006 Declaration of the Government of Montenegro on the Post-Independence Relations with Serbia, guaranteeing to citizens of Serbia all rights barring the voting one.

In the pre-referendum period Serbia kept reiterating that the Montenegrin referendum would fail, and even tried to dictate conditions thereof. Prime Minister Vojislav Koštunica, the most vocal advocate of Serbia and Montenegro union, thus stated: "I believe that the referendum shall fail, for the citizens, despite all the ongoing campaigns, shall vote in favor of survival of the state union."² He maintained that decision on independence should be taken by half of registered voters in Montenegro.

Montenegrin Prime Minister Milo Djukanović was thus provoked into making a public retort: "Identity of the person abetting part of political parties in Montenegro to embark on a destructive pathway has been finally

¹ *Glas javnosti*, 25 March 2006.

² Statement to daily *Dan* of Podgorica, as carried by *Danas*, 6 March 2006.

unveiled...Such destructive games are played because the current state policy-makers in Serbia do not want to renounce their lethal, hegemony-minded concept...and because nationalism as a dominant topic still galvanizes all political structures in Serbia... such a policy shall not do any good to Serbia."³

In the wake of referendum, the Serb officials launched a thesis that Montenegro should introduced dual citizenship for Serbs. Thus Vojislav Vukčević, Diaspora Minister in the government of Serbia stated: "If the referendum policy rested on a thesis that a continuing union with Serbia could only harm Montenegro, then the authorities of the new state don't have any moral right to prevent at least 185,000 people, who consider themselves as Serbs and have as such voted for the survival of the state union, from taking the Serb citizenship. Recent events in the Balkans, and the last one in Montenegro, have dispersed peoples, notably Serbs to all four sides of the world, and it is only logical that they are now looking for a paper vouchsafing their links with domicile country and people to whom they belong."⁴

Decision of the Montenegrin president Filip Vujanović to take command over the Serb-Montenegrin army units located in that republic, which was fully in keeping with constitutional prerogatives and financial and organizational competence of the Montenegrin government, was sharply criticized by Serbia. President of the Security Committee of the Serb Parliament, Milorad Mirčić (the Serb Radical Party) accused Montenegro of engaging in a forcible, Albanian terrorist-style secession by forming "the Liberation Army of Montenegro": "Montenegrin clique is bent on provoking unrest...hence its anti-army campaign and attempts to set up paramilitary units."⁵ General Milan Simić maintained that "the Montenegrin secession heralds the beginning of fragmentation of the Serb national land", and "thus we witness such a haste to take over the army command." Simić moreover stated that "in the light of recent events Serbia became a landlocked country" and announced preparations for new referenda.⁶

In the wake of Montenegro's independence the Serb mass media engaged in speculations about an alleged "misappropriation" of the Serb-Montenegrin military property by Montenegro. The foregoing prompted the following response by Montenegrin President Filip Vujanović: "Division of military property was regulated by a territorial principle of the Constitutional Charter of the former state union. Number of servicemen in the Montenegrin army shall be brought into line with NATO standards in view of the need of the Montenegrin army to swiftly accede to *Partnership for Peace*."⁷

³ *Danas*, 6 March 2006.

⁴ *Politika* 5 June 2006.

⁵ *Večernje novosti*, 18 March 2006.

⁶ *Ogledalo*, 5 July 2006.

⁷ *Večernje novosti*, 25 May 2006.

Appraisals of the independence-related decision by some Serb analysts reflect their ideological closeness to parts of the ruling Serb political structures. Djordje Vukadinović, editor-in-chief of magazine "The new Serb political line of thinking" stressed that Milo Djukanović, thanks to generous assistance of the international community, "dealt a heavy blow to the whole Serb political elite." Vukadinovic also called into question the party advocacy of President of Serbia, for Tadic congratulated Djukanović for his referendum victory, "in view of the new reality of the Serb-Montenegrin relations". According to Vukadinovic "Koštunica now faces a major problem. And those in Brussels who are aware of his predicament, decided not to blame him for not congratulating Podgorica. For the umpteenth time Kostunica was deceived by 'his friends' from international community and his own milieu."⁸

Nationalistic blueprint highlighting the need to protect the Serb people in its entirety oft employed after independence of some former Yugoslav republics in the 90' was applied even after Montenegrin referendum. Miša Djurković, scientific collaborator of the European Studies Institute in Belgrade welcomed readiness of Serbs in Montenegro to demand guarantees for protection of their rights from international institutions. Such an effort, according to Djurković, could be helped by establishment of a strong pro-Western Serb party as well as opening of the Serb embassy and the Serb cultural centre in Podgorica "as the focal point of the Serb identity and the body which would assist in cultural and educational emancipation of Serbs." Djurković also demanded that Serbs in Montenegro remain in the media spotlight, "so that, alike in Republika Srpska, the dual citizenship of Serbs in Montenegro enables education of the Serb children at the Serb universities."⁹

Pro-government daily *Politika* ran an extensive interview with Slavenko Terzić, under the headline "New Montenegrin Nationalism". Terzić thus explained his thesis: "New Montenegrin nationalism makes a clean break with the generally renowned history, culture and tradition of Montenegro. That nationalism makes the gist of ideological project of the incumbent authorities in Montenegro, and its roots lie in the works written by the Austro-Hungarian and Greater Croatia ideologues."¹⁰

How much Belgrade was disgruntled with the outcome of Montenegrin referendum was best illustrated by the post-referendum reaction of Kostunica's adviser, Aleksandar Simić. After criticizing the Belgrade election-monitoring organization CESID for announcing immediately after the closure of polling stations that 56.3% voters said yes to independence, and demanding punishment of that organization, Simic stated: "I would not be

⁸ *Politika*, 6 June 2006.

⁹ *Politika*, 20 June 2006.

¹⁰ *Politika*, 13 May 2006.

surprised if someone filed charges against CESID. The recent CESID's gesture belongs to the best tradition of Djukanovic-engineered separatism scenario."¹¹

B. Instilling Fear

Intense anti-referendum campaign mounted by the incumbent Serb politicians and fuelled by the mass media, aimed at instilling fear of Montenegrin independence among its citizens. The media kept alleging that if Montenegro gains independence, the Serb citizens shall not be able to work, have medical treatment, to study, have vacations on Montenegrin coast. It was also asserted that citizens would have to have Montenegrin visas to in order to travel to Montenegro. All the foregoing was however denied by the Montenegrin politics and the reality of life after Montenegrin independence.

Similar messages were sent by the highest officials in Serbia. Slobodan Vuksanović, Education Minister, cautioned Montenegrin parents whose children were educated in Serbia, that tuition fees and textbook prices would increase. He also asked them the following: "How do you think that graduates would continue their professional careers in Serbia after Montenegrin independence?" He underscored that parents of Montenegrin students should be "accurately informed of all the legal and existential consequences of possible separation between Serbia and Montenegro."

In his response, the Montenegrin Education Minister, Slobodan Backović, indicated that "it was good that in Serbia there is such widespread concern for the fate of our citizens after independence of Montenegro, but it is, to say the least, odd that such a concern is manifested via threats and sowing of fear of changes, all of which amounts to sheer manipulation. The foregoing is in accordance with a much-touted stereotype that Serbia educates, feeds, cures free-of-charge citizens of Montenegro, and that after independence Serbia shall no longer be able to fund all those activities and therefore, -survive!?"¹²

Montenegrin government offered guarantees to Montenegrin students studying in Serbia that they would be able to continue their studies in Montenegro. That was tantamount to a most direct message to the Serb Education Minister and the like-minded high officials to end their intimidation campaign aimed at hindering the referendum process.

Serb media also kept fuelling fear of referendum. One of the most covered topics was "migration of Serbs"¹³ that is, an alleged possibility of mass exodus of Montenegrin citizens to Serbia in case of Djukanovic's victory and proclamation of independence. It was asserted that in case of such a scenario northern part of Montenegro would secede and unite with Serbia. Similar

¹¹ *Politika*, 22 May 2006.

¹² *Danas*, 6.-7 May 2006.

¹³ *Kurir*, 8 May 2006.

scenario was predicted for Boka Kotorska: “that area shall stake a claim to its independence if Montenegro becomes independent.”¹⁴

The map of Montenegro with marked up parts to be allegedly annexed by Greater Albania, along with the text that “such a development will be the price of Albanian backing for Djukanovic’s regime,” was published. The caption under the map read: “all parts of the coastal area painted yellow were much coveted by all the Black Latins and a century-long dream of the Black Catholic International”, while all parts painted green “would be parts of the Islamic transversal.”¹⁵ Speculation about the fate of the common army were rife too. Claims were espoused that in Montenegro “underway was the process of categorization of servicemen on national grounds”, “those who declared themselves as Montenegrins would form the nucleus of the future republican army,” and “salaries of servicemen of the Serb nationality are long overdue.”¹⁶ Minorities were also a much abused and manipulated theme. It was underscored that due to the Bosniak favoring of the state union with Serbia, and Muslim opposition to it, and in the absence of a convincing clear-cut Montenegrin political majority, “the Muslim-Bosniak group has the power to tip the scales in the decision-taking process related to the state status.”¹⁷

Panel-discussion “Montenegro and Referendum” staged by associations “Duke Miroslav” and the Serb Organization “Dveri”, assessed that in Montenegro a total media black-out reigned, and that the local authorities were plunging Montenegro into chaos and lawlessness, trampling democratic principle and abolishing the rule of law, added to “engaging in destruction of common spiritual and state values and unique identity of the Serb people...consequently destabilizing the whole region.”¹⁸

Print media also speculated that Montenegro might emulate the “Slovenian model of independence.” Pro-government Belgrade daily *Politika* in the text announced on its front-page the unveiling of ‘a secret strategy’ of the ruling Montenegrin party, as leaked by a Democratic Party of Serbia document. The text maintained that in case of referendum failure, Montenegro shall apply the Slovenian model of secession, and noted – “It is however still unclear whether authors of this document intend to start a war, in a scenario similar to the Slovenian one.”¹⁹ The Serb media also asserted that “European Union was lobbying for Djukanovic” via Jelko Kacin, an envoy for Serbia and Montenegro. Namely Kacin instituted proceedings for the adoption of resolution on Montenegrin referendum and independence: “The following plan was put in place: a pre-referendum adoption of resolution, so that Brussels could invite all

¹⁴ *Svedok*, 18 April 2006.

¹⁵ *Ogledalo*, 12 April 2006.

¹⁶ *Kurir*, 4 February 2006.

¹⁷ *Politika*, 2 February 2006.

¹⁸ *Danas*, 22 March 2006.

¹⁹ *Politika* 19 January 2006.

Montenegrin citizens to vote in the referendum, and make it clear to the opposition that its boycott of referendum would not undermine the legitimacy of its result.”²⁰

Instructions given to the Serb media to cover in a fair and honest way the referendum campaign were not honored. Thus the European Union Envoy for Referendum, Miroslav Laichak, expressed his disappointment “with the decision of the Serb media not to sign the code on fair coverage of Montenegrin referendum. And it is clear what we can expect from those who refuse to sign such a code. However, an ungrounded smear-campaign in Serbia may only boost the pro-referendum mood in Montenegro. Position of the Serb media shall not have a major impact on the referendum process.”²¹

C. The Serb Orthodox Church

Serb Orthodox Church also openly engaged in the anti-referendum campaign. Within the fold of the Movement for Common State it rallied all pro-Serbia parties in Montenegro. As the mainstay of all nationalistic forces in Montenegro, it exploited political rallies to demonstrate its anti-independence stand and to underscore its non-recognition of the Montenegrin nation. Added to that the Serb Orthodox Church also denies the Montenegrin Orthodox Church, which attracts an increasing number of followers and faithfuls. Metropolitan Amfilohije Radović is in fact a kind of hatchet man of the Serb Orthodox Church in Montenegro. Though lately he has been trying to demonstrate his loyalty and allegiance to the Montenegrin state, it is just a smokescreen, for he does not recognize the Montenegrin nation, and persistently stresses that in Serbia and Montenegro only the Serb people live.

Referendum-related stance of the Serb Orthodox Church coincided with the one of the official Serb policy, which openly opposed Montenegro’s independence and urged continuation of the state union. In his letter to President of the State Union of Serbia and Montenegro, Svetozar Marovic, Patriarch Pavle insisted on unity of Serbia and Montenegro and preservation of the common state, deeming both a vital need and essential interest of all citizens and the Serb people as a whole. In that letter Patriarch Pavle made the following point: “Such an unity would be good for the future of Kosovo....breaking up of that century-long state and popular unity may cause many ills...it may produce grave consequences and in the future threaten the people and their freedom in both Serbia and Montenegro.”

In his reply to Patriarch’s letter, Montenegrin Prime Minister Milo Djukanović stated the following: “At play is not any break-up or destruction, but rather an intention of Montenegro to do in a democratic way and in keeping with the European rules and conduct what it deems best for her. We

²⁰ *Novosti*, 10 February 2006.

²¹ Statement made to Tanjug Agency, as carried by “*Politika*”, 19 March 2006.

belong to the majority which considers that for us it is best to renovate our state house and with such a shield continue to combat for our full European and Euro-Atlantic integration."²²

Council of Popular Assemblies, formed on a direct order of the Serb Orthodox Church, adopted the Declaration on the Common State, declaration identical to the one passed by the Movement for the Common State at its founding session. On the eve of formation of the Movement for the Common State, the church on several occasions rallied leaders of pro-Serbia parties in Montenegro, in order to channel their political activities and actions.

Linkage between the Serb Orthodox Church and the Serb official policy is clearly recognizable in the case of building of the Montenegrin Orthodox Church in Lovćenac (Vojvodina), the locality with the majority Montenegrin population. Naming of President of Association of Montenegrins "Krstaš", Nenad Stevović, the envoy of the Montenegrin Orthodox Church authorized to found the Montenegrin Orthodox Church in Serbia and the man in charge of building of Lovcenac church, provoked a new polemic with the government of Serbia. Similar one flared up a year ago. In response to that naming, the Serb Minister for Religions, maintained that under the law in force, registration of the Montenegrin Orthodox Church and building of its church in Lovcenac "were not feasible, despite the constitutionally guaranteed religious rights of citizens of Serbia, invoked by "Krstaš" association. In a stark contrast to the government of Serbia, provincial Secretariat for National Minorities of Vojvodina treats the Montenegrin Orthodox Church in keeping with the constitutionally guaranteed non-establishment principle, and the principle of equality of all citizens before the law."²³

Visit of Montenegrin President Filip Vujanović to Vatican received a wide coverage by the Serb media. Organization and timing of that visit gave ground to many media speculations. A suspicious backdrop of that visit was implied because the visit was organized by Anton Sbutega, "the knight of the Maltese Order and close relative of the famous Kotor bishop, Branko Sbutega. A Belgrade daily even went on to suggest that "the Maltese knights want to get hold of invaluable objects kept in a Cetinje monastery."²⁴

D. Movement for the Common State

Movement for the Common State was openly backed by the Serb authorities. The latter never condemned numerous nationalistic messages sent and spread by its Belgrade branch. Prime Minister Kostunica even had an official meeting with the Movement's leaders from Montenegro. That nationally homogenous movement advocated a firm state union with Serbia and

²² *Večernje novosti*, 12 May 2006.

²³ *Danas*, 17 August 2006.

²⁴ *Glas javnosti*, 19 January 2006.

frequently espoused its thesis that the Serb people were threatened in Montenegro. According to the Movement the incumbent Montenegrin authorities had jeopardized all Serb rights, most notably the right to use of mother tongue, and persecuted the Serb Orthodox Church in Montenegro. In the course of the anti-referendum campaign that Movement spread fear of referendum, and representatives of pro-Serbian parliamentary parties (members of Movement) publicly labeled it as a "war referendum."

The Serb Popular Party, which at September elections, was the leading party of the Serb list, otherwise known as the most militant Serb party in Montenegro and member of the aforementioned Movement, demanded that Serbs be granted their own parliament, budget, institutions, Serb language education and that the Serb electronic media be granted frequencies. Belgrade branch of the Movement for the Common State was founded by academicians Ljuba Tadić and Matija Bečković who have always denied Montenegrin nation and state. Tadić, who alike Beckovic, was one of the masterminds of the infamous pre-war Memorandum of the Serbian Academy of Arts and Sciences, demanded the suffrage right for Montenegrin citizens living in Serbia, that is, the right to vote in the Montenegrin referendum, or invalidation of referendum results in case of non-fulfillment of that demand.

Movement for the Common State, rallying all the Serb nationalistic forces, in collusion with the Serb Orthodox Church, reiterated its thesis that the attempt at "Dukljanization and montengrization of Montenegro as a historically shameful event shall fail". The old claim that Serbia and Montenegro are the two Serb states was re-launched (academician Tadić). The same held true of the assertion that " referendum is an expression of a virulent hatred of the Orthodox cross and Slavic origins" (Miro Vuksanović).²⁵

On the eve of referendum,, the Movement staged a big popular rally in Belgrade. On behalf of the government of Serbia, Prime Minister of Serbia, Vojislav Koštunica, Justice Minister, Zoran Stojkovic, and Minister of the Interior, Dragan Jočić, took part in the rally. Other prominent participants were: Amflohije Radović, as an envoy of Patriarch Pavle, Irinej, Episcopo of Backa, Belgrade Mufti Jusufspahić, leadership of the Socialist Party of Serbia and leadership of the List for Sandzak headed by Sulejman Ugljanin. The Movement's frontmen, spearheaded by academician Ljuba Tadić demanded "a categorical *no* to the occupying separatism of Milo Djukanović", while Prime Minister of Serbia, thus explained his advocacy of the common state: "Together we are stronger.. moreover in situation of togetherness Serbia has access to the Adriatic sea, and Montenegro to river Danube...."²⁶

Constitutional Court of Montenegro rejected the demand of the Movement that independence-related decision taken at the referendum be confirmed by the two third parliamentary majority.

²⁵ *Večernje novosti*, 14 May 2006.

²⁶ *Politika*, 14 May 2006.

E. Opposition Parties in Montenegro

Pro-Serbia parties in Montenegro, or the opposition parties, experienced a double rout- first at the 21 May referendum which ushered in independence of Montenegro, and then at the 10 September parliamentary elections won overwhelmingly by the ruling coalition. However, it bears saying that those pro-Serbia parties in fact do not constitute a genuine parliamentary and political opposition, for they deny the very state, an independent Montenegro, in which they exist and operate. Pro-Serbia parties are under a direct influence of the Serb Orthodox Church and official Belgrade.

Though initially favoring the referendum boycott, the opposition parties ultimately agreed to its holding and rules of procedure thanks to some friendly persuasion by the EU. The strongest opposition party, the Socialist Popular Party (SPP) with its leader urged the common state with Serbia in which Montenegro would be an equitable partner. Unlike other party leaders Bulatović did not cultivate a special relationship with Amfilohije Radović. On the contrary, his distancing from the Serb Orthodox Church was very visible. But Bulatović, in his capacity of President of Socialist Popular Party, enjoyed the backing of some high Serb officials (in February he had official meetings with President Tadić and Prime Minister Koštunica), who saw him as the only genuine rival of Montenegrin Prime Minister Djukanović.

After his defeat at parliamentary elections, Bulatović resigned from the post of party's president. Due to its vague strategy- an admixture of the wish to remain in alliance with Belgrade as an equitable partner, and co-operation with nationalistic pro-Serbia parties in Montenegro,-and despite the civil option profile of his Socialist Popular Party-he and his party missed out on the opportunity to morph into an authentic, strong opposition party in the independent Montenegro.

In early 2006 Bulatović demanded that a concentration government be formed in Montenegro. He tried to forge an alliance geared towards "overthrowing of Montenegrin authorities" together with Nebojša Medojević, front man of the Group for Changes, Andrija Jovičević, former Minister of the Interior, and Miodrag Lekić, former FRY Ambassador to Rome. Belgrade print trumpeted that the visit would be occasioned "thanks to an exclusive invitation of the State Department".²⁷ After Washington's denial of the official nature of the visit, the foursome disappeared from the media spotlight and at a later date the alliance collapsed.

After the referendum, Bulatović maintained that "it is possible to raise again the issue of the union between Serbia and Montenegro", as well as "that

²⁷ Vecernje Novosti, 10 february 2006.

the international community had a very benign stand on the option of independence."²⁸

The most radical pro-Serbia party in Montenegro, the Serb Popular Party (SPP) headed by Andrija Mandić kept espousing the thesis of threats to Serbhood and the Serb church in Montenegro. After proclamation of Montenegro's independence, Mandić announced new referenda whose results would dictate annexation of Montenegro by Serbia. His party called on citizens of Serbia with Montenegrin citizenship not to renounce their status, but rather to register their residence in Montenegro "in order to ensure their political rights -not because of participation in the upcoming referendum, but rather because of their participation in the future political processes, in case of Montenegro's secession".²⁹ Thanks to his good connections with the Belgrade print media, Mandić's statements were often spotlighted, notably the one to the pro-government daily *Politika* that "Milo pays each vote 2.000 Euro", and "Djukanović's dream of independent Montenegro is reminiscent of some scenes from the film 'Godfather'".³⁰

Leader of the Serb Popular Party demanded autonomy for Serbs in Montenegro : "We want cultural and educational autonomy of Serbs, in order to prevent their assimilation in Montenegro. We demand that Serbs be defined as a constituent people under the new constitution."³¹ His party launched also the campaign of collecting signatures for a petition compelling the Serb authorities to demand that Serbs in Montenegro be granted citizenship of Serbia.

Mandić's party was the pillar of the Serb list which rallied the most conservative Serb nationalistic forces in Montenegro. Thanks to its September electoral success it succeed in entering the Montenegrin parliament. On the eve of elections, Tomislav Nikolić, official of the Serb Radical Party had also put his signature on the Serb list. Pro-Serbia parties however sharply condemned Nikolić's words that Serbs in Montenegro should have the national minority status, for Serbia, as the domicile country, had a commitment to "protect threatened Serbs." The Popular Party then stated that Nikolić should know that such statements of his downsized Serbs, the state-forming people in Montenegro, to a national minority. And noted that " so far has even Djukanović's regime, notorious for its discrimination against Serbs, has not ventured"³²

In his response to such a stand of the Popular Party, Čedomir Antić, G 17 official, said: "Frontmen of the Popular Party want to be the topmost leaders both in Serbia and Montenegro, but they will have to decide whether they want

²⁸ Vecernje Novosti, 24 June 2006.

²⁹ Danas, 19 January 2006.

³⁰ Politika 13 February 2006.

³¹ Glas Javnosti , 9 July 2006.

³² Politika, 10 August 2006.

to be Serbs or Montenegrins, for they cannot be both at the same time. Since Montenegro, alike Bosnia and Herzegovina, does not have an ethnic majority, both peoples should be considered constituent peoples. Serbs at this moment of time don't have the rights which national ethnicities have. Before the promulgation of Constitution they should manage to get at least those rights. Perhaps it is humiliating for them, but in my mind their current position is even more humiliating."³³

The Serb print media for days kept commenting the fabricated film on the purchase of pro-independence votes by the ruling Montenegrin party activists. That film engineered rather than directed by the Montenegrin opposition was on several occasions aired on *RTS*, *TV B92* and other Serb electronic media. In one scene of that film a certain Mašan Bošković is offered money for his overdue electricity bill if he votes for independence or stays away from referendum.³⁴ Judicial proceedings were later instituted against actors of that film.

The Group of Changes ambivalent stand on referendum was manifested by its following gestures: its leader, Nebojša Medojević, has not publicly called on his party members and followers to vote for independence in the referendum, though he presented himself as a staunch advocate of Montenegrin independence. Medojevic explained his stand by the fact that the referendum was organized "by Milo Djukanović's regime." Due to such a stance of Medojevic, several prominent public figures broke ranks of that organization. Nebojša Medojević was a frequent guest of Belgrade media. He used that public exposure to openly attack Montenegrin authorities. Some print media informed that he was received by President of Serbia, but that 'scoop' was not officially confirmed. In September parliamentary elections the Group for Changes won several seats.

Visit of President of transitional government of Kosovo, Agim Cheku, to Podgorica, was strongly contested by the Montenegrin opposition. The Socialist Popular Party assessed Djukanović's invitation to Cheku as "a blatant backing of and siding with those bent on effecting secession of Kosovo from Serbia". President of the Serb Popular Party, Andrija Mandić, stated that Cheku's visit was tantamount to "Djukanović's spitting into the faces of citizens of Montenegro or repayment of a referendum debt." Serb Radical Party threatened that "Djukanović together with his friend Cheku would be held accountable for all ills inflicted on Montenegro and the Serb people."³⁵ Though president of the transitional government of Kosovo had previously toured many European capitals and Washington, and was about to make an official trip to Moscow, the Serb officials sharply criticized the Montenegrin authorities daring to invite Cheku to come to Podgorica.

³³ *Glas javnosti*, 9 September 2006

³⁴ *Večernje novosti*, 24 March 2006.

³⁵ *Danas*, 11.-12 November 2006.

Proclamation of Independence

Montenegro was proclaimed an independent republic at a special parliamentary session of 3 June, which also passed the Declaration of Independent Republic of Montenegro. That session was not attended by MPs of opposition parties for they had previously declined to acknowledge referendum results. Invitees from Serbia, that is, its high officials, also failed to show up. It bears mentioning that Serbia only much later recognized Montenegrin independence.

Decision on proclamation of independence was adopted by MPs of the ruling coalition, Democratic Party of Socialists, Social-Democratic Party, Democratic Union of Albanians, and Democratic Alliance. The session was boycotted by MPs of the Socialist Popular Party, Popular Party, the Serb Popular Party and Democratic Serb Party.

A. Declaration of Independence

Declaration of Independent Republic of Montenegro spells out the following:

"In view of its centuries-long state independence and international recognition of Dukedom of Montenegro at the Berlin Congress on 13 July 1878.; On the basis of freely expressed will of citizens in the referendum on the state-legal status of the Republic of Montenegro held on 21 May 2006, and carried out in keeping with international standards and in co-operation with European Union; by expressing its dedication to keeping and promoting international peace and stability, by confirming its readiness to respect the principle of territorial integrity and sovereignty of all states, by urging peaceful resolution of all international disputes, by promoting friendly relations and co-operation with all countries on an equitable footing, on the basis of the Decision on Proclamation of Independence of Montenegro, the republican parliament of Montenegro passes :

Declaration of Independent Republic of Montenegro

1. Republic of Montenegro, as an independent state with full international legal subjectivity shall continue to build itself as a civil state, multi-national, multi-ethnic and multi-denominational society, based on the respect for and protection of human rights and freedoms, minorities rights, principles of parliamentary democracy, the rule of law and market economy, to be promoted by passing of the new Constitution of the Republic of Montenegro.

2. In view of its renewed state independence, the Republic of Montenegro:

- By accepting principles enshrined in the UN, Council of Europe, OSCE and other international organizations documents, shall initiate procedure for a full membership thereof;

- Accepts and shall take on the rights and commitments stemming from the current arrangements with the UN, EU, Council of Europe, OSCE and other international organizations, that is with their representative offices in its territory, and in accordance with its legal order;

- Confirms as its strategic priority an accelerated integration into European Union and is resolved to continue to efficiently meet conditions and demands laid down by the Copenhagen criteria and the Process of Stabilization and Association,

- Montenegro is firmly resolved to join the European and Euro-Atlantic security structures, and to contribute to strengthening of regional stability and security;

- In its dedication to further progress in the process of accession to the World Trade Organization, Montenegro is ready to meet all commitments stemming from such a membership;

- Republic of Montenegro shall continue and promote the existing co-operation with international financial institutions and institute procedure for regulation of its independent membership;

- Republic of Montenegro shall honor international law principles, judgments of the International Court of Justice and is resolved to continue full co-operation with the International Criminal Tribunal for Former Yugoslavia.

3. In keeping with the international law principles, the Republic of Montenegro shall establish and develop bilateral relations with other states, by accepting the rights and commitments from arrangements made so far, and by continuing to pursue its policy of good-neighborly relations and regional co-operation.

4. By confirming its good intentions, the Republic of Montenegro expresses its special interest in and full readiness to resolve the issue of mutual rights and obligations with the Republic of Serbia and to develop with that Republic good and friendly inter-state relations.

Montenegro for the first time marked its Day of Statehood, as an independent state, on 13 July. That date has manifold significance for the Montenegrin history. Namely on that day in 1878 Montenegro was formally recognized as an independent state by the Berlin Congress, and on the same day in 1941, its people staged an insurgency against Fascism. By continuing to celebrate 13 July Montenegro every year confirmed its anti-Fascist tradition, not only as a basic postulate of its statehood based on its liberation struggle, but also as one of the founding tenets of European Union.

B. Activities of the Montenegrin government

Government of Montenegro headed by Prime Minister Milo Djukanovic in the past period was totally dedicated to its priority task, gaining

of independence. Entrusted by the majority of citizens to achieve the completion of that task, Djukanovic, both as Prime Minister and president of the ruling Democratic Party of Socialists, met expectations of his voters, by scoring a major victory at the referendum in his capacity of the leader of the pro-sovereign camp and fulfilled his earlier promise that Montenegro would be independent.

As early as in December 2005 the government adopted an Action Plan of the High Priority Activities Enabling the Functioning of Montenegro as an Independent State. That plan was divided into three phases-the first one covered the pre-referendum period, the second one, the period from proclamation of independence to 15 July, and the third one, 15 July-November period. All ministries were engaged in those activities. Ministry of the Interior and the Finance Ministry were tasked with priming an agreement on the free flow of people, commodities and capital. It was also envisaged that the agreement would be offered for signing to Serbia in the post-referendum period. In case of Serbia's refusal to sign it, Montenegro had a vested right to unilaterally pass a corresponding decision.

Ministry of the Interior prepared the Act on Foreigners, the Act on Montenegrin Citizens, the Act on Exile and the Act on IDs. Defense Ministry was tasked with elaborating the acts on defense and army, strategy of defense, while the Foreign Ministry had to determine contents of activities and procedures relating to international recognition and membership of international organizations. Montenegrin Foreign Ministry signed a bilateral agreement with the Slovenian Foreign Ministry linked to assistance of Slovenia in the process of international recognition of Montenegro. Education Ministry prepared decisions on status of students and secondary-school pupils after proclamation of Montenegrin independence. Health Ministry prepared an agreement with Serbia on treatment of citizens covered by the Montenegrin insurance, Ministry of Justice worked on a bilateral agreement with Serbia on maintaining the pre-independence dual-track citizenship rights. How serious the tasks of ministries were is best indicated by their obligation to draw up lists of bilateral and multilateral agreements to be signed or taken on, as well as the lists of professional organizations and conventions to which Montenegro aspired to accede. In the post-referendum period most important were the Foreign Ministry activities geared towards opening of diplomatic-consular offices of Montenegro and drafting applications for the international organizations membership.

In early April 2006 Montenegrin government adopted the Declaration on Referendum, laying down, inter alia, that an independent state is a prerequisite for any future decision-taking by citizens. The said Declaration underscored the following: "Free will of citizens is the basis for creation of independent and internationally recognized state, which shall be an accomplishment of all citizens of Montenegro regardless of their political or any other orientation". The following was also stressed: "an independent state is a

guarantor of economic prosperity based on respect and protection of the property rights, freedom of entrepreneurship, implementation of principles of the rule of law and a more accelerated inclusion of Montenegro into European and Euro-Atlantic integrations. " It was also pointed out in the text of declaration that Montenegro would continue its development "on the basis of the respect of human rights and freedoms, honoring of all internationally recognized standards, social justice and equality of all its citizens and shall continue to create conditions for rational and efficient utilization of natural, human and its other potential with a view to raising the living standard of its citizens to the level corresponding to Europe of the 21st century. " Declaration also underscored that the Montenegrin students who had initiated their studies in Serbia, would be allowed to continue their education in Montenegro, if, because of the altered state-legal status, their position became unfavorable

Post-referendum government priority was implementation of the Action Plan on Realization of Recommendations from Innovated European Partnership, which essentially represented a middle-term framework of activities planned with a view to creating European agenda of Montenegro in keeping with EU recommendations, that is, guidelines for the future process of negotiations between Montenegro and EU, with the focus on areas of importance for the process of European integrations.

In accordance with the future Agreement on Stabilization and Association between EU and Montenegro, negotiations with the European Commission on conclusion of an agreement on visa facilitation between the EU and Montenegro, as well as negotiations on accession to the World Trade Organization, the government activities were focused also on further building of institutional and legal framework in keeping with international and EU standards in all areas. Government intends to take necessary measures leading to realization of an accelerated and sustainable economic development through economic liberalization, strengthening of influence of economic sector, and raising the degree of macroeconomic stability. In those terms one of government priorities shall be the increase in living standards, strengthening of good-neighborly relations and co-operation, and active participation in regional projects and initiatives. An important task of the government is to provide for inclusion of Montenegro into political, security and economic aspects of European and Euro-Atlantic integrations, as well as intensification of economic reform, with a view to bringing into line economic system of Montenegro with the international market and thus enable a sustainable and dynamic economic development and creation of a favorable business ambience, attractive for investors.

In the context of defense system reform, the government pays special attention to the EU security and defense policy. Development of military co-operation with NATO, bilateral co-operation with NATO members and regional states, as well as to co-operation with global and regional organizations, notably the UN and OSCE. An already initiated police reform to

include implementation of the integrated governance of borders concept shall be continued in parallel with the army reform.

Parliamentary Elections

The ruling coalition of Democratic Party of Socialists and Social-Democratic Party won an absolute majority at 10 September parliamentary elections. That was tantamount to confirmation of its referendum success, for the majority of voters in parliamentary elections voted for the option which translated the pre-election promise of independence into reality. The new parliament was constituted as a constitution-making one, in view of its primary task-adoption of the new constitution. DPS and SDP coalition or Coalition for European Montenegro – Milo Djukanović won 41 seats. After parliamentary elections Prime Minister Milo Djukanović, whose long-standing and visionary achievements in his presidential capacity anticipated and insured independence of Montenegro and thus left an indelible mark on the more recent Montenegrin history, resigned from his post. However, he remained president of the ruling Democratic Party of Socialists.

Having remained without its principal electoral mainstay, the common state with Serbia, the opposition failed to unite. The biggest loser of parliamentary elections was the largest opposition party, the Socialist Popular Party, which with a nearly halved number of seats entered the Montenegrin parliament. In coalition with the Popular Party and Democratic Serb Party the SPP won 11 seats. Representatives of the most radical Serb forces rallied around the Serb List headed by Andrija Mandić, president of the Serb Popular Party, won 12 seats. The Movement for Changes, headed by Nebojša Medojević, won 11 seats. The new entries into parliament were also Democratic Union of Albanians headed by Ferhad Dinoš, Albanian Alternative and coalition of Democratic Alliance and Party of Democratic Prosperity each with one seat. Liberals and Bosniak Party coalition won three seats.

A. Drafting of a New Constitution

The most important task of the new parliament is drafting and adopting of the new Constitution. That new Constitution should define independent Montenegro as a civil state, which is strongly opposed by pro-Serbia parties rallied around the Serb List. European orientation of Montenegro should be confirmed by the constitutional emphasis on sovereignty of citizens and guarantees for the respect of their rights and liberties. The same applies to the rule of law and parliamentary power in keeping with modern and democratic European standards. A broad public debate is envisaged for the draft constitution after it comes into being thanks to the work of the constitutional committee of the Montenegrin parliament.

Pro-Serbia nationalistic parties demand that the Serbs under the new constitution be granted status of constituent people and that Serb language would be proclaimed an official language in Montenegro. Those parties assert that „the Serb roots of the Serb people in Montenegro were destroyed“, and that Serbs, as constituent people should have „autonomy with popular assembly, government and provincial administration.“ They also say that such a autonomy „entails a statute, national council, the Serb Matrix, proportionate representation in all state bodies and at least one of the three topmost state posts-president of the Republic of Montenegro, Prime Minister or president of parliament“.³⁶ They don't recognize the Montenegrin nation and state, or its symbols, and in fact advocate national federalization of Montenegro.

B. Current Political affairs

Miodrag Vuković, president of the Committee for European Integrations and International Relation of Montenegrin parliament thinks that after independence the political and social scene in Montenegro underwent a radical changeover. Namely the youngest new state in the world faced the commitment to jump-start new democratic processes, or to accelerate and wind up the ongoing ones. Vukovic also underscores that Montenegro faces three very demanding obligations: firstly, Montenegro through its new constitution, should express in a new way its new social and political reality in keeping with the Council of Europe recommendations; secondly, Montenegro is duty-bound to accelerate processes of its European and Euro-Atlantic integrations and thirdly, Montenegro must strengthen its institutions, government, parliament, courts of law, and raise the level of their competence and professionalism to meet the challenges of times.

New constitution-making parliament passed the Act on Procedure of Drafting and Adoption of the New Constitution, which envisages that the related work be organized within the framework of a special Constitutional Committee, encompassing all MP clubs of the new parliament. The said Act also spells out that the constitution-related voting be carried out in parliament or in a referendum. If the new constitution, as the most supreme legal act of the country, is approved by the two third parliamentary majority, then a referendum would be superfluous. Montenegrin Parliament then elected members, president, and vice president of its constitutional committee. However its first session was marred by an open obstruction by the opposition MPs, who demanded that the committee's work be suspended, until the Constitutional Court of Montenegro passes judgment on their two proposals relating to denial of constitutionality of the Act on Constitution-Making Parliament and the Act on the Procedure for Drafting and Adoption of the New Constitution. Opposition MPs contest the very legitimacy of the constitution-

³⁶ *Politika*, 17 November 2006

making parliament and its working bodies, which were elected also by them. It bears stressing that the said legitimacy was not questioned by the opposition MPs during elections for that topmost constitutional-legislative body. However, Constitutional Court rejected on different grounds both their initiatives and they resumed their activities in the constitutional committee. It is obvious that their goal was in fact to delay the committee's work or to make more complicated its procedure. But to make a long story short, the committee resumed its work on the draft of the new constitution, by first tackling the expert version thereof, elaborated by the Council for Constitutional Questions, set up in early 2006 to prepare amendments to the Constitutional Charter of the State Union of Serbia and Montenegro –in case of its post-referendum survival– and to work out the basic elements of the constitution of a sovereign and independent Montenegro.

In January-March 2007 period the bulk of the task was completed, but it shall be difficult to reach a general consensus, even the two third majority, on its most important issues, notably whether the new constitution should include the preamble spelling out the character of democratic ambitions of Montenegro, or to be more precise, its European orientation, alongside the statement that Montenegro is not a young state, but rather a state created for centuries on the basis of the historical right of Montenegrin people to have their own state. In other words, whose state is in fact Montenegro? Is it a Serb or Montenegrin state, and consequently, which is its concept, to whom belongs the sovereignty. Does it belong to Montenegrin citizens, regardless of their different faiths and ethnicities, or it belongs-like in the past-to both the Serb and Montenegrin people, as constituent peoples. The latter suggestion was put forward by the Serb list. One of the salient issues is the official use of language. In that regard MPs from the very start of the new parliamentary life were at loggerheads. Namely the ruling coalition MPs maintained that the official spoken language in Montenegro was Montenegrin, while the Serb nationalists, on the basis of rather suspicious statistical data, maintained that the official language was-Serb. How quick the drafting of the new Constitution shall be hinges on the resolution of the following issues: state symbols, relations between the state and church, is the holder of citizenship or rather an ordinary citizen, a genuine holder of the voting right. After resolution of those issues, the draft constitution is to be publicly debated and then put up for approval in the Montenegrin parliament. However, it is even now quite certain that the civil and democratic parliamentary majority is not likely to reach an agreement on the said issues with part of the pro-Serbia opposition parties who want to transform Montenegro into a national federation, on the Bosnia and Herzegovina model. But avoidance of such a standstill may be in the hands of the Movement for Changes. If that movement gave its votes to the civil concept of Montenegro, then the parliamentary two third majority would be ensured. But as the things stand now, that is an unlikely development. However we should bear in mind also an all-important fact: in their work on the new constitution the

constitutional committee is being assisted by the Venice Commission officials. Also the adoption of the new constitution is directly linked to re-admission of Montenegro to Council of Europe, whose political committee had already forwarded seven conditions to be included in the new constitution of Montenegro.

As regards European integrations it should be said that the said process has been accelerated. Montenegro was quickly admitted to the UN, OSCE, *Partnership for Peace*, International Monetary Fund and the World Bank. Technical negotiations on accession to the EU were successfully completed. On 15 March 2007 Agreement on Association and Stabilization was signed. The foregoing creates the conditions for Montenegro's application for the EU membership in 2008. Agreement on European Partnership was also signed and Montenegro drafted the action plan relating to fulfillment of commitments thereof. Negotiations on accession to the World Trade Organization are under way. Montenegro currently participates in a large number of integration-bound regional political and economic initiatives. As the journey towards Europe gains speed, so the number of objections to that option grows. Namely many prominent figures have started questioning that choice. They wonder whether the Europe-bound pathway for small Montenegro is the only alternative. Some of them have even come up with suggestions that a change of course is needed or at least new orientations. But, judging by all appearances, the official policy in that regard shall not be changed.

As regards the commitment of institution-strengthening in keeping with European standards, it depends entirely on the internal potential of Montenegro. Only now Montenegro is facing its internal developmental issues, only now it is undergoing its economic, political, social and even cultural transition and facing some negative consequences thereof. Privatization which entails an increased unemployment, changeover of social system and institutions entailing the demand for new profiles of professionals, are bound to cause upheaval on the political and social scene. In contrast to other countries, Montenegro is not likely to solve the transition-related problems by a quick succession of new governments. According to public opinion surveys, despite all problems in Montenegro, confidence in institutions and notably in parliament is steadily growing. But asocial phenomena, namely the organized crime, corruption, and the judicial system mishandlings are commonplace in Montenegro too. Reports of international organizations still place Montenegro among the transit country used for illegal transport, that is, smuggling and trafficking of all sorts.

Co-operation with Neighbors

Montenegro plays a very dynamic role in the region, through its intense co-operation with its neighbors. Regional countries were among the first countries which have recognized independent Montenegro. One of the

most salient issues in regional relations is the one of facing up to the past as "a condition for a successful co-operation between neighboring countries in the future." The foregoing was stressed during their first, official visits to independent Montenegro by presidents of Croatia, Slovenia and Serbia. During the visit of the Croat President Stipe Mesic to Montenegro both he and the Montenegrin President, Filip Vujanovic underscored that inclusion of Croatia and Montenegro into European and Euro-Atlantic integrations was a strategic goal of both countries.

Montenegro decided to pay to Croatia compensation for the war damage incurred during actions of Montenegrin soldiers, operating within the framework of the then Yugoslav People's Army, at the Dubrovnik battlefield, namely during the siege of Dubrovnik and robbing of Konavle. Montenegrin Prime Minister, Milo Djukanović, in his first post-independence interview to Zagreb weekly *Globus*, apologized to Croatia and stated that „Montenegrins made a big error in 1991, when they donned the YPA uniforms and took part in the war campaign against independent Croatia.“ Montenegro and Croatia have been successfully promoting bilateral relations, and establishing a more comprehensive co-operation in the realms of culture and economy. Assembly of city of Podgorica bestowed a great honor on the Croat President Stjepan Mesić, by granting him the honorary citizenship of Montenegro's capital.

During the process of independence recognition, Montenegro closely collaborated with Slovenia, which, as an EU member-state, assisted in elaboration of key technical and other issues. Cultural and economic co-operation with Slovenia is also steadily growing. Montenegro has also good relations with Bosnia and Herzegovina, and official Podgorica props up the efforts of the Bosnian central government in Sarajevo aimed at amending the Dayton Constitution of Bosnia and Herzegovina. By founding a Macedonian-Montenegrin Society and boosting its diplomatic relations with Macedonia Montenegro has confirmed its good relations with Macedonia.

In the wake of proclamation of its independence Montenegro offered its friendship to Serbia. Though Serbia recognized Montenegro with some delay, it is in the interest of Montenegro to develop with Serbia good-neighborly and friendly inter-state relations. Montenegrin Ambassador to Belgrade started discharging his duties in the Serb capital in January 2007. Serbia is yet to appoint its ambassador to Montenegro, though diplomatic relations between the two states on the embassy level were established on 23 June 2006, after the signing of a corresponding protocol.

Montenegro has taken a neutral stance on the process of resolution of Kosovo status.

Conclusion

Independence of Montenegro is of key importance not only for its citizens, their European prospects and future, but also for the whole region. It is an important element of stability in the southeast Balkans and confirmation of its European orientation. Brussels, once an opponent of Montenegro's independence, after realizing the degree of democratic and civil potential of Montenegrin society and its political elite during the referendum process, completely changed its mind. Evolution in civil and European direction and total emancipation also resulted from the strong pressure of Serbia to thwart and stop that process. Piling of that pressure began in Milosevic era and continued even after the democratic changeover in Serbia. In fact as seen in the above text, during the mandate of Kostunica-led government that pressure finally backfired.

Montenegrin government and parliamentary majority, the same as citizens, sustained all the pressures brought to bear on them by the nationalistic pro-Serbia opposition, the Serb Orthodox Church, official Belgrade, and the Serb intellectual elite embodied in academicians and their nationalistic programs, actions and public statements. Decision on independence of Montenegro was taken in a peaceful, democratic, and transparent way, in keeping with international standards.

After independence Montenegro still faces many challenges, notably drafting and adoption of a civil-minded Constitution, which has been already contested by MPs of pro-Serbia nationalistic parties. However, it is quite certain that Montenegro shall respond to that challenge in a democratic way. Continuous presence of EU and its involvement in both Montenegrin and regional processes is an important factor and the one most likely to contribute to passing of civil-minded Constitution of Montenegro. The foregoing shall then confirm the European and Euro-Atlantic orientation of Montenegro. The continuing EU presence shall also contribute to further democratization of Montenegrin society and state.

ANNEX

HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

PRESS RELEASES

SERBIAN ORTHODOX CHURCH'S ACTIVITY ABATES SERBIA'S PROSPECTS FOR GETTING STABILIZED AS A MODERN SOCIETY

Prompted by Patriarch Pavle's quite unusual letter to President of the Executive Council of Vojvodina Bojan Pajtic, targeting officials by name and earmarking non-governmental organizations in the territory of Vojvodina as "indisputable motivators" and "spiritual mentors" of the hate speech and violence against the Serbian Orthodox Church, "its Patriarch, episcopacies, priests and believers," the Helsinki Committee for Human Rights in Serbia once again warns the public that the Church has been ever more aggressively imposing itself as a key political and social arbiter.

The Helsinki Committee for Human Rights takes the opportunity to remind the public that neither the Serbian Orthodox Church nor its Patriarch or dignitaries have spoken out when sacral facilities of other religious communities had been assaulted. Moreover, the Serbian Orthodox Church failed to raise the voice against the escalation of ethnically motivated violence, particularly in Vojvodina, regardless of its - at least declarative - advocacy of religious tolerance.

The Committee also takes the Serbian Orthodox Church's attitude towards a part of the civil society, especially towards some non-governmental organizations and individuals that point to its inadequate activity in public and political spheres alarming. Though being a part of the civil society by definition, the Serbian Orthodox Church refuses a dialogue with the civil sector on the one hand, and, on the other, systematically demonizes those who openly remind the public of the role some church dignitaries have played during the wars in the territory of ex-Yugoslavia and criticize its generalized stance on war crimes.

By breathing life into the defeated national project - which is best illustrated by the attitude towards Montenegro, Macedonia and Kosovo - the Serbian Orthodox Church practically attempts to be declared a state religion.

The Helsinki Committee for Human Rights warns that such activity undertaken by the Serbian Orthodox Church not only causes anxiety among members of other religious communities, but also opens the door to new interethnic tension and, simultaneously, hinders ecumenism that has assisted the modernization of most European churches and abates Serbia's prospects for getting stabilized as a modern, multiethnic and multireligious society.

Belgrade, January 12, 2006

THE GLAS JAVNOSTI DAILY UNCRITICALLY GLORIFIES "SERBIAN PATRIOTISM"

The Helsinki Committee for Human Rights in Serbia calls Serbia's historians and expert circles to react at the supplement "General Milan Nedic's Speeches" the Glas Javnosti daily carried and circulated in the issue of January 13, 2006. The selection of Nedic's speeches that it torn out of the relevant historical context and omits historical facts about the crimes committed against Jews, Roma, communists and other people during his rule is nothing but an attempt to manipulate the Serbian public to which war criminals are still presented as national heroes. Milan Nedic presided the Government of National Salvation at the time of Nazi occupation of Serbia.

Moreover, the anonymous author of the supplement claims that "all genuine Serbian patriots must hold in their souls and hearts" Nedic's speeches that "teach them about their national duty aimed at saving the Serbian motherland and Serbia's new glory." According to the author, those speeches "stand for the sum and substance of genuine Serbian patriotism, born on Serbian soil and originating from Serbia's heroic spirit and bitter experience of the present time."

The Helsinki Committee points out to the following quotes from Nedic's speeches that have not be published in the daily's supplement:

"Hatred for anything communist is above all, and we are standing once again side by side, as we used to in 1941, ready to behead that red monster (...) We shall destroy you, the communists, and weed you out." (**Milan Nedic**, *The Serbian People*, January 29, 1944.)

Historians are fully aware of Milan Nedic's anti-Semitism and crimes against the Jews, as well as of his glorification of the Third Reich. "Praise the Great German Reich for keeping Europe alive by defending European soil, its civilization and nations in the East. The red monster, Bolshevism, has given birth to communism (...) Communism is a polluting thought sired by the satanic Jewish mind. If we are doomed, as they put it, let's doom the whole world. (...) Even your today's suffering is caused by those pariahs of the God, people and Serbia's name. Headed by the Jewish-Bolshevik scum of the earth such as Tito, Singer, Pijade and the like, they set your corn, your homes and

your bridges on fire (...) Our country sobs and wails because of that red monster wearing Jewish pentagram on their foreheads. (...) I had invited you to join a holy war against that red monster. You have obeyed me. We have crashed it down. But there are still some renegades of ours, renegades of Serbhood, who intrude on this holy land. Slay them all, report them to the authorities and ask for help. The Serbian people are destined to fight the Antichrist. (...) Now it is destined to defend itself from the Soviets sided with the Jews and Anglo-Saxons. (...) (Milan Nedic, *The Serbian People*, June 26, 1943.)

By taking uncritical position on the factors of the WWII and Milan Nedic's quisling government, Serbian nationalists encourage confusion among Serbia's citizens about the basic tenets of European tradition mirrored in anti-fascism. So, Serbian nationalists (such as Kosta Cavoski and others) underline that the Serbs made a majority in the partisan movement that, in tandem with the League of Communists of Yugoslavia, is to blame the most for ex-Yugoslavia's decomposition. Such argumentation contradicts the one claiming that the Serbs have been the strongest opponents of communism and that Yugoslavia was nothing but "a dungeon" for them.

The Helsinki Committee indicates that no democratic country would ever allow a daily paper with high circulation to publicize an article that glorifies war criminals from the Nazi era and thus incite hatred for the people coming from other nations and anti-fascist movement.

January 13, 2006

WHO'S THE VICTIM AND WHO'S THE ACCUSED IN THE TRIAL OF BISHOP PAHOMIJE?

The Helsinki Committee for Human Rights in Serbia strongly protests against the manner in which the presiding judge has conducted the recently ended trial of Bishop of Vranje Pahomije, accused of the crimes that had been systematically regulated in developed democracies.

Judicial bodies were prolonging the trial until the point when two counts of the indictment reached the status of limitation. The Serbian Orthodox Church - in spite of the strong pressure from the public and the media - simply claimed that "no one is guilty until proven otherwise," rather than conducted an in-house review. And it was the accused Bishop whom state accepted as a member of the Kosovo negotiating team. Simultaneously, four juveniles had to take witness stands four times to recount their traumatic experience.

Moreover, the very trial was marked by the atmosphere indicating that the accused was a victim, rather than a citizen standing trial for the crimes was suspected for. On the other hand, judicial bodies totally ignored their obligation to protect interests of juvenile victims of such crimes with special care, thus

ignoring relevant international conventions on juveniles' rights at the same time.

Belgrade, March 9, 2006

SERBIA HAS NOT BROKEN WITH MILOSEVIC YET

The Helsinki Committee for Human Rights in Serbia takes that numerous factors at Serbia's political scene have seized Slobodan Milosevic's death as the most welcome opportunity not only to continue denying any responsibility for the policy he had pursued over his 13-year rule, but also to call to account everyone other than the masterminds and executioners of this genocidal policy.

The anti-Hague campaign that is in full swing in the media actually devastates any reformist validity of today's Serbia through the way she presents herself to the world on this specific occasion. The manner in which the broadcast media, particularly the *Radio & Television of Serbia* as the public broadcasting service, and the print media under the government's control such as *Politika* and *Vecernje Novosti* cover the death of Slobodan Milosevic nothing but further radicalizes Serbia and isolates her from both her neighbors and the world. The messages that are being passed through these days are echoes of those the people in the dock have bombarded us with for years - The Hague Tribunal kills Serbs to curb the truth, the whole truth and nothing but the truth; The Hague Tribunal is a political frame-up against Serbia; the indictment against Milosevic was ungrounded; the Tribunal should be immediately closed down as an incompetent institution, etc. A strategy as such is probably best mirrored in the fact that all Serbian detainees in The Hague begun to refuse medical treatments under the pretext that they trusted not the Tribunal.

Obviously, all this is about a well-planned strategy aimed at compromising The Hague Tribunal and putting an end to the cooperation with it. In this context, the government's latest promises that Ratko Mladic and other indictees would be extradited quite soon are as open to doubt like all other previous excuses.

Serbia is bound to take a clear-cut position on Milosevic's legacy and concrete measures to dismantle the policy he has symbolized.

Belgrade, March 15, 2006

STOP THE POLICE TORTURE

On Wednesday, March 15, 2006, several policemen from the Kikinda police station were suspected of having so brutally beaten up the 28-year-old Mihalj Koloncaj, the town's resident, that his spleen had to be removed. In October 2004, after a police patrol from the same station intervened, policeman Sasa Mijin was suspected of having fatally injured his townsman Zdravko Trivan. Criminal proceedings against the accused were instituted in both cases, while a number of policemen were suspended for misconduct.

Though the authorities acted by the book in both cases, the fact is that they have done nothing to systematically prevent any police torture, let alone such brutal beatings that result in death or physical disability.

The Helsinki Committee for Human Rights in Serbia once again highlights it is eleventh hour for a radical reform of police forces, which not only implies lustration of all policemen who have been directly involved in most brutal forms of torture and violation of human rights over the past 15 years, but also a thorough change in the educational system for new cadres and courses of in-service training for all members of police forces in the concept of human rights and contemporary, legal methods of investigation.

It goes without saying that such reform calls for developed mechanisms of independent control over the legality of the police's operation.

Belgrade, March 21, 2006

POLITICAL OPPONENTS TARGETS OF ASSAULT AGAIN

The Helsinki Committee for Human Rights in Serbia reiterates its deep concern with the fact that the people holding views different from the predominant mainstream are more and more frequent targets of assault in Serbia. The house of the outstanding author and expert in religious matters, Mirko Djordjevic, was stoned only a day after he guested a TV show during which he nothing but spoke out his personal positions on the deeds of Nikolaj Velimirovic.

The Committee demands the police to pay special heed to the investigation of this case, given that there are strong indications of a serious, politically motivated threat. The state of Serbia must make it clear to all ready for such showdowns with political opponents that it will take decisive measures against them.

Belgrade, May 17, 2006

GOVERNMENT MISSES YET ANOTHER OPPORTUNITY TO INSTITUTIONALIZE THE STATE

The Helsinki Committee for Human Rights in Serbia is deeply concerned with the Serbian government's decision to establish, via a decree, the Department of Human and Minority Rights that would take over the competence of the Ministry for Human and Minority Rights.

By taking a step as such, the Serbian political elite once again manifested its unreadiness to practice an active minority policy responsibly, consistently and in accordance with European standards. Having bypassed the possibility of setting up a ministry for human and minority rights, the government actually informed minority communities that it would not treat them as equal partners in the strategically long-term project of the promotion and protection of fundamental human and minority rights. The very fact that the duties of the former Ministry for Human and Minority Rights have been assigned to other ministries and that the Department director – who would act *ex officio* as the secretary of the Council of National Minorities as well – has been appointed puts across a clear-cut political message to all citizens of Serbia: the domain of human and minority rights will further be based on arbitrariness and petty interests of the ruling elites.

By deciding to establish a department instead of a ministry for human and minority rights the government has missed yet another opportunity to make a constructive step towards building state institutions and mechanisms for the protection of Serbian citizens' basic legal security.

Belgrade, June 20, 2006

BIA REPORT POLITICALLY DANGEROUS

The Helsinki Committee for Human Rights in Serbia is deeply concerned with Director of the Security-Information Agency /BIA/ Rade Bulatovic's report to the Serbian parliamentary Security Committee, indicating Vojvodina as the area of "high security risk" and, therefore, requests Mr. Bulatovic to inform the general public, that in Vojvodina in particular, about the grounds on which he has drawn such conclusion.

Mr. Bulatovic's statement that extremists from the ranks of national minorities "misuse the ongoing political processes" to attain their "separatist goals" is politically dangerous. By identifying extremists as members of Vojvodina's minority communities, the BIA report not only fuels the anyway strong anti-minority sentiments, but also factually amnesties extremist organizations set up within the majority population and their political mentors.

The BIA report once again testifies that the incumbent government is not willing to implement the policy of minority integration and genuinely work on Serbia's decentralization. This is why the Helsinki Committee warns about

the possibility of the misuse of BIA's assessments for the purpose of curbing a public dialogue about Vojvodina's autonomy.

Belgrade, June 21, 2006

ELEVEN YEARS SINCE SREBRENICA MASSACRE

We remind that this June 11 it will be 11 years since the most gruesome crime in Europe after the World War II, the international tribunal clearly called genocide, has been committed in Srebrenica.

We remind that those most responsible for this history's scorching shame are still at large and still considered national heroes by many.

We remind that Serbia – as long as the indicted for the Srebrenica massacre are not brought to justice, and the society as a whole does not distance itself from the policy that has led to it – will not be able to legitimize herself as a modern, democratic state.

We demand the authorities of the Republic of Serbia to finally meet their international obligations. We demand them to stand up and say what must be said to duly mark at least this eleventh anniversary of the massacre that has shocked the world, which they failed to do last June when the entire international community and individual countries were honoring thousands of defenseless people slaughtered in Srebrenica in 1995.

Helsinki Committee for Human Rights in Serbia
Lawyers' Committee for Human Rights
Center for Cultural Decontamination
Youth Initiative for Human Rights
Civic Initiatives
Humanitarian Law Center
Women in Black
Belgrade Circle
Sandzak Committee for Human Rights, Novi Pazar
Sandzak Intellectual Circle, Novi Pazar
URBAN-IN, Novi Pazar
Students' Union of Novi Pazar
Returnees' Association "Reintegration," Novi Pazar
Argus – Vojvodina Hungarians' Civilian Association
for Minority Rights, Novi Sad
Independent Journalists' Society of Vojvodina, Novi Sad
Charitable Organization "Panonija," Novi Sad
Center for Regionalism, Novi Sad

Belgrade, June 6, 2006

**SERBIAN GOVERNMENT ALSO RESPONSIBLE
FOR POLITICAL RADICALIZATION IN NOVI PAZAR**

Expressing its deep regret for the murder of Ruzdija Djurovic, the List for Sandzak's candidate for councilman, and wounding of Sulejman Djurovic, which took place during local elections in Novi Pazar, the Helsinki Committee for Human Rights in Serbia strongly condemns any use of violence in a political process.

Concerned over aggravation of political circumstances in Sandzak, the Committee appeals to all political actors in Novi Pazar and Sandzak, particularly to leaders of the two most influential political parties, to demonstrate political wisdom and accountability, and act towards lessening of tensions in the aftermath of this tragic event.

At the same time, the Helsinki Committee demands authorized governmental bodies to take all necessary steps so as to reveal the background of this heinous crime, and the Serbian government - which it takes responsible for political radicalization in Novi Pazar - to start coming to grips with fundamental issues determining Serbia's future and to secure life in peace and safety for all citizens, regardless of their political beliefs and partisan affiliations.

Belgrade, September 12, 2006.

**RATKO MLADIC ON A GIFT POSTER
- OPEN LETTER -**

The gift poster the Glas Javnosti daily offered to its readership in the issue of Monday, September 25, 2006, opens up some serious questions for which the Helsinki Committee for Human Rights in Serbia and the Lawyers' Committee for Human Rights demands answers and explanation from the police, the Army of Serbia and the National Council for the Cooperation with The Hague Tribunal.

Firstly, how was it possible that an "anonymous" civilian freely flaunts the poster with a life-size picture of the most wanted fugitive from the tribunal in The Hague, Ratko Mladic, at the parade of graduate officers of the Army of Serbia and in the presence of the highest state officials? Why President Boris Tadic and Premier Vojislav Kostunica, specifically asked to react, keep silent?

Secondly, the question is whether the Glas Javnosti published the picture of Ratko Mladic on its own soon after the parade. The daily that has tested not only the public but also the state for a week came to conclusion that issuing the poster was allowed. The opponents of cooperation with The Hague have thus demonstrated their superiority over those who advocate it.

Thirdly, the question arises whether in 2006 Serbia reacts to those glorifying war crimes only under the pressure of the international community.

Helsinki Committee for Human Rights in Serbia
Lawyers' Committee for Human Rights
Civic Initiatives

Belgrade, September 26, 2006

**OPEN LETTER TO PRESIDENT
OF CONSTITUTIONAL COMMISSION**

In contemporary world passing or amending constitutions are major tasks that not only mirror states' commitment to democracy, but also their responsibility towards citizens.

The manner in which representatives of Serbia's legislative and executive powers treat the issue of a new constitution, especially over the past several weeks, lay bare the policy they have been pursuing for years and their poor consciousness of democratic principles underlying a state, and blatantly reflect the absence of any responsibility whatsoever towards the citizens of this country.

Instead of regularly informing the public about the outcome of its work on Serbia's new constitution, conducted within several sub-commissions, the Constitutional Commission behaves as if it has been deliberating house rules, rather than a fundamental system of law that affects every individual. The procedure for passing a constitution is unambiguous and clear-cut, and implies public participation and transparency, i.e. the widest possible public debate. However, the Constitutional Commission has taken the liberty of ignoring this procedure. Not even the institutions of Milosevic's regime have demonstrated such arrogance and incompetence when passing the Serbian Constitution in 1990. Today we are faced with the regime that strains to prove its democratic mien to the world but fails to respect a single democratic principle or act in accordance to it.

The announcement that the work on the draft constitution will be over in two weeks to come, and then submitted to the parliament and open to a referendum leaves no possibility whatsoever for expert circles and the general public to have their say and, therefore, flagrantly violates the prescribed procedure and disparages civil society, but also negates democracy itself.

True, the public in Serbia has been informed that two official drafts have been placed on the Constitutional Commission's agenda. But, as it seems, the public is expected to find on its own ways and means to read those drafts and nothing but guess about the Commission's plans. An attitude as such

marginalizes the public as a whole, while turning the work on the new constitution into an illegal act.

The Helsinki Committee for Human Rights in Serbia, the Civic Initiatives and the Lawyers' Committee for Human Rights - YUCOM express their concern with such flagrant violation of democratic procedure and demand that passing of a new constitution should be postponed so as to enable all strata to engage in a debate on it.

Belgrade, September 27, 2006

RESTITUTION LAW AND HISTORICAL FACTS

Addressing the Jerusalem-based Council for International Relations during his official visit to Israel, Serbia's Foreign Minister Vuk Draskovic said the atrocities Serbs, Jews and Roma had gone through in "Croatian Nazi concentration camps of Jasenovac and Gradiska outdistanced those of Auschwitz, Mauthausen and Treblinka" and announced that the property confiscated from Jews after World War II would be returned once the Restitution Law was adopted. "Crimes should not be forgotten. Forgetting a crime is a crime in itself," said Draskovic.

That's true.

This is exactly what the Helsinki Committee for Human Rights in Serbia wants Minister Draskovic to tell public why he did not promise his Israeli hosts that the crimes Milan Nedic's collaborative government committed against Jews in Serbia in the period 1941-44 would never be forgotten and why he failed to mention that this very government, having enshrined key ideas of national-socialism about pure "blood and race," exceeded Hitler himself in the establishment of "the new order" cleansed from Jews. At the same time, the Committee asks both Minister Draskovic and lawmakers to decide on the Restitution Law whether they will, with clear conscience, verify restoration of the property confiscated after 1945 while "forgetting" historical facts to which the Nedic government's regulations and decrees testify in black and white.

The silence about the then propaganda quoting "the interest of the international Jewry to wipe out the Serbian people" and the official policy of racial and national discrimination, expulsion from work, confiscation of all property or deprivation of all civil rights cannot but be interpreted as deliberate, orchestrated oblivion, distortion of truth and rehabilitation of crime. Is any representative of today's regime, therefore, morally entitled to underline that "forgetting a crime is a crime in itself?"

Belgrade, November 7, 2006

MONUMENT TO JASA TOMIC, AN INTOLERABLE ACT

The fact that the monument to Jasa Tomic was unveiled in downtown Novi Sad yesterday, on the very International Day against Fascism and Anti-Semitism, indicates by far more than stand for yet another in the series of incidents that besmear the recognized values of the democratic world and stain Vojvodina's civic identity.

Yesterday's act whereby the Novi Sad Radicals paid homage to a pronounced anti-Semite and murderer of liberal intellectual Misa Dimitrijevic actually mirrors the tendency regretfully perceived in today's Serbia as legitimate and permissible: glorification of crime and obscurantism on the one hand, and negation of free thought on the other.

The Helsinki Committee for Human Rights, therefore, once again warns that restoration of the most conservative ideological programs is in full swing in Serbia. Moreover, this is all about the threatening trend that speedily moves Serbia back to her worst past at the time she, according to creators of her newest constitution, speedily moves towards Europe and attempts to catch up with global integration processes.

Belgrade, November 10, 2006

CITY GOVERNMENT HAS TO PROTECT STUDIO B

The Helsinki Committee for Human Rights in Serbia calls upon the Belgrade government and the Democratic Party /DS/ to take urgent steps to protect media freedoms and put an end to the pressure on the TV Studio B and its director, Dragana Milicevic. The Democratic Party should not yield to the Democratic Party of Serbia's /DSS/ demands to have "the question of the city broadcaster's programming opened" because it is "dissatisfied with it." Succumbing to the DSS' blackmail would make the DS an accomplice in gross violation of media freedoms and the right to free expression in Serbia.

As Serbia's ruling party, the DSS has access to all media outlets, including the TV Studio B. On the other hand, the TV Studio B is a broadcaster that opens the air for the people advocating alternative views and confronting nationalism and the "values" set at the time of Slobodan Milosevic's rule, all of which makes it different from most broadcast media. As it seems, the DSS wants more than having its stands dominate almost all national televisions - it wants to subjugate a city television and thus plunge Serbia in media darkness.

The Helsinki Committee is deeply concerned with the fact that latest developments coincide with the election campaign and fear they might serve as a model for chocking other media outlets as well. Deposal of the Studio B Director, under the DSS' pressure, would overtly breach the right to free

expression and could take Serbia before the European Court for Human Rights in Strasbourg.

Belgrade, November 14, 2006

15 YEARS SINCE THE FIRST GROSS CRIME AGAINST HUMANITY IN THE TERRITORY OF EX-YUGOSLAVIA

The Helsinki Committee for Human Rights in Serbia reminds the public that around this time, precisely November 20, fifteen years ago the former Yugoslav People's Army – with ample assistance of territorials recruited solely by ethnic criteria and criminal para-military troops – “liberated” Vukovar through systematic destruction, plunder, ethnic cleansing, killing of civilians hidden in basements of their houses and setting up infamous concentration camps such as Ovcara.

Regretfully, not even 15 years after the first gross crime against humanity in the territory of ex-Yugoslavia – the executioners of which in the command chain presently stand trial before the tribunal in The Hague – there are no hints that Serbia's institutions will be seriously reconsidering, in foreseeable future, the ideological background and the sum and substance of the aggression against the territory that should have been by definition defended from outside enemy only. Unless she clearly distances herself from the project giving birth to Vukovar crime and other serious crimes committed in 1991-99 wars, as well as from the ideas its originators and protagonists still spread, Serbia will be running into stumbling blocks in the way of full normalization of relations with Croatia and other countries in the region. Unfortunately, the same stumbling block will be standing in the way of her full democratization and transformation into a modern, European state.

Belgrade, November 17, 2006

“HIGHER STATE INTERESTS” AND TIENANMEN

The Helsinki Committee for Human Rights in Serbia strongly protests against the pressure the Ministry of Foreign Affairs of Serbia and city authorities exerted on the organizers of the Festival of Authorial Film “in the name of higher state interests” and thus prevented screening of “The Summer Palace,” a documentary dealing with one of the most brutal violations of human rights by a state in late 20th century.

As it welcomes the decision of the president of the Organizing Committee of the Festival, Mr. Dinko Tucakovic, to resign because of such impermissible interference of state bodies into the right to free expression, the

Helsinki Committee wonders how the relevant authorities see the fact that the audience in Belgrade – unlike those in Slovenia or Cannes – was deprived of the opportunity to see an artistic interpretation of the Tiananmen massacre would help them before the UN Security Council when the time comes to resolve the status of Kosovo.

Belgrade, November 30, 2006

AUTHORITIES TO SPEAK UP ABOUT SOCIALISTS' AND RADICALS' LATEST MESSAGES

The Helsinki Committee for Human Rights in Serbia accepts that – even though they invoke the most disgraceful chapter of the history of Serbia – the militant rhetoric and the failed warring program revived these days at the meetings of the Socialist Party of Serbia and the Serbian Radical Party either as a political credo or a “political testament” can be interpreted as means in election campaigning and even as the inalienable right to free expression.

However, the Committee reminds relevant authorities of their duty to protect the legal order laid down in the Constitution and to prevent any activity whatsoever that violates the principles of democracy, particularly by inciting violence. Given that Serbian authorities – notably the Public Attorney of the Republic of Serbia – are not freed from such duty in election campaigns and political contests, the Helsinki Committee requests them to conscientiously assess whether the present-day propaganda spread by the parties that have started and waged the wars, and were holding absolute power in 1990s, is warmongering and thus contrary to state interests of today's Serbia and the principles proclaimed in her laws, and to clearly publicize their judgment. That will certainly be a clear-cut signal for the domestic public and the international community of whether or not Serbia has broken with Slobodan Milosevic's warring policy, and whether or not she has deserved the legitimization of a new, democratic state in the Balkan region.

Belgrade, December 6, 2006

Letter to:**Mr. Mihajlo Rulic****President of the Republican Electoral Commission**Unofficial translation

Dear Mr. Rulic:

We hereby

PROTEST

Against the permanent misuse of the media by groups and individuals with uncontrolled power in Serbia who have overtly breached the anyway fictitious electoral silence ("fictitious" since no relevant body of the Republican Electoral Commission is in charge of supervising its respect).

Below are just three illustrative instances:

1. Instead of being treated as the alarm bell for personal safety of Cedomir Jovanovic, one of the leaders of the LDP-GSS-SDU-LSV Coalition, the "incident" with the explosive device placed under his car was proclaimed a political issue the opening of which was forbidden at the time of election silence. All the media, including the Public Broadcasting Service, were accomplices in hushing up the event in the name of *the respect of the election silence*. The TV B92 even manipulated the news story and changed it several times during one newscaster only. Further, the B92 website kept changing this breaking news and, for the first time, introduced self-censorship on commenting a piece of information. All those facts testify of a complicity in hushing up a life-threatening event that must be beyond daily politics or political marketing.

2. In the issue of Sunday, January 21 (Election Day), the *Press* daily run a front-page banner "Djindjic Was Not Assassinated by the Zemun Clan Only" announcing an exclusive interview with Boza Prelevic. The entire interview - carried on two inside pages and conducted by Djoko Kesic, the paper's editor-in-chief, in person - was meant to accuse Premier Djindjic's closest associates of murder. Prelevic went so far as to fully name one of those associates - *Cedomir Jovanovic*, leader of the LDP-GSS-SDU-LSV Coalition. This is at least direct interference into the electorate's free choice.

3. In its Election Day issue, the *Kurir* daily also run a front-page banner saying "A Bombing Process." The news story explicitly claims, "The package detected under Cedomir Jovanovic's jeep broke the election silence." The paper actually attempted to blame Jovanovic and his Coalition for having broken the election silence. Further, on page 3 of the same issue the paper accuses Biljana Kovacevic-Vuco of having slandered Veran Matic and the TV B92 by calling them accomplices in the attempted assassination of Cedomir Jovanovic.

The three drastic examples quoted in the paragraphs above indicate that some media and political parties either close to or directly connected with them attempt to disqualify the LDP-GSS-SDU-LSV Coalition and its candidates, as well as non-governmental organizations and individuals that have raised their voice against electoral manipulation of a life-threatening event. Since the law provides no punishment for breaches of the election silence but lays down measures against those criticizing negative developments and events, we alert you at the obvious preparation of the terrain for an electoral manipulation.

Copies of this letter are circulated to the OSCE Observation Mission, the Council of Europe, the Independent Journalists' Association of Serbia, the Journalists' Association of Serbia, media outlets, international human rights organizations and foreign diplomatic missions to Serbia.

Belgrade, January 21, 2007.

MONSTRUOUS DECLINE OF ALL VALUE SYSTEMS

The murder of the 17-year-old Branko Nikolic monstrously testifies of the decline of the value system among the great majority of young people.

Aghast at the brutality of that murder, the Helsinki Committee for Human Rights in Serbia underlines that authorized bodies' legal measures against perpetrators are insufficient by themselves since taking them should go without saying. Unfortunately, what is still not taken for granted in Serbia are institutions that should finally and with full responsibility cope with growing racism, xenophobia and violence that have particularly taken root in younger generations.

The Helsinki Committee warns again that the attitude toward the Roma is among the clearest indicators of Fascism in the Serbian society. The cruel murder of young Branko Nikolic is, therefore, yet another tragic consequence of political elite's unwillingness and a great part of the society's inability to break up with the legacy of the criminal past and channel young people's energy into positive values of the modern world rather than taciturnly amnesty the culture of violence.

Belgrade, January 31, 2007

IS THE STATE OF SERBIA WILLING TO PROTECT ALL ITS CITIZENS WITHOUT EXCEPTION?

The assault by "a group of citizens" at the President of the Democratic Association of the Roma and his activists on Tuesday, February 6, 2007, members of the traffic police were not only watching passively but also inciting

through remarks of the “Those Gypsies have raised their heads too much” type is yet another in the series of ominous events of the past 10-odd days testifying of the extent to which fascist ideas and a distorted value system imbue the Serbian society.

The Helsinki Committee for Human Rights in Serbia demands police authorities and other state institutions to thoroughly and responsibly investigate the case that can be hardly labeled an isolated incident of overt discrimination, and hatred and intolerance for those who are different. This is yet another test for state institutions to show whether Serbia – “the state of the Serbs and other citizens living in it” – is capable of respecting the rule of law to which it committed herself in her new Constitution. That test is the more so important since it involves public servants and members of the police force, who, by the logic of things, should be in the frontline of the struggle against racism, xenophobia and violence.

Belgrade, February 8, 2007.

PRESS RELEASE

Professor Dusko Kondor, a founding father of the Helsinki Committee for Human Rights in Republika Srpska, was murdered last night in Bijeljina. As the Committee’s longstanding activist, Professor Kondor has dedicated himself to training scores of young people in Bosnia-Herzegovina and throughout the region in human rights, non-violence, confidence-building and reconciliation.

His tragic death reflects non-existent rule of law in Bijeljina and directly results from the fact that the local police had turned a blind eye to Kondor’s and his Committee’s appeals for protection from death threats and torture to which he had been exposed to for almost two years.

This heinous crime is a warning to everyone in the region. A murder of a peace activist should alarm every society, particularly those that have witnessed gross violations of human rights, war crimes and genocide but show no signs of having brought the policy of crime to an end. The practice of protecting, sheltering and glorifying criminals by those obliged to arrest them while leaving peace activists at their mercy must be ended.

The murder of Dusko Kondor clearly indicates a steady downfall of all moral values. We appeal, therefore, to Serbia’s public and relevant institutions to energetically curb such tendencies by taking concrete steps towards ending the policy of crime.

At the same time, we appeal to the international community, its institutions and representatives in the region and in Bosnia-Herzegovina to condemn this crime and do all in their might to find and prosecute perpetrators. The international community cannot ignore this dreadful event

and leave critics of radical nationalism and advocates of reconciliation in Republika Srpska without adequate support and protection.

Helsinki Committee for Human Rights in Serbia
Lawyers’ Committee for Human Rights
Youth Initiative for Human Rights

Belgrade, February 23, 2007

SHAMELESS RIDICULE OF GENOCIDE

By publishing a special supplement to its issue of March 12, 2007, titled “The Identity Card of Srebrenica,” the newsroom of the Belgrade-seated Glas Javnosti daily wanted, as it put it, to bring before its readership “an interesting study by Mr. Milivoj Ivanisevic that may stand for argumentation in the event the Serbian parliament deliberates a declaration /on Srebrenica/” and thus at the same time respond to “political advocates of all sorts of guilt that are being ascribed to Serbia.”

The Helsinki Committee for Human Rights in Serbia reminds that the Srebrenica case implies not “some sort of guilt” but the most serious crime named genocide under an international convention. The manner in which this daily has reacted to the verdict of the International Court of Justice is shameful but, unfortunately, still not exempt from punishment in the Serbian society.

Therefore, the Helsinki Committee demands the state of Serbia to comply with the Convention on the Prevention and Punishment of the Crime of Genocide – under which it was proclaimed guilty of not taking action to prevent genocide in Srebrenica – and urgently pass a law penalizing any denial of genocide. At the same time the Committee requests journalists’ associations and other professional organizations in Serbia to finally draw a line between the freedom of expression and free promotion of the culture of non-impunity.

Belgrade, March 14, 2007.

LETTER TO EUROPEAN UNION

Your Excellency,

Serbia is again on the political agenda of both the EU and the international community and its institutions. This time because of the Kosovo Status. The international community is in a process of searching for the mechanism that could bring Serbia to constrictive attitude within this process and to open an avenue for her integration in the European processes, including

the resumption of the talks on SAA between the EU and Serbia, even before Serbia has fulfilled its obligations towards the ICTY.

However, bringing Serbia closer to the EU and the continuation of the talks on the SAA is not a prime interest or a paramount political goal of all the parties which are considered as a part of the "democratic block". First of all this relates to the DSS of the present Prime Minister Kostunica which will participate in the future government as well, and the remaining parts of the old regime that still decisively influence the internal developments.

If the talks on the SAA are resumed it does not necessarily mean that the full cooperation with the ICTY will indeed be the first priority of the future Government.

Resuming talks on the SAA before Serbia has extradited war criminals to the ICTY, which had been the reason for breaking them up last May, is likely to destroy the political credibility of the EU and its representatives in Serbia. A less respected EU will be less efficient in requesting from Serbia cooperation with the ICTY as was the case during the first round of negotiations.

Such a move may also have repercussions in neighbouring countries. It is likely that many in Bosnia and Herzegovina will be offended, especially after the unexpected decision of the ICJ. It might even contribute to a further deterioration of political situation in B&H. Moreover, Croatia and its population may feel again betrayed by the EU and the international community as it for years had been exposed to a much harder international pressure to cooperate with the ICTY, than Serbia has ever been.

It is difficult to imagine how the regional cooperation the EU wished to see can come to being in such circumstances.

The EU's objectives in other parts of the world where it uses conditionality and in support of the International Criminal Court might be undermined. How credible will the EU and its principled stance be perceived if the EU acquires a reputation of using conditionality as a political instrument and then shifting political approaches even before the conditions have been fulfilled?

Once the SAA talks are resumed the EU's future efforts to bring Serbia to the full cooperation with the ICTY might be thwarted by an external factor. Russia's more active position as regards the Kosovo status discussion risks neutralizing Russia's actions are likely to be understood by many in Serbia as a sign of wider support to "Serbia's cause" and will thus encourage those opposing Serbia's full cooperation with the ICTY.

In light of these concerns, we call on the EU to engage in a new form of dialogue with the Serbian society and officials.

The EU should enlarge the context beyond the technical issues that prevail in the SAA negotiations. Only Serbia that is profoundly changed can insure full cooperation with the ICTY.

This dialogue should particularly insist on matters that relate to Serbian compliance with the democratic dimension and political criteria of the process of Europeanization. This is the only way to further advance the reform processes that are presently at halt, empower and democratize the institutions.

Also, the range of those participating in such a dialogue between the EU and Serbia should be enlarged by including civil society, youth, small and medium business, pro-European political parties (including those which recently joined the Parliament) professional associations.

This will enhance the internal pressure for the Europeanization and limit the monopoly of the Government to communicate with the EU and to (mis) interpret its messages and intentions. It will also contribute to the wider embracing of the European values in Serbia and their understanding as the vehicle for fulfilling the interests of each and every individual citizen.

Yours sincerely,

Sonja Biserko, Helsinki Committee for Human Rights in Serbia
Jadranka Jelin i , Fund for an Open Society
Biljana Kova evi -Vu o, Lawyers Committee for Human Rights
Obrad Savi , Belgrade Circle

Belgrade, March 30 2007

JOURNALIST DEJAN ANASTASIJEVIC TARGET OF LYNCH ATMOSPHERE

The assassination attempt at journalist Dejan Anastasijevic in the night of April 14 is by far more indicative than yet another in the series of terrorist attacks against the freedom of expression. For, this time the target was a brave journalist who has not only authentically reported the trial of the murders of the allegedly para-military Scorpions formation, but also taken the stand at the trial of Slobodan Milosevic in The Hague. Dejan Anastasijevic was obviously another stumbling block in the way of interpreting ex-Yugoslav wars by predominant matrix, which would not allow any connection between the crimes committed "in the name of nation" and state institutions.

The Helsinki Committee for Human Rights in Serbia demands the relevant authorities to urgently track down perpetrators and thoroughly investigate the background of the crime and its orderers. Otherwise, Serbia will be plunging deeper and deeper in the policy of crime her ruling elite has never explicitly renounced, and will be turning less and less legitimate for joining the family of civilized European countries.

Deeply concerned with this heinous assault, the Helsinki Committee reminds that is has been warning domestic public for long of the atmosphere of

lynch against all who think differently and dare come public with their opinions.

Belgrade, April 15, 2007

A DOCUMENTARY SERIAL PRODUCED BY THE
HELSINKI COMMITTEE
FOR HUMAN RIGHTS IN SERBIA

A Look into the Past **Serbia 1965-1991**

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*The Federal Ministry for Foreign Affairs of the Federal Republic of Germany
has assisted the production of the serial within the project
"Facing the Truth 2002"*



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TEN 60-MINUTE EPISODES OF THE DOCUMENTARY SERIAL ATTEMPT TO THROW MORE LIGHT ON CRUCIAL DEVELOPMENTS OF THE RECENT PAST THAT – DIRECTLY OR INDIRECTLY – BROUGHT ABOUT SLOBODAN MILOSEVIC AND THE YUGOSLAV CALAMITY

"The 1965 Reform"

The when and whys of the failed processes of the country's democratization and decentralization. Was Yugoslavia's disintegration hinted back at that time? As of 1960s the conflict between modern and conservative, reform and anti-reform, centralistic and federal forces dominates the League of Communist of Serbia, and the Serbian society as a whole. The anti-reform current wins the battle. The 1968 student protest and the Praxis group. A period crucial to understanding the processes that triggered the dissolution of the Yugoslav state and wars.

"Rise and Fall of the Liberals"

Serbian intellectual circles respond to the aspirations to more independence voiced by republican leaderships of the former Yugoslavia by calling for integration of all Serbs, primarily in the cultural domain. At the same time an alternative – known as the Liberals – emerges in the communist party. As the solution to interethnic relations, the Liberals advocate more independence for a decentralized Serbia, and consistent federalization for Yugoslavia.

"Opening of the Serbian Question"

Writer Dobrica Cosic's circles and the Praxis group – the former open the Serbian national issue, while the latter stand up for the Yugoslav idea. In late 60s and early 70s the two oppositionist groupings are unquestionably alike – both criticize the Yugoslav socialist system. Many Yugoslavs turn Serbs. The concept of unitary Yugoslavia turns into the idea of cultural unity of territories inhabited by Serbs. When accepted as a full-fledged member of the Serbian Academy of Arts and Sciences, Cosic delivers a speech that as of that moment associates just one of his phrases, "Serbs are wartime victors, and peacetime losers."

"The 1974 Constitution"

The model of centralistic rule is definitely used up. Over debates that precede declaration of the Constitution, more and more reference is made to Yugoslavia as an artificial creation, and dungeon of the Serbian people. The 1974 Constitution – the last attempt to preserve the multiethnic state through federalization, but also a source of its disintegration. The Constitution does not guarantee political freedoms and market economy, but it sets up institutions supposed to replace Tito. Provinces are entitled to constitutions of their own, and their competences actually equal those of the republics. Prevalent cultural and political elites of the Serbian majority nation strongly oppose the change.

"National Program Completes"

Early 80s – intellectual elites stage a campaign for the freedom of expression assembling intellectuals from all over the former Yugoslavia. Professors from the Praxis group make the core of the strongest oppositionist circle, the Free University. Mid-80s – intellectuals propagating a national state of all Serbs as the only option begin to conquer the Serbian political scene on the eve of the country's disintegration and wars. The concept that turns into a state policy with Milosevic's coming to power completes.

"Party Plays the Oracle"

Late 80s in the former Yugoslavia – economic crisis, high indebtedness, inflation, unemployment. The Serbian Academy of Arts and Sciences' Memorandum, the first program committed to paper that promotes national unity of Serbs even beyond Serbia's borders. Tendencies towards more independence grow stronger in Slovenia and Croatia, as well as in the province of Kosovo. In East Europe's last decade of communism, it is authoritarianism that carries the day in Serbia. The dogmatic wing in the League of Communists of Serbia that defeats the one of compromise, joins hands with oppositionist cultural elites.

"Homogenization"

April 1987 – S. Milosevic goes to the town of Kosovo Polje and promises to the Serbian masses, "No one is allowed to beat you." In June 1989 in Gazimestan, he goes public with his solution to the crisis and says, "Six centuries after the Battle of Kosovo we are again in battle. Though this is not about an armed conflict, even such conflicts are not to be ruled out." The Berlin wall is toppled. Instead of opting for political and economic reforms, the Serbian regime, cultural elites and opposition parties emerged in 1990 actually reach a consensus on the Greater Serbia program.

"Kosovo"

The emancipation of Albanians in Kosovo in the aftermath of the World War II and a historical overview of Kosovo's autonomy. What makes Kosovo Albanians demand a republic of their own in 1968? What makes Serbs and Montenegrins move out? Serbian authorities clamp down on every Albanian revolt. It is Kosovo where the repression of political prisoners is the worst. Kosovo's autonomy is annulled after an unprecedented anti-Albanian campaign throughout 1980s.

"The Role of the Yugoslav People's Army"

In 1980s the YPA is reorganized. The territorial defense system is dismantled. Serbia prepares itself for war. Top army officers see Milosevic as the "only champion" of the SFRY and thus of the YPA's interests. The YPA distances itself from other Yugoslav republics, turns into a Serbian army and plays a crucial role in the dissolution of ex-Yugoslavia.

"The International Community and Yugoslav Crisis"

The international community endeavors to maintain Yugoslavia – if so, how? Germany and Vatican recognize an independent Croatia, but under certain conditions. The Hague Conference – the international community's last attempt to prevent a war in the territory of ex-Yugoslavia. Prospects for the SFRY's joining Euro-Atlantic organizations and programs – the Council of Europe, PHARE, EBRD, associate membership of the European Community – open in parallel.

A DOCUMENTARY PRODUCED BY
 HELSINKI COMMITTEE
 FOR HUMAN RIGHTS IN SERBIA

Serbian Orthodox Church and Disintegration of ex-Yugoslavia

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Publishing

Edition	Title	Author(s)	Year
	Hate Speech as Freedom of Speech (in English only)		1995
	In the Name of Humanity (in English only)	Collect. of documents	1996
	Serbo-Croatian Relations and the Problem of Refugees (Belgrade, Jan. 30-31, 1997) (in Serbian only)		1997
	Lex, Whistles and Lies (in Serbian only)	Boris Delic ed.	1997
	Broken Soul (in Serbian only)	Janja Bec	1997
<i>Documents</i>	Serb-Albanian Dialogue, Ulcinj, June 23-25, 1997/ Dialogu Serbo-Shqiptar Ulqin, 23-25. qershor 1997 (in Serbian and Albanian)		1997
	Radicalization of the Serbian Society (in Serbian and English)		1998
<i>Documents</i>	Self-Determination: between Autonomy and Secession (in Serbian and Albanian)	Milenko Markovic ed.	1998
<i>Documents</i>	Kosovo: Law and Politics - Kosovo in Normative Acts before and after 1974 (in Serbian and English)		1998
<i>Documents</i>	International Community and Kosovo - Collection of Relevant Documents (in Serbian and English)		1998
	Citizen in FRY Legal System (in Serbian only)	Group of authors	1999
<i>Documents</i>	Serbo-Albanian Dialogue, Ulcinj, Belgrade, Nov. 21-22, 1998 (in Serbian and Albanian)		1999
	Workers and Trade Unions in Serbia (in Serbian and English)		2000
	Minorities in Serbia (in Serbian and English)		2000
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	Yugoslavia Finally Bans Land Mines (in Serbian only)	YU Campaign to Ban Land Mines	2001
	Refugees in Serbia: Between Integration and Sustainable Return (in Serbia and English)	Vladimir Ilic	2001

	Human Rights in Serbia 2000 (in Serbian and English)	Annual Report	2001
	Human Rights in Transition - Serbia 2001 (in Serbian and English)	Annual Report	2002
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	Human Rights and Accountability - Serbia 2003 (in Serbian and English)	Annual Report	2004
<i>Documents</i>	Military Secret - Vol. I and II (in Serbian only)	Vladan Vljakovic	2004
	Kosovo - A Chain of Causes (1225 B.C. - 1991) and Consequences (1991-1999) (in English, Albanian and Serbian)	FAMA International Team	2004
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	Human Rights and Collective Identity - Serbia 2004 (in Serbian and in English)	Annual Report	2005
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<i>Documents</i>	"Testimony" (Vladimir Popovic's testimony before the Special Court in the trial of the accused of Premier Zoran Djindjic's assassination)	Vladimir Popović	2006
	Human Security in an Unfinished State: Serbia 2005 (in Serbian and in English)	Annual Report	2006
	Selected Essays - III (in Serbian and in English)	Young authors	2006
	European Convention on Human Rights: Practical Application	Manual	2006

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<i>Helsinki Files 1</i>	Serbian Elite (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 1</i>	Serbian Elite, 2 nd edition (in Serbian and English)	Group of authors	2001
<i>Helsinki Files 2</i>	Potential for Changes (in Serbian and English)	Group of authors	2000
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<i>Testimonies 1</i>	People, Developments and Books (2 nd ed.)	Latinka Perovic	2000
<i>Testimonies 2</i>	Is There Any Resonance?	Novak Pribicevic	2000
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