



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

ANNUAL REPORT : **SERBIA 2008**



**HUMAN RIGHTS,  
DEMOCRACY  
AND – VIOLENCE**



Human Rights,  
Democracy  
and – Violence

HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

Annual Report: Serbia 2009

# Human Rights, Democracy and – Violence

BELGRADE, 2009

# **Annual Report: Serbia 2009**

## **HUMAN RIGHTS, DEMOCRACY AND – VIOLENCE**

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# Conclusions and Recommendations

The trend of institutional disintegration continued in 2008 in parallel with economic standstill, all of which negatively affected citizens' mood. The pro-European coalition that won the spring 2008 election failed to meet their expectations as it was not politically courageous enough to make a breakthrough in fundamental reforms. In the meantime Serbia, like all other countries in the region, entered recession. The global economic crisis will only aggravate Serbia's recession caused by domestic crisis. Eight years after Milošević's ouster it turned out that Serbia had failed to get transformed – for, its elites have basically remained the same and it has not distanced itself from Milošević's program.

The national program has not been defeated yet: its ideology still enjoys strong support from a part of the Serb elite. This is about the elite that had inspired the Memorandum of the Serb Academy of Arts and Sciences and created the program itself. The ICTY has never examined the part academics, the Serb Orthodox Church, the Writers' Association, journalists and cultural elite from this circle played in the Greater Serbia project. Their role has not been morally condemned either in Serbia or beyond it. So their activity in the post-Milošević era remained the same. They are still dictating a cultural matrix and "moral" values for the society as a whole. And this is what mainly obstructs establishment of a moral vertical without which the Serbian society can hardly recuperate. In addition, territorial aspirations are still present, which is best mirrored in the case of Bosnia-Herzegovina, i.e. Republika Srpska.

Nationalism and social and economic stagnation fuel the rightist, nationalistic extremism, xenophobia and hatred for others, particularly for Roma, Albanians, the gay population and human rights defenders. An alternative capable of coping with social and economic problems has not emerged in Serbia after the collapse of earlier socialist movements and trade unions. State institutions, therefore, need to resolutely respond to

all manifestations of radicalism to prevent further radicalization of the society.

Serbia lacks energy for a breakthrough in democratization. Denial and relativization of the recent past have considerably reduced the potential for critical reexamination. However, influenced by the global crisis Serbia's political class somewhat shifted towards the EU as the only one that could provide financial assistance. Europe's hesitation to take in Western Balkans more resolutely demotivated citizens to some extent. In the meantime the new US administration took a more active stance toward the Balkans than the previous one and testified that the region was high on the list of its priorities. This is obvious in its attitude towards Bosnia-Herzegovina where the international community now tries to untie a complex Gordian knot.

Under such circumstances human rights are placed on the margins. Some progress has been made in legislative area but the overall social climate hinders promotion of human rights. The debate in the parliament and in the society as a whole over the adoption of the Law against Discrimination probably best illustrates this point. And yet, some non-governmental organizations have become recognizable as human rights defenders over the years: it was them that placed human rights on social agenda and drew a line state institutions cannot cross. In the meantime they have joined forces and have been making ad hoc coalitions against discrimination, intolerance, violence, racism and other forms of violation of human rights.

At the same time there are individuals within state institutions – such as the Ministry of Human and Minority Rights, ombudsman offices for human and minority rights (at national and regional level), and for information of public importance – who courageously support the concept of human rights and figure as major correctives for state institutions' accountability. This segment of the state administration cooperates with the non-governmental sector: in this context the Ministry for Human and Minority Rights signed a Memorandum on Understanding with over 100 NGOs in early 2009.

International organizations (Council of Europe, EU, OSCE) and international non-governmental organizations (Amnesty International, Human Rights Watch) actively inspect and protect human rights in Serbia. Always in contact with local actors they have helped to create a mechanism for prompt response to detected offences. Internationalization of human rights in Serbia encourages their promotion and protection, but also lead to a culture of human rights.

Serbia's inability to make the pro-European orientation predominant cannot but lead to the conclusion that Serbia needs the EU's assistance. Brussels' ongoing financial aid maintains Serbia at the existential minimum and nourishes its regional pretensions.

A candidacy for the EU membership would put an end to adverse trends in Serbia. Reaching of "inner" consensus necessitates active participation from local self-governments and citizens apart from political elites.

**Considering the conclusions above, the Helsinki Committee for Human Rights in Serbia recommends to:**

## **GOVERNMENT, PEOPLE'S ASSEMBLY AND MINISTRIES**

### **Constitutional Amendments**

- Amendment of some provisions of the 2006 Constitution that restrict the country's movement towards Euro-Atlantic integrations and adoption of European standards. Amendment of disputable constitutional provisions that hinder independent action by MPs – presently under strong partisan influence – and passing of a new election law. Amendment of the provisions in the areas of judicial independence and independent action by the President of the Republic. Amendment of the provisions on territorial organization (autonomy and local self-governance), which are incompatible

with contemporary standards in this field. Last but not least, amendment of the excessively complex procedure for any constitutional amendment.

- Amendment of the articles 43 and 44 of the Constitution that considerably violate freedom of expression.
- Amendment of the Law on Referendum and Popular Initiative to ensure citizens' bigger and more direct participation in decision-making in the issues vital to them.
- Permanent campaigning for tolerance and against racism and discrimination, and promotion of human rights through educational system and the media by the government and in keeping with its constitutional duty.
- Implementation of all the international documents the state has ratified by courts and prosecution offices. Ratification, without delay, of all the signed conventions.
- Adoption of a law on the People's Assembly and new rules of procedure to ensure legality and efficiency of parliamentary proceedings.
- Acceptance of the suggestion of the Commissioner for Human Rights of the Council of Europe by the government and adoption of a comprehensive national plan for human rights the drafting of which also includes non-governmental organizations.
- Attitude towards NGOs
- Encouragement of a social climate favorable to protection and equal treatment of all minority groups, gay groups and individuals, as well as human rights defenders. Full protection of human rights defenders, prompt reaction at any form of hate speech and adequate action against all extremists – individuals and organizations – advocating hatred and discrimination. In addition, the government needs to penalize hate speech spread by politicians and other public figures whose actions set up standards of behavior.
- Submission, without delay, of a law on non-governmental organizations for parliamentary consideration and establishment of cooperation with the civil sector by the government to ensure

efficient protection of human rights. Pursuit of active communication with human rights NGOs by The Ministry for Human and Minority Rights.

- Thorough investigation into all cases of hate speech and other forms of (verbal and physical) assaults at human rights defenders.
- Reinforcement of and public support to all independent institutions (ombudsman offices and commissioner for information of public importance).
- Improvement of the legislation in the area of regulatory bodies and adoption of new regulations that ensure their independence from any influence.
- Cooperation with International Criminal Court for Former Yugoslavia (ICTY)
- Promotion of the work of the ICTY and to proper presentation of all its decisions to the public by the government.
- The government's substantive cooperation with the ICTY and fulfillment of international obligation: arrests of Ratko Mladić and Goran Hadžić as soon as possible.
- Contribution to transitional justice by the media and their featuring of all trials – before the ICTY and domestic courts alike – against relevant contexts instead of mere and selectively news stories.
- Attitude towards the Media
- Governmental protection of journalists who report impartially and are, therefore, often abused and isolated.
- Education in ethical standards of objective journalism for journalists to ensure fight against intolerance. Promotion of human rights through the media with national coverage by the government.
- Governmental nation-wide strategy for facing up the past and, in this context, establishment of active cooperation with the NGOs focusing the issue for years.
- Establishment of a regulatory media body to protect citizens from media irresponsibility.

- Mechanisms ensuring full transparency of media ownership and financing.
- Attitude towards Minorities and Religious Communities
- Pursuit of policies that integrate minorities into larger political, economic and cultural community of Serbia by the government. Particular attention to economic integration of the minorities such as Roma, Albanians and Bosniaks inhabiting underdeveloped regions.
- Amendments of the Law on Religious Communities – and the rules of procedure – that now enable arbitrariness by the executive branch.
- Urgent adoption of a law on national councils.
- Creation of the conditions that will encourage minorities to act, inasmuch as possible, as bridges between Serbia and the EU, and contribute to the country's Europeanization.
- Equal rights for traditional religious communities and non-traditional and smaller churches, notably in the area of registration.
- Adequate reinforcement of ombudsman offices in terms of human resources and finances.
- Full implementation of a national reform in the area of judiciary and a complementary action plan.
- Education of the police in the area of human rights. Increase of minority members of police forces and strengthening of the mechanisms against police torture or ill-treatment.
- Adoption of a national action plan for advancement of gender equality and provision of financial resources to ensure its implementation.
- Affirmation of Roma rights – notably at the time of the government's presidency of the Decade of Roma – through ensuring more favorable conditions for them in the areas of education, housing and employment.
- Development of proactive measures to ensure elementary education for Roma children, refugee children and children with special needs.

- Provision of adequate housing for Roma, particularly for displaced Roma population.
- Full implementation of the Strategy for Mental Health and supervision of its implementation.
- Drafting of a law to protect persons with mental disabilities and a law on social protection. Creation of the conditions for community-based care and deinstitutionalization of all patients/beneficiaries whose state of health allows community-based care.
- Regional Development and Relations with Neighboring Countries
- Encouragement of economies of underdeveloped regions through improved infrastructure, reduced poverty and promotion of regional stability, notably in Sandžak.
- Favorable attitude towards the demands for decentralization and regionalization.
- Significant improvement of the relations with all neighboring countries, which also preconditions movement towards European integration processes. In this context, a change for the better in Serbia's perception of Bosnia-Herzegovina.
- Reform of the Police
- Passing of a new law on the police to ensure continuation of reforms.
- Close control against misuse of police authority and torture, notably in the provinces.
- Adoption, without delay, of a new law on the Security-Information Agency and other intelligence services.
- Establishment of the Office of the Council for National Security to ensure its efficient functioning and enforcement of its decisions.
- Continued provision of information by the Security-Information Agency at justifiable requests from citizens and the Ombudsman for Information of Public Importance.

The Helsinki Committee for Human Rights in Serbia recommends to:

## **INTERNATIONAL COMMUNITY**

- No conditioning of Serbia's – as well as Bosnia-Herzegovina's and Kosovo's – speedier access to the EU in present situation. More reliance by the EU on citizens of Serbia, who have clearly manifested their option for Europe.
- Special focus on and encouragement of small and medium-sized enterprises, local self-government and youth organizations to ensure the society's long-term potential for democratization.
- Increased support to civil sector, particularly to human rights organizations as authentic promoters of European values.
- Speedier process for inclusion of Serbia in the white Schengen list.
- Continued monitoring of human and minority rights, particularly in Serbia's multiethnic regions.
- Support to independent media playing crucial role in the democratization process.
- Encouragement of Serbia's decentralization and regionalization that precondition democratization.
- EU's support to Vojvodina's pro-European orientation the more so since Vojvodina may serve as a model for other regions in Serbia too.

# No Consensus on System of Values

This report of the Helsinki Committee for Human Rights in Serbia (HCHRS) for the year 2008 seeks to examine the overall political, social and economic climate in which human rights were promoted and protected. The HCHRS takes that a society's attitude towards the concept of human rights and their promotion and protection, particularly when it comes to minorities, can be assessed only against the overall social background. The fact that Serbia has waged the wars it "did not wage" explains a high degree of violence in all spheres of public life. The absence of adequate measures to treat traumas and frustration, especially among the young, also resulted in violence. In addition, impunity for the crimes committed in 1990s and the failure to condemn them enthroned a model of violence as something socially acceptable. An adverse attitude towards the ITCY and constant attempts to undermine and belittle its work – despite partial cooperation with it – made it impossible to establish at least a moral minimum in the matters of crime and moral values. Due to the lack of mechanisms of transitional justice – the only way to make a clean break with Slobodan Milošević's repressive regime – it was not possible to make, above all, a genuine advance in the adoption of the moral standards that presuppose normal functioning of the society and the state. The governmental policy of inactivity plays into the hands of various pathological phenomena that mushroom to threatening proportions – from street and family violence, through institutional violence to other forms of brutality.

Many problems result from the fact that Serbia has not reached a consensus on a cultural pattern and a moral value system, as it had failed to reach a consensus on a redefined national program. Though factually defeated, the national program has not been abandoned yet – and still keeps Serbia in an undefined state. Actually it is the indistinct Kosovo issue that makes Serbia an unfinished state. Its institutions – with less and less credibility – pay the highest cost for this.

Speaking of international human rights mechanisms, Serbia became party to the European Convention on Human Rights in 2004. It accepted all its protocols except for 9 and 10. Serbia is also party to the European Convention against Torture and other Inhuman or Degrading Treatment or Punishment, the European Charter on Minority Languages, the Framework Convention for the Protection of National Minorities and the European Charter of Local Self-Government.

Institutionally, Serbia has adopted contemporary mechanisms for human rights promotion and protection. It has a ministry for human and minority rights and ombudsman offices at republican, regional and local levels.

Despite all those relatively new mechanisms, the predominant social climate and political will crucially determine both standards and practice. Therefore, not only the above-mentioned institutions have to be strengthened but also all the levels of the society – families, schools, governmental institutions, universities and the media – need continued awareness-raising.

The year 2008 was marked by violence at all levels – from political, through stadium violence, to school and street violence. This is a reflection of a weak state and, above all, of a blurred strategy for Serbia's future. The discrepancy between citizens' expectations and the political elite's behavior is in full view here.

Whereas citizens clearly demonstrate that they see their future in European integration, the political elite wavers between neutrality with reliance on Russia and much-expected solidarity and assistance from the EU. Territorial claims are still alive, notably when it comes to Republika Srpska, and were radicalized after Kosovo's independence declaration. Unclear orientation blocks political energy and Serbia thus misses the opportunities it could have seized to compensate the loss of Kosovo (speedier accession to the EU and other benefits).

At the same time, the political elite were incapacitated to cope with accumulated domestic problems. The economic and social crisis shaking today's Serbia is an inherent one: for the region and Serbia the global crisis is still looming on the horizon. The absence of fundamental reforms

(decentralization, liberalization, regional cooperation, minority issue, etc.) only fuels inner tensions and violent behavior. The tensions between the center (Belgrade) and the periphery grow whereas the state is incapable of arbitrating. The inefficient state – disinclined to decentralization – only generates new problems. Shaken by identity crisis and frustrated over war responsibility, Serbia's elite have again sought refuge in Eastern Orthodoxy, the Church and hostility for “otherness:” and this revived racism, anti-Semitism and total negation of democracy. For the entire decade, morally and economically devastated Serbia has been mostly living on the assistance from the EU and EU member-states.

The discrepancy between citizens' expectations and their elites' effectiveness reflected the state's and the society's attitude towards human rights. Social, political and economic context remained about the same in 2008: and so, neither the attitude towards human rights underwent a transformation nor was the culture of human rights adequately adopted as a desirable social model. Though public discourse was brimming with human rights, governmental institutions, educational system, judiciary and the media did little for their actual protection and implementation. A legal frame (a set of laws) that would round off the mechanisms for protection and promotion of human rights has not been established yet. Despite such atmosphere the civil sector – human rights NGOs in the first place – managed to impose human rights as an unavoidable topic. Therefore, human rights organizations raising the question of the recent past and war crime were exposed to smearing campaigns and demonization almost without respite. Economic and social context makes economic and social rights, peace, order and stability more and more important to citizens. Civil rights are in the back seat – mostly due to overall social poverty but also because the multi-party system, especially the Parliament, is constantly discredited. The European Commission's Serbia 2008 Progress Report of November 2008 states that civil and political rights in the country are generally protected. However, they were jeopardized by the climate prevailing in the wake of Kosovo's independence declaration, says the report. The report indicates the lack of administrative capacities, and human and financial resources that would ensure personal safety, economic

growth and employment, education and healthcare, pensions and concern for older people.

Organizations and individual defenders of civil and political rights were targets of the fiercest assaults. Civil society organizations continue to play a major role in Serbia's social, economic and political life. However, their legal status remains undefined and their financing unregulated by law. Such background implies repressive and excessive fiscal requirements that are often made ad hoc and arbitrarily. Many NGOs – human rights defenders in particular – were exposed to threats and verbal assaults for their alternative stances on some issues such as the situation in Kosovo. All those incidental situations have not been thoroughly investigated so far. Many media outlets and journalists' associations were turning to the government to protect them from verbal and physical threats and allegations of unpatriotic discourse.

Nationalism that still predominates as the main ideology of the Serb political class hampers recognition of human rights as value standards. In addition, nationalists are mostly concerned with the rights of the majority while negating or belittling the rights of minorities. In this sense universality of human rights is perceived as a threat to collectivism. Furthermore, Serbia has not yet closed the chapter of the state issue. This means that the question of territory and borders considerably influences the attitude towards human rights. The state treats any demand for territorial self-government (even in the case of Vojvodina) and decentralization as an attempted destabilization. The main problem with Serbia is that the state is seen as an arch arbiter and monopoly in the hands of the majority ethnic group. Therefore, only constitutionalism can unloose the grip of the unitary state and capacitate it to properly respond to minorities' demands (protection of language and culture, self-government, etc.).

Kosovo's independence revived the debate on secessionism. Serbia would not accept that the new states emerging from ex-Yugoslavia's disintegration are the products of a process that has been underway for more than twenty years. Instead, it accuses all ex-Yugoslav republics – primarily Croatia and Slovenia – of secessionism. And yet, from a legal standpoint Serbia was the first secessionist republic: it was the first to amend

its constitution in 1990. Serbia's then constitution practically abrogated the 1974. federal one and thus ruined all the chances for a consensus on ex-Yugoslavia's rearrangement. Kosovo's partition is a part of the same process. Kosovo's independence declaration is seen as a gross violation of international law and solely as "seizure of territory." The developments that led to Kosovo's independence have never been critically reexamined, the same as Slobodan Milošević's policy. Any discourse on Kosovo, including the related events such as the verdict to the "*Group of Six*" (in early 2009) or 10<sup>th</sup> anniversary of NATO intervention, omits the name of Slobodan Milošević and ignores the crimes committed against Kosovo Albanians. Every such discourse insists on Serb victims only and the fact that Serbia was bombarded. Bombardment itself is never brought in connection with Kosovo.

Ever since NATO intervention Serbia's Kosovo policy has been based on the thesis that Belgrade's position would grow stronger as times went by and the status quo would be kept. The official Belgrade has banked on radical and moderate factions among Albanian political factors. Such reasoning, veiled by legalism, had obstruction of the process and political uncertainty about Kosovo for its starting point. A destabilized and politically split Kosovo would consequently lead to the only viable solution – partition. The same as all other hopes Belgrade had nourished, this one did not come true and Serbia wasted both time and chances to become a constructive factor of regional politics. Contempt for the Albanian side – the same as for other Yugoslav nations in 1990s – only manifested once more Belgrade's arrogance. And yet, the time works for Kosovo.

## Instrumentalization of Kosovo

When Kosovo declared independence all vital issues in Serbia were placed on the margins. The "Kosovo is Serbia" slogan became the one and only topic of the country's domestic and foreign policy. Not even the pro-European government was capable of distancing itself from this aggressive and unproductive strategy. For, Kosovo's independence was also used as a

justification for raising the question of Republika Srpska and its secession from Bosnia-Herzegovina in a growingly aggressive manner. The Foreign Minister's role was solely focused on the initiative aimed at preventing more substantial international recognition of Kosovo and then on the one to have the International Court of Justice decide the legitimacy of Kosovo's recognition (the latter initiative was a successful one).

This time the Kosovo myth<sup>1</sup>, i.e. the loss of Kosovo, was also played on for "internal aggression" and a showdown with the liberal orientation in Serbia. For his part, Vojislav Koštunica also played on Kosovo to secure his political future. Under the slogan "both Kosovo and Europe" Kosovo was used to obstruct Serbia's option for Europe.

Frustration over Kosovo's independence declaration fueled hate speech in public discourse, notably in the media. Orchestrated anger against those factors in the international community that are taken most responsible for the loss of Kosovo restored old stereotypes about foreign and domestic enemies in the focus of the media. And yet, the anger was mostly channeled towards the United States, whereas the EU was usually referred to as "American servant."

Kosovo's independence tightened the ranks of the conservative bloc and laid bare its opposition to any change in Serbia, particularly the changes leading towards the country's integration into Europe. The bloc's favorite in the presidential elections (January-February 2008) was Tomislav Nikolić, a candidate running against Boris Tadić. Though he suffered electoral defeat (for the second time and by the same rival) he behaved as Serbia's co-president. He was demonstrating his power till the

<sup>1</sup> The Kosovo myth played an important role in the establishment of a modern Serb state in the 19th century. Ever since the Balkan Wars in 1913, the St. Vitus Day (the assumed date of the lost battle of Kosovo) has been observed as the day of "heroic contention and victory over evil," symbolizing bloody and ruthless revenge against everything "Turkish" or Muslim in general. Liberation of Kosovo and the Kosovo pledge, says Radomir Lukić, became "a vertical of the Serb history, as the Serbs have never forgotten their expulsion from the territory that used to be a treasury of their most precious historical attainments." For the Serbs, therefore, liberation of Kosovo and Metohija in 1912-13 equaled "return to the illicitly seized homeland."

May parliamentary elections and also during the rally against Kosovo's independence.

The day of the rally (February 21, 2008) will be remembered by torched embassies, demolished shop windows and the offices of the Liberal Democratic Party, and open threats to the alternative voiced from the public rostrum. The speech delivered by film director Emir Kusturica and his figure about "the mice hiding in their holes" will be remembered in particular. Simultaneously with prayers in the St. Sava Temple, a well-organized group demolished American, Slovenian and Croatian embassies. The police had been nowhere in sight until the American Ambassador sent his warning to the authorities.

The fact that the rally was scheduled for late afternoon indicates a "planned chaos." Whereas Koštunica was invoking "dignity" TV cameras were testifying that the organized groups had clearly defined targets. That part of the Action Plan was not carried through in full since the crowd did not reach a critical mass the organizers had hope for and despite all the buses, trains and trucks the Serbian Radical Party had organized to bring in people from all over Serbia. Citizens of Belgrade mostly stayed at their homes. All in all, the rally was a fiasco. It failed to incite protests and violence in other towns in the days that followed. It turned out that citizens were more mature than their leaders – and they instinctively shun violence. Minister Velimir Ilić cynically explained to the Serb public that "the Liberal Democratic Party was directly responsible for the outburst of violence in the streets because of its support to Kosovo's independence."

## Elections

The year 2008 begun with presidential elections in which Boris Tadić won by a razor-thin margin. Early parliamentary elections, along with provincial and local elections were held on May 11, 2008. 6,747,867 voters were registered to cast a ballot for the People's Assembly of the Republic of Serbia with 250 MPs elected by proportional system. The electoral threshold was 5 percent. The elections were held in Vojvodina too and in Kosovo

despite the fact that the latter had proclaimed independence in the meantime. The elections in Kosovo, with 91,639 registered voters, were held in 26 municipalities. Provincial and local elections were overshadowed by those for the parliament. As for 52,000 voters registered abroad, they cast a vote in 78 polling places and 42 states.<sup>2</sup>

Despite the victory of pro-European forces, the outcome of parliamentary elections announced that forming of a ruling majority would be uncertain. The parliamentary majority established only with much compromise made, including political rehabilitation of the Socialist Party of Serbia, reflected all the complexity of the relations between democratically-oriented parties and within them. All that was evident in the process of the parliament's constitution and in the composition of a cabinet that was finally formed on July 7, 2008 once the Law on Amendments and Supplements to the Law on the Government and the Law on Ministries was passed<sup>3</sup>. To satisfy the appetites and expectations of a motley political grouping as many as 24 ministries had to be set up, whereas four vice-premiers were assigned to the Premier. Fresh cadres unavoidably came in package with the new governance structure, though just horizontal shifts were made in some cases.

Serbia's intelligentsia assembled around Koštunica insisted that Kosovo's independence split Serbia into nationalists and "Europeans." So, Professor Slobodan Antonić held that Koštunica's cabinet had been a guarantee against Serbia's disunion. Had it lasted longer, he said, „it could have helped to make the gap between 'Euro-reformist' and 'national' Serbia more bearable." "But now Kosovo's independence made the differences explode, the government dissolved and the entire society started

- 2 Under the Election Law passed in 2000 and amended in 2004 the entire Serbia is one electoral unit. MP seats are distributed by proportional system. The amendments of 2004 primarily relate to political parties of national minorities and entitle them to „natural threshold“ in the event they fail to pass the 5 percent one. The „natural threshold“ is the number of valid votes divided by 250 parliamentary seats for each seat to be obtained, which, depending on voter turnout, averages 12,000-16,000 votes.
- 3 The newly constituted parliament adopted both laws on July 5, 2008, which enabled forming of the government.

to disunite...Probably the gap will show its face soon in the institutions, in the media and in everyday life – particularly if the next government is formed by the parties from one side of the rift only, which is most likely to happen. For, both 'nationalists' and 'Euro-reformists' hope to form the government by themselves...I am afraid that a disunited Serbia would be incapable of any serious task. And all this befell us and will be befalling us because of February 17. Unilateral declaration of Kosovo's independence plunged Serbia into chaos.<sup>4</sup>

The outcomes of the early parliamentary and local and provincial elections of May 11, 2008, were unforeseen. The relative victory of the Coalition for a European Serbia with the Democratic Party and President Tadić at its helm enabled formation of a pro-European cabinet. The Democratic Party /DS/ gained 103 mandates, the Serb Radical Party /SRS/ 77, the Democratic Party of Serbia-New Serbia /DSS-NS/ coalition 30, the Socialist Party of Serbia-Party of United Pensioners of Serbia-United Serbia coalition 20, Liberal Democratic Party /LDP/ 13, the coalition of Hungarian parties 2, Bosniaks obtained 2 mandates and Albanians 1. Three factors crucially decided such outcome: signing of Stabilization and Association Agreement /SAA/ with the EU, FIAT's decision to sign a preliminary contract with the Kragujevac car industry "Zastava" and – probably most important of all – the electorate that suddenly turned rational.

The Democratic Party emerged from the elections as the biggest parliamentary party for the first time in its history and mostly thanks to a more definite pro-European course it took over the campaign. Namely, during the period of cohabitation with the DSS the party almost lost the identity Zoran Đindić had shaped for it. The outcome of the presidential elections in early 2008 testified that Boris Tadić won because he had shifted towards the European option and distanced himself from the populist bloc. And that shift was crucial after signing of the SAA.

The SAA additionally galvanized the public support to the European option. Citizens' fear of the Radicals' victory that would close the prospects of Serbia's economic development was also a decisive factor. Many economic experts had predicted Serbia's return to 1990s, high inflation and

<sup>4</sup> Politika, March 13, 2008.

state reserves and citizens' savings spent on social needs, as announced by the Radicals during election campaign.

And yet, Boris Tadić's statements in the wake of the elections revealed his ambivalence over some key issues. Tadić did not renounce a single of the five principles on which the former cabinet relied. One of them was that Kosovo was an integral part of Serbia. That principle is the most problematic one in DS-EU relationship. In addition, in the last week of the election campaign Tadić paid a visit to Republika Srpska. By his message to citizens in which he made no bones about the significance of Republika Srpska for Serbia he practically revealed his attitude towards Bosnia-Herzegovina.

The Serb Radical Party had reached its peak under the leadership of Tomislav Nikolić but failed once more to win the election. Electoral defeat added to the frustration of both the party and its leader. Though it advocated a socially responsible state and the support from Russia over the election campaign the party failed to convince citizens that it had the potential for keeping its promises.

DSS came out as the biggest loser. The DSS-NS coalition won 11.3 percent of the vote, which testified of the party's steady downward curve. Vojislav Koštunica's campaign laid bare his fanaticism and strong anti-European sentiment. The entire campaign was based on the "Kosovo is Serbia" slogan meant to mobilize national feelings. It turned out, however, that Kosovo and nationalism could mobilize citizens no more – for citizens had changed their priorities. They had turned themselves towards future and other options such as the EU in the first place.

Though DSS had control over the most influential media (such as *Politika*, RTS and tabloids) their anti-European campaign proved insufficient for the party's political success. Apart from the media, the entire conservative bloc – a part of the Serb Academy of Arts and Sciences, the Serb Orthodox Church and numerous tycoons (financially supporting all the options just to be on the safe side), as well as all the others who had not given up the Greater Serbia project – had stood by Koštunica and his concept of "a neutral Serbia that relies on Russia." The energy agreement with

Russia was meant to be a counterpart to the SAA – but obviously it was not enough for a victory.

The Liberal Democratic Party led by Cedomir Jovanovic obtained 5.4 percent of the vote, which was below expectations. What matters, however, is that this relatively young party passed the electoral threshold once more whereby it proved that it had a steady electorate. Actually, Cedomir Jovanovic was a moral winner of the election – for he was the one who initiated overt advocacy of the European option and reactivated some issues raised by late Premier Zoran Đindić. Jovanovic has been the main corrective for the Democratic Party since Đindić's assassination and he was the one who practically spurred the DS to shift towards the European option.

The outcome of May 2008 elections are of strategic importance for both Serbia and the region. They helped Serbia step over the threshold to quite a different political context. The SAA ensures a frame for a fundamental transition but also gives the opportunity to the society as a whole to take upon itself the responsibility for its future. Prospects for joining the EU provide the only genuine driving force that proved its efficiency in other post-communists societies. The chances opened by these elections considerably hinge on President Tadić's political capacity to turn electoral results into reality.

The civil society (a part of it) played a crucial part in lobbying in the EU to sign the SAA with Serbia even before the arrest of Ratko Mladić. That part of the civil society argued that the pressure from The Hague Tribunal was playing into the hands of Vojislav Koštunica who instrumentalized it for fueling anti-EU sentiments in the society.

The EU's active role is still most important for political developments in Serbia as it turned out that there is no alternative to its driving force. The EU's foreign policy should be harmonized and more palpable when it comes to direct assistance not only to the state but above all to the civil society and all segments of the society of pro-European orientation such as small and medium-sized enterprises. Serbia cannot get democratized without the support from the EU, the same as the Army of Serbia cannot get transformed without the partnership with NATO. The US should con-

tinue playing a major role in the region, above all to stabilize Kosovo's independence and Bosnia-Herzegovina's survival as a single state.

And yet, regardless of a pro-European government and citizens' enthusiasm, it turned out that the reality in Serbia was by far more complex and its problems by far deeper. After the arrest of Radovan Karadžić – signaling Europe that Boris Tadić finally opted for the EU – the cabinet's potential for making progress towards Europe begun to melt away.

## Recomposition of Political Scene

The unexpected election victory of the pro-European bloc pushed the Radicals aside and caused panic in conservative circles, Russia's only true pillar in Serbia in the long run. Tadić's signature on the SAA – and, before that, on the Partnership for Peace – placed Serbia under the umbrella of Euro-Atlantic integrations for the first time ever. That means that, in the long run, the Balkans enters calm waters because great powers have shifted their focus from Europe to Central Asia.

The conservative bloc's hopes that Tomislav Nikolić would win the presidential race primarily pinned on Serbia's strategic orientation. Academician Mihajlo Marković, an outstanding representative of that bloc, held that the election of Tomislav Nikolić would be a great opportunity. For, he /Nikolić/ "could put an end to the present servile attitude towards the leading powers of globalism that smashed our country, imposed sanctions on us, bombarded us, that are now blackmailing us, want to take Kosmet away from us and to further disintegrate us." Moreover, apart from ensuring mutually beneficial cooperation with Western Europe, says Marković, Nikolić would "ensure necessary modes of cooperation with Russia, China and all other countries interested in equitable political and economic relations with Serbia."<sup>5</sup>

Nikolić's defeat dealt a heavy blow to Koštunica hoping Nikolić would ensure him his third term in office. Faction in the Serb Radical Party and its inability to form the cabinet was inevitable after electoral defeat – all this

<sup>5</sup> Pobeda, January 26-27, 2008.

was meant to prepare this party too for European future. The maneuver of fractioning the Serb Radical Party should be perceived in that context. That was an attempt to create a new image for Tomislav Nikolić, an image of a strong and ethical politician by comparison with a soft and irresolute Tadić. Actually this is a prelude to enthronement of a new leader. And yet, despite the support he got from all sides Nikolić has not managed yet to marginalize the Serb Radical Party led by Vojislav Šešelj. Šešelj's party still successfully obstructs all the institutions, particularly the parliament.

The Democratic Party that gradually grows into a regime party is the main obstacle to Russia's omnipresence. However, the party is not as one body in this regard: the presidential office, as a center of power, is under strong pressure from the "patriotic" bloc via academic structures. President Tadić gave his support to the energy agreement that raised a great hue and cry also from a part of his coalition, Mlađan Dinkic of the G17 Plus in particular.

Russia has skillfully infiltrated Serbian economy through a powerful tycoon lobby closely connected with Moscow. Its main objective is to prevent Serbia's membership of NATO and secure itself a reliable partner for regional destabilization. Russia's strategic goal is to make the EU as dependent as possible on its energy resources.

## Political System

Political system permanently generates crisis in Serbia because it is obsolete and corrupt, and as such threatens to destroy the country. As a consequence of criminalized parties and leading politicians, as well as corruption in the judiciary, the political system is practically falling apart. Such inefficient and corrupt political system is inherent to Serbia's political culture. Actually, the problem with Serbia is that a serious alternative has not emerged yet. Frequent elections and daily scandals saturate the media and prevent an in-depth debate on the problems plaguing the country.

Serbia's political system is anti-modern and costly. The number of MPs at the republican level (250) best mirrors its bulkiness. In addition, the parliament rests not on citizens' sovereignty – it is rather an instrument of political parties. MPs are accountable to their political parties rather than to their electorates. Furthermore, the election law (unique in Europe as such) invests a political party with the authority to appoint MPs at will after the election and so invests it with limitless power over them.

Partisan interests prevent the political community from functioning through cooperation among individual parties, and parties' cooperation with citizens. Parties are not duty bound to citizens or accountable to them. Without a general consensus by all actors there can be no political stability in Serbia. But this also indicates a low political culture of citizens regardless of the breakthrough they made in last year's elections. State institutions are costly and hardly meet citizens' expectations. The state is usually perceived as an obstacle one has to bypass. Citizens mistrust political elites and hold them corrupt. Serbia is a hostage to its own inability to meet citizens' expectations and "there is a threat of self-destruction."<sup>6</sup>

In the period covered by its report (October 2007 – October 2008) the Commission of European Communities was guided by three crucial criteria – Copenhagen criteria of 1993 in examining the progress Serbia made in reform processes: stability of democracy and its institutions; viability of market economy and capability of taking over rights and duties; and, adjustment to the goals of the political union.

The report states that Serbia has made poor progress in passing new legislation due to the parliament's and the government's inadequate efficiency. Further, deep divisions between political parties over the country's strategic orientation have hampered the work of the parliament. In September 2008, the parliament ratified the SAA and started drafting legislation in the area of European integration. According to the report, Serbia has good capacity in the area of public administration. Structures for European integrations have been reinforced and the National Program

6 Judy Butt, Regional Stability in the Western Balkans, in Cutting or Tightening the Gordian Knot, Eds. Ernst m. Felberbauer, Predrag Jureković, Frederic Labarre, Study Group Information, Vienna, 2008.

for EU Integration adopted. However, greater determination needs to be shown to empower regulatory bodies, and further efforts need to be made to ensure independent, responsible and efficient judiciary, says the report, adding that widespread corruption stands for a serious problem.

## Legal System

Though Serbia has ratified all major conventions on human, minority and social rights, as well as those against torture, etc., the legal system and judiciary have been most problematic for previous and the incumbent government alike. The progress in the area of judicial reform is slow-paced. Fundamental legislation preconditioning judicial reform has not been passed yet. This refers to laws on judges and prosecution offices. Judicial appointments to fill in the vacancies cannot be made without those laws. At the same time some 200 judges who have reached retirement age are still in office whereas the parliament did nothing to depose them. Objective criteria for judicial appointments have not been developed. Therefore, the High Judicial Council has expressed its concern that reelection of judges – that is being prepared in Serbia – would be politically influenced and disarrange functioning of the judiciary that could hardly be perceived as efficient. The backlog of cases, therefore, is still huge, including a number of cases connected with organized crime.

Judicial reform is a highly delicate and complex process the start of which presupposes clearly identified needs, sound argumentation and social consensus – and, above all, political will. Serbia has obviously launched judicial reform before it reached the necessary consensus. The fact that the state is in constant political turbulence that creates a climate of social instability additionally weights judicial reforms. Five governments and four parliamentary compositions since 2001 have not provided the frames stimulative enough for establishment of functional, efficient, responsible and independent courts and prosecution offices.

## Relations with Neighboring Countries

Kosovo's independence was also a pretext for creating regional tension. Normalization of neighborly relations that has been on the upward curve in the past years froze in 2008 and, in some cases, reversed. Even before Kosovo's independence declaration Serbia has announced breaking of diplomatic relations with all countries recognizing Kosovo. Macedonian and Montenegrin ambassadors were proclaimed personae non grata, which put on ice the relations with the two countries, particularly with Montenegro. And yet, Belgrade's anger was mostly focused on Croatia, which recognized Kosovo at the same time as other countries in the region. It also strongly responded to Croatia's application with the International Court of Justice for aggression and genocide in 1990s. In addition, the anniversaries of *Storm* and *Blitz* operations, and the fall of Vukovar have always been the occasions for making mutual accusations.

Though trying to contribute to Serbia's speedier accession to the EU during its presidency of the EU in the first six months of 2008, Slovenia was also constantly assaulted, notably Jelko Kacin, special rapporteur for Western Balkans. Bosnia-Herzegovina has always "enjoyed" special treatment in Belgrade. It was on Belgrade's hit list despite the fact that it had not recognized Kosovo: it was assaulted, above all, by the policy of Milorad Dodik, who, in tandem with Belgrade, radicalized the situation in Bosnia-Herzegovina to the extent that threatened to disintegrate the country. Apart from several attempts to reach an agreement between three nations – the attempts that were also in the function of further division – Serbia's relations with Bosnia primarily focus Republika Srpska, which has practically become a component part of Serbia's economic and cultural space. General public in both Serbia and Bosnia are agitated by each marking of the anniversary of the Srebrenica massacre. The official Belgrade failed to reach a consensus even on minimal gestures incorporated in the decision of the International Court of Justice. On the contrary, its ongoing strategy is the one of relativization or negation of the genocide. Stories are being coined about some 100,000 Serbs missing in Sarajevo and oth-

er locations. In parallel, some individuals from academic circles are most actively engaged in orchestrated negation of the Srebrenica genocide.

Serbia's attitude towards the newly established state of Kosovo is the most complex of all. Apart from denying it recognition, Serbia spends almost its entire diplomatic energy on blocking the process of Kosovo's international recognition. In addition, Serbia applied to the International Court of Justice to determine the legality of Kosovo's independence. Numerous other problems, too, weight the relations between the two new neighbors. Most burning ones that source from denied recognition relate to the position of the Serbs in enclaves and illegal, parallel Serb institutions in North Kosovo. Following the EU's heavy diplomatic action Serbia gave its approval to deployment of EULEX mission in the entire Kosovo. Before that Serbia insisted that the UN Security Council adopts a six-point plan, which preconditioned its consent for the EULEX mission.

## Relations with the World

After Vojislav Koštunica's refusal to sign the SAA in December 2007 the relations with the European Union entered a phase of uncertainty. Despite such adverse development the EU lent a hand to the pro-European Serbia and offered the Coalition for a European Serbia to sign the SAA. The Agreement was signed on the eve of the elections, on April 28, 2008. Given that Serbia had not met all the preconditions for the SAA – had not fully cooperated with the tribunal in The Hague in the first place – the implementation of the Agreement was postponed. Kosovo's independence declaration had a negative impact on the relations between the EU and Serbia. In the meantime, the EU publicized its Serbia progress report, which was most realistic about the actual state of affairs in the country.

At the same time Russia stepped in full swing on Serbia's political scene, notably at the time the energy agreement was still pending. Non-transparency of the energy bid caused many reactions in the Serbian public, including those from some member-parties of the ruling coalition. However, that was all there was to the story.

The reliance on Russia was relativized once international circumstances changed primarily because of the global economic crisis affecting Russia as well. After the World Economic Forum in Davos Serbia's politicians again reverted to the EU looking forward to its financial assistance and solidarity such as those given to Hungary and other countries affected by the crisis. In the meantime, due to the crisis the EU became hesitant about further enlargement.

Speaking of Serbia's neutrality it primarily relates to the membership of NATO. "Neutrality" is what Serbia owes to Russia. This is why the 10<sup>th</sup> anniversary of NATO intervention was utilized for propaganda against NATO in which even Russia's official representatives participated. Russia's motives are obvious: it tests the EU in the Balkans to prove that the Union lacks a security mechanism and strength for maintaining the order of the region. Republika Srpska is in the same "deal" as Serbia. Dimitri Rogozin, the Russian Ambassador to NATO, asserted the right of Republika Srpska to secession as he invoked the case of Kosovo. Russian expert in geostrategy, Alexander Dugin, said, "The Serbs now stand the chance to act as a trigger. And that could change the course of the world's history..."

The relations with the United States remain the most complex as they are ambivalent and filled with emotions. The campaign for the US presidency was followed with great attention and assessments of the administration likely to show more understanding for Serbia. Barrack Obama's victory was met with enthusiasm in liberal circles. However, conservative circles have been perceiving his presidency with a grain of salt because of Clinton and, generally, the Democrats. Hillary Clinton's appointment as Secretary of State, as well as appointments of many figures from the Clinton era to major offices in the new administration fueled reservation about it. The Miladin Kovačević case just added to the animosity for Hillary Clinton who had insisted on his extradition to the States.

## Economic Developments

In its 2008 Serbia Progress Report the European Commission says that the Serbian economy continued dynamic growth and made some progress towards establishing a functional market economy. However, high economic growth rates were followed by growing external imbalances, while economic weaknesses sharpened in light of the global financial crisis. Fiscal policy remained expansionary in 2008, which contributed to a renewed rise in inflation. Despite high economic growth rates in recent years unemployment is still a major challenge. Some progress was made in the area of privatization but structural reforms generally slowed down. The country continued to attract direct foreign investment but the climate of political instability made some investors back up. A competitive and dynamic private sector has not yet been fully established. Additional efforts need to be exerted to capacitate Serbia, in the medium run, to cope with competitive pressure and market forces within the Union.

The core of Serbia's economic crisis is in the country's inability to renounce economic populism. Serbia would be faced with problems even was it not for the global crisis because of inadequate governance. In late 2008, public expenditure practically exploded despite the fact that the global crises has already been in full view. Without reform and modernization of the system the IMF loan will hardly assist Serbia in overcoming its crisis. Without more rigorous saving policy, less costly state administration and more rational social spending Serbia would hardly exit the crisis. This implies privatization of socially-owned companies and putting an end to party monopoly over the economy, as well as lower taxes that would boost entrepreneurship and dwindle gray economy and corruption. Without such cuts the IMF loan would solve nothing.

On the other hand, small progress was made in the area of legislation and adoption of European standards, while the enforcement capacities for the protection of competition are weak. Small progress has been made in implementation and availability of information technologies and media. A comprehensive and efficient system of internal control over public

finances has not been yet established. Money laundering and organized crime still figure as serious problems.

## Minorities Still on the Margins

The state's and the society's attitude towards minorities is still a major obstacle to Serbia's speedier democratization and pluralization. Serbia has missed the opportunity to make some major steps that would have improved the position of national minorities. This primarily refers to improvement of minority legislation. Major institutional headways such as the establishment of the Ministry of Human and Minority Rights or bureaus for minorities' culture remained in the shade of the long expected law on councils of national minorities.

After Kosovo's independence declaration and out of fear of Serbia's further fragmentation, Vojvodina's new draft statute was „interpreted“ in the context of „creation a state within a state.“ Accusations of separatism did not bypass minority politicians who had backed the draft. Such allegations add tension to interethnic relations. This, in addition to strong feeling by some minorities (Wallachians, Macedonians and Montenegrins) that they are being discriminated in the exercise of their religious rights – the feeling totally ignored by the political class – unavoidably leads to internationalization of their problems.

Overall, the state would still not pursue, in full sincerity, a minority policy of integration into larger political, economic and cultural community. This is particularly relevant to territorially concentrated minorities such as Bosniaks, Albanians and, to a large extent, Hungarians. However, Hungarians are the best organized minority community despite the fact that they are fewer and fewer since younger generations more and more seek their future in their mother country.

## Regionalization of Serbia

Serbia has not yet seriously begun working on territorial reorganization in accordance with contemporary standards, notably in the area of decentralization and self-government. The issue best mirrors the rigidity of the state's conservative concept that acknowledges only extreme centralism as a form of governance. Given that Serbia is a country with remarkable regional identities – characteristic of Vojvodina in particular – the tension between the center and the periphery is on the upward curve. The tension is best mirrored in the centralized economy concentrated in three cities: Belgrade, Novi Sad and Nis. Economic devastation of the province results in population's constant move from periphery to major centers or young and educated people's move to the West. Serbia's political class strongly opposes decentralization, which it perceives as dissolution of the Serb state. This is why Vojvodina's attempt to have its statute (of a rather limited range of authority) adopted has now become a target of so many allegations and accusations of secessionism or establishment of a new state. The region of Sandžak is plagued by other problems as well such as the attitude towards Islam and its perception as a serious threat to Serbia's stability.

## Media: A Weak Transitional Link

The media are among the weakest links in transformation of the Serbian society along more modern lines. The ideological matrix created for the media before ex-Yugoslavia's disintegration, the one meant to justify the wars to come, persists in the public discourse. It not only dominates all tabloids without exception but is also present in by far more influential media such as *NIN*, *Večernje novosti*, RTS, etc.

This is about an ideological matrix that relativizes and levels up all "extremists" – neo-Nazis and anti-fascists, nationalists and adherents of civil society, radicals and liberals, unionists (the term used to denote the people supporting Serbia's course towards the EU) and isolationists, etc.

– but this is also about relativization of the recent past meant to abolish responsibility for it.

“The media speech” resembles the one circulated in 1990s and mostly due to the fact that its promoters have remained almost the same: from Dobrica Ćosić to Milorad Vučelić. As they hold on the same theses (secessionism of western republics disintegrated Yugoslavia; the international community played a dishonorable role in the process; illegitimate and illegal bombardment of Yugoslavia in 1999; Kosovo’s independence declaration as an illegitimate and illegal seizure of a part of Serbia’s territory, etc.) many members of that most influential intellectual circle keep Serbia in a pre-modern state: territorial expansion at the cost of “inner” modernization.

## Army, Police and Human Rights

Transformation of the army and the police is too slow-paced and inadequate when compared with the problems facing Serbia. Membership of the *Partnership for Peace* has considerably prepared the army for a fundamental transformation. Almost all wartime cadres have been pensioned off, the number of recruits has been reduced and focus has been placed on modern education for military officers. In this context significant co-operation has been established with the United States, Norway and the Great Britain. However, the pressure for putting an end to such army reform resulted in the deposition of Head of General Staff Zdravko Ponoš perceived as a prominently pro-Western commander. His removal from office slowed down the reformist course notably towards Serbia’s candidacy for the NATO membership. This also explains the “hysteria” over “marking the 10<sup>th</sup> anniversary of NATO bombardment.”

As for the police, the newly appointed Police Minister Ivica Dačić is the most featured and active member of the incumbent cabinet, which indicates that his work is publicly recognizable. Ivica Dačić – both manifestly and actually – restored the image of the police as law enforcement institution coping with the problems that have been neglected for decades. Just a

couple of days after his appointment Radovan Karadžić was apprehended. The manner in which Karadžić was tracked down and arrested indicated that he had actually been under the aegis of the state all the time.

## Religion and Human Rights

Religion and churches again have significant roles worldwide and particularly in transitional societies such as post-communist ones. The long-standing crisis, collapse of the old value system, resistance to transition and reforms, wars and massive war crimes opened the door to all forces opposing any change. The problem can be seen from two angles: one being freedom of religious expression and exercise as a basic human right, and the other the Church's attitude towards human rights. The part the Serbian Orthodox Church has played in national politics and state-building has overmatched its religious role.

Religion is becoming more and more important. Moreover, it has a communicational dimension – i.e. predisposition for dialogue. Such dialogue can be built on human rights and human dignity – on major messages deep-rooted in Biblical tradition. To be able to productively intercommunicate religion and modern times the Serbian Orthodox Church first needs to face up its role in the late 20<sup>th</sup> century and assume responsibility for its support to the war and the Greater Serbia project, and for turning a blind eye to the crimes committed in the name of a destructive ideology.

## **Attitude towards the Recent Past and Cooperation with the ICTY**

Arrests of Radovan Karadžić and Stojan Župljanin commended the new cabinet to the EU. However, in some other aspects the cooperation with the ICTY made no progress. Ratko Mladić and Goran Hadžić are still at large, which is a major obstacle to Serbia's candidacy for the EU membership. However, it is elemental disrespect of the ICTY and nonrecognition of the sentences passed over years that figure as the main problem in Serbia's cooperation with the tribunal in The Hague. Not a single sentence has been properly presented to the public or a lesson drawn from any to make it easier for the society to cope with the past and enshrine the standards leading to establishment of moral values. The same refers to national courts, i.e. to the Special War Crimes Court. The state strategy is the one of minimizing the responsibility of the Serb state and its institutions. National courts, therefore, usually try individual perpetrators but never the overall context and the state's responsibility. The state's attitude towards the ICTY has actually normalized crime and relativized its own responsibility rather than reaffirmed "the lost sense of justice."

## Prospects

Most important for the societies marked by high social tensions and integrative incapacity – in ethnic and in much larger sense – are decreasing conflict-generating potential and favorable conditions for social development and stability. When it comes to Serbian society Euro-Atlantic prospects are most likely cohesive factors for mobilizing people's energy for a modern vision. Unfortunately, Serbia has not yet reached a political consensus on that major issue. The SAA signed with the EU in April 2008 testifies of its significance: it mobilized the electorate and secured victory to the pro-European bloc. However, the uncertainties of Serbia's membership of NATO are still in place and will be generating tensions in the period to come.

Serbia has not yet begun to build institutions that would systematically and in the long run render the society compatible with the EU. Therefore, it is necessary to have Serbia as much as possible committed to European integrations so as to gradually create a connection that would bring about qualitative change. Without a serious engagement of the EU Serbia would hardly move towards Euro-Atlantic integrations. The global crisis, along with the domestic one, is the circumstances that could make the society as a whole realize that Europe is their only alternative.



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## Social Context – Xenophobia, Racism and Intolerance



# Violence as a Way of Life

The wars waged in the territory of the former Yugoslavia during the last decade of the 20th century left a deep imprint on the Serbian society with unforeseeable consequences.

During the war years, several generations of young people, raised on the model of unsanctioned violence, came of age. Thus, a new cultural pattern has developed from radical ethno-nationalism and the exclusion of the other, not merely on ethnic and religious grounds, but also on political ones. Time has come when the consequences of the 1990s began to manifest themselves in one more form. Namely, the generations of young people, who were raised on state propaganda, RTS News Programme, “tough street boys”, hunger and hopelessness, began to apply the patterns they had learned on a massive scale. Violence in schools, on the streets, at sports events, against minorities or those who think differently, has become almost a part of daily routine.

As for the sociological factors of violence, which accompanied the process of transition and the wars of the 1990s, there are a few basic indirect ones “which are assumed to be relevant and for which it can be said that they have been generating a simultaneous and continuing effort since the 1990s. Those are: 1. economic deprivation of a great number of inhabitants, manifested as absolute deprivation (stratification and polarization); 2. social disorganization, characterized by anomie and reduced scope for legitimate subsistence provision, 3. exposure to violence, models of violence and increased tolerance towards violence; 4. widespread presence of weapons and 5. decline in the efficiency of formal crime control, including police crime solving efficiency.”<sup>7</sup>

Aggressiveness, violent behaviour and the achievement of the desired aims by unlawful means, that is, the violation of both social and legal norms, coupled with the absence of punishment, led to the breakdown of

<sup>7</sup> Biljana Simeunović-Patić, “Ubistva u Srbiji u kontekstu tranzicije i rata” (Killings in Serbia in the Context of Transition and War), 2003. <http://www.doiserbia.nbs.bg.ac.yu/img/doi/1450-6637/2003/1450-6637030433S.pdf>.

social values and social norms regulating and sanctioning a socially undesirable behaviour.<sup>8</sup>

Serbia bears a great responsibility, as a state, for the wars of the 1990s. Thus, its denial of participating in them resulted in the development of an opportunistic social model of behaviour in which any responsibility is avoided. Over time, continuing violence in the public sphere has become a “legitimate” and common pattern of behaviour, coupled with the absence of any critical reaction or punishment, led to the lasting desensitization of society to violence.

The consequences of society’s moral neglect are apparent, while the assassinations or attempted assassinations of government officials, burning of religious buildings, killings, rape, harassment, physical assaults and the violation of the human rights of minority communities are the exponents of the crisis that is still shaking the Serbian society.

The post-2000 period is marked with an upsurge of various movements with pronounced nationalist views, such as: Obraz, Nacionalni stroj, Dveri srpske, Krv i čast, Svetozar Miletić, Nacionalni front, Stormfront, Reactionists, Skinheads... All these organizations are on the markedly right

8 Violence always relies on the unlawful or lawful use of force. When we speak about political violence, its degree depends on the extent to which a public authority is the holder of economic, religious, ideological and/or political power. In his book *Power: A Radical View*, British sociologist Stephen Lukes tackles the problem of political power. His basic thesis is that the idea about contemporary “participative” or „polyarchic” democracy, in which institutions are “arches” under which the holders of legitimate social interests negotiate a compromise, which then becomes official policy, cannot be realized in any modern democracy for a principled reason, because this utopian theory completely ignores the power of the state as a separate entity. According to this theory, political power derives its strength from the initial and last instance of every form of human organization in the contemporary Western world. That is the power of the state which behaves like an autonomous entity, but depends on the social and political context of society. In the situation in which Serbia has found itself, this thesis of the British sociologist would be applicable if Serbia reached the development level of its democracy like in Western countries. But, Serbia’s institutions do not pursue the “legitimate social interests” of different groups of the population – ethnic minorities, citizens of AP Vojvodina, Roma, women, etc. Such a position has not even been secured for the majority population.

side of the political spectrum and their views on national interests, foreign policy and Kosovo coincide to some extent. It is very important to differentiate them, because not all these organizations propagate violence. Extremist rightist organizations were encouraged by the political climate of nationalism, xenophobia and intolerance, which was characteristic of the Koštunica Government. Due to the absence of resolute reaction by the state to the incidents caused by such organizations, their room for manoeuvre remains open. The groups Nacionalni front, Stormfront, Racionalists and Skinheads especially distinguish themselves by their intolerance and even militancy.<sup>9</sup> "... The objects of their hate are mostly minorities: non-governmental organizations, liberally oriented political parties or individuals, homosexuals, Roma, Jews, Albanians or members of some other ethnic minority".<sup>10</sup> These groups represent relatively easy targets for attack, since the authorities are continuously demonstrating their inability (or unwillingness) to protect such groups.

Instead of democratic and economic consolidation, after the change of the regime in 2000, Serbia plunged into a continuous political crisis. Being incapable of freeing itself from Milošević's legacy and partly just due to it, the Serbian society was (and still is) unable to face the current political, economic and social problems and challenges.

In contrast to the Milošević regime, when the financial and political power was centralized, the post-2000 period is characterized by the

9 In Sombor, in mid-June 2007, a group of Skinheads beat Dalibor Borota to death, after the concert of the punk-rock group "Ritam nereda". Thirteen young men were arrested; nine were suspected of murder and four of the criminal offence of stirring up ethnic, racial and religious hatred. "Ekstremizam: podrška političke elite" (Extremism: Political Elite Support), [www.rezmagazin.com](http://www.rezmagazin.com), July 2008. One month before this event, the activists of the Peace Caravan were attacked by members of a similar movement in Niš. Several activists were injured and one participant received cuts to the head and neck by Skinheads with a broken bottle. After the fight, six attackers were arrested and charged with a disciplinary offence, not a criminal one, although they attacked the Caravan participants on ethnic and religious grounds. "Ekstremizam: podrška političke elite" (Extremism: Political Elite Support), [www.rezmagazin.com](http://www.rezmagazin.com), July 2007.

10 Ekstremizam: podrška političke elite (Extremism: Political Elite Support), July 2007; [www.rezmagazin.com](http://www.rezmagazin.com), July 2007.

increasing diffusion of different centres of power and different pressure groups, which resulted in a fierce fight for supremacy in the spheres in which power is concentrated. And as this fight continues, the society faces instability, uncertainty, irresponsibility and – not surprisingly – violence at all levels.

## Political Violence<sup>11</sup>

Political violence is characteristic of the whole Balkan region, which clearly shows that it is still in the pre-modern stage. The pattern of violence in the region marked Serbia's transition from a single-party to multiparty system, in addition to the wars of conquest, wages in the territory of the former Yugoslavia during the last decade of the 20th century. The demonization and dehumanization of others, which was carried out through mass propaganda, in which the media played a crucial role, provided the scope for brutal physical violence. In Croatia, the Serbs were mobilized around the genocide in Jasenovac and, in Kosovo, around cultural genocide against them. An active part in all this was played by the Serbian elite, lending its authority to propaganda machinery. The bloc against all others in Yugoslavia was formed on the pretext that the Serbian people was endangered.

After the lost wars and after the signing of the Dayton Peace Accords (1995) and the Kumanovo Agreement (1999), violence returned to Serbia. The last months of the Milošević regime were characterized by pronounced

<sup>11</sup> As a complex and multidimensional topic, violence poses a challenge for research and requires a stratified approach in order to enable a more comprehensive insight into the phenomenon that is as old as mankind and, to a greater or lesser degree, changes its form, depending on socio-historical, political, economic and other circumstances. It seems that a more comprehensive understanding of violence requires a multidisciplinary ecological insight into this widespread phenomenon. For a better understanding of the focus of Serbian public attention on violence in the early 21st century, it is necessary to take a look back. Serbia's most recent history has left many scars, while the Serbian society is an arena in which the desensitized public indifferently watches violence every day, as if it does not concern it at all, or as if it does not bear any responsibility for it.

repression by the state apparatus, especially against its political opponents, independent media (the Media Law of October 1988) and one part of the non-governmental sector. Political violence undoubtedly culminated in the abduction and brutal assassination of Ivan Stambolić and Slavko Ćuruvija.

The brutal assassination of Prime Minister Zoran Đindjić, which was preceded by the assassination of the former Serbian President, Ivan Stambolić, is more than the symbol of that violence. At the same time, it meant a showdown with the reform, pro-European orientation and its proponents. Thus, a showdown with political opponents points to one important fact, which is hardly considered by anyone when speaking about Serbia's potential for change. Namely, Serbia is in a pre-political state, which is older than the latest wars, but has now been laid bare.

Despite the formal existence of a multiparty system, Serbia is not substantively pluralist. Impoverished, frustrated and demoralized, it is unable to find its inner balance by establishing a modern system of government, which shows respect for the human rights of its citizens. Serbia has not yet embarked on the process of democratic transition, which implies the reconstruction of all social structures or, in other words, radical transformation of its political, economic and cultural sphere. In addition, the collapse revealed the deep roots of Serbia's lack of enlightenment, which is especially reflected, as noted by the only Yugoslav Nobel Prize winner, Ivo Andrić, in the absence of respect for man, his dignity and full inner freedom. The wars revealed the depth of the historical strata of repression in the Balkans and the lack of instruments for solving moot questions between ethnic and religious communities, so that "natural state" imposes itself as a normal option.

The minority question is one of the most important indicators of ethno-nationalism and related ethnic exclusion. The state that is constituted on ethnic lines cannot solve the minority question in a democratic way, because it usually treats minorities as a disturbing factor. In such an atmosphere, the minorities seek the solution in various forms of autonomy and a special status which, in turn, arouses suspicion about their loyalty

and strengthens the belief that ethnic pluralism is a burden that should be shaken off.

That model is also characterized by the exclusion of political opponents from political life and their total marginalization. That was the case, for example, with Čeda Jovanović and all other associates of Prime Minister Zoran Đindjić, Nataša Mičić and Žarko Korać, as well as many leaders of NGOs.

Due to the presence of the international community in Serbia, the potential of its nationalists to persist on the ethnic model is substantially reduced. However, their potential to generate ethnic homogenization, chauvinist campaigns, ethnic violence and isolationist, great-power policy is still great, thus leaving a deep imprint on interethnic relations.

## The Culmination of Political Violence in 2008

The year 2008 will be remembered for some mass protests that were accompanied by violence. Here mention should be made of the protest organized by one part of the citizens against the proclamation of Kosovo's independence and the reaction to Radovan Karadžić's arrest. At both rallies there were clashes with the police, but there are also characteristic differences between them.

The first reaction to the proclamation of Kosovo's independence was the organized violence of a group of protesters in northern Kosovo. Cars and border crossings were set on fire. Several offices of the Liberal Democratic Party were demolished, while some NGOs, which advocated the acceptance of a new reality in Kosovo, were demonized through a media campaign. However, only a few days later, the Democratic Party of Serbia,<sup>12</sup> together with several coalition partners and the Serbian Radical Party organized (on 21 February 2008) the "Kosovo Is Serbia" rally on Republic Square, which continued in front of St Sava's Cathedral, where

<sup>12</sup> The leader of this party, Vojislav Koštunica was Serbian Prime Minister at that time.

the prayer service was held. However, during the prayer service, a group of "rioters" stormed the American Embassy, throwing torches, smashing the windows and burning the American flag. After the intervention of the special police units, which arrived in ten or so Hammer jeeps, in Kneza Miloša Street, the "hooligans" ran away. The situation on Belgrade's streets calmed down only around midnight.

Apart from the American Embassy, the Croatian Embassy was also attacked, while one house adjacent to it was set on fire. During the evening, the British Embassy was also attacked and the guard booth in front of it was demolished. The guard booth in front of the Embassy of Bosnia and Herzegovina, in Krunска Street, was also demolished, while the Turkish and Slovenian Embassies were stoned. The German, Belgian and Canadian consular missions were also attacked. A McDonald's restaurant on Slavija Square was completely demolished, while several cars, parked in front of it, were set on fire. During the evening, the rioters set off for the B92 building but, thanks to the intervention of Defence Minister Dragan Šutanovac,<sup>13</sup> they were stopped by the police. A large number of trash bins standing along the rioters' route through the city were overturned and set on fire.

During rioting, more than 90 shops were damaged, 212 persons were injured and one person lost his life. The charred body of Novi Sad student Zoran Vujović (21), a refugee from Kosovo, was found inside the American Embassy. The Embassy confirmed that it was not the question of any of its security guards. It is believed that he was suffocated by dense smoke.<sup>14</sup>

These protests were covered by all television networks in the world and the American Ambassador reacted immediately after the Embassy was attacked. The first official statement given by then Acting Public Prosecutor Slobodan Radovanović was that "according to the first assessments, it is the question of offences against public order and tranquility, against property, against government bodies, as well as the and against , Deputy

13 Minister Dragan Šutanovic went to the TVB92 buildings with his security guards and warned that he would intervene should the police fail to appear.

14 Jedna žrtva nasilja u Beogradu (One Victim of Violence in Belgrade), [www.B92.net](http://www.B92.net), 22 February 2008.

Public Prosecutor, was that “according to the first estimates, it is the question of punishable acts against public order and peace, against property, against government bodies, as well as of an offence impairing the reputation of a foreign state”. During the first night the police detained nearly 200 rioters.<sup>15</sup>

It was clear that the police reaction absolutely failed. Allegedly, they failed to properly assess the likely targets. Namely, the police were not present in front of the attacked embassies, although the protesters’ reactions could be predicted. By deliberately violating its international obligation to protect foreign diplomatic missions in its territory, the Serbian leadership, headed by Vojislav Koštunica, wished to send a clear message to the international community, which could be conditionally understood as a kind of retorsion in international relations. Then Infrastructure Minister Velimir Ilić said: “Foreigners broke our country and we only a few of their windows. They must learn that it too is democracy”.<sup>16</sup>

In the document issued by the Ministry of the Interior it is stated that the rally was not formally reported to the Belgrade Police Administration or the relevant territorial police unit.<sup>17</sup> The rally was announced in the media and was held in police presence. However, since it was not reported to the police, it is clear that the organizers bear the responsibility for rioting during this “illegal” rally.

All violent incidents during V. Koštunica’s mandate were characterized by the absence of a resolute, prompt, adequate and visible reaction, as well as the absence of responsibility. The reaction was the same as the reaction to the violence in Kosovo in March 2004, when violent protests were organized in Niš and Belgrade.<sup>18</sup>

15 “Paljenje američke ambasade u Beogradu bila je politička odluka” (Setting fire to the American Embassy in Belgrade was a political decision), [www.index.hr](http://www.index.hr), 23 February 2008.

16 “Ilić: Demokratija je razbiti prozor” (Ilić: Breaking a window is also democracy), [www.B92.net](http://www.B92.net), 20 February 2008.

17 Država organizovala nelegalni miting (The State Organized an Illegal Rally), *Danas*, 5 September 2008.

18 The protesters began to throw stones on the local mosques and, during the evening, set to fire both mosques. The failure to issue an order to the police to intervene shows that there was a tacit approval for the attacks on the Muslim religious buildings in

## The Arrest of Radovan Karadžić

The arrest of Radovan Karadžić, which attracted worldwide attention, triggered a series of protests on Belgrade's streets, which was announced by several rightist organizations, including the Serbian Radical Party. At the protest one could see the flag of the ultra-rightist organization Obraz as well as many pictures of Radovan Karadžić and Ratko Mladić. The protest rallied several hundred people, including fifty or so hooligans, who clashed with the police. The rioters were smashing the windows and furniture of the nearby cafés, lighting torches and setting off strong firecrackers. After the call of Aleksandar Vučić, Secretary General of the Serbian Radical Party, the group began to disperse.<sup>19</sup>

As opposed to the protest against the proclamation of Kosovo's independence, this rally was better protected and the authorities were resolute in their efforts to minimize violent behaviour. Although the organizers called on the rally participants to protest peacefully, the rally got out of control due to a group of extremists who clashed with the police. They derived the lecture from the previous riots on Belgrade's streets and came to the rally wearing shawls, hoods and caps so as to prevent their identification in video recordings. Such a "preparation" points to their intention not to protest peacefully. Regardless of whether the hooligans became violent on their own, despite the organizers' call for a peaceful protest, it is probable that most of them were football fans, who took advantage of the situation to display their animosity towards the police. However, they

revenge for the attack on the Orthodox churches in Kosovo. After more than a year, there appeared the transcript of the conversation of then Interior Minister Dragan Jocić with Miroslav Milošević, then head of the Public Security Service, and Milan Obradović, then head of the Belgrade police. Jocić himself ordered Obradović not to use force against the rioters. The approval for police intervention came too late and so did the assistance of the Gendarmerie from Novi Sad. "Džamija gori, Jocić se češlja" (Mosque in Flame, Jocić Is Combing His Hair), *Blic*, 8 June 2005, p. 4. <http://82.117.206.29/Develop/vesti.nsf/feaee540dc011162c1256e7d0032cb98/4751ac4661bc4a2ec12570190070424d?OpenDocument>.

<sup>19</sup> Razisko se grupa demonstranata (Group of Protesters Dispersed), [www.B92.net](http://www.B92.net), 22 July 2008.

probably did not count on the resoluteness of the police to stop clashes, instead of displaying false hesitancy and ignoring the seriousness of the situation like on 21 February 2008.

Although that same evening, after Karadžić's arrest, the police sent a clear message that such violence would not be tolerated, the protests because of his arrest and transfer to the Hague Tribunal continued each day, disrupting traffic in Belgrade. The police, that is, the government did not take any step to prevent everyday traffic chaos. On the other hand, the police did not take Helsinki Committee under their protection when this group of protesters decided to intrude into the building in which the Committee has its office and left a swastika at the entrance to the building. A similar situation happened with other NGOs, such as the Fund for Humanitarian law and the Committee of Lawyers for Human Rights (YUCOM).

## Violence Against Journalists

In the chaotic atmosphere of the 1990s, any attempt to exercise the freedom of speech contrary to official policy could lead to persecution, threats, beating or even murder. During the Milošević regime, two journalists paid the denunciation of its policy with their lives: Dada Vučasinović and Slavko Čuruvija. However, journalist Milan Pantić was murdered after Milošević's demise, while Dejan Anastasijević was not injured in the attempted murder against him in 2007 only by pure chance. Despite the long-standing insistence of their families and journalist associations, these three murders and an attempted murder against Dejan Anastasijević have remained unsolved.

**The case of Dada Vučasinović** still causes excitement whenever a new inquiry into her death is launched. On 9 April 1994, Dada Vučasinović was found dead in her flat in Treći bulevar No. 118, in Novi Beograd, with a gunshot wound from the hunting rifle belonging to her father Rade Vučasinović. In the opinion of the police inspectors who came on the spot, Dada Vučasinović most likely committed suicide with the hunting rifle after a nervous breakdown. However, this story about her suicide did not sound

convincing from the very beginning. Considering her delicate build, it is highly unlikely that she alone could pull the trigger.

The criminal investigation was accompanied by various irregularities, omissions and oversights<sup>20</sup> and the case has remained unsolved. One year after the death of this journalist, the District Prosecutor's Office dismissed the criminal charges against an unknown person. In 1996, a new investigation was requested and super-expertise was made. The case was reopened at the insistence of the journalist's parents and the Independent Journalists Association of Serbia (NUNS). At the end of 2006, an additional expertise was called for and the following year the investigative judge appointed a new ballistics expert. After fourteen years, the court expert asserted that journalist Dada Vučasinović was murdered and that it did not commit suicide, as was the official version of this case given by the investigative and judicial bodies.<sup>21</sup>

**The Case of Slavko Ćuruvija:** Right in the middle of NATO bombings, on 11 April 1999, after the creation of the lynch atmosphere, Slavko Ćuruvija, the journalist and editor-in-chief of the newspapers *Dnevni telegraf* and *Evropljanin*, was murdered. Although eleven years have elapsed since his murder, it is still not known who ordered it and who were the killers.

Ćuruvija was under continuous surveillance by the state security service and the traces point to the responsibility of its former head, Radomir Marković, former head of the Belgrade security service, Milan Radonjić, secret service members Ratko Romić and Miroslav Miki Kurak, as well as to Mirjana Marković, the wife of the late Yugoslav President Slobodan Milošević.

In 2003, the police found the witness who identified Luka Pejović, former member of the Special Operations Unit (JSO), as the killer. However,

<sup>20</sup> The fingerprints from the rifle were not taken; the traces of two blood groups were found on the crime scene, etc.

<sup>21</sup> Dada ipak ubijena? (Dada's Death Still Murder?), *Mondo*, 12 June 2008.

he was killed in 2000,<sup>22</sup> while his two accomplices are still at large.<sup>23</sup> As late as 2006, then Special Prosecutor Slobodan Radovanović ordered an investigation, stating that this was a political assassination and that the investigation was opened against a great number of persons. However, everything ended up with a preliminary investigation.

Mirjana Marković's interrogation in connection of Ćuruvija's murder has never been ordered, although it is known that she stood behind the threat that appeared in an article published in Belgrade daily *Politika ekspres*. Let us recall that the murder was preceded by the commentary titled "Ćuruvija Welcomed Bombs", which marked the beginning of the persecution of this journalist.

However, the democratic government did not display the readiness to clear up this crime either. The state security archives have not yet been opened. One of the assumptions of the people standing behind this murder is that its significance will diminish with the passage of time.

**The case of Milan Pantić**, *Večernje novosti* correspondent from Jagodina: The death of Milan Pantić has not yet been investigated although, in contrast to the murder of his two colleagues, he was not killed during the Slobodan Milošević regime, but after the democratic change of power in Serbia, on 11 June 2001.

Pantić was killed immediately after the democratic change with several blows to the head with a blunt object at the entrance to his house, on 11 June 2001. He published several articles about economic crimes in the Pomoravlje District in daily newspaper *Večernje novosti*. He also wrote about corruption in Jagodina Brewery and Popovac Cement Factory. Despite the promise that all available resources would be engaged so as to solve this murder, the Prosecutor's Office has not yet announced itself and the case is still in the Jagodina police.

Pantić's wife said that she increasingly less believed that the murder of her husband would ever be solved and that his killers would be brought

22 Bilo je dokaza za ubistvo Ćuruvije (There Were Proofs for Ćuruvija's Murder), [www.B92.net](http://www.B92.net), 1 October 2008.

23 "Šta čeka vlast?" (What the Government Is Waiting for?), [glas-javnosti.co.yu](http://glas-javnosti.co.yu), 24 October 2003.

to justice. She also said that "after seven years new facts and data must appear". However, she doubts that because "everything that could be done – was done, about 2000 persons were interrogated, but there is no result".<sup>24</sup>

In this connection, then Interior Minister Dragan Jočić gave a very problematic and disturbing statement: "I must say that there was no intent to kill this journalist. That was just an unhappy coincidence. The one who had ordered, or those who had been ordered to threaten him, just overreacted. And the man was killed by accident."<sup>25</sup>

**The case of Dejan Anastasijević:** In the night, on the eve of 14 April 2007, someone left a hand grenade on the windowsill of the journalist's bedroom. It exploded causing serious material damage. The attack was characterized as an attempted murder with the elements of terrorism. Attempted murder is sanctioned like a completed criminal act and the court may alleviate punishment. There are: ordinary murder (Article 113 of the Criminal Code), which is punishable by imprisonment for a term of 5 to 15 years, and aggravated murder (Article 114 of the Criminal Code) which is punishable by imprisonment for a term of 10 to 30 or 40 years. President Tadić called the attack "the most serious attack on the state", while the police stated that this case would be given priority treatment. However, the case has not been solved to this date and as time passes the chances of finding the perpetrators are getting slimmer.

Dejan Anastasijević was covering the wars in the territory of the former Yugoslavia; he appeared as a witness in the prosecution case against Slobodan Milošević in the Hague Tribunal and continued to actively investigate and write about war crimes, as well as about organized crime and state security services in Serbia. He especially attracted public attention by his writings about the cases of "Scorpions" and "The Murder of Bitici Brothers" for which the trials are held before the War Crimes Chamber of the Belgrade District Court.

In Anastasijević's opinion, the attack is linked to his being summoned to appear once again in the Hague Tribunal as a witness in the cases against

24 Godišnjica ubistva Milana Pantića (The Anniversary of Milan Pantić's Murder), [www.B92.net](http://www.B92.net), 11 June 2008.

25 *Ibid.*

Vojislav Šešelj and Jovica Stanišić. He was not informed by the Prosecutor's Office that he would be summoned, but Stanišić's and Šešelj's defence counsels were informed. Anastasijević said: "I have no proof, but there are these two circumstances; after all, it is known that many witnesses have perished. In the case of Jovica Stanišić we have the murder of the former head of the Loznica police, Jeknić, who also had to testify against Stanišić. The man was found dead in his car with a bullet hole in his head".<sup>26</sup>

## Attacks on Journalists Continue

The latest attack on a media representative took place during the protest against Radovan Karadžić's arrest, which was organized by several "patriotic" organizations, with the assistance of the Serbian Radical Party. Namely, B92 TV cameraman **Boško Branković** was injured while filming the assault by a group of protesters on the FoNet News agency photographer. Branković was badly injured and his camera was smashed. The incident happened in the immediate vicinity of the policemen who did not intervene.<sup>27</sup> The attackers were identified: Milan Savatić was accused of being the main attacker, while Stefan Milićević and Nikola Lazić were accused of "being in a group of persons who, by joint action, inflicted serious bodily injury on Branković".<sup>28</sup>

Despite the fact that the Director of the Sports Hall in Vranje attacked Vranjanske novine journalist **Dušan Đorđević**, the trial has not yet started. **Dinko Gruhonjić**, President of the Independent Journalists' Association of Vojvodina, received threats from Nacionalni stroj, but the case ended up with the filing of criminal charges against an unknown person. Last

<sup>26</sup> Anastasijević: Godišnjica napada (Anastasijević: Attack Anniversary), [www.B92.net](http://www.B92.net), 14 April 2008.

<sup>27</sup> [www.B92.net](http://www.B92.net), 25 July 2008. Press release – "Na protestu napadnut snimatelj B92" (B92 Cameraman Attacked During Protest).

<sup>28</sup> [www.B92.net](http://www.B92.net), 23 September 2008, "Suđenje za napad na snimatelja B92" (Trial for B92 Camerman Attack).

March, the journalists of Dnevnik and Građanski list, **Zorica Milosavljević** and **Slađana Stojanović**, were expelled from the SRS Municipal Council's annual session in Sremski Karlovac with police assistance.<sup>29</sup>

A group of journalists was attacked in Zaječar while trying to write about the murder of Saša S. at the swimming pool during the crime scene investigation. The victim's friends tried to prevent the investigation and attacked the journalists. The journalists were attacked not far from a policeman guarding the crime scene. The conflict was stopped after the intervention of the police inspectors carrying out the investigation. However, the attackers were waiting for the B92, Pink and Avala TV crews in front of the editorial offices of the Media House agency. They requested the film, suspecting that they had filmed something on a new cassette. The journalists were threatened with death if they reported what had happened. The crews of all television stations requested police protection.

In reaction to this attack, Interior Minister Ivica Dačić ordered that all journalists should be protected against pressures and attacks, thus being able to inform the public objectively.<sup>30</sup>

The police detained Igor P. (1978) and Miljan M. (1979) on suspicion of committing this criminal offence – preventing an official from performing his official duties – and against them criminal charges were brought. When trying to photograph the funeral procession accompanying the body of the killed Wahabi Ismail Prentić<sup>31</sup> in Novi Pazar, journalist **Zoran Šaponjić** was attacked by a group of men. He received several blows in the head and his photo camera was taken away and smashed, although he introduced himself as a journalist. A more serious accident was prevented by several participants in the funeral procession.<sup>32</sup>

29 "Napadi na novinare uglavnom nekažnjeni" (Attacks on Journalists Mostly Remained Unpunished), [www.politika.rs](http://www.politika.rs), 9 January 2009.

30 [www.B92.net](http://www.B92.net), 14 July 2008.

31 On 20 April 2007, Ismail Prentić, designated as a terrorist group leader, was killed in the police action taken in a hamlet, about seven kilometers far from Novi Pazar. One member of the group, Senad Ramović (34), was wounded, while Safet Bećirović (59) was arrested.

32 "Na sahrani vehabije napadnut novinar" (Journalist Attacked at Wahabi's Funeral), Kurir, 21 April 2007.

## Punishments

In 2008, in Serbia, one hundred or so attacks on journalists were registered, but only one attack was processed.<sup>33</sup> The number of attacks (35) on journalists, photo reporters and cameramen, registered in the first seven months of 2008, far exceeds the statistical annual average.<sup>34</sup> The NUNS also mentions that "during September (2008) the colleagues were attacked a number of times throughout Serbia and that militant groups, unsatisfied with certain media editorial policies, continued to intrude into editorial offices".<sup>35</sup> As it seems, the attackers on journalists most often remain unidentified or unpunished.

The Association of Journalists of Serbia (UNS) proposes more severe punishments for those who attack journalists and the inclusion of such provisions in the announced amendments to the Law on Public Information, since that is easier than to amend the Criminal Code. A person who attacks or threatens to attack a journalist or an editor while he/she is doing his/her job, should be sentenced to up to three years in prison. The data show that a journalist's job is becoming increasingly risky.<sup>36</sup> Therefore, the UNS holds that more severe punishments will have a preventive effect on potential attackers. It is also proposed to amend the Law to include liability in tort for preventing journalists from covering public gatherings. Namely, "undesirable" journalists are increasingly being banned from covering local assembly sessions and similar events.

<sup>33</sup> Stotinak napada na novinare u 2008. (Hundred or So Attacks on Journalists in 2008), RTS, 26 December 2008.

<sup>34</sup> [www.nuns.org.yu](http://www.nuns.org.yu), 16 January 2009.

<sup>35</sup> [www.nuns.org.yu](http://www.nuns.org.yu), 16 January 2009.

<sup>36</sup> For the first seven months of this year, 35 serious incidents were registered; this is twice the number of attacks on journalists registered over the past years.

## Structural Violence

Structural violence denotes such a form of violence which corresponds with the systematic ways in which a given social structure or social institution inflicts damage to people by preventing them from meeting their basic needs. Institutionalized ethnocentrism, nationalism, racism, sexism, heterosexism and elitism are just some examples of structural violence. Structural violence and direct violence are highly interdependent. Structural violence inevitably produces conflict and direct violence, including domestic violence, racial violence, hate crimes, genocide and war.<sup>37</sup>

Hannah Arendt explains the correlation between structural and direct violence by the fact that those who lack power use violence as an instrument to multiply their strength.<sup>38</sup> This analysis lends itself to understanding why poor disenfranchised young men join gangs and partake in violent conflict and also why domestic violence prevails in impoverished communities.

The characteristic of structural violence is that there is no one actor. Instead, it inflicts damage due to the non-flexibility and rigidity of the structures when encountering differences, sexual, racial, class or some others. Apart from practical invisibility, structural violence operates more or less independently of individual acts and has continuing impact (as opposed to the sporadic impact of individual acts of violence).

The allocation of resources among members of society is determined by the decisions made at the level of social and economic structures. The outcome of those decisions is violence, since it inflicts damage, injuries or death to those who are deprived of the elementary conditions due to the operation of given structures. Structural violence refers to the high rates of poor health and death as the result of poverty.<sup>39</sup> The allocation of resources in society influences not only on the standard of living, but also the chance of survival. A more equitable allocation can extent the life ex-

37 [www.nationmaster.com /encyclopedia/](http://www.nationmaster.com/encyclopedia/).

38 Arendt, Hannah, 19069, *On Violence*. New York: Harcourt, Brace & World, Inc. ([www.monitor.upeace.org](http://www.monitor.upeace.org))

39 [www.depts.washington.edu](http://www.depts.washington.edu)

pectancy of members of society, since mortality as the result of inequitable allocation is a typical example of inherent structural violence.

Norwegian sociologist Johan Galtung coined the term *structural violence* in order to refer to any constraint on human potential due to economic and political structures in society.<sup>40</sup> According to Galtung, forms of structural violence are unequal access to resources, to political power, to education, to health care or to legal standing. Structural violence occurs when children have no access to adequate schools, when labourers work in inhumane conditions, when people are fired for their sexual orientation. So, for example, the inhabitants of Pančevo are exposed to structural violence, because their health is endangered by the operation of industrial and oil-refining plants, which violate the health standards. Thus, the law is violated almost each day without being punished.

Due to its diverse forms, structural violence would require a special study. Here we will provide just a few examples of structural violence to which Roma are exposed in the Serbian society in order to illustrate the hidden, long and cruel impact of this form of violence.

## **Health, Hygienic Conditions and Life Expectancy of Roma**

The results of the latest survey of the condition of children and women in Serbia show that many Roma and poor children in Serbia are excluded from education, health and protection services.<sup>41</sup> The figures come from the first national household survey in Serbia, which included the poorest

40 Galtung, J. (1969). Violence, Peace and Peace Research. *Journal of Peace Research*, 6(3), pp. 167-191.

41 Those are some of the data obtained by the Multiple Indicator Cluster Survey (MICS). With 10,000 households surveyed, The MICS is the single largest source of data for monitoring the status of children and women in Serbia. The Multiple Indicator Cluster Survey in Serbia was carried out by the Statistical Office of the Republic of Serbia and Strategic Marketing Research Agency. The results were publicized on 13 June 2007. <http://www.unicef.org-serbia>.

20 per cent of the population and Roma living in Roma settlements. The results of the survey, carried out in 2005, show that disparities, which are often related to poverty and ethnicity, are still large.

Infant mortality rate is often used as an indicator of the standard of living and physical life quality. It is an important measure of the well-being of infants, children and pregnant women, since it is linked to many factors, such as: the health of pregnant women, health care quality and access, socio-economic conditions and public health practice. The mortality rate of Roma children is especially high among infants, whose mortality rate is 26 per 100 live-born infants.<sup>42</sup> Among Roma children the probability of dying under the age of 5 is almost three times higher (around 28 per thousand live births) than the national average.<sup>43</sup> The highest mortality rate among women in the reproductive period is recorded among Roma women. Only in 2002, 243 Roma women aged 15-49 died for various reasons. Ethnicity is closely linked to the number of vaccinated children. While 87 per cent of children in Serbia were vaccinated against measles, mumps and rubella, only 63 per cent of Roma children from Roma settlements received these vaccines.

Only one per cent of Roma lives up to 60 years. Almost 44 per cent of Roma settlements is not hygienic, one-third has no running water and two-thirds have no sewage system, while every tenth child lives in a house without electricity. High percentages of children and adults have no milk and dairy products in their diet, while meat is extremely rare.<sup>44</sup> The prevalence of undernourishment among Roma children is a few times higher relative to the national average – 12 per cent of Roma children are acutely and 20 per cent chronically undernourished.

42 Smanjiti smrtnost porodilja (Reducing Maternal Mortality), [www.B92.net](http://www.B92.net), 6 November 2007, B92.

43 According to the Public Health Institute, our country is lagging behind many European countries in which the infant mortality rate is below five infants per 1000 inhabitants.

44 These data on the health condition of Roma were provided by Osman Balić, a member of the League for the Decade of Roma Inclusion from the YUROM Centre in Niš, at the meeting in the Media Centre. Stating that tuberculosis has returned to this population, he added that the only things that "bring them closer to Europe are drug addiction and HIV". Balić assessed the situation as being disastrous and said that "Roma have been brought to the brink of extinction".

## Education

Structural violence against Roma is reflected not only in health care, living conditions, poverty and employment, but also in education. Roma children in Serbia are faced with various barriers imposed by the educational system.<sup>45</sup> Only 33 per cent of children in Serbia attend pre-school institutions. This figure is drastically lower among the poorest and Roma children – 7 and 4 per cent respectively. Like in many other countries, elementary education is universal. Dramatic disparities occur in secondary education. National school attendance is 84 per cent, but only 10 per cent of Roma children attend secondary school.<sup>46</sup>

There are several reasons why the access of Roma children to education is aggravated or not possible. The problem is frequently posed by the fact that Roma children either do not speak Serbian or do not speak it fluently, which aggravates their work at school. It is known, for example, that due to the language barrier Roma children are sent to schools for children with disabilities. This is the result of an inadequate system of testing for first grade enrolment and of ignoring the fact that these children often do not speak Serbian. On the other hand, poverty aggravates the acquisition of necessary textbooks, which poses yet another obstacle to Roma inclusion in society.

Structural violence – the hidden violence of poverty and marginalization – represents the violation of human rights and leads to the dehumanization of those being systematically exposed to it. The first step in fighting structural violence is to recognize it and confront its disastrous consequences in order to begin the fight at all.

45 This was emphasized by Tinde Kovač-Cerović, Educational and Social Advisor to Serbian Vice-Premier, at the Belgrade Media Centre.

46 UNICEF Survey of the Status of Women and Children in Serbia, <http://www.unicef.org/serbia>.

## Attacks on Minorities

Intolerance towards members of ethnic (and religious) minorities is evident through a number of examples. Let us recall the initiatives of the inhabitants of the Dr Ivan Ribar settlement, or the inhabitants of Ovča<sup>47</sup> who organized protests against the relocation of Roma from the so-called “unhygienic settlements” to their neighbourhood. Although such outbursts of intolerance are not foreign to the countries in our neighbourhood (Ambrus village, Slovenia<sup>48</sup>), intolerance towards the minorities has often escalated into violence and the lynch atmosphere.

The decision of the city authorities to erect container houses for the temporary accommodation of Roma families from a slum at Staro Sajmište, under the Gazela Bridge, in the Dr Ivan Ribar settlement, triggered the protests of a group of inhabitants of this settlement.<sup>49</sup>

- 47 The representatives of the Romanian ethnic minority in Ovča announced more massive protests against the relocation of Roma to this settlement. The Ovča inhabitants argue that this is the only Romanian community in the territory of Belgrade with the status of an autochthonous people and that they would be assimilated after the settlement of Roma. “Ovča: Rumuni protestuju zbog Roma” (Ovča: Romanians Protest Against Roma), [www.B92.net](http://www.B92.net), 24 September 2008.
- 48 In November 2006, the announced settlement of Roma to the village of Ambrus in Slovenia triggered mass protests, which escalated into violence, so that police, special police forces and cavalry had to intervene; a number of people were injured in conflict. After the calming of the situation, the project of settling Roma families in Abrus was abandoned. “Situacija s Romima opet napeta” (The Situation with Roma Tense Again), [www.B92.net](http://www.B92.net), 26 November 2006.
- 49 During these protests, there began alternate attempts to set fire to the Roma settlements in Belgrade. On 30 July 2005, around 9 p.m., four unknown young men in white T-shirts threw four beer bottles filled with flammable material at Roma houses in the Tošin Bunar settlement. The bottles fell near the shed and started to burn. One of them was burning in the centre of the courtyard, while the other, thrown into the house, went out by itself. On 1 August 2005, around 10 p.m., unknown young man surrounded the house of the Durmisi family in the Roma settlement at Bežanijska kosa, Partizanskih avijacija Street, and calmly threw 7-8 bottles filled with a Molotov cocktail at it. Thereafter, they disappeared in the unknown direction by car which was waiting for them. There were no injured or greater material damage thanks to the prompt reaction of the inhabitants

A group of unknown young men began coming to Roma settlements in Belgrade, trying to burn them down and beating and insulting their inhabitants on ethnic and racial grounds. So far, there have been four attempts to burn down Roma settlements.<sup>50</sup>

Pressure evidently produced the desired results. The ideas about the resettlement of Roma to Zemun polje, Batajnica, Novi Beograd and Veliki mokri lug were abandoned still earlier. After two weeks of daily protests, the city authorities also gave up the plan to erect bungalows in the Dr Ivan Ribar settlement in order to provide temporary accommodation to the inhabitants of the unhygienic settlement under the Gazela Bridge. At the same time, the Serbian Government did not react to increasing violence against Roma.

Following Kosovo's independence declaration, intolerance towards the Albanian population was manifested by a number of attacks. Here we will mention some of those which took place in Vojvodina. In one of such hate-inspired attacks, which took place in Violeta Bakery in Novi Sad, an unknown man beat up another man whom he met there. The attacker jus-

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of this settlement. On 27 August 2005, a few hundred metres down the street, the inhabitants foiled the attack, because the young men approaching the settlement by car were loudly swearing and threatening. They could be heard shouting: "*Where are you, Gipsies? We're gonna set you on fire!*", so that all men came out from their houses and the attackers ran away. This attempt to burn their houses was preceded by everyday stone throwing and insulting, so that the male inhabitants of this settlement decided to keep vigil each night in order to preserve their homes. On 29 August, about 2 a.m., two unknown young men threw two Molotov cocktails at the barracks at Šumatovačka Street, Vračar Municipality. One Molotov cocktail was thrown on the roof of the barrack and the other under the van parked next to it. Nobody was injured thanks to the swift reaction of the tenants who called the police. The police arrived shortly afterwards and carried out an investigation. On 6 September 2005, around 3 p.m., a young man of Serb nationality attacked Fadil Brahimi, who is of Roma nationality, in front of the buildings in Dr Ivana Ribara Street. Fadil Brahimi received two blows in the neck and right shoulder. The attacker was in the company of four young men, who were sitting on the concrete sidewalk in the park during the incident. The Roma called the police after the attack.

50 1. "Komunalni rasizam" (Communal Racism), Danas, 15 July 2005; 2. 11 July 2005.

tified his attack by the fact that “the man was buying in the bakery owned by an Albanian”.<sup>51</sup>

On [www.youtube.com](http://www.youtube.com) there is a video clip entitled “Shiptars Flying into the Skies”, which is signed with “Liberators – Youth Loyal to Orthodoxy.” The video clip shows three masked persons smashing the window at Violeta Bakery, pouring petrol around the room and setting it on fire with a torch, in the night between 2 and 3 September. The amateur video clip begins with the text: “Tell everyone who you are, don’t be ashamed of your faith and be a proud son of Orthodoxy!” It was accompanied by the national anthem “God of Justice”.<sup>52</sup> Bakery owner Binai Vebi, an ethnic Albanian, stated that “no one was injured in fire because the bakery was closed at that time”.<sup>53</sup> After the media coverage of this event, the video clip signed with “Liberators – Youth Loyal to Orthodoxy” was removed from the mentioned web-site due to the violation of the rules for its use.

After an investigation, the police found out that those responsible for the attack were Rudolf R. (20), Holik N. (21) and minor M.M. (17), all from Novi Sad. As is stated in the police report, they were incited to do that by Jovan Š. (28) from Novi Sad, who engaged Bojan J. (26) to film the burning of the bakery with his video camera and this the video clip which appeared on the web-site in mid-January. Criminal charges were brought against Jovan Š. and Bojan J. for inciting ethnic, racial and religious hatred, while against other actors criminal charges were brought for causing a state of general danger.

In March 2008, in Sombor, an unknown group of persons tried to carry out the boycott of Albanian owned bakeries.<sup>54</sup> Following Kosovo’s independence declaration, it organized the distribution of free bread in front of 12 bakeries in order to dissuade people from buying bread in the bakeries owned by Albanians. At the same time, the windows at several bakeries owned by Albanians in Sombor were broken. Some of these bakeries were attacked several times. This campaign was carried out by a non-par-

<sup>51</sup> [www.dnevnik.co.yu](http://www.dnevnik.co.yu), 20 March 2008.

<sup>52</sup> Rasvetljeno paljenje pekare (Bakery Burning Case Solved), Beta, 23 January 2008.

<sup>53</sup> *Ibid.*

<sup>54</sup> Sombor: Kome smetaju pekari (Sombor: Who Is Disturbed by Bakers), B92, 2 March 2008.

tisan organization which did not want to reveal its name. The campaign “succeeded” to the extent that it fuelled hatred and spread fear among the members of the Albanian ethnic community.

The third attack on the Albanians in Vojvodina following Kosovo’s independence declaration occurred on the “Serbian” New Year, when the windows and glass box were smashed in another shop belonging to Violeta Bakery shop, in Kosovska Street in Novi Sad. However, the owner and the Novi Sad police point out that damage was done during a clash between two groups of football fans.<sup>55</sup> Even if the statement is true, it does not make the destruction of someone’s property as a result of violence less awful.

Vojin Dimitrijević, Director of the Belgrade Centre for Human Rights, said for B92 that the video clip showing the burning of the bakery and the video clip showing the “Scorpio” members while killing the prisoners from Srebrenica, demonstrate violence against those who are different. He points out that “at this moment there are signals from the highest instances that every extremism, especially that which goes under the guise of patriotism and Orthodoxy, is permitted. Thus, we should not be surprised that an increasing number of people will do that, even if they are not explicitly ordered by someone to do that; moreover, they will be proud of their act.”<sup>56</sup>

The Serbian Government displayed a lack of resoluteness to stop discrimination and resultant violence on a number of occasions, although the state is bound to provide institutional guarantees to the groups exposed to discrimination. The *Anti-discrimination Law* should protect members of religious and ethnic minorities, handicapped persons, Roma people, women exposed to gender discrimination, sexual minorities and all others who feel endangered in Serbia. However, Serbia is still the only European

55 “Paljenje pekare uz himnu” (Bakery Burning Accompanied by National Anthem), 17 January 2008. | 12:01 > 17:34 | Source: B92 Belgrade, Novi Sad – On web-site [www.youtube.com](http://www.youtube.com): Video clip showing the burning of a Novi Sad bakery owned by an Albanian. The video clip was subsequently removed.

56 “Paljenje pekare uz himnu” (Bakery Burning Accompanied by National Anthem), 17 January 2008, B92.

country without a general anti-discrimination law, which implies the general prohibition of discriminatory behaviour. The adoption of such a law will be followed by other laws dealing with specific groups that are more frequent victims of discrimination, or dealing with specific social relations where discrimination occurs more often.<sup>57</sup>

## **Violence of Football Fans**

The nature and intensity of the violence of football fans in the European countries are influenced by historical, social, economic, political and cultural factors in various ways. So, for example, in England a significant factor is the social class, in Scotland and Northern Ireland those factors are of a religious nature, in Italy that is the manifestation of historically founded regional antagonisms and so on.<sup>58</sup>

The violence of football fans in the territory of the former Yugoslavia was burdened by the relations between football clubs and between members of different peoples. Today, in Serbia, relations between supporters of rival clubs are an expression of their competitive spirit as well as their social status, education, social values and destructive impulses. There is an unwritten rule that society permits matches to serve as a place to vent the aggression and frustrations of football fans. However, numerous incidents show that these outbursts of violence often get out of control and continue outside the stadium, affecting political events and gatherings on the streets of the capital city.

Apart from clashes between football fans, clashes with police during matches are the reflection of their social marginalization as well as genuine hatred towards police. On the streets of Belgrade, after more important matches and especially those during which there were clashes with police,

57 It is expected that Serbia will obtain a general anti-discrimination law in March or April 2009, since its draft is already in parliamentary procedure. The adoption of this law will be the first (and basic) step that should be taken by the state in order to protect all citizens and guarantee to them equal rights and security.

58 Social Issues Research Centre, [www.sirc.org](http://www.sirc.org).

one can often see destructive graffiti, such as: “Death to police!” and “Stop repression against fans!”, as well as many graffiti with obscene or vulgar content.

The term *hooliganism* was coined by the British media, especially tabloids, in the mid-1960s. Although there is no specific legal definition of this notion, it can be said that it is most generally understood as violence or riots involving football fans.<sup>59</sup> However, although the term *hooligans* was first used to denote football fans instigating riots and clashes, it now encompasses rioters during other sports events as well. It is known that British hooligans come from the working class, a smaller number of them work in the grey economy, while others are unemployed. They are in their later teenage years or early twenties, although it is not unusual that older hooligans appear in the role of leaders.<sup>60</sup>

Although Serbian hooligans have some common traits with British ones (they often come from working-class families; they are either unemployed or work in the grey economy and are in their later teenage years or early twenties), there are some specifics resulting from the implosion of the Serbian society. Pointing out that football fans make up a special group, psychologist Vladan Beara from the Trauma Centre emphasizes that those in Serbia are especially aggressive: “In such an atmosphere, the image of the member of another tribe or group is created as if he is less valuable and evil and, thus, deserves punishment. Those young people were growing up during the period of war, watching the news programme and scene of violence, their fathers were in the battlefields, many of them were expelled from their homes...”<sup>61</sup>

Therefore, a resort to violence is not alien to those, mostly young people. Aggressive behaviour and fights before football matches are a common way to channel their open hostility towards the members of the rival club and it also happens that their clashes end in someone’s death.

59 Pearson, G. (University of Liverpool FIG Factsheet) – [www.liv.ac.uk/footballindustry/hooligan.html](http://www.liv.ac.uk/footballindustry/hooligan.html)

60 Nicholls, Andy (2005), *Hooligans A-L*. Milo Books, 63. ISBN 1 903854 41 5

61 Radio Deutsche Welle, 15 April 2008.

## Incidents

Violence, linked directly to groups of football fans, has become an integral part of "sports life". In the past eight years, the number of incidents could be measured by hundreds, while the number of murders at sports events has also significantly increased. When speaking about violence linked to sports events, it should be noted that it is stratified. The rioters on sports grounds are mostly football fans but, over the past years, there have also been policemen who were accused of instigating serious incidents. Some of those incidents have seriously endangered people's lives.<sup>62</sup>

The problem in fighting violence at sports events is also posed by the thesis about confidence and cooperation between members of the public security service and groups of hooligans from larger sports clubs. Namely, there is a link with policemen from the "public order and tranquility" service, which is one of the main reasons why there are no results in the fight against hooliganism. "The parts of the police justify themselves by the fact that some football fans are their important operative links and that they cannot bring charges against them".<sup>63</sup> However, hooligans from the most extreme corpus of football fans are designated as the most frequent generator of violence. The number of incidents only for the past eight years can be measured by hundreds.

The black series of events began with the "eternal derby" on 30 October 1999. In the middle of the match, the fans of the Partizan Football Club fired several rockets from the southern stands. One of them hit Aleksandar Radović (17) from Opovo, into the neck. The unfortunate youth, who was among Crvena Zvezda fans in the north, did not survive. On 14 May 2002, three Partizan fans beat up the one-time famous boxer Živorad Šišković (66) (66) at the railway station near the Pančevo bridge, while

62 In October 2004, on the eve of the "eternal derby", Gendermerie members wounded a 15-year old boy into the face with a rubber bullet. The boy remained seriously disabled. Also, on 15 June 2006, Gendermerie members overstepped their authority at the Pionir Sports Hall. During a basketball match, they unnecessarily intervened, whereby several fans and policemen were injured.

63 "Divljanje do samouništenja" (Rioting until Self-Destruction), *Vreme*, No. 926.

trying to protect a Chinese who was molested by the hooligans. The man died of stroke.

At the beginning of 2005, tens of people were registered as being stabbed with knives in fights between fans and pre-arranged ambushes. Dobrica Dimitrijević from Zaklopača was stabbed to death in the northern stands during a match between Crvena Zvezda and Vojvodina! The acts of violence involving football fans continued through January 2005, when Partizan fan Mirko Radovanović (18) was stabbed to death in fight over a shawl. In August 2005, a group of Voždovac fans travelled to Golubovci by train in order to support their team in a match against Zeta. In Rakovica, twenty or so Rad fans climbed into the train and attacked them. Bojan Majić (29) was stabbed to death while another Voždovac fan, who was stabbed in the back, survived. Only two months later, another secondary school pupil from Obrenovac, Radovan Milošević (17), lost his life because he liked the “wrong” club colours. Ten days later, on his return from the match against Čukarički, Golub Balević (18), a Bežanija fan, was stabbed to death on the bus.

In April 2006, Petar Sedlak (23) was stabbed in the back. He did not survive the attack. Horrible scenes could also be seen in July that year. The pre-arranged fight between Crvena Zvezda and Partizan fans at the stadium of the Žarkovo Foodball Club had a tragic end – Aleksandar Panić (24) was stabbed to death. The last victim of bloody fights in the world of football fans was Dušan Penić. He was beaten up to death in front of the “Royal” betting place in Novi Beograd. The clash began over Dušan Basta’s jersey which was held by Penić.

On 14 April 2008, in Futog near Novi Sad, one young man was killed in the fight between the fans of the Partizan and Vojvodina Football Clubs. The Novi Sad police arrested Stevan S. (20) from Novi Sad on suspicion of killing Dejan Dimitrijević (27) from Novi Sad. The police announced that Stevan S. was also suspected of an attempted murder against minor S.B., who was seriously injured, and also brought charges against him for an illegal possession of weapons and explosive substances. It was also an-

nounced that Stevan S. was detained and would be interrogated by the investigative judge on duty in the Novi Sad District Court.<sup>64</sup>

We have mentioned just some of the many incidents involving the violence of football fans. Hundreds of incidents have been registered only in the last two years. It seems that their number increases each year, but in this report there is no enough space to list all such incidents occurring in the past two or three years.<sup>65</sup>

64 "Nova divljanja huligana" (New Hooligan Rioting), 17 April 2008, *B92, Beta, TANJUG*.

65 Policewoman beaten: Policewoman Ana Pantić (25) was beaten by four Borac fans in the centre of Čačak! The drunken hooligans recognized Ana, who was often policing Borac matches, and beat her up savagely in front of her three-year old son. The hooligans also beat up Ana's neighbour Boris B. who tried to protect her. Ana was transported to the hospital with serious injuries, while her neighbour earned a broken cheekbone. The police arrested the attackers Đ.J. (21), Z.C. (22), D.D. (24) and N.N. (20), who already have police records because of rioting during the matches of the Borac Football Club. *Press*, 24 April 2008.Fans beat up bus passengers: Yesterday afternoon, Slobodan B. (41) and Slavko O. (48) were savagely beaten by a group of hooligans wearing black and white jerseys, inside city bus No. 18. The group was on its way to the Cup semi-final match against Crvena Zvezda. As was unofficially learned by *Blic*, 13-year old M.B., the son of Slobodan B., was not injured, but was received in the Emergency Centre in the state of shock. Source: *Građanski list*, 17 April 2008.Eight policemen in Jagodina were injured on the eve of the Super League match between the Jagodina and Vojvodina football teams. One hour before the match, around 3.30 p.m., a group of 80 or so fans of the visiting football club, escorted by the police, started for the Jagodina town stadium along the main street. When they came near the betting place at Kneginje Milice Street No. 119, one fan left the group, approached a young men standing in front of this place and attacked him. The policemen tried to protect the attacked youth, but they were attacked by the Vojvodina fans. In this clash, eight policemen were inflicted light bodily injuries, torch burns, bruises and scratches, while the windows of the nearby shops and cars parked in the vicinity were smashed, according to the statement issued by the Jagodina police. Source: *Građanski list*, 17 September 2008.Borac fans beat the Ghanaian football player: Solomon Opoku, a dark-skinned football player from Ghana, was beaten by a group of fans after the match between Borac and Bežanija. Twenty-one year old Opoku, who has been on a trial in the Borac Football Club for the past two months, was beaten in the immediate vicinity of the stadium on Saturday, around 4.30 p.m.. According to FoNet, he was attacked by several Borac fans, who beat him with fists and legs, while at the same time shouting racist insults. After the incident, Solomon Opoku was taken to the emergency ward of the Čačak Hospital where the physicians diagnosed light injuries.

## ***Justice for Uroš<sup>66</sup>***

The case of **Uroš Mišić**, known in the public as the case “Justice for Uroš”, is also worth mentioning. “The Belgrade District Court sentenced Uroš Mišić to 10 years’ imprisonment for the attempted murder of gendarme Nebojša Trajković”.<sup>67</sup> During the football match between Crvena Zvezda and Hajduk on 2 December 2007, Mišić attacked Trajković trying to force a blazing flare into his mouth. Finding it to be monstrous, the court qualified this attack as “lynching an official”. There was no any ground for this attack. More-.....

*FoNet*, 10 March 2008.A boy beaten up by fans again: 14-year old B.S. was beaten up for the second time in three weeks near the Filip Filipović Elementary School, Bulevar JNA. He was met by four young men in the woods near his school and attacked with knives. The first attacker was of larger build, 16 years old and about 180 cm tall, wearing a jersey and black T-shirt with the hood. The second attacker was of larger build, about 195 cm tall, and wore a grey T-shirt. All of them wore shawls with the insignia of the Rad Foodball Club over the mouth. As we have been informed, B.T. was beaten because he talked to the media after the first attack. Namely, the same hooligans beat B.S. on 18 May, because of his sweat suit with the insignia of the Voždovac Football Club where he goes to training sessions. On that occasion, they broke his right lower leg and scratched him on the face and body. *Mondo*, 8 June 2005.A fight between Vojvodina and Partizan fans: Six persons were injured in Novi Sad, during the fight between Vojvodina and Partizan fans before today’s match between these two football clubs. According to the police, 30 persons were detained. *Beta*, 12 April 2008.A free fight on the streets and stadium stands: A free fight between football stands before the match between Vojvodina and Partizan in Novi Sad. Dejan P. (27) from Zemun was seriously injured. His arm was broken. The police detained 30 fans. *Večernje novosti*, April 2008. Police detained about 20 Rad and Budućnost fans: in fight between the fans of Budućnost from Podgorica and Rad from Belgrade in Podgorica yesterday, 20 fans of both football clubs were lightly injured. The fight occurred around 1 p.m., before the football match of the Serbia and Montenegro Meridian Super League, in front of the city stadium in Podgorica. The police detained about 20 Rad fans and a “slightly smaller” number of Budućnost fans, [www.B92.net](http://www.B92.net), 6 November 2005.

66 Interestingly, the perpetrator of the attempted murder of a policeman in Croatia, which occurred about the same time when Uroš Mišić was convicted, was sentenced to 10 years’ imprisonment.

67 Kriv za pokušaj ubistva policajca (Guilty of the Attempted Murder of a Policeman), [www.B92.net](http://www.B92.net), 19 September 2008.

over, Trajković threw his official gun over the fence so as not to be forced to shoot at his attackers.

Two Crvena Zvezda fans, who participated in the attack on Trajković during the match, were also sentenced to imprisonment – Miloš Zumonja was sentenced to one year and eight months in prison, while Slaviša Drakul was given a one-year prison term for violence at a sports event, in accordance with the Law on the Prevention of Violence and Indecent Behaviour at Sports Events.

As reported by B92, “the Second Municipal Court is carrying out a complementary investigation against Zoran Damjanović, Secretary General of the Crvena Zvezda Football Club, Stadium Director Miodrag Čorović, Security Commissioner Miodrag Čorović and Rade Popović, match delegate of the Football Association of Serbia, in connection with the rioting during that match. They are charged with “causing a state of general danger” on suspicion of failing to undertake all measures and activities so as to prevent rioting at the stadium”.<sup>68</sup>

After the delivery of the verdict, there appeared the graffiti reading “Freedom for Uroš Mišić” on the wall vis-à-vis the entrance to the court building, as well as on many other public surfaces. In the days to follow the graffiti reading “Justice for Uroš” appeared all over the city. This was actually the first time that the judiciary decided to deal harshly and uncompromisingly with violence at sports events and sentenced someone to 10 years’ imprisonment for the attempted murder of a policeman. At the same time, the verdict had to be a warning to other rioters that they could be arrested and that aggressive behaviour would be punished. Judging by the reaction of football fans and those who Uroš Mišić, such a verdict came as a real surprise to supporters of fan violence. On the other hand, it demonstrated encouraging resoluteness to prevent new incidents. Judging by hundreds of graffiti on Belgrade’s facades, Uroš Mišić became a kind of hero and martyr in the eyes of the part of the public that supported him.

An about-turn in the Mišić case occurred in March 2009. Namely, the Supreme Court accepted the appeal of the defence attorney and revoked the verdict, whereby the case was returned to the first instance court

<sup>68</sup> *Ibid.*

for a new trial. It justified its decision by the substantive violation of the provisions of the criminal procedure in the delivery of the first instance verdict.<sup>69</sup>

Britain is especially efficient in fighting fan violence, based on a reactive approach as much as possible. It has developed a special monitoring technique and police tactics, in addition to fan segregation, prohibition on the sale of alcohol near the stadiums and the like. The British Government also introduced special legal measures to counter hooliganism".<sup>70</sup> For example, sports stadiums and their surroundings are covered with video cameras; while within sports stadiums there are monitoring rooms where video recordings are analyzed. Policemen also use hand-held video cameras to film all those entering the stadium and prevent any illegal entrance. It should also be noted that the European Union adopted much of the British tactics for fighting hooliganism, which has so far been most successful.

## School Violence

The loss of family, school and society's support brought about behavioural disorders in children and the demonstration of aggression towards peers and teachers.<sup>71</sup> It is evident that violence to which pupils are exposed al-

69 Ponavlja se suđenje Urošu Mišiću (Trial to Uroš Mišić to Be Repeated), *Borba*, 3 March 2009.

70 [www.sirc.org](http://www.sirc.org)

71 **Teacher beaten up:** "The Sombor public was dumbfounded at a serious and unusual incident that took place at Dositej Obradović Elementary School. Two days ago, a young teacher of chemistry was severely beaten up. Since the official statements were not issued, some details were obtained from School Principal Simeon Milanov. According to him, everything happened in the preparation class, in which the final test in chemistry was taking place. Two fathers, Miroslav Bajčeta and Predrag Mudrinić, entered the room, knocked down the teacher and beat him up in front of numerous pupils. The Principal did not give his name, because he was in a very bad condition. Apart from injuries, he had internal bleeding. The commentary was given by school psychologist Meira Mrđanović. She said that she was disgusted by the fact that individuals could so easily take justice into their hands, without knowing the real situation. The teacher is a young man who

most every day is also becoming their model of behaviour in contact with their peers. Due to unprepared school staff, whose authority has extremely eroded since the social collapse of the 1990s, and continuing peer violence, schools remain the arena of violence and lawlessness.

According to the statistical data, over the past years, clashes among children have been transferred from suburban to central city municipalities. One-time fights between rival "schools in the neighbourhood" have evolved into the organized harassment of Roma and individuals who aroused the main school bully's or dealer's anger. The records of the physical clashes of teachers with their pupils are also not rare.

The most frequent forms of violence in schools are group fights and beating, but there were also murder attempts. During the past few years, violence in schools or in their immediate vicinity has led to one death.<sup>72</sup> It .....

..... has been working in this school since the second semester and who is always ready to help a pupil who has a bad mark in chemistry. The parents, who are not satisfied with the marks of their children, can always request the testing of their knowledge. This was the worst possible solution. So far, nobody in Sombor has issued an official statement. *Glas javnosti*, Februar 2002. Teacher beaten up: The graduates of the 9 May High School in Niš, Uroš Z. (19) and Petar S. (19), beat up the teacher of informatics, Vladimir Zlatanović, the day before yesterday. Zlatanović was attacked during the lecture to third-graders. The attackers did not spare the pupils who tried to defend the teacher. <http://www.blic.co.yu/hranika.php?id=6557>, 22 June 2007.

<sup>72</sup> **One pupil killed:** Nikola Kovačević (16), a pupil at the Sveti Sava High School, died after being heavily injured by a group of peers near his school on 14 March 2005. Kovačević was injured in fight during a big break, while he was buying juice in a nearby shop.

*Blic*, 16 March 2005. The attack on D.M. has been the seventh incident of this kind in Serbia since the beginning of last school year. In clashes, two pupils were wounded by gunshot bullets, two were attacked with an axe, two with a knife and one seventh-grader was savagely beaten up. *Blic online*, 19 September 2008. **Fighting in**

**front of school:** Two high school eighth-graders intercepted N.K. (14), a first-grader, in the centre of Užice and, after quarrel and fight, inflicted severy injury on him. *Press*, 23 November 2007. P.P. (16) from Mirijevo, a second-grade pupil at the Secondary PKP School, Pančevački put No. 39, was heavily beaten in front of his school yesterday, at 6.15 p.m. <http://arhiva.glas-javnosti.co.yu/arhiva/2005/11/15/srpski/BG05111411.shtml>. **Student Goran Trifunović** (17) was beaten yesterday, in the toilet of the Beauty School in Belgrade! Trifunović tried to protect his friend who was suddenly attacked by two unknown youngsters around 12.30 p.m. March 2005. <http://arhiva>.

must be pointed to the results of the survey conducted by the UNICEF in cooperation with the Institute of Psychology of the Faculty of Philosophy in Belgrade, on the sample of 26,974 pupils and 3397 adults from 50 elementary schools, which show that even 65 per cent of pupils are exposed to violent attacks of their peers at least once in three months. One-fifth of pupils experienced some sort of deliberate and systematic peer harassment. Children of different age mention insulting, punching and lying as the most frequent forms of violence. It is also disturbing that one-third of pupils stated that they had problems with the violent behaviour of their teachers.

At the beginning of school year (2008), incidents started only five days after the first school bell. Pupil Ivan Radivojević (15) from the village of Čepure was savagely beaten by his peers at the School of Mechanical and Electric Engineering in Paraćin. This first-grade pupil was inflicted serious right eye injury and his nose and cheekbone were broken. Five days after the beginning of the school year, ridiculing his looks evolved into beating without any reason. After the fifth hour, a peer began to beat him in the

.....  
*kurir-info.co.yu/Arhiva/2005/mart/24/H-01-24032005.shtml.* **Pupil beaten up:** The first-grade pupil at the Secondary School of Mechanical and Electrical Engineering, Ivan Radivojević (15) from the village of Čepure, finished his fifth day at school – in the hospital. His classmates beat him up savagely, inflicting on him heavy right eye injury and breaking his nose and cheekbone. The classmates were laughing at Ivan from the first day at school because of his physical appearance. *Press*, 9 September 2008.

**Teasing evolved into beating.** On Friday, around 12.30 p.m., after the fifth hour, a peer began to beat N.R. in the face and head with fists, without any reason. [http://www.b92.net/info/vesti/index.php?yyy=2008&mm=09&dd=09&nav\\_id=317752](http://www.b92.net/info/vesti/index.php?yyy=2008&mm=09&dd=09&nav_id=317752).  
**Attack on female pupil at Branislav Nušić Elementary School** Pupil M.V. was attacked by two girls in the courtyard of Branislav Nušić Elementary School, in Zaplanjska Street in Belgrade. She was lightly injured in the head with a fork. This was said today to Tanjug in the Police Information Service. As stated by School Secretary Nataša Petrović for Tanjug, pupil M.V. was attacked by two former pupils at 6 p.m. The girls were separated by one teacher before the arrival of the police, said Ms Petrović. The injured M.V. was treated by the ambulance crew. *Blic*, 18 April 2008.  
**Beaten in school, no teacher reaction** V.M., a seventh-grader at Dušan Jerković Elementary School in Užice, was beaten by two girls and one boy, pupils of the same school. When she appealed to the teacher, he did not react. *Blic*, 24 May 2008.

face and head with fists. The attack was preceded by provocations, harassment and threats that he would be expelled from school unless he leaves it by himself.<sup>73</sup>

The same month, in one class of the Chemical-Food Processing School in Belgrade, a second-grader was stabbed twice in the belly with a knife, in the presence of all pupils of the class. The attack occurred after the sixth hour. The pupil received two stab wounds in the left side of the thorax and lost much blood. He was transported to the Emergency Centre in an unconscious state. The injured pupil, who was in a very serious condition, was carried by other pupils from the second floor to the ground floor of the school.

All three attackers were arrested the same evening. One of them was a pupil at that school. Nineteen-year old N.Š. will be charged with an attempted murder. The school has video cameras, but does not have security guards. The school policeman, who is in charge of two more schools, was not in the vicinity at that time.<sup>74</sup>

On the last day of March, M.M. (17), a pupil at the Secondary Medical School from Subotica, was stabbed with a knife by his peer, O.O., after quarrel in the school courtyard. M.M. was inflicted liver and pericardial injuries, while the suspect was detained. In March 2008, M.G., a fourth-grader at the Seventh Belgrade High School, was attacked by two youngsters with an axe on his return from a shop where he bought a snack. In May 2008, Relja Popović (19), a pupil at the Secondary School of Catering and Tourism, was wounded in the abdomen with a shotgun bullet at the entrance to his school, at the corner of Jug Bogdanova and Gavrila Principa Streets, in Zeleni Venac. The suspect for an attempted murder was Miloš Ivanović (35) with whom Popović had quarrelled in the nearby Sprite Café.

Sixteen-year old V.S., an eighth-grade pupil at St Sava Elementary School in Nova Pazova, was wounded with a shotgun bullet during gym class, on 1 February 2008.

Last December, Miloš Nešić (18), a pupil at the Technical School in Železnik, was injured with an axe by Damir Osmanović (17) during a small

73 Učenik brutalno pretučen (Pupil Savagely Beaten Up), 9 September 2008, [www.b92.net](http://www.b92.net).

74 Izboden srednjoškolac (Secondary School Pupil Stabbed), 18 September. B92.

break. In September 2008, a seventh-grade pupil at Braća Baruh Elementary School inflicted severe injuries on teacher Snežana Radić. While lying semiconscious on the school staircase, she was saved by the Principal and her colleagues from more beating. The incident resulted in disciplinary action taken against the pupil, who already had the reputation as being incident-prone. Five days after the beginning of this school year, Milan Jeftić was arrested in the courtyard of Belgrade's St Sava High School, because the school policeman found a gun in his bag.

## School Policeman

According to the data of the Statistical Office, Belgrade has about 200,000 pupils in 188 elementary and 85 secondary schools. Although the security of pupils was shaken a long time ago, only 20 per cent of them have their policemen. Those are mostly large schools with about 1000 pupils, while the majority of smaller schools have no money even to pay a night security guard.

The security of pupils in 488 schools in Serbia is in the hands of 260 school policemen, of whom 104 are engaged in Belgrade's 141 elementary and secondary schools. The police authorities say that the introduction of school policeman into schools has produced good results, since the number of crimes, offences and fights among pupils, as well as the use of drugs have been reduced.

Despite the fact that policing in schools has proven to be necessary and that it has achieved positive results, the engagement of school policemen is not a lasting and structural solution to the problem of school violence. Namely, since the causes of the violent behaviour of elementary (and secondary) school pupils lie in the perpetuated socializational patterns, it is hard to expect that such behaviour can be dealt with without changing the fundamental social values and norms and the behaviour of adults, without responsibility and without the training of school staff to recognize violence and react to it adequately and promptly.

Apart from school policing, the social measure to fight for safer schools is the UN “School without Violence” programme<sup>75</sup>, which is currently being implemented throughout the country. Under this programme, children and adults will acquire necessary conflict management knowledge and skills – negotiation, mediation, cherishing the atmosphere of tolerance and understanding in schools, dealing with violent conflicts in a creative and constructive way (rules and restitution, peer teams in action, school forum theatre and the like). The programme covers teachers and children, as well as other school staff, parents and the broader local community.

The UNICEF programme for safer schools is certainly an important step towards recognizing violence, reacting to it more adequately and preventing it. However, the deeply rooted social causes of widespread violence with which the whole society should cope still pose a challenge.

One of the most serious consequences of avoiding a systematic fight against violence is a short-term and inefficient response to violent incidents. No matter how much more effort will be invested in the fight against school violence, it will not be successful if the violent models of behaviour continue to perpetuate at the level of society as a whole.

## Domestic violence

Domestic violence, which is classified as violence in the private sphere, is hardly noticeable in society. The right to respect for private and family life is stipulated by Article 8 of the European Convention on Human Rights, which reads: *“Everyone has the right to respect for his private and family*

<sup>75</sup> In cooperation with the relevant Serbian Ministries, the UNICEF started to implement its programme “School without Violence – Towards a Safe and Enabling Environment for Children”. The programme is based on the initiative of the citizens being concerned over increasing violence among and against children and youth in Serbia over the past years. It is financed exclusively by the funds collected in the local community, donations of citizens and businessmen through the “adoption of schools”. The implementation of the complete programme in one school costs 270,000 dinars. The programme is currently being implemented in 126 elementary schools in Serbia.

*life, his home and his correspondence".* However, although the state must respect the private sphere and family life, in accordance with the above mentioned article, the right to the privacy of home must not be observed when state intervention is necessary in order to protect the safety of individuals in the private domain.

Domestic violence<sup>76</sup> is any act which affects the integrity of an individual (personality), who is related to the violator by blood, or lives with him in the same household. It can be physical, psychical, sexual or economic, and can be practiced against the partner or spouse, children or old persons. Although domestic violence against women is more frequent (over 95 per cent), there is also the violence of women against man, which represents a special taboo topic in society. Domestic violence is repetitive, which means that it is systematically perpetuated and that the chance that it will occur only once is slim.

Domestic violence, as a specific manifestation of power that is often derived from gender inequality, has been present in all stages of civilization. It is most often treated as a private family matter in which the state should not interfere. However, in the second half of the last century, the majority of modern states took the stand that, despite falling within the intimate sphere, marriage and family relations cannot represent the institutions in which violence will somehow be justified on the basis of tradition and patriarchal order.

The privacy of modern family still poses an obstacle to the prevention of family violence, because it is isolated from the public and any interference in family relations is regarded as the invasion of intimacy, even if the protection of its members is in question. This social barrier actually protects the violator.

The reasons that prevent the victim from breaking the vicious circle of violence include (when women are in question): fear, helplessness and financial dependence, shame... All these reasons are also characteristic of

76 Violence can be defined as the "deliberate use of physical force or power, real or threatened, against oneself or another person, against a group or community, which will most likely result in injury, death, psychologically harmful consequences, underdevelopment or deprivation".

domestic violence in most European societies. It can be stated, however, that the reasons mentioned in Serbia, such as general poverty and the patriarchal value system, complicate the problem of domestic violence still further. It also seems that the whole society has accepted domestic violence as a certain reality which is, on one side, some kind of "historical product" of patriarchal society and, on the other, has been enhanced by the factors, such as war, sanctions and poverty.

A special problem in fighting domestic violence is posed by state institutions, which most often do not react to domestic violence, although they have legal instruments to do that. So far, the most efficient state institutions have been the police, prosecutor's office, judiciary as well as medical care services. A special problem is also posed by the network of centres for social work which, due to uneducated "professional" staff and their fear of violators, most often keep aside and do not use their legal competence, which has the enforceable character in the case of domestic violence.

## The Family Law of the Republic of Serbia

Serbia adopted the new Family Law,<sup>77</sup> which introduced many novelties concerning the status and rights of the child. For the first time in Serbia, domestic violence is viewed as a social problem and not only as a private one. The Family Law stipulates the issuing of a court order for removal of the violator from the family house or flat, regardless of the proprietary rights. The violator may also be banned from coming closer to his victim than prescribed, or be in the same room with the victim for a period of

<sup>77</sup> The Family Law of the Republic Serbia defines domestic violence as "the behaviour of a family member that endangers the bodily integrity, mental health or tranquility of another family member". It also specified the following forms of violence: "infliction or attempt to inflict serious body injury", "causing fear with the threat of death or infliction of body injury", "inducing to sexual intercourse or having sexual intercourse with a person under 14 years of age", "limiting the freedom of movement or communication with a third person", "insulting or any other impudent, rude or malicious behaviour".

one year. The new Law superseded the Marriage Law, which was adopted 25 years ago.<sup>78</sup>

According to the data of the NGO Incest Trauma Centre,<sup>79</sup> domestic violence (emotional, physical and violence that poses a threat to life and limb) involving marital partners occurs in 46.8 per cent of cases, while in 42.4 per cent of cases it the question of sexual violence. Research has shown that married women endure domestic violence for the longest time, since the average interval between the occurrence of violence and its reporting is 12 years and two months. As for violence incidence, most reported cases confirm that 26.2 per cent of women are exposed to some kind of torture at least once a week and that even 24.6 per cent of them are exposed to violent behaviour.

There is a very small percentual difference between victims who reported domestic violence to the police ( 51 per cent) and those who did not (49 per cent) because they were afraid of the reaction of their environment, felt shame or were afraid that this would affect their children; however, they were also afraid of the violator's threats with revenge. According to the survey of the Autonomous Women's Center,<sup>80</sup> 78 per cent of women in Serbia, who were domestic violence victims, do not appeal to anyone for help. Every fourth woman in Serbia was exposed to a male family member's physical violence. In almost 50 per cent of cases, violence was committed by the woman's partner and in 16 per cent of cases the perpetrator was the former partner. In Serbia, nearly 78 per cent of cases of violence against women are never reported.<sup>81</sup>

<sup>78</sup> *Nasilje u porodici postaje društveni problem* (Domestic Violence Is Becoming a Social Problem), Velibora Staletović, 18 February 2005, link: [www.oneworld.net](http://www.oneworld.net).

<sup>79</sup> [www.incest.traumacentar.org.yu](http://www.incest.traumacentar.org.yu).

<sup>80</sup> [www.womengo.org.yu](http://www.womengo.org.yu).

<sup>81</sup> *Ibid. (Nasilje u porodici postaje društveni problem)*, Velibora Staletović, 18 February 2005, link: [www.oneworld.net](http://www.oneworld.net)).

## Police Reaction to Domestic Violence

The police are the first public authority that “disrupts” family privacy when reacting to domestic violence. There are many researches devoted to the efficiency of police reaction.

The opinion that domestic violence is a private matter, which prevailed until the 1960s and 1970s, although it has not completely disappeared, also had an influence on the work of the police when it was the question of reporting domestic violence. Namely, as stated in one domestic research,<sup>82</sup> police intervention did not imply the arrest of the perpetrator, as opposed to other forms of violence. This was the result of wrong understanding that domestic violence actually does not involve criminality. “Most policemen believed that family conflicts would best be solved within the family, so that police intervention in the case of domestic violence was not ‘popular’ nor was it considered a ‘real’ police job, since there was no award”<sup>83</sup>.

The researches conducted during the 1970s in Britain and the United States show that in most cases the police displayed the lack of interest to react to domestic violence.<sup>84</sup> Moreover, even if action was instituted, the case was treated as if the degree of social threat was lower and its consequences were less serious, despite evidence to the contrary. In one research it is emphasized that the police asserted the cases of domestic violence, but that it also used to conceal more serious victims’ injuries.<sup>85</sup>

The activities of women’s movements and organizations during the 1970s represented the turning point in the approach to domestic violence.

82 Research: “Nasilje u porodici”, *Reagovanje policije na nasilje u porodici – teorijski okvir i strana iskustva* (Domestic Violence, *Police Reaction to Domestic Violence – Theoretical Framework and Foreign Experiences*), Slobodanka Konstantinović-Vilić, PhD, Nevena Petrušić, PhD, March 2005.

83 *Ibid.*, p. 3.

84 Hoyle, C. (200), *Negotiating Domestic Violence, Police, Criminal Justice and Victims*, Oxford University Press, ISBN 0-19-826773-8, p. 3.

85 Chatterton, M. (1981), *Report of the Royal Commission on Criminal Procedure*, London, quoted in: Hoyle, C., op. cit. p. 1.

This was done first by the state, by modifying police intervention and legal procedure, and then, partially, by the broader community. This was the result of their advocacy for the rights of victims of crime, especially rape and domestic violence, as well as of lobbying for their criminal law protection and equalization of the approach to perpetrators of violence within the family and outside of it.

The judiciary treats domestic violence as a “private matter”. According to the survey conducted by the Women’s Research Centre from Niš and Autonomous Women’s Centre from Belgrade, punishments for domestic violence are still too mild, despite the amendments to the Criminal Code defining domestic violence as a criminal act. Perpetrators are punished mostly by a fine or conditionally, while the punishment of imprisonment is rare, or is at a legal minimum.<sup>86</sup>

In the Serbian judiciary there is a tendency towards the milder punishment of domestic violence even in the case of its longer duration. The results of the survey were as follows:

Perpetrators of domestic violence in 92 per cent of cases are men;

Victims were continuously mentally and physically abused in 57.16 per cent of cases;

Among minor victims, 68.75 per cent accounts for women and 31.35 for men;

Violence by children against their parents was registered in 17 per cent of cases.

The judiciary treats a small number of cases as domestic violence. Such acts are more often qualified like other criminal acts with the elements of violence, such as, for example, light and serious body injuries or an attempted murder. The results have shown that the majority of the surveyed policemen, prosecutors and judges still think that violence is a “less dangerous form of crime” or “private matter” and that it should be dealt with by centres for social work.<sup>87</sup>

<sup>86</sup> The results of the survey entitled “Legal Practice of Domestic Violence”, which was conducted among the members of the police, prosecutor’s office and courts, 22 February 2006, <http://ssla.oneworld.net/article/view/128112/1/>.

<sup>87</sup> <http://ssla.oneworld.net/article/view/128112/1/>.

## Measures to Fight Domestic Violence

The society should fight domestic violence in several ways simultaneously. It is first necessary to sensitize the society, that is, enhance the sensitivity of the society as a whole to the cases of violence. It is also necessary to lower the threshold of tolerance towards violence in general and domestic violence, in particular, bearing in mind its complexity, which has posed (and still poses to some extent) an obstacle to its identification and timely reaction.

The campaign to build the *Women's Safe House*, which has been conducted by B92 Media Company since 2006, is only a small step in fighting domestic violence. By providing safe shelter, it enables women to leave the violator and protect themselves and their child/children. This campaign also has broader social implications, since its coverage by the media has introduced domestic violence into social discourse.

At the same time, the launching of such campaigns is only a provisional measure in helping the victims of domestic violence. The projects, such as the *Women's Safe House* campaign, are not a systemic response to the victims' need to begin a new life, out of the violator's reach. Consequently, safe houses are not a lasting and sustainable solution for women who were the victims of violence, since they also need a job, urgent financial assistance and assistance in finding housing.

Namely, the state should be at the forefront of a strategy against domestic violence, primarily through its laws and regulations. There is no need to emphasize the extent to which timely and adequate police reaction is necessary. Further, if the judiciary fails to deliver adequate verdicts, the results cannot be expected. Finally, it would be necessary to carry out an organized social marketing campaign or, in other words, a systematic social campaign at the broadest social level, which should acquaint the broader social community with the problem of domestic violence, its incidence, measures to be taken to fight it, as well as the procedures applied in the protection of victims. This campaign should also include the sensitization of society to violent behaviour and its pathological character.

## Conclusions and Recommendations:

The responsibility for violence can be considered from various aspects. At the basic level, direct responsibility lies with the perpetrator(s), regardless of whether it is the question of domestic violence or, for example, the violence of football fans on the streets. However, violence is not completely determined by its endogenous nature. Apart from violence perpetrator, society also bears responsibility. Namely, the state bears prime responsibility, since it disposes of force in a legitimate way,<sup>88</sup> and its role includes the timely use of force or sanctions, when it is necessary to restrict the behaviour that endangers the human rights of other members of society. It should be noted that a mere reaction to the consequences of violence is not sufficient. It is also necessary to identify the factors that contribute to the demonstration of violence and try to react against them an organized and responsible way. The question of violence prevention has been posed many times and it is the subject of many debates. However, it is inseparable from an adequate reaction to the existing forms of violence.

Violence in the Serbian society (although it is not limited to it) has many faces and many actors – from individuals, through various groups or organizations, to state institutions. The question that imposes itself is associated with the causes of massive and diverse violence in the Serbian society.

If it is the question of a general social context as a factor, the processes of transition and war legacy should also be mentioned as the causes of social disorganization in an analysis of violence. Economic deprivation, unemployment and chronic existential endangerment led to a decline in social and interpersonal tolerance, as well as to the weakening of social organization and decline of the authority of non-violent values, both in the family and in other social institutions. The reduced scope for overcoming the existential crisis in a legitimate way brought about the increased incidence of criminal activities and change in the value-related approach to them. The glorified warrior culture, breakdown of social values, lack of

<sup>88</sup> Maks Veber, *Privreda i drustvo*, Vol. I, p. 38.

respect for social norms and unpunished violent behaviour have been secondary relative to the rise of political violence. Therefore, it can be said that anomie in the society is the result of the state's (ir)responsibility in dealing with increasing disintegration processes.

This report is based on an ecological approach to violence as a complex phenomenon, which encompasses the continuum of violence incidence, from political and other forms of violence, manifested in the public sphere of society, to domestic violence which, according to the applied classification, has been included in the private sphere, while at the same time observing the mutual influences of their categories.<sup>89</sup>

Although one must not disregard endogenous etiology as an element of acts of violence, this report places greater emphasis on the social aspect of violence and its manifestation in a social context. The destruction of social cohesion and the disappearance of solidarity and promotion of positive social values paved the way for such a situation in society, in which violence is regarded opened the door have paved the way for such a situation in society in which violence is regarded as *modus vivendi* and not as social pathology.

<sup>89</sup> Moser, C., Winton, A. (2002), *Violence in the Central American Region: Towards an Integrated Framework for Violence Reduction*. Overseas Development Institute, Working Paper 171. ([www.odi.org.uk/pppg/publications/working-papers/](http://www.odi.org.uk/pppg/publications/working-papers/)).

# The Hague trials and the process of dealing with the past

During the past fifteen years since its establishment the Hague Tribunal has in its numerous judgements defined the causes and consequences of the wars in the former Yugoslavia, with Belgrade's primary responsibility clearly implied. After all, the Tribunal has indicted the entire political, military, and police leaderships from the Milošević era. Although evidence is being continually disclosed by the Tribunal and made public in the region, and also in Serbia, the Serb elites continue to practice a conspiracy of silence that is widely supported. Dealing with the past is their biggest problem: as Mirjana Miočinović says, by denying the truth one brushes over one's traces, by refusing to find out the truth one nurtures the snug feeling of being 'innocent', of having the right to draw the wrong conclusions and to give the wrong answers when asked questions about things.<sup>90</sup>

The unwillingness of the elites to become public champions, intellectually and practically, of a culture of remembrance involving critical reflection about the recent past prevents the creation of a modern Serb nation. For there can be no modern nation without a culture of remembrance and memory. Instead, the Serb elites continue to rely on Orthodoxy, the Church, the master of the house as an ideal, the non-acceptance of the other. This is a constant generator of intolerance, racism, anti-Semitism, and the denial of democracy. The prevailing atmosphere in society is best illustrated by exchanges between deputies in the National Assembly and society's reactions to the adoption of the Anti-Discrimination Law.

In spite of the fact that Serbia has been forced to cooperate under pressure of various kinds, the anti-Tribunal campaign is intensifying, with everything coming out of the Tribunal being skilfully rationalized and relativized. As part of the campaign, a good many members of the elites who took part in the Greater Serbia project or supported it, notably Dobrica Ćosić, are given wide access to the media. At crucial junctures Ćosić

90 Mirjana Miočinović, 'Istorijska kao privatno vlasništvo', *Politika*, 14 March 2009.

continues to be entrusted with providing keynote 'insights' into the wider context, with follow-ups being worked out at various levels later on. Rather than merely testifying to his continuing importance in the scheme of things, this indicates the existence of a whole organization concerned with keeping the 'damage' as low as possible regarding both the interpretation of past events and the preservation of the war booty. The organization comprises all key figures in the fields of culture, higher learning, journalism, and other professions.

Proceeding from the thesis that war crimes tribunals cannot be the only way of coming to grips with the consequences of mass crimes, Geoffrey Nice argues that they are part of a wider process that includes other non-legal activities. He further says that limitations in the scope and achievements of mass crime tribunals should be additional reasons for states involved in crimes to admit them and take responsibility for them. The culture of 'crime denial' must be superseded by a culture of 'dealing with the past'. In this connection, states should take the initiative and take an active part in the identification and prosecution of the perpetrators of crimes. The unavoidable truth is, Nice says, that past crimes will not be forgotten if they are covered up, for they will come to the surface sooner or later. In Nice's view, where several states have been involved in a conflict, the first that grants the victims their status and tries to make amends will eventually have advantage over the rest, however unjust and conflicting such a policy may have seemed in the short term.<sup>91</sup>

Dealing with the past as a topic was imposed on the region with the opening of the Hague Tribunal. Soon after Milošević's fall on 5 October 2000, Serb elites worked out a strategy including the formation of Koštunica's 'Commission for Truth and Reconciliation'. The commission's starting point was to place dealing with the past in a wider historical context: it chose the whole of the 20th century and went on to argue that the Serbs were the main victims during that time and that the Balkan wars fought in the last decade of the century were a natural consequence of events that had preceded them throughout the century. Ćosić says that 'The State of Serbs, Croats, and Slovenes was conceived and created on

91 *Globus*, 25 December 2008.

the illusions and fallacies of the Serb political and cultural elites about a South Slav national unity regardless of their religious and developmental differences' and that the Kingdom of Serbs, Croats, and Slovenes lacked 'integrative energy to solve permanently the national and state question of the Serb or any other Yugoslav people.'<sup>92</sup>

In order to relativize their responsibility for the wars fought in the last decade of the 20th century as much as possible, Serb elites are increasingly putting forward arguments portraying the Serbs as having made more sacrifices for Yugoslavia than the rest, a suggestion that they therefore had the biggest claims on the joint state. In this context, Svetozar Stojanović asks: 'Why does the world "overlook" the fact that without having recovered from their World War One traumas, the Serbs experienced a horrendous genocide some twenty years later, and that at the hands of members of certain fraternal peoples, in a country they had created at the price of unimaginable human and material losses? How can one understand the terrible intercommunal fighting in Croatia and Bosnia and Herzegovina in 1991-5 without taking account of that experience and the anxiety it begot? One can understand no aspect of the Albanian-Serb conflict in Kosovo if one ignores the fact that tens of thousands of Serbs were expelled from there during the Second World War and forbidden to return after the liberation.'<sup>93</sup>

Instead of pondering and analyzing the causes of the break-up of Yugoslavia, Serb elites put their heads together to put the blame for the break-up of Yugoslavia first on the secessionist republics of Slovenia and Croatia and then on the international community (the US, the Vatican, Germany, and Austria), as well as to prove that there was no Greater Serbia project at all.

One of their main theses being put across in the media is that the creation of both Yugoslavias was a disaster for the Serb nation. They regard this as a historic miscalculation, the loss of historical time, and the squandering of a chance to create a Greater Serbia, an opportunity al-

<sup>92</sup> Dobrica Ćosić, 'Nijedan Srbin uzalud da ne pogine', *Večernje novosti*, 1-2 January 2009.

<sup>93</sup> *Politika*, 6 February 2009.

legedly offered Nikola Pašić under the London Pact.<sup>94</sup> The theses about designs to create a Greater Serbia and about Serb hegemony are attributed to the ‘militant propaganda of Croat nationalism’, which feels ‘threatened by Serb supremacy in the shared or neighbouring geographic and political space’. It is further argued that the struggle against ‘Greater Serbia hegemony’ during the early 1960s turned into a struggle for the transformation of Titoist Yugoslavia from a federation into a confederation by way of constitutional amendments.<sup>95</sup>

Belgrade’s strategy of constantly undermining proceedings at the Hague Tribunal through making deals – e.g. the blacking out of parts of Supreme Defence Council transcripts from the 1990s to prevent their use before the International Court of Justice – has failed to succeed because the closing stage of the Tribunal’s work has produced a rounded picture of Serbia’s responsibility. The untimely deaths of Slobodan Milošević, Milan Babić, and several other major actors have helped to create the impression in Serbia that the Hague Tribunal has missed the mark, especially in Milošević’s case. For instance, the Tribunal’s interlocutory judgement of 16 June 2004 is little known in Serbia. Concerning the motion of the Amici Curie of 3 March 2004 for a judgment of acquittal (for genocide and complicity) in the Milošević case, the Trial Chamber issued its Decision or interlocutory judgement. The Trial Chamber determined that with respect to Milošević there was an intention to commit genocide and the existence of plans to commit genocide in order to destroy the Bosniaks as a group; it concluded that there was ‘sufficient evidence that genocide was committed in Brčko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Ključ, and Bosanski Novi’ (paragraphs 246, 288, 289, and 323) and that Milošević was a ‘participant in a joint criminal enterprise, which included members of the Bos-

<sup>94</sup> The thesis was put forward at the Milošević trial by Smilja Avramov in her capacity as defence witness. She alleged that Serbia had been offered a part of the Adriatic coast as far as Split, the whole of Bosnia, and parts of Slavonia. This offer was actually made by the Allies to Italy in order to win her over to fight on their side. The arrangement fell through and no agreement to that effect ever came into operation. All the same, this argument is often used these days in discussions about the break-up of Yugoslavia.

<sup>95</sup> Ljubomir Tadić, *Kriza i ‘Velikosrpski hegemonizam’*, *Službeni glasnik*, 2008.

nian Serb leadership, the aim and intention of which was to destroy a part of the Bosnian Muslims as a group (paragraphs 289 and 323).<sup>96</sup>

Under the weight of the evidence, even Dobrica Ćosić could not help referring to the matter of Serb guilt: ‘We cannot recover our health as a nation unless we speak out consciously about our fallacies and about the crimes we have committed during the Second World War, the civil war, Titoism, the Milošević regime, the wars with Croats, Muslims, Albanians. If we all keep silent, we are all to blame. The crime then comes to be regarded as something normal. We surrender ourselves to indifference and nihilism.’<sup>97</sup> And yet, he also says that the Serb people has been defeated in its ‘struggle for national and state unification, for a new social system and progress, for its national and democratic rights in the 20th century’, adding however that these ‘defeats are not final’. He also points out that the ‘Serbs have also won some historic victories: Republika Srpska’.<sup>98</sup> Ćosić’s references to the Serb guilt, however, are soon drowned in a string of accusations against the ‘world masters and their Yugoslav protégés’ who pinned the blame for the destruction of Yugoslavia on the Serbs.<sup>99</sup>

His attitude to guilt is therefore not sincere because he does not accept responsibility for undeniable crimes. He blames the West for Serbia’s defeat because the West did not approve of the idea of the unification of all Serbs through crime. Ćosić holds the West to blame for the fact that Serbia has been designated as the culprit and says: ‘And yet the Serbs, the denounced Serbs, have the duty to fight, with the help of sensible and knowing people abroad, for the historical truth about the Bosnian war and to prove to the world and to their offspring that in fighting for their freedom in Bosnia they again also defended Christian Europe against jihad Islam. And for having defended her, Europe punished them by bombing them from NATO aircraft.’<sup>100</sup>

96 The Bosnia genocide charge against Milošević proved, the Hague Tribunal interlocutory judgement of 16 June 2004, Sarajevo, 2007.

97 Dobrica Ćosić, ‘Naši porazi nisu konačni’, *NIN*, 23 October 2008.

98 Ibid.

99 Ibid.

100 Dobrica Ćosić, ‘Demokratske laži o Bosanskom ratu’, *Politika*, 14 February 2009.

Even after Milošević was brought down and dispatched to The Hague the Serb elites and most of the Democratic Opposition of Serbia coalition (DOS) stuck to the national programme and, with a view to keeping the spoils of war, continued to prosecute the ‘war’ with other means (through diplomatic channels under a democratic guise). This applies above all to the strategic efforts, which continue ever since the Dayton accords, to preserve Republika Srpska in order to integrate it into Serbia’s economic and cultural space. The policy towards RS reflects the interpretation of the Bosnia war as a ‘liberation struggle’ of the Serbs in Bosnia and Herzegovina and a great historic victory at that. Ćosić says that ‘immense sacrifices were made to create Republika Srpska’, that is, the ‘first Serb state across the Drina. . . .’ Ćosić regards Radovan Karadžić as its principal architect: ‘He is not a war criminal; he is the political leader of the people of Republika Srpska.’<sup>101</sup> As well as causing anxiety, the arrest of Radovan Karadžić caused Milorad Dodik to further radicalize his stance in order to realize the plans for Republika Srpska’s secession at the earliest opportunity.

Among the books shown at the Belgrade Book Fair in October 2008 was Nikola Koljević’s two-volume diary *Stvaranje Republike Srpske* (The creation of Republika Srpska, published by Službeni glasnik, 2008). The foreword was written by Dobrica Ćosić. Both the book and the foreword are written in defence of Republika Srpska, with the role not only of Karadžić but also of Ćosić himself clearly outlined. There were many other books which set out to deny Serb hegemony and the Greater Serbia project. Some of them no doubt contain information that can be of use to the Hague Tribunal and to discussions, both within Serbia and the region, about the disintegration of Yugoslavia. Most participants in the Greater Serbia project have published their own books to defend their roles and the project itself. They include the philosopher Ljuba Tadić, *Kriza i ‘velikosrpski hegemonizam’* (Službeni glasnik, Belgrade, 2008); Mihajlo Marković, *Juriš na nebo* (Prosveta, 2008); Vladislav Jovanović, *Rat koji se mogao izbeći* (Nolit, Kiz Altera 2008); Dobrica Ćosić, *Vreme zmija* (Službeni glasnik, 2008) and *Piščevi zapisi* (Službeni glasnik, 2008); Milovan Radovanovic, *Kosovo i*

101 Nikola Koljević, *Stvaranje Republike Srpske*, from the foreword by Dobrica Ćosić, Službeni glasnik, 2008.

*Metohija* (Službeni glasnik, 2008), and many others. Most of these books, which are all written to clear Serbia from blame, betray a lack of understanding of the processes that led to the break-up of Yugoslavia.

In spite of the international community's increasingly clear orientation towards consolidating the recognized borders of the newly-established states in the Balkans, Serb elites continue to expect consideration for their demands for rearranging the Balkans along ethnic lines, i.e. for partitioning both Kosovo and Bosnia, even if that meant giving up EU membership. In common with many others, Ćosić says that 'he views as an illusion and a poor man's utopia any policy which sees national salvation in the European Union alone. As long as NATO remains the condition and substance of "Euro-Atlantic integrations", as long as the European Union pursues its ultimatory policy towards Serbia, which is essentially Serophobic, as long as it holds Serbia to ransom and her people suffer on account of two Hague indictees . . . I don't believe in a "happy future" which starts as soon as one is admitted to European Union membership.'<sup>102</sup> What Ćosić and the rest are well aware of is that EU membership will put an end to the question of state borders and to any plans to revise them. This is why the insistence on revising Kosovo's independence borders on the absurd. The initiative put to the International Court of Justice to review the legality of Kosovo's independence has little chance of succeeding especially in the wake of the sentencing of the Six for their roles in Kosovo in 1998 and 1999. Ćosić calls for a 'diplomatic and political struggle for the revision of the Kosovo independence decision, which is so unjust as to have set up permanent enmities between the Albanian and Serb peoples'.<sup>103</sup>

#### The arrest of Radovan Karadžić

The unexpected arrest of Radovan Karadžić came as a great surprise to both the Hague Tribunal and the domestic public. The arrest earned the new government many points abroad, especially in the EU, as well as making people believe that Serbia had at long last turned to her future. However, it became clear very soon that for all the undeniably positive effects, the attitude to the arrest itself and the rhetoric the Serbian media used in

102 *Večernje novosti*, 21 March 2008.

103 Ibid.

this regard remained the same, while the role of Hague Tribunal continued to be played down. This time too no serious regard was given to the indictment and its background; instead, the attention focused on the secret life of Dr Dragan David Dabić, the alias Karadžić used while in hiding for several years. The sudden revelation of every detail of Karadžić's life under that name indicates that the state knew where he was hiding and what he was doing. All of a sudden, there was a flood of documented information available about his secret life.

Karadžić's arrest threw the patriotic circles into hysteria because Karadžić had been celebrated as a symbol of Serbdom and heroism. He was glorified as a man capable of standing up to the West, a man who was going to expose in The Hague the Western powers' primarily responsibility for the break-up of Yugoslavia. In the wake of the arrest, there was speculation that America and France had been competing with each other in trying to arrest Karadžić and that secret talks were held with him after his disappearance from the political scene. Russia was widely praised in the media for allegedly preventing his arrest in 2004. There was much emphasis on the alleged role played by Richard Holbrooke in removing Karadžić from the political scene and on his alleged promises to him that he would not be arrested. Such beliefs were certainly bolstered by, among other things, the books by Florence Hartmann (*Peace and Punishment*) and Carla Del Ponte (*The Hunt*), in which the authors allege obstruction by a number of Western countries, above all by the United States and Britain and partly by France.

'Patriotic Serbia' took the arrest as an act of treason and evidence of Serbia's weakness and loss of identity and dignity. The weekly *Pečat*, which is owned by a splinter faction of the Socialist Party of Serbia, led the way. It argued that Radovan Karadžić was not guilty on any count of the indictment and that as far as events in Bosnia and Herzegovina were concerned he was 'responsible as much as all the state officials on the Croat and Muslim sides who were never charged with anything'. In the weekly's view, the arrest and trial of Karadžić will fan the argument that the Muslims were the sole victim, a thesis which will encourage them to 'seek support for the establishment of their identity'. The government was accused in particular

of hastening to comply with the Tribunal's request – had it waited a few months more, the arguments ran, Karadžić would have been tried in Serbia instead of in The Hague. According to *Pečat*, Karadžić's return to the 'historical stage' marks the 'beginning of his confrontation with the biggest forces of evil in our world'.<sup>104</sup> The reactions were best summed up by the attitude of Momo Kapor, writer and Karadžić's close friend, who said, 'This is going to be the trial of the century, in comparison to which the notorious Dreyfuss affair, of which Zola wrote, will look like appearing before a magistrate in connection with a parking offence'.<sup>105</sup> Kapor was apparently referring to Karadžić's intention to name in the courtroom the Western actors with whom he had been negotiating.

## World reactions to the arrest

The arrest of Radovan Karadžić was breaking and headline news across the world. All leading world agencies reported the arrest and made sure to stress Karadžić's part in and responsibility for the war crimes and genocide in Bosnia and Herzegovina. Citing a statement released by the Office of Serbian President Boris Tadić, Reuters and Associated Press said that Karadžić had been 'located and arrested' in an 'action by Serbian security forces'. Sky News, CNN, and other TV stations announced the news by interrupting their scheduled programmes.<sup>106</sup>

The news of Karadžić's arrest was received abroad enthusiastically, with hopes raised that Serbia would soon embark on the road of integration into the EU. The EU was among the first to react, stressing that the 'arrest of Radovan Karadžić by the Serbian authorities, to be followed by his transfer to The Hague, constitutes an important step on the path to reconciliation in the Western Balkans and to the rapprochement of Serbia with the European Union'.<sup>107</sup> Among the first to welcome the arrest of Ra-

104 'Radovan Karadžić', *Pečat*, 25 July 2008.

105 *Standard*, 1 August 2008.

106 [http://www.rtv.rs/sr/vesti/chronika/haski\\_procesi/2008\\_07\\_22/vest\\_74004.jsp](http://www.rtv.rs/sr/vesti/chronika/haski_procesi/2008_07_22/vest_74004.jsp).

107 <http://www.ambafrance-srb.org/spip.php?article1432>.

dovan Karadžić was Richard Holbrooke, the former US assistant secretary of state, who called Karadžić the ‘Osama Bin Laden of Europe’ and a ‘real and genuine architect of mass murder’.<sup>108</sup>

Xavier Solana, the EU representative, said that ‘that was a good day for justice in the Balkans’ and that the ‘new Serbian government has proved its firm commitment to European values’. The French EU presidency hailed the arrest as an important step on the path to Serbia’s rapprochement with the European Union, while an unnamed Russian diplomat said, ‘Moscow considers this an internal affair of Serbia, whose authorities should decide independently on the possible transfer of Karadžić to the Hague Tribunal’. The UN secretary-general Ban Ki-moon stressed that the arrest was a ‘historic moment for the victims’. Carla Del Ponte was not permitted by the Swiss government to comment on the arrest. The White House spokeswoman, Dana Perino said, ‘The timing of the arrest, only days after the commemoration of the massacre of over 7,000 Bosnians committed in Srebrenica, is particularly appropriate, as there is no better tribute to the victims of the war’s atrocities than bringing their perpetrators to justice.’ NATO officials hailed the arrest as a ‘long-awaited good news’. The Swedish foreign minister, Carl Bildt, said that ‘such prompt and determined [arrest] manifests a commitment to Europe’. The high representative in Bosnia and Herzegovina, Miroslav Lajčák, said that the ‘news of the arrest of Radovan Karadžić is very positive for Bosnia and Herzegovina and for the whole region’.<sup>109</sup>

The UN chief war crimes prosecutor, Serge Brammertz, stressed the significance of the arrest for the ‘victims, who have been waiting for it for more than ten years’, and the EU commissioner, Olli Rehn, said that the arrest was a ‘crucial event for Serbia’s strivings to join the European Union’.<sup>110</sup>

Doris Pack, who chairs the European Parliament’s Delegation to South East Europe, said, ‘It could have happened much, much earlier if everybody in Bosnia and Herzegovina had cooperated, including the interna-

<sup>108</sup> [http://www.rtv.rs/sr/vesti/hronika/haski\\_procesi/2008\\_07\\_22/vest\\_74004.jsp](http://www.rtv.rs/sr/vesti/hronika/haski_procesi/2008_07_22/vest_74004.jsp).

<sup>109</sup> Ibid.

<sup>110</sup> [http://www.rtv.rs/sr/vesti/hronika/haski\\_procesi/2008\\_07\\_22/vest\\_74004.jsp](http://www.rtv.rs/sr/vesti/hronika/haski_procesi/2008_07_22/vest_74004.jsp).

tional community'. The Council of Europe secretary general, Terry Davis, said, 'The fact that he has been arrested by Serbs will make a huge contribution to improving the way Serbs are seen by the rest of Europe.' He expressed satisfaction that the arrest took place 'only a week after the commemoration of the slaughter at Srebrenica'.<sup>111</sup>

A number of NGOs, including Human Rights Watch, had been demanding Karadžić's arrest for years. HRW said, 'The arrest of Radovan Karadžić, the former president of Republika Srpska, marks a major blow against impunity for the egregious crimes committed in the Balkans', adding that 'This arrest offers hope to the victims of the horrific crimes that occurred there.' 'We welcome this long-overdue arrest and look forward to his fair trial in The Hague,' it said.<sup>112</sup>

## Reactions in Serbia and the region

The reactions of political parties in Serbia were on the whole somewhat muted, with some accusing the authorities of treachery and others (the pro-Europe ones) seeing the arrest as a step closer to the EU. To many in Serbia the arrest came as a total surprise. The president of the New Serbia party, Velimir Ilić, said he was 'taken aback' and added that 'Karadžić's arrest proves that all that is Serb is going to be extradited and handed over to the Hague Tribunal'. The Serbian Radical Party (SRS) announced that cooperation with the Hague Tribunal must be a two-way process rather than being reduced to the mere extradition of indictees. The party's high-ranking official, Aleksandar Vučić, said that the arrest of Radovan Karadžić was a 'horrible news' for Serbia and that [Serbian president Boris] 'Tadić did his best to make Serbia disappear and that the people who are the symbols of patriotism should disappear'. Another senior SRS official, Vjerica Radeta, made the following threat to the Serbian President: 'Treason has never been a pardonable offence in Serbia. We are not making threats

<sup>111</sup> Ibid.

<sup>112</sup> <http://www.hrw.org/en/news/2008/07/20/bosna-hap-enje-karad-i-udarac-protiv-prakse-neka-njavanja-zlo-ina>.

but cautioning against the curse that has been on all traitors throughout Serb history. We are recalling the collapse of the Obrenović dynasty [ending in the assassination of King Aleksandar in 1903], and I would like to tell the present power-holders that they may not all have the luck of Zoran Đindjić. They should bear in mind that God punishes to the seventh degree of kinship.'<sup>113</sup>

Kosta Čavoški, the Belgrade Faculty of Law professor and president of the Radovan Karadžić Defence Committee, said that he took the arrest as the most ignominious act since the time Slobodan Milošević was kidnapped and extradited to the Hague Tribunal precisely on St. Vitus Day. 'Anyone who would have wished to humiliate the Serb people again and to wipe out their feelings of national dignity could only have done so by arresting and – God forbid! – extraditing to The Hague the greatest living historical personality among the Serbs, namely Dr Radovan Karadžić.'<sup>114</sup>

The president of the Democratic Party of Serbia (DSS), Vojislav Koštunica, pointed out that the arrest of the Hague Tribunal indictee Radovan Karadžić was being hailed as a great success and a step forward at a time when the EU and the US were bringing strong pressure to bear on Serbia to recognize Kosovo, their aim being to legalize the seizure of Kosovo through UNMIK being succeeded by EULEX. The president of the League of Social Democrats of Vojvodina, Nenad Čanak, called for exposing the 'network of Karadžić's harbourers' at last. He said that the arrest was 'only a first sign that Serbia is being given a chance to break the impasse and set off on the road to Europe'. The Liberal Democratic Party said that 'for years the citizens of Serbia have been held hostage to Milošević's policy and the Hague fugitives, who have jeopardized the interests of the people of Serbia by hiding themselves. Karadžić's arrest is the only way to find out the whole truth.' Karadžić's wife Ljiljana said, 'At least we know now that he's alive.'<sup>115</sup>

The Democratic Party (DS) made capital out of the arrest and told the world it was determined to fulfil its international commitments. The DS

<sup>113</sup> Beta, Tanjug, 22 July 2008.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

said that the arrest of the Hague indictee Radovan Karadžić bore out the new government's commitment to respect for international law and the necessity of establishing the responsibility of individuals for crimes committed in the territory of the former Yugoslavia. It said in its statement that by making the arrest Serbia had manifested full responsibility and a readiness to find the war crimes indictees still in hiding. It added that a sufficiently clear message had been sent that shows the untenability of criticisms that Serbia lacks political will and determination to address the matter of cooperation with the Hague Tribunal.<sup>116</sup>

In Bosnia and Herzegovina, the arrest came as a great surprise and caused much jubilation. Haris Silajdžić, the president of the Presidency of Bosnia and Herzegovina, said that although the arrest was a satisfaction to all the victims of the war, the consequences of ethnic cleansing carried out under Karadžić were still visible. The member of the Bosnia and Herzegovina Presidency, Željko Komšić, said, 'This is a great day for Bosnia and Herzegovina and a great day for justice.'<sup>117</sup>

On the other hand, the mood in Republika Srpska was one of great frustration. The president of the Serb Radical Party of Republika Srpska, Milanko Mihajlica, said that his party regarded the arrest of Radovan Karadžić as one of the greatest infamies, calamities, historic treacheries in Serb history staged by 'the Serb Emperor Boris Tadić'. 'The fact that Radovan Karadžić is going to be delivered to the Hague Tribunal, which set free Ramush Haradinaj and Naser Orić, means that Karadžić is not going to be delivered to a court of justice but to an anti-Serb court which will do everything Haris Silajdžić and Sulejman Tihić want done – to sit in judgement on the work of Radovan Karadžić, his work being Republika Srpska, among other things,' he said. 'We expect that at his trial before the Hague Tribunal Radovan Karadžić will tell the truth about that war and the suffering of the Serbs, and that in the courtroom he will present every fact and argument at his disposal to let the truth be known about the involvement of the West and Islamic countries in the war, so that the burden they've put on Republika Srpska and the Serb people could be completely

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

removed,' Mihajlica said.<sup>118</sup> The president of the Serb Democratic Party, Mladen Bosić, said, 'The Hague Tribunal does not administer justice; as it has demonstrated on several occasions already, it is a political tribunal, so we don't think that Radovan Karadžić will have a fair trial either.'<sup>119</sup>

## Karadžić in the Hague courtroom

The sight of a haggard-looking Karadžić when he first appeared in the courtroom came as somewhat of a shock. His initial address to the court appeared inadequately prepared even judging by the standards of Serb nationalists. Among those more familiar with legal procedure who reacted promptly was Srđa Trifković. He wrote that the 'former Bosnian Serb leader does not meet the prerequisites that Slobodan Milošević did – those that have been shown essential though not sufficient – for the successful conduct of one's own defence before the Hague Tribunal: he was a lawyer by academic training, a keen natural intellect (something that even his political enemies credit him with), and a habitually hard worker.' Having regard to the complexity and the unrelenting demands of the job of conducting one's own defence, he called on 'all who care about the survival of Republika Srpska to ask openly whether and to what extent Dr Radovan Karadžić is prepared or even capable of shouldering such a heavy burden.' Trifković's chief argument is that a person who has been in hiding under a false name for more than a decade cannot return 'back to normal' without having suffered consequences. Trifković stressed that Dr Karadžić should not be blamed for occasionally still identifying himself with the guru 'Dabić'. 'While David Dabić may be able to use bioenergy to eliminate pain from the shoulder of an imprisoned VSR (Army of Republika Srpska) officer by touch, he certainly isn't up to defending President Karadžić.'<sup>120</sup>

<sup>118</sup> 24 sata, 22 July 2008.

<sup>119</sup> Ibid.

<sup>120</sup> Srđa Trifković, 'Dabić ne može odbraniti Karadžića', *Glas javnosti*, 18 September 2008.

A concerned nationalist, Trifković says that Karadžić should be persuaded to ‘appoint a first-rate counsel, as well as a team comprising assistants who have already thoroughly familiarized themselves with the Prosecution’s approach and materials regarding past cases (Sarajevo, Srebrenica, Prijedor, etc.)’. However, Trifković is less concerned with the fate of Karadžić than with the fate of Republika Srpska: ‘The main thing is to disprove the genocide charge and the joint criminal enterprise myth; the rest, including the years or decades of penal servitude that are bound to be imposed on him, may not matter to him all that much.’<sup>121</sup>

Already at the time of Karadžić’s arrest, *Pečat* raised concerns about the possible abolition of Republika Srpska in the event of Karadžić being found guilty of genocide by the Hague Tribunal. The magazine writes: ‘Serb land drenched with the blood of its best sons shall lie waste. Serb mothers will again take with them the bones of their sons, but this time one wonders whether there will be any place left to take them to. For, this treacherous Serbia in Europe’s service is nobody’s mother or stepmother. Least of all to the Serbs in Republika Srpska. She is completing Alija Izetbegović’s dream.’<sup>122</sup>

The Trial Chamber chaired by Judge Iain Bonomy approved a new bill of indictment against Karadžić almost in its entirety (with only three murder charges dismissed for lack of evidence). The indictment was enlarged to charge Karadžić with genocide of non-Serbs in Srebrenica and in 11 other towns in Bosnia (Bratunac, Brčko, Foča, Ključ, Kotor-Varoš, Prijedor, Sanski Most, Višegrad, Vlasenica, and Zvornik). The remaining nine counts charge him with persecution, extermination, murder, deportation, inhumane acts, inflicting terror upon civilians, unlawful attacks on civilians, and the taking of hostages. The indictment focuses on ethnic cleansing in Bosnia and Herzegovina from 1992 to 1995, inflicting terror on civilians during the siege of Sarajevo, taking UN personnel hostage in May and June 1995, and genocide during 1992 and 1995.

The expanded indictment against Karadžić including evidence about Serbia’s role in the war in Bosnia and Herzegovina caused the Serb lobby

121 Ibid.

122 ‘Sahranjena Republika Srpska’, *Pečat*, 25 July 2008.

to step-up its campaign for closing down the Tribunal. After the European Parliament adopted a resolution calling for extending the Tribunal's mandate for at least two more years, the president of the Serb National Movement in Republika Srpska, Dane Čanković, sent an open letter to the Russian ambassadors in Belgrade and Sarajevo in which he asked 'Russia to prevent in the UN Security Council an extension of the work of such a tribunal and to challenge its judgements on grounds of equity.'

The new Karadžić indictment calls into question the decision of the International Court of Justice not to find Serbia guilty of genocide in Bosnia because of lack of valid evidence. Since the judgement was passed Belgrade has made no headway regarding Bosnia. On the other hand, the approval of the expanded indictment caused Belgrade to again stir into action and take an active part in Tribunal proceedings. Belgrade is focusing on the Karadžić, Perišić, and Stanišić trials as a matter of priority in hopes that it may be able to disprove any involvement by Belgrade and Serbia in the genocide in Bosnia and Herzegovina.

## **Denial of responsibility for serious crimes and genocide**

The intellectual elites, who threw their weight behind Milošević's project, are seriously concerned about the turn of events in The Hague. Being aware of their deeds as ideologues, they continue to insist on their initial arguments. Remaining unrepentant, they find justification in higher purposes and, judging by what they say, would do the same again given the chance. In denying the truth about the recent past, the majority of authors put forward such arguments as 'the truth is yet to be established', 'we don't have all the facts yet, history is yet to determine those things', and 'sorting out the past is dangerous, one should look to the future'. Some of them keep dwelling on trivial details to avoid serious discussion of the things that matter.

Most controversy centres on the Srebrenica genocide and, since more recently, the sentencing of the Six.

The massacre at Srebrenica has been characterized as genocide by two different courts: The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Court of Justice (ICJ). A third international court, the European Court of Human Rights, also concurs that a genocide took place in northern Bosnia in 1992. The fact that a genocide was committed in Bosnia between 1992 and 1995 is thus recognized by three international courts.

Yet, General Radoslav Krstić is the only indictee so far sentenced for complicity in genocide. No official from Serbia and Montenegro has so far had to answer any charges before the Tribunal of any war crimes in Bosnia and Herzegovina. Serb forces are responsible for 80 per cent of crimes committed in the territory of the former Yugoslavia. Of the 161 persons charged with war crimes, 108 or 68 per cent are Serb officials and 51 or 32 per cent Croats, Bosnians, Kosovo Albanians, or Macedonians.

The Srebrenica genocide began to be denied as soon as the International Court of Justice delivered its judgement. The most frequently cited piece of evidence was footage showing members of a paramilitary formation called Scorpions executing six Muslim youths. The footage was not used in evidence during the Milošević trial. Those who deny the genocide chose precisely this footage, which had been shown widely abroad and had shocked the audiences, to prove their case. They argue that the footage is no proof that a ‘genocide’ took place at Srebrenica and deny that anywhere between 7,000 and 10,000 Muslims were killed there. It was established that the six Muslims were shot by members of the Serbian paramilitary unit. However, Srđa Trifković argues that it is not certain that the formation was under the command of the Serbian Ministry of Interior. He asserts that the way the footage was presented and misused by the ‘international community’ proves that the object of the exercise was to impose collective guilt on the Serb people and to make them feel guilty of everything that took place in the territory of the former Yugoslavia in the last decade and a half. Trifković claims that the Srebrenica footage was released with a highly specific political object in mind: to pin collective

responsibility on the Serb people as a whole; to use the tenth anniversary of Srebrenica to ‘de-Nazify’ and ‘de-Serbianize’ Serbia; and to review the Dayton Accords with the object of abolishing Republika Srpska and creating a more or less centralized, unitary Bosnia. At bottom, the object is to justify in retrospect the policy and the acts of the Western powers, he says. In other words, he says, they would like to be able to say, ‘Why, the Serbs themselves are now admitting their guilt. The things we did – the sanctions, the bombing of Republika Srpska and Serbia, the occupation of Kosovo – was the inevitable consequence of the things the Serbs themselves did.’<sup>123</sup>

Following in Trifković’s footsteps are many other ‘scholars’ trying to prove that no genocide took place. One of them is Darko Trifunović, lecturer at the Faculty of Security Studies; his thesis about ‘Islamic terrorism in Bosnia and Herzegovina’<sup>124</sup> is his chief argument in challenging the judgement of the International Court of Justice and the ICTY judgements against generals Stanislav Krstić and Dragomir Milošević. Trifković claims that less than 100 men were shot at Srebrenica.

Popular among the Serb deniers of the genocide is the following argument put forward by Emil Vlajki: ‘Although the evidence of the alleged massacre was and remains flimsy, the propaganda-political complex of the US has achieved its purpose. Srebrenica has become one of the biggest myths of the twentieth century. The Serbs stand accused of the most gruesome massacre committed in Europe since Hitler’s day. This has conferred a legitimacy on every criminal act, lie, and aggression directed against the Serb people by the “international community”. Having been continuously or periodically touted by the media, Srebrenica has come to be regarded

123 Dr Srđa Trifković, CKSU interview, 28 June 2005.

124 After the UN Security Council banned weapons exports to the whole of Yugoslavia in its Resolution 713, weapons found their way into Bosnia in 1993 from Iran with the connivance of the West. Resolution 713 was a disaster for all Yugoslav nations except the Serbs in that it robbed them of their right, particularly the Bosniaks, to defend themselves. After the JNA took Serbia’s side, all the others were forced to buy arms illegally. The weapons arrived in 1993 with a group of mujahidin whose activities in Bosnia attracted much publicity in the wake of the terrorist attacks on the US on 11 September 2001.

as a hallowed “fact”. It has found its way into the annals of international institutions, video games, school textbooks, written anthologies of world genocides; associations are being established for the protection and political-legal rehabilitation of the “Srebrenica victims”; programmes and monuments have been financed by international institutions to this end; and the Hague Tribunal has for more than a decade justified its alleged “moral” existence by the Srebrenica tragedy. The Srebrenica myth is so widespread that it has induced Pavlovian reflexes in people in the West: mention the word “Serb” to them, and they immediately think of Srebrenica and vice versa.<sup>125</sup>

In his book *Traganje za istinom* presented at the Faculty of Law in Niš in 2008, Milivoje Ivanišević, publicist and researcher into war crimes in the former Bosnia and Herzegovina, alleges that there was no genocide at Srebrenica. ‘After the Serbs returned to Srebrenica on 11 July 1995 by the force of arms – having first been expelled from it in the same manner – stories began to circulate about a large number of Muslims having been killed, above all innocent Muslim civilians, old people, women, and children. The figures continued to multiply over time until they finally reached such proportions that these days not only the Hague Tribunal and the Muslim religious and civil authorities – something which might have been expected and is perhaps logical – but also the officials of other states often talk of genocide.’<sup>126</sup>

Ivanišević blames numerous nongovernmental organizations, especially those in Sarajevo and Belgrade, for keeping the subject in the spotlight of interest all the time. Because of this, he says, ‘the imposed cult of Srebrenica seems to be still watching over our conscience and turning into a metaphor of a hardly conceivable and, what is more, even a genocidal Serb crime against the innocent population of that little town lost in the wilderness of the Bosnian mountains.’<sup>127</sup>

### The judgement against the Six

<sup>125</sup> Emil Vlajki, ‘Srebrenica kao metafora’, *Pogledi*, 3 July 2005.

<sup>126</sup> *Glas javnosti*, 21 March 2009.

<sup>127</sup> Ibid.

The judgement imposed on Serbia's military and police leaders for Kosovo crimes is of a far-reaching significance primarily for Serbian society but also for the region. This goes particularly for the intellectual elite and the political class, whose duty it is to ascertain the responsibility for the campaign of state terror in Kosovo. This is the most important judgement since the Hague Tribunal was established because it is the first to corroborate the charges contained in, above all, the Milošević indictment. Milošević's death prevented the trial from reaching a legal and just conclusion.

Of the six accused, Milan Milutinović alone was acquitted; the Trial Chamber found that 'in practice, it was Milošević, sometimes termed the "Supreme Commander", who exercised actual command authority over the VJ [Army of Yugoslavia] during the NATO campaign.'

The judgment against Nikola Šainović is the most important of all because it implies the responsibility of Slobodan Milošević. The judgement described Šainović as 'one of the closest and most trusted associates of [Slobodan] Milošević' and as 'one of the most crucial members of that common [joint criminal] enterprise'. The responsibility for the joint criminal enterprise designed to bring about a Greater Serbia was thus established for the first time before the Hague Tribunal.

The judgements against the generals Vladimir Lazarević and Dragoljub Ojdanić, then chief of the General Staff of the VJ, as well as against Nebojša Pavković, for the first time establish the involvement of the military leadership in the joint criminal enterprise. They were found guilty of command responsibility and of the criminal consequences it produced. This involved state terror aimed at the forcible transfer of the Albanian population from Kosovo in order to keep the territory under control.

The judgement against Sreten Lukić, in which the Trial Chamber says that he was a '*de facto* commander of MUP forces in Kosovo from mid-1998 to mid-1999, as well as being the bridge between the actions of the MUP on the ground in Kosovo and the overarching policies and plans decided in Belgrade', attests to the coordination of actions by the army and the police on the one hand and the political leadership on the other.

The significance of the judgement lies in the fact that at last it documents the policy of state terror in Kosovo and explains the NATO intervention in 1999. The judgement is likely to be taken into consideration by the International Court of Justice during the proceedings initiated by Serbia to assess the legality of Kosovo's independence. In the opinion of Professor Kosta Čavoški, the judgment will no doubt have wider implications: 'How could any serious and responsible person in authority have recommended cooperating with the Hague Tribunal and delivering the indictees to that Minotaur by hook or by crook?' His chief worry is the possible effect of these judgements on the future of Republika Srpska and the territorial integrity of Serbia. Fearing that there might be serious consequences, he says, 'Only exceptionally corrupt boot-lickers of America and Brussels can continue to recommend unconditional cooperation with the Hague Tribunal – that subservient arm of the Atlantic Treaty.'<sup>128</sup>

## The Šešelj trial

Vojislav Šešelj is a key public advocate of the Greater Serbia project. He has espoused the project all along including in the Tribunal courtroom. It will be recalled that discussions about whether there was a Greater Serbia project at all, and if so within what boundaries, have repeatedly taken place before the Tribunal, especially in connection with the case of Slobodan Milošević. The versions which have been circulating range from a rump Yugoslavia, to a Greater Serbia, to a united Serb lands. Apparently the size of the projected state has varied according to the circumstances. Although the Republic of Serb Krajina (i.e. its southern and western parts) was officially given up at a very early stage, the Serbian Radical Party has refused to follow suit. That the territory had been given up became clear when the Army of the Federal Republic of Yugoslavia failed to intervene during operations Flash and Storm. Šešelj has and still does refer to a line running from Karlobag through Karlovac and Ogulin to Virovitica as Greater Serbia's westernmost boundary.

128 Kosta Čavoški, 'U službi NATO', *Pečat*, 6 March 2009.

Šešelj stands accused of involvement in a joint criminal enterprise aiming to create a Greater Serbia. This means that in determining his punishment the Trial Chamber will take into consideration as relevant every item of evidence linking him to the other participants (both institutions and entities such as the Yugoslav People's Army (JNA), the Territorial Defence (TO), the Serbian MUP, the Republic of Serb Krajina, Republika Srpska and/or the Army of Republika Srpska, and individuals acting on their behalf.

This part of the indictment is based on evidence culled from Šešelj's many statements and books, which are widely known in Serbia. In common with his SRS party (as well as the faction led by Tomislav Nikolić), Šešelj still advocates the Greater Serbia concept. He has said repeatedly in the courtroom that he will never give up the idea of a Greater Serbia, which is the main goal of the joint criminal enterprise.

Both in the courtroom and elsewhere, Šešelj has insisted that his volunteers were under the command of the JNA, TO, MUP, and so on. This precisely is the essence of the 'joint criminal enterprise'. Therefore every item of evidence relating to those units, as for instance to their roles in Vukovar (Ovčara) or Zvornik (i.e. its occupation on 8 April 1992) or Sarajevo, is going to be used in part against Šešelj.

The criminal enterprise was realized during 1991 and 1992, its protagonists including, among others, the former members of the SFRY Presidency Borislav Jović and Branko Kostić, the commander of the notorious Red Berets unit Franko 'Frenki' Simatović, the former JNA generals Blagoje Adžić, Veljko Kadijević, and Aleksandar Vasiljević, Željko 'Arkan' Ražnatović, the former Serbian State Security Service chief Jovica Stanišić, and the Montenegrin president at the time, Momir Bulatović.

Claims by domestic 'experts' that Vojislav Šešelj is merely a person who made irresponsible statements and that he is on trial in The Hague on what are substantially 'verbal offence' charges, is only a part of the campaign waged by Belgrade. The indictment charges him with crimes against humanity including 'hate speech' as well as making inflammatory speeches. The Prosecution's witnesses are expert witness Anthony Oberschall, who analyzed Šešelj's speeches, statements, and appearances, and

many others including insiders. The Prosecution has submitted video recordings of Šešelj's speeches, which took five working days to show. Each of the speeches contains elements whose import will later be assessed according to when the speech was made, where, and under what political or military circumstances.

Šešelj is also accused of the expulsion of the Croat population of the village of Hrtkovci in Vojvodina. The Prosecution accuses Šešelj of being a most notorious propagandist who regularly made inflammatory speeches against non-Serbs. It says that the Croat population of the Vojvodina village of Hrtkovci was expelled in a 'coordinated action of paramilitary formations and police forces'.

The Šešelj trial is especially important in that it deals extensively with the Greater Serbia project. The trial has from the start been accompanied by a skilful media campaign aimed at concealing the substance of the charges against Šešelj and creating an impression that he is there to answer accusations of 'verbal offences'. The split in the SRS indicates that Šešelj is no longer acceptable as an option in the present political situation in Serbia. That this is so is attested by the wide support Tomislav Nikolić received for founding his new party.

## **The reaction of the state**

The consequence of the Tribunal's judgements is either deliberately minimized by the institutions of the state and their prominent officials, or they are relativized and habitually characterized as anti-Serb. For instance, President Boris Tadić said: 'We are a nation that deserves respect and we will not let anyone trample on our dignity. Just as we will not let those who wish to do so take Kosovo, so we will not let those who, afraid of life, wish to take the future from us and demean our dignity.' Rhetoric of this kind is often used by the country's leaders and is heavily exploited especially during electioneering to manipulate public opinion. These days there can be no discourse about the Serbs as a nation without references being made to their past. Icons of nationalism from various periods in the past are

rehabilitated all the time with the aim of ‘reviving the cult of the “roots”, modifying the culture of remembrance, and overcoming the past with the help of new legislation.’ This trend is attested by the Rehabilitation Law of 2006, a piece of legislation designed to construct a new ‘historical identity’ of a society, a state of affairs as one wishes it to be. The Assembly having placed the Chetnik movement on an equality with the Partisans, the Rehabilitation Law enabled the personality of General Milan Nedić and his 1941 collaborationist government to return to the scene.<sup>129</sup> What has been overlooked, in setting out to rehabilitate all ‘ideological’ enemies of communism, is the fact that ‘the contemporary notion of “ideological” anti-communism implies the glorification of Nazism, anti-democracy, and anti-Semitism, the last “accidentally” coinciding with a time when millions of Jews were being murdered in the “Great German Reich”.

Serbia’s attitude to her anti-fascist past is closely linked to anti-communism, which the Right and the liberals alike propagate in various ways. This ambiguous attitude to anti-fascism may account for the intellectual and political elites’ forbearance towards extreme right-wing youth organizations.<sup>130</sup>

In this connection, it would be interesting to analyze the background to the anti-fascist rally outside the Faculty of Philosophy in Belgrade on 11 October 2008. The rally was scheduled by the Anti-Fascist Campaign in response to a march announced by Serb neo-Nazis. The anti-fascists were to precede the neo-Nazis by an hour, both events being scheduled in the same location. The preparations were surrounded in controversy, with Minister of the Interior Ivica Dačić first announcing that both events

129 Olivera Milosavljević, *Potisnuta istina*, Helsinki Committee.

130 In contemporary scientific thought one may discern ‘two dominant postulatory propositions regarding socialism in Serb historiography. [1] Already during Yugoslavia, the rhetoric of the socioscientific public spoke of the return of normalcy of the national perspective from which the past, among other things, should be interpreted. The national tradition was normalized as the main research priority. [2] The vigorous normalization of the national needed a critical counter-argument, i.e. identifying the principal scapegoat for the ‘neglect’ of the national. It was felt necessary to construe socialism as the culprit and as totalitarian intruder into the national tradition.’ (Todor Kuljić, *Prevladavanje prošlosti*, p. 472).

would be banned owing to the high risks involved, then saying that this only applied to the neo-Nazis. A segment of the public with anti-fascist leanings condemned the minister's irresolute attitude as scandalous. Furthermore, the Anti-fascist Campaign's preparations took place amid allegations that both the anti-fascists and neo-Nazis were 'extremists'. On the appointed day, right-wing organizations clustered around '1389' and 'Obraz' held their daily protest march through Belgrade, something they had been doing ever since Radovan Karadžić was arrested. 'Obraz' also announced publicly that its activists would 'patrol' the streets of Belgrade that day with the intention of purging them of unbelievers. Because the protests coincided with two football matches, Minister Dačić ordered 2,500 police officers into the streets and Belgrade ended up looking as if a state of emergency had been declared.

## The Declaration of Political Reconciliation

The relativization of the past started with equating Chetniks and Partisans, continued with equating fascism and anti-fascism, and ended in the complete normalization of fascism. Among those who have been rehabilitated are Milan Nedić, Nikolaj Velimirović, and Dimitrije Ljotić, the last greatly admired by Vojislav Koštunica for his ethic and moral criteria. Amid a general relativization of responsibility for the recent past, the Declaration of Political Reconciliation, signed between the Democratic Party and the Socialist Party of Serbia on 18 October 2008, exonerates the regime of Slobodan Milošević. The Serbian political elites' failure to break with the Milošević era testifies to their indubitable ambivalence. This indicates that the national policy pursued under Milošević was generally approved. The fact that the Declaration was not necessary in the first place, since no one had insisted on it, further testifies to the elites' prevailing attitudes.

The two parties announced that they had 'common responsibility for realizing the vision of Serbia as a democratic, free, intact, economically and culturally developed and socially just country.' However, President Tadić's insistence on 'national reconciliation' is blocking the process of

overcoming the past. The Declaration addresses the future but also deals with the past, saying that the conflicts were ‘such that they threatened to take the country to pieces’. As a matter of fact, the conflicts did tear the country apart, but this does not seem to matter to Tadić, who extols the signing of the Declaration as an event of ‘historic importance’: ‘This is a solemn occasion which shapes our values, ideas, and our political plans for the future. By this we manifest our desire to clear the way for others so that our political reconciliation could also ensure national reconciliation.’<sup>131</sup>

The Declaration sets out the basic policy guidelines of the DS and the SPS. One of them relates to the *Sovereignty and Integrity of the Country – the Question of Kosovo and Metohija*: ‘Preserving the state, preserving the sovereignty and territorial integrity of Serbia, and building capacity for her defence is the primary national and state objective. Kosovo and Metohija will remain a component part of Serbia, and the struggle against its secession the overriding national objective.’<sup>132</sup>

However, the section devoted to European integrations sets out no such primary goal (or, as a matter of fact, no goal to that effect at all!). In the part devoted to Europe there is the following ambiguity: while it is claimed that EU membership is Serbia’s ‘strategic commitment’, it is also asserted that ‘we have always belonged to Europe and shared European values’. Any uncertainty whether the meaning of the second statement is that Serbia is geographically a part of Europe is dispelled by the following explication: ‘Our European identity is borne out by our history, as attested by, among other things, our national achievements included in the list of world cultural heritage.’<sup>133</sup>

<sup>131</sup> Source: DS. [http://209.85.129.132/search?q=cache:nNYJgRMvyD0J:www.ds.org.yu/sr/index.php%3Foption%3Dcom\\_content%26task%3Dview%26id%3D6292%26Itemid%3D68%26lang%3Dlat+deklaracija+pomirenja+ds+sps&cd=40&hl=en&ct=clnk](http://209.85.129.132/search?q=cache:nNYJgRMvyD0J:www.ds.org.yu/sr/index.php%3Foption%3Dcom_content%26task%3Dview%26id%3D6292%26Itemid%3D68%26lang%3Dlat+deklaracija+pomirenja+ds+sps&cd=40&hl=en&ct=clnk).

<sup>132</sup> DEKLARACIJA O POLITIČKOM POMIRENJU I ZAJEDNIČKOJ ODGOVORNOSTI  
ZA OSTVARIVANJE VIZIJE SRBIJE KAO DEMOKRATSKE, SLOBODNE, CELOVITE,  
EKONOMSKI I KULTURNO RAZVIJENE I SOCIJALNO PRAVEDNE ZEMLJE  
(downloaded from website). [http://www.ds.org.yu/sr/dokumenti/Deklaracija\\_o\\_politicom\\_pomirenju\\_i\\_zajednickoj\\_odgovornosti\\_DS\\_SPS\\_2008.pdf](http://www.ds.org.yu/sr/dokumenti/Deklaracija_o_politicom_pomirenju_i_zajednickoj_odgovornosti_DS_SPS_2008.pdf)).

<sup>133</sup> Ibid.

## Reactions to others' perceptions

The Serb elites are sensitive to any analytical text or book coming from abroad, especially to works which throw light on their own matrix and general trends in Serbian society. Of late the greatest stir was created by a book written by one of Germany's foremost historians, Holm Sundhaussen. His 'History of Serbia from the 19th to the 21st centuries' provoked a highly emotional reaction on the part of nearly all intellectuals with right-wing leanings.<sup>134</sup> The wide polemic that followed was obviously well orchestrated. The hue and cry might have been expected, for Sundhaussen, an expert on the region of South East Europe, presents in the book an objective synthesis of the two centuries of Serb history.<sup>135</sup> The book affords a comprehensive insight into 'events and their protagonists while, on the other hand, reconstructing perceptions and interpretations which actuate social orientation and human action.'<sup>136</sup>

What raw nerve in the Serb historians did the book touch in order to incur their censure?

For a start, the question arose whether a foreigner can write a 'correct' history of Serbia at all. Miloslav Samardžić, an author mentioned in Sundhaussen's book, offered a very simple explanation: 'Foreigners have so far written as many as 2,500 histories of the Serbs! If they have written them as Sundhaussen does – and they appear to have – then we're in more trouble than we think we are. Everything's so black that it couldn't get any blacker.'<sup>137</sup> Samardžić's book *General Draža Mihajlović i opšta istorija*

<sup>134</sup> Although the publishers, CLIO, had the book ready for the 2008 Belgrade Book Fair, the book remained unavailable for sale until as late as the end of February 2009. Before the book was released, a public debate was organized to discredit it before it reached the reader. The Goethe Institute held a panel discussion on the book which was attended by all prominent Serb historians. The atmosphere was civil, with most participants, however, disagreeing with the main thesis in the book.

<sup>135</sup> Sundhaussen lectures in the history of South East Europe at the Institute for East-European Studies and is president of the Scientific Council of the Institute for East-European Studies in Munich.

<sup>136</sup> Latinka Perović, *Prošlost nije isto što i istorija*, Politika, 20 February 2009.

<sup>137</sup> Miloslav Samardžić, 'Kad Nemac piše srpsku istoriju. . .', *Svedok*, 3 Mart 2009.

*četničkog pokreta* is criticized in Sundhaussen's work. Samardžić considers that Sundhaussen has accused Draža Mihajlović unjustly because, he argues, '... there is no document bearing Draža's signature which can be characterized as a war crime'.

Sundhaussen's parallels between German and Serb nationalism and the tragic consequences of the two regimes have also been seen here as a 'problem' because the author allegedly treats the two wars as being equally destructive. The book has also been criticized as anti-Serb propaganda, with academician Vasilije Krestić describing Sundhaussen as a 'typical mouthpiece of current Germany policy concerning Serbia and the Serbs'.<sup>138</sup> In Krestić's opinion, 'Sundhaussen's book should not have been translated' on account of the author's tendentious approach to the 'collective guilt and responsibility of the Serb people': '[The object is to] dim the consciousness ... of insufficiently informed Serb readers ... and convince them that the Serbs' guilt for every atrocity that took place in the course of the war events during the break-up of Yugoslavia goes back a long time ago, the time of the First Serb Uprising'.<sup>139</sup> Krestić's main emphasis, however, is on the issue of Kosovo, and he accuses Sundhaussen of having 'turned into a staunch advocate of the Albanians and a promoter of the interests of their newly-proclaimed state in the south of Serbia.' 'He accuses the Serbs of alleged Greater-Serb pretensions without identifying pretensions of such kind in the Croats or the Albanians'.<sup>140</sup> In the opinion of Čedomir Antić, the only purpose of Sundhaussen's book is to reinforce stereotypes about Serbs.<sup>141</sup>

138 Vasilije Krestić, 'Izdavački, naučni, politički promašaj', *Pečat*, 52/2009.

139 Ibid.

140 Ibid.

141 *Svedok*, 3 March 2009.

## The tenth anniversary of the NATO bombing campaign

The ‘normalization’ of Slobodan Milošević ten years after his fall was generally accepted.

For instance, on the occasion of the tenth anniversary of the NATO intervention, 24 March 2009, a number of events were staged with the object of putting the blame for the war, crimes, and the loss of Kosovo entirely on the United States. The judgements delivered in the case of the Six were passed over in total silence as if they had nothing to do with Milošević’s policy. The government of Prime Minister Mirko Cvetković held a special session to commemorate the start of the campaign, and Vojislav Koštunica brought together the entire nationalist bloc in the Sava congress centre. The anniversary of the bombing campaign was also marked by political parties.

The media without exception participated in creating the pervading anti-Western mood. In the centre of Belgrade, posters were pasted with the following message: ‘... to manifest his or her patriotism in this way... . Of course, we could not have experienced it other than as a brutal aggression, which lasted for all of eleven weeks and ended in the “Kumanovo Agreement” that both NATO and the leadership of the FRY and Serbia hailed as their victory. *Serbia is the world. NATO is against Serbia. NATO is against the world.*’<sup>142</sup>

The Serbian government held a special session in memory of the victims, with Prime Minister Cvetković saying that the innocent victims of the bombing reminded one that Serbia has an obligation to fight for her interests in a responsible and civilized manner, and that she is therefore committed to the speech of reason and justice rather than to the speech of hatred. Cvetković said that the campaign against the Federal Republic of Yugoslavia was one of the most tragic episodes of the second half of the 20th century and remained an unlawful act contrary to international law although ten years had passed since the bombing.

<sup>142</sup> Politika, 24 March 2009.

The anniversary was also marked that day in the Sava Centre by a national convention entitled 'Serbia, remember'. The audience, which included representatives of 'Dveri srpske', was addressed by Matija Bećković, the Metropolitan of Montenegro and the Littoral Amfilohije, and Vojislav Koštunica. Vladan Glišić of 'Dveri srpske' stressed that participation in the convention was 'our duty because there is a tendency to forget the 1999 bombing campaign and the expulsion of the Serbs from Krajina in 1995'. 'Dveri srpske' continued their 'Remember and Live' campaign in several towns in Serbia in defence of the 'dignity of the Serb people'.

That same day Dobrica Ćosić presented his latest book *Vreme zмија* (The Time of Snakes). In the book, Ćosić makes the following distinction between the Albanian and the Serb ethnos: 'That social, political, and moral scum of tribal, barbarian Balkans, takes up for an ally America and the European Union in their struggle against the most democratic, most civilized, most educated Balkan people – the Serb people.' (p. 211)<sup>143</sup>

Following a rally in Republic Square organized by the National Movement of Serbia and the associations Freedom, Defenders of the Fatherland, 'Naši', and 'Dveri srpske', and also attended by members of 'Obraz', soccer fans, and neo-Nazi groups, riots broke out in the streets of Belgrade. Clashes between police and some 150 youths in downtown Belgrade left two police officers and seven citizens injured. Thirty people were detained. Several slogans were chanted including 'Tadić Ustasha' and 'We won't give you Mladić, we'll give you Tadić'. Participants in the rally carried posters with Milošević's pictures and sang Chetnik songs.

The 'Obraz' activists chanted 'Obraz, Serbia, Kosovo and Metohija', 'We want arms', 'Kill the Shqipetar [Albanian], cut his throat, till he's no more', 'Kill, kill the Shqipetar', 'Down with the puppet government'. They also cheered Radovan Karadžić and Vojislav Šešelj, raised their hands in a Nazi salute, and lit soccer fans' torches.<sup>144</sup>

The Association of Municipalities of Kosovo and Metohija held a session at which it asked the Serbian government to bring an action before the International Court of Justice against all states which have recognized

<sup>143</sup> Carried by *Borba*, 25 March 2009.

<sup>144</sup> [www.B92.net](http://www.B92.net), 24 March 2009.

Kosovo. It also stressed that ‘it is high time for the Serbian government, ten years after the perfidious aggression of the NATO pact against the FRY, to also bring a case against all countries which took part in that aggression against sovereign and European Serbia.’<sup>145</sup>

145 *Glas javnosti*, 23 March 2009.

# Generating narrow-mindedness

In Serbia, as a multi-ethnic and multi-confessional state, the most representative and prominent advocates of cohabitation and tolerance must be those who are mostly publicly exposed, that is, MPs, prominent political and public figures, print and electronic media prime movers, that is, journalists. But judging by the effects of their public communication, they have not taken on that role. They practically still engage in hate speech (and the former is not a punishable offence under the law) and thus help normalize the negative phenomena of xenophobia and aggressive nationalism. In other words, the most brutal statements are treated as „freedom of speech“, „freedom of press“ and remain both legitimate and legally accepted political slogans.<sup>146</sup>

The 21st of May 2008 statement of the Serb Radical Party leader, Vojislav Šešelj, in the Hague Tribunal, glorifying the assassins of Prime Minister Zoran Đindić is a very indicative example of the aforementioned. Vojislav Šešelj before the Hague Tribunal, which tries him for war crimes and genocide against the Muslim population in Bosnia and Herzegovina, stated that Đindić's assassin, Zvezdan Jovanović, deserved „the glory of Gavrilo Princip in the Serb history“: „*I believe that Zvezdan Jovanović was falsely accused and if he had not been falsely accused he would have merited the glory of Gavrilo Princip in the Serb history*“<sup>147</sup>. The first-instance court in Belgrade sentenced Zvezdan Jovanović to 40 years-in-prison for

<sup>146</sup> In the contemporary world engaging in hate speech and acts of hate is tantamount to propagation, glorifying and justification of crimes committed towards social groups and their members on grounds of color of their skin, race, religion, national/ethnic descent, gender, sexual orientation, property, health or marital status, parental status, political orientation, age or other personal characteristics, or instigation of commission of such crimes; espousing or transferring the idea of superiority of or subordination of a social group and its members; use of gestures, and symbols, and other means, which may upset the public order and peace, and instigate hatred towards social groups and their members, writing of messages and symbols of discriminatory contents in public places. Source: YUCOM, [www.yucom.org.rs](http://www.yucom.org.rs)

<sup>147</sup> *Glas javnosti*, 23 May 2008.

Đindjić's assassination. That Šešelj's statement was condoned by the then government, but not by the Serb Radical Party members, who, on the contrary fully backed the policy of their leader.

One must pose the question of the objective of that Serb Radical Party rhetoric? In fact it aims to stage a showdown with "internal traitors" (an attempt to deligitimize the NGO sector and all those who put up resistance to the Serb Radical Party policy), and also to intimidate "the internal foes" (Since Šešelj is accused of the most atrocious crimes in Bosnia and Herzegovina committed in the 90's, any form of amnesty of his aggressive statements is tantamount to direct insulting of the Muslim and Bosniak communities in Serbia.)

Meshihat of the Islamic Community in Serbia, for example, interprets the status of Islamic Community in Serbia, (Islamic does not necessarily overlap with the ethnical term, Bosniak, as the general public perceives their feeling of ethnic affiliation) in the following way: "A germ of discrimination lies in the preamble of the Constitution of the Republic of Serbia (...) which implies that only the Serb people as a collective have the right to this state, while members of other peoples have Serbia only as citizens, that is, individuals."<sup>148</sup> Discontent of the religious or ethnical minorities is

148 On the basis of that principle were drafted and enacted regulations on religious holidays, according to which the two Christian Orthodox holidays (Christmas and Easter) have the status of the state holidays, whereby on those days are closed all public institutions, regardless of religious beliefs of all their employees. In case of religious holidays of other traditional religious communities and churches, members of those communities on that day are not duty-bound to go to work. The fact that the authorities imposed celebrations of Saint Sava Day to all schools and all pupils in a multi-religious and multi-ethnic Serbia is a kind of discrimination which aims to bring about assimilation of the non-Serb and non-Christian Orthodox people. Since the Serb Orthodox Church is not privileged under any law in place, the authorities resort to granting of privileges to "its church" through numerous forms of practical behavior. The Serb-Orthodox Church Faculty of Theology in Belgrade is 10% subsidized by the state budget allocations for the Belgrade University. Faculties of other religious communities, notably the Islamic Studies faculty in Novi Pazar are not on the state –run gravy train. It would be interesting to obtain a report on various forms of funding of religious projects, in order to establish the true position of the Serb Orthodox Church with respect to other churches and

logical with a view to the fact that the existing state order primacy to the majority people, and arranges the state exclusively along the ethical, instead of the civil principle.

An extremely Islamophobic statement was heard in the Serb parliament recently. Namely with very harsh words, in a clear allusion to the Bosniak descent of Minister Rasim Ljajić, MP of New Serbia Velimir Ilić protested against the fact that invitations for celebrations of the Day of Statehood in Orasac had been signed by Ljajić himself.

Parliament of Serbia, in the early stages of its work in 2008, had a very poor performance and moreover was oft the scene of very uncivilized, vulgar and aggressive conduct.<sup>149</sup> Because of the foregoing, the fact is that citizens of Serbia have very little confidence in that institution, is not surprising. Namely, according to the February 2008 public opinion poll, relating to the rating of importance of some institutions in Serbia, citizens placed most faith in the Serb Orthodox Church (74.7% of respondents), the Serb Academy of Arts and Sciences (63.3%), President Boris Tadić (53.5%), Army of Serbia (52.9%), National Bank of Serbia (44.4%), government of Serbia (23.2%) and the Serb Parliament (only 11.9%).<sup>150</sup> Hence the said survey indicated that parliamentarism in Serbia is in a

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religious communities in Serbia. (according to the web site <http://209.85.129.132/search?q=cache:N2eOhwMVbGEJ:www.bosnjaci.net/prilog.php%3Fpid%3D31870%26DISKRIMINACIJA+glas+islama+klica+diskriminacije+u+srbijski&cd=2&hl=en&ct=clnk> ).

149 In the course of 2008, the National Parliament of Serbia passed a total of 48 acts, of which 28 acts from the internal law area, and 20 relating to ratification or confirmation of international agreements, treaties and contracts. Of 28 acts debated by the parliament, only 7 acts (on personal data protection, on foreigners, on state borders, on the Agency for anti-corruption combat, on appropriation of property gained by criminal means, on responsibility of legal persons for criminal offences, and on public purchases) of a total of 49 envisaged by the Action Plan on Fine-Tuning of laws of Serbia with legal acts of European Union, were adopted by the Serb National Parliament at the end of the year 2008. ([http://209.85.129.132/search?q=cache:HlofPR\\_1wGQJ:www.pregled-rs.com/article.php%3Fpid%3D922%26id%3D27694+ukupno+usvojeno+zakona+u+skupstini+2008&cd=10&hl=en&ct=clnk](http://209.85.129.132/search?q=cache:HlofPR_1wGQJ:www.pregled-rs.com/article.php%3Fpid%3D922%26id%3D27694+ukupno+usvojeno+zakona+u+skupstini+2008&cd=10&hl=en&ct=clnk) ).

150 Downloaded from <http://www.rts.rs/page/tv/sr/story/20/RTS+1/32076/Da+Mo%C5%BEeda+Ne.html>

deep crisis and that citizens don't stand behind the statements of their political representatives.

Statements of politicians and other public figures considerably contribute to the rise in aggressive conduct in the society, in general. Emotionally-charged hate speech is usually targeting a certain group or individual. Manipulation of the Serb population in Kosovo throughout 2008 was amply used as a political mobilization vehicle. Citizens of Serbia did not have access to full and accurate information, for any development in the turbulent territory of Kosovo was used to delegitimize the newly-emerged state. If Serbs from the enclaves are leaving due to a difficult social and political context, that "emigration" is thus interpreted by the media: "Šiptari are seizing the Serb land."

Daily *Pravda* under the headline "Happy Birthday, General" (an obvious reference to Ratko Mladić) carried a series of chauvinistic statements of popular personalities and leaders of political parties in Serbia. Tomislav Nikolić stated that "many would be overjoyed to see Mladić in the Hague, but that development hinges exclusively on his decision. Such a scenario would be fatal for Serbia, and especially for Republika Srpska. Karadžić and Mladić don't deserve to be in the Hague prison. I wish him to give a wide berth to that place."<sup>151</sup> Similar are the messages of Mladen Obradović from *Obraz* and Miša Vacić from *Pokreta 1389*. Namely Obradović wished Many Happy Returns to the Serb hero, and sent him the following message "All the true Serbs are with you". High cleric Dr. Žarko Gavrilović congratulated Ratko Mladić on his successful hiding in the difficult times: "If they somehow manage to arrest you, make them pay dearly for your life!"<sup>152</sup>

Aggression of propagators of the Serb nationalism is mostly manifested towards the "important minorities", that is the most numerous ones, Romany and Albanians, then to those who allegedly threaten the national unity, (LGBT population) and those who have played an important role in the past of the country (Albanians, Croats and Bosniaks). Ethnic minorities (the Romany and Albanian, in particular), are frequently exposed to

<sup>151</sup> Ibid.

<sup>152</sup> *Pecat*, 12 September 2008.

brutal treatment by the incumbent authorities. The government messages, notably those to the international community, are based on the felling of exclusivity of the Serb people (speech similar to the one made by the Serb Radical Party.) Such a megalomaniac, nationalism-imbued rhetoric is characteristic of Vuk Jeremić. He expressed expectations that the International Court of Justice in the course of 2010 would rule as illegal the unilateral proclamation of independence of Kosovo: "I think that it would be a great contribution to the international relations and preservation of the international law in the 21st century. That decision shall set a precedent with respect to the issue of secession, in view of the fact that the said court shall for the first time deal with that problem. Thus all the future secession issues, possibly raised in the 21st century, shall be dealt with by the International Court of Justice, in line with the Kosmet ruling."<sup>153</sup>

Media play an important role in reproduction of the minorities-related stereotypes. According to professor Snježana Milivojević "both print and electronic media very lightly and frequently use the collective term-Serb criminals, Chetniks, Shiptari, Gypsies, Shiptari extremists-thus, such an insulting and derogatory naming or terming is introduced into the zone of normal and acceptable language. Though minorities members are usually portrayed in their conflict-riddled and criminal activities, their conduct is usually generalized as typical for the larger and entire ethnic groups. Along with the negative connotations attached to their names and derogatory generalizations, generated is also a discriminatory stereotype that "they are all the same."

All public figures or organizations who dare stand in the defense of minorities, are automatically declared "domestic enemies", "servants of the West", "Euro fanatics". This is primarily a reference to the defenders of human rights, which have been to such a large extent "compromised" by the patriots, that attacks on and vilification of them is considered-normal. Namely patriots consider the concept of human rights a real danger for the majority population and its status. Some ultraconservative intellectuals have started applying a new mechanism in the campaign of compromising some government frontmen. Namely every governmental support

153 Ibid.

to organizations engaging in the defense of human rights, provokes the patriotic camp to call the government –a traitor. The last in a series of thus targeted officials was the Human and Minority Rights Minister, Svetozar Čipić, at the handing of awards for anti-discrimination struggle: “State institutions and resources, and money of the people, were set in motion in such a way to work directly against the interests of the state.”<sup>154</sup> Hate speech is charged with emotions and devoid of arguments, and hence the aforementioned examples constitute a real, physical danger for the target groups or individuals.

## **Smear campaign against NGOs**

Last year was marked by numerous smear campaigns against NGOs engaging in the defense of human rights, notably YUCOM (the Jurists Committee for Human Rights), Helsinki Committee for Human Rights in Serbia, Humanitarian Law Fund, Women in Black, gay organizations and B92 radio program, Peščanik, and which take a critical stance on the government’s work and all the social phenomena.

A veritable persecution of the Helsinki Committee for Human Rights and its head Sonja Biserko, because of contents of the 2007 Annual Report, was conducted last year. The intensity of that campaign exceeded the previous ones. The novelty lied in the fact that the mainstream media, notably *Politika*, *Večernje Novosti* and weekly *NIN* dedicated enormous space (*Politika* as many as two pages) to the attacks on the Helsinki Committee, which bore no reference to the Report’s contents at all. The smear and vilification campaign was triggered by a lengthy review of the the Report by Slobodan Antonić, ran by the weekly *Pečat*. In that text Antonić quoted all the names mentioned in the Report and nicknamed that list „Sonja Biserko’s list of proscribed persons.”

Helsinki Committee for Human Rights in Serbia has been regularly publishing its Annual Report for eight years now. That publication aims to detect the most salient problems of the country which slow down and

block its development. That report is also of the key importance from the standpoint of nurturing *the culture of remembrance* in order to relativize or deny responsibility for the 90's wars. The report is written by the whole team of Helsinki Committee for Human Rights in Serbia (both employees and collaborators). The work on compiling relevant facts and information, and then giving the right shape to the said material lasts for months and presupposes numerous consultations between and suggestions of its authors. The end-result presented to the public is the material which represents the analysis of all more important spheres of the Serb society (government, Serb Parliament, religious communities, University, civilian society, media, minorities, etc.). In its Annual Report the Helsinki Committee also gives a broader social-political context without which it would be impossible to understand the causes of the human rights status. The foregoing is necessary given the fact that the Serb militant nationalism was the principal generator of wars and massive violations of human rights both in the region and in Serbia proper.

Since the HC Annual Report for HO, titled "*Self-isolation – reality and goal*", was published in May 2008, it is indeed odd that four months later it grabbed so much media attention. Commentaries of nearly all the print media bore the hallmarks of a carefully engineered campaign against the said NGO. It was obvious that in play were efforts to discredit not only the report, but also the work of the HC and personality of its head, Sonja Biserko. The first such text was ran by *Pečat* (12 September 2008), four months after the book was published. Namely the author Slobodan Antonić in his text "Striking off the Incompatible", draw up the "list" of persons mentioned, quoted and criticized in the said Annual Report. The list included the names of prominent professors of the Belgrade Law Faculty who in 2001 had signed the petition against the Act on Co-operation with the Hague Tribunal. The report focused on representatives of the conservative, nationalistic camp – whose petition contributed to instigating the anti-EU mood – in view of the fact that co-operation with the ICTY is a key and binding condition for Serbia's accession to the EU. In fact that list (later called "the list for elimination", or "the black list of Sonja Biserko") was made public on the 27<sup>th</sup> June 2008. It was carried by many

print media, including *Glas javnosti*. Obviously the problem did not lie in the names, but rather in the fact that in the HC Annual Report those persons were taken to task because of their efforts to slow down the process of Europeization. By the way all the quoted personalities have to date proudly underscored their contribution to the defense of "Serbhood".

One of the objections of Slobodan Antonić was that the report was written in "the new, semi-Croat language". He underscored the following: "In the Report we find the words like 'jugoslavenski', 'Europa', 'promicanje' (that is, promotion), 'razina', instead of "nivo" (level), 'ubojstvo' instead of "ubistvo" (murder) etc."<sup>12</sup> Antonić wrote a glaringly anti-Croat text, for he four times touched on the "problem" of Croatia. Firstly he singled out the HC recommendation that in the history curriculum be included regional textbooks, in order to enable the young to obtain a more comprehensive picture of the 90's in the territory of former Yugoslavia: "(...) check all the university textbooks and those incompatible censor and replace with textbooks from Croatia and Kosovo".<sup>13</sup> Furthermore Antonić imputed that the HC engaged in "a different other kind of Serb propaganda" on the basis of the following sentence from the Report: "As regards war crimes trials, the Croat judiciary is doing an excellent job, while the Serb judiciary obstructs and hushes up war crimes trials." There is a bevy of similar remarks, though the chapter "Serbia and its neighbours" in fact covered the analysis of Serbia's relations with all the former republics of Yugoslavia. However, the print media focused on Croatia, while, for example, leaving aside Bosnia and Herzegovina and Republika Srpska (the latter is understandable in view of the forthcoming elections in Bosnia and Herzegovina and the recently raised issue of referendum in Republika. Added to that the issue of annexation of Republika Srpska was included in the list of the ten strategic goals of the new party founded by Tomislav Nikolić).

After the aforementioned Antonić's text, a veritable anti-HC was launched by other print media which relied not on the Report's contents, but rather on stereotypes relating to the NGO sector and re-hashing of "facts established by Antonić." In other words a well-oiled mechanism was set in motion (columnists, editors of daily *Politika*, weekly *NIN* and tabloids). Claims about physical threats were used (footballer Dušan Savic

maintained that he stood fearless in the face of the HC-issued life threats). Slobodan Samardžić asserted that the Report was "part of a long-standing mercenary action aimed at creating confusion amid the public and black-listing all those working for the benefit of the Serb national interests. ...the problem is that in Serbia they have large manouevring room..." Antonić predicted a catastrophe in Serbia after the Report's publishing: „The novelty is the book's cover. It shows for the first time the map of Serbia without Kosovo. Moreover on that picture Serbia is depicted as an iceberg floating alone in the sea, melting and breaking-apart. The part which represents Kosovo has already fallen off. Which part, in the mind and plans of the Helsinki Committee and its mentors is the next one to go? Vojvodina? „Sandžak”? „Preševo valley”? „Vlaška Krajina”? How much time shall it take to reduce that lonely iceberg to the extent that would satisfy Sonja Biserko and her European friends?”<sup>4</sup>

Dominant headlines used the tabloid lingo: „Biserko and to her akin ‘black widows’”, “Witch-hunt staged by Sonja Biserko”, “Nostalgia for single-mindedness”, “Dirty traces of bad agents”, “Sonja Biserko is a fascist,” „Sonja’s list”, “Sonja Biserko wants a new Goli otok, a detention camp for her opponents”, “All things Serb are proscribed”, “Witches do it on foreign orders”. Intellectuals and journalists which were criticized in the Report because of their nationalistic stands, started calling on the lynch of Sonja Biserko and the Helsinki Committee for Human Rights. Thus in *Glas Javnosti* Moma Kapor noted the following: (...) they are a malicious human garbage who dared not sign the book of garbage they had published. What do they fear? I don’t know. But at this moment of time they probably mostly fear loss of their position of servants of their foreign bosses. For, regardless of the identity and Serbia-related objectives of those foreign bosses, the latter don’t like failed agents who leave a lot of dirty traces. Normal persons don’t like to have on their payrolls the persons who provoke so much resentment, loathing, anger and resistance, in the country in which their services should be of some use.”<sup>4</sup> This is what Kapor told the daily *Press*: „I don’t believe that bosses of Sonja Biserko in the West shall like this garbage of the book...in fact they are most likely to disli-

ke it, because she has manifested a terrible hatred of all things Serb and judicious.”<sup>5</sup>

Isidora Bjelica writes in the same hatred-instigating manner: „Such a large list of people whom comrade Biserko wants to eliminate and isolate is above all the proof of her grave paranoid mental state...namely she sees all those people as creators of theory and practice of conspiracy, ...in any other civilized country because of such accusations she would be given free medic care by a competent ministry... Therefore I publicly say: as a paranoid she is dangerous for the public order and peace”.<sup>6</sup> Dule Savić, a footballer, and a prominent member of the conservative camp, used several dailies to make public his pertinent opinion: „Those NGO witches on their broomsticks are working on orders of those who wish harm to Serbia. They are drawing up lists, like in the Third Reich era! And why are they attacking certain personalities and institutions? They are doing that because those personalities with their authority and efforts are endeavoring to preserve the Serb national identity and state!”<sup>7</sup> Similar, impassioned, and insulting commentaries relating to the origins, ethnic descent and physical appearance of Sonja Biserko appeared in nearly all the other print media.

What is conspicuous that that the criticism in such articles centred on an alleged radicalism of the Helsinki Committee. Mirjana Bobić Mojsilović called Helsinki Committee “an ultra-radical left-wing organization acting under the slogan „Expelling May Start”. What remains unclear is why the tag of such ideology, since the report is visibly liberal-minded and market-oriented. One wonders if such a labelling is just a product of ignorance or of lack of hard arguments. But in fact it seems that the ideology tag attached to the Helsinki Committee Annual Report 2008 was of no importance, for it ranged from Fascist, to Stalinist-„with attempts to introduce spirit of totalitarianism into Serbia” as Slobodan Samardžić has put it. In fact such a wide array of „ideology tags” indicates above all confirmation of „traditional enemies within our ranks.”<sup>8</sup>

Ascribing so much power to a NGO should be viewed through the whole process of the persecution or campaign-engineering. Namely the campaign coincided with the initiative for, and subsequently replacement of editor-in-chief of *Politika*, Ljiljane Smajlović. In the TV B92 program

*Uticak nedelje* in which she was a guest, together with Sonja Biserko and Slobodan Marković, Lj. Smajlović tried to establish a link between the criticism of the two *Politika* columnists (S. Antonić and Đ. Vukadinović) by the Helsinki Committee with their possible replacements. She thus said: "Annual report of the Helsinki Committee is just another name for a subsequent program for the society's denazification, the program drawn up by Sonja Biserko."<sup>9</sup> In fact, contrary to all the professional ethics, editor-in-chief Smajlović used the smear campaign against the Helsinki Committee, as pursued by „its“ daily *Politika* to hold on its position.

Polemics centred on the contents of the HC Annual Report began on 12 September 2008 and ended in late October.

On the 4th of October, in the Radio Beograd program *Agora* guests were Sonja Biserko and Slobodan Antonić. One of the objections then raised by Antonić in fact laid bare his lack of arguments in the anti-Report campaign. Namely he stated that the Helsinki Committee intentionally translated all its publications into English to make accessible to all the foreigners (a clear allusion to the West which is allegedly destroying the Serb identity, in collusion with NGOs, defenders of human rights in Serbia) further material for their "anti-Serb actions." By and large anti-Western stands of this kind are detrimental for they tend to revive the need for stigmatizing „internal enemies“. Consequences thereof are evident in –reality. Namely on the 5th of October 2008 two unidentified men openly threatened Sonja Biserko in front of the flat. She later stated that both men were dressed in black and about 40 – years of age. She also said: "One of them was standing at the building's entrance, while the other sat in front of my flat. I called my friends, and then the police. Both men ran away when my friends appeared."

The next incident, with the support of a tabloid *Kurir*, happened the following day. Namely on the 6th of October that daily carried the letter of Milorad Ulemek Legija in which the murderer of Prime Minister Zorana Đindjić addressed his „patriotism-minded readers“. His letter was rife with the most vulgar insults aimed at head of the Helsinki Committee, in parallel, his words were violence-instigating ones.

Because of verbal violence and physical threats to president of the Helsinki Committee, Sonja Bisero, the NGO requested police protection. But that protection has never been provided.

A day later, in TV B92 program *Poligraf* (6 October) the guest was Sonja Liht, president of the Fund for Political Exceptionality. Sonja Liht in the following way commented the Helsinki Committee Annual Report: "I think that the said Report would have been more suited to an institute engaging in the political analysis (...) I don't think that human rights organizations should deal with the political analysis." She then went on to comment the reaction of Milorad Ulemek Legija: "I think that the said reaction was scandalous...and that the whole debate amply indicates how weak we are in the realm of democratic culture. In a country with a serious democratic and political culture such a report would have never appeared, and then, also, subsequently, the rights and physical safety of the Report's authors would not have been endangered."<sup>155</sup> By floating such stands Mrs. Liht obviously tried to get across the state message that the campaign was (no longer) good for the state. After her "intervention" the smear campaign was stopped.

Long-running smear campaign against the Helsinki Committee indicated two essential things. Firstly, that the state was not ready to adequately respond to such campaigns, and secondly, international organizations, including the OSCE mission in Belgrade, voiced their concern for the status and personal safety of defenders of human rights in Serbia. The foregoing raised an additional issue, the one relating to (un)desirability of work of NGOs of this type in Serbia, for by not responding to discrimination, threats and even life threats, the state in fact sends the message that such conduct and actions are tolerated by the society.

After the attack on the Helsinki Committee premises, a group of hooligans and members of the far-right organizations on the 1st December 2008 raided the premises of non-governmental organizations, YUCOM—the Jurists'Committee for Human Rights. After half an hour long shouting session in front of the YUCOM office, they left a letter containing statements of YUCOM's president, Biljana Kovačević Vučo. Statements were not

<sup>155</sup> <sup>11</sup> <http://www.youtube.com/watch?v=KgjaxypvGCA>

wholly accurate. In the letter Vucho is accused of trying to "carve up the Serb state...hence it is clear that for her Kosmet is not a Holy Serb Land and Serb roots, but rather a destabilizing factor in the region...Shall Vojvodina become another "factor" to be renounced for the sake of regional stability?". After leaving the said letter the group, escorted by the police, retreated.

In its open letter to President of Serbia, Boris Tadić, Prime Minister Mirko Cvetković, and the Interior Secretary, Ivica Dačić, the JUCOM underscored the state's responsibility for such incidents: „The Jurists' Committee demands the official bodies to finally take adequate measures against hooligans and violent individuals who for months now have been maltreating and harassing citizens of Belgrade, and notably representatives of NGOs, who have already been proscribed by the media owned by „non-transparent owners" and "*Politika*".

The Committee posed the following question to the Interior Secretary and Prime Minister of Serbia: "Why is the police extending its support to those violent and threatening rallies, held for months under the state auspices, when in fact such a support flies in the face of the fact that the state acted lawfully by arresting Radovan Karadžić, the ICTY's war crimes indictee."

Attacks on, that is, a virulent criticism of the Fund for Humanitarian Law were linked to the data on the crimes against Croat civilians in village Anin in late 1991 and in early 1992 which the Fund's head, Natasa Kandic laid bare in 2005. In her statement she implied responsibility of Tomislav Nikolić, the then deputy president of the Serb Radical Party for the said crimes. Namely at the time of the crimes commission Tomislav Nikolić was in village Antin as a voluntary soldier. Nikolić filed charges against Nataša Kandić because of her 13th June 2005 interview to Radio B92, in which she stated that "Nikolić was armed in the Croat village Antin in 1991 and ... he killed some civilians."

Because of that statement on the 5th of February 2009 Nataša Kandić was found guilty of slandering president of the Serb Radical Party, Tomislav Nikolić, by the Fourth Municipal Court and meted out the fine of 200,000 dinars. Indictment against her was deftly exploited for further

media lynch of defenders of human rights. For example *Pravda* ran the headline „Nataša Kandić accuses Serbs, and they tell her: Leave Serbia immediately!“<sup>156</sup>

The attack on the B92 weekly radio program, *Pescanik* is a direct result of the aggressive state policy and non-functioning of the legal state. Namely in January 2009 unidentified perpetrators destroyed the car of author of “Peščanik”, Svetlana Lukić. Web site of that program was also erased. All the foregoing indicated that in play was a well-orchestrated campaign against that popular program.

Permanent attacks on NGOs and political opponents should be viewed within the entirety of the political and social context. Absence of pluralism is visible in the existing set of values blueprint. Thus persecution of the Helsinki Committee is not an isolated incident, but rather the effect of an aggressive climate resulting from Serbia’s crisis. Thus such incidents were to be expected. At this point it bears underscoring that some individuals shall be able to feel safe only if in the future their objectively critical stands are voiced in a changed climate, that is, in a climate in which the civil awareness is raised, and consequently a more tolerant community created.

Key thesis in defamation of NGOs is that they are in fact members of a transnational elite, which through its snobbish cosmopolitanism and loyalty to “the world” plays a crony or a stooge of the capos of a cruel hierarchy of global power. Slobodan Antonić thus maintains that the NGOs “enjoy in that role, whereby they destroy people whom they encounter on their path, resources and culture.” Added to that he asserts that the externally-funded NGOs don’t make any contribution to democracy, for they are sheer foreign agents tasked with undermining the functioning of local democratic institutions. Antonić continually takes to task the so-called NGO cosmopolitan elite, while praising the patriotic one, according to him, composed of people loyal to their own country.<sup>157</sup>

156 *Pravda*, 30 March 2009.

157 *Pečat*, 6 February 2009.

# Is There any Room for the Other?

The toughest test for the concept of human rights in a state concerns its attitude towards minority rights and the rights of vulnerable groups. Although the 1990s are behind us now, the causes and effects of the systematic violence that took the lives of people of a different ethnicity or religion are still in evidence in the general cultural pattern. However, the cultural pattern itself has transformed. The way of squaring accounts with people seen as 'enemies' has changed, just as the 'enemies' themselves have changed their banners and hues. The list of traditional enemies has now been expanded to include human rights champions, states which have recognized the independence of Kosovo, Vojvodina 'separatists', and the Roma, the last category being denied their basic civil rights.

Although weak, the pro-European democratic authorities intervene in some cases; on the other hand, they do not appear determined to make a radical break with the causes of the violent past. That this is so is evidenced by a number of incidents which marked last year including the torching of foreign embassies, the revival and dissemination of racist theories about Albanians such as claims about a demographic explosion in Kosovo, and the incident involving Wahhabites in Sanžak which provided the occasion to propagandize Islamophobia and stir up conflicts in Bosnia and Herzegovina.<sup>158</sup> In addition to those involving the demonization of whole com-

<sup>158</sup> There is full agreement on the issue of the status of Republika Srpska – both 'Serb' parties are hoping for a provision in the Bosnia and Herzegovina Constitution to give the RS entity the right to self-determination, which carries the prospect of secession through referendum. With the focus of conflict in the region increasingly shifting from the 'lost' Kosovo to Republika Srpska, anti-Muslim propaganda is bound to be stepped up. There is an explicit confirmation of this in Dodik's words that 'we're not going to be tried by Muslim judges' and that 'whatever people in BiH may say, I must say that our being judged by Muslim judges is unacceptable to RS. . . . We feel this way simply because they are Bosniaks and because they have negative attitudes towards RS. Let people say what they will, we look upon this as one of their stratagems.' (*Vijesti*, 10 December 2008.)

munities, cases of violence against individuals were often not prosecuted because Serbia had not passed a law prohibiting discrimination.

The draft of the long-overdue law was to have been put on the agenda of the Serbian Assembly as early as in December 2008. Following a public debate, an Assembly session was called for 5 March 2009; on the eve of the session, however, the Government withdrew the Draft of the Anti-Discrimination Law at the request of the Serbian Orthodox Church (SPC). The SPC and other traditional religious communities had been demanding that parts of the draft should be deleted.<sup>159</sup> The key provisions in question prohibit discrimination in the field of religious rights and discrimination of persons of different gender and sexual orientation. Following a proposal by the Bishop of Bačka, Irinej, that the law be ‘brought into harmony with the standards of the acts of the Council of Europe’ on the grounds that it is at variance with the ‘general moral values on which the family, the nation, and the state itself rest’, the Government unanimously determined amendments to the Draft Anti-Discrimination Law.<sup>160</sup> Minister Rasim Ljajić, who had protested against the Church’s interference in politi-

159 The Church insisted on amending Article 18, which deals with religious belief, and was opposed to Article 21, which prohibits discrimination on grounds of sexual orientation. It also made demands concerning other articles: ‘Expunge Section III (Articles 15-27) and keep only the general prohibition of enforcing declaration of one’s personal attributes, other than in justifiable cases and/or cases prescribed by law.’ More specifically, Articles 15-27 prohibit discrimination ‘in proceedings before public authority organs, discrimination in the field of labour, discrimination in the performance of public services and the use of facilities and grounds, discrimination in education and professional training, discrimination on grounds of sex, discrimination of children, discrimination on grounds of age, discrimination of national minorities, discrimination on grounds of political and trade union affiliation, discrimination of persons with disabilities, and discrimination on grounds of health (Goran Miletić, Swedish Helsinki Committee for Human Rights).’

160 The amendments relate to the demands of the Church to delete the article prohibiting discrimination against transsexual persons and to add to Article 18 a third paragraph stating that an act by a cleric or a religious official does not constitute discrimination if it is consistent with the religious doctrine, aims or beliefs of a church or a religious community entered in the Register of Churches and Religious Communities in accordance with the law (*Danas*, 12 March 2009).

cal life, said that the new draft law version was a ‘sound compromise’ and that he hoped that the religious communities would be satisfied with it.<sup>161</sup> Within the Government, the anti-discrimination principles were strongly defended by the state secretary at the Ministry for Human and Minority Rights, Marko Karadžić.

The hue and cry raised against the law may be the best indicator of who is actually obstructing society’s progress not only regarding European integrations and the inclusion of Serbia in the white Schengen list (this being conditional on the adoption of the law, among other things), but also regarding the fundamental issue of stopping the persecution of persons for their different religion or sexual orientation. The leader of the Serbian Progressive Party (SNS), Tomislav Nikolić, agreed with the position of the SPC: ‘My Church discriminates between the sexually normal and the deviant’. The clericalization of Serbian society is not dangerous because the churches are powerful in themselves but because the state gives them that power. In the opinion of the leader of the Liberal Democratic Party, Čedomir Jovanović, there is at work the ‘abuse of the Church’. He said that the absence of an anti-discrimination law is grist to the mill of certain political structures which would have to undergo changes themselves once such a law is passed, and that such changes are difficult in a state where politicians call citizens deviants and deny them elementary human rights and civil liberties.<sup>162</sup> The Church and the legislative authorities

161 The news agency Beta quoted Rasim Ljajić as saying: ‘We have got a good law which makes a comprehensive definition of the fields where discrimination is prohibited. I regret that a provision should have caused such a polemic as this among our public. We’ve had enough of both political problems and divisions, so starting a debate in this manner was simply to no one’s advantage.’ The provision in question contained the disputed word ‘transsexuality’. Although some may consider this insignificant or less important than other provisions (which, in itself, implies a discriminatory outlook on a whole group of people), the point here is that the state suffered a defeat at the hands of the Church in giving way under its pressure. The affair served as further proof of the Government’s anti-Europe stance. The commissioner for human rights of the Council of Europe, Thomas Hammarberg, reacted by issuing a statement stressing the importance of enacting legislation compatible with the standards agreed by the Council of Europe.

162 B92, radio and TV programme ‘Kažiprst’, 11 March 2009.

are in collusion, the latter instructing the police not to intervene against the various neo-Nazi organizations which have been demonstrating their power in Belgrade unopposed ever since the Church began obstructing the adoption of the law.<sup>163</sup>

There are strong indications that the SPC and the clerofascist organizations are not merely ideologically close (in denying the genocide, celebrating persons like Nikolaj Velimirović, and defending Ratko Mladić and other war criminals), but that these organizations are actually 'Church formations' for street actions. In this connection, it is worth recalling the SPC's explicit acknowledgment of this liaison. In 2001, participants in the first gay parade in Serbia were brutally beaten by soccer fans, members of the Obraz organization, and neo-Nazis, and it was a former cleric named Žarko Gavrilović who led the thugs. Gavrilović explained his role as cleric as follows: 'We agreed, as a preliminary, to organize an anti-gay parade, that is to prevent the holding of the gay parade . . . I asked Obraz to get in touch with the Delije [Red Star fans] because we knew they are the mailed fist.'<sup>164</sup>

In the context of the advocacy of the human rights of persons belonging to minority communities, the counter-argument of 'discrimination of the majority' is often put forward. The minorities are clearly the object of violence and discrimination at all levels: legislative (impunity, flaws in legislation, judicial tardiness), executive (police are insensitive to vulnerable groups, victims are often subjected to secondary victimization during investigation, instead of abiding by the law, enforcement authorities stand take no action so as not to offend the morals and stereotypes of the popu-

163 One such incident was caused by Nazis during the women's solidarity march organized by NGO's led by the Women in Black to mark 8 March, Women's Day. As the protesters surrendered by gendarmes marched through the central Terazije street, a group of skinheads standing on the other pavement provoked the people by raising their hands in a Nazi salute. The protesters urged the police to intervene but no action was taken. A little later the same day a youth was struck on the head only because the bullies thought he looked odd. There was no doubt that the Nazis were given liberty to walk about and harass passers-by.

164 Statement made during the shooting of the documentary 'Vrela krv' premiered at the Reks culture centre on 3 November 2008.

lation in general), and the widest possible level – i.e. the prevailing social climate. In other words, discriminatory practices exist within the power structures of the state. Through the institutions (education, health, courts) these practices reflect on everyday life and on the primary communities (family, kin and friendship groups). The consequences are all the more serious because violence perpetrated by the state is done with impunity and presented to the wider population as legitimate; in other words, it might be said that human rights are being violated under the patronage of the state. At the same time, all kinds of violent extreme right-wing organizations, groups, and individuals are preventing the promotion of a culture of respect for diversity in relation to individuals with a different ethnic, national, confessional, gender, and sexual orientation.<sup>165</sup> Although violence directed against the Other is invariably the product of a repressive state apparatus, it is also successfully generated from below. The outcome is a vicious circle of support for crime.

The wave of violence against the Albanian population was not limited to hate speech – it took the form of physical attacks whenever an opportunity presented itself. Chauvinist incidents intensified as the date on which Kosovo was expected to declare its independence drew near. *Blic* reported on 8 January that graffiti calling for the killing of Albanian children had been scrawled on buildings on the corner of Kneginje Ljubice and Braće Jugović streets in Belgrade.

On 7 February there was a racist incident in the centre of Belgrade provoked by the clerofascist organization Obraz and members of the Association of Families of the Kidnapped and Missing in Kosovo and Metohija led by Simo Spasić. Both were boycotted by a great many members of the public. During the opening of an exhibition at the Gallery Kontekst of works of modern artists from Priština, some 300 members of Obraz forced their way into the premises and tore up the posters portraying

165 The reference is to the clerofascist and Nazi organizations such as Krv i čast (blood and honour), Nacionalni stroj (national formation), and Obraz (honour), as well as their close ideological allies Srpske dveri (Serbian door), Pokret 1389 (1389 movement), Srpski narodni pokret Svetozar Miletić (Serb national movement Svetozar Miletić), and others.

Adem Jashari. Waving about their own posters with the images of Milorad 'Legija' Ulemek, they shouted slogans at the police and the visitors such as 'This is your commander!', 'Go to Kosovo!', 'Radovan Karadžić!' and 'Ratko Mladić!' They displayed the symbols of their organization, carried its flags, and sang Chetnik songs. Having gathered an hour before the exhibition was due to open, the extremists sang Chetnik songs for about 40 minutes in spite of the police presence. They broke into the gallery and caused the incident some 20 minutes before the opening; it was only then that the police reacted by detaining the culprits although it had been clear from the very beginning that they had a high-risk situation on their hands.

As regards the less transparent groups, persons with handicaps could be said to be one of society's most marginalized groups by nearly all criteria. According to world statistics, every tenth person in the world suffers from a disability; there are over 700,000 such persons in Serbia with some 200,000 in Belgrade alone.<sup>166</sup> Their social visibility depends above all on their inclusion in the education system so as to give them opportunities for learning, finding work, and thus actively participating in the life of society.<sup>167</sup> There are indications, however, that the doors of educational institutions are closed to this population. Statistics about the number of mentally handicapped children included in the education system are unavailable. Kosana Beker of the NGO Veliki – Mali says that 60-85 per cent of these children are estimated to be outside the state education system. Tinde Kovač Cerović, state secretary with the Ministry of Education, says that inclusive education does not enjoy much support in Serbia, an attitude testified to by the lack of documents providing for specific actions in the field of pre-school and school education. In the opinion of Milena

166 *Danas*, 3 December 2008.

167 With the aim of providing equal opportunities in education, at the initiative of the Association of Students with Handicaps (USH), Belgrade University on 20 March 2008 opened the University Centre for Students with Handicaps to help them acquire the best education possible. The USH regards the establishment of the Centre as a major achievement towards improving the situation of students with handicaps in Serbia. The USH also cooperates with the National Employment Service, which holds meetings with large companies to encourage them to employ persons with handicaps.

Jerotijević of the NGO Veliki – Mali, the needs of handicapped children to become integrated not only in the education system but in the life of the community in general are being denied. Owing to the existence of many other impediments including fierce resistance by both institutions and individuals, respect for the elementary human rights of persons with handicaps is obstructed all the time.

The national airline JAT Airways is one of such institutions. According to the company's rules, before being allowed into a plane, a person with a disability must sign a statement relieving the company of liability for damages in the event of a deterioration of his or her health condition. The statement reads: 'The undersigned hereby relieves JAT, its personnel and agents of any liability for any deterioration in health condition which might result from being flown in an aeroplane, even if such deterioration were to result from any measure or specific service undertaken by JAT in connection with transport.'<sup>168</sup>

Ljupka Mihajlovska, president of the Association of Students with Handicaps, was forced to sign this discriminatory form on several occasions. In a protest against this unscrupulous practice, she said: 'Even if you are dropped by JAT personnel during boarding, the responsibility for such a thing will rest on you.' It also remained unclear what kind of damage a person with a handicap could do to the firm that could not be done by any other person.

This discriminatory policy stems from the prepossession that a person with a handicap is more likely to cause the company damage than someone else. Persons with handicaps are thus openly abused and isolated by a society that denies responsibility and blame for their physical integrity.

Statistics testifying to large numbers of people with handicaps being unemployed indicate that the situation of this category of citizens is chiefly to blame on the indifference of the institutions.<sup>169</sup> Unemployment

<sup>168</sup> *Danas*, 4 Jul 2008. According to the daily, large air companies in the West have no such practice.

<sup>169</sup> The Law on Professional Rehabilitation and Employment of Persons with Disabilities, under which an employer would have to engage a person with a disability for every 50 employees, has not yet been adopted.

among the 700,000 persons with handicaps stands at 74.5 per cent, said Vladimir Ilić, director of the National Employment Service. Of these, only 21,000 persons with disabilities are employed, with as many as 50 per cent having only elementary education or no education at all. Other factors contributing to the discrimination of these people include social stereotypes, negative behaviour, architectural barriers, and inadequate public transport facilities.

## Hate Crime

Serbia's legal system does not recognize a hate crime category.<sup>170</sup> Although the supreme legal act of the Republic of Serbia as well as specific laws deal with particular kinds of discrimination (the Criminal Code, the Law on Public Information, the Labour Law, the Law on Higher Education, and the Law on Broadcasting), they contain no provisions on hate crime as a category under international law.

Article 18 of the Draft Anti-Discrimination Law, whose deletion was requested by the traditional churches, regulates the right to the free practice of religion by groups and individuals.<sup>171</sup> The article was criticized mostly because it allows the free operation of small religious communities which are regularly attacked by traditional ones.

Many religious communities in Serbia such as sects, denominations, and cults are victims of continual violence and their members are often

<sup>170</sup> In 2007, the Coalition for Tolerance (comprising the Lawyers Committee for Human Rights – YUCOM, the Youth Initiative for Human Rights, the Centre for Cultural Decontamination, the Women in Black, the Helsinki Committee for Human Rights in Serbia, and the Lawyers for Democracy) campaigned for incorporating hate crime as a specific criminal offence into the Criminal Code, as is the case with members of the European Union.

<sup>171</sup> Article 18: 'Discrimination exists in the event of a contravention of the principle of free practice of religion or belief, or where an individual or a group of individuals has been denied the right to adopt, practice, express, and change their religion or belief, as well as the right to express his/its beliefs in private or in public, in accordance with the law.'

physically attacked. The 2006 Law on Churches and Religious Communities acknowledges the 'recognized religious communities' and grants the status of traditional churches and religious communities to seven of them. Among the non-traditional religious communities are denominations, i.e. religious communities with smaller followings which do not like being called sects because of the term's pejorative connotations, says Mirko Đorđević, a sociologist of religion.

Believers who profess a different religious orientation were frequently attacked by aggressive individuals and groups. This was especially true of communities, e.g. Adventists and Jehovah's Witnesses, which pose no threat to society whatever. As regards the sects and cults which are perceived as a threat, their operation is regulated by law: Article 3 of the Law on Churches and Religious Communities states that 'Freedom to religion and religious belief may be subject only to such restrictions as are prescribed by the Constitution, laws and ratified international documents and are necessary in a democratic society to protect public safety, public order, moral and the freedom and rights of others. Religious freedom may not be used in such a way to either threaten the right to life, right to health, the right of the child, right to personal and family integrity and right to property, or to provoke and instigate religious, national and racial intolerance.<sup>172</sup>

The problem, therefore, lies in their discrimination, which stems from the deep-rooted prejudices about these religious communities that are reproduced in public discourse with impunity. Because the competent authorities very often fail to take action, some believers have been exposed to violence for a number of years.

In view of the relatedness of the SPC and nationalist ideology, attacks on religious communities are always linked to ethnically motivated incidents. In this context, the territory of Vojvodina constitutes a representative sample (though it should be noted that, unlike other hotbeds in Serbia, the violence committed there is somewhat under control or at least more transparent thanks to the population's greater sensibility and civil consciousness and a more efficient NGO sector).

172 [http://www.parlament.sr.gov.yu/content/lat/akta/akta\\_detalji.asp?Id=349&t=Z#](http://www.parlament.sr.gov.yu/content/lat/akta/akta_detalji.asp?Id=349&t=Z#)

The month of March, 2004, has been one of the more difficult periods in Vojvodina since October 2000; it was marked by an escalation of violence in the wake of the attacks on Serbs in Kosovo. The outcome was the discrimination, harassment, and existential endangerment of citizens in Vojvodina: 'In only six days – from 17 to 23 March 2004 – police in Vojvodina registered over 40 ethnically-motivated incidents. Ten police officers were injured in the riots. A number of communities, including the Slovaks and the Ruthenes, were attacked for the first time. Religious community facilities (mosques in Belgrade and Niš) were attacked and demolished because the police did not want to protect them. Crowds of hooligans attacked Ashkalis in their settlements at Adice and Veliki rit in Novi Sad and were only dispersed by the use of tear gas. Property was demolished on a massive scale in Sombor and Apatin (police said that during the six days 14 ethnically-motivated incidents were registered in the first and 13 in the second municipality), and there were also sporadic incidents nearly everywhere else in Vojvodina. Even before the March events of 2004, a series of ethnically-motivated incidents targeting persons belonging to various minorities were registered.'<sup>173</sup>

Adventists and Jehovah's Witnesses were the target of attacks on smaller religious communities and organizations. The non-traditional Christian Adventist Church (registered in 2007) was attacked several times that year. First, the interior of the church in the village of Stapar, in the municipality of Sombor, was set on fire in January, then during the night of 18-19 March a rock was thrown at the residential building attached to the church in Sombor, smashing a window and missing a child by a metre. There were also attacks in Kikinda and Novi Sad (the Adventist Church said that on 29 March unidentified persons threw rocks and smashed glass on the cathedral in Novi Sad).<sup>174</sup> Incidents involving brutal violence included attacks

<sup>173</sup> Centre for Development of Civil Society (CDCS), *Međunarodni incidenti u Srbiji* (2006) (intercommunal incidents in Serbia), publication.[http://cdcs.org.rs/index.php?option=com\\_docman&task=cat\\_view&gid=13&Itemid=2](http://cdcs.org.rs/index.php?option=com_docman&task=cat_view&gid=13&Itemid=2)

<sup>174</sup> In this connection, the president of the Main Board of the Adventist Church, Miodrag Živanović, urged Minister of Interior Dragan Jočić to implement 'more adequate measures' to ensure the peace and safety of Adventists.

on Jehovah's Witnesses (on 29 March, a member of the sect was beaten twice by the same man in Stari Banovci). In Jagodina, a member of the Hindu Vaishnavite religious community was assaulted five times in six years (on one occasion the unidentified attackers engraved a cross on his head with a knife). In this connection, the general inspector of the Ministry of Interior (MUP) said that the competent municipal authorities had failed in their duty.

Serious incidents were also registered during 2008: 'The Roman Catholic church in Smederevo and the Adventist churches in Sivac, Kragujevac, Kula, Negotin, and Belgrade were defiled with graffiti with threatening messages. The buildings used by the Jehovah's Witnesses in Sremska Mitrovica and Kruševac were covered with graffiti three times and once respectively, and windows were smashed on the Adventist Theological Seminary and the Adventist churches in Niš, Kragujevac, and, repeatedly, in Užice. As a result of the physical attacks in Užice, the Adventist pastor was forced to leave the town.'

The door of the Adventist church in Jagodina was broken open twice, the car belonging to an Adventist priest in Novi Sad was damaged, three teenage girls members of Jehovah's Witnesses were victims of a rape attempt in Vranjska Banja, an SPC priest assaulted several Jehovah's Witnesses in Despotovac, two windows on the Mormon church in Belgrade were broken, windows on the Mormon church in Novi Sad were smashed on three occasions, the Pentecostal church in Kraljevo was stoned by members of Obraz and also received written threats.

In Bajina Bašta, 500 hooligans attacked Jehovah's Witnesses during a service and threw rocks at the building in which the service was being held. Two Jehovah's Witnesses were attacked in Klenak. In Bor, hooligans used force in an attempt to prevent the building of a facility for the Jehovah's Witnesses. The Jehovah's Witnesses church in Belgrade was stoned and a member hit. Jehovah's Witnesses' worship centres in Vranje and

.....  
On the contrary, Jočić that year announced a 'more intensive struggle against sects', which cannot be interpreted as a call for tolerance in a society manifesting a large degree of prejudice against all non-traditional religious communities which are often referred to as sects and therefore stigmatized.

Leskovac were stoned and it was only the arrival of police that prevented the attackers from throwing a petrol bomb. An armed man tried to attack a Catholic priest in Budisava. Several tombstones at the Catholic cemetery in Bela Crkva were destroyed.<sup>175</sup>

Such incidents are no doubt encouraged by the position of the SPC, which strives to preserve its monopoly of the ‘religious market’ and keep up nationalist tensions including intolerance of different religious beliefs: ‘A believer is a better man, a better worker, a better authority because he fears God’s commandments. *The one, who is not, is a wretch, he will become a sectary, and sectaries kill and drink blood! This is why we have been trying to Christianize everybody lest they should go astray and join the sects.*<sup>176</sup>

Traditional churches and religious communities are also targets of violent acts. Anti-Semitism continues to be tolerated although Serbia professes to be ready to adopt European standards. Though this may be true regarding the implementation of the Interim Trade Agreement (whose ‘benefits’ are yet to be rationally explained to the citizens), it is not so as far as values are concerned. In Serbia, the sale of anti-Semitic literature is legal (by virtue of the fact that such books and materials are put on sale and bought); for instance, staff at a large bookstore in Nikola Pašić Square say that the copies of the Protocols of the Elders of Zion were ‘sold out’<sup>177</sup>. The IHTUS – Hrišćanska knjiga publishing company says on its website that the book tops the list of best-selling books. The company’s director, Danilo Pušonjić, does not regard himself as an anti-Semite: ‘Of course, if someone thinks that I hate the Jews killed in the concentration camps, that’s an insult. If they ask me whether I hate that portion of Jews who rule from the shadows – yes, I hate them. In that case, I am anti-Jewish in relation to those Jews. The Jews are the biggest racists. It was they who coined the term anti-Semitism. Our writings are against that portion of Jews who regard themselves as the chosen people, this idea of theirs about having been cho-

<sup>175</sup> *Danas*, ‘Napadi na nepravoslavce’, 15 December 2008. Citing the Forum 18 report, Sociologist Vladimir Ilić lists the religious incidents which occurred in January–October 2008.

<sup>176</sup> Srboljub Stamenković, SPC superior in Žitorađa. *Borba*, 17 February 2009.

<sup>177</sup> *Borba*, 26 January 2009.

*sen dating from as far back as the Old Testament. They pin the label of anti-Semite on anyone who may try to expose the vile designs of that portion of Jews and their flunkies the Masons.*<sup>178</sup>

Such perfidious anti-Semitism goes unpunished not because Serbia lacks institutional capacity or specific legal provisions, but because there is no will to enforce them. Rather than merely manifesting its impotence, the state is showing its support for such attitudes and activities (closing down the publishing company in question would be a sufficient warning to all extreme chauvinists).

Chronologically speaking, anti-Semitism in Serbia has enjoyed support since the late 1980s, a period witnessing the revival of extreme nationalism, clericalization of society, and suppression of the anti-fascist past of the country (SFRY). It appears paradoxical that Serbia should consider herself the successor to the once-renowned socialist state (something she must do, otherwise she would have to renounce her self-projected image as the guardian of Yugoslavia, i.e. give up her own war claims). In this way, the prevalent intellectual and cultural elites led by the Academy of Sciences and Arts (SANU) are rewriting history and encouraging its selective reading. Their anti-communism implies an anti-anti-fascism (Todor Kuljić); they repudiate Yugoslavism as the 'dungeon of the Serbs' while claiming that Serbs alone were of the Partisan movement.<sup>179</sup> Therefore, one is not surprised when one war-mongering nationalist camp distances itself from the Chetnik Mount Ravna gora movement: in the words of Dobrica Ćosić, Vuk Drašković is the 'ideologue of the Chetnik [practice of] throat-cutting, a double-dealing demagogue'. Another current led by Vojislav Šešelj espouses anti-fascism in public discourse only in so far as it helps the rehabilitation of the icons of the Chetnik movement. In both cases, the anti-fascist stance boils down ideologically to the rehabilitation of the things one once fought against – the holocaust.

In such a social context, ensuring adequate legislation is the first priority. The present Government's main responsibilities include prohibiting by law the denial and relativization of genocide.

<sup>178</sup> Ibid.

<sup>179</sup> Olivera Milosavljević, '*Potisnuta istina*'.

The falsification of the past with the active participation of the media is illustrated by the following example: On 10 February 2008, *Politika* published an article under the headline ‘Serbia was good to the Jews in time of hardship’! Although the headline leaves the reader in no doubt that he is about to read something about the time of the 1941 genocide of Jews under the Serbian collaborationist government, what follows is an interview with Yosef Tommy Lapid (minister of justice under Ariel Sharon) speaking about activities of the Society of Serb-Jewish Friendship during the time of Slobodan Milošević. The society is founded primarily on the ‘spiritual bonds of the two peoples through their shared experience of genocide’. The extremist Israeli politician, who thinks that the expulsion of large numbers of Palestinians was justified in order to create the state of Israel, regards Kosovo as the cradle of Serb culture: ‘*We understand the Serb problem very well because we too face a Muslim enemy.*’

Monuments erected to honour Serbia’s greats, or the ‘genuine racially-conscious nationalists’ as they are called by domestic neo-Nazis, show that anti-Semitism has come to be regarded as something normal in Serbian society and that the authorities rewrite history at will.<sup>180</sup> For instance, at the end of October 2008, Efraim Zurof, the well-known Nazi hunter and director of the Simon Wiesenthal Centre, turned down the title of honorary citizen of Novi Sad because of the monument to Jaša Tomić. The monument to the ‘19th century Serb national movement’ leader and anti-Semite was unveiled on behalf of the Serbian Radical Party (SRS) by the then major of the city, Maja Gojković. The SRS chose to unveil the monument on 9 November 2006, apparently to mark the entry of the Serbian army into Novi Sad in 1918. However, the notorious ‘crystal night’ in 1938, during which the German Nazis launched their pogrom of the Jews, falls on the same date. The League of Social Democrats of Vojvodina (LSV) called for removing the monument. At the time the monument was erected in the centre of Novi Sad there were protests by the LSV, representatives of Jewish communities, and NGOs. Jaša Tomić’s anti-Semitism and

180 <http://74.125.77.132/search?q=cache:284TftlyM0I:www.stormfront.org/forum/showthread.php%3Ft%3D340332+jas+a+tomic+jevrejsko+pitanje&hl=en&ct=clnk&cd=6>

his book ‘Jevrejsko pitanje’ (the Jewish question) are not disputed even by right-wing intellectuals: ‘While Jaša Tomić’s book *Jevrejsko pitanje* can be considered an anti-Semitic work, the 19th-century attitude towards the Jewish people should be interpreted differently from the 20th – and 21st-attitudes. On the other hand, Jaša Tomić is part of the history of the people of Vojvodina, above all of the Serb national movement from the 19th century.’<sup>181</sup> Quotes from the book are regularly displayed on the websites of Serb neo-Nazis.

## Incidents In The Roma Decade

In Serbian society, the Roma constitute a severely deprived social group: their housing and living conditions are extremely bad, their unemployment rate is high, their children are not fully integrated into the education system, their communication with the majority population is poor, and their hygienic and health situation is bad.<sup>182</sup> Poverty is the biggest problem of the Roma population’s everyday life and they are the most marginalized group in Serbia: they wield no power in society whatever and live in isolation from the majority population. The unfavourable situation of the Roma has been made worse by the general impoverishment of Serbian society. Most Roma live in run-down and unhygienic urban settlements with poor or nonexistent utility infrastructure facilities whose inhabitants are only partially incorporated in society at large or not at all. The overall marginalization of the Roma is chiefly the result of their

181 Čedomir Antić, *Politika*, 24 October 2008.

182 At the middle of 2008 the unemployment rate in Serbia stood at 21.6 per cent (an improvement over the past seven years). The state secretary for employment at the Ministry of Economy and Regional Development, Vladimir Ilić, said that, in view of the highly unfavourable unemployment structure, special efforts were needed to open the labour market to Roma and persons with handicaps. The Roma unemployment rate is four times that of the rest of the population. 32.5 per cent Roma have no education at all or less than four years of primary school. Only 0.3 per cent Roma attend two-year post-secondary schools and universities. It should also be borne in mind that the percentage of unemployed Roma is expected to rise as a result of the world economic crisis.

poverty and society's xenophobic attitudes. 'Some intellectuals no longer say that the Roma are underprivileged as citizens of our country because they are naturally corrupted, worthless, given to slothfulness, and so on, because such assertions are no longer socially legitimate in the present-day social context. No, they say that the Roma are in that position because they caught up in the vicious circle of poverty. In other words, it is asserted that the Roma are poor because they have been conditioned that way by their environment, culture, family life. . . . In brief, the ideology of laying the blame on the victim and his actions boils down to the argument that instead of amending society one should amend the victim of that society. In this respect, there is constant talk about the integration of the Roma, not about their inclusion. Needless to say, integration implies changing the person who is to be integrated into the dominant system or society, whereas inclusion necessitates amending and adjusting the system itself or society so that it could accept that which differs from the culture that prevails in it.'<sup>183</sup>

On 1 July 2008, Serbia took over from Hungary chairmanship of the international Decade of Roma Inclusion 2005-2015 and will hold it until 30 June 2009. The initiative aims to improve the situation of this most numerous national minority in Serbia. Accordingly, Serbia has adopted action plans to include Roma in all democratic society institutions.<sup>184</sup> Still, last year was marked by extreme cases of Roma discrimination. The extremism in question does not relate to the activities of neo-Nazi organizations alone, but also to violence being perpetrated under the auspices of the state.

For instance, at the end of 2007, the mayor of Topola, Dragan Jovanović, commented on an appeal by a group of citizens who oppose plans to build a number of flats for Roma. Jovanović said that he 'shared their concern'

183 Sociologist Ivica Mladenović.

184 The Roma Decade aims include bridging the unacceptable gap between the situations of the Roma and of the rest of society. Serbia's priorities in this regard are: improving housing, suppressing discrimination in education, devising systems for monitoring, evaluating, and implementing European Roma policy, and gaining access to EU funds for programmes to improve the situation of the Roma.

and that for the sake of their 'safety' he would place the Roma in a facility on the outskirts of the town. What is more, he said that there would be a wire mesh fence to physically keep the Roma off a street used by other citizens. Finally, he said this to reassure the worried residents of Topola: 'I give you my guarantees that you're not going to have any unwanted contact with them.' There was yet another incident following this racist outburst.

The daunting discrimination of the Roma community in the municipality of Topola continued until the end of 2008. The Helsinki Committee was informed that the municipal assembly had erected two prefabricated buildings to resettle some 30 Roma, mostly children. The buildings are located in a bare patch of land a kilometre from the outskirts of Topola. The busy town rubbish dump with smouldering waste is situated only a hundred metres from the buildings. Both rubbish and dangerous, carcinogenic smoke are scattered around by the wind. The decision of the Topola authorities to build the houses for the Roma there is all the more puzzling as not even insects are able to survive in that environment.

The Helsinki Committee repeatedly urged the public and the media, and especially government authorities, to react against the impermissible conduct of Mayor Dragan Jovanović, who had been abusing his office for a long period of time. His discriminatory and inhuman decisions add to the image of Serbia as a xenophobic and intolerant environment towards minorities and especially towards Roma as the most vulnerable group of all.

The second half of 2008 was marked by another affair concerning the relocation of Roma, who are not consulted on these matters very much. The Roma families living in an unhygienic settlement under the Gazela Bridge in central Belgrade were to be moved to the village of Ovča outside the city by decision of the city authorities. Although the decision was made in August 2008, its implementation was delayed until the beginning of 2009. The mainly Romanian population of Ovča set up a 'Crisis Headquarters for the Defence of Ovča' on the grounds that the authorities' decision would upset the village's ethnic structure. There are two aspects to this problem: the xenophobic attitude of the residents of Ovča and the attempt of the state to remove the Roma from town centres to ghettos in the

edges of towns as a makeshift solution. Although the state has a strategy to help the Roma population, it cannot solve the problems of their survival, nutrition, and inclusion in the wider society by removing them from the town centres. The idea was dropped at the beginning of 2009 in order to 'avoid creating a ghetto' in Ovča (Milan Krkobabić, deputy mayor). Later there were announcements that the Roma population would be 'resettled by the start of the World University Games'. The state is planning to provide flats for 114 families and to find jobs for them. Because the rest are not permanent residents of Belgrade, having arrived from elsewhere in Serbia or from abroad, their future until the World University Games is uncertain. According to the deputy mayor, their housing is the responsibility of state authorities and the Commissariat for Refugees rather than of the City of Belgrade.

An incident in Kuršumlija in August 2008 testified to the brutal methods the police use in extracting information from suspects. The victims in this case were two Roma men. Suspected of theft, the brothers Ivica and Toni Jovanović, aged 31 and 27, were maltreated by three police officers for four hours. They said in a formal statement that they were first beaten until they 'admitted' and then because they had not admitted at once. Meanwhile, it was established that the theft had been committed by other persons. The deputy mayor, Dejan Milošević, condemned the use of physical force by the police.

At the beginning of February in Kraljevo, following the murder of Marko Simeunović by two Roma minors, the Roma settlement in the town became the target of organized intimidation. The residents of the town were urged over the *Facebook* Internet portal to take revenge on the Roma. The Roma settlement was gripped by panic for four days, with children staying away from school and adults limiting their movement. In spite of the prompt reaction of the Ministry for Human and Minority Rights, which said that the crime was not racially motivated and that the perpetrators were under arrest, on the appointed day several youths tried to break into the Roma settlement and were stopped by gendarmes.

The racist incident was a logical follow-up to the events in Ovča and Topola. Although racism exists in a society to a less or more extent, the

point is that in these cases it was tolerated by the state. The state backed the residents of Ovča and let their prejudices and those of the mayor dictate its policy towards the Roma population. The Kraljevo incident was not an incident in this sense; it was a manifestation of the mood of the citizens.

In the downtown Zeleni venac district of Belgrade on International Holocaust Remembrance Day, 27 January, unidentified persons drew a swastika over the face of a Roma boy portrayed on a poster bearing the message 'Let all children go to school'. There was no reaction to the incident for four days. 'The president of the Roma National Council, Vita Mihajlović, said that the incident had been reported to the police but that only the media were reacting for now.'<sup>185</sup>

## A Misogynic Society

The situation of women in Serbian society reflects the patriarchal view of citizenry, namely one where only one gender is entitled to the status of 'citizen' (Carol Pateman). Woman is discriminated against in every institution of consequence that is traditionally man's preserve; this applies particularly to the sphere of public, transparent space where decisions of wider political consequence are made. Woman's position is restricted to the sphere of private life (home, care of the children). Woman therefore is subject to two kinds of violence: domestic violence and marginalization on the political scene.

The first kind of violence, which usually remains undetected for a long time, is shockingly illustrated by data provided by the NGO 'Incest trauma centar.' Every fourth woman in Serbia is the victim of physical violence, with 80 per cent of those who have experienced some kind of violence not appealing to anyone for help. Workers with women victims of violence have established that on average such women make the first

<sup>185</sup> Danas. [http://74.125.77.132/search?q=cache:AC9bet2YFJoJ:www.danas.rs/vesti/hranika/niko\\_ne\\_brise\\_kukasti\\_krst.3.html%3Fnews\\_id%3D152031+kukasti+krst+romi+bilbord&cd=1&hl=en&ct=clnk](http://74.125.77.132/search?q=cache:AC9bet2YFJoJ:www.danas.rs/vesti/hranika/niko_ne_brise_kukasti_krst.3.html%3Fnews_id%3D152031+kukasti+krst+romi+bilbord&cd=1&hl=en&ct=clnk)

complaint after 12 years and two months. Their failure to make a complaint is mostly due to judicial tardiness: ‘Under the law, the procedure in a case involving elements of violence is dealt with as a matter of urgency, and the first hearing must be held within eight days of filing the claim. Unfortunately, proceedings often take up to eight months because the legislation does not specify a deadline for their termination.’<sup>186</sup>

The other kind of marginalization of woman in Serbian society, i.e. her poor political prospects, reflects the traditionalism of our democracy. Modern feminist theory regards the problem as the abuse of gender differences in laying down the principles of civil society: ‘the central issues are: how is “woman” established as a category within the various discourses? How does the difference of gender become a relevant distinction in social relations, and how are relations of subordination established on the basis of such a distinction?’<sup>187</sup> The problem, therefore, is not only due to poor legislation. Liberal feminists campaign in support of these specific demands which reflect women’s interests, but this is only the top of the iceberg (legislation does matter, but the facts that Serbia still lacks legislation on gender equality and that the Anti-Discrimination Law is yet to be put on the Assembly agenda are due to a much deeper problem).

The wider problem is the result of the dominant cultural model of this patriarchal society which places woman’s role in the context of national defence. According to this principle, the main role of the mother is to produce ‘Serb children’.

The dominant culture assigns the genders their ‘natural’ roles: the women to procreate and the men to be in authority as a birthright. The propagation of such repressive values by the media is very strong: ‘The young women who put off or deliberately terminate their pregnancy actually exhibit a measure of selfishness’, ‘Our father is the indisputable authority in our home. For me this is the natural order of things. He’s strict yet full of love. We are agreed among ourselves that he shall have authority while our mother must provide comfort to the children’. These two passages typify the ‘women’s pages’ in the national daily *Politika*.

<sup>186</sup> Blic, 12 August 2008, Ana Maričić, Ministry of Justice.

<sup>187</sup> Chantal Mouffe, ‘Feminism, Citizenship and Radical Democratic Politics’.

Texts along the same lines are also to be found in *Pravoslavlje* (Orthodoxy) For instance, the author of the article entitled 'Birth Dearth – Self-Delusion or Truth' writes about the 'demographic catastrophe of the Serb people'. The main cause of the crisis of the family and traditional identity is identified as the consumer culture of capitalism, a culture destroying all national cohesion and turning man into an egocentric given to 'hedonism and a life of ease, [a man] indifferent to his spirituality'. Motherhood is said to be in crisis because the women are given to their various pleasures instead of trying to save the 'sinking Serb Noah's Ark'. Misogyny is always a part of nationalist ideology. That this is so is confirmed by the ideology's foremost practitioners: the SPC and Patriarch Pavle: '*One abhors the very thought – let alone the acceptance and the legalization – of the profanation of the sanctity of giving birth, that is, of infanticide, which, unfortunately, occurs in many modern marriages, which are murdering their children. . . . By doing so, are the parents not turning the mother's womb – that workshop of life – into a workshop of death and nothingness?!*'<sup>188</sup>

What gives rise to concern regarding cases of misogyny in the media is the absence of reaction. For instance, the daily *Kurir* reported on its front page that the popular singer, Jelena Karleuša, was expecting a child. As she was reported to be expecting a boy, having already given birth to a girl, the headline ran, 'She Passes The Makeup Exam'.<sup>189</sup>

So, in order to arrive at a solution, it is necessary to develop a different cultural model and different democratic principles. What is needed is a feminist policy promoting the rights of the individual regardless of his or her gender or sex, rather than advocating the rights of women alone (the latter would acknowledge the existence of a substantial, essential quality of women, something conservative ideologists will at once define as and reduce to motherhood, among other things; in this way women's rights become grist to the mill of patriarchy, against which the struggle was launched in the first place).<sup>190</sup> Only in this way can one formulate a

<sup>188</sup> The Christmas pastoral letter of the Serbian Orthodox Church, 26 December 2008.

<sup>189</sup> *Kurir*, 4 September 2009.

<sup>190</sup> Rather than wishing to deny any differences and gender peculiarities of individuals, the intention is to create a wider front in the struggle for the realization of basic

policy aiming at the abolition of subjugation of all kinds. In practice, we are still a long way away from having such a policy.

The Serbian parliament, for instance, does not abide by the statutory provision that women must account for one-third of political parties' candidates featured on their election lists. This appalling fact is not the main problem: the main problem is the absence of any well-articulated revolt by all who pay lip service to women's rights. A feminist policy centered on the responsibility of individuals and solidarity with 'others' would easily attract the support of members of the male gender. The principle of a radical citizenry means human rights for all regardless of sex, gender, religion, national affiliation, and other attributes provided under the Constitution of the Republic of Serbia. Unfortunately, in practice the fight for these rights is yet to begin.

In this respect the rights of women do not differ from the rights of workers, for example, but the discrimination of female workers is the easier to perceive owing to the sexist attitudes that pervade the institutions. The aim is to weaken the economic power of women, which is perceived as a first step towards their emancipation. A public opinion survey entitled 'Workers' Rights – Understanding Women and Their Attitudes' shows that 81 per cent of women respondents believe that discrimination concerning labour rights exists in Serbia.<sup>191</sup> According to the researchers, the ignorance of women of their rights is the main cause of the problem. For instance, over half the respondents did not know that the employer has no right to seek any information about a job seeker's marital or family status. Only a quarter of respondents had heard of mobbing, and over one-half believed that one's physical appearance was important when applying for work.

.....  
civil rights (the front could comprise women fighting for women's rights, men fighting for women's rights, workers fighting for parturient women's rights and their adequate medical treatment, national minorities fighting for gay rights).

A truly democratic society can only be built through solidarity with others.

<sup>191</sup> The survey was carried out by Strategic Marketing in cooperation with the Belgrade Centre for Human Rights.

Within the context of women's employment situation, a category suffering multiple discrimination and physical violence comprises sex workers (the term was formally adopted by UNAIDS two years ago instead of 'prostitution' and is an established standard in European countries). In Serbia their work is treated as a criminal offence and its legalization is not even considered although these women are exposed to various dangers all the time. They are verbally and, not infrequently, physically abused and have no medical protection. Society turns a blind eye and a deaf ear to their problems although it uses their services. 'I have no rights at all. I have no health insurance and cannot seek doctor's services. If a client maltreats or threatens me, I can't report him to the police,' a woman named Ana told the daily *Borba*.<sup>192</sup> A sex worker who complains about violence to the police risks being arrested although she is the victim. This kind of work bears an additional stigma because society does not distinguish between forced prostitution and a woman's free decision to earn money by prostituting herself. The failure to legalize prostitution not only protects society's false morals, but also masks human trafficking, the abuse of women and children, and forced prostitution. In Serbia, the organization Jazas has been rendering assistance to sexual workers for four years. Its members work in the field, organize the provision of medical services, and carry out HIV tests. The organization also has an education centre. Jelena Milić, a Jazas activist, says that the organization seeks to 'bridge the gap between sexual workers and the institutions of the system'.<sup>193</sup>

Misogyny is propagandized not only by members of the SPC, but also by a number of clerofascist groups<sup>194</sup> such as Obraz and Dveri. The latter has launched a 'Movement for Life', an 'active coalition of institutions, associations, and individuals who work to promote the sanctity and culture of life, the cult of marriage, family, and child-bearing, a road from a

192 *Borba*, 31 January-1 February 2009.

193 Ibid.

194 Right-wing extremist organizations which are not fascist but whose ideology contains elements of classic fascism: glorification of anti-Semitism through the works of Nikolaj Velimirović, announcements of a radical struggle against different ethnic commitment or sexual orientation, glorification of the perpetrators of genocide during the 1990s.

healthy personality through a healthy family to a healthy society, as well as a struggle against the widespread culture of death: artificial termination of pregnancy, modern sexual education and pornography, drug addiction and other forms of addiction, homosexuality, euthanasia, cloning. . .<sup>195</sup> The announcements of actions against women choosing to have an abortion and against the homosexual population not only constitute hate speech but a threat to citizens and their security.

## Homophobia And Violence

The LGBT (lesbian, gay, bisexual, and transgender) population of Serbia is exposed to violence whenever there is turbulence in society threatening to weaken its nationalist groups. In such situations they react violently not only against their 'standard' ethnic enemies but also against people seen

195 Uploaded from the website <http://www.dverisrpske.com/rubrika/9>. Dveri regards abortion explicitly and exclusively as a kind of satanic practice introduced in these regions by the New World Order: Abortion is murder. No question about it whatever. It is murder of the cruellest kind possible. It is the violation of a living organism inside a living organism; a living organism that cannot protect itself. It is the violation of the blood of our blood, of the bone of our bone. It is an assault on the Holy Spirit. Abortion is an assault on Life itself. (<http://www.dverisrpske.com/page.php?p=393>) The real question is, how come there are so many abortions around and who are the people to whom it has occurred to legalize the utterly morbid idea of uterine infanticide, as our Church calls abortion? Whether we want to admit or not, the real answer lies in the system of values which is already known to all as the New World Order. This satanic order has set itself the aim of destroying everything that used to constitute the pillars of the previous order, which we, from this distance of time, call traditional. (<http://www.dverisrpske.com/page.php?p=393>) The objectives and tasks of the Movement for Life • Fighting for absolute respect for the sanctity of human life from the moment of conception to the moment of natural death, which implies a struggle against the artificial termination of pregnancy, certain kinds of contraception, euthanasia, and cloning. • Reestablishing marriage and family as the foundation of a healthy society and as the only right environment in which a child can develop to the fullness of its personality. • Fighting against modern sexual education and pornography and offering alternatives in the spirit of Christianity;()

seeking to undermine their 'Serb Orthodox identity'. The rights of minorities are then interpreted as a threat to the majority population. The intolerance of LGBT persons was on the rise from the end of 2008 into the first months of 2009. The cause was the adoption of the Anti-Discrimination Law. Although the Law relates to all categories of the population, the public debate on it was marked by a virulent homophobic campaign. The retrograde currents not only floated the prospect of 'gay marriages' (of which there is no mention in the Law) but were also given considerable media attention. The campaigns started with the Bishop of Bačka, Irinej, denouncing the Law as 'superliberal' because it allegedly allows gay marriages, something that does not exist in even much more developed countries like the Netherlands and Sweden; he and the representatives of three other traditional churches were invited to air their views as guests by RTS, the public broadcaster managed by director Aleksandar Tijanić. The members of the religious elite discussed, among other things, whether homosexuality is an illness and whether gay marriages should be permitted. Because the four were the only guests in the show, the audience had to put up with the worst homophobic attitudes and stereotypes about the LGBT population for an hour. If the arguments put forward by the four clerics are anything to go by, Serbia can for a reason be called a high-risk society as far as non-heterosexual people are concerned.

In its report on the state of human rights of LGBT persons in Serbia in 2008, the Gay Straight Alliance (GSA) describes Serbia as a 'homophobic society engaging in systematic violence and discrimination against LGBT persons'.<sup>196</sup> The conclusion was drawn on the basis of attitudes expressed by a sample of 967 in a survey conducted by GSA and the Centre for Free Elections and Democracy (CeSID) during February and March 2008. The survey established that 67 per cent of respondents had negative attitudes towards the non-heterosexual population, 22 per cent had no attitudes or were indifferent, and only 11 per cent had positive attitudes.

A member of GSA was continually harassed and threatened during 2008. As reported by GSA, over a long period of time its member L.P., aged 27, kept receiving SMS messages such as, 'We're near and we're going to

<sup>196</sup> Gay Straight Alliance report, 'Ovo je zemlja za nas', Belgrade, January 2009.

meet soon! We're going to have a talk, dirty queer. It makes me sick to see you pass by every day. It's going to be a nasty experience!'

'Kill him, cut his throat, do away with L. the queer. How do you feel now, faggot? You're very mistaken if you think this is a joke. We'll be waiting for you tonight.'

'Let everyone purge his street of filth. Pour quick lime over all queers and lesbians. You deviant scum!'

L.P. received most of the messages while leaving or entering his house. Outside his house there was a graffito reading, 'Watch yourself. . . .' Although the discrimination victim was actively followed and threatened with death – a situation calling for immediate action by the authorities – the complaint made by GSA was rejected at the police station in Palilula district. As GSA president Boris Milićević waited for L.P. in an office at the police station, a police officer carrying a badge numbered '117375' began to insult him over his sexual orientation. Without in any way having been provoked, the officer chased Milićević out of the station with the shouts, 'Get the hell out!' and 'Get the hell out into the street!'

The way the police behaved not only constituted a breach of the law and of official procedure, it indirectly brought the life of L.P. into jeopardy. There is no doubt that discrimination of people on the basis of their different sexual orientation goes on and is reproduced at all levels of society. The following example (which is one of many) indicates how exemption from punishment for a crime encourages others who contemplate committing such a crime.

During the night between Saturday and Sunday, 28-29 June 2008, the lesbian couple B.O. and T.B., who were in the company of their male friend R.B., were assaulted and seriously injured by unidentified persons in the park outside the Serbian National Assembly building. The attackers, numbering ten or so, were provoked by R.B.'s unusual clothes and the exchange of several kisses between the girls. After swearing and shouting 'Do you know it's St. Vitus Day today!' and 'You're sick!' the attackers set on them and caused them serious bodily harm. The injuries sustained by B.O. were such that she had to be taken to the Emergency Department.

One of the most brutal organized attacks on the LGBT population took place at 10.08 p.m. on 19 September 2008. In this incident, which occurred at the end of the second day of the Fourth Queer Festival, five male and female activists were assaulted. According to Queerbeograd – the organizers of the festival – the victims were waylaid by about ten men as they left the venue on the corner of Cara Dušana and Jevrejska streets. The ambush was obviously well prepared, with some of the attackers wearing green surgeon's masks on their faces. They injured three of the victims. They beat and kicked a boy causing him serious injuries including a broken arm. The police guarding the event intervened and seized two attackers and the rest escaped. Although there were witnesses who were willing to testify, the incident has still not been resolved judicially.

The gay club Apartman on Karađorđeva Street was attacked several times. The daily *Borba* reported that on 11 March 2009 windows on the club building were smashed with rocks by about fifty masked persons. The second attack on the club occurred on 21 March 2009 during a spontaneous protest by soccer fans and ultranationalists over the killing of a soccer player, Đorđe Zarić, by a police patrol. Windows were again broken, a mere hour before a scheduled party in the club. Police were informed of the incident but did not appear on the scene.<sup>197</sup>

In view of the continuing attacks on the non-heterosexual population in Serbia, the Gay Straight Alliance has asked the Ministry of Internal Affairs to adopt a national strategy regarding the LGBT population and to start suppressing violence against it and ensuring its rights in a systematic manner.

These attacks are largely instigated by the media, cheered by homophobic citizens, and carried out by stooges of aggressive nationalist political parties and protégés of the Serbian Orthodox Church. Characteristically, the very holding of the Eurovision Song Contest in Belgrade in May 2008 was seen as carrying the potential 'danger' of a gay parade, in view of the announced arrival of some 20,000 non-heterosexuals. The clerofascist organization Fatherland Movement Obraz reacted to the news by issuing a statement: 'Like we did in 2001, we're not going to permit the promotion

197 Information from a Helsinki Committee source.

of squalid and perverse values on the streets of Belgrade, the only European metropole beside Moscow in which there has been no gay parade yet,' adding that they had no intention of 'going into homes and peeping into people's bedrooms'. There is no doubt that the statement carries the implied threat of execution should 'they' dare to appear on the streets. Mladen Obradović, president of Obraz, said he would prevent any gay parade even on the fringes of the Eurosong contest. 'This is the most natural response by all Serb men and women who are concerned for the health of their people – and you know yourself what kind of state our society is in,' he said. When asked how he meant to prevent gay people from walking about the city, Obradović replied: 'Ask their organizations; they know very well how we do such things and how we can stop them.' When told that this statement amounts to an admission that Obraz members were among the thugs who beat people on the streets in 2001 during the 'Pride Parade', Obradović replied that he was proud of that action. 'Yes, of course, I was glad that we shared in the defence of the spiritual health of the Serb people and I am proud of that. We're not going to allow any queer parade of any kind. They may do whatever they want to do inside their homes, but there's not going to be any of that on the streets of Belgrade.'

## Recommendations

In order to provide adequate protection of the rights of minorities in Serbia, the Anti-Discrimination Law, the Law on Equality of Sexes, and the Law on the Protection of Persons with Disabilities should be enacted as soon as possible.

The continuing intolerance of Jews and Muslims is at its most frequent in the context of denying or justifying genocide ('the liberation of Srebrenica'). This kind of consistent violence can be curbed by a resolution to ban the relativization of genocide, which would conform to the Srebrenica Genocide Resolution adopted by the European Parliament. Any intolerance of nations victims of genocide must be severely penalized as the only way to make their members feel like equal citizens of this country.

– In primary and secondary school textbooks greater attention must be paid to topics promoting cultural diversity, gender equality, and positive attitudes towards people of different religion, ethnicity, or sexual orientation.

– The Serbian Orthodox Church must limit its social activities to religious matters. In this regard the responsibility of the Serbian Government is all the greater because in a situation where efforts are made to clericalize society it is the state that wields the most influence. Also, it is the duty of the state to guarantee all believers freedom to practice and express their religious orientation, as well as to lay down specific mechanisms for penalizing violence of any kind against small religious communities.

– Citizens must not be allowed, under the connivance let alone the patronage of the state, to set up committees with any racial overtones at all, especially with regard to the socially and existentially most vulnerable segment of the population – the Roma. We therefore appeal to all government authorities to act in accordance with the UN Charter, the Geneva Convention on Human Rights, and the Constitution of the Republic of Serbia.



II

## State Mechanisms



# Transformation of the Army Slowed Down

## Introductory remarks

For the sake of terminological clarity, it should be pointed out at the very beginning that *reform* is one of the most frequently used words in this section of the report. The reasons for this are threefold: first, in domestic theory and practice concerning the transformation of the Army of Serbia the word *reform* is used as being synonymous with *reorganization* although, according to security theorists, these are two different notions.<sup>198</sup> Second, in domestic theory and practice, the real synonyms for *reform*, i.e. *transformation* and *conversion*, are less frequently used in this context. And third, the practical achievements regarded domestically as being implied by the syntagma 'reform of the Army of Serbia' do contain elements which, by definition, fall within the ambit of reforms.

As recently as the middle of December 2008, the domestic public (especially the segment favouring Euro-Atlantic integrations!) cherished the belief that the Army of Serbia and the Ministry of Defence were the two most successful generators of reform in the Serbian Government's transition efforts. Though this may well be true of the Army, reforms within the Ministry of Defence are perceptibly lagging behind. To be fair, the Ministry itself has done more in the way of reforms compared with other key segments of the security sector, where only initial steps have been taken. On

<sup>198</sup> Reorganization involves 'alteration of the numerical strength, structure, organization, formation, training, equipment, operational-tactical characteristics of every (or some) components of the armed forces. It means the 'systemic optimization of the armed forces aimed at achieving maximum combat readiness.' . . . Reform, on the other hand, affects the socio-political and professional tissue of the armed forces because it substantially alters the content and meaning of relations within the triangle society/citizens – state/political elites – armed forces/their members. . . . Reform, above all, calls for and entails changes in the political and cultural patterns of society and the armed forces. . . .' Dr Miroslav Hadžić: 'Potraga za bezbednošću', pp. 47-51, Dan Graf i Centar za civilno-vojne odnose, Belgrade 2004.

the occasion of the anniversary of his appointment as head of the Ministry of Defence, Dragan Šutanovac said among other things that the Army's standing with the domestic public had improved.<sup>199</sup>

The minister's assessment was basically correct. Nevertheless, the Army of Serbia's image in 2008 was not without blemishes, what with the legacy of unresolved scandals dating back to the period when the Ministry was run by Prvoslav Davinić. For instance, references were made on several occasions to the 'pancir' affair and, with incomparably greater impact, to the fourth anniversary of the unresolved killing of two members of the Guards, Dražen Milovanović and Dragan Jakovljević, at their barracks in the Belgrade suburb of Topčider. The soldiers' parents and their lawyers reiterated their accusations against former and current authorities, both military and civil, and protested vigorously over what they considered grossly inadequate steps taken by former and current authorities to unravel the mystery.<sup>200</sup> Incidents still awaiting clarification included a series of devastating explosions at the military dumps outside Paraćin and gross negligence on the part of several Army and Ministry of Defence professionals who failed to take the necessary precautions during the transportation of explosives by truck, as a result of which ordnance fell out of a jalopy of a military truck and was strewn along a very busy public road.

There were, however, two serious incidents during Šutanovac's term of office as well, one of them ending in tragedy. On 21 May, an Orao fighter plane piloted by Major Tomas Janik crashed and no cause was given publicly. The pilot fortunately bailed out and survived, but the aircraft plunged into a field near the Banat town of Opovo and perished in the blast.<sup>201</sup> Unfortunately, his colleague Lieutenant-Colonel Ištvan Kanas, who flew another fighter plane, a G4, was not so lucky: on 24 September, flying at an extremely low altitude in preparation for an air show over Belgrade's Kalemegdan fortress, he died as his plane crashed very near the Batajnica

199 Mira Švedić: 'Vreme boljeg standards', *Odbrana*, No. 64, 15 May 2008, pp. 14-5.

200 R.D.: 'Gardisti streljani zbog Ratka Mladića', *Danas*, 6 October 2008; I. Pejčić and A. Roknić: 'Gardiste u Topčideru ubila treća osoba', *Danas*, 11 November 2008.

201 Dušan Glišić: 'Prisebnost pilota', *Odbrana*, No. 65, 1 June 2008, pp. 22 and 23.

military airfield. Again, no public explanation of the incident was given.<sup>202</sup> At a news conference on the occasion of the Ministry of Defence's first 100 days of work under Prime Minister Mirko Cvetković, Šutanovac said that the Ministry had 'worked well, the only blemish being the death of the military pilot Ištvan Kanas'.<sup>203</sup>

In spite of this, the public was largely under the impression that in the Army and the Ministry it was 'business as usual'. But then, at the end of December, Lieutenant-General Zdravko Ponoš was suddenly relieved of his duty as chief of the General Staff of the Army of Serbia. Prior to this, he had given interviews to Belgrade media<sup>204</sup> in which he levelled serious charges against Minister Šutanovac and his Ministry, and indirectly against the rest of the Government for: a) halting the military reforms, in his opinion; b) uneconomical use of the military budget in 2008; and c) failure to provide Serbia with a defence policy.

Regardless of these criticisms, a study of the progress of 'military reforms' in 2008 in strategic terms leads one to the conclusion that these reforms continued to be pursued in very strange ways that are uncharacteristic of well-regulated states but nevertheless very characteristic of Serbia: a) there continued to be no strategic-doctrinaire documents, above all no National Security Strategy, no Defence Strategy and hence no defence policy; b) there was no clear and unequivocal support from the political authorities; c) reforms were under the shadow of the Serbian Assembly's resolution on military neutrality; d) while paying lip service to Serbia's orientation to European Union membership, the political authorities kept making vows that they would never renounce Kosovo and Metohija, and that despite the fact that (albeit by unilateral decision) Kosovo had become an independent state over which Serbia exercised no sovereignty.

202 Vladimir Počuč: 'Zamka za snove', *Obrana*, No. 73, 1 October 2008, pp. 6 and 7.

203 I. Pejčić: 'Jedina mrlja pogibija vojnog pilota', *Danas*, 20 October 2008.

204 Ljubodrag Stojadinović: 'Politika odbrane zemlje ne postoji', Ponoš interview with *Politika*, 24 December 2008, pp. 1 and 7.

## Genuine cause for optimism about reforms, especially early in the year

As far back as 2006, the chief architect of the Army of Serbia reforms, General Zdravko Ponoš, took stock of the situation in the Army (and probably in the Ministry of Defence too). He and his associates took account of every parameter dictated by the external and internal requirements for armed forces transformation in order to establish exactly what human and material resources were needed to transform the Army and at what pace. Based on their findings and analyses, they produced a draft 'Strategic Defence Review'.<sup>205</sup> The draft, adopted at a meeting of the Ministry of Defence Collegium, has been waiting for its final approval for more than two and a half years. Regardless of that (and in spite of the lack of strategic doctrinaire documents the adoption of which is partly the responsibility of the Assembly), the reorganization process was launched with considerable success under the then minister of defence, Zoran Stanković. His sole credit was giving Ponoš and his associates full freedom of action and not 'meddling in his own work' too much. There were a number of indicators suggesting that the new minister of defence, Dragan Šutanovac, who took over at the beginning of May 2007, it into the reform team from the word go and that he and the chief of the General Staff were going to cooperate well. This, by all appearances, they did – until the end of the year.

General Ponoš set forth his ideas about transforming the Army and accomplishing the first stage clearly and in great detail in a signed article published in the magazine *Vojno delo* at the end of the third quarter of

205 On 15 June 2006, Odbrana published the draft 'Strategijski pregled odbrane' (Strategic Defence Review) in the form of an offprint. After being adopted and forwarded to the 'relevant authority for further procedure' by the Ministry of Defence Collegium on 7 June 2006, it was assessed as the 'most significant document for planning, programming and realizing the process of reforming the system of defence of the Republic of Serbia until 2010.' By as late as the end of 2008, the draft had not passed through Serbian Government adoption procedure unless that was done without the knowledge of the general public. The document is available at [www.odbrana.mod.gov.rs/](http://www.odbrana.mod.gov.rs/)

2007.<sup>206</sup> He also discussed the matter on several occasions later on. Ponoš wrote, ‘It was important to lay down a schedule for carrying out the organizational changes on which we had decided... We decided to work faster, that is, to undertake radical steps and structural changes during the first year and then to stabilize the system. . .’<sup>207</sup> Thus both the Army and the Ministry of Defence entered 2008 with great optimism that was not unfounded.

The optimism was echoed in the leading article entitled ‘Prekretnica’ (Turning Point) published in the military magazine *Odbrana* in January.<sup>208</sup> The article focused on the facts that the military budget for the year had been increased considerably, that it was going to be implemented in quite a different way, earmarking for the first time since the break-up of Yugoslavia over 20 per cent of the funds for making investments (technical dimension of reforms), and that pay of military professionals would rise appreciably (social dimension of reforms). General Ponoš, in his capacity as chief of the General Staff, in an interview with the magazine published in mid-February, was far more specific:

‘True, we completed the reorganization of the Army in thirteen months. This was accomplished with unusual speed, in fact more quickly than planned. The first effect of the reorganization was that we made the situation in the Army incomparably easier to survey. It was as though we had cleared some sort of thicket . . . It turned out that the case for having scores of brigades in our Army was not so sound after all. After we reduced the number of brigades, it turned out that nearly all the quality resources we had at our disposal – material and human – were hardly enough for the needs of those new brigades . . . By cutting back on unnecessary bulk, we achieved savings that helped us to raise the quality of what should exist. Through such savings, through such cost reductions and the Army’s reorganization, we reduced the operating costs, above all logistic and administrative, to such an extent as to make it possible to considerably increase

<sup>206</sup> Načelnik Generalštaba Vojske Srbije general-potpukovnik Zdravko Ponoš:

‘Transformacija Vojske Srbije – izazovi i odgovori’, *Vojno delo*, 3/2007, pp. 9-30.

<sup>207</sup> Zdravko Ponoš, *op. cit.*, *Vojno delo*, ‘Dinamika transformacije’ (subtitle), p. 14.

<sup>208</sup> Slavoljub Marković: ‘Prekretnica’, editorial in *Odbrana*, No. 56, 15 January 2008.

capital expenditure in the 2008 financial plan and undertake substantial procurements. The first visible effect of the things I am talking about was the increase in pay. I am referring above all to the effects of the savings made internally. Now, that is a very important effect of the reorganization we have carried out.<sup>209</sup>

Ponoš next discussed other effects of the reorganization, including the fact that 'personnel pyramids were established in the formations [of the Army of Serbia] at long last. Our formations now have far fewer majors than lieutenants, lieutenant-colonels than majors, fewer colonels than lieutenant-colonels. . . . Such pyramids exist in nearly all modern armies. . . . A person cannot be promoted to a higher rank merely because he has stayed in a job long enough. . . . At the moment we have two hundred colonels in the Army, which is just as many as there are formational posts for that rank. This – which should also be mentioned – is two and a half times less than we have colonels in the Ministry of Defence structures. This anomaly should be addressed as a matter of priority because such a situation is simply not normal. Even the existence of the huge systems of military healthcare and education does not justify such an unbalance. . . .'<sup>210</sup>

It should be recalled that the conflict between General Ponoš and Minister Šutanovac that came to a head at the end of 2008 was also about these two things: first, reforms within the Ministry of Defence lagged considerably behind those within the Army (this applies in particular to the services 'detached' from the Ministry, such as the Military Academy or education, the Military-Technical Institute, the Military Medical Academy or healthcare, the Military Security Agency, the Military Intelligence Agency and the 'military income-earning' institutions although they are not linked to the military budget); second, the increase in the pay of military professionals was made possible chiefly through considerable internal savings achieved by reorganizing the hitherto unwieldy and inefficient military machine.

209 Dragana Marković: 'Reforme su ili nepopularne ili neuspešne', *Odbrana*, No. 58, pp. 8-12.

210 *Ibid.*

In the same interview, Ponoš said that the Army (and the Ministry of Defence) had worked out a new pay system: 'By reforming the pay system we have evolved a scale according to which any advancement in service, not only in terms of rank but also in terms of office, will carry a substantial pay increase. We have laid down a far smaller quota for advanced training courses for commanding and General Staff officers: there must be quite a clear projection as to what those people are going to do after graduating from those schools. Much work awaits us in reforming military education: the Military Academy will be turning out only what the Army needs.'<sup>211</sup>

Ponoš also presented his views on what needs to be changed and how in 'people's minds', what new values should be introduced into the military organization, and which stereotypes should be changed regarding patriotism and the past, a past 'in which and off which one cannot live'. As it turned out, however, Ponoš himself lacked the strength to deal with the recent past on behalf of the military publicly and in a more or less acceptable way. To be fair, of all top civilian and military leaders, Ponoš alone acknowledged publicly that the Army of Serbia (*i.e.* the Serbian-Montenegrin echelon of the JNA and the Army of the FRY) had been 'made use of' and 'misused' in the wars in the former Yugoslavia during the 1990s. This, however, was not nearly enough to free the Army from a grave legacy which will weigh upon succeeding generations in spite of the fact that they bear no responsibility for the war crimes committed by their predecessors.

At the beginning of 2008, around the time the Law on the Army<sup>212</sup> entered into force, experts debated whether the Army reforms were going to benefit from it. Their opinions were divided. Thus, for instance, Dr Zoran Dragišić, a professor at the Faculty of Civil Defence in Belgrade, stressed that 'the Law on the Army is very modern because it ensures the continuation of the reform of the defence system. The only thing that matters is that its implementation should not be called into question. . .' <sup>213</sup> On the other hand, Đorđe Popović, a researcher with the Centre for Civilian-Military Relations, said that while the 'new legislative regulations do not

<sup>211</sup> *Ibid.*

<sup>212</sup> Available at: [www.parlament.sr.gov.yu/-12k](http://www.parlament.sr.gov.yu/-12k)

<sup>213</sup> Vladimir Počuč, 'Razumevanje vremena', *Odbrana*, No.56, 15 January 2008, pp. 14-8.

constitute a major step forward compared with their predecessors', 'the good thing is that they are supportive of reform of the Army, of its professionalization. . .'.<sup>214</sup>

Of the representatives of executive and legislative power, only the new prime minister, Mirko Cvetković, came out in favour of the reforms. In his address to the National Assembly on 7 July, he said, 'The reform and strengthening of the defence system, a task of equal importance in the process of democratic transition of the Republic of Serbia, will have as its strategic objective the continued construction of an efficient and economically viable defence system and the building up of a modern, professional and efficient Army. . .'.<sup>215</sup>

It seemed that nothing could shake the Army's and the Ministry of Defence's optimism as to the outcome of the reforms, not even the serious delay in the overhaul of two of Serbia's five MiG-29 fighter aircraft, which constitute the mainstay of the Air Force and were all out of order. (Under a contract with the Russian company RSK, which undertook to overhaul the aircraft, the first two should have been airborne by mid-January 2008; they were not and no reason for the delay was given although the Russians had been paid in advance).<sup>216</sup> On 17 February, however, Kosovo proclaimed its independence, a move raising question marks about its effects, if any, on the Army reforms. What is more, the question was in the air as to whether Serbia's armed force was going to be misused again although, given the circumstances, that would have been an act of suicide. The suspense mounted in the wake of the vandalistic demonstrations in Belgrade, especially because the demonstrators were backed by a government wing headed by Prime Minister Vojislav Koštunica.<sup>217</sup>

In this connection, the *Helsinki Charter* ran a commentary on p. 15 of its double issue No. 115-116: 'Fortunately, the present-day Army of Serbia, to put it quite simply, is not "programmed" for any adventure, or any mis-

<sup>214</sup> *Ibid.*

<sup>215</sup> Available at: [www.parlament.sr.gov.yu/-12k](http://www.parlament.sr.gov.yu/-12k)

<sup>216</sup> S. Sikavica: 'Remont "29" ipak kasni', *Ekonomist*, 14 January 2008, p. 24.

<sup>217</sup> S. Sikavica: 'Vojska (srećom) izvan "događaja naroda",

*Helsinski povetja*, January-February 2008, pp. 14-5.

use. Much of the credit for this is due to the pro-reform Army team with the chief of the General Staff of the Army of Serbia, Zdravko Ponoš, at its head. Jack-of-all-trades analysts and local pseudo-patriots have been trying in various ways to sound out General Ponoš, never omitting to pose the provocative question about how the Army would react if the Albanians were to proclaim Kosovo independent. The general's reply is that the Army has no mandate to prevent such a thing and that the authority having the power to decide on engaging the armed forces in combat is well-known (this certainly is not the chief of the General Staff); but in the event of any violence against the Serb population, especially if it should spill over the administrative boundary northwards, the Army has worked out tactical variants in cooperation with KFOR to deal with any foreseeable challenge.'

Unlike Ponoš, the military propaganda machine was of a quite different opinion. For instance, the military magazine *Odbrana*, whose editors are indirectly responsible to the minister of defence, wrote: 'The territorial integrity of a country has been infringed by acts of violence by a segment of the international community, which is undermining the fundamental principles on which the international order rests and encouraging the separatist aspirations of numerous movements in the world. Is this the beginning of taking apart the security system based on the division of the United Nations and a prelude to a renewed instability of planetary proportions?'<sup>218</sup>

## NATO: so near, yet so far away

In the context of Serbia's Euro-Atlantic integration, constant fault-finding with the North Atlantic Alliance on the part of the country's authorities and the greater part of its professional community was characterized the whole of 2008. At the NATO summit in Bucharest on 3-4 April, the Serbian delegation was headed by Ministry of Defence State Secretary Dušan Spasojević; it followed the proceedings of this important international conference from a gallery. Judging by the domestic media coverage of the

218 Radenko Mutavdžić: 'Kosovo je Srbija', *Odbrana*, No.59, 1 March 2008, pp. 14-9.

summit, one might infer that the Serbian delegation in Bucharest was not overly interested in the substance of the conference.

For instance, in his commentary published in *Politika*, one of the better known military analysts, Miroslav Lazanski, appeared to have been preoccupied with his reminiscences ('each time I arrive in and depart from Bucharest something falls through'). He was obviously pleased to report that Greece had 'denied access' to Macedonia, that 'at one moment Albania too was at issue' and, especially, that 'Turkey announced a veto on Croatia's entry'. (At the summit, Albania and Croatia were actually invited to join NATO, and Greece did shut the door on Macedonia.) As for Serbia's position, the point was made both in Bucharest (the Serbian delegation made a number of statements on the summit margins) and in the commentary that Serbia could not possibly joint NATO without 'Kosmet' (Kosovo and Metohija).<sup>219</sup>

The point that, as far as Serbia's relations with the North Atlantic Alliance are concerned, the 'Partnership for Peace programme quite fits the bill' was often made by President Boris Tadić, and other political, as well as military, leaders followed suit. Vojislav Koštunica as prime minister and members of his cabinet were especially in the habit of putting this message across. Such as it was, however, Serbia's partnership with NATO under the programme left much to be desired. Serbia officially joined the Partnership for Peace programme on 14 December 2006. In spite the fact that Serbia (then part of the State Union of Serbia and Montenegro) and Bosnia and Herzegovina were the last countries in the region to joint the programme, the Serbian authorities kept putting off signing the necessary documents over the next two years. Thus Minister of Defence Dragan Šutanovac finally signed an information security agreement on 1 October 2008.

After signing the agreement in Brussels, he told reporters that the 'Agreement will result in much improved cooperation at both state and military levels in the period to come'. He also pointed out that there was a high price to pay for the unnecessary delay in question, and that if one were to analyze and 'catalogue' what had been missed out and lost

<sup>219</sup> Miroslav Lazanski: 'Braća po NATO-u', *Politika*, 6 April 2008.

owing to wrong strategy and bad policy, the list would be a 'big, big one'.<sup>220</sup> There is, however, another important question to answer, and that concerns the non-professional and professional, as well as lay and political, elites' views of NATO.

Answers to this and some other questions were offered by Dr Roy Stafford, professor at the National War College, in an interview with *Odbrana* at the beginning of October. He said that the criteria a country must meet to become a member of NATO have very little to do with its Army itself but presuppose democracy, civilian, democratic control over the armed forces, good relations with neighbours, which in turn implies broad support for market economy, democracy, stabilization, and so on. In short, NATO has changed dramatically and that change is very important for Europe, he said. As regards NATO's relationship with the United States, Stafford pointed out that NATO decisions are made by consensus.

Although many problems in the region have been resolved, there remain Kosovo, western Macedonia and, in a way, Bosnia and Herzegovina to address, he said. Stafford did not think there would be any armed conflicts in the region and was more concerned about crime, meagre economic growth coupled with high unemployment rates. He said that young people without work had no future and might pose a threat by involving themselves in crime and terrorism... In his view, an orientation towards Europe, possibly NATO, and towards international monetary institutions is important for Serbia's future. Stafford said that although Serbia's neighbours were already in NATO, he did not think that Serbia's future as regards her Army necessarily depends on her membership of that organization and that cooperation between the two might be enough. Serbia's armed forces have made good strategic decisions, reduced their size and are getting ready to cooperate with other nations in peace missions, but at some point or other one must decide on their future orientation and determine whether it fits into the framework of Euro-Atlantic organizations or not, he said. Stafford did not see any advantage for Serbia of being neutral in here environment: when one is on one's own the burden of defence is far

220 Fonet new agency: 'Osnova bolje saradnje', *Odbrana*, No. 74, 15 October 2006, pp. 6-8.

heavier and much more expensive than when one is part of the Alliance, in which case that burden can be shared.<sup>221</sup>

Such warnings, however, are as a rule not taken seriously by Serbia's authorities. Serbia is for the most part critical of NATO with and without cause. Srđan Gligorijević, the director of analysis with the International and Security Affairs Centre (ISAC) fund, offered an exhaustive explanation of why this should be so in an article entitled 'Russia, Serbia and NATO'. The article, part of a wider project called Monitoring Russia-Serbia Relations, is available on ISAC's website and dated 03 Feb 2009.

'The reasons for such a delay in Serbia's formal inclusion into the institutions of the Euro-Atlantic Partnership were manifold: the resilience of the authoritarian anti-Western regime throughout '90s, the complex-legacy of decade-long armed conflicts in the former Yugoslavia (with the Hague Tribunal obligations), Serbia's unique painful experience of the NATO air campaign in 1999, and lack of support on the part of some Alliance's member states.'<sup>222</sup>

'Apart from NATO's gruelling bombing of Serbia (and Montenegro) in the spring of 1999, which represented the main obstacle to a more positive Serbian attitude towards NATO, the current unfavourable atmosphere in regard to NATO is also a consequence of ideological misrepresentations, emotional judgements, notorious ignorance of the nature, structure and transformation of NATO, lack of understanding of contemporary international relations, and irrational thinking. One of the most widely spread misconceptions, particularly fostered by some politically conservative elites in Serbia, is that a more enthusiastic cooperation with NATO, and subsequently membership in it, would disrupt Serbia's relations with Russia. Furthermore, there is a predominant prejudice in Serbia that the relationship between Russia and NATO has always been utterly hostile, and consequently lacked in any visible form of cooperation or valuable achievement.'<sup>223</sup>

221 Snežana Đokić, 'Izukršteni interesi', *Odbrana*, No. 73, 1 October 2008, pp. 14-6.

222 Available at: [www.isac-fund.org](http://www.isac-fund.org)

223 *Ibid.*

In light of the aforementioned facts and assessments set out in Gligorijević's sound analysis, it should not be too difficult to infer why Serbia is so near and yet so far away from the Alliance. Since nearly every work by historian Latinka Perović sheds historical light on Serbia's relations with Western Europe, her scientific opus suggests credible answers also to the key issues concerning Serbia's relationship with NATO. On this subject, Perović writes: 'Serbia's drifting away from Western European civilization took place even before the war (in the former Yugoslavia, author's note). The war only precipitated it, and its end rendered it drastically evident. What is involved here, among other things, is the triumph of the cultural model sustained by the semi-intellectual, a person defined by Slobodan Jovanović as someone with a school certificate but without any cultural and moral education. During the anti-bureaucratic revolution, the semi-intellectual disseminated hatred and propagated the policy of war from the pages of *Politika*. For the first time, he put a stop to the Western European orientation – something which had always been present in Serbia' political culture without ever predominating – and proclaimed Serbia's self-containedness.'<sup>224</sup>

After the fall of Slobodan Milošević, Serbia's Western European orientation was revivified. The assassination of Zoran Đindjić, however, dealt this orientation another heavy blow from which it had not fully recovered by as late as 2008. The recovery is slow, listless and without enthusiasm on the part of the political authorities, and one wonders whether the Government under Boris Tadić really wants that recovery or not. Viewed through this prism, NATO is no doubt very far away from Serbia in spite of its establishment on all four sides of Serbia's immediate environment.

224 Latinka Perović: 'Između anarhije i autokratije', p. 43, Helsinki Committee for Human Rights in Serbia, Belgrade, 2006.

## Serbia fails to sign the Convention on Cluster Munitions

While by no means headline news, the information which follows was not altogether irrelevant to the study of the character and essence of the Army of Serbia in 2008.

In May, Serbia's military and civilian pilots – both retired and active members of their association – gathered in a river barge restaurant not far from one of Belgrade's central bridges to celebrate the release from prison of their colleague Emir Šišić. A former Yugoslav Air Force pilot and retired major, Šišić became known abroad for shooting down from his MiG-21 a helicopter over Mount Ivančica in Croatia at the beginning of 1992. The pilot and the four members of an EU peace mission abroad, four Italians and a Frenchman, lost their lives. A sentence of life imprisonment was originally imposed in Rome, but it was successively reduced to only a few years in prison under pressure from Šišić's defence and Serbian diplomacy. Šišić 'served' the remainder at Sremska Mitrovica in Serbia.

Šišić's release attracted considerable media attention, with the military magazine *Odbrana* publishing a four-page report.<sup>225</sup> Without distinction, the media that reported Šišić's release from prison (including *Odbrana*) harped on the same theme, namely that Šišić was not guilty, that he 'merely carried out his orders' and that the 'orders' in the circumstances in question 'had to be carried out'! There was no mention whatever of who gave Šišić those insane orders, and why he 'had' to carry them out. These arguments were echoed by both politicians and state officials.

The fact that Serbia is 'lagging militarily even behind the states in the region' was and is no news. But when this was publicly said and substantiated in an interview with the Belgrade daily *Blic*<sup>226</sup> by the head of the General Staff Planning and Development Department, Major-General Dr Božidar Forca, the conservative bloc saw this as yet another 'fact' showing that the Ministry of Defence and General Staff leaders were 'systematically

225 Branko Kopunović: 'Let u novi život', *Odbrana*, No. 65, 1 June 2008, pp. 56-9.

226 Uroš Piper: 'Srbija vojno zaostaje za državama u regionu', *Blic*, 14 April 2008.

destroying the Army of Serbia'. Forca said that in 'assessing the security situation in the region, one must pay special attention to, besides the quantity of military forces, the quality of armaments and military equipment the Army possesses...' As regard the Army of Serbia, 'there is in evidence a lack of sophisticated weaponry and equipment. Whereas before we logically lagged behind the NATO states, now we are beginning to lag even behind some states in the region. One feels a lack of modern aviation systems equipment, electronic systems and telecommunications equipment, something which must be modernized...'

Serbia began to fall behind in the region in military-technical terms long ago owing to wear and tear, abuse, neglect and shortage of funds needed to maintain the hardware that used to belong to the SFRY. The former Yugoslav generals had presented Slobodan Milošević with nearly two-thirds of the hardware owned by the former Yugoslav army including 16 brand new MiG-29 aircraft. Serbia's elites shared the conviction of Veljko Kadijević and other generals that with those weapons and equipment at their disposal they would have no difficulty reaching their strategic political and military objectives. They also believed that the hardware would help them to keep up the illusion of Serbia's military supremacy not only in the region but in the wider environment.

## Cluster Bombs

On 3 December, the convention imposing a total ban on cluster bombs was signed in Oslo by representatives of over 100 countries. A rather vague explanation was offered to account for the fact that, regrettably, there were no Serbian representatives among them.<sup>227</sup> According to available information, Serbia failed to sign the Convention allegedly owing to lack of agreement between the Ministry of Foreign Affairs and the Ministry of Defence as to which minister had authority to affix his signature to the document.

The statement by the head of the Public Relations Department of the Ministry of Defence, Captain Petar Bošković, was vague. The statement

227 S. Sikavica: 'Već uobičajeno kašnjenje', *Danas*, No. 13-14, December 2008.

said that the 'Ministry of Defence cannot make decisions on matters of this kind independently' and that 'it has conveyed its position on the occasion of this matter to the Ministry of Foreign Affairs'. In its reaction to Bošković's statement, the Ministry of Foreign Affairs said that the 'matter does not come within our competence'. With the two ministries deplorably trying to shift the blame on each other, it somehow emerged that the 'question of signing the Convention on Cluster Munitions falls within the competence of the Council for National Security' and that the Ministry of Defence would 'communicate its position' to it.

In view of Serbia's distressing experience of cluster munitions after the NATO intervention against the FRY in 1999, and given that her representatives had taken part in the preparatory meetings to the Oslo conference, the expectation was that Serbia would sign the document. The only country in the territory of the former Yugoslavia not having signed the Convention, Serbia remained in the company of the world's largest producers of these weapons including the United States, Russia and China.

Serbia is known to have made cluster munitions. What is not known is the quantity of cluster bombs in stock and whether they continue to be produced by the Serbian military industry. The suspicions about this are fuelled by the attitude of domestic political and military authorities. It is also worth recalling that the Chemical Weapons Convention was signed in Paris as far back as in 1993 (entering into force in 1997), and that Serbia (FRY) did not accede to it until as late as on 1 July 2000.

The evasion and procrastination surrounding the signing of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel (anti-infantry in domestic usage) Mines and on their Destruction was also highly indicative. The Convention was adopted in Ottawa on 3 December 1997 and entered into force at the beginning of March the following year. Serbia (FRY) was at that time not among the 122 Convention signatory states either. At the time of signature Serbia found herself in the same camp as the biggest producers of those treacherous weapons including Russia, the United States, India and China. It was only on 20 April 2001 that the FRY (Serbia) joined the worldwide international movement determined to do away with this modern evil, and that thanks

mostly to the mine ban campaigns coordinated and conducted by the Helsinki Committee for Human Rights in Serbia and wholeheartedly supported by the Ministry of Foreign Affairs under Goran Svilanović.<sup>228</sup>

It is worth recalling that it took another two and a half years for the parliament of the then federal state to ratify the Convention. As a result, the State Union of Serbia and Montenegro (Serbia) deposited the ratified document with the UN Secretary General only on 18 September 2003. As regards cluster bombs, *Odbrana* ran an extensive article on this kind of weapon and the forthcoming conference in Oslo.<sup>229</sup> The gist of the article was that Serbs had suffered badly from cluster bombs during the 'NATO aggression against our country' and that efforts to have the weapons banned were in full swing in Serbia. There was actually no mention that Serbia needed and was (morally) bound to sign the Convention. The magazine ran no commentary in the aftermath of the Oslo conference, let alone criticize the authorities on their attitude.

## Fruitful cooperation with KFOR ends, Army reforms flag

First, at an Army of Serbia commissioning ceremony on 13 September,<sup>230</sup> President Boris Tadić hinted at a possible increase in the numerical strength of the Army in view of new circumstances at both global and regional levels. Next, at a ceremony at the Major Milan Tepić barracks in Jakovo on 20 September,<sup>231</sup> Minister of Defence Dragan Šutanovac and Chief of the General Staff Zdravko Ponoš varied the theme and were more specific.

Ponoš said, and Šutanovac confirmed, that the state leadership was 'considering the possibility of increasing the numerical strength of the

<sup>228</sup> Collection of papers from round table, 'I Jugoslavija konačno protiv mina', Helsinki Committee for Human Rights in Serbia, Belgrade, 2001, p. 13.

<sup>229</sup> Branko Kopunović: 'Početak kraja tihog ubice', *Odbrana*, No. 70, 15 August 2008, pp. 16-9.

<sup>230</sup> Aleksandar Petrović: 'Ponoš Srbije', *Odbrana*, No. 72, 15 Septembar 2008, pp. 6-9.

<sup>231</sup> Mira Švedić: 'Poverenje u Vojsku Srbije', *Odbrana*, No. 73, 1 October 2008, pp. 12-3.

Army of Serbia by 2,000 members', *i.e.* an increase 'from some 28,000 to 30,000'.<sup>232</sup> In support of this, Ponoš cited the 'changed (security) circumstances' in the world and the region' and added that at present 'any reduction of the Army would be irrational'.<sup>233</sup> Šutanovac for his part gave the following justification for the increase: 'Serbia is committed to European integrations, but Serbia is not going to renounce her rights in Kosovo and Metohija for a moment. In order to be able to defend our rights in Kosovo and Metohija by diplomatic means, we must have a strong and efficient Army as guarantor of a peaceful resolution of the Kosovo problem.'<sup>234</sup>

A careful chronicler will have noticed that Šutanovac did not say that Serbia was committed to *Euro-Atlantic* but to *European* integrations, and that only with Kosmet under the same state roof or not at all. (This was an innovation in the terminology used in Serbia in reference to pro-Western integrations; it quite certainly relates to collective security arrangements as well, in which case it means a distancing from NATO. As if the Partnership for Peace were not an Alliance programme!)

The envisaged increase in the Army's numerical strength may be taken as a reliable indicator that Serbia's armed forces are diverging from the Euro-Atlantic course. For the public's consumption the military-political leadership resorted to numerical jugglery and offered questionable figures indicating an insignificant increase of only 2,000 professionals. On the other hand, under the Strategic Defence Review<sup>235</sup> (not adopted presumably because it was drawn up with assistance from Alliance experts), the Army of Serbia should become fully professional by the end of 2010 and should not have more than 21,000 members. Although under the document, on which the reorganization of the Army was based, the numerical strength was to have been reduced to 27,000 members in 2007, it stood at as many as 28,000 even in 2008. If the 2,000 men mentioned above and

<sup>232</sup> The Army's and the Ministry's respective numerical strengths are unknown because different figures are given officially.

<sup>233</sup> S. Sikavica: 'Hlađenje prema zapadnim vojno-političkim savezima', *Danas*, weekend issue, 27-28 September 2008.

<sup>234</sup> Quoted from Tanjug news agency.

<sup>235</sup> *Obrana*, offprint, 15 June 2006, available at [www.odbrana.mod.gov.rs/](http://www.odbrana.mod.gov.rs/)

the 20,000 or so military employees with the Ministry of Defence are added to that figure, we are speaking of an Army numbering some 40,000! Such a reversal is a sure sign that the Army reforms have come to a halt. This again indicates that the plans to make the Army fully professional by 2010 have been given up.

The drift away from Western military-political alliances was also manifested in the relations between KFOR and the Army of Serbia contingent stationed along the Ground security zone between Kosovo and southern Serbia. Zdravko Ponoš as chief of the General Staff and the then KFOR commander, French General Xavier Bout de Marnac, met regularly, exchanged information and improved cooperation until 13 June. Then Ponoš called off a scheduled meeting in Niš<sup>236</sup> in protest at the decision of the NATO Command in Brussels to help the Kosovo authorities to set up and train a 'Kosovo security force' (a gendarmerie-type formation numbering some 2,500). In the event, the 'excellent cooperation' between the two armies sank to a 'technical level', a development which could not but adversely affect security on both sides of the administrative line.

The about-turn was welcomed by the 'patriotic bloc', whose pressure had most possibly helped to bring it about. In an interview with the weekly *NIN*, the minister of defence explained the volte-face as follows: 'In the year that is behind us we sought to have lively international cooperation; that with countries of the West is at a higher level now, but we also wish to have good cooperation with countries of the East. . . . The chief of the General Staff of the Armed Forces of China is soon coming to visit us for the first time after twenty-four years, and I am going on an official visit to China in November. . . . Of course, in times past we have not fully realized the need for adequate military cooperation with the Russians. When I was not the minister of defence, American planes landed at Batajnica; after I became the minister of defence, Russian paratroopers arrived here.'<sup>237</sup>

<sup>236</sup> J.T. and agencies, 'Ponoš otkazao susret s De Marnakom',

*Danas*, weekend issue, 15-16 August 2008.

<sup>237</sup> Miroslav Lazanski: 'Zanemarivali smo Ruse i Kineze', interview

with Dragan Šutanovac, *NIN*, 11 September 2008.

In a statement to France's *Le Figaro*, carried by domestic media, the minister was even more to the point with regard to the European Union: 'The European Union should open the door to Serbia, otherwise Serbia is going to look for other arrangements with Russia.'<sup>238</sup> Notwithstanding their cavalier attitude to the mainstay of collective security in Europe, and in spite of the halt of reforms and Euro-Atlantic integrations, domestic politicians asked the competent institutions of the North Atlantic Alliance to revise the Kumanovo Agreement, no more and no less. The idea was put forward by General Ponoš in 'Kažiprst', a radio B92 programme, on 2 December. His arguments were as follows:

a) the Kumanovo Agreement was signed almost ten years ago and the situation in the Ground Security Zone in particular was radically better; b) over the past ten years the Army of Serbia had been 'patiently building up relations of cooperation with KFOR' until the Alliance recently decided to help Priština to establish a Kosovo security force; c) Serbia and NATO have not been enemies for a long time; d) in view of the above, the provisions of the Kumanovo Military Technical Agreement determining the security zones are unworkable; since, under these provisions, neither personnel nor technical equipment of the Army of Serbia can enter the zones without clearance from the KFOR commander, the zones should be abolished. No reply had been received from Brussels by the end of the year.

## **The fall of General Zdravko Ponoš and other enigmas**

The dismissal of General Zdravko Ponoš started formally on 19 December at a party on the occasion of the New Year and Christmas holidays<sup>239</sup>; the event had jointly been sponsored by the minister of defence and the chief of the General Staff at the Guards Club in Topčider. Ponoš was not there. Two days later, Dragan Šutanovac gave a news conference at which

238 J.J.: 'Srbija se od EU okreće Rusiji!', *Glas javnosti*, 9 October 2008.

239 I. Pejčić: 'Prijem bez načelnika Generalštaba', *Danas*, weekend issue, 20-21 December 2008.

he presented a wealth of information on the achievements of the Ministry of Defence and the Army in 2008 (including, of course, the results in the field of reforms). When asked why the chief of the General Staff was absent from the party, Šutanovac replied that the question should be put to Ponoš.<sup>240</sup>

The removal of General Ponoš from the post had been expected and long prepared. The timing – Ponoš was sacked on 30 December – indicates that the moment was chosen carefully so as to make the least commotion. Significantly, the sacking took place after Russia had definitely clinched the energy deal and after all opposition to it within the Government (led by Dinkić) had been subdued. All signs were that the conservative pro-Russia current pushing Serbia ever farther away from Euro-Atlantic organizations had won the day. After his appointment, General Ponoš had been the target of a fierce campaign by conservative circles (including the military pensioners' club, old cadres and Russia). His chief sin, in the view of his enemies, were the reforms he had undertaken to make the Army of Serbia conform to NATO standards as much as possible with a view to its membership in the organization. President Boris Tadić had obviously been under pressure too, for Ponoš was his personal choice.

Ponoš's dismissal had been signalled several times, with media citing differences of concept between him and Šutanovac. In this connection, Ponoš gave an interview to Ljubodrag Stajadinović, for many years a military affairs commentator with the daily *Politika*. Conspicuously, in the wake of the dismissal, all the commentators stressed Ponoš's professionalism while objecting chiefly to his having gone public, which was allegedly against the law. Tadić offered the following explanation for his decision: 'Though everybody has his share of the responsibility in this matter, it is absolutely impermissible to contravene military discipline in a system as important as the system of defence and to discuss matters concerning the future of our system in an appropriate manner in the media.'<sup>241</sup>.

<sup>240</sup> I. Pejčić: 'Dragan Šutanovac: Za razloge nedolaska na prijem pitajte Ponoša', *Danas*, 22 December 2008.

<sup>241</sup> [www.b92.net](http://www.b92.net), 30 December 2008.

Ponoš's dismissal was obviously well stage-managed to leave the public as little room for speculation as possible. To begin with, the thesis was advanced about there being a deep personal animosity between the two key personalities in the defence sector, Šutanovac and Ponoš; later, the Radicals were used to launch a request to audit the operations of the Ministry of Defence. This implied the possibility of Šutanovac being sacked himself, a far tougher proposition for President Tadić considering Šutanovac's position in the Democratic Party hierarchy. Rumours that Tadić and Šutanovac were in conflict had been circulating for quite some time.

The perfunctory reactions to Ponoš's removal were a further sign that the matter had been engineered. The military analysts dwelt mostly on Ponoš's violation of the pecking order, none of them daring to shed any light on the background to his sacking. All those who reacted pointed out that such an epilogue was to be expected. Military analysts Zoran Dragičić considered that Tadić had made the only move left at his disposal. He pointed out that 'From the very beginning of the conflict between Ponoš and Minister of Defence Dragan Šutanovac it was clear that as a soldier Ponoš was the weaker side and may take a beating.' Milan Miljalkovski said that the removal of the chief of the General Staff was not going to affect the defence system. Miroslav Lazanski, who had been criticizing Ponoš over his reform moves ever since the latter's appointment, wrote that Ponoš's giving public interviews was an act 'totally atypical of democratic states'. Ivica Dačić, the minister of interior, said that while Ponoš's statements were no doubt unacceptable from the points of view of the line of command and the military structure, the topics he had raised merit discussion.

The Democratic Party spokeswoman, Nada Kolundžija, said that the dismissal was a 'logical sequel to the way the general tried to solve the problem.' The head of the parliamentary floor group of the Serbian Radical Party, Dragan Todorović, said that although Tadić had accepted the conclusion of the Defence and Security Committee that Ponoš's address to the public had put the civilian control of the Army into jeopardy, 'one must not stop halfway through.' The head of the parliamentary floor group

of the Socialist Party of Serbia, Branko Ružić, said that the dismissal of Ponoš was the result of the undue relationship between the departmental minister and the chief of the General Staff. The Forum for Security and Democracy said that the sacking of Ponoš was the 'correct and only possible' solution. It regarded as detrimental any public reaction interpreting the dismissal as a defeat of the commitment to reforms in the defence system of Serbia on her road to the European Union and towards accepting the EU security system.

The former chief of the General Staff, Branko Krga, thought that 'Rather than going to the media, Ponoš had other possibilities for pointing out the defence system problems stemming from the lack of strategic documents'. He also said that 'there may be a positive side to the whole affair if it hastens the process of adopting strategic documents indispensable for defining the directions of reforming the defence system and for transforming the Army.'<sup>242</sup>

The statements of the former General Delić, currently a member of the Progressive Party, indicated that Šutanovac too was under pressure. In an interview with *Pravda*, the Radical newspaper which had been conducting a campaign against both Šutanovac and Ponoš all the time, he said: 'Tadić has come down on the side of Šutanovac, the side of criminal activities.' He said that 'there is nevertheless no statute of limitation for crime, so the minister of defence will have to answer for the abusive practices in the Army sooner or later.' He also said that 'Ponoš will most probably go to Brussels, there have been indications to that effect before'<sup>243</sup>

In an editorial commentary, the daily *Danas* wrote that, in dismissing Ponoš, Tadić had sent a message 'to the Army as well as to the police and security services that Serbia can be democratic, stable and safe for all the citizens only under the condition that everybody abides by the rules.'<sup>244</sup> On the other hand, the weekly *Svedok*, which is close to the military, insisted that the 'low-intensity conflict between the top of the General Staff and the Ministry of Defence of Serbia has laid bare the infighting

<sup>242</sup> [www.b92.net](http://www.b92.net), 30 December 2008.

<sup>243</sup> *Pravda*, 5 January 2009.

<sup>244</sup> *Danas*, 5 January 2008.

in Serbia's strongest party' and that 'this is only a first act in a play with no end in sight'.<sup>245</sup>

It should be recalled that the media campaign against Šutanovac and Ponoš was launched at the time of their appointment and spearheaded mainly by old military structures, radicals and segments of the Academy of Arts and Sciences and the Serbian Orthodox Church. Serbia's commitment to Euro-Atlantic integrations was challenged from the word go. The Partnership for Peace (Riga, 28-9 November 2006) and the agreement with the United States allowing US troops to cross Serbian territory were condemned as high treason. Vojislav Koštunica commented on the agreement as follows: 'As members of the Partnership for Peace there is a much greater certainty of our preserving the integrity of Serbia and of Kosovo and Metohija remaining in Serbia with an adequately high degree of autonomy'.<sup>246</sup>

It was thanks to its membership of the Partnership for Peace that the Army of Serbia has had a successful transformation, albeit only in the domain of technical changes. Substantial reforms in the Army are not possible without a fundamental transformation of society at the political, economic and cultural levels. Likewise, Army reforms are not possible without substantial financial resources.

The fact that NATO is not one of the present Government's priorities was pointed out by the minister of foreign affairs, Vuk Jeremić, in an interview with *Politika*. 'As far as integrations into Euro-Atlantic structures are concerned, I think that we are already cooperating closely enough with all neighbours in eliminating shared threats,' he said.<sup>247</sup>

Vojislav Koštunica, however, seized upon the setting up of the Kosovo army to raise doubts about the Partnership for Peace: 'If the NATO pact should ignore Serbia's demand to disband the Kosovo army at once, then the National Assembly ought to take a position on the further participa-

<sup>245</sup> Prof Dr Svetozar Radišić, 'Da li se smenjenom generalu ipak smeškaju prestižna mesta', *Svedok*, 13 January 2009.

<sup>246</sup> 'Prekretnica u razvoju', *Odbrana*, No. 30, 15 December 2006, p. 17.

<sup>247</sup> *Politika*, 4 January 2009.

tion, or freezing of Serbia's status, in the Partnership for Peace programme with the NATO pact.<sup>248</sup>

The Serbian media kept speculating, right up until 30 December, as to the causes of the 'break' between the minister of defence and the chief of the General staff, whether it was a mere 'break' or something more serious, how President Boris Tadić was going to resolve the matter, and so on. In the end, the supreme commander of the armed forces 'made a decisive move' and – replaced Zdravko Ponoš.<sup>249</sup> Tadić announced publicly that he had replaced Ponoš 'solely for having infringed strictly defined military rules. . . .' Then there followed this very puzzling statement: 'As regards General Ponoš, I can say this for him: he is one of the best officers not only in our country but in this part of Europe. He is a general in whom Serbia has made big investments. . . .'<sup>250</sup> There are several reasons why one should now pause and consider the foregoing.

First, the last sentence is rather arguable: Ponoš graduated from a secondary military school and the Technical Military Academy in Zagreb; and this chronically impoverished country could hardly have afforded to set aside any, let alone big, money for his professional training in the West. Second, if Tadić was sincere about what he said, one cannot help wondering why he should have decided so lightly to do away with the services of his outstanding general, a man who had led the Army along the road to reform with such success! And, third, the statement contained the following warning: 'Every member of the Army, police and security services ought to construe this decision correctly. . . .'<sup>251</sup> What logically follows from this is that Ponoš was sacked to prevent, among other things, the erosion of military discipline!

Hardly anybody believed that. The fundamental reasons for the move were obviously of a systemic nature. There was no conclusive evidence that the political leaders were determined to lead the state and society to the European Union. The verbal 'commitments to Europe' that politicians

<sup>248</sup> [www.dss.org.yu](http://www.dss.org.yu), 26 January 2009.

<sup>249</sup> 'Tadić podržao ministra', *Politika*, 31 December 2008.

<sup>250</sup> *Ibid.*

<sup>251</sup> *Ibid.*

from the present Government are in the habit of uttering smack of utilitarianism. Second, it appears that the state leaders and, in all probability, the generals have 'rediscovered' Russia and China after a long time and decided to turn towards them for military cooperation. Third, there remains Kosovo, a land under a 'curse' that 'Serbia is never going to give up'! These were the obstacles that General Ponoš, the man heading the military reforms team, was unable to surmount.

Therefore he brought his conflict with Šutanovac into the open. This is what the weekly *Vreme* wrote in this connection on 25 December: '... Šutanovac commended his Ministry for its performance: in 2008, 1,247 flats were provided to members of armed forces; pay was increased by 30 per cent; units were issued a greater quantity of modern equipment than in the preceding three years; ten aircraft and four helicopters were overhauled and ten pilotless reconnaissance planes bought and, finally, the Army restored its reputation in society, as evidenced by the record conscript turnout in December of 98 per cent.'<sup>252</sup>

The author then quoted parts of Ponoš's interview with the Belgrade daily *Alo*, in which Ponoš refuted Šutanovac's 'praises' of his Ministry. 'First, the flats: "The solving of 1,200 housing problems was a good thing although 900 of these cases involved mere conversion of purpose of flats already in use – their original purpose being for official use – but never mind this; what matters is that these people were given an opportunity to buy them. The construction of a number of flats has not even started and only flats started long ago were being finished – installing carpentry was actually all we did – but never mind this, too."

Next, the pay: "No one is saying that the increase in our pay was not a good thing; but that was the outcome of economizing, we reduced the number of garrisons by half and introduced effective and economical management in the Army." Next, the military procurement: "This year we've had a solid budget of 860 million euros and you can do a lot with that. As it turned out, the money remains unspent in spite of our considerable needs. No major acquisition has been realized." Regarding the overhaul of aircraft: "Although we've had a number of aircraft overhauled,

252 Filip Švarm: 'Ponoš i Ponoš', *Vreme*, 25 December 2008.

there are many others that are almost due. At present we've got more defective aircraft at Moma Stanojlović [aircraft overhaul facility] than there are serviceable ones at Lađevci and Batajnica [airfields] taken together."

And, finally, a few words from General Ponoš about the record 98 per cent conscript turnout: "That was a big farce. Although our plans were to have 5,000 soldiers turning up for military service by the end of the call-up, the Ministry had to send out 26,000 call-up papers and only 4,800 recruits turned up."<sup>253</sup> The dissatisfaction of the chief of the General Staff stems mainly from, as he put it, the halting of reforms of the armed forces, the uneconomical management of resources ("We lost some 4,000 million dinars owing to differences in foreign exchange rates. Instead of making payments when the exchange rate was favourable, under 80 dinars (to the euro), we are paying now when the exchange rate is 87 dinars."), as well as from the calling into question of the country's defence power: "The system has some 39,000 men, 29,000 in the Army and 10,000 in the Ministry. Modern armies including ours are organizing themselves into rapid deployment forces, which account for 25 per cent and the main forces for 75 per cent. I'd like someone to tell me where to count all those 10,000 people drawing pay from the Ministry. What good are those fifteen generals' posts in the Ministry of Defence?"

General Ponoš said in his interview with *Alo* that he had been warning against these things before and had stopped attending meetings of the Ministry of Defence Collegium; and when even this failed to worry Šutanovac, he had no other choice but absent himself from the function on the grounds that "There was no cause for celebration."<sup>254</sup> And although Ponoš was removed, a number of crucial dilemmas remain.

253 Filip Švarm: 'Ponoš i Ponoš', *Vreme*, 25 December 2008.

254 *Ibid.*

## Conclusion

The Army of Serbia were genuinely in full swing in the second half of 2006, throughout 2007 and in the first half of 2008. The Army took the lead in reforming the defence system and the security sector, with reforms of the state and society lagging considerably behind. But it appears that the trend was not sustainable in the long run. The reason lay above all in the fact that the reorganization of the Army was proceeding at a rate to which neither the state nor society was accustomed.

Without clear orientation of the Government, which is now moving from West, East, former non-aligned countries and Kosovo, the Army cannot define its strategic orientation. In the given political constellation Zdravko Ponoš was sacrificed while his removal was treated as a personal matter. It was aimed in fact at slowing down reforms and Euro-Atlantic integrations.

# Police: Dynamics Without Radical Change

Insofar as the reform of Serbia's police and security intelligence system are concerned, the most important events in 2008 were linked to the presidential and early parliamentary elections, which suspended all reform processes and brought about personnel changes at the head of the Ministry of the Interior and the Security Intelligence Agency.

During 2008, there were no new legal proposals which regulate the field of national security, or some more significant reform moves without the Ministry of the Interior and Security Intelligence Agency. However, the events that provide a framework within which the results of the reform of Serbia's police and security intelligence system in 2008 should be assessed include: the traffic accident of then Interior Minister Dragan Jočić, police reaction during the protests occurring after the proclamation of Kosovo and Metohija's independence, appointment of Ivica Dačić as head of police after the formation of the new Government, replacement of Rade Bulatović after the elections with Saša Vukadinović as the Director of the Security Intelligence Agency (BIA), Radovan Karadžić's arrest and pro-Karadžić protests organized by the Serbian Radical Party during which protester Ranko Panić was severely injured and died a few days later, arrest of various "mafias", numerous cases of police torture throughout Serbia, persistent refusal by the BIA to provide access to information at the request of the Trustee for Information of Public Importance and the like.

The traffic accident of Interior Minister Dragan Jočić on the Belgrade-Niš highway near Velika Plana, in the night between 25 and 26 January 2008, brought about the factual change at the head of the Ministry of the Interior. Then Prime Minister Vojislav Koštunica refused to propose his replacement, although it was evident that Dragan Jočić's injuries were so serious that he would not be able to perform his hitherto function. The public was especially interested to learn who would be in charge of the operational management of the Ministry of the Interior and who would,

instead of Jočić, bring the most important decisions concerning the functioning of the police and other departments within the Ministry. Under the current Law, at the head of police there is the director of police, who is a professional and police operational management also falls within his competence, which clarified the situation to a degree. However, police political management or, more exactly, decision making as to whether police forces should intervene or not in certain situations exceeds the limits of competences of the director of police, which was demonstrated very soon during violent protests in Belgrade and other Serbian cities against the proclamation of Kosovo's independence.

The protests, which occurred in Belgrade, on Sunday evening, 17 February, turned violent. The Terazije McDonald's Restaurant, Slovenian Embassy, premises of the Liberal Democratic Party and a number of cars were demolished and numerous shop windows were smashed. The protesters also tried to attack the American Embassy, but were prevented by the police. During rioting, the police reaction was very mild, leaders of hooligans were not arrested and more than forty policemen were injured. Thus, the professionals got an impression that the police deliberately made some omissions, especially if one bears in mind the affinity of the then ruling Democratic Party of Serbia toward some organizations which were in the forefront of these protests.

The "Kosovo Is Serbia" rally, which was scheduled by the Serbian Government for Thursday, 21 February, and was, in essence, the partisan gathering of the Democratic Party of Serbia and political parties close to it, also escalated into violence. During rioting, the American Embassy was set on fire in which protester Zoran Vujović lost his life. The police forces did not protect the American Embassy or other foreign missions which were attacked on this occasion. They intervened only when the American Embassy was already burning. According to the police sources, the police were ordered not to intervene and this led to heavy riots, looting, the death of one protester and many injured people. It is evident that such an order to the police was given by someone from the Government. However, since the Minister was in the hospital, nobody was held responsible for what had happened. The question as to who was operating the police forces at

that moment remained unanswered once again. It was speculated in the public that the police was operated by Košunica's Chief of Staff, Aleksandar Nikitović, and Secretary General of the Government, Dejan Mihajlov, which has never been confirmed or denied.

Minister Jočić was officially replaced by Mirjana Orašanin, State Secretary at the Ministry of the Interior, but it was evident that she had no actual power. The professional public was especially irritated by her statement that in the night of protests, the police was operated by Minister Jočić from his hospital room, and that he personally ordered the intervention of the Special Antiterrorist Force (SAJ) against the protesters. At the session of the National Security Council, which was convened after rioting and lasted five hours, the police forces were commended for the way of handling the protests, which caused considerable discontent among the professionals. After the Council's session, the State Secretary at the Ministry of the Interior, Mirjana Orašanin, gave a public statement that the police acted correctly by allowing hooligans to riot and that the Council commended the work of the police and Director Veljović. It is evident that Mirjana Orašanin and Milorad Veljović were pushed forward by the then Government as the main culprits for rioting on Belgrade's streets. At the same time, it hid the real culprits, who were certainly among the politicians, and minimized the whole event, shifting it onto the political plane. The event revealed deep divisions within the then Government, since the Ministers from the Democratic Party did not participate in all these activities. This event also demonstrated the absolute politicization of the police and the Ministry of the Interior, which did not discharge their legal obligation to protect public order and tranquility. Instead, they protected the policy of the then ruling Democratic Party of Serbia and Prime Minister Vojislav Košunica.

After the parliamentary elections in May 2008, the new Government was formed and Mirko Cvetković, who was nominated by the Democratic Party, came at its head. At the same time, Ivica Dačić, the leader of the Serbian Socialist Party (SPS), was appointed as head of the Ministry of the Interior. The new chief of the country's intelligence became Saša Vukadinović, Director of Prison Administration within the Ministry of Justice and the former head of police in Kruševac.

His appointment as head of the Ministry of the Interior provided Ivica Dačić with a good opportunity to carry out police reform, as well as to demonstrate that he really broke away with Slobodan Milošević's policy and present himself as a modern pro-European politician. Ivica Dačić was expected to carry out a personnel change in the Ministry of the Interior, which is a less important part of the reform, as well as to propose the new law under which the well-known 3-D (depoliticization, decentralization and demilitarization) police reform would be carried out, which has been expected since 5 October, but so far not one Government has had enough courage and knowledge to deal with this problem.

Until then Saša Vukadinović was not known to the broader Serbian public. He won praise for the arrest of the so-called "Jotka Group". Saša Vukadinović was expected, first of all, to purge the BIA from old personnel reactivated by Rade Bulatović so as to enable young personnel, employed at the time of Rade Bulatović, to obtain high-quality education, and then to propose the new Law on the Security Intelligence Agency or, better said, to overcome the situation in the security intelligence system created by the adoption of the Law on the Fundaments of the Security Intelligence System of 2007, which was regarded only as a transitional solution necessary for scheduling the presidential elections. The new law is expected to establish an efficient and effective control system and create conditions for the development of a professional, efficient and modern security intelligence community.

The first challenge for the new Ministry of the Interior and BIA Director was posed by Radovan Karadžić's arrest and subsequent protests. At the session of the parliamentary Security Committee on 28 July 2008, Ivica Dačić officially stated that the Ministry of the Interior was not linked with the arrest of Radovan Karadžić and that it was carried out by the "services". However, Ivica Dačić did not say which services were in question. This led to various speculations and rumours that Radovan Karadžić was arrested by members of a foreign intelligence service. These rumours were especially intensified after the statements issued by the BIA and Military Security Agency (VBA) that they did not arrest Radovan Karadžić either. The session of the Defence and Security Committee was not attended by

BIA Director Saša Vukadinović, which triggered the protests of the Radicals and caused suspicion that the BIA was hiding something.

The case of Radovan Karadžić or, more exactly, his hiding with false papers under the assumed name of Dragan Dabić, raised many questions concerning the functioning of the police and security services in Serbia. The question as to who issued false papers to Radovan Karadžić and on whose orders remained without an answer and there was no serious inquiry into this matter. The allegations that the BIA had the information that Dr Dragan David Dabić, who practiced alternative medicine, was actually Radovan Karadžić and that it did not react to it, were neither denied nor confirmed. An inquiry into this matter was also not launched. Thus, it can be concluded that the police and BIA are still unprepared to overcome the legacy of the past and that within the service there are still various “clans” which function beyond and outside the system.

The protests against Radovan Karadžić’s arrest, which were organized by the Serbian Radical Party, escalated into violence in which eighty or so people were injured, protester Ranko Panić died from injuries a few days later, SRS official Borislav Pelević was more seriously injured, then SRS Secretary General Aleksandar Vučić was beaten by police, shop windows were smashed, newsstands were demolished, traffic signs were broken and cars were demolished, thus causing great anxiety among the citizens.

After these protests, the then SRS leaders accused the state leadership headed by President Tadić that it directly stood behind violence on Belgrade’s streets and that it organized hooligans who attacked the police in order to discredit their peaceful protest. Apart from the SRS, harsh criticism of police behaviour during the protest came from some media, because BETA journalist Miloš Đorelijevski was beaten. Minister Ivica Dačić stated that police action was legal and confined exclusively to the protection of public order and tranquility, as well as to the protection of the police from the attack of hooligans.

The death of protester Ranko Panić triggered new protests. It was requested that all facts concerning the infliction of injuries that caused his death should be investigated and that criminal proceedings against the responsible policemen should be launched. However, according to Minister

Ivica Dačić's report to the Serbian Assembly, the Interior Ministry working group found out that the police were not guilty of the death of protester Ranko Panić, while in the case of Aleksandar Vučić's beating some policemen exceeded their authority due to which they were suspended. Thereafter, Dačić announced a new investigation about which nobody has heard anything to this day.

During 2008, there were several spectacular arrests, in the presence of TV cameras. The greatest public discontent was caused by the arrest of the celebrated football player Dragan Džajić. Apart from the self-promotion of police officers, spectacular arrests of well-known personalities in the presence of the media were regarded as a specific form of pressure, especially on investigative judges who, under public pressure, had to order someone's detention regardless of the type of criminal offence or other facts of the case.

Last year, the police union organized a strike for the first time. The members of the Belgrade Intervention Brigade entered into the strike due to work overload and poor working conditions. This protest raised the question of the sufficiency of police personnel and the organization of police work in which many omissions were observed.

Special interest in the public was caused by the BIA answer to the request of the Youth Initiative for Human Rights to disclose the number of persons in Serbia being tapped. This was the first time that the BIA answered such a request, which was regarded as progress, but the content of its answer – that the Agency has no such document – was disappointing. Rodoljub Šabić, Trustee for Information of Public Importance, pointed out that no greater progress was made in the Agency's position on access to information. In addition, the reports submitted by the BIA to the National Assembly were not accessible to the public, not even the parts that could be undisputedly publicized.

As for the overall situation in the police and BIA in 2008, it can be concluded as follows:

- The previous year was a year of elections, so that it was marked by the change of the heads of the Ministry of the Interior and BIA;

- During 2008, there were no more significant reform steps;
- The appointment of the new heads of the Ministry of the Interior and the Intelligence Security Agency was not accompanied by a radical change in the work of these services;
- Interior Minister Ivica Dačić did not announce the depoliticization, demilitarization and decentralization of the Ministry of the Interior;
- The adoption of the new police law, required for the continuation of reforms, was not announced;
- The police still very often abuses its authority and there are numerous cases of police torture, especially in the interior of Serbia;
- The adoption of the new Law on the Security Information Agency and other security intelligence services was not announced;
- The Office of the National Security Council was not formed, although it is necessary for the normal functioning of this body and the enforcement of its decisions;
- The Security Intelligence Agency still fails to provide access to information despite the justified requests of the citizens and the Trustee for Information of Public Importance;
- The BIA and police are still unable to locate Ratko Mladić, while numerous events linked to Radovan Karadžić's arrest and the disappearance of Ratko Mladić's fingerprints show that the old structures within these services are still very strong.



### III

## Freedom of Religion



# Freedom of religion – between Constitution, Law and the Register

In the report of the European Commission against racism and intolerance, an independent body of the Council of Europe, we could find a series of assessments pertaining to the unconstitutional character of the Law on Churches and Religious Communities or to “arbitrary implementation of this law”. Pointing out the assaults on members of religious minorities, the European Commission advised Serbian authorities to fight against all types of religious intolerance, in accordance with Articles 48 and 81 of the Constitution of the Republic of Serbia. The European Commission also advised Serbian authorities to ensure that the Criminal Law is applied in cases of criminal acts of hatred towards members or religious communities and their property. Amongst other things, the Commission “advises Serbian authorities to support the principle of separation of church and state more strongly, as well as to promote a society where everyone will enjoy full freedom of thought, conscience and religion, incorporated into Article 9 of the European Convention on Human Rights”.

In its last report, the State Department also assessed that the Constitution of the Republic of Serbia allows for freedom of religion but that the Law on Churches and Religious Communities discriminates religious groups, and even deprives some of them of their legal status.

As soon as the Law was passed, the Council of Europe, OSCE and the Venetian Commission expressed their criticism stating that certain articles of the Law were not in compliance with the European Charter on Human Rights. They had in mind primarily the provisions of Articles 18 and 19, which include discriminatory elements, strengthened in July 2006 by the Regulation on the contents and method of keeping the Register of churches and religious communities. When the Constitution of the Republic of Serbia was passed, all the shortcomings of the Law, which have already been pointed out, came into light.

In relation to that matter, the Baptist Union of Serbia initiated proceedings before the Constitutional Court, claiming that the Law on Churches and Religious communities was unconstitutional, i.e. that there were inconsistencies between provisions of the Law and of the Constitution (Articles 21,44 and 48) which pertain to religious equality and prohibition of discrimination. Another thing that was pointed out were the provisions of Article 194 of the Constitution, which prescribed that all laws and other general legislation in Serbia must be in compliance with the Constitution.

## Discrimination

The Ministry of Religious Affairs emphasized many times the fact that the registration of religious communities was not a precondition for these communities to exercise their rights. The last paragraph of Article 7 of the Regulation on the contents and the method of keeping the Register of churches and religious communities reads: "A religious organization that did not file an application and refuses to be entered into the Register enjoys the right to religious freedom on the basis of the Constitution and international conventions on human rights and freedom of religion, in compliance with Articles 1, 2 and 5 of the Law, except when its actions represent a violation of Article 3 of the Law." However, if we take a look at the legislation that regulates the right of religious communities to be informed, we can see that the entry into the Register plays a very important role in exercising these rights. The general binding instructions for broadcasters (Code of Conduct for Broadcasters) issued by the Republican Broadcasting Agency (RRA) point out that "broadcasters may not discriminate individuals or social groups based on gender, racial, ethnic, religious, social or national affiliation". In the section of these instructions addressing treatment of religion and religious programs, instructions for broadcasters pertain only to "recognized churches and religious communities": prohibition of discriminatory and insulting treatment of religious views and teachings, obligation to prevent belittlement, insult and ridicule of symbols and teachings, obligation to establish quotas for religious

contents, duration of this type of programs in proportion to the percentage of members in general population, etc. In the same section of the general binding instructions, in the part pertaining to "sects, fundamentalism, terrorism", the RRA prescribes the following: "Broadcasters must make a clear distinction between recognized churches and religious communities on one side, and sects, on the other. Within the institutions of public broadcasting service as well as beyond them, only churches and religious communities registered with the Ministry of Religious Affairs are allowed to have their own programs. Sects can be discussed only in the context of the analysis of social processes."<sup>255</sup> It should be pointed out here that one of the nine members of RRA Council, "who are elected from the ranks of distinguished experts in the fields that are of importance for performing the tasks within the competence of the Agency", is Porfirije, Orthodox Bishop of Jegar, the only ecclesiastical person in the Council.

The Ministry of Religious Affairs passed a decision on December 22<sup>nd</sup> 2007 to reject the request of the Eparchy of the Montenegrin Orthodox Church (CPC) in Serbia to be entered into the Register of churches and religious communities in Serbia. The brief explanation of the Ministry of Religious Affairs sent to the seat of CPC in Cetinje states that the entry of the Montenegrin Orthodox Church into the Register is not in compliance with the Law on Churches and Religious Communities. This decision of the Minister of Religious Affairs, Radomir Naumov, provoked harsh reactions by both the CPC representative in Serbia and the Vice President of the Montenegrin Assembly, who claimed that such a decision represents a violation of the constitutional right to freedom of religion and international conventions on human rights, which guarantee the protection of universal human freedoms and rights. Thus, in their opinion, an arbitration of international institutions should be requested.<sup>256</sup>

Several months later, in June 2008, the Supreme Court of Serbia accepted the appeal of the CPC, which is registered in Montenegro as a religious community, and annulled the decision of the Ministry of Religious

<sup>255</sup> General Binding Instructions on Conduct for Broadcasters <http://www.rra.org.yu/files/1219133376kodeksponasanjaemitera.pdf>; Danas, June 10, 2008.

<sup>256</sup> Danas, January 8, 2008.

Affairs to reject the demand of the CPC to be entered into the Register. The decision was annulled due to a violation of the rules of administrative regulations. The Ministry of Religious Affairs stated that the objections of the Supreme Court were of a procedural nature, while the legality of the essence of the decision was not brought into question, and that the Ministry would act according to the court decision and pass another decision to reject the demand to register CPC in Serbia.<sup>257</sup>

After exhaustive post-electoral calculations, the selection of the new/old Minister of Religious Affairs in the Serbian Government was often associated in the public precisely with the status of the CPC in Serbia. Professor Bogoljub Šijaković, who was politically active in Montenegro and held the position of Minister of Religious Affairs in the Federal Government of FRY from 2000 until 2001, will be remembered for his standpoint that Hague indictees who were in hiding should not be extradited to this court, for his interpretation of the introduction of religious studies in state schools as basic human right, for calling human rights activists "political chameleons", etc. However, it is more important to remind here of at least one of the statements of the former Minister of Religious Affairs: "There is a group of delinquents in Montenegro who, gathered in the Cetinje police station, created an association called CPC". The Ministry of Religious Affairs is still categorizing the CPC as a citizens' association.

According to the Regulation on the contents and the method of keeping the Register of churches and religious communities (Article 2, Paragraph 2) "in accordance with the Serbian Orthodox Church, the corresponding organizational unit of the Romanian Orthodox Church in Banat is entered into the Register." In its resolution on the position of national minorities in Vojvodina and the Romanian national minority in Serbia of October 1<sup>st</sup> 2008, the Parliamentary Assembly of the Council of Europe pointed out the general importance of the *Framework Convention for the Protection of National Minorities* regarding the Romanian and Vlach minority. The Parliamentary Assembly expressed its astonishment at the dominant influence of the SPC in the issue of non-recognition of the RPC and called on the Serbian authorities to free the Law on Churches and Religious

257 Danas, June 12, 2008; June 18, 2008.

Communities from the application of canonic law of one church to other churches. In such a way the Serbian Orthodox Church exerts dominant influence on the decision whether a specific church or religious community will be officially recognized or not. With such intertwining of canonic and state law, SPC is becoming a part of the administrative apparatus. This solution is in violation of religious rights and the Constitution of the Republic of Serbia.

It is important to draw attention to the fact that the Executive Council of Vojvodina had demanded, at some point, that the Romanian Orthodox Church and the Greek Catholic Church be included in the group of “traditional” churches and religious communities, pointing out that the legal status of these churches was directly connected with the realization of national rights of members of Romanian, Rusyn and Ukrainian national minorities. Despite the rigid policy of the Government of the Republic of Serbia, the Government of Vojvodina is giving annual financial aid to the Romanian and Rusyn church, amongst others.<sup>258</sup>

During his visit to Jehovah’s Witnesses, Deputy Minister of Religious Affairs said “that the Constitution was the most important piece of legislation in the country, and that it allowed all religious communities that in no way endangered the state to act freely, notwithstanding their status regarding the Register of churches and religious communities”. When explaining some of the key reasons why Jehovah’s Witnesses were not entered into the Register, the Deputy Minister reminded that “some kind of reluctance” to enter this religious community into the Register was due to “the fact that members of this religious community were prohibited from receiving a blood transfusion, as well as because of the door-to-door method they use to preach their faith”<sup>259</sup>

Regrettably, in addition to the aforementioned legal discrimination, there is also a trend of permanent discrimination. According to a report of Forum 18,<sup>260</sup> a Norwegian NGO, the following religious incidents were

258 Danas, August 5, 2008.

259 December 18, 2008, *In a visit to Jehovah’s Witnesses*: [http://www.mv.sr.gov.yu/cir/index.php?option=com\\_content&task=view&id=224&Itemid=58](http://www.mv.sr.gov.yu/cir/index.php?option=com_content&task=view&id=224&Itemid=58)

260 *Forum 18: Serbia: religious freedom survey, February 2009*: <http://>

registered in the period from January to October 2008: threatening graffiti on the Catholic church in Smederevo, Adventist churches in Sivac, Kragujevac, Kula, Negotin and Belgrade, the buildings belonging to Jehovah's Witnesses in Sremska Mitrovica and Kruševac; broken windows on the Adventist Theological Seminary, Adventist churches in Niš, Kragujevac and Užice, Mormon churches in Belgrade and Novi Sad; rocks thrown on the Pentecostal church in Kraljevo, Jehovah's Witnesses churches in Belgrade, Vranje and Leskovac... The door of the Adventist church in Jagodina was broken down, a car belonging to an Adventist priest was damaged in Novi Sad, several Jehovah's Witnesses were assaulted by a SPC priest in Despotovac, and a number of gravestones on the Catholic graveyard in Bela Crkva were demolished. One of the most conspicuous incidents took place in Bajina Bašta, when around five hundred hooligans attacked Jehovah's Witnesses during their service and threw rocks at the building where the service was held.<sup>261</sup>

Following the incidents in Kragujevac, Leskovac, Jagodina, Sivac, as well as the violence that took place on the night of November 16<sup>th</sup> 2008 in Belgrade, the Christian Adventist Church appealed to the Council of Europe and OSCE, seeking help in the protection of its civil liberties and right to life. In a public statement, the Main Board of the Christian Adventist Church claimed that "they have unsuccessfully appealed many times" to the Serbian authorities, asking for help and end of violence towards the Church, its property and its members. No measures were taken to prevent the violence despite the numerous appeals, and thus the Adventist Church was forced to turn to international institutions. As a reminder, at the end of December 2007, due to more and more frequent assaults on its churches, the Christian Adventist Church asked the Prime Minister and the President of Serbia for help. For the same reasons, the Center for the development of civil society sent an open letter to the President of Serbia, asking him to protect the rights of Protestant religious communities. The Christian Adventist Church sent an open letter to the President of Serbia

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[www.forum18.org/Archive.php?article\\_id=1260](http://www.forum18.org/Archive.php?article_id=1260)

261 *Forum 18: Serbia: Violent attacks continuing, but mainly declining:*

[http://www.forum18.org/Archive.php?article\\_id=1224;](http://www.forum18.org/Archive.php?article_id=1224;)

once again in September 2008, informing him of the threatening graffiti written on the churches in Sivac and Kragujevac.<sup>262</sup>

## Muslims in Serbia

After numerous incidents that shook Sandžak during 2006 and 2007, the most conspicuous amongst them being the one from the beginning of October 2007, when a few police officers raided the central mosque in Sjenica, a similar incident took place on March 9<sup>th</sup> 2008 in Tutin during the preparation of the stage for the groundbreaking celebration for the construction of a madrasah. As many times before, such actions by the bodies of the executive, the Ministry of Internal Affairs, violated Articles 11 and 44 of the Constitution of the Republic of Serbia, which assert the separation of the church and religious communities from the state and guarantee the right of religious communities to manage their internal organization and religious affairs independently. After the assault of police officers on imams and believers in Tutin, in addition to the reactions of the representatives of the *Mesihat* (Head office) of the Islamic Community in Serbia, the Riaset of the Islamic Community in Bosnia and Herzegovina reacted as well, appealing to relevant international organization to respond to the violation of human right of Muslims in Serbia and asking the authorities in Belgrade to respect their own law on freedom of religion and the right of Muslims to manage their religious affairs according to the tradition of their faith and practice.

The Ministry of Religious Affairs of the Republic of Serbia reacted to this appeal of the Riaset of the Islamic Community in Bosnia and Herzegovina in a decisive and harsh way, issuing a statement as an answer to "biased, irresponsible and politically tendentious assessments". The Ministry of Religious Affairs of the Republic of Serbia reminded the public "that Muslims in Serbia were divided and remain divided to this day by the same one who calls on the authorities in Belgrade to cease doing that." To the appeal of the Riaset of the Islamic Community in Bosnia and

<sup>262</sup> 262 *Blic*, September 26, 2008.

Herzegovina, addressed to relevant international organization “to react to flagrant violation of human rights of Muslims in Serbia”, the Ministry of Religious Affairs reacted with the following quote: “Safety, freedom and rights of Muslims in Serbia are violated precisely by Muslims who support Reis Cerić and Mufti Zukorlić.”<sup>263</sup> This open siding with one of the conflicting parties was once again demonstrated by a meeting of the Minister of Religious Affairs Radomir Naumov and Reis-ul-ulema of the Islamic Community of Serbia Adem Zilkić, as well as by a reception for the Islamic Community in Serbia, on the occasion of the Ramadan Bairam, held in the National Assembly of the Republic of Serbia.

This siding of state bodies with one of the parties and giving clear signals about who they were supporting in this conflict represents a blunt violation of the provisions of the law, more precisely, of Article 7 of the Law on Churches and Religious Communities, which clearly states that “... the state does not have the right to hinder the implementation of autonomous church and religious community regulations”.

New misunderstandings between the conflicting organizational structures of the Islamic community took place at the beginning of the 2008/2009 school year. The issue was the authority to select and allocate teachers of religious studies to primary and secondary schools in Tutin and Sjenica. Twenty three deposed teachers of religious studies from Sjenica and Tutin, who had been installed by the Islamic Community in Serbia, issued a public statement, warning the public “of the autocratic behavior of principals of these schools, who did not allow them to hold classes of Islamic religious studies”. The Mesihat of the Islamic Community in Serbia strongly condemned “the violation of religious rights of Muslims through obstruction of classes of religious studies.”

Several weeks later, provoked by the presence of a representative of the Islamic Community of Serbia, representatives of the Islamic Community in Serbia left the Session of the Committee for Religious Studies of the

<sup>263</sup> Statement of the Ministry of Religious Affairs of the Republic of Serbia: *Who divides Muslims in Serbia and who violates their human rights in Serbia* (March 13, 2008.), see: [http://www.mv.sr.gov.yu/cir/index.php?option=com\\_content&task=view&id=185&Itemid=68](http://www.mv.sr.gov.yu/cir/index.php?option=com_content&task=view&id=185&Itemid=68)

Government of Serbia. The delegation of the Islamic Community in Serbia deemed it unacceptable that a representative of the rival organization takes part in the work of the Committee, and the invitation of precisely these representatives was understood as an act of provocation by the Ministry of Religious Affairs. Several days later, the spokesman for the Mesihat of the Islamic Community in Serbia announced that “with the aim of alleviating the consequences of endangering the process of Islamic religious studies in certain schools in Sandžak, the Work group of Islamic Community Mesihat drafted a plan of response in order to put an end to everyday injustice towards adherents of Islam”. According to the plan, protest rallies were planned in front of the schools where religious rights were violated. On this occasion, Chief Mufti Muamer Zukorlić sent a letter to the President of the Republic, warning him “of legal violence of the Ministry of Education”, which did not react when teachers of religious studies from the Islamic Community in Serbia were removed from their positions in Tutin and Sjenica schools.

## The majority church in Serbia

The absence of the ailing patriarch, that is, his long stay at the Military Hospital (VMA), provoked a serious institutional crisis within the Serbian Orthodox Church. Both regular sessions of the Holy Assembly of the SPC were marked by harsh disputes and conflicts regarding the question of the election of a new patriarch. In addition to this question, very important for the functioning of the majority church in Serbia, the bishops had mutual disputes over numerous, mostly chronic problems within the SPC.

The regular May session of the Holy Assembly was preceded by a disagreement between very influential church dignitaries on the issue of attitude pf the SPC towards the institutions of independent Kosovo that have just been established. The announcement of Archbishop of Raška and Prizren Artemije instructing the clergy to refrain from any contacts with representatives of “the illegitimate and illegal Shqiptar authorities in Kosovo and Metohija”, as well as with the representatives of the EU Mission and states that recognized the independence of Kosovo, did not gain

the support and approval of the Holy Synod of the SPC, presided by Metropolitan Amfilohije. After several very harsh statements in the public, it turned out that the source of the conflict was not the cooperation, or non-cooperation with Kosovo and European institutions, but instead, the validity and implementation of the Memorandum on the reconstruction of demolished shrines. Bishop Artemije opposed the signing of this Memorandum from the very beginning. On one side, there is the viewpoint that Serbian churches and monasteries should not be reconstructed by "those who demolished them". On the other, there is a belief that cooperation should be accepted in order to preserve and protect the shrines.

For the same reason, a conflict occurred between Bishop Artemije and Vicar Bishop of Lipljane Teodosije, which even escalated into a physical fight amongst the clergy in the monastery of Visoki Dečani. Accusing Teodosije of opposing him regarding the most important issues in the work of the eparchy, the reconstruction of churches and monasteries in Kosovo in the first place, Bishop Artemije deposed the Vicar Bishop of Lipljane for lack of discipline and creation of dual authority in the eparchy. During the regular session of the Holy Synod which soon followed, attended by both Bishop Artemije and Vicar Bishop Teodosije, a conclusion was reached that "all conflicts and decisions regarding the recent events that took place in the monastery of Veliki Dečani should be suspended, as well as all decisions relating to this, and everything else that can jeopardize the SPC mission in general, especially in Kosovo and Metohija". The key decisions in solving the conflict within the eparchy of Raška and Prizren were handed over to the Holy Assembly of the SPC.

The period prior to the May session of the Holy Assembly of the SPC was marked by the participation of certain bishops of the SPC in the political campaign for presidential and parliamentary elections. Bishop Filaret supported presidential candidates of two different political parties, Velimir Ilić and Milutin Mrkonjić, and blessed them in the monastery of Mileševa<sup>264</sup>, while the Eparchy of Raška and Prizren announced on one occasion that the politics of DS and G17 plus must be "placed far away from the positions of

power".<sup>265</sup> At the same time, SPC was being shaken by numerous conflicts amongst the clergy regarding changes in the holy service, and at one point three priests in Čačak went on a hunger strike because of a decision of the bishop of Žiča Hrizostom to transfer them from their parishes.<sup>266</sup>

During the preparations for the unilateral proclamation of Kosovo independence, Bishop Artemije continued his rhetoric of "defensive war". In an interview given several days before the unilateral proclamation of independence, the Bishop said: "As a democratic country, as a member of the United Nations, Serbia must do everything that any other democratic country would do if someone attempted to take away part of its territory. That includes everything. Let them think what everything stands for. What means should be used? All. Why not a military intervention as well?! What is an army for if not to protect its territory?" Aware of the harshness of the cited statement, Bishop Artemije continued: "I am accused of demanding that Serbia goes to war. No. War is provoked and demanded by the one who attacks, not the one who defends himself."<sup>267</sup> In the spirit of the suggestion for "a set of measures" from December 2007, a new "set of measures" followed. Within the new "set", Bishop Artemije suggested the following: creation of a government of national salvation, refusal to sign any pact or agreement with the EU or with any country that recognized Kosovo independence, deployment of military and police personnel to Kosovo with the task of preventing any kind of assault on the structures of the Serbian government, deploying Serbian military forces in South Serbia, announcement that Serbia would purchase the most sophisticated combat equipment from Russia and other countries which supported the territorial integrity of Serbia and international law. Further measures included: calling on Russia and other countries to establish military presence in Serbia and send volunteers to help us in our righteous struggle, deployment of monitoring missions from all friendly and well-meaning countries in Kosovo and Metohija, so that they can witness the attacks to which we are exposed, as well as our legitimate defense, etc.

<sup>265</sup> *Blic*, March 11, 2008.

<sup>266</sup> *Politika*, February 1, 2008.

<sup>267</sup> *NIN*, February 14, 2008.

The regular May session of the Holy Assembly began with a two day discussion regarding the following question: who will preside over the Holy Assembly in the absence of the ailing patriarch? Between the two candidates, the metropolitan oldest by chirotony in the Synod, Metropolitan of Montenegro and the Littoral Amfilohije, who is at the same time acting “deputy” patriarch, and the metropolitan oldest by chirotony in the Holy Assembly, Metropolitan of Zagreb and Ljubljana Jovan, the first candidate was chosen. During the Holy Assembly, only one decision was made, namely that the Holy Synod should continue to direct the Church in the absence of the patriarch. New members of the Holy Synod were not elected on this session, even though the mandates of Bishop of Bihać and Petrovac Hrizostom and Bishop of Mileševa Filaret had expired.

Whether the autumn session of the Holy Assembly would be held was uncertain until only a few days before it began. The five-day long meeting of bishops passed in discussions about the request of Patriarch Pavle to withdraw from St. Sava’s throne, and harsh disputes about the authenticity of Patriarch’s signature on this document. We could learn from the public statement issued after the Holy Assembly ended that the Patriarch “accepted the plea” to remain at the head of SPC, with the Holy Synod continuing to perform the role of the (collective) leader.

The decisions of the Holy Assembly represent an attempt to appease the passions of conflicting fractions within the episcopate. The number of bishops who supported the election of a new patriarch, in order to finally enable the functioning of church bodies in accordance with the SPC Constitution and canonic law, was not small. This is confirmed by the contents of a letter written by Bishop Grigorije. On the other side, it was precisely the SPC Constitution and canonic law that offered arguments to those bishops who emphasized that the position of Patriarch was for life and that it was inappropriate to elect a new patriarch, especially taking into consideration his personal authority. On both sides there are bishops who have pretensions to the throne of St. Sava, but the opinion present in the public that there exist two factions within the SPC episcopate – reformists and traditionalists, progressive and conservative, pigeons and hawks, younger and older – is being challenged depending on the issue of a specific dispute.

Thus, for example, there are at least two prevailing viewpoints on ecumenism in the SPC. One is the extreme viewpoint that ecumenism is “all heretic” and that everything but Orthodoxy is heretic, while the other believes in the possibility of a dialogue with the Roman Catholic Church, and even with some other “traditional” religious communities. However, openness towards smaller religious communities is not a characteristic of even the most liberal circles within the SPC. The anti-ecumenical viewpoints of numerous SPC representatives, as well as strict adherence to the fundamentals of one’s own faith, confirmed by numerous disagreements regarding the manner in which the holy service is held, are only some of the attributes of the current rigidity of thought within the SPC.

The aforementioned letter by Bishop Grigorije, the youngest bishop in the SPC episcopate, published<sup>268</sup> several days after the end of the autumn session of the Holy Assembly, confirmed the existence of deep rifts within the SPC. It also confirmed the fact that, by maintaining the current state of affairs, the divisions would deepen and the conflicts would escalate. By listing several controversial points, as “the Pilate-like washing of hands” in the Pahomije affair, “the schismatic spirit” of Bishop Artemije, Bishop Filaret’s hunger strike, anger caused by an official proposal on lustration within the church filed by bishops Gerasim and Fotije, Bishop Grigorije is pointing out the “unpreparedness and inability” of bishops “to answer the shepherding challenges of the time” and the remarkable lack of sensitivity for the problems of modern society.

This letter, addressed to all SPC bishops, was ignored for a long time by the SPC episcopate. It was not even on the agenda of the Holy Synod session that followed one week after the letter was made public. However, the planned appearance of the author of the controversial letter in a TV show did not get the approval of Metropolitan of Montenegro and the Littoral Amfilohije, who “advised” Bishop Grigorije not to participate in the show for his dignity’s sake and for the sake of the dignity of the Church.<sup>269</sup>

It is necessary to mention here another letter of the Holy Synod addressed to the Speaker of the National Assembly of the Republic of Ser-

<sup>268</sup> *Večernje novosti*, December 9, 2008.

<sup>269</sup> *Večernje novosti*, December 20, 2008; *Glas javnosti*, December 20, 2008

bia, on the subject of the new draft Statute of the Autonomous Province of Vojvodina, which stated the following: "Being the guardian of the Serbian spiritual being for centuries, even the guardian of national identity in times when Serbian state did not exist, the SPC expresses its serious concern regarding the sovereignty and territorial integrity of the Serbian state, which has firstly been undermined, hopefully only temporarily, by forceful take-over and occupation of Kosovo and Metohija, and then by the attempt to turn the Autonomous Province of Vojvodina into a new state within the Serbian state. (...) As this draft Statute of the Autonomous Province of Vojvodina initiates a new process of breaking apart and destroying the already diminished and crippled Serbian state..." A letter with "similar content", which the head of the DSS parliamentary club labeled as "a kind of moral warning", was sent to the President and Prime Minister of the Republic of Serbia. In the spirit of harsh criticism for the state policy regarding the status of Kosovo and Metohija, where the harshest viewpoints are those of Bishop Artemije, the SPC warns, "on time", that the draft Statute presents a great danger to the preservation of Serbian identity in Vojvodina.

The withdrawal of the draft Anti-discrimination Law, which had already entered the parliamentary procedure, after Bishop Irinej intervened by a phone call, once again demonstrated that the SPC had great influence over political processes in Serbia. Traditional religious communities joined the appeal of the SPC, objecting to Articles 18 and 21 and pointing out that the draft Law must be harmonized with the standards of the Council of Europe, European Union and developed democracies. It is interesting to note that the SPC remained silent when the Council of Europe, OSCE and the Venetian Commission criticized certain articles of the Law on Churches and Religious Communities. The illegal way in which the draft Law was withdrawn from parliamentary procedure re-actualized the debate on the relation between state and church: by withdrawing the draft Law the Government of the Republic of Serbia actually allowed the indisputable right of churches and religious communities to voice their opinion on questions important to the state and the society to grow into the right to veto, which is a violation of constitutional principles of secularity.

## Conclusion

According to the current Constitution (Articles 11 and 44), the Republic of Serbia is a secular state where churches are religious communities are separate from the state and equal amongst themselves. The Law on Churches and Religious Communities introduces religious discrimination (especially Articles 18 and 19), which is further reinforced by the Regulation on the contents and the method of keeping the Register of churches and religious communities. While the constitutional solution is non-discriminatory, the Law needs to be amended. The Regulation, which most directly manages the functioning of religious communities, allows the executive authorities to act almost totally arbitrarily.

The indifferent attitude of state institutions towards discrimination jeopardizes both the religious rights of believers, most of all those belonging to “untraditional” churches and religious communities, and the constitutional and legal order in our state. The internationalization of the protection of religious rights is becoming, more and more often, the only method members of certain churches and religious communities can use to protect their basic human rights. This fact is pointed out by numerous meetings between high representatives of the Islamic community and the ambassadors of the US, Iran, Austria, the OSCE representative, by the appeal of the Christian Adventist Church to the Council of Europe and OSCE, by the reaction of the Romanian Minister of Foreign Affairs to the construction of a church for the Romanian minority in Timočka krajina, etc. Political endeavors of the Ministry of Religious Affairs to renew the “symphony” or “synergy” of the church (SPC) and the state are in contradiction with the fulfillment of international standards and obligations our state has undertaken, which cannot be publicly rejected by the Ministry of Religious Affairs.



# IV

## Legal System



Serbia has not yet reached the level of political, economic and social security that would ensure the rule of law. All the three pillars of governance remained unstable in 2008. The executive branch demonstrated its inability to cope with accumulated problems from the past and with the concessions it had to make to maintain power and “buffer” the effects of economic crisis that may dramatically jeopardize the state’s stability. The Parliament, as legislative branch, still exemplifies manifold partisan interests and remains hostage to the years-long delay in establishment of a legal frame for its proceedings. Judiciary is still far from reaching an optimal mode of functioning both in the area of courts’ and prosecution offices’ efficiency and that of their jurisdiction, relevant laws and their implementation. Insufficient and/or destructive political will hinders the state from meeting its duties and incapacitates it to enforce laws and adopted standards. This turns the entire reformist endeavor unviable in the long run and, moreover, unfit for the challenges of economic crisis and transition. Distrust in institutions – in the Parliament and courts in the first place – and awareness of deep-rooted corruption and widespread violation of human rights are predominant among almost all social strata.

# Judiciary: Yet Another Year Lost

In spite of having been criticized for years by the lay and professional public, politicians, and international experts, justice in Serbia continues to be treated as a scapegoat rather than being addressed seriously. For almost a decade since the change of regime, the system continues to grapple with problems which remain largely the same. Corruption, a staggering backlog of cases, tardiness, and ineffectiveness . . . are the most frequent complaints, and they are, of course, largely true. What ordinary members of the public are often unaware of is that reform of justice is always and everywhere an extremely delicate and complex process. As a rule, one does not undertake it without defining one's needs clearly, backing one's reasons with arguments, and ensuring social consensus, not to mention the existence of political will as a *sine qua non*.

In all probability the dearly needed reform of the justice system in Serbia has been launched without any of the three elements mentioned above being in place. Putting aside the rather simplified argument that the judiciary was the pillar of the Milošević regime (as though the Government, Assembly, Army, police, media and others did not play the same role), one is under the growing impression that the objectives of the reform were not clearly defined nor the reasons for it objectively assessed. What is more, there was no agreement among the key players regarding the matter and no one had insisted that it should exist. The unstable atmosphere in society caused by continual political turbulence rocking the state is another aggravating factor. The succession of five Governments and four Assemblies since 2001 certainly does not make for a stimulating setting for the establishment of functional, effective, responsible, and independent courts and prosecutors' offices.

Although the new Government and Assembly, formed after the early parliamentary election in May 2008, continued to work on legislation and institutional reforms—as was their duty under the Stabilization and Association Agreement—a considerable delay was noted in all the sectors, especially in justice. In other words, in 2008 Serbia not only failed

to clear the previous year's backlog, but also to carry out the necessary preparations for further changes. The Assembly had not elected a single judge since April 2006 in spite of the fact that there were over 200 judicial vacancies throughout the country. At the same time, judges who had qualified for retirement were not relieved of office by the Assembly and continued to draw pay although they should not have been working any more. Also, some ten motions to dismiss judges for negligence and incompetence had not been addressed for more than three years, so the judges in question continued to work to the further discredit of the judicial system.<sup>270</sup> This went on until October 2008, when deputies began making first decisions on terminations and dismissals of judges and prosecutors. During the next six months the Assembly confirmed the termination of office of 20 prosecutors and 88 judges on various grounds.<sup>271</sup>

In spite of the fact that no judicial appointments were made during the year and that the courts had meanwhile received further cases, the situation at the start of 2009 indicated that the judiciary had done rather well. However, the number of cases carried over from one year to the next is not diminishing.<sup>272</sup>

270 There is, for instance, the notorious case of judge Ljubomir Vučković, who in February 2008 began to serve his six-year prison sentence for bribe-taking. After the judgement became final, a motion to dismiss him was filed to the Assembly by the Personnel Committee as far back as September 2007. Until Vučković was relieved of his judicial duties as late as 7 October 2008, he had sat on the Supreme Court as a judge under suspension.

271 In the prosecution sector, two prosecutors were dismissed for negligent and incompetent performance of duty, five retired after full service, one suffered a permanent loss of working capacity, and twelve asked to be relieved of duty. At the same time, two judges were dismissed after being convicted of criminal offences, a court president was dismissed for negligence, one suffered a permanent loss of working capacity, twenty-two retired at the end of their full working life, and as many as sixty-two were relieved of office at their own request.

272 In 2008, there were a total of 2,395,699 cases before the courts of general jurisdiction; of these, municipal courts handled 2,108,513 cases, district courts 236,016, and the Supreme Court of Serbia 51,170. This represented an increase of 6.46 per cent over 2007 (or over 100,000 cases). Of the cases being dealt with, 1,605,861 were disposed of and 789,453 remained pending. *Report of the Supreme Court of Serbia for 2008.*, [www.supremecourt.gov.rs](http://www.supremecourt.gov.rs).

The problems besetting the courts are more or less known. The influx of cases is still very large; the judges' workload is unevenly distributed; the courts network is inadequate (with a surplus of judges in smaller towns and a chronic shortage in big ones); the court premises and equipment leave much to be desired, which affects both the quantity and quality of work; enforcement of judgements continues to be a sore and insoluble problem . . . A number of judges have discussed these problems publicly and complained of the threats and risks to which they are exposed in the discharge of their duties. On the other hand, judges and prosecutors are not eager to discuss negligence and incompetence, corruption, pressure, and illicit ties. On the rare occasions when they speak publicly, they most frequently give general replies to direct questions about this. While it goes without saying that judicial duties are specific in many respects, and that the holders of judicial functions should not be unduly exposed by the media (which they are not), the fact remains that the justice system (besides the health services) is the most closed system as far as the general public is concerned. Guild solidarity is not necessarily a bad thing as long as it rests on professional standards and the specific features of the profession. However, such solidarity may turn into a barrier between the profession and the outside world and take on the aspect of exemption, in which case the apparent 'protectedness' of the members based on their mutual understanding and trust may lead to their isolation from the social environment, to being distrusted (often unjustifiably) and resented by the community in general, to being denied support and marginalized. It appears that the Serbian justice system is now reaping the bitter fruits of its 'exceptional status': it is the target of justified (as well as unjustified) criticism by members of the public and state officials; it receives no sympathy for its real problems and difficulties; and it has no adequate support in trying to overcome them.

Serbia has a dire, almost daily need for expert advice and discussions and for reactions from jurists and justice system employees. The generations of judges and prosecutors trained over the decades to operate as part of a privileged but also accountable system do not seem to have found

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their bearings quickly enough in these times of change. Under the previous regime, only a few were courageous enough as professionals and individuals to present their or their profession's views. As no 'lustration' has been carried out in Serbia, justice system personnel have in recent years been trying to cope both with the grave legacy of the past and with novelties, something they are getting used to only with difficulty and warily. This is why they rarely present their professional views in public (e.g. about legislation being adopted or about strategies that take no account of legal consequences); and when they do, their pronouncements nearly always betray a measure of self-censorship. The justice profession is still wavering between exercising responsibility towards society and engaging in everyday political affairs; it continues to refrain from discussing the executive and the legislature even where they directly jeopardize by their actions the operation of the courts and other segments of the justice system; it does not react to attacks on the profession and does not defend its stands.

Yet 2008 saw many judges uniting in their opposition to the Law on Judges. The law was adopted by the Assembly at the end of the year as part of a package of laws regulating the justice system.<sup>273</sup> Although objections to several laws had been raised by the professional community and by deputies in the Assembly (as well as the Law on Judges, they also criticized the Law on the Office of Public Prosecutor and, especially, the Law on the Seats and Jurisdictions of Courts and Public Prosecutors' Offices), the judges' attention was drawn only by the transitional provisions of the Law on Judges that provide for the across-the-board election or re-election of judges. The transitional provisions of the Law on the High Judicial Council, which enable considerable political influence to be exercised on the election of the first High Judicial Council, were also criticized. In spite

273 The Assembly discussed and then adopted, on 22 December 2008, a total of six systemic laws as a continuation of reforms in the sphere of justice (the Law on Judges, the Law on the High Judicial Council, the Law on the Office of Public Prosecutor, the Law on the State Prosecutor's Council, the Law on the Seats and Jurisdictions of Courts and Public Prosecutors' Offices, and the Law on the Organization of Courts). All of them were published in the Official Gazette of the Republic of Serbia No. 116/08.

of numerous warnings and objections (not only from judges), all the laws were substantially adopted in their draft form. As well as providing for the general election of judges—it should take place by 1 December 2009 at the latest so that the new judges could begin work on 1 January 2010—the Law on Judges introduces for the first time performance rating and disciplinary accountability of judges. Incidentally, the appointment and dismissal of judges as well as the criteria therefor will be the responsibility of the High Judicial Council rather than of the Assembly, as has been the case so far. The concerns about the influence of politicians on the formation and operation of this body are not baseless. Specifically, of the eleven members of the High Judicial Council, eight will be appointed by the Assembly (six from the ranks of judges, one lawyer, and one professor of law), while the remaining three will sit by virtue of their functions (the minister of justice, the president of the Justice Committee, and the president of the Supreme Court of Cassation). So far five members have been appointed from the ranks of judges.<sup>274</sup>

The Society of Judges of Serbia has protested against such statutory provisions and brought it to the attention of many international organizations and institutions, including the Consultative Council of European Judges, the Venice Commission, the UN special rapporteur for the independence of the judiciary, the EU commissioner for enlargement, and the OSCE. Following the adoption of the laws in the Assembly, this professional organization asked the Constitutional Court to initiate proceedings to review the constitutionality of provisions of the Law on Judges and the Law on the High Judicial Council.<sup>275</sup> The Constitutional Court held its first regular session early in January 2008, i.e. after more than a year. Its constitution is still in progress because five of its fifteen judges are to be appointed by the Supreme Court of Cassation, and the latter is yet to be

274 At the session on 30 Mart 2009, the Assembly elected five members of the High Judicial Council and seven members of the State Prosecutor's Council, i.e. six from the ranks of public prosecutors and deputy public prosecutors and one Faculty of Law professor. [www.parlament.sr.gov.yu/doneta\\_ostala\\_akta](http://www.parlament.sr.gov.yu/doneta_ostala_akta)

275 The Constitutional Court has not yet decided on the initiative submitted on 4 March 2009.

established. Bearing in mind the sensitivity of the matter and the situation of the Constitutional Court, a ruling on the motion should not be expected soon. Furthermore, in view of the tardiness of the Assembly and the numerous unknowns surrounding the re-election of judges, there are no guarantees that the process will proceed according to schedule. While it still remains to be seen how it will develop, there is much cause for concern already now.

Furthermore, the judges are unlikely to address any of the other very important issues in the interim. The issue of respect for international standards is certainly one of the most important among these. The Serbian judiciary, it seems, is still unwilling to implement the international instruments the state has ratified and committed itself to respect, notably the European Convention on Human Rights. The courts and public prosecutors' offices raise human rights violations only incidentally. Charges of discrimination on various grounds and of torture are rarely made. An increasing number of actions brought before the European Court of Human Rights in Strasbourg are in connection of human rights violations and breaches of several articles of the Convention. The judiciary should be especially concerned about the fact that the majority of applications before the Court are about violations of the right to a fair trial, unjustifiably lengthy proceedings, and non-enforcement of final judgements.

Also, the courts and public prosecutors' offices have for years failed to make the most of the opportunity to develop a case law in the manner in which it is done in more developed countries. This would go a long way towards filling gaps in the law and correcting existing ambiguities. Although case law cannot and must not prevail over legislation, and also cannot be always invoked, a creative approach and reasoned arguments by judges and public prosecutors could be of great help in overcoming many case controversies. But for this the judiciary must not only be fully competent but also independent from executive and legislative power and free from pressure of any kind. But for all the protestations of judicial independence, doubts and evidence to the contrary abound.

# Ombudsman

So-called independent institutions occupy an important place in the social sphere as correctors of authorities and state institutions in the procedure of protection of human rights of citizens. Added to the work of some anti-corruption institutions, the one of offices of protector of human rights of citizens was very encouraging and morale-boosting.

*Protector of citizens* in the course of 2008 managed to improve the work conditions of employees in several services. Although Ombudsman is a new institution, results of his works have significantly contributed to promotion of human rights and protection thereof.

Throughout 2008 protector of citizens publicly disclosed all cases of violations of human rights. In that regard, the fact that NGOs and diverse, threatened minority groups for the first time were rendered assistance and support by the state-established institution was also of utmost importance. Ombudsman timely and without compromise condoned attacks on the LGBT population and their organizations and demanded that the competent state bodies ensure their freedom of association and protect them from violence; furthermore he condoned violent actions against members of the Albanian nationality and Romany whereby he underscored that a continuing discrimination against those groups was unacceptable; he also cautioned against the cases of threats to, intimidation of and attacks on defenders of human rights, and criticized official institutions for their below par responses to the former. He also availed himself of several opportunities to make use of his legal prerogative to propose laws and amendments relating to the human rights area in the Serb parliament.

Of great importance was a growing awareness that the civilian sector and independent institutions stances and initiatives had to be supported and encouraged. Thus Ombudsman submitted amendments to the Act on Protection of Personal Data, as prepared by the Commissioner for Access to Information of Public Importance, the latter not being vested in legal possibility thereof. By extension those amendments substantively improved the draft law and protected the rights of citizens from

uncontrolled and undefined sway of the state bodies. Ombudsman also recommended to the competent regulatory body to withdraw restrictive technical conditions on the Internet traffic control; the acceptance of that recommendation improved the sub-legal act and prevented threats to the citizens' privacy in that area. Thanks to a pro-active engagement and persistence of Ombudsman, the two popular initiatives with 72,000 signatures, collected by NGOs, were re-introduced into the parliamentary agenda. Several Ombudsman-made recommendations to the state bodies (the government, the Interior Ministry, etc.), were also accepted.

Ombudsman's work to date has been of great importance and incentive in the realm of protection of human rights of citizens, especially in the light of the fact that the official state bodies and institutions fail to manifest enough understanding for that area. In addition to positions of the republican and provincial ombudsmans, the Act on Local Self-Rule also envisages the possibility of appointment of a city and municipal ombudsman who should control the municipal administrations work and respond to violations of rights of citizens of a concrete municipality. To date local ombudsman have been elected by 10 towns and municipalities<sup>276</sup>, which is below par in view of the fact that Serbia has 167 municipalities and 25 cities. Of paramount importance is the fact that the republican ombudsman is not subordinated to provincial and local ombudsman. Thus a the possibility of an equal co-operation, constructive exchange of experiences and mutual support is created.

## Provincial ombudsman

Institution of the Provincial ombudsman was founded by the decision of the Vojvodina Parliament in late 2002, and it became operational in January 2004. As an independent body, Ombudsman occupies a specific place in the system of state bodies and represents a new, special branch

<sup>276</sup> Local Ombudsmans were elected in: Beograd, Kragujevac, Niš, Sombor, Subotica, Bečej, Zrenjanin, Šabac, Grocka and Rakovica. Provincial, in addition to his Novi Sad seat, has branch offices in Pančevo and Subotica.

of governance, which for the sake of protection of human rights and freedoms, controls legality and efficiency of the work of public services and administrative bodies. Dr. Petar Teofilovic was elected the first provincial Ombudsman. He has five deputies tasked with dealing with the following areas: protection of national minorities rights, rights of the child, gender equality and general competences. Ombudsman seat is in Novi Sad.

From its inception to date, free-of-charge services of Ombudsman were rendered to over ten thousand parties.<sup>277</sup> Citizens'complaints most often concerned the work of inspection services, notably of the civil engineering and utilities, both municipal and provincial, inconsistent enforcement of provisions relating to the official use of language and alphabet, actions of centres for social work and schools, problems relating to employment terms, pensions, social benefits, unresolved housing issues, unemployment, low pays, divorces, family violence, etc. As regards the last problem, it is noteworthy that thanks to the support of Ombudsman and the Provincial Secretariat for Work, Employment and Gender Equality, a strategy for curbing violence in families in Vojvodina in 2008 – 2012 period was drafted. By the way an ever-increasing problem of family violence was often covered by the local media. Provincial ombudsman appealed to the media not to violate the legal and ethical rules, and "additionally stigmatize and traumatize the victims" by making public the initials of underage persons, surnames of parents, addresses, names of streets, and even running the photographs of houses in which they lived. <sup>278</sup>

On 10 December, International Day of Human Rights, the provincial ombudsman cautioned against the lacking legal framework and appealed, in the name of promotion of protection of human rights, that adoption

<sup>277</sup> In the course of 2008 Ombudsman handled 597 cases. Added to applications on which he had acted, another 2,000 citizens contacted ombudsman, but their complaints were either not in his competence, or belated. However, in all those cases citizens were advised how to proceed and given legal counsel relating to protection of their rights.

<sup>278</sup> In the first half of 2008 the provincial ombudsman was a host of the Ombudsman Network for the Children of South East Europe. Participants thereof were also ombudsman from Greece, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Republika Srpska. The objective of that network is to increase the ombudsman capacity in the area of protection of the rights of the child.

of new acts, notably of Anti-Discrimination Act, Act on Gender Equality, Act on Ombudsman for Children, Act on National Councils, Act on NGOs, Act on Recognition of Legal Subjectivity, Act on Volunteering, be speeded up. Added to that he indicated the need for elaboration of the national strategy of women protection. Although they constitute the majority in the society, women are still in a subordinate position, and violation of their rights is most often manifest in the labour market. Mostly discriminated against are the young women who plan to have families and children, Romany women, disabled persons and women over 50 years of age.

Several times the provincial ombudsman responded very promptly. For example he demanded that Željko Vasiljević, the state secretary in the Ministry of Labour and Social Policy be fired, after the latter had stated that an agency dealing with arranged marriages of women imported from the Far East and men living in Serb villages should be founded. According to Ombudsman, founding of such an agency would be tantamount to inciting international human trafficking and slavery of women. Ombudsman also reacted to violent protests in the wake of proclamation of independence of Kosovo,<sup>279</sup> and to a scandalous hoisting of the black flag with swastika, on the Rectorate building of the National University, on the very International Day of Romany. He qualified that gesture as “open racism and fascism” and called on the competent state bodies to quickly find the perpetrators thereof.

His public statements, and participation in public debates, seminars and panel discussion contributed to raising of awareness about the importance of human rights and freedoms. With such activities he also contributed to the creation of the culture of human rights protection and exercise. To date the provincial ombudsman demonstrated his readiness to co-operate with many NGOs, notably the Regional Women Initiative “Vojvodanka”, Vojvodina Centre for Human Rights, the Helsinki Committee for Human Rights, Nansen Dialogue Centre, Centre for Cultural

279 Ombudsman sharply condoned that way of protesting and expressing of discontent.

He said: “Such events not only represent the most serious threat to the security of citizens, but are also one of the most violent forms of expressing national and religious intolerance.”

Decontamination, Belgrade Centre for Human Rights, Incest Trauma Centre, etc.

And finally one should take into consideration the fact that Ombudsman is a novel institution in this country, hence the fact that in its work he faces many problems is not surprising. One of those problems is a continuing animosity and resistance of those governing bodies whose work ombudsman should control, for those bodies in fact, as it had been once underscored, "are not overtly happy with putting in place of an institution which has a dual role, namely to control and protect." In view of the foregoing, the role of institution of ombudsman gains even more on importance.

# The National Assembly: An obstacle to progress

The mandates of the newly-elected 250 national deputies were verified at the inaugural session of the National Assembly of the Republic of Serbia on 11 June 2008, a month after the early parliamentary election. Unlike last time (in the wake of the 2007 election) parliamentary parties this time reached agreement on forming a ruling coalition quickly and easily, and a Government was elected as early as 7 July, i.e. far in advance of the statutory schedule.<sup>280</sup> Although the media had for nearly a month been predicting that it would not be possible to form a coalition owing to existing ideological differences and possible blackmailing, and that even a new election was not to be ruled out, experts on political and party affairs were certain that the negotiations being conducted were extremely pragmatic and that reaching a workable compromise was only a matter of days. A spectacular outcome was highly unlikely, what with the causes of the fall of the previous Government (crucial differences regarding European integrations and restraints imposed by policy on Kosovo's status) and the election results themselves; what is more, the number of seats won by the parties had also been more or less expected: thus, the Democratic Party-G17 Plus coalition won 102 seats, the Serbian Radical Party 78, the Democratic Party of Serbia-New Serbia coalition 30, the Liberal Democratic Party 13, the Socialist Party of Serbia-Party of United Pensioners of Serbia-United Serbia coalition 20, the Hungarian Coalition 4, the Bosniak list 2, and the Albanian Coalition from Preševo Valley 1.

In such a situation, the return of the Socialist Party of Serbia (SPS) to the political scene in a big way was inevitable. The Liberal Democratic Party (LDP) agreed to support the ruling coalition in principle, on condition that its concrete political moves are made with clear pro-European

<sup>280</sup> The parliamentary election having been held on 21 January 2007, the government was formed at almost the last moment, i.e. 15 minutes before the expiration of the constitutional deadline on 15 May 2007.

objectives in mind. This gave the narrow parliamentary majority further muscle without, however, helping to improve its performance. Concessions to the SPS were made especially during the forming of the Government, as well as at lower levels of government and management. Contrary to some expectations, Milošević's party did not exploit the legitimacy and moral credibility with which it was rewarded to hamper the work of the Assembly and the Government. Severe parliamentary obstruction, which still goes on, came from the Serbian Radical Party (SRS) with the backing of the Democratic Party of Serbia (DSS) and New Serbia (NS) coalition. The present Assembly has inherited from its predecessor a huge legislative backlog; it is holding the country back from fulfilling its commitments in the process of accession to the European Union or, more specifically, from meeting the obligatory criteria laid down in the National Strategy of Serbia for Accession to the EU. Every further act of obstruction in the Assembly is making this task more and more difficult and delaying Serbia on the road to these vital integrations.

The fragile political stability characteristic of every single government since the fall of the Milošević regime in 2000 is not the only cause of this state of affairs. There is no doubt that many more decisions and moves could have been made had there been enough political will on the part of the democratically-oriented parties. Because, for instance, no Assembly so far has been seriously interested in passing a law on the National Assembly,<sup>281</sup> the legislature is the only arm of government whose work is not regulated by law. This fact further testifies to the paradoxical nature of Serbia's entire institutional system at present.

The Assembly's work has been obstructed according to an established, oft-used recipe. The SRS deputies are abusing the procedure to make endless rejoinders and to raise and then discuss issues that have nothing to

281 No serious effort was ever made towards passing this law although a team of experts had been set up to draft it. A Draft Law on the National Assembly submitted by nine deputies back in 2007 is still pending before the Assembly; prior to that, in 2005, Predrag Marković had urged the emergency adoption of the then draft law, but the draft was withdrawn from procedure in the face of extremely unfavourable public reactions to provisions designed to ensure deputies inappropriately high pay.

do with the agenda. In this way, precious days have been lost that could have been used to discuss and adopt legislation, with the parliamentary rostrum being abused for self – and party-promotion, for the defence of Šešelj and Kosovo, and for disparaging and insulting others.

The atmosphere in the Assembly comes as no surprise because the parties opposing the policy of European integrations were expected to make use of institutional means, among others. Although the draft laws on the ratification of the Stabilization and Association Agreement and the Interim Agreement on trade and trade-related matters, as well as on the ratification of several financial agreements and contracts with European and international institutions, were scheduled for 18 July, all of them were adopted only in September.<sup>282</sup> The formal break-up of the SRS at the end of the summer and the support for the Stabilization and Association Agreement expressed by Tomislav Nikolić and his faction<sup>283</sup> gave rise to much public speculation: there were suspicions of a secret deal having been made by Tadić and Nikolić, accusations of bribery, and surmises about the existence of (secret) arrangements with Russia, the EU, the Hague Tribunal. . . . As a matter of fact, it was Tomislav Nikolić who introduced an amendment to clear a controversy concerning Article 135 of the Agreement; this provision, which stipulates that the Agreement will be implemented in the territory of Serbia, was namely interpreted by a number of deputies as an indirect recognition of Kosovo's independence. Since the ruling coalition did not like being accused in public of such a thing, the following satisfactory compromise was reached: the amendment which Nikolić introduced, and which was later modified with his consent, reaffirms Serbia's territorial integrity – a non-binding, immaterial formula-

282 These laws were published in the *Official Gazette of the Republic of Serbia*, No. 83/08, on 10 September 2008.

283 On 5 September 2008, Tomislav Nikolić resigned from the post of head of the parliamentary group and deputy president of the SRS and formed a new parliamentary group in the Assembly under the name 'Napred, Srbijo' (Forward Serbia). The 17 SRS deputies who stayed with him were thrown out of the party. The Serbian Progressive Party was registered already on 10 October and its constituent assembly held at the Sava Centre on 21 October. The 'Forward Serbia' parliamentary group has 21 deputies.

tion. The political expedient resorted to in order to silence the opposition's embarrassing accusations clearly testifies to the impotence and indecision of the DS, which is increasingly suffering from its own weaknesses, inconsistency, and lack of vision. This was in evidence during debates, held over a period of several months, among both professionals and lay members of the public about the so-called 'gas agreement' with Russia, which was eventually ratified by the Assembly as Serbia's 'deepest national interest'.<sup>284</sup> Although ensuring the majority needed to adopt the aforementioned<sup>285</sup> and 11 other laws on the ratification of contracts and agreements with international financial institutions helped to restore stability in the Assembly, only time will tell whether this will mean better relations and more durable agreements between parties.

Besides producing political consequences of unquestionable importance, the break-up of the SRS brought to light problems concerning the functioning of parties and the lawfulness of the Assembly's work. For several months, the public watched a farce being enacted in the Assembly as the newly-established parliamentary group led by Nikolić sought recognition and his former SRS challenged it on the grounds that all SRS members had signed 'blank resignations' and that, under the Constitution, deputies' mandates belonged to their parties. The utter incompetence with which the Assembly Administrative Committee handled the whole matter testified to the existence of impermissible voluntarism in the work of the supreme legislative authority. Even before this affair, many had been pointing out that the adoption and implementation of bad and untenable provisions attests to the political parties' small democratic capacity. What

284 The deputy prime minister and minister of science and technological development, Božidar Đelić, said this during the introduction in the Serbian Assembly on 5 September 2008 of the Draft Law on the Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Russian Federation on cooperation in the field of oil and gas economy. [www.parlament.sr.gov.yu](http://www.parlament.sr.gov.yu).

285 The ratification of the Stabilization and Association Agreement and of the Interim Agreement on trade and trade-related matters between EU members and Serbia was approved by 140 votes against 28; the Agreement between the Government of the Republic of Serbia and the Government of the Russian Federation on cooperation in the field of oil and gas economy was approved by 214 votes against 22 with one abstention.

is more concerning, however, is the indifference of the other institutions of the system to this and all other cases where doubts have been raised about the lawfulness of work of political parties and leading political officials. Although the former SRS colleagues and leaders publicly exchanged serious accusations of involvement in crime and corruption, this time too there was no reaction from either the police or the public prosecutor's office in spite of it being their statutory duty to do so.

What is beyond dispute and what the political actors are well aware of, is the inevitability of amending the electoral legislation and the Constitution and regulating the work of the Assembly by law. In spite of live TV coverage of its sessions, the Assembly of Serbia tops a very long list of government institutions whose work is not transparent.

There is no doubt that the political parties themselves are the main practitioners and guardians of undemocratic practices. Many of their activities and relations could quite easily be put under control if only there was political will to do so. Although everybody is aware that the system will eventually have to undergo many changes, the absence of any fixed time-limits allows corruption to continue. Since the Assembly is a battle-ground of various interests (political, ideological, economic, security, etc.), parties tend to exploit inadequate or vague statutory provisions, as well as the absence of control and accountability, to make either personal or party gains.

As a result, the deputies continue to enjoy numerous privileges and advantages: they are highly paid (they receive full salary for full-time work or 80 per cent of it for part-time work and are also entitled to deputies' daily allowances, travel expenses, living costs in Belgrade, and so on). The financing of the work of parliamentary parties is also substantial and has been at the focus of many scandals; also, secret alliances and the influence of all kinds of lobbies interested in pushing through particular laws or provisions has long been the subject of speculation. The fact that the present Assembly comprises as many as 70 per cent of those who sat in the previous Assembly and only 30 per cent of new deputies indicates that the job of a deputy is a highly valued, well established, and profitable business. There are 190 full-time deputies in the present Assembly, compared

with 185 in the previous Assembly. The Government's proposals for cutting expenses throughout the public sector have been strongly resisted by all deputies: they complained for days that their pay had not been raised for a long time, that their job was very demanding, and that the public on the whole was not aware of their considerable responsibility; finally, their invoked a statutory provision stipulating that the amounts and rules in force cannot be changed without first amending the Law on the Income of National Deputies.<sup>286</sup> The proposals of several deputies to forgo their daily allowances on a voluntary basis were equally turned down, with parties vying with each other in claiming that they were already contributing substantial sums for 'humanitarian purposes', without however giving details. No explanations have been offered as to why the Assembly does not work on church holidays, why the deputies are paid their daily allowances even when a session is suspended owing to obstruction or a sports event, and why in addition to their pay as deputies they receive allowances from various public corporations, management and supervisory boards, and agencies of the state. Many similar questions also remain unanswered.<sup>287</sup>

The formal session on the occasion of International Democracy Day, held in the National Assembly Club on 15 September, was another opportunity for the deputies and top state officials to pay lip service to democracy. The representatives of the diplomatic corps, deputies, and the public were addressed by the Assembly president, the Serbian president, and the prime minister. Reaffirming Serbia's commitment to democracy as a system of government, they stressed that the state abides by the most important international documents and standards.<sup>288</sup> The UN resident co-

286 The Law, passed as far back as 1991, has been amended several times mostly on account of increases in deputies' pay.

287 In 2008, the parliamentary parties drew seven million dinars to pay daily allowances to deputies attending their parliamentary floor group meetings. The total cost of deputies' daily allowances came to 53.53 million dinars. In order to make savings, the Administrative Committee reduced the daily allowance sum by 500 dinars (from 2,400 to 1,900 dinars). It was decided only recently not to pay daily allowances to deputies attending meetings of their parliamentary floor groups and boards unless they are members of those boards. *Danas*, 8 April 2009

288 The Assembly president, Slavica Đukić-Dejanović, stressed that 'Serbia, as a democratic

ordinator in Serbia, David Lance Clark, said that in spite of unquestionable progress made towards democracy in recent years, no satisfactory results had been achieved in the field of human rights. He said that there were two particularly vulnerable groups in Serbia – the Roma and persons with disabilities – and that they continued to experience numerous difficulties in spite of the adoption of the Law on the Rights of Persons with Disabilities and the establishment of the Office of State Ombudsman. In spite of his measured tone fitting to the occasion, the UN resident coordinator let it be known that Serbia must do much more to approximate to the standards of developed democracies regarding human rights as well as in the way of building up the Assembly's capacity, a suggestion that a law on the Assembly and new rules of procedure are necessary.

The many observations and recommendations concerning Serbia's internal order made by the highest international organizations and institutions (OSCE, UN, CoE, EU) are for the most part interpreted as non-binding advice; their full significance is realized only when the failure to abide by them becomes an obstacle in the process of stabilization and association, or when compliance is a condition of receiving financial assistance. It is therefore not surprising that legislation is amended only when

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country, fully respects all international instruments which comprise the substance of international law and the principles of the Charter of the United Nations. In this process, it especially advocates the strict implementation of the Universal Declaration of Human Rights adopted on 10 December 1948 and of the International Covenant on civil, political, economic, social, and cultural rights adopted in December 1966. She paid special attention to the principles of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Convention on the Elimination of All Forms of Discrimination of Women. The Declaration on Criteria for Free and Fair Elections adopted in March 1994 is of special importance for parliamentary democracy.' President Boris Tadić said that 'Serbia today is a free democratic state, with institutions, laws, and political practice which are standardized for modern democratic world', adding that populism, demagoguery, and the debasement of government through growing corruption are the most frequent enemies of democracy. He said that democracy in Serbia was young and fragile and must win as many friends and defenders as possible. Democratic government must use the people's trust to develop a democratic spirit, consolidate the democratic institutions, and involve as many citizens as possible in social reforms, he said. [www.parlament.sr.gov.yu/skupstinskaaktivnost](http://www.parlament.sr.gov.yu/skupstinskaaktivnost).

it blocks international integrations (rather than when it obviously paralyses the exercise of the rights of citizens), and that its enforcement is put off as long as possible. This practice has proved itself extraordinary resistant for almost a decade. The majority of deputies in the Assembly of Serbia see no problem in this and no personal responsibility. Disciplined as good 'party soldiers' (and well awarded for this), they blindly follow their orders and carry out the decisions of their headquarters, losing all contact with the citizens and their vital problems as soon as they are elected. Their uncivil and selfish behaviour during Assembly sessions (as well as the tolerance of such behaviour) is an additional affront to the voters, whose confidence in the highest representative body as a result is exceptionally low. Instances where a deputy raises an issue or upholds an interest of wider social importance are so rare that they could be regarded as exceptions. Even on such rare occasions deputies waste their time on cheap demagoguery, as when, for instance, endless discussions were held on the subject of gas price rises. Other than being distinguished by obedience to the party (which goes far beyond the loyalty that is ordinarily expected in democratic parliamentary practice), deputies of the Assembly of Serbia also exhibit a low level of functional knowledge. In spite of the large percentage of highly educated personnel,<sup>289</sup> deputies are generally not able

289 The new Assembly of Serbia comprises nearly 200 highly educated deputies including eight University professors and five doctors of science. There are 45 lawyers and jurists, 28 economists, 22 professors and teachers, and 12 medical doctors. Nearly all the deputies of the 'For a European Serbia' coalition are university-educated, being mostly jurists and medical doctors. The SRS list is the most diverse in terms of deputies' professions, including a good many jurists, economists, and medical doctors, as well as an actor, a musician, several entrepreneurs and clerks, and a University professor. The DSS-NS coalition too is largely made up of highly educated people including translators, engineers, jurists, dentists, and musicians. All the 13 LDP deputies are highly educated, including two dramaturgists, a journalists, a mechanical engineer, several jurists, a psychologist, and a professor. The coalition gathered around the SPS numbers 20; half of them are highly educated, with also five old age pensioners and one entrepreneur. Of the two deputies of the Bosniak List for a European Sandžak one is a jurist and the other a sociologist; the Hungarian Coalition comprises two jurists, one economist, and one professor; the only deputy of the Albanian Coalition from the Preševo Valley, Riza Halimi, is a physics professor.*Blic*, 6 June 2008.

to adequately follow and take part in debates involving professional matters. Owing to the deputies' ignorance of the fundamentals of integrative processes and their deep lack of understanding of the values of modern communities, with even those with appropriate education not being fully familiar with the latest knowledge and modern standards in specific fields, the Assembly continues to operate as a highly conservative part of the system. This is certainly in direct contrast to the important role entrusted to the Assembly in the process of reforming society.

The debate on the Anti-Discrimination Law and the events surrounding it, as the most drastic example, exposed in the eyes of the domestic and international publics a fundamental lack of understanding of democracy and of the concept of human rights as its inseparable part. In the course of only one week – from the time the Law was put on the agenda to the moment it was voted<sup>290</sup> – the Assembly and the Government manifested all the weaknesses of multi-party pluralism and parliamentarianism in Serbia. The pro-Europe oriented citizens who witnessed this must have realized that on their road to modernization they are in for a long struggle against forces firmly keeping society in near-medieval darkness. The Anti-Discrimination Law was one of a number of anti-discriminatory laws that had to be passed as a condition of Serbia being granted visa facilities, i.e. of Serbia being put on the 'white' Schengen list. It was thanks to precisely this requirement that the necessary majority was achieved and the law passed, otherwise it would, in all probability, have waited for its next chance for years. This, however, is not to say that a big question mark does not hang over its implementation. It is quite certain that the deputies belonging to the SPS and the Party of United Pensioners of Serbia (PUPS) would not have voted for the Law were they not the key partner in the ruling coalition. During the debate, which lasted several days, deputies opposing the Law said they found it unacceptable because it is insulting to the 'traditional moral outlook of the citizens of Serbia'. Although in their public appearances both party and Church representatives focused on homosexuals (or rather opposed the prohibition of discrimination on

<sup>290</sup> The Assembly adopted the draft of the Anti-Discrimination Law as the first item on its agenda on 18 March and passed the Law on 26 March 2009.

grounds of sexual orientation), there is no doubt that they saw a much greater danger in the possibility of recognizing new religious communities. This concern was reflected by the absolute unity of the four traditional churches. Their dignitaries used all available means to blackmail and force the Government to withdraw the draft without first notifying the deputies, including even the Ministry of Labour and Social Policy although it had spent years working on the draft. A meeting shrouded in near secrecy, of which the public was given only the scantiest of information, was held with Church representatives ostensibly in order to impress on them the importance of guaranteeing sexual freedoms and orientation; in all probability, however, the churches were given guarantees that their inviolable status would in no way be jeopardized. The eventual adoption and entry into force of the Law will certainly pose no obstacle at all to making good on these promises in other, roundabout ways (e.g. by impeding the registration of new religious communities, denying them equal opportunities, etc.). More than any controversy so far, the Anti-Discrimination Law has shown the depth of the divisions inside Serbian society as well as the elites' low potential for dealing with them by the force of a clear and uncompromising vision. Bearing in mind that the Law in question is a key piece of legislation in the field of human rights, the public storm which continues serves as a warning that the concept of human rights is not accepted in Serbia and that much hard work is yet to be done.

The attitudes to women,<sup>291</sup> persons with disabilities, children, elderly persons, and others show that the deputies (or rather the political parties) only pay lip service to democracy. Their fundamental lack of understanding of the problems involved as well as their denial of the rights of these and other marginalized groups is the cause of the overt or covert discrimination and inequality that are firmly rooted in society. Although some progress has been made and a number of international conventions

291 In spite of their pre-election promises to assign one-third of their seats to women on their lists, the parties elected only 52 women as their deputies. The For a European Serbia list has 26 women out of 102 deputies, the SRS 14 out of 78, and the DSS-NS coalition 6 out of 30. The SPS-PUPS-JS has only 3 women out of 20 deputies, the LPS also only 3 out of 13, and the Hungarian Coalition 1 out of 4. *Blic*, 6 June 2008.

signed, the Assembly of Serbia is yet to pass laws on the equality of the sexes, the protector of children's rights, the employment of persons with disabilities, etc.

In its report on Serbia's progress towards European integrations, the EU Commission repeatedly notes a number of deficiencies and systemic problems and makes quite clear that the weaknesses of Serbia's democratic institutions and lack of respect for human rights are the chief concerns. The response of the Government and the highest political officials spoke volumes about the superficiality and traditional slovenliness with which serious problems are addressed. For days on end, domestic politicians tried to outdo each other in expressing satisfaction at the progress the EU Commission had noted; what they 'forgot' to do was to comment on its objections and to explain to the public what the state and the citizens must do to accelerate the process of association and to ensure a better future. What is encouraging is that for the first time representatives of state institutions are showing far less enthusiasm and optimism. For instance, the republic ombudsman, Saša Janković, sharply criticized the deputy prime minister, Božidar Đelić, for saying that 'Serbia has a good administrative capacity'. Janković cited a number of instances from everyday life that disprove the allegation. He also observed that Đelić had highlighted a recommendation on the need to strengthen regulatory institutions without mentioning another recommendation calling for strengthening independent ones.<sup>292</sup>

Problems in the work of the administration and its low capacity are increasingly complained about by, among others, competent officials from other institutions including the commissioner for information of public importance, the president of the State Audit Institution, the president of the Anti-Corruption Council and of the Commission for the Protection of Competition, the president of the Board for Resolving Conflicts of Interest, and the director of the Public Procurement Office and of the Commission for the Protection of Tenderers' Rights.

Nearly all of these so-called control and independent institutions have been established by Government or Assembly decisions in conformity with

<sup>292</sup> 292 *Blic*, 22 November 2008.

statutory requirements; the fact that since the very beginning they have been experiencing numerous problems, including even the lack of basic working facilities, indicates how serious and sincere the authorities are about these institutions. Notwithstanding their importance for protecting citizens' rights, suppressing corruption, and supervising the work of the state administration, the political elites clearly do only what they must to keep Serbia on the path of European integrations, while at the same doing their best to obstruct and even prevent their work. For instance, for all of six years the Public Procurement Office and the Commission for the Protection of Tenderers' Rights have lacked own premises and equipment in order to be able to monitor tendering procedures worth of millions of euros. Director Predrag Jovanović says that the Office and the Commission have failed chiefly in 'not having been able to convince the decision makers of the importance of public procurement for bringing order to state spending, for Serbia's EU integrations, for the effective suppression of corruption, as well as for the economic development of the country'.<sup>293</sup>

The commissioner for information of public importance, who has for more than three years worked in premises that are too small to permit him to employ all the personnel he needs, says, 'The Government has for years persistently failed to activate mechanisms for enforcing the commissioner's orders and for establishing the responsibility of those who break the law'.<sup>294</sup>

Although the Board for Resolving Conflicts of Interest is one of the few that have adequate working facilities, which it received two years after being established, it has a small staff and inadequate cooperation with institutions at the local level and officials. Political potentates often completely ignore the Board's decisions<sup>295</sup> and also disregard their statutory

293 *Politika*, 5 November 2008.

294 Ibid.

295 For instance, although in 2008 the Council established that four local officials were in breach of the law and its findings were officially announced, they merely replied that according to their own information they were not. To make the scandal worse, the supreme legislative authority – the National Assembly – backed the Administrative Council in its decision to ask the opinion of the Constitutional Court, thus disregarding the opinion

obligation to declare their property. Between the May elections and October 2008 less than 3,000 declarations of means were submitted although there are estimated to be five times as many officials (former and newly-appointed) to whom this statutory obligation applies.<sup>296</sup> Paradoxically enough, the Board's Annual Report has never been considered by the Assembly. What is more, no sooner had the Board begun to work than the authorities began to talk about a new law and a new body to replace it, thus indirectly stripping the Board of its legitimacy and treating it as irrelevant.

The authorities have an identical attitude to the Anti-Corruption Council, the first independent institution to be established after the change of government, in 2001. From the very start the Anti-Corruption Council has had to struggle against lack of understanding and obstruction: it is understaffed and its resources are inadequate, which prevents it from hiring the services of independent experts; it has no access to all the documents it needs; it has to engage in public polemics with some politicians; and every single report it has submitted to the Government has been totally ignored.

The Commission for the Protection of Competition (or 'anti-monopoly commission') was established under the Law on the Protection of Competition and began work in 2006. Although it answers to the Assembly, it is the only fully self-financing institution, having to rent its premises and pay for them from its own resources. The Commission has reacted professionally on a number of occasions, but it is often unable to collect the necessary evidence because it has no executive powers. As in the cases of other control institutions, the Government and the Assembly failed to react and ensure adequate sanctions in cases where the existence of monopolistic practices was established. The close alliance of monopolists and the holders of political power in Serbia is the Commission's evident problem, which defeats its efforts to prevent the concentration of capital and to protect the citizens from being blackmailed by the systems so created.

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of the Council and its function. The mayors of Jagodina and Kragujevac, Dragan 'Palma' Marković and Veroljub Stevanović, are still deputies of the ruling coalition.

296 *Danas*, 7 October 2008.

Although it began work in September 2007, the State Audit Institution is still in its constitution phase. The Institution was allotted premises in October 2008 and vacancies were announced for auditing and ancillary services staff, with first audits of budget spending and public company operations expected only in mid-2009. Serbia was the last country in the region to set up such an institution. The institution too is expected to encounter many problems in its work because budgetary spending is subject to much suspicion and speculation and scandals involving the operation of many public corporations are frequent.

The Office of the Citizens' Protector is one of the few independent institutions which have succeeded in asserting themselves publicly and winning a modicum respect from leading government authorities. Having begun work in December 2007, the citizens' protector (ombudsman) got his deputies only on 7 October 2008. This important but still under-staffed institution has manifested its efficiency and readiness to protect citizens' rights on several occasions. For instance, the ombudsman introduced amendments to the Law on the Protection of Personal Data drafted by the commissioner for information and several NGOs. He did this on their behalf because they have no legitimacy to act on their own in the Assembly. Considering that independent control bodies experience most obstruction in their work precisely from government authorities and officials, improving cooperation between them and promoting their solidarity would no doubt cause both the government administration and the political parties to modify their behaviour.

Unlike the aforementioned institutions, the so-called regulatory institutions have not gained the trust of the citizens or justified their main purpose. This applies above all to the Agency for Privatization, the Republic Broadcasting Agency, the Republic Agency for Telecommunications, etc. Since their work has too often been the object of reasonable suspicions and well-argumented criticism, it comes as no surprise that the citizens and the professional community have no confidence in them and in the many others being established, nor that the politicians praise and hold them up as models of Serbia's progress.

In its 2008 Report (as well as in the one preceding it), the European Commission singled out corruption as a crucial problems jeopardizing Serbia's further progress and seriously undermining the results achieved in the fields of democratization and human rights. At the end of the year the Assembly passed the Law on the Anti-Corruption Agency and appointed members of the Agency's Committee a few months later.<sup>297</sup> It also adopted amendments to the Law on Public Procurement designed to ensure the full independence of the Commission for the Protection of Tenderers' Rights. Also, the information available on the public procurement website should help to improve transparency and establish a system of accountability in this domain. Nevertheless, the Assembly and the Government would have to demonstrate, through concrete moves and additional activities, their commitment to suppressing corruption and controlling budgetary spending especially with regard to the highest government institutions. The activities undertaken so far have been largely without effect because the Government and the Assembly themselves, as well as the administrative apparatus, deputies, agencies, political parties, the Republic Electoral Commission, public corporations, and local governments are the very source and hotbed of systemic corruption. The objectives clearly cannot be reached because both the capacity and will are lacking domestically, and supervision by European and other international organizations will continue to be necessary in the future. The existing independent institutions, with civil sector and public support, will have to win full independence and be able to perform activities within their competence effectively. It is only then that people will begin to feel like human beings rather than as mere 'backlog cases'. In his Annual Report to the Assembly, the republic citizens' protector notes correctly that 'the citizens have the impression that the purpose of the proceedings is form rather than substance. Because officials' communication with the public leaves much to be desired, one gains the impression that a good many complaints to the

<sup>297</sup> The Law was passed on 23 October and entered into force on 4 November 2008. However, its implementation has been put off until 1 January 2010 to allow for the election of members of the Agency Committee, employment of personnel, and adoption of by-laws. The Committee members were elected on 18 March 2009.

ombudsman as well as second-instance administrative proceedings and disputes could have been avoided if the citizens had been explained their rights and obligations in a clear and convincing manner. As a rule, procedure has not been adjusted to ensure the exercise of rights of particularly vulnerable categories of citizens. The bureaucratized, alienated authorities appear to be focused on themselves and their problems and on identifying citizens' obligations rather than on giving effect to their rights.<sup>298</sup>

Good government as a precondition for the realization of citizens' rights must be established in democratic parliamentary procedure on the basis of law and good practices. This is why the Assembly has great responsibility in the process of reforming society as a whole and its institutions. Although the public has every reason to be dissatisfied with the work of the highest legislative authority, it should be borne in mind that, along with other segments of the life of society, the Assembly too is encompassed by the process of changes, however slow and difficult they may be. Given that the work of political parties and of the Assembly as a whole is subject to the court of public opinion and reflects on the outcome of elections, the citizens too must take their share of responsibility.

298 [www.zastitnik.gov.rs/izvestaji](http://www.zastitnik.gov.rs/izvestaji).

# New indictments and war crimes trials before Belgrade courts of law

In 2008 War Crimes Trial Chamber in Belgrade instituted criminal proceedings and filed some indictments against some individuals indicted for war crimes committed in former Yugoslavia. Added to that some cases were renewed on the basis of appeals won by judgments of the Supreme Court of Serbia. Of the latter, most notable was the re-trial relating to the crimes committed in 1991 in Ovcara near Vukovar.

The fact is that despite verbal urging of the incumbent authorities and independent print and electronic media on the importance of "primary catharsis in Serbia proper", aforementioned trials are monitored only by few Serb journalists (mostly from domestic news agencies) and covered by even fewer newspapers. And all that in the face of terrifying testimonies of events past, cruelty of perpetrators and wanton destruction during conflicts in Croatia, Bosnia and Herzegovina and Kosovo, that is, testimonies of how cities and villages were liberated from-life itself.

On 17 April 2008 before the War Crimes Trial Chamber began the trial for crimes committed in village Lovas, Croatia, in 1991. According to the indictment 70 Croat civilians were then killed. In fact 22 of them were forced to walk as "a live shield" through the mine field. During that "walk" 16 were gravely injured, and others were liquidated either in their backyards or in the streets. Witnesses-survivors from Croatia in their testimonies recognized the accused, notably the first defendant Ljuban Devetak. They were explicit that he was responsible for the torture, maltreatment, and murder of locals of Lovas. He in fact he gave orders for their murder. According to numerous testimonies, the local Croats were compelled to wear white bands around their forearms, and had to mark their houses by white blankets. And then they were also expelled. In the pre-trial proceedings about 300 witnesses were questioned. For crimes against civilians were charged four, former members of the local authorities, four members of the Yugoslav People's Army, and six members of the paramilitary

formation "Dušan Silni". This case is of momentous importance for it set the precedent: namely for the first time were charged so-called members of local territorial defence forces, who, according to their testimonies, had close ties with the former Yugoslav People's Army. Defendants in this case deny their guilt and allegations of the prosecutor.

In mid-April 2008, the indictment was filed against Pane Bulat and Rade Vranešević, for the murder of six civilians of the Croat nationality who did not belong to any armed formation, in Bosanski Kovačevac. In October 2008 indictment was filed against Damir Sireta for war crimes committed in „Ovčara“. He is being tried in separate proceedings with respect to co-defendants in this case, for he was apprehended much later. As regards the case of „Ovčara,“ in 2008 was also filed the indictment against Milorad Pejić who had been arrested in March. He is charged with taking part in shooting of about 200 Croat prisoners as a member of so-called Territorial Defence of Vukovar, that is, as a co-perpetrator of crimes.<sup>299</sup>

War Crimes Prosecution communicated on 22 April 2008 that it has filed an indictment against four members of former paramilitary unit, "Škorpioni" (a unit operating within the framework of the Serb Interior Ministry) for war crimes against civilians in Podujevo, in 1999. Indicted were Željko Đukić, Dragan Medić, Dragan Borojević and Miodrag Šolaj for firing by automatic weapons into a group of 19 women and children, rallied in the backyard of family Gasi house. Survivors were only five, gravely injured children.

In May 2008 the Belgrade War Crimes Trial Chamber started proceedings against Bora Trbojević for crimes against civilian population. He, as a member of so-called "Bilogorski Squad," took part in the forcible abduction of Croat civilians, rounding up of locals of the village Topolovica, and inhumane treatment of civilian population, during which were killed Željko Seleši, Božidar Jakopec, Petar Kramar, Franjo Šokec and Mato Petek, while Vendel Šklebek remained unharmed, thanks to his managing to find a cover behind a cellar wall.

In March 2008 indictments were filed against Goran Savić and Saša Čilerdžić for war crimes in Bosnia and Herzegovina, mass murders, and

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torture of Muslims, and seizure of their property in the area of Zvornik municipality.

Last year in February began the trial of Ilija Jurišić (64), member of the reserve unit of the Bosnian police and a high officer in the operative headquarters of the State Security Services in Tuzla. He was charged with opening fire into the column of the Yugoslav People's Army soldiers and consequently causing death of 92 soldiers, wounding 33 of them, and destroying a large number of military and sanitary vehicles. According to the indictment the order was given to the sniperists in the nearby buildings first to shoot down drivers of military vehicles, in order to block the further passage of other vehicles, and then to fire at the remaining soldiers who were not ready to put up resistance and fight. At the beginning of trial before the Trial Chamber the accused denied his guilt. By the way Ilija Jurišić was arrested on the basis of the international warrant, while in transit, on his way to Germany, at Belgrade's International Airport, "Nikola Tesla."

In late February 2009, an investigation was launched into the case of suspected murder in Dobrovoljacka street in Sarajevo allegedly committed by 10 citizens of Bosnia and Herzegovina. According to Ivana Ramic, spokeswoman of the Belgrade District Court, in progress is the checking of allegations from the application-by the Serb War Crimes Prosecution – that the crime be investigated, and the defense evidence is being collected. In parallel the Serb Interior Ministry, on orders of the investigating judge, issued warrants for the arrest of 19 persons from Bosnia and Herzegovina, including the wartime members of the then Bosnian Presidency, Ejup Ganić and Stjepan Ključić. All of them are charged with the attack on the Yugoslav People's Army column in Dobrovoljačka street in Sarajevo, on 3 May 1992. The said warrants are relating only to the territory of Serbia. As Beta Agency has learnt, under way are the proceedings for the issue of the international arrest warrant,<sup>300</sup> for which is necessary the consent of the Serb Ministry of Justice.

<sup>300</sup> Beta, 27 February, „Volunteers-summary“

## Appeals and renewed judicial proceedings

In September 2008, the Supreme Court of Serbia, took into consideration the appeal of defence counsels of the two members of the paramilitary unit „Škorpioni“ sentenced for killing 6 Muslim civilians in Trnovo, in July 1995. Thus the defendant Branislav Medić (45) saw his first-degree sentence of 20-years prison term reduced to 15-years in prison, while sentence received by Aleksandar Medić (41) was suspended and returned to the first-degree court for the review in a re-trial. As unfounded, the Supreme Court of Serbia, dismissed the appeals of the war crimes prosecutor and defence counsels against sentences meted out to the accused Slobodan Medić (41) called Boca and Pera Petrašević (38), and confirmed sentences passed to them and to Aleksandar Vukov (35) too. By the first-degree judgement Slobodan and Branislav Medić, and Petrašević, were found guilty of war crimes against civilian population. Aleksandar Medić was found guilty of acting as an accomplice in those war crimes, while Vukov was acquitted. On 10 April 2007 Slobodan i Branislav Medić were sentenced to 20-years in prison, and Aleksandar Medić to five. According to the opinion of the Supreme Court of Serbia, the Belgrade District Court, in the case of Branislav Medić, overestimated the importance of extenuating circumstances (no criminal record, family circumstances), due to which his sentence was reduced to 15 years in prison. Supreme Court of Serbia justified its suspension of judgement relating to Medic by the fact that “gross violations of the criminal proceedings provisions were committed during the first trial” and „his pyschological attitude towards commission of the war crimes against civilian population and assistance in that commission to a large extent was contradictory and ambiguous.” Appeal of the War Crimes Prosecutor against Vukov judgement was appraised as unfounded, for the Supreme Court of Serbia established that „the first-degree judgement did not contain gross violations of the criminal proceedings provisions” and that “a correct assessment of the evidence presented did not produce evidence of his culpability.”<sup>301</sup>

301 „Glas javnosti“, 12 September „Škorpioni member gest reduced sentence“

On 28 January 2009, after a re-trial, the War Crimes Trial Chamber of the Belgrade District Court, sentenced to 5 years in prison, a former member of the paramilitary formation, Škorpioni, Aleksandar Medić, charged with assisting those who had killed 6 Bosniaks in Trnovo.

Last year saw the resumption of trial of those indicted for killing of 48 Albanian civilians in Suva Reka, members of family Beriša (committed on 26 March 1999). With that crime were charged the then commander of the "Niški odred" police station, Radoslav Mitrović, police commander in Suva Reka, Radojko Repanović, his assistant Nenad Jovanović, policemen from Suva Reka, Slađan Čukarić, Miroslav Petković, Zoran Petković, Ramiz Papić and member of the State Security Services, Milorad Nišavić. Trial began on 2 October 2006. All the accused denied committing the crime. In the indictment it was also stated that corpses of killed Albanians had been buried in a mass grave, in the military polygon, in the vicinity of villages Ljubižde and Koruša, and that the said mass grave had been discovered by local policemen, who then handed over the whole "case" to the special anti-terrorist unit of the Serb Interior Ministry. During the evidence presentation proceedings, a testimony was given also by the former criminal squad technician of Prizren police, Nebojša Vitošević, who was tasked with photographing victims during the inquest on 30 March 1999. Before the Trial Chamber of the Special Department of the Belgrade District Court he stated that in three locations, on Prizren-Pristina road, near village Reštane, 7 bodies were found. It was established by forensic expertise of wounds that those persons had been killed. He also said that behind a house, four torched bodies were found, some partially and others totally carbonized. He went on to explain: "On the road to village Restane, near the sawing mill, we found two more male bodies, and farther, a corpse of an elderly man, who had obviously been killed. Photographer Vitosevic also stated that he ignored the transfer of bodies to Serbia, but confirmed that the bodies were picked up by utilities services workers and that "they were all buried in special graves in the Muslim graveyard." But Vitosevic could not remember on which date that burial was carried out.<sup>302</sup>

<sup>302</sup> B92, 4 September 2008. „Suva Reka Trial Continues“

According to the indictment allegations, corpses of Albanians killed in Suva Reka were first transported to Prizren, and then on orders of the Hague Tribunal indictee, Police General, Vlastimir Đorđević, were ferried by freezer-containers to Batajnica and buried there in a mass grave, in the boot camp of the Special Anti-Terrorist Units of the Serb Police. Before the Hague Tribunal a witness K-83, a reserve policeman, testified that the crime against the Albanian family Beriša was committed by the Suva Reka policemen, Sladjan Čukarić and Radovan Tanović. According to the testimony of K-83, Čukarić and Tanović killed six Albanian men and one old woman, and then by throwing bombs and firing a barrage from the automatic rifles into a group of people imprisoned in a local pizzeria, killed over 40 women and children. Those indicted for war crimes in Suva Reka are currently being tried by the War Crimes Trial Chamber in Belgrade.

## Trial and judgments for „Ovčara“ crimes

Judgments handed down on 12 March 2009 by the War Crimes Trial Chamber in Belgrade to those charged for war crimes committed in the agricultural estate „Ovčara“ were far more lenient than the ones first passed and then annulled by the Supreme Court of Serbia. The case involved 18 members of so-called territorial defence of Vukovar and Šešelj's paramilitary unit „Leva Supoderica“ who faced charges for torture and killing of Croat civilians. First trial began in March 2004, and after suspension of the first-degree court sentences, a re-trial began in March 2007. Case „Ovčara“ was important because it was the first war crimes trial for war crimes before a national/domestic court of law. What was characteristic of that case was the bestiality and gravity of the crimes committed. “Ovcara” case was also closely linked to the Hague proceedings against “the Vukovar Threesome” who had been tried for the command responsibility linked to crimes committed in Vukovar, that is, in „Ovčara“.

In the renewed proceedings 7 indictees were sentenced to the maximum 20-year prison terms for torturing and killing Croat prisoners, five were acquitted and others were sentenced to prison terms ranging from 5

– to 15 – years. Maximum sentences were handed down to Miroljub Vujošić, former commander of Territorial Defence of Vukovar, Stanko Vujanović, his deputy, and members of so-called territorial defence and paramilitary units, Predrag Milojević, Đorđe Šošić, Miroslav Đanković, Ivan Atanasijević and Saša Radak. Milan Vojinović was sentenced to 15-years in prison, Jovica Perić to 13, Goran Mugoša to five-years in jail. The only woman among the defendants, Nada Kalaba, received a 9-year prison sentence. Milan Lančužanin and Predrag Dragović, were sentenced to six and five years prison terms, respectively. Acquitted were Vujo Zlatar, Predrag Madžarac, Marko Ljuboja, Slobodan Katić, and Milorad Pejić.

In the reasoned opinion in writing, judge Vesko Krstajić first stated that all the defendants, as members of a paramilitary unit, were guilty for “having tortured and inhumanely treated war prisoners and killing them”, and then discussed individual sentences. It bears mentioning that Trial Chamber sentencing procedure in the re-trial proceedings was limited by the decision, that is, objections of the Supreme Court of Serbia. Families of victims were disgruntled with leniency of the new sentences. It is noteworthy that Judge Krstajić took into consideration testimony of a witness-collaborator (no.1) regarding defendant Nada Kalaba, and not regarding charges related to Vujo Zlatar. President of the Trial Chamber stated that Zlatar’s defence team managed to prove that the aforementioned witness-collaborator „had grounds for vengeance“ and that it was not proved that the defendant was in „Ovčara“ during the commission of crimes. In fact in the first trial the same Trial Chamber convicted Vujo Zlatar and sentenced him to 15-years in prison, while in the re-trial Zlatar was –acquitted. War Crimes Prosecution announced that it would appeal against that part of judgement, for it was only “partially pleased” with the judicial decision.<sup>303</sup>

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# Organized Crime

In 2008 not only any mafia-related affair has been resolved, but a bevy of new ones, involving state institutions, or state officials have been disclosed and made public. For example, there was extensive media coverage of so-called “garbage-collectors”, “football”, “gas industry” mafia affairs. Thus there are many accused of organized crime, but it is very likely that there are also many new candidates for such charges.

In the course of 2008 chamber trials of the Belgrade-based Special Court instituted 17 first-degree proceedings against as many organized crimes groups. Total number of indictees from 17 mafia organizations is an impressive-300. Pertinent investigations have to date established that those mafia members have robbed the state of about 500 million Euro. In the course of last year as many as 66 probes were launched into criminal activities of a lesser number of criminal groupings, with over several hundred suspected criminals. Nearly half of those probes or investigative proceedings have been finalized and forwarded to the Special Prosecution.<sup>304</sup>

Most cases deal with the misuse of official positions, corruption, illicit trading, including human trafficking. Then, heavy burglaries, drug-dealing, terrorism...Statistical date indicate that organized crime “transferred” its activities to the economic sphere. Thus mafia is currently operating in the gray area, on the legal fringes, handling highly profitable businesses, from the tax evasion to corruption and engaging in other scams at the expense of state and citizens. So finally attempts were made to dispense justice to criminals, among whom were many company directors, owners of private companies, customs officials, but also the law-enforcement officials, policemen, judges, presidents of courts of law, prosecutors...Unfortunately the said proceedings did not encompass all members of some gangland groups. Judicial bodies failed to penetrate the top echelons of the mafia clans pyramid, thus those who “reap” the most money for the time being are “feeling safe”. The most illustrative example of the foregoing is the one of so-called “highway mafia.” In the dock are currently 53

<sup>304</sup> 2008 Večernje novosti, 8 May 2008, “17 Serb mafias”.

members thereof. According to the prosecution by using double toll cards, they damaged the state for 6.5 million Euro. In admitting their culpability during the trial, some of them also confessed that the money went to some powerful men in Belgrade, but, fearing the repercussions, dared not disclose their names.

## Mafias in the dock

Proceedings against judges, members of so-called misappropriation mafias, charged with taking bribes, misuse of official position and violation of laws-are yet to be completed. Indictment covers 36 persons charged with a total of 105 criminal offences. They have incurred a damage totalling about 50 million Euro to the state. The first defendant is Goran Kljajević, former president of the Belgrade Commercial Court and co-defendants are lawyer Nemanja Jolović, Sekula Pjevčević, a businessmen, Slobodan Radulović, former director of super market chain, "C market" ( he is still at large), Delinka Đurđević, former judge of Commercial Court and Jelica Živković, former director of Postal Savings Bank. In July 2008, indictees in the case of so-called "misappropriation mafia" were allowed to defend themselves as "free men", that is, the Supreme Court ruled there was no legal basis for extension of their detention, since "there was no real danger of their escape."

Furthermore in June 2008 a special department of the Supreme Court of Serbia suspended the sentence meted out to 16 persons—"public transport mafia"— who had been charged with forging public transportation cards, and ordered a re-trial. In its reasoned opinion in writing the Supreme Court stated that the first-degree judgement had been handed down after gross violations of the criminal proceedings provisions, and that the judgement was contradictory and lacking in proven arguments. Hence the Supreme court ruled that the factual guilt was not accurately established, and consequently the enforcement of the penal code was improper.

Early last year 7 persons indicted for "customs revenues mishandling" were put on trial before a special department of the Belgrade

District Court. The group headed by Žarko Dakovic, damaged the state budget for several million Euro. The group known as the “customs mafia 2” was charged with commission of the criminal offence of misuse of official duty, and taking and giving of backhanders. They were suspected of importing old and faulty cars and legalizing import of stolen cars on the basis of doctored data on the car production year. In mid-December before the same court began the trial of 28 persons accused of corruption in the customs offices, taking of bribes, misuse of official duties and smuggling. Organizer of the group was Velibor Lukovic, who before his arrest worked as co-ordinator for the smuggling-prevention operation in a Kraljevo customs office. “A lot of water shall pass under the bridge before we see the final sentence weighing in the argument of the Special Prosecution that Žarko Dakovic, former Head of Customs Office, Radovan Šarenac, customs official, Zeljko Bugarina, the owner of “Zorka komerc” Agency, and other members of group called “Customs Mafia 2”, by breaching the customs regulations, until their arrest in late 2006, robbed the state of over 1 million Euro. Their trial in the Belgrade Special Court, began in January 2008, and it is still in the stage of main hearing.<sup>305</sup>

Currently 30-member criminal group, known as “car mafia” are facing trial in the Belgrade Special Court. They are charged with damaging the state of Serbia for several million Euro, by stealing cars and transferring them to the Middle East. Also tried were 21 members of a group suspected of importing illegally crude oil from Greece and thus damaging the state for about 100 million dinars. The first defendant is Miša Stojanović, owner of company “Protekta”, while eight co-defendants are employees of the Republican Market Inspection and Customs Directorate.<sup>306</sup>

Judging by the reactions the Serb general public was more shook up by so-called “football affair” than some other affairs with more grave consequences. Namely several prime movers in that very profitable sport (or business) were charged with corruption, that is, misappropriation of money gained during the players transfer from domestic to foreign clubs. In

<sup>305</sup> [www.listzrenjanin.com](http://www.listzrenjanin.com), Member of customs mafia group still unsentenced, 29 January 2009.

<sup>306</sup> *Večernje novosti*, 8 May 2008, “17 Serb mafias”.

last year's "football affair" the central actor was former director of the "Red Star" football club. He was suspected of misappropriating some money from the aforementioned players' transfers. Along with Džajić, a Serb citizen, (who has recently been granted the Montenegrin citizenship), with similar charges were faced the two former "Red Star" football club officials, Vladimir Cvetković and Miloš Marinković. To be more specific: they were accused of misusing their official positions by misappropriating millions of Euro, US dollars and Deutsche Marks gained by the transfer of four footballers. Because of slow and inefficient judicial proceedings, the aforementioned and other proceedings usually last several years. Thus many cases are put on the back burner. That happened to the football affair too. The same applied to the case of the former president of "Obilic" football club, the folk singer Svetlana-Ceca Ražnatović, who has been investigated by the Belgrade District Court for five and a half years now.

## "Subotić" Case

In 2008 four groups engaged in cigarettes smuggling were investigated. Three of these groups accumulated a lot of wealth by that illegal activity during the peak of crisis in Serbia, in the Milošević era. One of these "tobacco mafias" was put on trial in the Special Court. The group in question, so-called Badža's group, was charged with acquiring illegal wealth of over 40 million Euro. The group was headed by Siniša, brother of the killed police general, Radovan Stojčić Badža. In discussing the cigarette-smuggling groups, it bears mentioning that the Russian General Prosecution on 23 June 2008 decided to release from detention, Stanko Subotić Cane, with justification that his case was-obsolete.

In the wake of Subotic's arrest in Russia, the Serb authorities demanded that he be handed over to the judicial bodies in Serbia, but Russia responded by asking Serbia to "update" the material justifying the said request. It would be interesting to learn who has issued the passport to Cane and who has he worked with, for the scale of the trafficking in which Cane was involved, and subsequently charged with, is so large, that

it could have been organized only thanks to the “assistance” of the state. The whys and wherefores of Subotic’s stay in Moscow, and identity of his partners and friends in the Russian capital are still under wraps. Biography of Stanko Subotic is replete with details about his cigarette-smuggling activity, and first close ties and then break-up with Mirjana Marković and family Milošević. It is maintained that the Serb judiciary, in the face of all the hard and known evidence against Subotic failed to deal with him earlier and in a more thorough way, because he had allegedly “redeemed himself” by helping the Serb opposition and Montenegrins in the struggle to dislodge Milošević. “A shift in the judiciary’s stance, and filing of the aforementioned indictment is linked to the pre-election campaign. The Serb authorities knew that the case was obsolete, but wanted to show to the public at large that the anti-corruption campaign had been launched. Now, after the elections, Cane can peacefully return to Switzerland and resume his job.”

Cane’s “tobacco group” is charged with “making a 28 million Euro dent” in the Serb budget. In the meantime the information was disclosed that Subotic’s team of lawyers filed counter-charges with the European Court for Human Rights in Strasbourg, on the grounds that “Subotic was erroneously remanded in extradition custody in Russia.”

2008 saw the beginning and 2009 the continuation of the trial of 15 Novi Pazar Wahabis, charged with associating to commit unconstitutional activities and terroristic acts. In the late 2008 stage of the trial, as evidence were presented the photographs found in the group’s computers, photographs which had been seized during their arrest. The group is charged with planning to kill mufti Muamer Zukorlić, and to attack Novi Pazar mosque and the local police station. Pertinent indictment also spells out that the group has set up a military and terrorist boot camp on the mountain Ninaja, near Novi Pazar.

Human trafficking was also the subject of the criminal prosecution in Serbia in 2008. The month of January saw the handing down of sentences to a 12-member group, convicted of human trafficking and unlawful crossing of border. Ring-leaders of the group were Ivan Janjić of Bačka Palanka and Vesel Jakupi of Preševo. The two of them, together with another ten

accomplices, in the summer of 2006, smuggled Turks, Albanians and citizens of Serbia to Croatia, via Danube and Belgrade. For that smuggling, they charged 350-400 Euro per person. Members of the said group were sentenced to prison terms by the Special Court, and one co-defendant was cleared of all charges. Ring-leader Vesel Jakupi received a 3 and a half year prison sentence, Muhamed Fejzuli a two year and 8 months one, Selimon Sadiki and Ramadan Redžepi a 2 year prisons sentences each, while Zvonko Bijelić was sentenced to 2 years and 10 months in jail, and Zoran Dodić to 2 years and 6 months.

In fact it is very difficult to list all the uncovered and covered up Serb mafias. Most of them were partly unveiled, because their frontmen, ring-leaders or ring-masters, judging by all appearances, are still protected, either due to the lack of hard evidence or because of the political screen behind which they still hide. Hence one can say that only the tip of the iceberg was “indented”, in the story about a thriving bevy of gangland members within the numerous segments of the Serb state and society.

## Untouchable crime engineers

The best proof of the previous claim, are non-filed indictments, incompleted trials, and unpassed judgments relating to the Milošević era assassinations and murders. And obviously untouchability of engineers and executioners thereof. In that regard, dubious also remains the pertinent coverage of numerous print media, behind whom are owners with a shady past.

In 2008 the Supreme Court of Serbia confirmed maximum prison sentences of 40 year imprisonment to Milorad Ulemek Legija and Zvezdan Jovanović for assassination of Prime Minister Zoran Đinđić. Previously, Ulemek was sentenced to 40 years in prison for the murder of Ivan Stambolic and attempted assassination of Vuk Drašković in Budva, and for the murder of four persons in the Ibarska Highway “incident” he had been also sentenced to 40 years in prison, without the possibility of appeal in the third-degree.

In the proceedings against “Zemun clan” Ulemeš was sentenced to 40 years prison term, with the possibility of appeal. But despite the Đindić-related judgment and sentencing “prosecutors and judges indicate that they don’t know how the organized crime prosecutor intends to deal with the political background of assassination of Prime Minister, Zoran Đindić, for that is not the nature of his job!”<sup>307</sup>

Special organized crime prosecutor, Miljko Radisavljević, thus commented the news that the Supreme Court of Serbia, on 8 June would initiate a public debate on the appeals of indictees for the assassination of Prime Minister Đindić: “I expect that those judgments become final, and subsequently the launching of a debate on the political background of assassination. Former special prosecutor Slobodan Radovanović, during his tenure, had announced that he would launch a special probe into the aforementioned political background, but failed to do that. Only a special commission, committee or Parliament can deal with such a background, because the job description of the prosecutor does not envisage his investigation into the general social and media context in which the assassination had been committed, but rather only a probe into the planning of assassination and uncovering of concrete perpetrators thereof. Problem lies in the fact that the indictee is not likely to uncover the identity of persons, if any, who have allegedly ordered that criminal offence. Witnesses-collaborators have in the proceedings before the Special Court and in the pre-trial investigation mentioned various persons in various contexts, but it is still not known whether those persons have any links with the assassination.”<sup>307</sup>

On the other hand, daily “Pravda” maintained that “the trial did not provide the answer as to who had assassinated the Prime Minister...for there was no evidence pointing at the guilt of Ulemeš and Special Unit.” According to the right-wing daily: “It is indicative that only several hours after the assassination the arrest warrants relating to suspects were issued, though no-one knew who the perpetrators were, let alone who had or-

<sup>307</sup> *Pravda*, 30 January 2009, „Legija had no motive to kill Đindić“.

dered that murder. The foregoing indicates that the arrest warrants had been prepared well in advance.”<sup>308</sup>

In February 2009, after uncovering Ulemeš’s attempt to escape from the Central Prison, the guards on duty were replaced. But there were no media reports on the “logistical support” from the outside which Ulemeš, once free, would have probably counted on.

## Mishandlings by diplomatic representative offices

As regards the criminal files in Serbia, the year 2008 was also marked by the case of **Milorad Kovačević**, former student at an US university and a basket-ball player. That case soon developed into a full-blown political and diplomatic scandal. Kovačević managed to escape from the US, thanks to the unlawful issue of travel documents by the Consulate of Serbia in New York, and despite the fact that the US police seized his passport after he had gravely injured his college mate Brian Steinhauer in a student’s club brawl. The then Consul of Serbia who had issued those documents, was immediately replaced, and he currently faces official documents forgery charges in Belgrade. However, it turned out that the consul just acted on orders of someone from Belgrade. But by the late February 2009, that “higher level of logistical support to the former Serbia’s consul in the NYC” has still not been discovered.

That case however evolved into a veritable diplomatic incident between the US and Belgrade, because despite the insistence of the US judicial bodies, Belgrade, under the laws in force, could not extradite Kovačević. Instead of an adequate judicial response, which would satisfy the domestic public, the government of Serbia took “a highly confidential” decision to pay US \$ 900,000 worth of compensatory damage to Steinhauer. The government also allocated US \$100,000 compensation for the bail given to the US court by Kovačević’s mother to ensure his release from detention.

<sup>308</sup> 308 *Blic*, 31 January 2008, “Russians grant asylum to Mira and Marko”.

After the Belgrade daily “Borba” ran the said news, the journalists were pressurized to reveal their sources of that information, and the search for the “government whistle-blower” or the “leaker” also began. Only much later the government “explained” that Serbia was compelled to approve those allocations, because it dared not threaten its annual US \$60 million worth of assistance because of mishandling of the case by the two consular officials. The government also promised that a solution best-suited to both parties would be soon found out.

It was announced that Kovačević would answer the charges in a domestic court, but despite that the State Department sent the message that the US would continue to endeavour to have Kovačević extradited to see him put on trial in the US. There is still an unanswered question in the whole affair, albeit “a marginal one”: why would 100,000 US\$ given as bail by Kovačević’s family be paid out from the state budget to allow first the release of Kovačević and then his escape to Serbia? There is another very important question: why would citizens of Serbia be duty-bound to pay from their own pockets for the violent behaviour of Miladin Kovačević or any other criminal offender?

## Arrest Warrants

In January 2008 the media buzz was that Russia had granted asylum to Mirjana Marković and Marko Milošević despite the international arrest warrants which they faced. Mirjana Marković left Serbia in February 2003, some time before the assassination of Prime Minister Zoran Đindjić. In April 2003 a court ruled that she be detained, and Interpol issued a pertinent arrest warrant. The warrant was withdrawn for the first time on 31 May 2005 when her lawyer had guaranteed that she would appear in the court. The pertinent arrest warrant was withdrawn for the second time on 15 March 2006, when the Socialist Party of Serbia bailed her out with 15,000 Euro, to make possible her return to Serbia to take part in the funeral of her husband Slobodan Milošević. But in view of her subsequent no-show, the arrest warrant was re-activated, and the bail money was

added to the judiciary budget of Serbia. Police who during the "Sword" Campaign wanted to have an informative talk with Mirjana Marković, primarily about her role in the abduction and killing of Ivan Stambolic, were thus thwarted in their intent. But Mirjana Marković's name was listed in the indictment for that murder. Until the "Network" action, in 2007, Mirjana Marković faced only criminal proceedings for the misuse of her official position. That is, she was charged for inciting the former secretary of government of Serbia, Živka – Cica Knežević, to unlawfully give an apartment as a present to a nurse taking care of her grandson Marko. In June 2007 Mirjana Marković faced new charges, when the police launched an action against cigarette smugglers who in the 90's damaged the Serb budget for several thousand million of Deutsche Marks. One of the indicted groups was the one led by Mirjana Marković, Marko Milošević and Bojana Bajrušević. Mirjana Marković was suspected of repeatedly ordering Mihalj Kertes, the former Customs Office director to let across the border, without customs clearance, the commodities of "Tref rentakar" Company, owned by Bojana Bajrušević. The chief protector of Bajrušević company was Marko Milošević, who thanks to the tobacco smuggling operations of that company earned millions of Deutsche Marks. Marko Milošević left Serbia on the 7th of October 2000, immediately after democratic change-over, and since then did not return to the country. Some criminal charges against him are still pending. Namely he was charged for having beaten up in May 2009, 3 members of the resistance movement "Otpor" in Pozarevac. "The role of Mirjana Marković in unclarified assassinations or liquidations of Slavko Ćuruvija, journalist and owner of "Dnevni telegraf", Žika Petrović, Yugoslav Airlines direktor, and Zoran Todorović Kundak, Secretary General of the Associated Yugoslav Left, should have been investigated. After the asylum-related decision of the Russian authorities, it is clear that Mirjana Marković's role in those crimes shall remain unclarified."<sup>309</sup>

Despite the aforementioned Russian asylum, Mirjana Marković and Marko Milošević still face the international arrest warrants, which are val-

<sup>309</sup> DANAS, 10 January 2008, " Despite good co-operation between the Serb and Russian police, Mira Marković is still at large ".

id in other countries of the world. If they appear in the territory of any other country, they shall be arrested and handed-over to Serbia.

Interpol currently has over 25,000 international arrest warrants relating to fugitives from the justice from the whole world. About 400 of them are from Serbia. Judicial bodies of Serbia each year issue about a 100 such warrants. On the basis of such warrants from Serbia about 50 persons are found and arrested annually. Behind every international Interpol arrest warrant there is a valid court decision. Among the most wanted citizens of Serbia, on Interpol-issued arrest warrants are members of "tobacco mafia". Because of the "Network" Action, the warrant for the arrest of Mirjana Marković was re-issued, and on the list of fugitives figures also the name of her son, Marko Milošević.

Although the frontmen of the Serb branch of Interpol half a year ago maintained that they and the Serb police also had excellent co-operation with nearly all the countries in the world, even with Russia, it still remains unclear why Mirjana Marković has not been located to date, though she openly and repeatedly told many Serb print media that she was living in Russia.<sup>310</sup>

Wife of Slobodan Milošević and his son are still at large, or free. Despite all the standing charges, slim are the changes for any change in that regard. And the Serb authorities, as concerns the two aforementioned persons, simply keep mum.

<sup>310</sup> <http://www.autonomija.info/vladimir-dzamic-srbija-i-pristupanje-eu-datumi-i-kriterijumi.html>

# The Hague Trials

Declarative statement of the Serb authorities that „Serbia is ready to fully co-operate with the Hague Tribunal in 2008” was only partially confirmed in the practice, or –in reality. In a bid to justify the arrest and hand-over of the Hague indictees, Radovan Karadžić and Stojan Župljanin, as its biggest success in 2008, official Belgrade almost daily informed the general public that Belgrade could not accede the EU without the full co-operation with the ICTY. Those arguments were however only partly true, because the hand-over of war crimes indictees was not only the key opening the EU doors, but rather the key for getting rid of vestiges of the Milošević era system, set of values and practices. In fact a genuine catharsis cannot be achieved if Karadžić’s arrest is depicted as the end of the Hague era in the West Balkans. “Despite the fact that Karadžić hid in Belgrade for months and years under a false name, with false documents and identity, the authorities endeavour to portray his hand-over to the Hague Tribunal as a proof of their own credibility,...in fact they seem to fail to grasp the following: the fact that he hid in the capital of Serbia is a crown evidence of their discreditation in the eyes of their European partners”<sup>311</sup>.

In that context-official stance of the authorities, and consequently the pertinent media coverage, barring some exceptions, remain unchanged. Indictees, emphasized as „Serbs,” are portrayed as the biggest „victims” of international (in)justice. “Statistical data on the ICTY trials relating to war crimes in Serbia, Bosnia and Croatia, indicated that to date judgments have been handed down to 699 Serbs and 38 Bosniaks, Croats and Albanians. Eight Bosniaks, 26 Croats, and three Albanians received a total prison sentence of 298 years. On the other hand Serbs in total were sentenced to 1,000 years of prison.”<sup>312</sup> Regardless of the accuracy of such statistical data, adding up of long prison terms of diverse convicts is an intentional exercise, aiming to provoke or foment bias of readership with respect to the work of the Hague Tribunal and domestic courts of law. Such an add-

<sup>311</sup> Politika, 14 April 2008. „Serbs get thousand years-long sentences for war crimes”

<sup>312</sup> Nova Srpska politička misao 16 November 2008

ing up is unknown in the judicial practice in the world, and remains beyond the realm of any normal legal and judicial logic. The same applies to tallying of the number of accused and convicted, „ours“ and „theirs“, if one bears in mind that war crimes should be individualized.

## Media milieu and public opinion

Such a stance was very visible in the coverage of numerous media, and like in recent years, it included the criticism of the incumbent authorities, institutions and bodies tasked with co-operation with the ICTY. Such a negative stance was most evident in the concrete cases of arrests, testimonies and judgments. Last year's acquittal of Ramuš Haradinaj received wide coverage, and headlines clearly suggested contempt for the ICTY's judgement: „Haradinaj Free, Justice in Detention“ („Politika“) „There are no longer valid reasons for the existence of the Tribunal“ ( „Blic“), „Close down the Hague Tribunal“ ( „Pravda“) etc. Similar smear campaign was launched in the wake of acquittal of Naser Oric, and because of statements of the former ICTY's spokeswoman Florance Hartmann, former ICTY's prosecutor Carla del Ponte, arrest of Stojan Župljanin and Radovan Karadžić. Numerous speculations about „conspiracies“ and „treasons“ (to be reported in further text) also abounded. But there was also objective reporting and commentaries, albeit – scarcely.

In the face of the foregoing, review "Srpska politička misao" (The Serb Political Thought) ran a survey noting "a certain increase in readiness of citizens to back a more intensive co-operation with the Hague Tribunal. According to that survey (of Politikum Agency), as many as 45.18% of respondents thought that Serbia should co-operate with the Hague Tribunal. Also established was an evident increase in the number of those backing the hand-over of Serb citizens to the ICTY (37.81%). The number of those fully supporting extradition also grew from 15% to 24.27%. On the other hand there was a marked decline in the number of those absolutely opposing extradition from 47.84% in April 2008 to 33.17%. Among moder-

ate opponents and backers of extradition there were no major oscillations, while the number of undecided somewhat grew.<sup>313</sup>

Furthermore, the said survey of the National Council for Co-operation with the Hague Tribunal in January 2009 indicated that 45.18% of respondents backed co-operation with the Hague Tribunal, 40% opposed it, while 15% did not want to declare their stance on that issue. An earlier poll showed that the number of those opposing the arrest of Ratko Mladić to the Hague was growing, thus less than a third of respondents backed Mladić's hand-over to the Hague, 52.66% expressly opposed it, and 20% did not want to disclose their stance. Researchers of public opinion thus established that Mladić enjoyed most backing among those citizens of Serbia hardest hit by the transition process. President of the National Council for Co-operation, Rasim Ljajić, assessed that „public opinion in Serbia is turning against co-operation with the ICTY, because of the new EU conditions for Serbia's accession and EU's not taking into consideration the government's results achieved so far in co-operation with the Hague Tribunal.”

## What has marked the ICTY's work in 2008

From Serbia's viewpoint, the work of the Prosecution and the Hague Tribunal last year was clearly marked by the arrest of Radovan Karadžić and Stojan Župljanin, acquittal of Ramuš Haradinaj and Naser Orić, confirmation of a 35-year prison term to Milan Martić, and in early 2009, acquittal of Milan Milutinović and sentencing of five co-defendants for war crimes in Kosovo (Nikola Šainović, Dragoljub Ojdanić, Nebojša Pavković, Vladimir Lazarević and Sreten Lukić). Also the hunt for the two remaining fugitives from the Hague justice, Ratko Mladić and Goran Hadžić throughout 2008 was the topic of political circles and mass media. The media attention grabber with respect to the ICTY internal developments was the appointment of the new Prosecutor, Serge Brammerz, his visits to Belgrade and reports to the United Nations. The book “Man-Hunt” penned by the former proesecutor, Carla del Ponte caused quite a stir in the world and in Serbia,

313 <http://www.blic.rs/politika.php?id=76296>

while there was much media buzz around statements of ex-spokesman of the ICTY Prosecution Office, Florence Hartmann, due to which she subsequently faced the Tribunal charges.

## **Case of Stojan Župljanin**

Fugitive from the Hague justice, Stojan Župljanin, was arrested on 11 June 2008 in his flat in Pančevo. Vladimir Vukčević, Special Prosecutor for War Crimes, confirmed that after locating Župljanin in March, in the city of Nis, and a large scale, police-led man-hunt, Župljanin was finally arrested. There were no casualties during the arrest action. In the rented apartment, in which Župljanin had hidden, a hunting carabin and a rifle were found. During apprehension, Župljanin did not put up any resistance. In the war-time Župljanin was Head of the Security Services Centre in Banjaluka, and the highest ranking police officer in Bosanska Krajina. He represented the police forces in the Crisis Management Headquarters of so-called Autonomous Region of Krajina.

The Hague Tribunal has charged him with crimes against humanity and violations of the laws and customs of warfare, for the associated criminal venture, extermination, persecution and murders, torture, cruel treatment of civilians and inhumane acts, and also deportations and wanton destruction and devastation of cities and villages. According to the ICTY indictment, the crisis management headquarters of the Autonomous Region of Krajina implemented the blanket plan of control and ethnic-cleansing in the territories of Banjaluka, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Čelinci, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Prnjavor, Sanski Most, Šipovo and Teslić. Indictment against Župljanin was filed on 17 December 1999 and unsealed on 13 July 2001. Since the unveiling of the indictment Župljanin was at large. According to claims of the Hague Prosecution Župljanin exerted operative control over municipal and regional police forces, including the ones in charge of detention camps. As a member of the Regional Crisis Management Team, Župljanin, according to the indictment, personally and jointly with other officials took part in

implementation of the ethnic-cleansing plan of the Autonomous Region of Krajina. In line with that blanket plan he deported 10,000 Muslims and Croats from Bosanska Krajina, while thousands were killed during the attacks on their localities and in detention camps put in place in that territory.

Two days after his arrest in Pancevo, Župljanin refused to accept the Hague Tribunal indictment, for, according to him “the indictment spells out the name of Stojan Župljanin, and I am in fact, Branislav Vukadin.” Investigating judge then read him the indictment, and afterwards wrote down a decision on the fulfillment of conditions for the hand-over of Župljanin to the Hague Tribunal. In a very short period of time by dint of the DNA analysis it was then established that the arrestee was indeed Župljanin. He was handed over to the ICTY in late June. By the way, the ICTY representatives repeatedly maintained that the Serb authorities had every single opportunity to arrest Župljanin much earlier. The same was asserted by the Republika Srpska authorities, after their repeatedly futile search for Župljanin jointly with NATO forces in their territory. But, after Župljanin’s arrest, several officials of the War Crimes Prosecution Office received a life threatening message by telephone, and there was also a false alarm relating to a bomb planted in the Special Court’s building.

## **Acquittal of Ramuš Haradinaj and Naser Orić**

On 3 April 2008, former Commander of the Liberation Army of Kosovo, and ex-Prime Minister of Kosovo, Ramuš Haradinaj was acquitted by the ICTY. Ramuš Haradinaj and Idriz Balaj were cleared of all charges, on all the indictment counts, while the third co-defendant, Lahi Brahimaj, was found guilty of the two cases of cruel treatment and torture (of “unloyal” Kosovo Albanians) and sentenced to six months in prison. The three former commanders of the Kosovo Liberation Army were accused of “taking part in the associated criminal venture” with the goal of establishing and strengthening the “full KLA control over the Dukadin operational zone”. In total of 37 counts of indictment, those three Kosovo Albanians were

suspected of abductions, intimidation, beatings-up, torture, and murder of civilians, all the offences and acts qualified as crimes against humanity and violations of the laws and customs of warfare.

Pre-trial Chamber first concluded that in the period covered by the indictment-from 1 March to 30<sup>th</sup> of September 1998-abductions, maltreatment, torture and murders of civilians were not of such a scale and frequency to lead to the conclusion that in play was a systematic and widespread attack on the civilian population, the latter being a precondition for qualifying an act as a crime against humanity. Furthermore, the pre-trial chamber rejected any accountability of Haradinaj Balaj and Brahimaj, after concluding that the evidence presented by the Prosecution was not conducive to establish that in play was the associated criminal venture leading to attainment of an alleged joint criminal goal of the accused.

In reading the judgement, judges indicated "considerable difficulties" with witnesses, faced during the proceedings. Thus Judge Ori stated the following: "Of about 80 witnesses, 34 gave testimonies under heavy protection measures, while the chamber was compelled to issue 18 binding summons for witnesses, and even some orders for arrest of the unwilling witnesses. We had a strong impression that the proceedings evolved in a mood in which witnesses did not feel safe...also that in Kosovo there was an unstable security situation, not propitious for witnesses' testifying." The judgement also included the following remarks: "a considerable feature of this trial were difficulties linked to the evidence-gathering....several witnesses expected to testify about the central aspects of the case alas failed to appear in the court-room."<sup>314</sup> In its first reaction to the judgment, Belgrade talked about the "black day for the international justice" and "a major mistake by the Hague Tribunal." In the meantime Priština ethused over the ICTY's decision.

Central topic in Serbia were the problems linked to witnesses in Haradinaj case. This is how the Serb prosecutor for war crimes, Vladimir Vukčević, commented that salient issue: "I am shocked by the Tribunal's judgement. But I would like first to distinguish between the ICTY's role and the one of the trial chamber which had handed down such a judgement.

<sup>314</sup> [www.b92.net/info/vesti/index.php?yyyy=2008&mm](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm)

As concerns the prosecution, they did a good job, for they first managed to put Haradinaj in the dock, then made him answer the charges and finally endeavored to get an adequate conviction for him.”<sup>315</sup>.

Vukčević added that during the proceedings he was skeptical due to some previous scandalous decisions taken by the trial chamber in question, notably the one allowing Haradinaj to defend himself as a free person, and in parallel to engage in politics. Vukčević then underscored the following: “Nine people were killed, because they appeared as rock-solid witnesses against Haradinaj. Now you can see what kind of mood prevailed in Kosovo and why people refused to comply with the binding court’s summons and thus risked 10 years in prison. They refused to testify because their lives were threatened, as were the lives of their relatives and property. He added: “One witness was killed in a fake road incident in Montenegro, seven were killed by firearms, while one was stabbed to death. The most terrible aspect of the whole story was the killing of the three witnesses under the protection program in Kosovo.”<sup>316</sup>

Majority of the Serb print media responded adversely both in their headlines and reporting to the acquittal of Ramuš Haradinaj: “This case shall not promote co-operation” (“Danas” – double issues 5 – 6 April), “Stop the Hague Tribunal” (“Pravda” – 4 April), “Haradinaj at large, justice in detention” (“Politika” – 4 April).

At the time of writing of this report the appeals proceedings were in progress (the Prosecution appealed against the first-degree judgment of the ICTY). By the way in Serbia Haradinaj faces as many as 180 charges. In the meantime the Trial Chamber for War Crimes sentenced to 13 years in prison Anton Lekaj, a subordinate of Ramuš Haradinaj.

ICTY’s Appeals Chamber in July last year cleared Naser Orić, war commander of the BH Army of all charges for crimes against Serbs in Srebrenica in 1992 and 1993 period. Thus the Appeals Chamber reversed the first-degree judgement passed in 2006, according to which Oric was found guilty of not preventing crimes against Serbs, and sentenced to two years in prison.

315 [www.b92.net/info/vsti/index.php?yyyy=2008&mm](http://www.b92.net/info/vsti/index.php?yyyy=2008&mm)

316 [www.b92.net/info/vesti/index.php?yyyy=2008&mm](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm)

In this case responses in Serbia and in Bosnia and Herzegovina were totally different, although the judgement was in line with the evidence presented.

Indictment against Naser Orić was filed in March 2003, and members of SFOR arrested him in Tuzla in April of the same year. The said indictment charged him with killing of Serbs imprisoned in the Srebrenica police station, cruel treatment of detainees and wanton destruction of 12 Serb villages from summer 1992 to late 1993, during his tenure as the BH Army Commander in Srebrenica. Prosecution asked for the 18-year jail term, and defence demanded his acquittal. In the reasoned opinion in writing of the second-degree proceedings judgement, it was stated that the first-degree judges had erred when they had found Oric guilty, for they had failed first to establish who had in fact committed the crimes, whether Oric had been informed of those crimes, and whether the perpetrators had been subordinated to Oric. Presiding judge Wolfgang Schomburg said that the commission of grave crimes against Serbs in Srebrenica was established, but was lacking was the evidence confirming Oric's culpability.

Responses in Bosnia and Herzegovina to the acquittal of Naser Oric were diverse, fully in line with the ethnic set-up of entities. Political parties from Republika Srpska unanimously assessed that the Hague Tribunal was a political court, and not the one of justice. That opinion was shared by representatives of local non-governmental organizations. Association of Displaced Persons and Missing of Bratunac said that they did not expect acquittal of Orić, in view of the existence of witnesses who had survived torture and inhumane treatment at the hands of the war commander of Srebrenica.<sup>317</sup>

Reactions in Serbia to that judgement were similar to the ones to acquittal of Haradinaj. The Serb Prosecution for War Crimes, disgruntled with that decision, stated that acquittal of Oric did not contribute to reconciliation. This is what Bruno Vekaric, spokesman of the War Crimes Prosecution Office stated on that occasion: "In this way the Hague Tribunal does not meet its purpose, namely to dispense justice on behalf of all victims. Nonetheless it was proved that crimes had been committed and names of

<sup>317</sup> Radio Slobodna Evropa, 6 June 2008. Naser Orić cleared of all charges

perpetrators had been disclosed. However, perpetrators of those crimes had not been covered by indictment against Oric nor they had been tried in Bosnia and Herzegovina. Unless proceedings are soon instituted against them in Bosnia or by the ICTY we shall have to do that despite all the difficulties, for those perpetrators and evidence incriminating them are in another country." Belgrade daily "*Blic*" disclosed that incriminating testimonies of the two key witnesses were retracted due to good relations between Oric and Slobodan Milošević. Those incriminating testimonies directly given in the early stages of investigation, during the trial were retracted. Before the war, Orić, as a member of the Serb Interior Ministry was one of Milošević's security officers.<sup>318</sup> President of Serbia assessed the acquittal of Oric as "scandalous", and the then Prime Minister Vojislav Koštunica, stated that "the Hague Tribunal became an accomplice to war crimes committed by Oric...and thus lost all its legitimacy." Those statements were run by all the print media in Serbia.

## Mladić and Hadžić still at large

Despite efforts and pressures of the international community, and verbally declared readiness of Belgrade authorities, neither Ratko Mladić nor Goran Hadžić have been handed over to the Hague Tribunal in 2008. As by rule, on the eve of visits to Belgrade by the important foreign statesmen and particularly of the Hague Tribunal prosecutor Serge Bramerz, searches and hunts for Ratko Mladić were stepped up. However those activities produced no results. In late December 2008, for example, the police searched five facilities in Belgrade and its vicinity in the search for Mladić. That action which lasted about 8 hours, began with the search of the house of Darko Mladić, son of the former commander of the Army of Republika Srpska. The Interior Secretary, Ivica Dačić, then said that the police did not have any information confirming Mladić's and Hadžić's whereabouts in Serbia or elsewhere. He declared the following: "On the orders of the War Crimes Prosecution the police searched some facilities in its search for

<sup>318</sup> 18 *Blic*, 6 June 2008. Orić pardoned for war crimes

Ratko Mladić, that is, of persons suspected of having links with the Hague indictees.”<sup>319</sup>

In parallel with those actions, the general public was addressed by President of the National Council for Co-operation with the Hague Tribunal, Rasim Ljajić and the War Crimes Prosecutor, Vladimir Vukčević. In early January of this year (2009) Ljajić stated that Ratko Mladić was probably hiding like Zdravko Tolimir, by swift change of locations, and not like Radovan Karadžić, by change of image or guise. He added: “We shall have the opportunity to communicate and disclose many facts about his hiding, but we cannot do that now, for we would threaten the ongoing investigation.” He went on to note: “After recent searches for Mladić some new material evidence and information have emerged..they are to be used in our further searches. Recent actions shall most certainly bring about the severance of the network of financiers and accomplices. Added to that they have confirmed some earlier information about Mladić. Our further actions and searches shall show whether we are getting closer to him.”<sup>320</sup>

War Crimes Prosecutor, Vladimir Vukčević, also stated that he expected Serbia to wrap up its co-operation with the Hague Tribunal in 2008. He was also optimistic about the arrest of Ratko Mladić. Vukčević, who is also one of the co-ordinators of the Action Team for Locating and Arrest of the ICTY’s War Crimes Indictees, also stated that there was political will to arrest Mladić, who, according to him, was hiding in Serbia. There is no doubt that in Serbia there is some will to extradite the remaining Hague indictees, but the question is who is foiling completion of that process!?

As regards the second fugitive from the Hague justice, Goran Hadžić, he was mainly mentioned in the context of Mladić’s finding and arrest. Thus Rasim Ljajić declared the following: „Hand-over of Goran Hadžić is important, but the priority is arrest of Ratko Mladić...for only that can help us de-block the process of our European integrations.”<sup>321</sup>

319 TANJUG, 4 January 2009. Ljajić: Mladić hides by changing locations

320 *Blic*, 13 November 2008. Hunt for Mladić and Hadžić shall continue

321 BETA Agency, 11 July 2008. Bramerz: Co-operation

with Belgrade, and not criticism thereof

There is no trace of Hadžić, though the Serb authorities, allegedly, in early March 2009 proposed to the EU, by dint of “friendly countries” the following trade-off: “if Hadžić were the first one to be handed over to the Tribunal, then the arrest of Ratko Mladić should cease to be the condition for unfreezing of the Stabilization and Association Agreement.” But then Netherlands reiterated that Hadžić’s arrest would not suffice and that it would stick to its adamant demand or condition that the unfreezing of the SAA hinged on the arrest of Mladić.

## Developments outside the Hague Tribunal

Belgian lawyer Serge Bramerc took over the post of the Prosecutor of the International Criminal Tribunal for former Yugoslavia on 1 January 2008. He replaced the Swiss citizen, Carla del Ponte, after the expiry of her second, four-year term. Thus Bramerc became the fifth prosecutor of the ICTY after its inception in 1993. In Serbia his appointment was welcomed, more because it meant the departure of Carla del Ponte than because of the new appointee. First statements of Bramerc, to the effect that “the time is ripe for constructive co-operation and not criticism” were assessed positively in Serbia. It was said, that unlike his predecessor, he “attaches great importance to co-operation”. Local media carried his statement that he wanted “to avoid, as much as possible, the path of confrontation.” According to “Zideutche Zeitung” he showed how different his stance was from the one taken by Del Ponte. Namely Del Ponte used to bully the Belgrade authorities for their failure to arrest the war crime indictees, Radovan Karadžić and Ratko Mladić. Bramerc, according to the assessment of that German daily, avoided to criticize his predecessor and limited himself to saying that “the times have changed.” This is what Bramerc also said: “Prime movers in Serbia have changed. Other people were in power five years ago. What was then correct, need not be correct now.” Bramerc also expressed his conviction that “much can be achieved through mutual respect and co-operative spirit.” He also tried to get across the following message: “there is no alternative to the arrest of suspected war crimes

criminals...I am firmly convinced that Mladić and Karadžić are still in the Balkans territory and that they enjoy the support of some Serb security officials."

But despite a different tack of the new ICTY prosecutor, his report to the UN Security Council on co-operation between Belgrade and the Hague Tribunal in late 2008, did not contribute to any shift in the stance of the international community (notably of Netherlands), namely that co-operation with that Tribunal had to be fully honoured and commitments fully complied with. Bramerc in fact made a point of underscoring that the most critical area in co-operation between Belgrade and the Hague Tribunal was the arrest of Mladić and Hadžić. He added that the two fugitives from the Hague justice had to be arrested as quickly as possible. In a nutshell, his message was the following: "Without the hand-over of Mladić and Karadžić, regardless of the person who occupies the post of the ICTY's prosecutor, Serbia shall not cross the threshold of European Union." Although the new Hague Tribunal prosecutor remained true to principles and the Hague system of assessment of co-operation, that is, toed the line established by his predecessor Carla del Ponte, thanks to his different tack, unlike Carla del Ponte, he was not criticized by the official Belgrade and local media.

## **„Man-Hunt“ by Carla del Ponte, Florence Hartmann, affairs...**

As regards the ICTY, the year 2008 was also marked by the two unusual affairs, unprecedented in the judicial practice, involving the two former high officials of the Hague Tribunal Prosecution Office. Namely both Carla del Ponte, former prosecutor and her former spokeswoman, Florence Hartmann published their Hague experience-related books. The book „Man-hunt: I and War Criminals“ penned by ex-prosecutor Carla del Ponte, among other things, described "the yellow house case". That book caused quite a stir among the domestic and international public and media. The said "yellow house" case related to the crimes of extraction of bodily

organs of abducted Serbs, illegally transferred from Kosovo to Albania. Investigation about those crimes is under way.

Memoirs of the ICTY's prosecutor are considered to be controversial by many, on grounds of her allegations about negotiations, investigations, talks and bargaining with high-placed politicians in ex-Yugoslavia, notably in Serbia, arrests of the Hague indictees, diverse cover-ups. Many think that the author should not have written about those topics so soon after leaving the prosecutor's job. On 374 pages Carla del Ponte described the resistance she faced in Serbia, Croatia and Kosovo, that is in all parts of former Yugoslavia, but also in Rwanda, where she prosecuted those suspected of killing hundreds of thousands of people in 1994. In her book she likened Serbia to Rwanda, in terms of resistance to and lack of readiness for lustration and facing up to the past.

In any case the episode on the bodily parts transplants, briefly mentioned by Del Ponte in her book, received front-page coverage of all the media. In play was an alleged extraction of bodily parts of living men for illegal trafficking during the Kosovo war in 1999. Del Ponte noted in her book that thanks to "reliable journalistic sources" her investigating team learnt that during spring 1999 about 300 abducted Serbs were transferred from Kosovo to Northern Albania. They were first detained in camps in Kukes and Tropoje. According to journalistic sources, the younger and more vital ones were fed properly and were not beaten. Later they were transferred to a camp in a townlet of Burelj, half-way between Tirana and Tropoje.

A group of them was kept in a larger shed behind so called "yellow house," 20 kilometres south of Burelj. As described by the journalists, one room in that house was used as an operation theatre for extraction of detainees' organs. Those organs would be then, via Rinas Airport near Tirana, sent to the surgical clinics abroad to be transplanted to rich clients. One-kidney victims would be then returned to the shed until the moment of their killing because of extraction of other vital bodily parts. According to Del Ponte: "In that way other inmates knew what fate awaited them, and according to journalists' allegations, they were so frightened that they begged to be killed instantly." Del Ponte also stated that the ICTY's and

UNMIK's investigators with journalists and one Albanian prosecutor in early 2003 visited the "yellow house", in which prisoners were allegedly killed. This is how she described that visit: "The house was now white-washed, the owner denied that it had been re-painted, though investigators detected the traces of yellow paint along the walls' edges." Investigators also found parts of sanitary material and empty medicine bottles, those usually used in surgical intervention for relaxation of muscles." However, according to Carla del Ponte, "investigation could not be launched due to lack of sufficient evidence."<sup>322</sup>

After leaving the post of the ICTY's Prosecutor Carla del Ponte was appointed Switzerland's Ambassador to Argentina, and in view of her high diplomatic position she was banned from making statements relating to her ICTY experience, until the expiry of her ambassadorial tenure.

Last year the book penned by Florance Hartmann, former spokeswoman of the ICTY's Prosecution Office, was the subject of much legal and judicial criticism. Namely the Hague Tribunal, in late August 2008, Hartmann was accused of contempt of the court, because of disclosure, in her book „Peace and Punishment" and in an article, of the contents of the two confidential decisions by the Appeals Chamber taken in September 2005 and in April 2006 in the proceedings against Slobodan Milošević. Namely Hartmann maintained that by taking those decisions the ICTY's judges in fact participated in the cover-up of key documents relating to Yugoslavia's involvement in Srebrenica genocide. In other words they got involved in that cover-up by refusing to take off the confidential mark from the Supreme Defence Council's minutes, forwarded by the official Belgrade to the Hague Tribunal during Milošević trial.(foot-note 15 „Danas“, 28 August „Florance Hartmann accused of contempt of the court“). Trial of the former spokeswoman of the Hague Tribunal Prosecution Office has not been finalized by the time of writing of this report.

322 *Vreme*, 27 March 2008. Hunt for Kidneys

## Šešelj Case – Obstruction of the justice system

In the course of 2008 the trial of Vojislav Šešelj in the Hague was characterized by Šešelj's frequent obstructions, his arrogant treatment of witnesses and continued Šešelj's indirect political actions and impact on the political scene of Serbia. Thus Šešelj's management of the Serb Radical Party by telephone from the Hague cell, in September, among other things, resulted with the break-up of the Serb Radical Party, desertion thereof by Tomislav Nikolić, Aleksandar Vučić and their followers and subsequent formation of the Serb Progressive Party.<sup>323</sup>

In late September 2008, the Hague Tribunal limited Šešelj's communication with his legal counsels on the ground that he "had misused un surveilled contacts with his team of defense lawyers." Namely the ICTY has assessed that "there were signs of Sešelj using his unmonitored telephone conversations not only to contact his legal counsels, but also to harass and intimidate the witnesses."<sup>324</sup> That measure by the ICTY Zoran Krasic, head of Šešelj's legal team assessed as "Tribunal's intention to achieve its ultimate objective, that is to impose a new defence counsel to Šešelj, and thus provoke his new hunger strike and a judicial murder."<sup>325</sup>

In early 2004 the ICTY had limited communication of both Milošević and Šešelj until the end of the election campaign in Serbia, in order to thwart their political contacts with their followers and impact on the pre-election campaign.<sup>326</sup>

By the way in 2008 Vojislav Šešelj became the most quoted Hague indictee in the Serb media thanks to the coverage of his trial by Radio Television Serbia and an evident favouring of his personality by some local print media (*Pravda*, *Kurir*, *Gazeta*, *Glas javnosti*, *Press*). Thus Šešelj

<sup>323</sup> [www.b92.net/info/vesti/index.php?yyyy=2008&mm=09&dd=12&nav\\_id=318272&version=print](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=09&dd=12&nav_id=318272&version=print).

<sup>324</sup> *Politika*, Danas, Pravda, 30 September 2008, "Šešelj's communication with his lawyers shall be supervised", "Šešelj's communication under surveillance", "Šešelj under strict control".

<sup>325</sup> *Kurir*, 1 October 2008, "In a fix".

<sup>326</sup> [www.voanews.com/Serbian/archive/2004-01/a-2004-01-09-7-1.cfm](http://www.voanews.com/Serbian/archive/2004-01/a-2004-01-09-7-1.cfm).

successfully managed to keep up tension and prop up the thesis that he faced a conspiracy hatched by the Tribunal, Western powers and NATO aimed at passing a severe judgment against him and making him “end up like Milošević.” Added to that, thanks to the wholehearted logistical and media support of his defense team, notably of Zoran Krasić, a new topic was imposed to the general public— a possibility of his acquittal and a swift return to the political scene of Serbia.

## Less about evidence, more about speculation

What was most conspicuous was the fact that the majority of Serb media dealt less with the coverage of evidence presentation proceedings and allegations of witnesses and protected witnessed and more with speculations and political messages sent by Šešelj from the Hague and subsequently highlighted by the members of his legal team in Serbia. In the course of July, pages of “Pravda” and sporadically of “Press”, were replete with statements of Šešelj’s legal counsels Slavko Jerković and Zoran Krasić, oft presented under sensationalism-minded headlines – „ICTY prepares Šešelj’s murder?!“, „Slavko Jerković uncovered a devilish plan of the Hague Tribunal and the intended method of killing of the Radical Party leader“, „Death to Šešelj!“<sup>327</sup>

The 17th August issue of “*Glas javnosti*” in its text „Šešelj’s ride on the Hague roller-coaster” *inter alia* remarked „...today is the day 2,000 of Šešelj’s stay in the Hague detention.” The daily also tried to draw readers’ attention to Šešelj’s assessment that „witnesses confirm all, while totally ignoring what is written in their statements...” The daily then went to assess the following: „Dead-ended as it is, the ICTY’s prosecution is ready to do its utmost to hush up Šešelj.“<sup>328</sup> Also Radicals in Belgrade and in many other Serb cities managed to grab a lot of attention for their party and leader, on the 24th of February 2009, on the day when they marked the

327 *Pravda, Press*, 21 July 2008

328 *Glas javnosti*, 17 August 2008, “Šešelj’s ride on the Hague roller-coaster”.

6th anniversary of Šešelj's "imprisonment in the Hague"<sup>329</sup>. On that day during a special press conference in Belgrade, head of Seselj's legal defense team, Zoran Krasić, stated that "the Radical Party leader faced an unusual precedent in the history of judicial proceedings and a legal scandal of great proportions." Krasić expressed his expectation that Šešelj „would be acquitted due to the lack of evidence“, but underscored that „the indictment to date failed to prove anything, for in play was only the persecution of the Radical Party leader.“ He also pointed out that „all rights of Vojislav Šešelj have been violated, including the right to life“, and that „Šešelj, in every respect was discriminated against and exposed to a brutal torture, for he was the main impediment to free manipulations of the DOS autocratic authorities.“

Krasic stated the following: „Until this day there was no reply to Šešelj's plea for an expeditious trial, that is, a trial completed within a reasonable time frame.“ He also underscored that un unprecedented fact in the judicial practice, namely that a judgment still had not been handed down to an indictee detained for over 6 years. Krasic also added that in the pre-trial proceedings 34 status conferences were held and reminded that the trial began on 7 November, that during 132 judicial days over 71 witnesses were heard, and that the Prosecution had still only 6 hours and 15 minutes to end the proceedings. Krasić also made point of the following fact: „From 10 November to 8 December 2006 Šešelj was compelled to embark on the hunger strike in order to attain the guaranteed right to self-defense.“<sup>330</sup>

In the Hague Šešelj is being tried for crimes against humanity and violations of the war laws and customs in Croatia, Vojvodina and Bosnia and Herzegovina, in 1991-1993 period. Šešelj voluntarily left for the Hague on 24 February 2003, and on 25 March 2003 entered the plea of not guilty on all counts of the indictment. His trial began on 27 November 2006, but in Šešelj's absence in the court-room. In fact Šešelj on 10 November began his hunger strike because of the court's decision not to allow him to defend himself single-handedly, and instead to impose him the Tribunal-ap-

329 [www.mtsmondo.com/news/vesti/text.php?vest=125771](http://www.mtsmondo.com/news/vesti/text.php?vest=125771).

330 [www.b92.net/info/vesti/index.php?yyyy=2009&mm=01&dd=21&nav\\_category=64](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=01&dd=21&nav_category=64).

pointed defense counsel. On 8 of December the trial chamber, after Šešelj's appeal against the aforementioned decision, decided to "annul the beginning of the trial" and to re-start when Šešelj "recovers enough physically and psychologically to fully participate in the proceedings and to defend himself single-handedly."

## Additional charges

On 21 January Šešelj was additionally charged of the contempt of the court. Namely, the Hague Tribunal filed the contempt-of-the-court relating indictment against Šešelj and also charged him for disclosing confidential data on identities and statements of protected witnesses. Namely in the indictment it was quoted that<sup>9</sup> Šešelj in one of his recently published books made public names, addresses and other details concerning the three protected witnesses as well as details of their testimonies given in the court. The Hague Tribunal underscored that Šešelj was fully aware of the protective measures rendered by the ICTY to the protected witnesses and that he intentionally and consciously tried to obstruct the course of trial. Specially appointed trial chamber stated that the indictee/defendant „disclosed confidential data on witnesses under protective measures, that some chapters of his book were named after witnesses'names and pseudonyms and that he went as far as to disclose the name of a son of one witness and unveiled the gist of their testimonies. As early as 10 October 2008, the ICTY's Prosecution demanded that Šešelj be additionally charged with the contempt of the court, the offence entaiing 7-years in prison or the fine totalling 100,000 Euro or both. By the way this is the first case in which one Hague indictee, while standing trial, has been accused also of the contempt of the court.<sup>331</sup>

During the 6th March hearing Vojislav Šešelj before the Tribunal entered the plea of not guilty for the contempt of the court.<sup>332</sup>Australian

<sup>331</sup> [www.b92.net/info/vesti/index.php?yyyy=2009&mm=03&dd=06&nav\\_category=64&nav\\_id=34846](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=03&dd=06&nav_category=64&nav_id=34846).

<sup>332</sup> [www.mtsmondo.com/news/world/text.php?vest=126956/Fonet](http://www.mtsmondo.com/news/world/text.php?vest=126956/Fonet).

judge Kevin Parker read the indictment counts, according to which, Šešelj, in his book of November 2007, consciously disclosed the names, biographies, and parts of testimonies of the three protected witnesses in his trial. Before entering that plea, Šešelj insisted upon a public reading of the whole indictment, including the parts so far undisclosed, and the title of the book in which data on protected witnesses were unveiled. He maintained that “the very title of the book did not disclose a single confidential information.”

Šešelj stated that during the proceedings he would defend himself single-handedly,<sup>333</sup> and asked that they be open to public. He also demanded that the title of his book be made public. He tried to get across the following message: “I want this trial to be made public, to be open to the general public. I am being tried, and the public does not know on which grounds I am being tried.”

By the way, the Serb Radical Party leader, though facing the war crimes charges in the Hague, frequently used his court appearances to promote his political platform and to send political messages to his followers in Serbia. Added to that his political impact on developments in Serbia was frequent and direct. That latter became especially evident during the process of fine-tuning of MPs’ stands on ratification of the Stabilization and Association Agreement with the European Union, in the Serb parliament.<sup>334</sup>

On 17 September Radio-Television Serbia has broadcast the news that head of MPs group, “Move on Serbia,” Tomislav Nikolić, former aide of Šešelj, “submitted to the media the minutes of the two sessions of the expert team for defence of Vojislav Šešelj, which confirmed that the party’s President from the Hague, in July 2008 urged his party to vote in favour of ratification of the Stabilization and Association Agreement, if one Radical Party amendment were adopted.” According to the RTS, Nikolić, forwarded to the media minutes from the 9th July meeting in which the SRP leader said that the Radicals would greenlight ratification of the SAA if the Serb

333 [www.rtv.rs/sr/vesti/politika/pod\\_lupom/2008\\_09\\_17/vest\\_84218.jsp](http://www.rtv.rs/sr/vesti/politika/pod_lupom/2008_09_17/vest_84218.jsp).

334 [www.b92.net/info/vesti/index.php?yyyy=2008&mm=09&dd=07&nav\\_id=317484&version=print](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=09&dd=07&nav_id=317484&version=print).

government accepted the SRP amendment. He also forwarded to the media the 5th of July minutes which showed his change of opinion in that regard.

By the way, the dilemma whether Šešelj may politically act from the Hague was resolved by the Tribunal proper on 7 September. Namely the Tribunal<sup>335</sup> stated that: "ICTY cannot deprive Vojislav Šešelj of his right to reach agreements on political actions and activities of the Serb Radical Party in Serbia." In parallel the following was explained: "restrictions in communication between the defendant and the outside world are introduced only when there is a reasonable doubt that in such conversations escape plans are discussed, security of witnesses is threatened, and the trial itself or order in the detention unit are upset." The Tribunal's spokeswoman also told B92 that "the tribunal does not engage in appraisal whether Šešelj's conversations have any impact on developments in Serbia."

Radicals did not hide from the public their contacts with Šešelj. On the contrary they used them selectively for daily political purposes. Depending on the course of the trial, in 2008 and 2009 the Radicals repeatedly managed to impose in the media the thesis of an imminent return of Šešelj from the Hague.<sup>336</sup> This is how Milorad Mirčić, Vice President of the Serb Radical Party has explained it to daily "*Glas javnosti*": "As the process unfolds in the Hague Tribunal, the prosecution has only 18 hours to present its evidence against Šešelj. As Vojislav Šešelj himself has announced, the prosecution witnesses have to date testified to his benefit, thus he has not need to present his own evidence. All the foregoing would accelerate the ICTY's proceedings and it is realistic to expect that a pertinent judgment be passed in May. As things stand now, it is obvious that the prosecution in the previous period did not succeed in proving not a single count of indictment against Šešelj. Therefore it is most likely that he shall be acquitted and thus leave the prison as early as in May." Mirčić also assessed that "by liberation of Vojislav Šešelj Serbia shall get a man with all the leadership characteristics, power, and political clout, based on a very

<sup>335</sup> [www.gradjanski.co.yu/navigacija.php?vest=37312](http://www.gradjanski.co.yu/navigacija.php?vest=37312).

<sup>336</sup> [www.blic.rs/hranika.php?id=78569](http://www.blic.rs/hranika.php?id=78569).

strong party....moreover Vojislav Šešelj has a clear vision how to make Serbia overcome this economic and political crisis."

## Suspension of Šešelj's trial

On 11 February 2009 the Hague Tribunal suspended for an indeterminate period of time hearings of the remaining prosecution witnesses in the proceedings against Vojislav Šešelj<sup>337</sup>. The trial chamber's suspension decision, had been preceded by the demand for such a measure made by the Prosecution. Olga Kavran, the ICTY's spokeswoman thus explained that development:" Demand for suspension was made because of undermined integrity of proceedings." In fact in mid-January, prosecution representatives demanded the trial suspension because of claims of one protected witness that he was threatened by Šešelj's collaborators. But then both the presiding judge and defendant Šešelj oposed such a decision. Prosecutor Darrel Mandis then justified the said demand by the fact that the "proceedings integrity was compromised." He reminded the judges that they were duty-bound to provide for the just proceedings, not only with respect to the accused, but also vis a vis prosecutors, and also to protect "the integrity of the process." At the time of taking the suspension decision, prosecutors had less than 7 hours to present evidence against Šešelj<sup>338</sup>.

Vojislav Šešelj assessed that the judges by taking such a decision in fact prevented the possibility of his acquittal. In his address to the presiding judge, Antonetti, Šešelj stressed the following: "Mr. Judge, in case of my acquittal you would have to pay me compensatory damage for 6 years spent in detention and all my suffering...But I know that the US, EU and NATO would never agree with the possibility of my acquittal...to prevent that they would be even ready to accuse me of killing John Kennedy and throwing a bomb on Hiroshima." He added that the judges, by accepting

<sup>337</sup> [www.blic.rs/hranika.php?id=78569](http://www.blic.rs/hranika.php?id=78569).

<sup>338</sup> [www.pressonline.rs/page/stories/sr.html?id=58409&sectionId=37&view=story](http://www.pressonline.rs/page/stories/sr.html?id=58409&sectionId=37&view=story).

the prosecutor's demand that the trial be suspended, "thus in fact agreed to be an instrument of big powers outside the Hague Tribunal."<sup>339</sup>

Šešelj's legal team called the trial suspension decision, "a veritable legal scandal", while Belgrade lawyer, Toma Fila, assessed that the decision of the Hague Tribunal was "an irrefutable proof of the Prosecution's panic...in the face of lack of evidence against Šešelj and consequently dilemma how to end the trial....by suspending the trial they try to buy the time, to find better witnesses." Fila also told daily "Press": "Formally the prosecution shall use that interruption to debate Šešelj's disclosure of names of protected witnesses and claims that Šešelj threatened some witnesses. While the tribunal deals with the aforementioned, the prosecution office together with non-governmental organizations shall frantically look for new evidence against Šešelj."<sup>340</sup> In the same issue of "Press" head of Šešelj's legal defense team, Zoran Krasić, called the suspension decision „a veritable legal scandal." He went on to assess that "no such decision has ever been taken at the end of the first stage of evidence presentation proceedings...Prosecution was not supposed to be defeated in the proceedings, and the Hague Tribunal is not used to seeing the truth win in the court-room hence its resorting to ancillary or, marginal, means, by which it calls into question and undermines the whole proceedings." He added that the Hague Tribunal cannot stand watching "Šešelj win at their own game in the court-room."

National Council for Co-operation with the Hague Tribunal voiced its concern over the new suspension of trial, for that suspension "additionally lessened an already low faith of the Serb public in the objectivity of the Hague Tribunal." In the Council's communique the following was stated: "As regards the chamber's decision to postpone the trial for an indeterminate period of time due to impermissible influence on some important witnesses, the national council is in possession of that decision. But we are not acquainted with detailed reasons behind the taking of such a decision

<sup>339</sup> [www.pressonline.rs/page/stories/sr.html?id=58409&sectionId=37&view=story](http://www.pressonline.rs/page/stories/sr.html?id=58409&sectionId=37&view=story).

<sup>340</sup> TANJUG, 23 February 2009

for the most important parts of justification remained confidential and only accessible to the parties in the proceedings.”<sup>341</sup>

During cross-examination of the prosecution witness Andraš Ridlmaier, the Serb Radical Party leader maintained the following: “It is a lie that the forces of the Army of Republika Srpska committed a genocide against Muslims in Srebrenica in the summer of 1995... it is a lie that 8,000 Muslim males and boys were killed in Srebrenica, because 2,500 bodies were exhumed, of which about 1,000 were shot, and others were killed in fighting...that is a generally accepted lie spread by some trial chambers and prosecutors of the ICTY, lie accepted by the Western media.”

Leader of the Serb Radical Party in the course of 2008 on several occasions cross-examined the prosecution witnesses in a very aggressive and insulting way, in a bid to rebut their claims and indicate contradictions in their written statements and testimonies before the trial chamber. He went as far as to accuse some witnesses of lying. One of the most salient examples thereof, was the hearing of the protected witness VS 1055, who testified that „Šešelj’s men on 5 June 1992 killed 22 civilians of the non-Serb nationality in village Ljesevo, in the municipality of Ilijaš”, and that “they were headed by Vasilije Vidović nicknamed Vaske who donned the uniform of the Chetnic duke.”<sup>342</sup> That witness underscored that Šešelj later „accorded to Vidovic the rank of a Chetnik duke and named him his body-guard,” and that he saw him the last time on TV, when Vidovic was holding a gun to protect Šešelj from the surrounding crowd. After Šešelj’s reactions to, commentaries about and accusations of witnesses, the judge warned him “to stop intimidating witnesses with his accusations and insults.”

Here is how daily *“Politika”* on 6 March 2008 illustrated Šešelj’s misconduct in the court-room, in the text headlined „Only a band-aid on Šešelj’s mouth could hush him up”<sup>343</sup>: “The Serb Radical Party leader, Dr. Vojislav Šešelj, this week, behaved as if the court-room was his amphitheatre. He kept explaining to the trial chamber what he would do, if he were in the place of the presiding judge, he accused the prosecution of planting

<sup>341</sup> *Večernje novosti*, 29 May 2008, “Genocide is a lie”.

<sup>342</sup> *Danas*, 6 June 2008, “Warning to Šešelj to stop intimidating the witnesses”

<sup>343</sup> [www.politika.rs/rubrike/Svet/Samo-flaster-moze-da-ucutka-SHeshelja.lt.html](http://www.politika.rs/rubrike/Svet/Samo-flaster-moze-da-ucutka-SHeshelja.lt.html).

false evidence like cuckoo's eggs, he hectored witness VS-1055 for lying, and assessed the testimony of witness VS-1111 as-unessential. Representative of the prosecution, Darril Mandis, after reminding Šešelj that he, and not the prosecution was standing trial, and that the trial chamber was no longer duty-bound to answer the questions of the defendant, demanded that the trial chamber „take necessary measures in order to end attacks on the integrity of the trial chamber and prosecution.” Mandis also noted that “in order to stop such a behaviour of the defendant, the possibility of imposing to him a lawyer should be also taken into consideration.”

Here's another illustration of Šešelj's misconduct. At the start of cross-examination of witness VS-1055 Šešelj stated the following: „I know why you all are excited... you are excited because of your perjuries. Don't make scenes in the court-room.” Judge Antonetti promptly responded by encouraging the witness: “Do not fear. He asks questions, you reply. For the time being there are no problems.”

What ensued was the dialogue between the defendant and the witness. Šešelj: „I am not beating up anyone”. Witness: „You have beaten up enough people..” Šešelj: “Well, then I had done enough of beating. I won't do it anymore.”<sup>344</sup>

By the way, in August 2008, Šešelj asked the Trial Chamber to issue an order aimed at protecting 17 defense witnesses.<sup>345</sup>

Šešelj's legal adviser, Zoran Krasić maintained that the said demand was made allegedly after defense witnesses “had been subjected to maltreatment by the Hague prosecution.” Several days later Šešelj's trial was postponed. Prosecutor Darril Mandis then noted that the prosecution in July had asked for a postponement of the trial “until the resolution of the two open issues: the one of intimidation and harassment of witnesses and the one of assignment of the official defense counsel.”<sup>346</sup> Šešelj assessed that the Prosecution demands violated his “fundamental and inalienable right to defense...if I cannot exercise my right to defense, then there shall be no trial. In fact, there will be a trial, but either in my absence or

<sup>344</sup> [www.politika.rs/rubrike/Svet/Samo-flaster-moze-da-ucutka-SHeshelja.lt.html](http://www.politika.rs/rubrike/Svet/Samo-flaster-moze-da-ucutka-SHeshelja.lt.html).

<sup>345</sup> Kurir, 25 August 2008, “Šešelj asks for protection of witnesses”.

<sup>346</sup> Kurir, 27 August 2008, “Šešelj's trial again postponed”.

posthumously.” Several days later the Serb Radical Party launched a media campaign in Serbia. Namely members of Šešelj’s legal team publicly maintained that “a quiet liquidation of Šešelj is in the offing”<sup>347</sup>, „the Hague Tribunal was resolved to fulfill the promise given to Zoran Đindić, that is, to eliminate Šešelj for good from the political life of Serbia”, and „the Hague Tribunal shall do its utmost to hush up the voice of president of the Serb Radical Party.”<sup>348</sup> President of the National Council for Co-operation with the Hague Tribunal, Rasim Ljajić, responded by assessing that “Šešelj is entitled to defend himself, and he should not be deprived of that right.”<sup>349</sup> Several days later from the Hague Šešelj sent a letter to members of the Central Homeland Directorate of the Serb Radical Party (on the eve of the session during which Tomislav Nikolić was thrown out of the party), in which he, *inter alia*, accused “the foreign intelligence services of plotting to destroy the Serb Radical Party.”<sup>350</sup>

After the Appeals Chamber dismissed the Prosecution demand that the trial be suspended until the decision of imposing a defense lawyer to Šešelj is taken,<sup>351</sup> trial of the SRP leader was resumed in October, but his communications with his defense team was put under surveillance. During the hearing concerning expulsion of Croats from Hrtkovci, witnesses pointed out the consequences of threats and intimidation and mass expulsions which ensued after the Serb Radical Party rally. According to the witnesses at the rally Šešelj asked for mixed marriages to be annulled. Then Šešelj’s legal team in Serbia responded by launching counter-claims that „the Hrtkovci affair was invented in order to remove the Radical Party leader for good from political life.”<sup>352</sup>

347 *Pravda*, 1 September 2008, “A quiet liquidation of Šešelj is being prepared”.

348 *Pravda*, 6-7 September 2008, “Šešelj won’t come back alive from the Hague”.

349 *Pravda*, 13-14 September 2008, “Foreign services want to destroy the Serb Radical Party”.

350 *Večernje novosti*, 18 September 2008, “Šešelj in the court-room”.

351 *Pravda*, 27 October 2008, “They want to hush up Šešelj”.

352 *BETA*, Press, 31 October 2008, “Šešelj has to pay a 259 Euro fine for keeping money in his celli”.

It is noteworthy that the management of the Sheveningen detention centre meted out a 250 Euro pecuniary fine to Šešelj, after discovering in his cell 500 Euro, 2 CDs and 19 telephone cards.<sup>353</sup>

## Obfuscation of the gist of process

In continuation of the trial, Dr. Vesna Bosanac, former director of the Vukovar hospital, testified about 262 persons who had been taken out of the hospital, 200 of whom were later identified in Ovčara. Although he had previously refused to cross-examine witnesses, Šešelj later reacted sharply and insulted Vesna Bosanac<sup>354</sup>. The foregoing made the prosecutors say that because of such scenes they had previously demanded that a lawyer be assigned to Šešelj. After the objection of the prosecutor Darrel Mandis, the presiding judge, Jean Claude Antonetti reprimanded Šešelj because of his indecent insulting of the witness, and warned him that by acting in such a way he propped up the prosecuton argument that he should be imposed a lawyer. Šešelj's reply was the following: „I have only publicly voiced what the whole Serbia thinks about Vesna Bosanac.”

During the hearing of the leader of the Party of Democratic Action (Bosnia and Herzegovina) Sulejman Tihić, who among other things, maintained that Zvezdan Jovanović (convicted of assassination of Zoran Đindjić) during the war, in Bosanski Šamac, engaged in smuggling of stolen cars. <sup>355</sup> Šešelj denied those charges: “the whole Serbia knows that Zvezdan Jovanović was not a thief, but rather an exceptional professional. Has he killed Zoran Đindjić? I personally don't believe in that...His trial was held under murky conditions, and he was framed-up, and faced many trumped-up charges.”

<sup>353</sup> [www.studio-b.rs/info/vest.php?id=31182](http://www.studio-b.rs/info/vest.php?id=31182).

<sup>354</sup> *Pravda*, 5 December 2008, “Šešelj: Zvezdan did not kill Đindjić”.

<sup>355</sup> *Pravda*, 18 June 2008, “Seđić threatens Šešelj”, GLAS JAVNOSTI 18

June 2008, “Šešelj: I had contact with Karadžić during the weekend”, NOVOSTI 18 June 2008, “I contacted Radovan”.

The Hague trial of the Serb Radical Party leader in the year 2008 was marked by an incident, which in fact belonged to the customary arsenal of Šešelj's „clownish gestures and puns“. Namely after claims of the prosecution witness, Safet Sejdić, that on 9 November 1993, during the attack of the Republika Srpska army on Crnorecna plateau, he had seen Šešelj with Radovan Karadžić, Ratko Mladić and Vasilije Vidović Vasket<sup>356</sup>, Šešelj reacted in the way which surprised even judge Antonetti. Namely he stated the following: „During the week-end I contacted my friend Radovan Karadžić and he informed me that on 9 November he was in Belgrade.“ When asked by the judge to diclose more relevant details, Šešelj went a step further by maintaining that he had contacted Ratko Mladić and received his message that „the command of the Serb army would never allow that three so prominent Serb military and political figures find themselves in such a place“, because „a single shell could kill us all, and that would be an unestimable loss.“

Tha episode also illustrates Šešelj's contunuing mocking of the Tribunal, its prosecution office and witnesses. Such a stance clouds the legal gist of the trial. In view of the fact that the trial was interrupted on 11 February 2009, at the time when the Prosecution had less than 7 hours to present its evidence, new speculations about the outcome of „Šešelj case“ started proliferating. While the Serb Radical Party and Šešelj's legal team endeavoured to convince the domestic public that the Serb Radical Party leader had so „dead-ended“ both the Prosecuton and the ICTY that they stood no chance of convicting him on any indictment counts, the Tribunal officials explained that the interruption was not a precedent, but failed to say when the trial would be resumed.

356 These data have been taken from: Dragan Đuričin, *Uticaj globalne ekonomiske krize na privredu Srbije i odgovori ekonomске politike*, in: Kopaonik Business Forum 2009, Proceedings, *Rast u slovima globalne recesije i finansijske krize: (ne)konvencionalne analize*, p. 18.



V  
Economic  
and Social Context



# High Expectations and Initial Impact of the Crisis

Like the previous year, 2008 was an election year in Serbia, which again cannot be regarded as having an unfavourable effect on the basic economic indicators – but, it seems so only at first glance. Namely, in 2008, the Serbian economy recorded a relatively high GDP growth rate of 6 per cent in real terms, coupled with a relatively low inflation rate of 6.8 per cent. This should mean that political turbulences, which usually accompany early presidential and parliamentary elections, as well as regular local elections in all countries of the world, do not exert influence on the economic trends in Serbia and the basic direction of its economic policy. However, when the transition activities are analyzed in greater detail and when a dramatic downturn in economic activity is observed at the end of 2008, then the illusion of Serbia's "normal development" disappears and many serious questions impose themselves – both the current ones related to the general impoverishment of the population and those related to the strategic aims of economic policy makers and their real geopolitical orientation.

The first set of dilemmas includes the question as to whether the recession trends, which occurred in 2007 and in the second half of 2008 (especially in its last quarter), are caused by some errors in Serbian economic (that is, monetary) policy, or are derived from some external circumstances or, more exactly, from the shocks of the global financial crisis, which have spread to Serbia? The second set of dilemmas is related to Serbia's declarative commitment to the "European path" (that is, to its accession to the European Union), while at the same time making a strong shift toward Russia, primarily in the fields of energy and finance and then also in the orientation of its agricultural exports.

These major government's dilemmas as well as a severe economic and growing political crisis in Serbia, at the end of 2008, are only seemingly "covered" by the economic indicators, which are mostly favourable at the

annual level. Consequently, apart from a relatively high growth rate, during the period 2007-2008, according to the data provided by the Serbian Ministry of Finance,<sup>357</sup> Serbia increased its GDP from 29.12 billion to 33.86 billion euros, which brought about an increase in per capita GDP from 3,945 to 4,597 euros, while the cost of living increased by 13.5 per cent (coupled with a fall in the inflation rate from 10.1 per cent in 2007 to 6.8 per cent in 2008). During the period 2007-2008, Serbia's exports also increased from 6.43 billion to 7.77 billion euros and its imports from 13.51 billion to 15.75 billion euros (which only resulted in a mild increase in a chronically high trade deficit from 7.07 billion euros in 2007 to 7.98 billion euros in 2008). The already high deficit in the balance of payments increased from minus 5.23 billion to minus 6.19 billion euros, while its share in GDP increased from 17.95 to 18.27 per cent during the same period. However, the rate of increase itself cannot be regarded as dramatic – unlike the deficit level. Nevertheless, net foreign direct investment continued to increase – from 1.60 billion euros in 2007 to 1.93 billion euros in 2008.

Truly, the country's foreign exchange reserves declined from 10.9 billion to 9.1 billion euros, while the dinar depreciated against the euro (from 79.24 dinars for one euro at the end of 2007 to 88.80 dinars at the end of 2008). Another disturbing trend, a steady increase in foreign debt, continued, so that Serbia's total debt increased from 17.79 billion euros in 2007 to 21.66 billion euros at the end of 2008 (68 per cent of GDP). However, public debt continued to decrease its share in GDP, from 29.4 to 25.7 per cent.

In addition, one must bear in mind that the annual increment in Serbia's total foreign debt by about 3 billion euros annually has been recorded since 2004, so that it can be stated that nothing "happened" in this respect in 2008 either (in four years, total debt increased by about 12 billion euros). Moreover, nothing special happened with respect to the "stagnation" of a very high unemployment rate (18-22 per cent), while the inertia of a steady monthly salary increase continued (the average

<sup>357</sup> Calculations by Pavle Petrović, contributor to *Fren*; see the magazine *Fren* No. 15, published on 17 February 2009.

monthly net salary increased from 27,759 dinars in 2007 to 32,217 dinars in 2008).

In other words, although these economic indicators do not point to a successful economy, one can get a wrong impression at first glance that Serbia “survived” the politically difficult year 2008 in relatively good shape. However, at the end of that year, some very disturbing negative trends were set in motion.

## **Diachronous Asymmetry of the Basic Economic Trends in 2008**

From an economic viewpoint, the beginning of 2008 was characterized by the “stabilization” of relatively dynamic economic growth, despite the increasingly greater differences and quarrels within the Coalition Government of Prime Minister Vojislav Koštunica, in which the two leading parties – the Democratic Party and the Democratic Party of Serbia – entered into increasingly sharp disputes over the response to the announced proclamation of Kosovo’s independence and, in particular, over the increasingly broad involvement of the European Union in that region (EULEX), as well as over the scheduling of the presidential election on the eve of the expected culmination of the “Kosovo crisis”.

Namely, according to the economic indicators in the first quarter of 2008, one cannot unambiguously conclude that the presidential election held in January, at which the leader of the Democratic Party, Boris Tadić, won again by a small margin (the second round was held on 3 February), was rather uncertain and that the whole country was allegedly frustrated over the proclamation of Kosovo’s independence (on 17 February, in Prishtina). Namely, in the first quarter of 2008, Serbia recorded the inter-annual GDP growth rate of 8.5 per cent and the growth rate of its manufacturing industry of 3.9 per cent, since the increment of the total credit of 1,333 million euros was recorded (this increment included 719 million

euros from domestic and 614 million euros from foreign sources).<sup>358</sup> In short, demand was high; economic situation was stable; population was not withdrawing its savings deposits from banks; real estate prices in cities and towns continued to increase; foreign investors were participating in privatization tenders; the “energy arrangement” with the Russian Federation was concluded; the sale of the large Bor Mining and Smelting Complex was expected; the realization of the large concession project concerning the construction of the Horgoš-Požega highway was expected and the like.

To tell the truth, not everything was so stable and rosy. During the first two months of 2008 already, the inflationary “hands”, which always show the “exact time”, were dangerously gaining momentum. After February, Serbia was already recording two-digit inflation (11 per cent). Regardless of the fact that the Governor of the National Bank of Serbia, Radovan Jelašić, increased the benchmark interest rate from 10 to 11.8 per cent and publicly announced even stronger interest rate restrictions, the NBS was faced with the floating devaluation of the dinar after so much time (national currency depreciated against foreign currencies by 5.1 per cent in the first two months in 2008), which it tried to offset by using its (at that time) relatively high foreign exchange reserves of 14.4 billion dollars.

Nevertheless, Governor Jelašić was still rather self-confident at that moment, so that, for example, he stated in an interview with *Vreme*<sup>359</sup> the following: “Last year, we really intervened in the foreign exchange market only a few times, through organized ‘fixing meetings’ to which we invited foreign exchange buyers in order to determine actual demand. In other words, we asked them what exchange rate they would be willing to buy foreign exchange. Since the beginning of the year, we have sold 4.6 million euros on the average on the demand-side market each say – solely with a view to increasing liquidity, because inter-bank foreign exchange transactions have now increased a few times relative to the previous period, while the margins on these transactions have tripled.

<sup>358</sup> *Vreme*, 3 April 2008.

<sup>359</sup> *Danas*, 6 March 2008.

Therefore, we think that each day we must “add” foreign exchange – which we buy from foreign exchange dealers – to the foreign exchange market in order to revive the inter-bank foreign exchange market. Naturally, the quality of the exchange rate formed when the daily trading volume is 100-120 million euros, differs from the “marketability” of the exchange rate formed when the transactions amount to only 10-15 million euros. However, while in the first quarter of the previous year we sold 481 million euros through ‘fixing meetings’, during the same period this year the daily trading volume amounted to 276 million euros.

To put it simply, since we dispose of high foreign exchange reserves, we in the central bank can maintain this system of ‘exchange rate adjustment’ for a long time. However, our aim is not to have a foreign exchange market which is governed by absolute certainty, because that is not a market. The logic behind someone’s not wishing to trade in foreign exchange, because the market does not guarantee foreseeable gains, is untenable: welcome to Serbia’s reality!”

As can be seen in this excerpt, Governor Jelašić did not know that, at the end of the year, he would have to intervene not only with 4.3 million euros, but also with 140-150 million euros each day so as to keep the level of the dinar exchange rate. Otherwise, the mentioned high foreign exchange reserves were the result of a significant inflow of foreign exchange from the foreign-owned commercial banks in Serbia (or, more exactly, these reserves increased due to a high legal reserve requirement of the NBS) and not of some magically successful monetary policy of the central bank.

This mantra about Serbia’s financial stability, based on the government’s high foreign exchange reserves, was very simply explained by Stojan Stamenković from the Economics Institute in Belgrade.<sup>7</sup> According to him, out of Serbia’s total foreign exchange reserves of 14.4 billion dollars, 10.6 billion dollars account for banks’ receivables, about two billion dollars for government deposits and only about one billion and a half dollars for the “pure” foreign exchange reserves of the NBS. At the same time, Stamenković pointed out that the downward trend in foreign capital inflow was actually intensified in 2007 (portfolio investment in Serbia

was halved in the second half of 2006), so that, given a further increase in political risks (he rightfully anticipated early parliamentary elections), it can be expected that in 2008 "the capital account surplus will be lower than the current account deficit by one billion dollars". In other words, the country may plunge into a financial crisis in 2008 already.

Despite such warnings by economists, the political crisis within the Serbian Government was sharpened to such an extent in early March 2008 that the National Assembly was dissolved and early parliamentary elections were scheduled (for 11 May). In the week following the virtual fall of Koštunica's Coalition Cabinet (between 7 and 14 March), the leading index of the most liquid shares on the Belgrade Stock Exchange BELEX15 fell by almost a record 16.85 per cent, while the so-called general index BELEX-line, which encompasses a basket of 100 shares (out of a total of 1700), which is used in 80 per cent of the transactions carried out on the Belgrade Stock Exchange, began to fall at a sustained pace, recording the annual loss of 0.14 per cent daily. This would a short overview of the response of domestic and foreign capital in Serbia to the beginning of the early parliamentary election cycle – with an uncertain outcome. In this connection, one must take into account the assessment that about 60 per cent of the transactions on the Belgrade Stock Exchange is carried out by domestic investors and about 40 per cent by foreign investors – which simply means that domestic investors were also afraid of a political crisis in Serbia.

Truly, it must be noted that a fall in the BELEX15 Index was evident in mid-2007 already, since it turned out that its jump early that year (by 100 per cent in the first four months) was evidently inflated. This can also be concluded from the fact that – despite a steady decline in the value of the most attractive shares on the Belgrade Stock Exchange in the third and fourth quarter of 2007 – BELEX15 recorded a very high annual increase in value during that year – by 38.4 per cent. However, in the summer of 2008, everything was turned backwards. So, the level of BELEX15 of about 1600 points was half its record high level of over 3335 (May 2007), showing the further downward tendency, which lasted until the end of 2008. It will turn out later that the Serbian elections were not the only cause of the virtual dissolution of the capital market in Belgrade and that other

factors also contributed to it, including the spread of the global financial crisis to Serbia.

It turned out that the main topic in the May 2008 elections was the question as to whether the policy of accession to the European Union should be continued, considering the proclamation of Kosovo's independence. In that sense, one should understand the importance of signing the Stabilization and Association Agreement by Serbian President Boris Tadić and Vice-Premier Božidar Đelić with the European Union in Brussels, at the end of April 2008 (however, the coming into force of the Agreement was immediately suspended until the establishment of full cooperation with the Hague Tribunal). This seemingly risky move for the Democratic Party probably contributed to the relative success of the pro-European forces at the elections.

The scheduling of early parliamentary elections did not decisively paralyze the Serbian economy, although a downturn in economic activity was already felt in the second quarter of the year. Consequently, in April, May and June 2008, the GDP growth rate fell to 6.3 per cent. It should be noted, however, that the manufacturing industry even intensified its activity, recording the growth rate of 4.4 per cent, as compared to the same period the year before. This points out that, in essence, the economy expected the easing of political tensions and the continuation of transition reform changes after the parliamentary elections.

The political parties which unambiguously declared themselves in favour of Serbia's accession to the European Union won the parliamentary elections in May 2008. They obtained slightly more than 47.2 per cent of votes, so that on 11 July – in order to secure a majority in the new Parliament – the relative winner in these elections, the Democratic Party with its Coalition "For European Serbia" (ZES), was forced to form a coalition government with the group rallied around the Socialist Party of Serbia, which subsequently declared itself in favour of accession to the EU. President Tadić appointed Mirko Cvetković, Finance Minister in the previous Koštunica Government, as Prime Minister.<sup>360</sup>

<sup>360</sup> Mirko Cvetković was born in Zaječar, in 1950. He completed elementary and high school as well as the junior school of music (wind instruments and piano) in Zaječar.

During 2008, the new Government of Prime Minister Mirko Cvetković, from which a lot was expected at the beginning, did not succeed in speeding up the process of Serbia's accession to the European Union. On the contrary, one can even say that there is some slowdown. It remains to be seen whether that is due to the blockade of the National Assembly (or, in other words, its obstruction by the Serbian Radical Party, which split into two factions) or a change in the policy of the leading Democratic Party. It also has to be seen whether a slowdown in Serbia's convergence towards the European Union was the result of the spread of the global economic crisis to the Union and how much it could be attributed to changes in the leading political forces in Serbia, which had proclaimed such a policy before the elections.

Since in this part of the Helsinki Committee's Annual Report we are primarily interested in the economic effects of Serbia's geostrategic positioning, we must return our attention to the economic trends and try to explain why after the formation of the "pro-European government" headed by Prime Minister Cvetković the economic situation in Serbia began to deteriorate at the end of 2008,

At first, things did not look bad, despite the expensive election promises by the Coalition "For European Serbia" (ZES) which, at least partially, had to be immediately fulfilled (a lax attitude toward public sector salaries, for example) and despite the "expensive" post-election coalition formed with the group rallied around the SPS (it was necessary to "pay" for an increase in pensions, thus satisfying the interests of the SPS election partners), so that, even before his election as Prime Minister, Cvetković said in an interview with *Politika*: "Higher employment, faster development and .....

He graduated from the Faculty of Economics in Belgrade where he also received his PhD degree. He worked at the Mining Institute in Belgrade for ten years and then at the Economics Institute for another six years, followed by seven years at the consulting firm CES Mecon where he worked as a consultant. From 1998 to 2001, he worked again as an economic advisor at the Mining Institute. He also worked as a consultant for the World Bank in Pakistan, India and Turkey. In January 2001, he was appointed Serbian Deputy Minister of Economics and Privatization. From 2004 to 2005, he was the Director of the Privatization Agency. He was also a special advisor at CEO Intercon Consulting/ CES Mecon (2005).

a better standard of living for citizens. This would require an adequate foreign capital inflow and an adequate increase in GDP, so that we have money for incentives and subsidies, as well as for tax reductions, thus being able to fulfil our promises.

We have made calculations. Some of those measures, such as employment incentives, would be realized within the existing budget items right away and after the expected budget readjustment, while most of them, which require legal changes, would be included in the next year's budget.

The DSS programme seems to coincide with our programme to the greatest extent. The difference lies in the fact that, in our view, the main support for the realization of the programme can be provided by fast convergence towards Europe, improvement of market attractiveness and foreign investment. By contrast, the DSS based its programme on the strategy of economic development, adopted by the Government, but omitting a vital prerequisite for its implementation – accession to Europe. In the opposite, their programme is unfeasible. It has no material base". Unfortunately, the internal political situation and global crisis will pull that "material base" of the new Serbian Government's programme out from under the new coalition just in a few months.<sup>361</sup>

Namely, the Serbian Government still began to conduct a rather ambitious policy in the autumn of 2008, although the previous "technical government" was forced, even before the elections, to cancel the concession for the construction of the Horgoš-Požega highway (the total value of the contract was about 1.5 billion euros) and the privatization of the Bor Mining and Smelting Complex (the expected budget revenue was about 450 million euros) due to the failure of the concessionary and foreign investors to secure bank guarantees in the world. After the failure of these two deals, the Government staked everything on a single throw of dice – the Fiat Serbia deal, which was concluded with great media pomp on 29 September.

Under the arrangement, Fiat did not enter into a contractual relationship with the old Zastava Car Factory, but formed a joint-stock company with the Serbian Government with the stakes in 67:33 proportion

<sup>361</sup> *Politika*, 8 May 2008.

(consequently, instead of receiving budgetary revenues, new expenditures were accepted). Namely, the Italian company evidently needed not only Serbia's direct-co-ownership "government guarantee" that it would take care over this joint-stock company and ensure the implementation of the founders' contract, but also Serbia's financial participation in this large investment. This meant that, under this Kragujevac deal, Fiat would be supported by the government's investment of 100 million euros in the new enterprise, credit of 50 million euros to this enterprise and specified tax concessions amounting to about 50 million euros. At the same time, the Kragujevac municipality had to "invest" 60 hectares of construction land and to waive local taxes during a period of 10 years. The Serbian Government also obliged itself to make significant infrastructure investments worth about 300 million euros (local roads, water supply and other infrastructure, etc). All this should also include the possible deal with Iveco concerning the revitalization of the Zastava Truck Factory (the total initial investment was estimated at 240 million euros, whereby Serbia's share should be about 60 million euros).

In other words, if we only add Serbia's anticipated investments in the revival of the Kragujevac automobile industry, it would be necessary to invest between 500 and 600 million euros, or one billion dollars (of which one-third should be invested right away) within the next few years already. On the other hand, the specification of Fiat's contracted investments in this project was not precisely presented to the Serbian public. It was only announced that Fiat's total investment in the construction of a new factory would amount to about 700 million euros, that the new factory would produce 200,000 cars in two years and that in the second phase it would produce an additional 100,000 cars a year.

Unfortunately, at the end of 2008, it turned out that Fiat also could not avoid the severe recession shock which, after the global financial crisis, hit the global automobile industry first. Thus, the whole deal between Serbia and Fiat collapsed in its original form. In early 2009 already, Serbian Ministry of Economy Mlađan Dinkić, the main promoter of this deal, had to accept the old method of hidden yet stimulated imports of old Fiat models to the Serbian market or, in other words, their assembly at Zastava, but not

more than 15,000 units annually. So, the trump card of dynamizing the Serbian industry was lost even before anything could happen.

There are also other indicators that the Serbian Government of Prime Minister Mirko Cvetković was unprepared for the end of September 2008, when the collapse of a number of the largest American banks aggravated the financial crisis on a global scale. This was also evident during the readjustment of the national budget for 2008 and, in particular, during the preparation of the budget for 2009.

Namely, the major anti-crisis instrument of the Serbian Government had to be the national budget for 2009, which allegedly had to be an austere one and virtually at the spending level in 2008. Namely, at the then current exchange rate, the readjusted budget for 2008 amounted to about 8 billion euros, while the budget projected for 2009 included the revenues of about 700 billion dinars (about 8 billion euros at the current exchange rate) and expenditures of about 750 billion dinars (about 8.5 billion euros at the current exchange rate). The budget deficit of about 50 billion dinars had to constitute about 1.5 per cent of the anticipated GDP which, according to the then projection, had to increase by about 3 per cent in 2009.<sup>362</sup>

In fact, this budget for 2009 was prepared in cooperation with the IMF mission which, after two years, came again to Belgrade in early November 2008 and smoothly concluded the agreement with Serbia on the possible short-term credit of 520 million dollars (the agreement was approved in Washington, on 19 January 2009). The Serbian Government expected that this agreement with the IMF would maintain the credibility of its economic policy among foreign investors and would enable the unhindered realization of the World Bank's credit for the construction of Corridor 10 in Serbia (about 600 million dollars) and the credit of the European Bank for Reconstruction and Development for the construction of bridges across the Danube and Sava, as well as for some other projects (about 400 million euros) during 2009.

As explained by Prime Minister Cvetković (on a number of occasions), the budget for 2009 was designed to achieve two aims – not to aggravate

<sup>362</sup> *Perspektive*, magazine of the American Chamber of Commerce in Belgrade, December 2008.

the position of the economy and population with its total volume and to include significant investment funds for enabling the public sector to keep the activities being always “pulled into” the construction industry “above the surface”. Therefore, relatively significant investment funds were planned – 43.6 billion dinars (nearly 500 million euros), which was still less than 59 billion dinars (about 750 million euros) anticipated for investment in the budget for 2008.

As early as the beginning of 2009, it turned out that the entire conception of the Serbian Government for curbing the recession tendencies and maintaining the projected level of public spending was untenable. Namely, a panic over the forthcoming recession resulted in the fast withdrawal of foreign exchange savings deposits from banks, while the “defence of the exchange rate for the dinar” (which lost about 25 per cent of its value against foreign currencies in the last quarter of the year) caused the outflow of the NBS foreign exchange reserves worth about 600 million euros only in the last two months of 2008 (a total of more than one billion euros that year). Therefore, in early 2009, the IMF was again invited to Belgrade so as to secure a much larger credit for maintaining the foreign exchange reserves – 3 billion euros in 2009 and 2010.

In that context, one should mention Pavle Petrović’s attempt to exactly locate the directions of the financial crisis shocks occurring in Serbia or, in other words, to explain the main reason for a collapse in domestic activity in the last quarter of 2008.<sup>363</sup> According to his data – as we have also mentioned at the beginning of this text – Serbia recorded the interannual growth rate of its GDP of 8.5 per cent in the first quarter of that year, while in the last quarter this rate dropped to 2.7 per cent. However, when the output from the manufacturing industry is considered, it can be noted that in the first quarter of 2008 Serbia had the growth rate of 3.9 per cent and that it ended the year with the rate of minus 5 per cent or, more exactly, with a deep industrial recession.

According to Petrović, the main reason for a downturn in economic activity was a decline in aggregate demand in the last quarter – domestic demand declined from the growth rate of 10.7 per cent in the third quarter

<sup>363</sup> Fren, No. 15, March 2009.

to the growth rate of 2.8 per cent in the last quarter (it generates 90 per cent of the demand in Serbia, while export demand accounts for only 10 per cent). These dry figures enable us to make a somewhat broader assessment that buyers in Serbia suddenly remained without credits. This is also shown by the above mentioned data that in the first quarter of 2008 in Serbia the credit increment amounted to 1,333 million, as compared to only 287 million euros in the last quarter. And without credit there is no demand, like elsewhere in the world.

Petrović actually advanced the hypothesis that – while controlling the depreciation of the dinar against foreign currencies (by selling foreign currencies and, thus, "cancelling" the dinar), parallel to a decrease in foreign capital inflow and the flight of foreign exchange savings valued at 926 million euros and 113 million euros from the corporate deposits kept with commercial banks (into mattress, in particular) during the autumn of 2008 – the National Bank of Serbia dried up the demand (or, better said, reduced the total money supply) to such an extent that this could not even be compensated by the government, which was actually favouring economic activity by spending its deposits on the fulfilment of the election promises.

## **Serbia's Intergovernmental "Energy Arrangement" with Russia as a Geopolitical Move**

Although the pro-Russian forces and traditional "faith in Russia" (as "the most powerful Slavic state" and "Orthodox empire") have always been one of the factors influencing Serbia's geopolitical "positioning", in 2008, Serbia, made one step further in strengthening the position of the Russian Federation in Belgrade. Crucial in the shift from the nominally European aims to the strengthening of its ties with Russia was the intergovernmental "energy arrangement", under which Russia was actually sold the controlling stake in Serbia's entire energy sector, which stirred up considerable controversy on the Serbian political scene. Control over the energy sector to the Russian Federation was allegedly ceded because of its

support to Serbia in the UN Security Council concerning the preservation of Resolution 1244 which guarantees Serbia's territorial integrity (including Kosovo), but it is probably the question of other long-term Serbian and Russian commitments and ambitions.

Thus, the whole year 2008 in Serbia passed in the sign of a public debate about the inter-governmental energy arrangement with Russia which, with good reason, obtained a political dimension. Although this energy deal – which had to tie the Russian promise that the South Stream gas pipeline would pass through Serbia to the sale of Serbia's Oil Industry (Naftna Industrija Srbije, NIS) to the Russian state-owned company Gazpromnyeft and the construction of the Banatski Dvor gas storage facility – was prepared for several years, it was concluded in a significantly modified form as late as 2008, first as an intergovernmental agreement (on 25 January 2008) and then as the contract for the sale of NIS (24 December 2008). This agreement deserves to be dealt with in greater detail due to its economic context and the final solution which can become the "model" of cooperation between the Russian Federation and Serbia, based on a "political partnership", and which can also be an object for political manipulation in the future by those political forces in Serbia which regard Russia as a good substitute for the European Union. Let us now see how this story unfolded in 2008.

First of all, it must be explained that, regardless of the large volume of mutual trade (which is the result of Serbia's imports of energy products from Russia), the Russian Federation is not Serbia's major economic partner. Those are the EU member countries and the neighbouring countries rallied under the CEFTA Agreement. To put it simply, Serbia's trade with Russia which, in 2008, amounted to about 3 billion dollars,<sup>364</sup> is still

364 It is the question of the author's estimate, because the latest data on trade between Serbia and the Russian Federation provided on the web-site of the Serbian Chamber of Commerce cover only the first eight months of 2008. During that period, total trade between Serbia and Russia amounted to 2,831.2 million USD, thus increasing by about 54 per cent relative to the same period in 2007. Serbia's exports increased by about 52 per cent relative to the same period the year before and their nominal value amounted to 385.5 million USD. Imports also increased by about 54 per cent and amounted to

about six times lower than its trade with the EU members, despite a high increase relative to 2007 and the earlier years due to oil and gas price increases. It is also not larger than Serbia's total trade with the countries of former Yugoslavia, which cover the greater part of the CEFTA zone.<sup>365</sup>

Insofar as financial cooperation and mutual investments are concerned, even the famous energy arrangement between Serbia and Russia (on the South Stream gas pipeline and the sale of NIS), which was realized in 2008, will not make Russia Serbia's crucial "strategic economic partner" in the future. Let us recall that during the period 2002-2008 Russia invested only about 300-350 million dollars in Serbia, thus ranking 11th among the investors. For example, during the same period, small Slovenia invested about 1.4 billion dollars, while not much bigger Austria held the first place among the investor countries with its investments of over 2 billion dollars. With the purchase of NIS for about 600 million dollars (400 million euros), Russia will not climb much higher on the list of investors in Serbia, while the construction of a trunk section of the South Stream gas pipeline is still uncertain, just like its route through Serbia. Last but not least, Serbian companies have so far invested about 450 million dollars in the Russian Federation, so that their investments are significantly larger than vice versa (this especially refers to the investments made by Sintelon from Bačka Palanka and Hemofarm from Vršac).

Let us now turn our attention to the Intergovernmental Agreement on Energy Cooperation Between the Russian Federation and the Republic of Serbia (for a period of 30 years) and the Protocol on the Basic Conditions for the Sale of Naftna Industrija Srbije to the Russian State-Owned Company Gazpromneft, which were signed on 25 January 2008, in Moscow, in the presence of the top-level state delegations. The Russian delegation was led by the then President of the Russian Federation, Vladimir Putin, and also included the then candidate for his successor, Dmitry Medvedev,

.....  
2,445.7 million USD. The negative balance in Serbia's trade with Russia amounted to 2,060.2 million USD. Russia is still Serbia's major import partner, with the share of 15.31 per cent in Serbia's imports and is the fifth-ranking exporter to Serbia, with the share of 4.90 per cent.

365 See: *Evropske sveske*, No. 1, May 2008, p. 7 et seq.

while the Serbian delegation was led by Serbian President Boris Tadić and then Prime Minister Vojislav Koštunica. All those present immediately stated that the Agreement was a mutually beneficial strategic document. Unfortunately, this “framework agreement” was immediately published, so that everyone could see that it looked more like Serbia’s “energy capitulation” than like a partnership agreement.<sup>366</sup>

Namely, it was agreed in writing that, in principle, Serbia would cede to Russia the territory (not yet specified) for the construction of the South Stream gas pipeline, whereby Gazprom did not bind itself that it would construct it, and the Banatski Dvor gas storage facility, whereby Gazprom did not bind itself that it would fill it, in addition to selling the controlling stake in NIS for 400 million euros to Gazprom's oil company Gazpromnyeft. On the other hand, as the minority owner of the oil and gas facilities, the Serbian Government would have almost no exclusive rights to oil and gas companies, which would be formed or sold in its territory (in essence, they would become extraterritorial). Truly, the above mentioned Protocol stipulated at one place that the contract for the sale of NIS should be concluded “within the shortest possible time, but not later than 31 December 2008”, while at another place it was stated that “in the case of a successful conclusion of the arrangement, whose result may be the purchase of the saleable stake by Gazpromnyeft, the latter shall assume the responsibility for the reconstruction and modernization of the NIS technological complex, whereby the total investment shall be at least 500 million euros during the period 2008-2012”. However, at the end of 2008, it turned out that the negotiations on the final contract did not bring any improvement in Serbia's status as the minority shareholder in NIS.

One of the most unfavourable provisions of this Kremlin Agreement was that of Item 4 (Paragraph 3) that the contracting parties would “inquire into the possibility of increasing natural gas deliveries from the Russian Federation to the Republic of Serbia, using the gas pipeline network. The volume, conditions and time-limits for such natural gas deliveries shall be specified by the appropriate contracts”. This means that Russia

<sup>366</sup> Our commentary on the Agreement and the Protocol is based on their translation published in the Novi Sad daily *Dnevnik*, on 26 January 2008.

did not oblige itself even in principle that it would increase its current gas deliveries to Serbia, amounting to about 2.4 billion cubic metres, nor did it mention any price, that is, the price with which the Serbian Government cannot interfere (Article 8). This became evident in early 2009 when Serbia had its gas supply completely cut due to the dispute between Russia and Ukraine. Consequently, Serbia fought to have the South Stream trunk gas pipeline in its territory, but did not secure any economic rights in dealing with gas from that pipeline or better market supply, even if one section of the gas pipeline with the annual transit capacity of 10 million cubic metres would run through its territory. It also became immediately clear that, should the gas pipeline be constructed, successful bidders – even in the Serbian territory – would be selected by the future company that would be in charge of its construction and operation and in which the Russian side (Gazprom or its daughter company) would have a 51 per cent stake and full management control. On the other hand, the Serbian Government would “grant favourable customs and tax treatment” to this firm (Article 11). It is also stipulated (Article 12) that the “Serbian side shall consider the possibility to exempt the materials, services and works needed for project implementation from value added tax until their becoming profitable”.

To justify this “package deal”, the Serbian politicians continued to speak about certain earnings from natural gas transit through Serbia amounting to about 200 million euros per year. This should mean that the mentioned company would have to earn the profit of 400 million euros from natural gas transit each year (49 per cent of which would go to the Serbian side). Moreover, this should mean that at least 400-500 billion of cubic metres of gas would pass through Serbia each year. This is absolutely unrealistic or, more exactly, fantastic, because that amount would be equal to Russia’s total annual output (the transit of 1,000 cubic metres per 100 km usually costs about one euro).

The same Serbian politicians constantly emphasize that it is excellent for Serbia to have entered into a deal with the partner who has own gas and oil (and money). However, they never mention the crucial fact that in all joint intergovernmental enterprises in Serbia, the Russian side will

have a 51 per cent stake and that – because of its “minority partner” (Serbia – with a 49 per cent stake) – it will actually have no motive to drive up the profits of these enterprises from its own raw material. It will be just the opposite. For example, the fact that NIS will use crude oil in which the Russians have the controlling stake, will motivate them to charge for this raw material as much as possible at the entry into the joint-stock company and to refine it at the lowest possible price. Thereafter, in the form of oil products, it would be sold cheaply to some agent, wholly owned by the supplier of crude oil, who would sell them at their real prices and reap the maximum profits for the Moscow head office. After all, according to the participants in the Kremlin funeral of the Serbian energy sector, President Vladimir Putin himself emphasized that Russia would not allow others to exploit its resources any more and that it would monetize them through end users.

Although the legal nature of the accompanying “Protocol on the Basic Conditions for the Sale of the Shares of Naftna Industrija Srbije A.D. Novi Sad, Constituting 51 Per Cent of Founding Capital, to OAO Gaspromnyeft” (the full name of this document) was disputable, it was clear (which will become apparent at the conclusion of the agreement at the end of 2008) that NIS was immediately sold at a very low price and that the legal grounds for the subsequent contract were inadequate.

The first thing to capture attention was the fact that the Protocol clearly stipulated that NIS “shall operate as a closed joint-stock company in accordance with the Law on Economic Enterprises of the Republic of Serbia”. Consequently, there is no mention of the Serbian Law on the Free Distribution of Shares as a given fact, while the under the aforementioned Law the ownership structure of our closed companies is fixed (in other words, new shareholders are not accepted, even if these are the citizens of Serbia). Another problem lies in the fact that the period of “maintaining the existing requirements for the quality of oil products” was extended “until the completion of reconstruction and modernization”. The third problem lies in the fact that the entire deal was conditioned by the extension of NIS monopoly over the imports of oil and oil products to Serbia for a period of “at least two years” (which means that it can last longer). The

room for “humming and hawing” by the Serbian side was narrowed by the provision that “this Protocol shall come into force upon signing of the Agreement between the Government of the Russian Federation and the Government of the Republic of Serbia .... and shall be valid until the signing of the contract”. Consequently, it can only be negotiated with the partner who has already secured the “ceiling” for the price of NIS and for investment in the modernization of its plants.

In Serbia, the documents related to the “energy arrangement” with the Russian Federation have received support from all major political parties and have been publicly criticized only by the Liberal Democratic Party of Čedomir Jovanović and G17 Plus of Mlađan Dinkić (although his political party is a member of the ruling coalition). Minister of Economy Minister Dinkić, who also holds this position in the Cvetković Government, even initiated the new assessment of the market value of NIS shortly before the final negotiations on its sale, and entrusted Deloitte Consulting Company in Belgrade to do the job. According to its assessment, published on the web-site of the Serbian Government on 1 September 2008, the fair market value of NIS as on 30 June 2008 was 2.2 billion euros.

In July 2008, Dinkić, who was even appointed head of the Serbian Government’s negotiation team, stated that “due to the importance of Serbia’s relations with Russia and the country’s rating, he gave up the request that NIS should be sold by tender, but that he would insist on an adequate price for the national oil company in direct talks with the Russians”. He added that the “contract could be revised in the way that could be acceptable for both sides; so, Serbia would take over a portion of the investment in NIS and the Russians would increase the price of the stake they are buying”. Dinkić also pointed out that on 31 December 2007 (the date on which the NIS assets to be the object of sale to Gazpromnyeft were defined under the Protocol) the bulk of the state assets used by NIS was not legally transferred to NIS, so that this issue should also be negotiated, because it is the question of a “credible partner”<sup>367</sup>

Probably expecting that the new Serbian Government would initiate new negotiations about the oil-related part of the energy arrangement

<sup>367</sup> *Vreme*, 17 July 2008.

with Russia immediately after the ratification, the advisor to Gazpromnyeft in Belgrade, Dmitry Malyshev, sent the message to the Serbian public on 8 July (just like a few times earlier) that his firm was expecting the fast realization of the energy arrangement and that, in his view, all assets, which were “disposed” by Naftna Industrija Srbije as on 31 December 2007, should be the object of sale. Consequently, apart from the refineries and oil pumps, the assets should include the oil and gas fields in Serbia. Moreover, Malyshev pointed out that 400 million euros in cash plus over 500 million euros for the modernization of the refineries was “a very good price, as was also confirmed by independent auditors, so that Serbia is certainly not at a loss,” and that the accumulated debt of NIS, which amounts to about 300 million euros, “requires additional and detailed talks with the Serbian negotiators”<sup>368</sup>

At that time, the question that also imposed itself was whether Energy Minister Petar Škundrić and Finance Minister Diana Dragutinović would really agree to the illegal sale of domestic oil and gas fields to Gazpromnyeft, or would continue to collect a miserable 3 per cent of mining rent from the Russian side, which has so far been “debited” from NIS for the use of national resources (4.6 million barrels of oil per year). In fact, it was the question of whether there was the political will to exclude Naftagas, Novi Sad, from this deal. Otherwise, Naftagas operated those national resources and – through the unrealistic prices of domestic oil – carried the entire NIS on its back (according to the factory journal *Naftaš*, dated 21 March 2009, the last year’s average price of oil on the world market was 72.5 dollars per barrel, while for other NIS divisions the invoiced price of Naftagas per barrel of domestic oil was 22 dollars, which means that this part of the company was fleeced for 275 million dollars in 2007). Naturally, the problem lied in the fact that, according to Article 9 of the Agreement, the object of sale (51 per cent stake) should be the “total assets (of the NIS joint-stock company) being in its ownership as on 31 December 2007, including (but not being limited to) the facilities for the extraction, production, refining, transport and sale of oil and oil products”. However, nothing was accepted during the Russian-Serbian negotiations on the fi-

<sup>368</sup> 368 *Dnevnik*, 15 July 2008.

nal acquisition contract, which started on 17 November 2008, in Belgrade. Also, none of the new proposals advanced by Belgrade's and NIS representatives were accepted. The Russian negotiators even did not want to talk with Serbian Minister Dinkić.

The oil-gas arrangement between Serbia and the Russian Federation was concretized on 23 December 2008, in Moscow, under the contract for the sale of a 56 per cent stake of NIS to Gazpromnyeft for 400 million euros, in addition to adjusting the memorandum of understanding for the completion of the Banatski Dvor gas storage facility and the agreement on the basic conditions for the formation of a joint enterprise for the construction of the South Stream trunk gas pipeline, should Gazprom decide on its profitability until September 2010. The signing ceremony was attended by the heads of state, Dmitry Medvedev and Boris Tadić.

Under the agreement, according to the public statements by the last Serbian negotiators, Dušan Mrakić from the Ministry of Energy and Borko Stefanović from the Ministry of Foreign Affairs,<sup>369</sup> Serbia will – over the next four years – obtain the Russian investments for the modernization of the oil refineries in Pančevo and Novi Sad to the amount of 490 million euros, while an additional 60 million euros would be earmarked for Pančevo's environmental cleanup. Corporate (but not bank) guarantees were also agreed, whereby the new majority shareholder of NIS, Gazpromnyeft, would pay penalties if the agreed reconstruction work was not completed on time.

The Russian side also agreed to Serbia's revoking the well-known decree banning the imports of most oil products to our market at the end of 2010 (as promised under the Stabilization and Association Agreement with the European Union). This would mean that, in two years, Gazpromnyeft would be faced with significant competition on Serbia's internal market, since other companies and private entrepreneurs already own about 60 per cent of points of sale of petrol and other oil products.

At first glance, it can be concluded that the NIS employees also fared well – they are guaranteed their jobs and the real value of their current salaries over a period of four years, while those who wish to leave the firm

<sup>369</sup> *Beta*, 22 December 2008.

are promised the severance pay of 750 euros for each year of service. However, the free distribution of NIS shares to the citizens of Serbia remained unregulated.

Otherwise, by purchasing NIS for 400 million euros, Gazpromneft became the majority owner of the annual oil output of about 700,000 tons; access to the Serbian market which absorbs the products made of about 4 million tons of crude oil each year; two oil refineries with an annual refining capacity of about 7.5 million tons; 497 petrol pumps; three large representative office buildings and a number of other buildings in Novi Sad and Belgrade; 16 per cent stake in Petrohemija in Pančevo; 43 per cent stake in AD *Politika*; 49 per cent stake in the Pinki Sports Centre in Belgrade and 11 hotels and holiday homes in Serbia and Montenegro.

As for natural gas, the signed documents guarantee almost nothing. The feasibility study of the continental South Stream gas pipeline, with which everything had started, has not yet been finished and the formation of a joint-stock company to operate the Banatski Dvor gas storage facility is not compulsory.

# Economic and Social Rights Challenges

The Ministry of Labour and Social Policy is one of the rare ministries in which there were no significant personnel changes after the formation of the new Government. However, the sector of employment was excluded from its competence. This seemingly technical intervention is not just formal. This sector also implies financial resources, including budgetary funds, foreign investments, donations and credit funds, not to mention the political gains from employing even a small number of people, which are not neglectable. This sector fell under the competence of Mlađan Dinkić, within the newly formed Ministry of Economy and Regional Development. The activities left to the Ministry of Labour and Social Policy include the analysis of labour conditions, proposal of measures, drafting of laws and other regulations in the fields of labour, labour relations and other forms of labour engagement, salaries and other earnings of the employed, gender equality in the field of labour, employment and work of foreign citizens in Serbia, protection of citizens working abroad, peaceful settlement of labour disputes, strikes, communication with employers and employed and the like. In a word, everything that is problematic and frequently unpopular from the aspect of the broader public remained to the Ministry of Labour and Social Policy.

Apart from the labour sector, the Ministry of Labour and Social Policy is still in charge of pension and disability insurance, care for persons with disabilities, family care and social protection, as well as care for veterans and disabled veterans. In 2008, like in the previous years, the Ministry had a “mission impossible”: to maintain social tranquility and ensure the stability and survival of the Government with small and insufficient budgetary funds. Bearing in mind the complexity of the situation in all segments of the society, it seems that social policy is not paid adequate attention. With the spread of the world economic crisis, which will be especially felt by the most destitute, tensions within the society will further increase, so

that the rather ignorant attitude of the ruling majority toward this Ministry may easily return as a boomerang to the Government.

Apart from the sporadic protests in 2008, which were the result of unsuccessful and bad privatizations, as well as rather regularly tense relations with the trade unions in the judiciary, education and other sectors, one could observe an increase in the number of strikes and their radicalization since the second half of the year already. Although it is a fact that the Government embarked on a more serious work only at that time, one must not disregard the disturbing increase in the number of widely varied yet smaller (at present) strikes, while the number of those which very easily turn into hunger strikes is especially striking. This most radical form of protest points out clearly that the threshold of tolerance in the population has been lowered. In addition, it reveals the arrogance and insensitivity of the government administration, which does not realize that its major role consists in acting in a socially and politically responsible way. The citizens' disappointment with the political parties of so-called democratic orientation has been evident for a few years already, but there is no doubt that the citizens are maturing and that they often surpass their elite, especially in decisive moments, such as elections. However, constant scandals and the irrational or even squandering behaviour of the state are the source of permanent frustrations and additional loss of enthusiasm and energy required for bringing the process of transition into the phase in which its costs will be more tolerable to the majority of the population. Therefore, in the coming period one can expect the heightening of tensions and very uncertain political stability.

The dismissal of workers due to the economic crisis and reduced potentials for the sale of goods and services, coupled with the absence of the expected investments, has already caused the concern of the broader sections of the population and discontent of the employed and trade unions. The extent to which the Government was unprepared and hesitant to undertake adequate measures, which also imply radical political moves, became evident at the end of the year, during the dramatic negotiations within the Social and Economic Council. Due to the inability of employers (among which the state is the greatest) to begin to implement

the extended effect of the General Collective Agreement anticipated for 1 January 2009, the representative trade unions announced a general strike which, this time, posed a very serious threat, considering other, very unfavourable effects of the crisis that were already felt in the autumn. During several days of the tense negotiations between the Employers' Union, trade unions and the Government there was no progress or convergence of the views. Nevertheless, one could observe the nervousness and even arrogance of the employers who completely ignored the views of trade unions, which were as legitimate as theirs (if not more). Thus, it happened that the unilateral cancellation of the General Collective Agreement was announced first by the Trade Union Confederation and then immediately by the Serbian Government. In this way, the trade unions were checkmated, but that was not the only reason for their agreement to a compromise that followed.

The fact is that the economic situation really does not allow an increase in the costs associated with the coming into force of the disputed provisions of the General Collective Agreement<sup>370</sup>, and the weaknesses within the organization of trade unions are also known. However, it seems that the trade union representatives were also aware of the political risk associated with the collapse of the Social and Economic Council, that is, the complaints of the trade unions and call for strike, which could easily be abused for political ends. On the other hand, the Employers' Union and some Government representatives acted too much in unison in their public appearances, so that it could be concluded that they already reached

370 The negotiations about the adoption of the General Collective Agreement lasted almost four years, but it was signed as late as 29 April 2008. The financial obligations arising from Article 32 of this Agreement imply the payment of hot meal allowance to the employed to the amount of 20 per cent of their monthly pay and holiday allowance to the amount of 100 per cent of the average pay in the Serbian economy. However, in early September, the Social and Economic Council agreed to the adoption of an annex to the agreement, whereby the anticipated payment of hot meal and holiday allowances would be reduced to 15 and 75 per cent respectively and postponed until 1 January 2009. The situation soon became complicated, when it was realized that in the budget for 2009 there would be no funds for this purpose, while the effect of the economic crisis became very serious for the elementary survival for the economy.

some agreement and conceived the strategy vis-à-vis the third partner in the Council<sup>371</sup>. Although they often talk about collusion between powerful businessmen and politicians and the influence of the former, it is difficult to prove such arrangements. This does not mean, however, that they do not exist in reality, but the harm caused by very suspicion in the public is evident, although the Government is continuously trying to achieve and present the results in its fight against corruption and organized crime, arguing that in Serbia there are no “untouchable” tycoons.

In the end, the situation was overcome by the signing of the Agreement on the Postponement of the Implementation of the Financial Provisions of the General Collective Agreement for six months<sup>372</sup>, whereby in May the situation would be analyzed so as to determine whether it would be possible to implement some of the financial provisions or the agreement on their postponement would be extended.

Unfortunately, at the very beginning in 2009, the economic indicators did not provide much scope for optimism. A new borrowing arrangement with the International Monetary Fund, which is conditioned by the introduction of restricted budget savings measures, again actualized the relationship of the state toward the citizens; the Government's announcement that it would impose the “solidarity tax” of 6 per cent on all income above 12,000 dinars caused serious criticism and discontent in the public. The evident unpreparedness to stop the irrational spending of a large amount of money, primarily within the government administration and in public enterprises and institutions, in particular, seriously irritates the increasingly poorer population and can seriously endanger the survival of the Government.

371 Branislav Čanak, President of the “Nezavisnost” Trade Union Confederation, said on that occasion that the “Avramović’s behaviour during the negotiations and the announcement that the Union was cancelling the Agreement was very disturbing not only for us but also for his colleagues who sit on that Council” and that “Avramović’s colleagues were even more confused, which only confirms that he made a ‘deal with someone’, about which he evidently did not inform them”. Source: *Tanjug*, 26 December 2008.

372 The Agreement was signed by all contractual partners on 30 January 2009.

Apart from the large-scale dismissal of workers, which is expected during 2009, and minimum employment opportunities, the state will also have to cope with the evident illiquidity of public enterprises, whose transformation and economic rationalization is persistently delayed until the beginning of reform processes. In addition, the previous year also announced serious problems with the payment of various entitlements to the poorest and socially disadvantaged groups of the population (relating to veterans and disabled veterans care, family and child care, as well as social protection). All this is only one part of the economic and social problems for which the solution is not in sight. The Ministry of Labour and Social Policy will certainly be faced with great challenges and will be exposed to growing pressure, but without having efficient mechanisms and more significant influence on the creation and allocation of resources. Like before, this part of the job will fall under the competence of the leaderships of the political parties comprising the ruling coalition, while the citizens' interests will be subject to adjustment and calculations in accordance with the party interests.

Emphasis laid on the socially responsible role of the state as one of its priorities has so far proved to be declarative. It should be noted, however, that in 2008 the Ministry of Labour and Social Policy did a very significant job concerning European integration and the reform of the social system. It is the question of creating a set of important documents being regarded as the priorities in the National Strategy for Accession to the European Union or, more specifically, the documents which are directly related to the fulfilment of conditions for the liberalization of the visa regime with the EU. After the Government's adoption of three strategic documents (Draft Anti-discrimination Law, Strategy for Reintegration of Returnees under the Readmission Agreement and Draft Law on the Confirmation of the Revised European Soicial Charter), the Anti-discrimination Law was adopted in the Parliament<sup>373</sup> after many scandals, while the Draft Law on the Confirmation of the Revised European Social Charter is undergoing parliamentary procedure. It is unusual that the Government adopted these documents within the anticipated time-limit considering

373 Anti-discrimination Law, *Službeni glasnik RS*, No. 22-09, 26 March 2009.

the widespread practice of failing to meet the obligations and set-limits on time. Thus, the National Strategy for the Prevention and Protection of Children Against Violence was adopted as late as 30 December 2008, although the UN Convention on the Rights of the Child was signed by the former Yugoslavia in 1990, while the National Action Plan for Children was adopted by the Government in 2004; within a period of six months (until 30 June 2009) the Government should adopt the Strategy Implementation Action Plan. The Draft Law on the Protector of Children's Rights is undergoing parliamentary procedure and its adoption is also one of the unfulfilled international obligations.

In addition, the Government adopted the National Strategy for the Improvement of the Status of Women and Improvement in Gender Equality<sup>374</sup>, but the Draft Law on Gender Equality has not yet been considered. The Law belongs to a set of anti-discrimination laws, whereby gender equality and equal opportunities for women and men would become a legal obligation in Serbia for the first time.

The draft laws which confirm the UN Convention on the Rights of Persons with Disabilities<sup>375</sup> and the Optional Protocol to the Convention on the Rights of Persons with Disabilities are also important. The confirmation of these documents should additionally empower Serbia's obligation in the implementation of the norms of both international and national legislation contributing to the improvement of the status of persons with disabilities<sup>376</sup>. Over the past few years, this problem has been devoted a

<sup>374</sup> The Strategy for Reintegration of Returnees under the Readmission Agreement, concluded between Serbia and the European Union, was adopted on 13 February 2009. The Action Plan should be adopted by the end of April 2009. The Government also adopted the National Strategy for the Improvement of the Status of Women and Improvement in Gender Equality on 13 February 2009.

<sup>375</sup> The Republic of Serbia signed the UN Convention on the Rights of Persons with Disabilities on 16 December 2007.

<sup>376</sup> The Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia was adopted on 28 December 2006; the Law on the Prevention of Discrimination Against Persons with Disabilities in the Republic of Serbia was promulgated on 17 April 2006; Law on the Entitlement of Benefits to Persons with Disabilities in Domestic Passenger Transport has been in force since 1993, whereby the latest modification was made in 2005.

great deal of public attention; the highest government officials have promised the adoption of numerous measures devised to provide access to the education system and employment, as well as the improvement of general living conditions for persons with disabilities and their families. Unfortunately, education is still inaccessible to the greatest number of these persons, while their employment is registered only in rare and exceptional cases.

The Ministry was also drafting of the law which should introduce the principle of "affirmative action" and improve the status of persons with disabilities in society by stipulating the obligation and incentives for employers to employ them. The employment of persons with disabilities is certainly a better and more rational solution than their decades-long treatment as people on welfare. The representatives of some associations of persons with disabilities also participated in the preparation of the draft law, but the working version was still criticized, so that it is not whether the work on its modification is in progress, or the whole story was stopped due to the resistance of bigger employers to employ such workers under conditions of a great economic crisis, although they are not keen on employing them anyway. In all probability, this is the reason for a delay, since employers are already taking advantage of the opportunity to free themselves from redundancies, using the economic crisis as a pretext, while the Government accepts that without objection.

Finally, it is a fact that even much lesser steps concerning the status of persons with disabilities have not been taken, such as the provision of access to public institutions and organizations; despite the legal obligation, not all buildings under construction have adequate ramps which enable movement in a wheel chair or with the help of other orthopedic appliances. As for inclusive education in practice there is no question about it, due to the non-existence of the appropriate conditions (which is a minor problem), as well as due to the rejection of the employed in the education sector and parents that children with some disabilities are included in regular education with other children.

The material status of families having one member with disabilities also poses a problem. Namely, the survival of such a person outside an

institution, within the family and community, is conditioned by the provision of material support to the parents, whereby at least one must be unemployed in order to take care of the child. The undeveloped or obsolete social support system (which almost does not provide or provides insufficient assistance to such families and persons with disabilities. Under conditions of a restrictive economic policy, uncertain jobs and financial possibilities for coping, it is difficult to expect the solidarity of the population and politicians with the problems of persons with disabilities. The recognition of their needs and the rights to be full members of society will probably have to wait for a "better time".

The situation is similar with other groups of needy persons – the elderly, children without parental care, persons with mental disorders... At the beginning of the reform of the social system, the dynamics of the development of this important sector was determined so as to transform it into a sustainable and modern model of protection of the most vulnerable groups. Thus, the Law on Social Protection had to come into force in early 2009, preceded by the creation of the necessary preconditions for its implementation. Unfortunately, although the Strategy for the Development of Social Protection has been in effect since 2006, after its adoption by the Serbian Government, it seems that there is no political consensus on the creation of the government's new social policy. Namely, the transformation of the social system which, *inter alia*, implies deinstitutionalization and decentralization, additional education of the employed... requires the previous financial, administrative and legislative strengthening and independence of the regions and local governments, changes in the fields of education, health care, culture, sports and the like, which were not effected.

Apart from the objective problems, the substantive problem is the evident lack of political will caused by the fear of losing control over financial flows and party influence, which still holds the whole country in some kind of pre-political stage and system, which cannot serve the best interests of the citizens, or observe the specifics of different parts of Serbia. The new Law on Social Protection will probably require a long time for adoption, because the work on its first version has just begun. However, that is

not crucial since its implementation, even if it is adopted soon and without any comments by professionals, will not be feasible under the current circumstances. Otherwise, this is a frequent practice in Serbia, which is one reason why reforms are carried out so slowly and the whole process seems inconsistent and unsustainable.

The difficult economic and social situation and undefined and frequently suspicious relations between businessmen and politicians are also the cause of the non-implementation of numerous labour-related laws, while the inefficient and corrupt judiciary frequently blocks the realization of the basic human rights in various spheres of social life. Thus, the adopted laws lose their sense and the whole system loses the already low confidence of the citizens. The current regulations on labour, occupational safety and health, peaceful settlement of disputes, strikes... are being constantly improved, but the status of the employed is still problematic and often exceeds the legal framework. Therefore, the draft laws undergoing parliamentary procedure or being considered by the Government (the confirmation of a number of documents of the International Labour Organization, Law on the Prevention of Abuse in the Workplace, Law on Volunteering, Amendments to the Law on Labour, on Peaceful Settlement of Labour Disputes, etc.) will still be at the service of formal legal harmonization with the EU regulations for some time. Their revival through comprehensive implementation will have to wait for the consolidation of the judiciary and political system. Those are also the preconditions for the functioning of numerous agencies and councils, which should have the supervisory role and which often exist only on paper, or have not been completely constituted, or lack the basic working conditions. The public could certainly exert influence on the faster overcoming of these deficiencies, since its pressure has proved to be effective in some situations. However, without an efficient and independent judiciary, free media and a strong civil sector, reform processes will stagnate or be slow for a long time, thus seriously endangering the fragile stability of the country's democratic potentials.



# VI

## Fear of

## Decentralization



# Vojvodina Aspires to Autonomy

Pokušaj centralizacije Srbije, započet pre dvadeset godina „jogurt revolucijom“ i „događanjem naroda“, okončan je u februaru 2008. godine na, po srpske nacionaliste, najgori način – proglašenjem nezavisnosti Kosova. Optužbe da se kreću putem kosovskih i crnogorskih separatista, izricane su i na račun vojvođanskih autonomaša. Naime, statut koji je vojvođanska skupština u oktobru uputila republičkom parlamentu na potvrdu u javnosti je ocenjivan kao pokušaj „stvaranja države u državi“ i nastavak teritorijalnog fragmentiranja Srbije. Otpori na koje nailaze zahtevi za većim stepenom autonomije ne govore samo o žilavosti centralizma, nego na veoma ubedljiv način delegitimišu iskrenu privrženost srbijske političke klase evropskim vrednostima. Danas, dve decenije nakon što je vojvođanska autonomija svedena na „strogog nadziranu lokalnu samoupravu“, zahtevi za većim stepenom autonomije se sve više radikalizuju, pa se sada u javnosti mogu čuti i glasovi da više ne treba insistirati na autonomiji, jer nije u stanju da servisira interes Vojvodine i njenih građana.

At the beginning of October, a convention was held at the Serb National Theatre in Novi Sad to commemorate events from Vojvodina's modern history known as the 'yoghourt revolution'.<sup>377</sup> It was about the same time in 1988 that large masses of people were mobilized to oust Vojvodina's leadership opposed to constitutional amendments.<sup>378</sup> Following rallies in other towns in the province, a huge crowd had gathered outside

<sup>377</sup> The event was called 'yoghourt revolution' because the crowd hurled yoghourt pots at the provincial officials as they tried to address them.

<sup>378</sup> The Constitution was seen as an obstacle to a more efficient solution to the problems in Kosovo, as well as preventing Serbia from achieving equality with the other Yugoslav republics. When Milošević said, at the inauguration of the Drvno thermoelectric power plant (June 1988), that a segment of Vojvodina's leadership wanted to detach Vojvodina from Serbia in the future, it was clear that constitutional amendments were going to be used to reduce Vojvodina's autonomy to a mere front, and that masses were going to be mobilized to oust the leaders called 'armchairers' and 'bureaucrats' and accused of having become an obstacle to the resolution of the Serb issue by putting their personal interests above the interests of the people.

the Banovina, the Vojvodina government building, clamouring for the leaders' resignations.<sup>379</sup> The regime skilfully manipulated all these rallies, known as 'happenings of the people',<sup>380</sup> to undermine Vojvodina's autonomy through slogans about 'Serb concord and unity' and demands for 'Serbia's equality with the other republics of the former Yugoslavia'. The media indoctrinated masses, who had repeatedly been assured that the time had come for the 'people to write the Constitution' themselves, stood outside the building chanting, 'Hey tripartite Serbia, now you're going to be whole again'.

The drive towards making Serbia 'whole' involved not only destabilizing and bringing down local (party) elites but also amending the Constitution. In voting the constitutional amendments following the fall of the Vojvodina party leadership, the provincial Assembly had renounced a crucial prerogative – the right to prevent the adoption of a Serbian Constitution without its consent. The Serbian 1990 Constitution practically abolished the autonomy of Vojvodina (and of Kosovo too, where a state of emergency had been introduced in March 1989). Two days after the Novi Sad rally, a similar 'happening of the people' was organized in Montenegro. But the attempts to stage such 'happenings' and the 'dissemination of truth' in other Yugoslav republics met with strong resistance, especially in Slovenia.

In an interview with the daily *Dnevnik* on the occasion of the anniversary of the 'yoghurt revolution', a former high-ranking official, Živan Berisavljević, said that the abolition of Vojvodina's autonomy had been

379 The native indigent villages and towns were almost unaffected because the rally participants were mostly colonists, people who had settled in Vojvodina during and after the Second World War. These people's strong nationalist sentiments, close solidarity with the Serbs in Kosovo and indisposition to Vojvodina's multiculturality rendered them highly susceptible to slogans such as 'One state – one constitution'.

380 The 'happening of the people' was preceded by the 'anti-bureaucratic revolution' launched at the 8th Session of the LCY Central Committee (1987). The second slogan was dropped and the first used instead to create the impression among the people that the authorities, with the new leader at their head, were no longer operating as an old, alienated power centre but as an instrument of authentic popular will and just popular demands.

a stepping-stone to the ‘destruction of Yugoslavia’, and that it had taken place in three stages. ‘The conceptual design stage took place in the period from 1972, that is, the showdown with the so-called liberals in Serbia, to Tito’s death, with the second stage beginning after the rebellion in Kosovo. It was as early as that time, 1981, that the raising of the Vojvodina issue, parallel with the Kosovo issue, was signalled. It was then that the Vojvodina leadership received the clear message: if you don’t agree to a change of the Constitution, we’re going to the people... And finally, the third, implementation stage, practically started with the Eighth Session of the Central Committee of the LCY [League of Communists of Yugoslavia] and ended in that ‘happening of the people’ and on 6 October 1998.’<sup>381</sup> Berislavljević said he did not subscribe to the view that the Vojvodina leaders buckled under pressure quickly. They had been resisting the pressure of party and state leaders in Belgrade for many years but, without support from the federal authorities, they were eventually used as currency to square Serbia, he said.

Boško Krunić, who stood at the head of the Yugoslav communists at the time of the ‘happenings of the people’, agreed. ‘A rotten compromise was made because everybody believed that curtailing the autonomies would placate Serbia and Slobodan Milošević and that insatiable Greater Serbia Unitarian programme. But they did not suspect that the wave would wash over their shores, something I’d been warning against inside the Yugoslav Central Committee. I told them that the thing would not stop on the Drina and the Bosut. And it did not!’<sup>382</sup>

Today, 20 years after the ‘yoghourt revolution’ and the demands for Serbia’s unification, after a bloody war and the break-up of Yugoslavia, Serbia is left without one of its parts: on 17 February 2008, the Assembly of Kosovo adopted a Declaration of Independence. At the same time, demands for greater autonomy from the other part, Vojvodina, are countered with charges of ‘separatism’.

‘We cannot build an independent state not only because such a plan lacks support, but also because it is profoundly detrimental. Vojvodina has

<sup>381</sup> ‘Preko Vojvodine srušena i Jugoslavija’, *Dnevnik*, 5 October 2008.

<sup>382</sup> ‘Mali Minhen ugušio autonomiju’, *Dnevnik*, 5 October 2008.

neither a church, nor a nation, nor a language, nor a historical state tradition of its own. We do not need another state, but we do need a different Serbia, a decentralized Serbia which includes an autonomous Vojvodina capable of functioning in a Europe of regions, with Serbia in the EU, as an autonomous political, commercial, economic and cultural entity,' said Nenad Čanak, president of the League of Social Democrats of Vojvodina (LSV), at the aforementioned convention.

The emphasis in Čanak's statement is on the *personality* of Vojvodina as a part of a *different* Serbia, not on a Vojvodina as a state entity independent of Serbia. This important distinction is often grossly and maliciously overlooked, and any demand for wider competences for the province is countered with the political criminalization of the person or entity that makes such a demand. For instance, the critics have dismissed the Draft Statute of Vojvodina as an unconstitutional document and seen attempts at 'political destabilization', 'secession' and 'perfidious creation of a state within the state' in some of its provisions. The Draft having been branded an unconstitutional document, the president of the republic, Boris Tadić, was called upon to prevent the dismemberment of Serbia and the creation of a new state.

Several provisions contained in the draft of Vojvodina's supreme legal act have been particularly criticized in public. This applies in particular to the definition of Vojvodina as an 'autonomous province of the women and men citizens who live in it, a part of the Republic of Serbia, which came into being by virtue of the specific national, historical, cultural and other characteristics of its territory, a multinational, multicultural and multiconfessional democratic European region integrated into a European system of regions' (Article 1).<sup>383</sup> Another target of criticism is the provision declar-

383 In the Draft Statute this Article is amended and reads: 'Vojvodina is the autonomous province of the women and men citizens who live in it, a part of the Republic of Serbia, which came into being by virtue of the specific national, historical, cultural and other characteristics of the region, a multinational, multicultural and multiconfessional democratic European region.' The Article now contains a second article which reads: 'Vojvodina is a component part of the integral cultural, civilizational, economic and geographical space of Central Europe.'

ing Novi Sad the ‘capital of the AP [autonomous province] of Vojvodina’ (Article 10). Other targets of the criticism include the right of the AP of Vojvodina to ‘establish representations in European regions and in Brussels to promote and advance its economic, scientific, educational, cultural and tourist capacity’ (Article 16); the right of the ‘provincial Assembly to make decisions having the effect of law in the territory of the AP of Vojvodina in respect of matters designated by statute as being of provincial importance’ (Article 19); a provision specifying that the use of the Latin script is subject to a provincial Assembly decision (Article 26); an optional provision envisaging the setting up of a Standing Joint Delegation comprising representatives agencies of the Republic of Serbia and the AP of Vojvodina with a view to lawful, successful and unimpeded conduct of affairs that are subject to the jurisdiction of the AP of Vojvodina (Article 28); a provision envisaging the setting up of provincial administrative districts in conformity with the Statute and subject to a decision by the provincial Assembly for the purpose of conducting specific provincial administrative affairs outside the seats of provincial administrative agencies<sup>384</sup> (Article 32); an act establishing a Development Bank of Vojvodina to stimulate the economic and social development of the AP of Vojvodina (Article 34); the establishment of a Vojvodina Academy of Sciences and Arts<sup>385</sup> (Article 34); the establishment of a National Communities Council (Article 40). The critics also object to renaming the province’s Executive Council as Government.<sup>386</sup>

384 The establishment of seven administrative districts is envisaged: Subotica and Sombor in Bačka, Kikinda, Vršac, Pančevo and Zrenjanin in Banat, and Sremska Mitrovica in Srem.

385 The section of the Draft Statute relating to VANU contains the special Article 17 which defines VANU as a scientific and artistic organization of special importance in the AP of Vojvodina, which is established by decision of the Vojvodina Assembly stipulating its role, activity and manner of its implementation. Ensuring the conditions of its work is the responsibility of provincial agencies.

386 In the words of Bojan Pajtić, ‘The term Executive Council dates from the Communist era and sounds about as “modern” as the Praviteljstvujući sovjet [the name for Serbia’s 1805 ruling council].’ ‘Vredanje Vojvodana neće proći’, *Večernje novosti*, 25 August 2008. In the opinion of the Vojvodina Club, unless Vojvodina is organized according to the standards of modern European regions the names of its agencies do not matter, so the Executive Council and the provincial secretariats may just as well be renamed Executive

There can't be two governments in one state, said Milorad Mirčić, vice-president of the Serbian Radical Party (SRS). In his opinion, 'Vojvodina's representations abroad form the nucleus of a [future] foreign ministry, of a network of embassies and consulates, while the Development Bank is actually another name for a National Bank of Vojvodina'.<sup>387</sup> Mirčić recalled that Serbia is, under the Constitution, the state of the Serb people and expressed disbelief that someone would want to categorize the Serb people in Vojvodina as a national minority. Mirčić dismissed as discriminatory a provision according to which members of the majority nation in Vojvodina would account for half the membership of the National Communities Council, given that 'according to the latest census, there are 65 per cent Serbs in Vojvodina'.<sup>388</sup> In Mirčić's opinion, Vojvodina's Academy of Sciences and Arts would have the same mission as the Doclean Academy in Montenegro, namely to pave the way for the establishment of a Vojvodina state by relying as much as possible on forgery, particularly of history, with a view to creating a Vojvodina nation and an autocephalous Vojvodina church.<sup>389</sup> Vojvodina's attempts to go its own way are bound to bring about the internationalization of the Vojvodina issue, he said. 'Among other things, sums of money will be transferred to create the effect of an apparent rise in living standards in Vojvodina, and this will be an occasion to launch a media propaganda campaign to create the impression that people who live in Vojvodina differ from those who live in the rest of Serbia in terms of living standards and other things; and there we're but a step away from the scenario implemented in Montenegro'.<sup>390</sup> The Democratic Party of Serbia (DSS) made a legal analysis of the Draft Statute and called for the drafting of a new one because, it said, there were many details in the existing one indicating a drift towards statehood in Vojvodina. According to DSS leader Vojislav Košturnica, the provision in Article 1 of the draft defining Vojvodina as a 'democratic European region integrated

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Board and officers respectively because their competences fit the description.

387 'Preduslovi za nezavisnu Vojvodinu', *Dnevnik*, 16 September 2008.

388 'U strahu od nečasnih namera', *Dnevnik*, 24 September 2008.

389 'Preduslovi za nezavisnu Vojvodinu', *Dnevnik*, 16 September 2008.

390 'U strahu od nečasnih namera', *Dnevnik*, 24 September 2008.

in a European system of regions' is particularly contrary to statute, as are the provisions envisaging the division of Vojvodina into geographic regions and the establishment of the Development Bank of Vojvodina. Serbia, Košturnica pointed out, 'can't have two capitals. However, our statute-makers have envisioned Serbia as an exception, with another capital beside Belgrade in the territory of Vojvodina – Novi Sad'. Košturnica granted that it would be legally possible to call Vojvodina's Executive Council its Government in the future.<sup>391</sup> Interestingly, only a month previously, Košturnica's party had accused the president of the Vojvodina Executive Council, Bojan Pajtić, of peddling a 'line about the title of the Executive Council being obsolete in order to conceal the essence of his plan and of the Statute he is proposing, which involves creating a separate Vojvodina police force, taking over the entire property of the Republic of Serbia, establishing a separate network of courts of law and of completely separate legislative, judicial and executive authorities.'<sup>392</sup> The New Serbia party lost no time either to point out that the Draft Statute was at variance with the Constitution, as well as to warn that it would be a throwback to the 1974 Constitution of the Socialist Federal Republic of Yugoslavia (SFRY). 'The creation of a functional autonomy for Vojvodina, as well as the further decentralization of Serbia, are only a pretext for accomplishing the autonomist and separatist goals of the League of Social Democrats of Vojvodina and for fulfilling the election promises of the Democratic Party.'<sup>393</sup> Joining the critics alleging incompatibility with the Serbian Constitution, the 'Maja Gojković' Citizen Group said that the Statute would 'wipe out the Serb people as state-building' and incorporate Vojvodina into a 'non-existent European system of regions.' This Citizen Group suspects that the

391 'DSS protiv državnosti Vojvodine', *Dnevnik*, 30 September 2008.

392 'Pajtić: Izgubili su kompas', *Danas*, 28 August 2008. Slobodan Samardžić, the DSS vice-president, said that the Vojvodina Statute reminded him of the formulation of autonomy contained in the SFRY 1974 Constitution and that the Province was looking for a foothold in the past and was making headway towards the 1974 situation. *Dnevnik*, 23 September 2008.

393 'NS: Hoće državu u državi', *Dnevnik*, 20 September 2008.

draft Statute reflects a desire for a bigger administration as its existence will require a parallel, overstaffed provincial apparatus.<sup>394</sup>

In connection with the Vojvodina draft Statute, a group of Serb intellectuals addressed an open letter to the president of the state, the Government, and deputies of the Serbian and Vojvodina assemblies in which they pointed out that the draft confers on Vojvodina elements of statehood and sovereignty. They identified the following statehood elements: first, Vojvodina's right to enter into international treaties in the areas of its competence; the right to set up representations not only in European regions but also in Brussels,<sup>395</sup> which means that Vojvodina will have its diplomatic representations at the NATO headquarters, EU central agencies and the Belgian Government; third, the usurped legislative competence of the Assembly of the AP of Vojvodina and; fourth, Vojvodina's status in the Standing Joint Delegation, where it would be formally equal to the Republic of Serbia, an arrangement meant to show that Vojvodina is not a part of Serbia but Serbia's equal. Furthermore, the Vojvodina Academy of Sciences and Arts is envisaged as an element of the province's cultural-historical and, later, national identity.

The signatories of the open letter were especially concerned about the way the province's administrative districts were envisaged. 'They are constituted and demarcated in such a way as to give the Hungarians a national district with its seat in Subotica. The ultimate objective of the territorial homogenization and separation of the Hungarian national district is the raising and problematization of the situation of the Hungarian national minority in Serbia, in order to detach the Subotica district and incorporate it into Hungary.' The signatories were especially concerned by

394 'GG "Maja Gojković": Brisanje srpskog naroda', *Dnevnik*, 27 September 2008.

395 In October, Serbia and the German region of Baden-Württemberg signed a cooperation agreement at the region's representation in Brussels. Interestingly, only the flags of Baden-Württemberg and the European Union are displayed on the building, and only the coat-of-arms of Baden-Württemberg above the entrance. No flags or coats-of-arms of Germany are in evidence. To make matters worse for the Serbian nationalists, it was Baden-Württemberg that organized in Brussels a meeting of the Danube Conference which it attended in its own name, together with the other nine countries in the Danube catchment area. 'Ko se boji jake Vojvodine još', *Dnevnik*, 9 October 2008.

the establishment of the National Communities Council: ‘It is an attempt to introduce a bicameral system, thanks to which national minority representatives will have the right to veto important decisions in the Vojvodina Assembly. Since the draft of the new Statute of Vojvodina is opening two disastrous possibilities – the creation of a Vojvodina state within the state of Serbia and the secession of the Subotica district and possibly the whole of Vojvodina – we demand most resolutely that you pronounce yourselves against the draft new Statute of the AP of Vojvodina.’

The 64 signatories of the letter include Smilja Avramov, Milovan Danojlić, Mihajlo Marković, Dragan Nedeljković, Milorad Ekmedžić, Vasilije Krestić, Zoran Kovačević, Slavenko Terzić, Slobodan Turlakov, Miroslav Josić Višnjić, Darko Tanasković, Predrag Dragić Kijuk, and Kosta Čavoški. The last-named signatory, academician Kosta Čavoški, told a news conference following the presentation of his book *Makijaveli* on the premises of publishing house Matica srpska that the purpose of the new Statute of Vojvodina was to detach the province from Serbia and the ‘ultimate objective to reduce Serbia to the Serbia that existed prior to the battle of Kumanovo, namely without Vojvodina and Raška – the Serb part of the Sandžak of Novi Pazar, and also without Kosovo and Metohija, namely a Serbia between Belgrade and Ristovac.’ The people must prevent such separatist designs, he said, because the people too exercise a measure of responsibility, not only the politicians.<sup>396</sup>

The provincial Assembly deputies’ reply to all these accusations was the adoption of the Draft Statute at the middle of October.<sup>397</sup> ‘The citizens

396 ‘Čavoški: Cilj statuta – izdvajanje Vojvodine iz Srbije’, *Dnevnik*, 6 October 2008.

397 The text of the Draft Statute was approved on 16 December and put forward for public debate. The Vojvodina Assembly adopted the Draft Statute on 14 October. The 120-member Assembly adopted the Draft Statute, introduced by the Vojvodina Executive Council, with 89 votes in favour and 21 against. The votes in favour were cast by deputies belonging to the parliamentary floor groups For European Vojvodina, the Hungarian Coalition, the League of Social Democrats of Vojvodina – Together for Vojvodina, and the Socialist Party of Serbia – Party of United Pensioners of Vojvodina – Vršac Region-European Region Movement, and the votes against by deputies from the Serbian Radical Party and Democratic Party of Serbia – New Serbia parliamentary floor groups. The opposition put forward 155 amendments to the Draft Statute, with the DSS alone accounting for 68. The

of Vojvodina find being suspected of things all the time highly insulting. Vojvodina entered Serbia of its own free will and Vojvodina has no intention whatever of leaving Serbia,' said Pajtić and added that 'Decentralization is not looked upon as separatism anywhere in the world save in a small segment of the Serbian public. Actually at work here is resistance to any idea which results in the modernization of society.'<sup>398</sup>

It ought to be pointed out that the draft Statute has been criticized not only by pronounced nationalists but also by autonomists or actors (more or less) favourably disposed towards autonomy. Thus, in the words of LSV leader Nenad Čanak the existence of a statute as the supreme legal act in itself is an affront to Vojvodina because Vojvodina had a Constitution before Milošević. Although, in his opinion, Vojvodina stands to gain nothing from the Statute, he said that the LSV would support it all the same because 'we support everything where any mention is made of Vojvodina as a territorial political personality. This, however, does not mean that we agree to the proposed arrangements.'<sup>399</sup> Only a day after the Draft Statute had been passed by the provincial parliament, the Social Democratic Party of Vojvodina (SDPV) issued a sharp-worded statement condemning the adoption as an act of ignominious acquiescence in the status to which Vojvodina had been condemned under the 2006 Constitution. 'The adoption of the Statute on the basis of such a constitution is an act which countenances the compromises made by the party leaders who had enforced that constitution and the power-hungry leaders, including even the leaders of

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sponsor adopted only one, put forward by the SRS. New Serbia and the Serb Progressive Party announced that they would petition the Serbian Constitutional Court to protect the rights of Serbian and Vojvodina citizens.

<sup>398</sup> 'Uvredljivo je Vojvođane stalno sumnjičiti', *Dnevnik*, 25 October 2008.

<sup>399</sup> 'Nije ovo put kojim Vojvodina treba da ide', *Dnevnik*, 20 September 2008. Maja Sedlarević, the Vojvodina Assembly vice-president and League member, was more specific. She said in an interview with the daily *Danas* that the League's demands regarding Vojvodina included access to EU funds earmarked for regions, having representations at other European institutions besides Brussels, a more specific definition of the position of VANU so that its founder and source of funds could be known, the right to a regional police force, a clear definition of the status of the Vojvodina broadcasting organization. 'Suprotno interesima Vojvodine', *Danas*, 7 October 2008.

the parliamentary parties which had taken part in its successful boycott in Vojvodina.<sup>400</sup> The draft Statute is unacceptable to the Democratic Community of Vojvodina Hungarians (DZVM), said the party's president András Ágoston, because it takes no account of the Hungarian parties' demands for guaranteed mandates. He opposed the creation of the National Communities Council on the ground that as far as the minorities are concerned institutional duality means nothing but another bureaucratic hurdle.<sup>401</sup>

The draft Statute was also criticized by a number of NGOs. Đorđe Subotić, president of the Vojvodina Club, said that only the Serbian Constitution, not the new Statute, could improve the situation of Vojvodina's citizens. In his opinion, the Assembly of Vojvodina would have to adopt a conclusion and declare that the citizens did not approve the Constitution at the referendum and that, contrary to the provisions of the London Peace Conference, the citizens of Vojvodina have not had their constitutional rights restored to them. 'The citizens will not live better, because with a budget allotment of 7 per cent, their relationship to the Republic of Serbia will continue to be one of feudal serfdom.'<sup>402</sup> In the opinion of Nada Dabić, president of Esperanca, Vojvodina stood to gain nothing from the Statute – neither legislative power, nor economic authority, nor decentralization.<sup>403</sup> Aleksandar Popov, director of the Centre for Regionalism, said that the draft Statute would not give Vojvodina perceptibly greater powers, and that the proposal to set up administrative districts for Srem, Banat and Bačka would result in a deconcentration rather than a decentralization of power.<sup>404</sup> Antal Bozoki, the Novi Sad lawyer and director of

400 'Novi Statut – čin pristajanja na ustavnu neravnopravnost Vojvodine', SDPV public announcement, 15 October 2008.

401 Andras Agoston's interview with *Dnevnik*, 1 October 2008. In a petition to the Executive Council and the Vojvodina Assembly, Danijel Petrović, the national councils coordinator, also called for guaranteed terms of office for national minorities and for widening the criteria for national minority status. 'Nacionalni saveti traže dopunu Statuta APV', *Dnevnik*, 10 October 2008.

402 'Nevladine organizacije nezadovoljne nacrtom statuta Vojvodine,' *Građanski list*, 22 September 2008.

403 *Ibid.*

404 'Popov: Dekoncentracija vlasti', *Dnevnik*, 20 September 2008. Popov commended the

the NGO Argus, sharply criticized the promoters for not publishing the Draft Statute in the minority languages, thus denying the minorities their right to receive information in their mother languages and participate in the public debate on an equal footing.<sup>405</sup>

The adoption of the Statute and its confirmation by the republic parliament was but the first step towards rounding off Vojvodina's competences. But even before the draft was adopted by the Vojvodina Assembly an issue was publicly raised and fears expressed that Vojvodina's autonomy might be curtailed during the next stage. Tamas Korhec, the provincial secretary for legislation, administration and national minorities, pointed out that Vojvodina's competences under the new Constitution had not been rendered concrete by legislation and that gaps in the law abounded. This, in his view, should not pose much of a problem because an absolute majority approval of the Statute in the republic Assembly would mean that its provisions would be translated into law. On the other hand, the constitutional law experts interviewed by the Novi Sad daily *Dnevnik* were of the opinion that while the Serbian Assembly had certain political obligations, it would be in no way legally bound to harmonize future legislation with the new Statute of Vojvodina. 'At this moment no one knows what arrangements will be envisaged in individual laws which will be enacted in a few months or even years. Given that the republic laws are superior to the Vojvodina Statute, it would be sheer folly to lead one's own province into a state of lawlessness later on. If the province's Statute should turn out to be contrary to law it would be through no negative action by the province, but precisely though action by the Assembly of Serbia, in case it disregards the provisions in the Vojvodina Statute it has sanctioned itself.'<sup>406</sup> The province's Statute could not be fully implemented even if it were confirmed by the republic Assembly by the end of the year because, as has already been said, its full implementation requires that

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inclusion in the Draft Statute the provision for new institutions such as Ombudsman, National Community Council and Standing Joint Delegation as a link between provincial and republic agencies.

405 *Ibid.*

406 'Skupština Srbije kroji autonomiju', *Dnevnik*, 22 August 2008.

the province's competences in 26 areas be regulated by law; therefore, the provincial and republic administrations have agreed to 'define the extent of the autonomy by a complex law that would cover all the areas in which the competences of the province have been defined.'<sup>407</sup> Korhec said that the provincial Secretariat for Legislation, Administration and National Minorities was busily working on a law on the province's competences in collaboration with republic ministries and the Secretariat for Legislation, adding that the draft new Statute of Vojvodina would not be included in the agenda of the republic parliament before a law regulating Vojvodina's competences was ready.<sup>408</sup>

Besides the Statute, the draft republic budget attracted considerable attention and provoked criticism among the Vojvodina public. The Constitution fixes the Vojvodina budget at 7 per cent relative to that of the Republic. The Ministry of Finance decided, however, that Vojvodina must do with 4.85 per cent (or 35 billion dinars instead of the 50 billion dinars envisaged by the Constitution). Describing the draft budget as shocking, Istvan Pastor, vice-president of the provincial Executive Council, said, 'either people in the Ministry of Finance are ignorant of the Constitution, or the constitutional provision is trampled on because someone in Belgrade

407 Tamas Korhec in 'Uz novi statut usvojiće se i "kodeks" o Vojvodini', *Dnevnik*, 17 November 2008.

408 Representatives of the provincial administration, especially the Assembly president, made efforts to have the Draft Statute included in the republic Assembly agenda by the end of the year. They had in view the provision in the Constitutional Law according to which the general deadline for bringing all laws, including the Statute, into line with the Serbian Constitution expired on 31 December 2008. However, the Statute was not approved because the republic parliament had found itself in a time crunch. An explanation for this was given by Slavica Đukić Dejanović, the Serbian parliament president, who attributed the delay to a multitude of amendments, a prolonged debate various pieces of legislation, a debate on a no-confidence motion in the government, and a debate on the draft budget. However, other reasons were given publicly. According to Istvan Pastor, the SVM president, the fate of the Statute depends on the balance of forces within the Democratic Party, with a pro-Vojvodina current aiming for Serbia's decentralization and another striving towards centralization. *Danas*, 25 December 2008. This means that the Statute may not find itself on the republic Assembly agenda until a majority necessary for its approval is ensured, and there is no such majority at present.

has decided that one can treat the Vojvodinians that way.' Pastor viewed the draft budget in the context of increasingly open avoidance to put the Vojvodina Statute on the agenda of the republic Assembly.<sup>409</sup> According to Nenad Čanak, the draft budget is a 'continuation of the campaign calculated to make a nonsense of Vojvodina's autonomy'.<sup>410</sup> He said, 'Apparently, the world economic crisis is taking its toll in Serbia, which is not in issue. What is in issue is that the Constitution is thereby being violated in an exact and easily verifiable manner. We didn't force anyone to turn the Constitution into a mockery of a cash register receipt.' The head of the parliamentary group of the Alliance of Vojvodina Hungarians (SVM) in the republic parliament, Balint Pastor, said he hoped the budget items would be amended before the Government session, otherwise the four SVM deputies would not vote for the budget. On the other hand, Nada Kolundžija, head of the 'For a European Serbia' (ZES) parliamentary group, said that in connection with the budget she expected all political actors to exercise full responsibility because the budget was being adopted at a time of economic crisis in Serbia. 'We will find a way to have the budget adopted,' she stressed.<sup>411</sup>

While some objected and warned that the draft budget was unconstitutional, others, like Slobodan Vučetić, the former Constitutional Court president, argued that the Government's decision was not unconstitutional. 'It is true that the Constitution specifies that the budget of Vojvodina amounts to at least 7 per cent in relation to the budget of the Republic. But there is nothing in the Constitution that says that the Vojvodina budget resources are provided entirely from the Serbian budget, that is, all of the 7 per cent... Accordingly, the Serbian budget allocation for Vojvodina is not unconstitutional. This only means that the remainder is to be financed by the Province from its own revenue guaranteed to it by the Constitution and statute.'<sup>412</sup> 'Just to make the record straight,' said Jovica Đukić, provincial secretary for finance, 'the 15 per cent gap can in no way be made good

409 'Vojvodina zakinuta za 15 milijardi dinara', *Dnevnik*, 2 December 2008.

410 'Opet smo zakinuti', *Dnevnik*, 3 December 2008.

411 'Kolundžija: Naći ćemo način da budžet bude usvojen', *Danas*, 3 December 2008.

412 *Ibid.*

from the Province's direct revenue because it accounts for a mere 0.8 per cent of the budget at present, and Vojvodina neither can nor may impose any additional fiscal burdens on its citizens.' Giving Vojvodina a smaller share than envisaged by the Constitution would jeopardize the Province's financial competences, Đukić said.

In order to avert such a possibility, the president of the Vojvodina Executive Council, Bojan Pajtić, said after a talk with the Republic Prime Minister Mirko Cvetković and Minister of Finance Diana Dragutinović that the matter of the provincial budget would be resolved by giving Vojvodina 67 billion instead of 35 billion dinars. 'We agreed to make up the provincial budget shortfall from the privatization of the Naftna industrija Srbije (NIS) state oil company, so that in addition to the mandatory 50 per cent of resources due to Vojvodina under the Privatization Law, it should receive an additional 40 per cent of the (NIS) privatization proceeds. This practically means that 90 per cent of the NIS privatization proceeds will remain in Vojvodina, an inflow into the provincial budget of 360 million euros.<sup>413</sup>

But, in the opinion of the LSV, the Vojvodina budget and the sale of NIS are two different things and ought not to be confused. 'As far as the budget is concerned, Serbia must respect the Constitution that was imposed on Vojvodina against the will of its citizens,' whereas 'as regards NIS, before we even start counting on that money we should first see how much it will be sold for. For 400 million euros or for 2.2 billion euros, the sum at which it was valued. The difference is drastic and we expect of Vojvodina's administration to fight for the balance.' The LSV said that allegations that the 'Vojvodina administration has agreed to sell NIS for 400 million euros and is already counting on the proceeds, can be characterized as pressure on the negotiating team to sell NIS without the Russian side making specific commitments regarding the reservoir for Russian gas at Banatski dvor and the 'South Stream' gas pipeline. And that is neither in the interests of Vojvodina, nor in the interests of Serbia as a state.'<sup>414</sup> A

413 'Pajtić: Vojvodini 90 odsto prihoda od NIS-a', *Danas*, 5 December 2008. In this connection, the SVM said it would vote for the budget because it was satisfied with Vojvodina's share of it.

414 'LSV: A interes Vojvodine', *Dnevnik*, 5 December 2008.

similar view – that the sale of NIS and the Vojvodina budget are two different matters – was expressed by Ivana Dulić-Marković, the deputy president of the Vojvodina Executive Council. ‘The attempt to link the sale of NIS to filling Vojvodina’s budget is actually an attempt by Bojan Pajtić and the Democratic Party to force another subject in order to conceal the fact that NIS is being sold below cost.’ Asked to explain why Pajtić had made a mistake<sup>415</sup> in demanding 90 per cent of proceeds from the NIS sale, Dulić-Marković said, ‘In a democratic state everything functions in accordance with the Constitutional and law, not on the basis of an agreement between two men, even if they are two prime ministers. By the way, the Privatization Law stipulates that Vojvodina is entitled to 50 per cent of privatization proceeds, not to 90 per cent. I think it would be a good thing for Vojvodina to get 90 per cent of the NIS sale proceeds, instead of one-half – and that not of 400 million euros but of 2.2 billion euros –but only through amending the Privatization Law.’<sup>416</sup>

Vojvodina’s and/or Serbia’s interests were often discussed during the course of the year in connection with the energy deal with Russia. While some hailed it as the best economic agreement Serbia had signed in the last 30 years,<sup>417</sup> others condemned it as being criminal in nature.<sup>418</sup> While some insisted that it was directly contrary to the Stabilization and Association Agreement, others denied this and argued that the two documents were in harmony.<sup>419</sup> While some insisted that Serbia would become the chief political and energy actor in the Balkans thanks to the gas

<sup>415</sup> Vojvodina’s Prime Minister Bojan Pajtić said that the agreement he had reached with his republic opposite number Cvetković was not contrary to the law. He said that the sale of NIS was not subject to the Law on Privatization because that law relates to socially-owned and not state-owned enterprises such as NIS. He also said that Vojvodina might not have received anything at all if that law could have been applied. *Dnevnik*, 25 December 2008.

<sup>416</sup> ‘U pokrajinskoj vladi svako vodi svoju politiku’, *Gradanski list*, 27 December 2008.

<sup>417</sup> Nenad Popović (DSS) in ‘Košturnica: Vlada o gasu 9. maja’, *Dnevnik*, 6 May 2008.

<sup>418</sup> LDP President Čedomir Jovanović in ‘Protiv LDP and vojvođanske stranke’, *Dnevnik*, 6 September 2008.

<sup>419</sup> *Ibid.*

pipeline,<sup>420</sup> others condemned the deal as a first-rate transition scandal.<sup>421</sup> The SRS, New Serbia and others said they would be ‘more proud than ever’ to vote for the agreement with Russia and that ‘with both hands’, but others (LDP, SVM and LSV) said they would vote against it because they saw no economic justification to sell such an important energy resource for so a small sum.<sup>422</sup>

On 9 September, the republic Assembly ratified the energy agreement with Russia with 214 votes in favour. The ratification, however, did not put an end to the controversy surrounding the agreement. Five days later, Bojan Kostreš said that the LSV would not let the citizens of Vojvodina be robbed through the NIS privatization.<sup>423</sup> ‘The value of NIS has been put at 2.2 billion euros, therefore selling it for that sum is what we would agree to. If for some higher reasons the state wishes to sell NIS for less money, we will demand recompense for the citizens of Vojvodina.’ In that case, he said, the state should pay Vojvodina 1.2 billion euros in compensation, a sum which would have been its due had NIS been sold according to the latest valuation.<sup>424</sup> In the first half of December, the Serbian negotiating team reported to the Government that the Russian negotiators would not sign an umbrella energy agreement between the two countries. According to the report, the Russians insisted on signing only the NIS sale agreement by the end of the year and did not agree that the three projects envisaged by the agreement were interconnected.<sup>425</sup> Because no firm guaran-

420 ‘Kroz gasovod ide partnerstvo ili tutorstvo’, *Dnevnik*, 6 September 2008.

421 Interview with Vladimir Gligorov. ‘Prodaja NIS-a skandal’, *Dnevnik*, 4 October 2008.

422 ‘Prodaja NIS-a samo iz obeštećenje Vojvodine’, *Dnevnik*, 21 August 2008.

423 Though both LSV and SVM opposed the agreement with Russia, they had no objections to the two prime ministers’ agreement that Vojvodina should have 90 per cent of proceeds from the NIS sale.

424 ‘Vojvodini 1,2 milijarde evra za NIS’, *Dnevnik*, 14 September 2008. The daily wrote on 24 September that NIS had been sold to Gazprom for 400 million euros not as a result of any arm-twisting and blackmail on the part of the Russians, but because the Russians had simply accepted the price Serbia had asked for the company.

425 The agreement provides for the sale of NIS to Gazprom and the construction of a gas reservoir at Banatski dvor and the South Stream gas pipeline. As reported, the Russian negotiator did not want to offer guarantees for commitments stemming from the NIS

tees were offered that the 'South Stream' pipeline would be built through Serbia, Mlađan Dinkić and his collaborators left the negotiating team. In this connection, he addressed an open letter to the public alleging that 'our side was the first to deny him support' and that responsibility for the economic consequences of the new negotiating platform would have to be shouldered by someone else.<sup>426</sup> Finally, on 24 December, the presidents of Serbia and Russia, Boris Tadić and Dmitry Medvedev, signed in Moscow a political declaration which the press saw as a kind of umbrella energy agreement between the two countries. The arrangement is based on the NIS sale agreement concluded by the Serbian Government and Gazprom.<sup>427</sup> In addition to the document, Srbijagas and Gazprom signed a protocol on cooperation on the 'South Stream' main pipeline project and a memorandum of understanding regarding the completion, filling and

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sale agreement. They also insisted that the agreement should not be subject to the Law on Privatization, that NIS should have full monopoly on oil and oil product imports and processing, including the possibility of importing only fuel meeting Euro 5 standards, that any environmental damage caused by NIS should be paid for from the Serbian budget, etc.

426 'Nema garancija da će gasovod biti izgrađen', *Danas*, 12 December 2008. Dinkić recalled that Serbia had agreed to Russia's proposal to link the construction of the main pipeline and the modernization of the gas reservoir at Banatski dvor to selling NIS without any tendering, i.e. by direct bargain. He said that 11 Government members had also turned down the Ministry of Economy's alternative proposal that, in the event of the NIS sale agreement alone being signed, 25 per cent of NIS shares would be immediately transferred to Gazprom with Serbia retaining majority management rights, and that the remaining 26 per cent would be transferred only on signing a binding agreement on the pipeline construction.

427 Under the agreement, Serbia could resume ownership of NIS in the event of the investor failing to abide by his obligations. In reply to a question what exactly Gazprom had bought and what Serbia had sold, it is said in an article published by *Dnevnik* that Gazprom would receive everything that is meant by NIS in Serbia. This will include the office buildings, distribution network, sales premises, transportation facilities, equipment, plant, standard workforce infrastructure, oil – and gas-fields... the most valuable in this package are the oil – and gas-fields in Vojvodina and the drilling works under concession in Angola.

future exploitation of the underground gas reservoir at Banatski Dvor.<sup>428</sup> The only concrete document in the package is the agreement on the sale of NIS, the other two being mere political acts. Aware of this, President Tadić conceded that one could reasonably object to the fact that the energy agreement was not backed by clear legal and financial guarantees. But he also stressed that one's word had often proved stronger than guarantees built into the most carefully worded documents, and that the future would show who was 'honest' and who 'treacherous'.<sup>429</sup>

The question of 'honesty' and 'treachery', of who is working for the good of the country and who is not, had long been hotly debated in connection with another agreement – the concession agreement to build a motorway between Horgoš and Požega. The persistent efforts of the former president of the Vojvodina parliament, Bojan Kostreš, to prove the harmful nature of the agreement finally bore fruit at the end of the year. On 16 December, the undertaking Sever-Jug Autoput', set up to ensure the realization of the concession to construct, maintain and operate the Horgoš-Požega motorway, announced that the concessionaire, Alpina-PORR, was rescinding the agreement. The concessionaire said in a statement that the rescission of the agreement was the only choice left because the Government was not prepared to accept alternatives. Having rescinded the agreement, the concessionaire proposed to the Serbian Government a 60-day formal mediation period to avoid costly international arbitration. The Government replied that the concessionaire had 'apparently overlooked the fact that the concession agreement has not yet entered into force, considering that the closing of the financial construction for the project is a prior condition of its entry into force and that that can be done by 31 December 2008.'<sup>430</sup> Before the concessionary decided to rescind the agreement, efforts were made to reach consensual agreement to do so. These efforts bore no fruit, however, because the concessionaire's demands were too unrealistic to be accepted by the Government.<sup>431</sup> However, one won-

428 'Naftna industrija Srbije za gasovod', *Dnevnik*, 25 December 2008.

429 *Ibid.*

430 'Puče koncesija', *Dnevnik*, 17 December 2008.

431 The National Council for Infrastructure said in a statement that the concessionaire had

ders why, once it became clear that the concessionaire was unable to provide the funds for the construction of the motorway, the Government kept offering it arrangements to the annoyance of domestic road construction firms.<sup>432</sup> Why did it not simply wait until 31 December, when the agreement would be rescinded automatically and when there would be an opportunity to collect 10 million euros in bank guarantee? Given that it was clear as early as 31 March that the concessionaire would be unable to collect the necessary funds, why did it keep giving way and agreeing to ever new demands?

The rescission of the agreement pleased the LSV leaders above all. Expressing satisfaction that Vojvodina was not going to have to pay 450 million euros over the next 20 years under the agreement, Bojan Kostreš said that getting out of that bad arrangement was not enough because 'one must find out who was responsible for its conclusion.' He said that there was going to be official investigation because, in his opinion, those who insisted on the agreement must have profited by it. 'If the authorities of the state do not launch an investigation, I don't rule out the possibility of our filing a criminal report against unidentified persons, and then they'll have to act *ex officio*'.<sup>433</sup>

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asked Serbia for guarantees that the frequency of traffic would be worth over 200 million euros, a four-year extension for the construction of the Horgoš-Požega motorway, and an extension of the concession period from 25 to 30 years ('Koncesija nije u interesu Srbije', *Dnevnik* 17 July 2008). The concessionaire obviously kept scaling down the amount of cost reimbursement with the approach of 31 December, by which date he should have closed the financial construction.

<sup>432</sup> According to Milutin Mrkonjić, the minister for infrastructure (*Dnevnik*, 28 August 2009), and Helena Aluta, co-owner of Alpina, Dinkić proposed a rescission of the agreement by mutual consent and offered the concessionaire the Horgoš-Novи Sad section without having to submit a tender. (*Dnevnik*, 11 December 2008). The offer shocked the domestic road-building companies because their role under such terms would be one of sub-contractors. Instead of giving them an opportunity to earn money, which they could do only as contractors and not as sub-contractors, they objected that a model had been created favouring foreign firms and by-passing the law. 'Domaće neimare šokira država', *Dnevnik*, 27 August 2008.

<sup>433</sup> 'Srbiji prete sitna slova u ugovoru?' *Dnevnik*, 20 December 2008.

Regardless of whether there is going to be an investigation or not, the Government's decision to extend the agreement until 31 December shows that it obviously failed to judge properly both the concessionaire and the situation in the financial market. Furthermore, in the view of the economist Milan Kovačević, the whole deal was badly prepared. He recalled that the agreement had been problematic right from the start. 'There was an air of secrecy about every move, and four agreement annexes were never made public,' he said. 'The Government only had a say in the concession act, the other conditions being included in the concession agreement. As it turned out, we agreed to the second-placed [tenderer] being treated as first-placed, to the agreement being modified to our detriment... Unfortunately, our legislation does not provide for punishing people who cause damage...It is high time we passed legislation to sanction anybody responsible for a damaging business deal.'<sup>434</sup>

The Vojvodina Draft Statute, the energy agreement with Russia and the construction of the motorway were all declared national interests. Interestingly, however, the question of accountability has never been considered a national interest, and without acting responsibly neither the Government nor Serbia as a state can build up a credibility at home and abroad. Likewise, the wider powers on which the autonomists insist imply greater accountability, which is precisely what some politicians (including those from Vojvodina) do not want, said Dulić-Marković.<sup>435</sup> 'If our aim is to bring Europe to Vojvodina and to increase Vojvodina's competitiveness in attracting foreign and domestic investment,' then the parties that make up the Province's administration must act as a coherent team, she said. 'But I have seen no evidence of a team spirit within the administration,' she added.<sup>436</sup> Instead, 'in the Banovina [Vojvodina Government building] there is a cohabitation, a coexistence with all living their own separate lives. There's no real coordination, nor are there any joint actions by the political parties that make up the coalition. It seems to me that every secretariat is doing its work according to its party agenda, that is, independently of

<sup>434</sup> 'Krajnje vreme za sankcionisanje štetocina', *Dnevnik*, 19 July 2008.

<sup>435</sup> 'Devolucija, ne revolucija', *Dnevnik*, 13 December 2008.

<sup>436</sup> 'Tim koji ne zna kuda ide', *Dnevnik*, 8 October 2008.

the rest.<sup>437</sup> Dulić-Marković said that the provincial secretariats and services needed much better coordination as regards regional cooperation and European integrations and announced the setting up of a project managing sector. Although the rules for joining the EU are clear, the confusion that exists is the work of the politicians who make unrealistic promises and do not know what the European Union is, she said.<sup>438</sup> ‘We won the elections on the strength of our promises about the European Union and decentralization, about the building of institutions, but in practice everything is the other way round,’ she said and posed the question: Whence this resistance to decentralization and Vojvodina’s Statute? In reply, she quoted a deputy from her own party: ‘The Statute of Vojvodina is being decided here, in Belgrade, in the republic parliament.’

Strong insistence on the rights of the citizens of Vojvodina to decide their own fate also marked the work of the Third Vojvodina Conference held in Novi Sad in the second half of December. The political mood of the Conference participants was best summarized by Slobodan Budakov’s pregnant exclamation, ‘With Serbia – YES; under Serbia – NO!’ In their Resolution, the participants made clear that they wanted neither a Unitarian state nor uniform institutional arrangements for different environments and different subjects. Their criticism also focused on Vojvodina’s underdevelopment, the continuation of the policy of exploitation over the past two decades, the outrageous plunder and sale for a pittance of Vojvodina’s resources, property and capital, the provincial administration’s having to beg for things from the republic executive authorities and the obsequious praise of anything they may hand out. On the other hand, the Convention participants called for organizing Serbia on substantially different principles and for a radically new Constitution. They insisted that the Constitution must affirm the authentic political personality and regional identity of Vojvodina and that the province must have the following rights: the right to adopt its constitutive act independently; the right to regulate and exercise its legislative, executive and judicial power; the right to be in charge of its own development and to dispose of its natural

437 ‘U pokrajinskoj vladi svako vodi svoju politiku’, *Građanski list*, 27 December 2008.

438 *Ibid.*

and other resources, direct revenue and own property; the right, as a constituent entity and on terms of full equality with Serbia, to determine the fundamentals of the constitution and future organization of the joint composite state and to take its share of responsibility for its functioning, development, peace and stability and for addressing Serbia's problems by agreement. In brief, the participants demanded a new historic agreement between Serbia and Vojvodina with a view to their union in a Republic of Serbia as a common, integral, composite and sovereign European state.

Of the provincial officials invited to the Convention, Istvan Pastor alone turned up, in his capacity as president of the SVM. His appearance was no coincidence: the Hungarian community, whose interests the SVM champions, had been a target of criticism, along with the Statute and its drafters. In spite of the fact that political representatives of the Vojvodina Hungarians had been resolutely denying charges of separatism<sup>439</sup> time and again, such charges continued to be made. Although the intention behind such political accusations is not difficult to see through – their aim is to single out the Hungarians in order to weaken the autonomist forces and to fabricate accusations against them in order to disrupt interethnic relations in Vojvodina – it is worth recalling some of the statements made at a panel organized by the Helsinki Committee<sup>440</sup> in Novi Sad on the role of Hungarian parties in defining Vojvodina's status. It was said, among other things, that, 'Within the Hungarian political community, different notions have been expressed as regards Vojvodina's autonomy. Some argue that for us Hungarians, as a minority community, Vojvodina's autonomy is a secondary and, fundamentally, unimportant issue. From the beginning, we in the Alliance of Vojvodina Hungarians have been of the opinion that

439 'There is no question of secession! The authors of the new Statute went as far as the limits allowed by the Constitution, but they didn't go further by an inch...I can assure you...there's no question of any secession by Vojvodina, nor of any secession by any of its parts,' said Balint Pastor, a SVM parliamentary deputy. 'Manite se besmislenih priča o secesiji', *Dnevnik*, 21 October 2008.

440 The Helsinki Committee realized the project 'The Role of the Hungarian Community in Serbia' thanks to the appreciation and support of the Ministry of Foreign Affairs of the Republic of Hungary.

this is a very important issue because we are simply convinced – and the past seven or eight years have clearly borne this out – that there is a much greater sensibility in Vojvodina as regards the expectations and demands of minority communities. However, our advocacy of Vojvodina's autonomy also has to do with the realization that the situation of the Hungarian community is much better at Vojvodina than at republic level, because in Vojvodina the Hungarian community can exert greater influence on the political situation owing to its percentage share of the province's population. The elementary interest of the Hungarian community is that as many issues as possible should be regulated at Vojvodina level, precisely because we find it easier to translate our goals into reality that way. But, in order to translate the goals into reality more easily, it is necessary to achieve – and this is characteristic of politicking among ourselves and among minorities in general – a balance between national and general interests, and secure a parliamentary majority for making particular decisions. But since minority politics, Hungarian minority politics, will never itself have the strength to carry ideas through to realization, either at the level of the Autonomous Province of Vojvodina or the level of the Republic, it will always have to seek partners and support for the ideas it advocates.' As regards the activities of Hungarian civil and political actors, it was stressed that they had 'offered the civil and political culture of Vojvodina and Serbia a model of legalistic, responsible behaviour and of politics compatible with the definition of the constitutional state and "constitutional nationalism". Irrespective of the differences, irrespective of the different projects and different types of minority autonomies, the desire to affirm in a legitimate way the interests of this community's representatives through political processes and constitutional procedures has always been at the core of these initiatives' and such behaviour, 'if we are to learn from good examples of transition and how to build a constitutional state, is a model of political competition we would do well to follow with regard to issues on which we disagree without, at the same time, calling into question the fundamental values of the community.'

## Conclusions and recommendations

The criticisms put forward on the occasion of the Vojvodina's new Statute by a segment of the political class and its ideological mouthpieces do not come as a surprise. Given that for years past every demand for greater competences for Vojvodina has met with censure, the criticisms were actually anticipated. The criticisms set forth on this occasion are somewhat reminiscent of those levelled at the time when Milošević was rising to unlimited power. Just as then, the critics are today objecting to what they consider (excessive) competences which would turn Vojvodina into a (para-)state.

The differences, however, as regards context above all, are drastic. Whereas before the big, socialist Yugoslavia was still in existence, there is no state under that name on the political map of Europe any more. Whereas before Vojvodina was a federal unit, today it is a piece of 'geography, northern Serbia.' Whereas before Serbia comprised two provinces – Vojvodina and Kosovo, today it has only one – Vojvodina. 'With Serbia – YES; under Serbia – NO!' – was the message of the participants in the Third Vojvodina Convention. Whereas before the opponents of the autonomy needed no arguments other than big crowds, today there are no crowds but also no arguments. Thus, for instance, the nationalistic intellectuals in their open letter to the president of the Republic, the Government and both assemblies object to Vojvodina's right to set up a representation in Brussels as an element of statehood, quite overlooking the fact that other provinces, such as Germany's Baden-Württemberg, have their own representations in that political centre.<sup>441</sup>

441 See footnote 13. Interestingly, this letter was also addressed to the president of the Republic, Boris Tadić. According to his party colleague Bojan Pajtić, the provincial prime minister, Tadić took part in formulating a number of Statute provisions and 'suggested that the Statute should specify the right of Vojvodina to set up its representation in Brussels.' See: 'Saradnja DS-a i naprednjaka nije nemoguća', *Dnevnik*, 25 December 2008. It is worth recalling that the German Government made no sharp demarche to Serbia, nor did it recall its ambassador from Serbia, after Serbia had signed with Baden-Württemberg an agreement on cooperation, and that at the region's representation in

The ideological pattern used 20 years ago to destroy Vojvodina's autonomy is also in operation today – the problem lies in others, in their appetites and excessive powers, not in one's own paternalism, Unitarianism and centralism. However much they (Statute promoters, autonomists and others) may swear by the Constitution – the argument runs – we (defenders of sovereignty, territorial integrity, dignity of the Serb people, etc.) know that that is mere ideological mimicry. However much they may insist on their (native) Vojvodina industry, thrift and rationality, we know that those are racist prejudices and that the 'golden era' of Vojvodina's autonomy rested on free and cheap international capital. However much they may insist on autonomy, we've seen through them. We know that they are not autonomous because they are acting on behalf of powerful foreign players who think that Serbia, even such as she is now, is big enough to be further reduced, as one of the open letter signatories said, within her frontiers existing before the Battle of Kumanovo. Just as before, when it was accused as being a member of the 'unprincipled coalition' within Yugoslavia, Vojvodina is today regarded as being under the thumb of Western power-wielders, a mere blunt instrument to be used to carve up Serbia.

The references to the conspiracy motive<sup>442</sup> made by the critics of the Province's Statute indicate that there is still a link with the ideological mi-

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Brussels!

442 *Kurir* was the first to allege, in 'Kupovina pokrajine' on 15 August 2008, that at a summit of US, British and German intelligence leaders it was concluded that economy was the main lever for separating Vojvodina from Serbia. The editors of *Pečat* signed an article ('Vojvodina na putu ka nezavisnosti', No. 28/2008) saying, 'Whenever borders start to be drawn in Serbia, especially when such borders coincide with the position of Western countries, machinery is got in readiness to dig trenches along these initially imaginary but later increasingly real boundaries'. The editors consider that the 'multi-national character of Vojvodina is a guarantee that a foreign factor can interfere in pursuit of its interests, and demand of a republic-like Vojvodina the same thing that is demanded of Serbia today, a personal and later a territorial autonomy for the Hungarians and possibly for some other minority too.' In the opinion of Milorad Mirčić, the head of the SRS parliamentary floor group in the Vojvodina parliament, the West is helping the Statute sponsors on the road to a Vojvodina state. The scenario, according to Mirčić is as follows: the Vojvodina issue will first be raised on the international political scene. After that, Europe will pump money into Vojvodina to raise its living standards artificially and

lieu created in Milošević's time with the help of subservient media. Nationalist sentiments, frustration over the loss of Kosovo, hostility towards liberal values and profound mistrust of the West provide a fertile ground for ever new conspiracy theories. The conspiracy theories, as an echo of the former populism and a component part of conservatism, can only strengthen the belief of moderate autonomists that it is necessary as soon as possible to pass a new constitution and reach a new, historic agreement on the establishment of a political community in which the rights of Vojvodina's citizens and identity would be fully respected. The Constitution, such as it is, and the conduct of the republic authorities, it was said at the third autonomist convention, are forcing us to seek solutions that are more radical than the ones we put forward at the first and second conventions, solutions that will better protect Vojvodina and its citizens from the arrogance and arbitrariness of the central authorities. Unlike the 'contractualists', the more radical autonomists known as 'independists' consider that, owing to the adoption of the present Constitution, autonomy for Vojvodina is no longer an option and that the solution on which one must insist is for Vojvodina to become a state. 'Why is autonomy a dysfunctional notion?' asked a Convention participant and replied, 'Because it cannot express, legitimize and service the interest of Vojvodina and its citizens.' This, in his view, can only be done by Vojvodina as a state.

Therefore, if one wishes to avoid a radicalization and an internationalization of the 'Vojvodina issue' as a possible outcome, then one must desist from any further disrespect for and political criminalization of Vojvodina's demands. In October, the provincial Assembly adopted the Draft Statute in the firm belief that the solution it proposes remains within the framework of the Constitution.<sup>443</sup> The expectations that the Constitutional

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use a media campaign to convince its population that it differs from the people living in Serbia proper, and that is but a step away from Vojvodina's independence. ('Zapad pomaže otcepljenje!?', *Dnevnik*, 7 October 2008.) Finally, according to Kosta Čavoški, the 'process of reducing and crippling Serbia' will end in her being shrunk to 'pre-Battle-of-Kumanovo Serbia'. ('Cilj statuta – izdvajanje Srbije iz Vojvodine', *Dnevnik*, 8 October 2008).

443 Vojvodina citizens' reply to the referendum on the current Constitution was – NO!

Law would be respected and the hopes that the republic Assembly might approve the Draft Statute by the end of the year turned out to be mere political illusions. But even worse than such illusions is the realization that there is no evidence of a law-governed state and no rule of law in Serbia and that Serbian politics boils down to intrigue and backstage deals. The signals that the Draft Statute might – during the period between its adoption by the Vojvodina parliament and its inclusion in the agenda of the republic parliament – undergo changes, either formal or substantial, raises the following question: Did the Vojvodina Assembly ever authorize anybody to agree to a revision of its supreme legal act in its name and, if so, whom and when? The public in Vojvodina has the right to know the answers to these questions. And Vojvodina's political elites would have to be aware that any amendment of the Draft Statute behind closed doors, i.e. without a decision by the Assembly, would undermine their credibility more efficiently than the frustrated nationalists and all the conspiracy theories put together.

- Support the demands for amending the present or adopting a new constitution
- Support the demands for decentralization and regionalization
- Insist that the Statute of the AP of Vojvodina and the Law on Competences be put on the agenda of the republic Assembly as soon as possible with a view to their approval and adoption
- Stop the unnecessary and unproductive accusations of separatism
- Monitor the situation of interethnic relations in the Province
- Support Vojvodina's efforts aimed at facilitating Serbia's earliest possible entry into the EU
- Enable and help the minorities to contribute, as much as possible, to Serbia's Europeanization as a bridge between Serbia and the EU.

# Sandžak: Potential for Instability

The year 2008 in Sandžak was marked by intra-Bosniak strife in political and religious spheres, loss of power of the onetime leading party, Party of Democratic Action of Sandžak in the largest city of the region, Novi Pazar, and entry into the Serb government of the two leading Bosniak politicians, Sulejman Ugljanin and Rasim Ljajić, leaders of the Party of Democratic Action and Sandžak Democratic Party respectively. Although in recent years unity and tolerance have not characterized the Bosniak elite in Sandžak, last year was however marked by a series of incidents relating to religious issues and relations within the Islamic religious community. In the case of Sandžak religion served only as a pretext, and divisions within the Islamic community both reflected differences between Bosniak politicians and manipulation by part of Belgrade authorities and differing interests of local tycoons. In contrast to the past, the 2008 incidents were of a lower intensity. Thus, unlike in the past, last year's pre-election campaigns and elections themselves by and large evolved in a peaceful atmosphere, barring some verbal insults and accusations and affixing of pre-election posters.

## Bosniaks in the government

Ruling structures in Belgrade, which since the 5 October 2000 changeover in the legislative sphere clearly made some progress in betterment of status of ethnic minorities, in Sandžak continued to "change" their political favourites, in line with their own needs. Thus they sometimes favoured Sulejmana Ugljanin, and sometimes, Rasim Ljajić. After last year's parliamentary elections both Ugljanin and Ljajić became ministers, the first one was appointed minister without portfolio, while the second was appointed the minister for labour, veterans' and social issues. Thus citizens of Sandžak for the first time were represented in very high places by individuals of their own descent. Though some other Bosniaks were appointed deputies and assistant state secretaries, status of Sandžak and members of

that nationality has not changed an iota. The fact that in the Serb parliament, for example, in various MP groups there are as many as 8 MPs of Bosniak descent (four on the list of Tadić-led coalition “For European Serbia,” two from Ljajić-led Sandžak Democratic Party, two from Ugljanin’s party, and 1 MP from Liberal-Democratic Party and 1 from G17 Plus, respectively) at the first glance may deny any claim about discrimination of this ethnic minority in Serbia.

However, on other levels the necessary level of participation of Bosniaks in the power branches has not been achieved. The worst situation is still in the judiciary and police due to a large ethnic disproportion, despite the official claims that Serbia wants to include as large number of minorities members in the state bodies as possible. During his recent visit to Novi Pazar, the Interior Secretary of Serbia, Ivica Dačić, also urged a larger participation of Bosniaks in the local police forces. In Novi Pazar, for example, 30% of Bosniaks and 70% of Serbs are employed by the police, though Bosniaks made up over 80% of the city’s population. The problem of employing Bosniaks in the police forces lies in the fact that the Serb Interior Ministry does not recognize diplomas of the Sarajevo-based Criminological Studies Faculty, from which several dozen Bosniaks from various Sandžak municipalities have majored. Because of that salient problem, the republican MP of LDP, Kenan Hajdarevic interceded with the Interior Minister, Ivica Dačić, in September 2008: „I was given documentation of 21 criminologists who in 2004-2007 graduated and subsequently applied for the various jobs with the Interior Ministry. However, not a single candidate was accepted, that is employed by the competent Ministry and they received only very general justifications relating to their candidacy rejection. ...Acceptance of candidates from the Bosniak community would help improve the police work, relax inter-ethnic relations among the population at large and raise the confidence in the Ministry’s work.”

Region of Sandžak has never had a special status or enjoyed any kind of autonomy in the past, neither during the existence of former Yugoslavia, nor during the existence of the State Union of Serbia and Montenegro. In the Constitution of Serbia Sandžak and other regions are not mentioned. Bosniak parties have long ceased to lay claims to change of status

of Bosniaks and the region itself. They seem to be satisfied with Serbia's decentralization and guarantees relating to general and minority rights of municipalities, and an equitable representation in state bodies. The mid-90's frequent demands relating to varying degrees of autonomy, and even a special status voiced by the Sandžak Party of Democratic Action, have been now put on the back burner.

Sandžak became part of the then monarchies of Serbia and Montenegro after the First Balkans Wars, in 1912, after ceasing to be the part of the Ottoman Empire. Sandžak was divided. Serbia got 6 Sandžak municipalities (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varoš), while Montenegro got five (Bijelo Polje, Rožaje, Plav, Pljevlja and Berane). According to the 2002 Serb census, total population of the Serb part of Sandžak is 235,567, of whom there are 132,350 Bosniaks, 89,396 Serbs and about 5,000 others. In the whole Republic of Serbia there are 136,087 Bosniaks and 19,503 Muslims. They constitute 2% of population of Serbia. It is noteworthy that the majority of Bosniaks in Sandžak responded to the appeal of their cultural and political organizations to officially declare their nationality as Bosniak and their mother tongue as Bosniak. In other parts of Serbia acceptance of the terms Bosniak and Bosniak language did not so run smoothly. In Belgrade only 1,188 declared themselves as Bosniaks, while 4,617 declared themselves as Muslims. In Vojvodina an even lesser number of citizens did it: according to the census results in the region officially live only 417 Bosniaks and 3,634 Muslims.

With only 2% share in Serbia's population Bosniaks don't represent a major political force. But in that regard situation in Montenegro is totally different. Bosniaks in Montenegro are the third-largest people there. Of a total of 672,656 citizens of that republic, 273,366 are Montenegrins (40,64%), 201,892 are Serbs (30,01%), 63,272 are Bosniaks (9,41%), 47,682 (7,0%) are Albanians, and 28,714 (4,27%) are Muslims. In Montenegro the intellectual and political elite has been initially divided over the term Bosniak, however, over the course of time, that term has been accepted by the majority people. Bosniaks in both parts of Sandžak have peacefully accepted independence of Montenegro and factual evolving of Sandžak into an intra-state region. Independence of Montenegro has not caused any

turbulence in Sandžak proper. The same holds true of the unilateral proclamation of independence of Kosovo.

Unilateral proclamation of independence of Kosovo made more complicated status of Sandžak, due to the region's vicinity to the politically volatile area. Last year's proclamation of independence of Kosovo among part of the Serb public fuelled even more an ever-present anti-Muslim sentiment, though MPs of Bosniak descent backed all the Kosovo independence-related moves, resolutions and decisions of the Serb government and mufti of the Islamic Community of Serbia, officially opposed that proclamation. During the anti-independence demonstrations held in Prijepolje some of the speakers were representatives of the Sandžak Democratic Party. On the other hand, in anti-independence demonstrations held Serbia-wide, many anti-Muslim slogans and much anti-Muslim chanting was heard. Moreover hooligans destroyed many Muslim-owned shops. Police managed to successfully "defend" mosques in Belgrad and Nis from the hooligans attacks. During the 17 March 2004 unrest both mosques were torched. They were later renovated. In order to pre-empt worsening of relations with the Muslim countries, the state tries to prevent possible attacks on Bosniaks in Serbia proper. Serbia is in fact pleased with the fact that the Organization of Islamic Conference did not officially recognize Kosovo's proclamation of independence (only a dozen Muslim countries recognized independence of Kosovo to date). Thus with some acts, notably a "no" vote to the UN Resolution condemning Iran and ban on sale of the book "Jewel of Medina" Serbia's officialdom tries to additionally curry favour with some Muslim countries traditionally considered friendly ones, notably Egypt, Iran and Lybia.

## **Parliamentary, presidential and local elections**

When viewed from the level of the Serb part of Sandžak, Boris Tadić, his Democratic Party and their coalition partner, Sandžak Democratic Party have achieved best elections results to date at the last presidential, local and parliamentary elections held in 2008. The most striking result of the

local elections was poor faring of Ugaljanin's Party of Democratic Action. Namely he managed to retain absolute power only in Tutin and moreover failed to forge coalition governments in the two Bosniak majority cities, Sjenica and Novi Pazar.

At presidential elections DP candidate, Boris Tadić, routed his Serb Radical Party opponent in a bid for presidency, Tomislav Nikolić primarily thanks to the votes of Vojvodina Hungarians and Sandžak Bosniaks. Voters, members of minorities, thus played a crucial role in presidential elections and showed that they did not have faith in the "mollified and cleansed" rhetoric of the SRP candidate, Tomislav Nikolić. Religious leaders and heads also had an indirect and direct say in the elections. Bishop of Mileševa, Filaret, traditionally leaning towards the Serb Radical Party, in the first round of elections received and backed Velimir Ilić (Nova Srbija) and Milutin Mrkonjić (Socialist Party of Serbia). Despite his statement about the non-backing of any party and political leader by his Islamic Community, mufti Muamer Zukorlić, during the presidential and parliamentary elections campaigns received a high number of Democratic Party officials in a move which was indirectly interpreted as his support of that party. In a well-attended pre-election rally in Novi Pazar, Tadić urged the united Islamic Community, and these words of his resonated well among many Muslims. Mufti Zukorlić did not directly support any contender, but on the eve of parliamentary elections he however called on the faithfulls to "vote for those candidates whom they consider to be the best." Zukorlić then stated: "We were tempted and we also had an opportunity to stage, here in Sandžak a tit-for-tat action against Ugljanin, the chief destroyer of the local Islamic Community, but we remained true to our tenets, voiced during our Friday and other prayers, to stay out of politics." He added: "During the pre-election campaign no imam was allowed to try to get across political messages, but I noticed that, apart from Ugljanin, all other Bosniak parties in Sandžak backed the united Islamic Community headed by me, and condemned attempts to break it up." According to Zukorlić, "because of Ugljanin's continuing sowing of seeds of discord, voters shall punish him at the elections."<sup>444</sup>

<sup>444</sup> *Tanjug*, 7 May 2008.

According to the official data, in the first round of the 20th January presidential elections, Boris Tadić won the most votes, 48,551 or 30%. The Serb Radical Party candidate Tomislav Nikolić got 27,041 votes or 21,7%. Velimir Ilić was the third-placed contender, since he got 18,1% or 22,581) votes, and Čedomir Jovanović was the fourth one with 14,9% or 18,569 won votes. In the majority Serb municipalites (Nova Varoš, Priboj and Prijepolje) Nikolić won, while in the Bosniak ones (Novi Pazar, Sjenica and Tutin), Tadić emerged triumphant. In Novi Pazar 44% of voters were for Tadić, 21% for Ilić, 16% for Jovanovic and 13% for Nikolić. In Tutin, Tadić won 45% of votes, Ilić – 33%, Jovanovic 16%, and Nikolić only 2% (reflecting the local, low percentage of Serb denizens). Leader of the SDP, Rasim Ljajić, assessed that “this round of presidential elections brought about the rout of the local authorities policy in Novi Pazar and beginning of a definite collapse of the PDA policy in Sandžak”. Namely, Ljajić not only backed Tadić, but was one of the most agile participants in the Democratic Party campaign. On the other hand Ugljanin's Bosniak list called on Bosniaks to vote for his coalition partner from Nova Srbija, Velimir Ilić. Ugljanin's activists went even as far as to send to Bosniaks, on the election day, SMS messages urging voters to back Ilić “because he did most for us and our region.”

In the second round of presidential elections on the 3rd february 2008, turnout was high, a 66% one. Of a total of 204,265 voters, 135,468 cast their ballots. Boris Tadić got 96,212 or 71% of votes. Nikolić got 37,579 or 28% votes. Tadić emerged victorious from the contest thanks to the voters from Novi Pazar, Sjenica and Tutin. Namely in those three cities he got a total of 69,824 votes, in Turtn-96%, in Novi Pazar-82%, and in Sjenica-78%. The Radical Party candidate Tomislav Nikolić in the three municipalities got less than 13,000 votes. In Prijepolje Tadić got 12,000 votes, and Nikolić 10,000 ones. Nikolić won in Priboj and in Nova Varos.

On the eve of the 11th May parliamentary and local elections, held under the OSCE auspices, Novi Pazar parties signed a code of conduct to be honored during the pre-election campaign. Hans Ola Urstad, the OSCE Ambassador in Belgrade, stated that “Citizens have the right to single-handedly elects their leaders, that is those who best back their values, in

an open democratic process.”<sup>445</sup> Instead of Ugljanin and Ljajić that code of conduct was signed by the DAP and SDP general secretaries, Nermin Bejtović and Mirsad Jusufović, and the campaign itself, in a stark contrast to the past ones (riddled with physical and fire-arm shodowns), was correct and nearly incident-free.

Of less than 75,000 voters in Novi Pazar local elections, 66%, or 49,332 cast their ballots. Joint list Democratic Party and SDP “For European Novi Pazar – Boris Tadić, Rasim Ljajić” won 23 mandates, that is 21,443 or 44,7% of votes. Bosniak list for European Sandžak Dr. Sulejman Ugljanin got 16,769, 35% of votes or 18 MP mandates. *Jedinstvena srpska lista* also made it to the parliament with 6,165 votes, 12,9%, that is 6 MP mandates. Other parties did not reach the necessary census. Surprisingly, LDP fared badly, notably in the light of the fact that its leader Čedomir Jovanović in Sandžak achieved a good result in the presidential elections. In Tutin, Ugljanin’s Bosniak list retained an absolute majority and won 21 MP seats of a total of 37. “For Europea Tutin Boris Tadić, Rasim Ljajić” won 12 seats, G17 Plus three, and Party for Sandžak – one MP seat. In Priboj the winner was coalition SRP-DPS, while DP coalition and Ljajić’s SDP also fared well. In Nova Varos DP won 7 seats, Radicals-6. coalition SPS-Association of Retirees-denizens of Nova Varos and group of citizens “New authorities for Nova Varoš”-4, DPS-3, the Serb Renewal Movement-2, SDP-1. In Prijepolje the winner with 25 seats was coalition “Together SRS, DPS, NS”, while Democratic Party of Sandžak of Bahrija Beganović-Lutka-won 6 seats, SPS coalition – 4, SDP and PDA – 5 seats each. SDP was routed because of internal party divisions and departure from its ranks of the local businessmen, Bahrija Beganović. In Prijepolje local authorities could not be formed in view of non-emergence of a clear winner. Hence the elections were repeated in November, when Ljajić’s SDP won most votes, closely followed by Nikolić’s Radicals. Thanks to such a convincing victory SDP won 18 seats, SNS-10, coalition DP-SPS-G17 Plus-Serb Renewal Movement-9, Democratic Party of Sandžak-8, and coalitions Together DPS-NS, Bosniak List, SRP and LDP won 4 seats each.

445 *Sandžak Danas*, 8 April 2008.

In Sjenica, due to oversights and mistakes of the Municipal Election Commission, the May 2008 local elections were annulled and the new ones were held on 10 June. Of a total of 26,000 registered voters, 12,842 of them cast their ballots. Bosniak list won 4,518 votes or 14 seats, "For European Sjenica, SDP, DP,LDP" got 3,618 votes or 12 seats, *Evropski pokret Sandžaka – Džemail Suljević* got 1,087 votes or three seats. DPS and Unique Serb List, won 2 seats each, while League for Sjenica i Citizens' Group "Dosta je" won two seats each.

As regards the republican elections results, the winner in Novi Pazar was coalition "For European Serbia Boris Tadić – Rasim Ljajić" – 47% of votes or 23.107. Ugljanin's Bosniak list garnered 29% of votes or 14,285, SRP gained less than 10% of votes, LDP gained about 7%, DPS-NS – 3%, and SPS-Association of Retirees-over 1%. In Priboj the DP list won 120 votes more than the Radical Party, namely 5,189 Pribojans voted for Democrats, and 5,069 voted for Radicals. DPS-NS Coalition won 2,446 votes, LDP – 1,470, SPS –Association of Retirees – 919, and Bosniak list won only 392 votes. Tadić's coalition was the most successful in Prijepolje, with 8,087 or 36,83% won votes. SRP came in second with 7,232 or 32,94%. LDP won 2,219 or 10,11%. DPS won 1,793 or 8,17, Bosniak list won 1,239 or 5,6%, SPS – Association of Retirees won 953 or 4,3% of votes. In Tutin voters remained loyal to Ugljanin, thus his Bosniak list won 46,83% of votes. Coalition DS-SDP won 42,38%, LDP – 6,5%, SRP-1,9%, and DPS-NS 0,61% of votes. In Nova Varos 33,2% of electorate voted for the list "For European Serbia", 29% favored Radicals, coalition DPS-NS got 19% of votes, while SPS and Association or Retirees got 10% of votes.

## (Un) expected coalitions on local and higher level

In the wake of local elections, exhausting negotiations ensued with a view of cobbling together coalitions. And indeed some thus-concocted coalitions were apparently unusual. In Novi Pazar Ljajić's SDP formed government with *Jedinstvena srpska lista*, spearheaded by the Serb Radical Party. On the other hand PDA became part of coalition in Priboj led also by

Radicals. Elections in fact showed that the leading Bosniak parties preferred to co-operate with “the biggest foe”—the Radicals, then with their fellow-nationals espousing different political stances.

In Novi Pazar Mirsad Đerlek (SDP) was elected mayor, and Milan Veselinović (SRP) president of the city assembly. Of 47 MPs, 29 made up the ruling majority, Bosniak list with 18 MPs became the opposition and Ugljanin left for Belgrade to serve as a minister without portfolio. In Nova Varos the authorities were made up by DP, G7 Plus, Socialist Party of Serbia, Nova-Srbija-Serb Renewal Movement, and SDP. Slaviša Purić (DP) was elected president, Nikola Todorović (G17 Plus) became municipal deputy president, and Branislav Dilparić (SPS) was appointed president of the municipal assembly. In Priboj, the majority – 25-of a total of 41 MPs is made up of members of Democratic Party of Serbia, the Serb Radical Party and Socialist Party of Serbia-Association of Retirees, and Party of Democratic Action. Radical Party member Lazar Rvovic became the municipal president, his deputy is Dragomir Minić (DPS), and president of municipal assembly is Vitomir Pjevac (SPS).

Formation of municipal authorities in Prijepolje and Sjenica ran into some trouble. Namely, in the said municipalities the May elections were ruled irregular, due to some technical errors by the Municipal Election Commission. In Sjenica elections were repeated in June. And finally in late July the new municipal authorities were installed: 21 MP from the ranks of Bosniak List, League for Sjenica, G17 Plus, Group of Citizens „Dosta je“ and “Unique Serb List”. Esad Zornić was elected President of municipal assembly. His deputy became member of Nova Srbija, Momir Kovačević, and Nusret Nuhovic, from the Bosniak List, was appointed president of municipality. In mid-December the new majority was formed, and Ugljanin’s list became the official political opposition. The majority, 23 of a total of 39 MPs was made up of members of “For European Sjenica Tadić–Ljajić”, European Movement of Sandžak and Unified Serb List (Radical Party of Serbia-Nova Srbija-NS-Socialist Party of Serbia), Democratic Party of Serbia and Group of Citizens “Dosta je”. Taking over of power was preceded by a fight in front of the municipal asssembly building. Old and new officials then asked for the opinion of the Ministry for State Administration, which

subsequently ruled that the session at which old officials were relieved of their duties and the new ones elected, was legal.

Since Prijepolje authorities were not able to agree on the majority formation even after the repeated elections, another repeat was staged on the 9<sup>th</sup> of November 2008, while the municipality was run by a temporary council. Thus Prijepolje was the first city to see a joint bid for power of the “yellow-red” coalition, after signing of an agreement on reconciliation by Democrats and Socialists. A day before the expiry of the legal deadline, on the 15<sup>th</sup> February, municipal authorities were constituted in Prijepolje, and for the first time one municipality in Serbia was headed by a representative of the Serb Progressive Party of Tomislav Nikolić. Dragoljub Zindovic from that party was elected municipal president, and his deputy became Dobro Lazarević from Democratic Party. Mersid Mekić, Osman Ćatić and Mirsad Balija from Sandžak Democratic Party, Todor Bogdanović from the SPP and Sretko Radulovic from the Socialist Party of Serbia became members of the municipal council. Earlier Čamil Hazagić from SDP became president of municipal assembly. By election of local officials the coalition agreement between SDP, SPP and DS-led coalition, with 34 MPs of a total of 61 MPs in municipal assembly of Prijepolje, was implemented.

Sulejman Ugljanin unwillingly gave up power in Novi Pazar. He stated: “There is no political logic whatsoever in this cobbling together of a municipal coalition by Dinkic’s, Tadić’s and Ljajić’s parties with the Serb Radical Party and Democratic Party...the only motive behind such a coalition-forging is their intent to oust us from the municipal authorities, though we had helped them wholeheartedly to form a parliamentary majority in Serbia.”<sup>446</sup> In fact Ugljanin expected the G 17 plus president Mlađan Dinkić to help him return to power, in line with the existing agreement between G17 Plus and Party of Democratic Action. By the way, the second session of municipal assembly of Novi Pazar was held on 11 July, the day of Srebrenica massacre. Dževa Memić, head of MP club of Bosniak list accused Milan Veselinovic of intentionally scheduling the session for that day and made public non-participation of his MPs in the work of municipal assembly “until the Hague Tribunal hands down the Srebreni-

<sup>446</sup> 446 *Večernje novosti*, 7 July 2008.

ca genocide-related judgment to Vojislav Šešelj.” Several months later the Bosniak List MPs returned to their benches.

On the republican level Bosniak parties also performed some unexpected political somersaults. Ugljanin, who had signed a coalition agreement with Nova Srbija and Democratic Party of Serbia as early as in 2005, and backed two governments of Vojislav Koštunica, in the first round of presidential elections backed his coalition partner, Velimir Ilić. But the foregoing did not prevent him, in the wake of the May parliamentary elections, to impose himself as a desirable partner of Boris Tadić’s group, though Ljajić’s SDP was part of the coalition „For European Serbia.” To strengthen a rather slim support rendered then to Cvetković government, Tadić also reached an agreement with Ugljanin. Thus two MPs from Ugljanin’s list joined the ruling coalition and Ugljanin was given a post of minister without portfolio, in charge of a balanced regional development.

On 10th of June, Ugljanin and Mlađan Dinkic, leader of G17 Plus signed an Agreement on Partnership, with the view, as jointly stated at a Belgrade press conference, “of joint work on acceleration of the process of European integrations.” SDP expressed its fear that such an agreement would deepen divisions between Bosniaks and their two most powerful parties. According to Dinkić, G17 Plus by dint of this agreement hoped that its implementation would ease tensions in Sandžak, and also make possible the running of G 17 Plus and PDA on the same ticket in the future parliamentary elections. Dinkić and Ugljanin assessed that they embarked upon a long-term strategic co-operation between the two parties. Dinkić also underlined that he would encourage resumption of a dialogue between Ugljanin and Ljajić, in order to “prevent further divisions between Bosniaks.”

Despite speculations that in view of their joint entry into the Serb government Ljajić and Ugljanin might reconcile, that did not come to pass. Ugljanin and Ljajić on the verbal level were against continuation of strife. In commenting a possible reconciliation of the leading Sandžak politicians and an imminent end to their conflicts, Ugljanin stated that “conflict” was the wrong word: “There have never been conflicts between me and Ljajić. Simply, we did not co-operate on the political level. But our

current ministerial positions do not allow our further discord and non-cooperation. We cannot be confronted. We shall work as a team, because it is necessary.”<sup>447</sup>

Rasim Ljajić, leader of the Sandžak Democratic Party deems that reconciliation with the Democratic Action Party must be effected, but in a gradual manner: “Reconciliation must happen, for without it we shall not be able to achieve the necessary political communication and stability ... but that reconciliation must be achieved-gradually. That process must first evolve in the heads and hearts of people.” According to Ljajić “division of power with Ugljanin in Novi Pazar would be a too great risk, difficult to explain to voters...I could not run such a risk for no-one would have understood or pardoned it.” Ljajić also added: “Such a move would have been considered as treacherous, in view of the fact that a very large number of citizens at the elections voted more against Ugljanin, then for me.”<sup>448</sup>

When the incumbent authorities in Novi Pazar decided to act on stories about alleged misuses of the former authorities (incumbent authorities even mentioned a fraud totaling 7 million Euro), by breaking off bad contracts on business premises renting, relations between PDA and SDP first cooled off again and then incidents started. After the early 2009 raid of Ugljanin and his followers of the premises of the Bosniak List in the House of Culture—which the new city authorities were gradually taking over-Boris Tadić felt compelled to intervene. Subsequently he managed to put in place an agreement, signed separately by Ugljanin and Ljajić, but nonetheless binding them to work together on development of Novi Pazar.

447 *Večernje novosti*, 12 July 2008.

448 *Tanjug*, 21 July 2008.

## **Islamic community, continuation of internal conflicts and fragmentation**

In view of the present-day situation, that is the fact that the leading Bosniak parties have made part of the political establishment in Belgrade, the chief mufti of the Islamic Community in Serbia, emerged as the most serious and vocal detractor of Belgrade's treatment of Sandžak Muslims and Bosniaks. In the course of 2008 there was no rapprochement between the two Islamic communities, though there were several attempts to solve the outstanding disputes and even form a united religious organization. Embassy of Turkey in Belgrade offered to act as a middleman, but Muamer Zukorlić and Adem Zilkić stuck to their original stances.

The only progress, with respect to the year 2007, in which two separate summits of the two communities were held, was a lesser number of incidents last year. Nevertheless in 2008 there were also confrontations over the control and use of religious facilities and mosques in Sjenica, Prijepolje, Tutin, and protests against replacement of 23 religious teachers from Zukorlić's Islamic Community in Sjenica and Tutin, allegedly devoid of adequate diplomas, by religious teachers from Zilkić's Islamic Community. According to Zukorlić's followers "those new teachers are ignorant and not suitable to teach religion to children."

Summit of the Islamic Community of Serbia was held on the 30<sup>th</sup> January 2007 in Belgrade. Then the Riaset of the Islamic Community of Serbia was founded and Hamdija Jusufspahić, former Belgrade mufti, was elected the first Reis. In October 2007 Jusufspahić retired, and Adem Zilkić, imam from Tutin, and former PDA MP in Tutin municipal assembly replaced him at the topmost position of Reis. In October 2008 Zilkić was re-elected Reis ul Ulema. Unification summit of the Islamic Community in Serbia was held on 27 March 2007 in Novi Pazar. Then the Islamic Community Constitution was adopted. It spelled out the coming into existence of four Mufti-ruled areas: Sandžak, Presevo, Novi Sad and Belgrade. Muamer Zukorlić, the then Sandžak mufti was elected the chief mufti, and the Islamic Community of Serbia recognized as its supreme religious head,

Reis ul Ulema, Mustafa Cerić from Sarajevo. In the course of 2008 the Islamic Community in Serbia held elections for its summit, and on the 12<sup>th</sup> of July, Muamer Zukorlić was re-elected the chief mufti. Zukorlić's Islamic Community continued to accuse the state of Serbia, Party of Democratic Action, security services and unnamed local tycoons of being behind the "parareligious" Zilkić's Islamic Community. Zilkić loyalists, on the other hand, maintained that Zukorlić lost support of Muslims.

Zukorlić-led Islamic Community from its inception was set on a collision course with the former Minister for Religions, from Democratic Party of Serbia, Radomir Naumov. In his Kurban Bairam speech Zukorlić accused the state and the Minsitry for Religions of violating the Muslim rights and being behind the formation of the "parareligious" Islamic Community led by Adem Zilkić. The Ministry of Religions thus replied to that criticism: „In Serbia there are disenfranchised Muslims, but it is not the state who did them injustice. We are duty-bound to indicate that Meshihat in Novi Pazar for the sake of satisfying someone's political ambitions misuses the legally guaranteed autonomy of religious communities. Every well-intentioned and justice-loving fficial of the Islamic Community may testify that over the past four years the Serb government, by dint of its competent Ministry, established a fair, sincere, and efficient co-operation with the Islamic Community, better than any other co-operation in the past 60 years.“ Meshihat then stated that the Ministry's letter confirmed all their suspicions, notably that „accusations that the most supreme body of Islamic Community violates the religious rights of Muslims are indeed extremely cynical and are in fact a throw back to Milošević's claims that he was defending Albanians from Albanians, Hungarians from Hungarians and Bosniaks from Bosniaks.“.<sup>449</sup>

On the anniversary of the Unification Summit, that is on the 27th March 2008 the Islamic Community in Serbia adopted a Declaration condemning violations of and threats to religious freedoms of Muslims in Serbia.“ That Declaration, inter alia, read: “We demand that the President of the Republic and Prime Minister put an end to permanent violations of the rights of Muslims and Islamic Community and take necessary ac-

449 *Sandžak Danas*, 4 January 2008.

tion for the sake of finding perpetrators of unlawful and unconstitutional actions targeting the Islamic Community.” At a Belgrade press conference, the then Minister for Religions, Radomir Naumov, (Democratic Party of Serbia) rejected those claims: “The Ministry simply does not see in which way it has threatened their rights? Perhaps we have done that by dint of our permanent appeals to them to see reason and as quickly as possible end their internal wrangling and find a solution?”<sup>450</sup>

In mid-March the Ministry for Religions of Serbia and Riaset of the Islamic Community of Bosnia and Herzegovina, headed by Reis Mustafa Cerić, got involved in a discussion on the issue who was to be blamed for the split among the Muslims in Sandžak.

Riaset of the Islamic Community of Bosnia and Herzegovina, presided by Reis, Mustafa Cerić, then called on all the relevant international organizations to respond to “flagrant breaches of human rights of Muslims in Serbia.” That Riaset publicly condemned “brutal attacks of the Serb police on Imams and faithfuls in Tutin” during the 9<sup>th</sup> March preparation for the laying of the foundation stone of a future medrasa. Riaset then demanded the Belgrade authorities to fully respect their own law on the freedom of religions and the rights of Muslims to arrange their religious issues in line with their religious tradition. In Tutin, on the 9<sup>th</sup> of March, in fact the members of the two fractions of the Islamic Community, which don’t recognize each other, got into a fight, which was luckily contained due to a swift police reaction. But what was the backdrop of that conflict? In fact the fight erupted over property claims relating to the land destined for the medrasa building. When Zukorlić’s fraction announced that it would lay the foundation stone on Monday, the 11<sup>th</sup> of March, the Islamic Community of Serbia, that is its Reis ul Ulema, Adem Zilkić, publicly opposed that ceremony, since, in his words, “the land in question belongs to the Islamic Community of Serbia and we have already laid the foundation stone for medrasa-building and invested in that venture over 30,000 Euro.”

Ministry of Religions’ firm answer was that Muslims in Serbia had been divided and continued to be divided by the Riaset of the Islamic Community of Bosnia and Herzegovina. The ministry’s communiqué read:

<sup>450</sup> *Beta*, 1 April 2008.

"We would like to remind the general public that Muslims in Serbia have been divided and are still divided by the one who now accuses the Belgrade authorities of causing a split among the Muslims."<sup>451</sup> Adem Zilkić also accused the supreme head of the Islamic Community of Bosnia and Herzegovina, Mustafa Cerić of being responsible for the split among Muslims in Serbia: "Cerić is orchestrating all the devilish double-games, in his bid to regain power and clout among Muslims in Serbia, in view of his ambition to become the European mufti." According to Zilkić, the Bosnian Reis, by dint of Meshihat of the Islamic Community in Serbia, headed by chief mufti, Muamer Zukorlić, tried to win a crucial vote of Muslims of Serbia in order to be named the European Mufti. Zilkić went on to explain that development: "Arab countries are favouring Cerić, while the Islamic Community of Serbia relies on the Turkish concept of Islam on grounds of historic, cultural and kinship ties, and also in a bid to prevent any influence of Wahabism."<sup>452</sup>

In 2008 there were some verbal appeals to reconciliation. Thus Reis of the Islamic Community of Serbia, Adem Zilkić, appealed to the chief mufti of the Islamic Community in Serbia, Muamer Zukorlić "to iron out our differences and reach a deal." At a press conference Zilkić appealed to Zukorlić: "Let us sit together, for the sake of God and people, and try to overcome a conflict within the Islamic Community." Zilkić also underlined the following: "In the Islamic Community there is room for all the faithfuls. If we agree as people and brothers, we shall please the God, and our faithfuls shall be only happy to accept that agreement." However, Zilkić also asserted that the Islamic Community that he headed, was the one which legitimately represented Muslims in Serbia."<sup>453</sup>

Political changeover did not bring about any turnaround in the existing situation. Namely the Islamic Community in Srbia continued to demand the highest state institutions to recognize that body as the only legitimate religious organization of Muslims in the country. They have also repeatedly requested President Tadić to do that. But during the pre-

451 *B92*, 13 March 2008.

452 *Građanski list*, 31 August 2008.

453 *Beta*, 5 May 2008.

election campaign Tadić urged unification of the Islamic Community. After the Prijepolje incident, when the police prevented the officials of Zukorlić's Islamic Community to enter the premises of Medglis (a local committee), Meshihat requested President of Serbia to ensure all the legally guaranteed rights to that community. Their letter to Tadić read: "We raise our voice with an ever-diminishing hope that we shall be understood...but we want to believe that all the possibilities for Muslims in Serbia becoming a stability factor have not been exhausted....we would like to add that we, the Islamic Community members, are totally discontent because of a continuing discrimination against us."<sup>454</sup>

Because of alleged meddling in the work of the Islamic community, the incumbent Serb authorities were criticized by Reis of the Islamic Community in Bosnia and Herzegovina. In his congratulations to Muamer Zukorlić on his re-election as the chief mufti of Serbia, Cerić assessed that the Serb authorities tried to politically manipulate the values of the Islamic community: "Their attempt to devalue the Islamic tradition of Bosniaks and their attempts to politically manipulate them, despite the fact that it was the politics which on numerous occasions in the past years violated the fundamental human rights of Bosniaks, among us only provokes a deep feeling of shame. However, we still stand proud, for they did not succeed in making you bow to their attempts, and you continued undeterred on our road of freedom and honour."<sup>455</sup> Head of Islamic Community in Bosnia and Herzegovina, who is recognized as the religious head also by Islamic Community faithfuls in Serbia, expressed also his conviction that the Islamic Community in Serbia, with its seat in Novi Pazar, would be a factor of peace and stability not only in Sandžak and Serbia, but also in the whole Balkans peninsula.

Due to a continuing problem of naming the religious teachers, and the problem of status of Islamic Community, in early last September, Muamer Zukorlić, again sent a letter to President Tadić. In assessing that some religious teachers in Tutin and Sjenica were named unlawfully, Zukorlić asked Tadić to take necessary measures. In that letter he also noted: "I

<sup>454</sup> Tanjug, 22 June 2008.

<sup>455</sup> Danas, 7 July 2008.

have twice asked the Education Ministry, which tacitly backs that phenomenon, to protect a lawful implementation of the Islamic religious education in the said schools. Directors of schools in those cities have named as religious teachers some lecturers proposed by the Islamic Community of Serbia headed by Adem Zilkić. We expect You to take necessary measures with a view of protecting the Constitution and legally guaranteed rights of Muslims in Serbia, and we, Muslims, shall continue to be a factor of stability and peace in this country.” In his reply Tadić underlined that he urged a consistent respect of the Constitution and laws, accurately and clearly regulating the issues relating to the work and actions of religious communities: “Under the law churches and religious communities are equal and separated from the state, free and independent to arrange their internal organization. Our Constitution guarantees individual and collective rights of national minorities and accordingly of Muslims, but they themselves should take decisions relating to some cultural and educational issues of theirs, obviously in keeping with the law.” Islamic Community of Serbia spokesman, Sead Šaćirović, at a press conference in Novi Pazar, thus commented Tadić’s letter: “It is replete with double standards and empty words....which leave a lot of room for manipulation.”

Sacirovic stated: “A lot of room is left for manipulation of those forces bent on destroying and toppling the Islamic Community in Serbia. Tadić often talks about full adherence to laws, but we expected him to order his ministers, in line with his prerogatives, to respect and enforce those laws.” He also expressed his hope that President Tadić would assist in resolution of problems relating to religion classes: “During the pre-election campaign in Novi Pazar and nearby cities Tadić publicly promised that he would urge full enforcement of the Act on Churches and Religious Communities, which moreover spells out that there can be only one, united Islamic Community in this state.”<sup>456</sup>

Disgruntled with responses of the former and incumbent Serb authorities, Meshihat of the Islamic Community in Serbia threatened that it would take religious rights issue to the international bodies, notably the Council of Europe’s Commission for Human and Minority Rights, and

456 Studio B, 26 September 2008.

the International Human Rights Court in Strasbourg. Meshihat set up a working group tasked with drawing up a program of internationalization of problem of violations of religious rights of Muslims in Serbia, Mufti Zukorlić thus explained that move: “For a year now the state bodies have been turning a deaf ear to solve problems and recognize rights of the religious organization which I head in line with the Serb Constituion and pertinent laws in force.” According to Zukorlić “Ministry for Religions regulated that the said parareligious organization be treated as a traditional one, which is unlawful, and out of sync with the Rules on Registration. At the same time the state bodies rejected Montenegrin Orthodox Church request to be registered. The foregoing only confirms our opinion that in play is sheer discrimination and double standards, and that the constitutional principle on equality of religious communities is a dead-letter. In fact the breach of that principle was tantamount to the first legal and spiritual violence against the Islamic community.”<sup>457</sup>

In commenting the statement of the chief mufti of the Islamic community in Serbia, Muamer Zukorlić, that the “incumbent authorities in Belgrade disrespect the rights of Islamic faithfuls”, reis-ul-ulema of the Islamic Community of Serbia, Adem Zilkić, was very critical: “It is only a desperate move of a loser, lacking any argument to substantiate his statement.” Zilkić wondered: „How can he say that the state of Serbia does not respect the rights of Islamic faithfuls when that very state gives him every month 650,000 dinars for Medressa, when that very state pays professors of the Islamic University, when that state cleared all his debts relating to his PIO Fund employees, when that state tolerates unlawful work of his university?” Then reis Zilkić added that : “In Serbia I don’t feel like a second-class citizen...Zukorlić does not have any argument to prop his bid for internationalization of the religious rights of Muslims in Serbia.”<sup>458</sup>

As usual, both Muslim holidays, Ramaddan and Kurban Bairam, last year were marked separately by Islamic communities led by Zilkić and Zukorlić. Islamic Community in Serbi once again called on Muslims to stop paying Radio Television of Serbia subscription fees, because that “state-

<sup>457</sup> *Danas*, 18-19 October 2008

<sup>458</sup> *Sandžak Danas*, 3 October 2008.

run TV is of openly anti-Muslim character” Reason for that animosity was a live broadcast of central festivity of Ramaddan Bairam from Belgrade’s Bajrakli mosque as officiated by Zilkić-led Islamic Community and subsequent reporting on that event. In several news programs Ramaddan Bairam was called Kurban Bairam. Radio-Television Serbia apologized, but, in parallel condemned Zukorlić’s call on boycott of subscription.<sup>459</sup>

Islamic Community in Serbia organized a trip of 171 pilgrims from Novi Pazar to Haj. At a farewell party in downtown Novi Pazar, mufti Zukorlić sharply condemned Democratic Party “which was backed by Muslim Bosniaks in Sandžak, wholeheartedly, without any calculations.” On that occasion Zukorlić also tried to get across the following message: “In the future not a single political option shall be able to get free support of Muslims in Sandžak. We don’t intend to support anyone just because of his party affiliation, we shall however monitor his or her work and the people shall deal with them, if necessary. If they don’t want us to point our finger at them, they must be very honest.”<sup>460</sup>

## **Wahabis**

Recent emergence of a group of faithfuls, notorious for their rigid interpretation and practice of Islam, a group called Wahabis, is a well-known fact. Due to loose structure and organization of that group there are no estimates of number of Wahabis operating in Sandžak. Local population was first shocked by the Wahabis appearance, men with long beards and short slacks, and totally veiled women, but later got used to their exterior. Some locals even used to fear them. In some mosques Wahabis tried to impose their manner of bowing, but after failing in that intent, they withdrew. The first Wahabi-provoked incident happened in 2006. Namely they prevented the holding of concert of pop group “Balkanika” in Novi Pazar. The second was a shooting spree in downtown area, following a confrontation with imam and faithfuls in the Arab mosque.

459 *Sandžak Danas*, 21 November 2008.

460 *Večernje novosti*, 15 January 2008

In the course of 2007 two groups of Wahabis were arrested and subsequently charged with terrorism. Trial of the first group arrested after the police on the 16<sup>th</sup> of March 2007, had raided their camp in village Žabren, municipality of Sjenica, on mountain Ninaja and found there propaganda material, arms, food, began in January 2008. Members of that group are: Senad Ramović, called Becan, Jasmin Smailović, called Bilal, Adnan Hota, Nedžad Memić, Fuad Hodžić, called Fića, Mirsad Prentić called Beko, Erhan Smailović called Ekica, Senad Vejselović called Senko, Vahid Vejselović called Abdul Vahid, Mehmed Koljšija called Dino, Husein Čuljak, Aldin Pulić called Puljko, Bekto Memić, Safet Bećirović called Safko-Masko i Damir Berba called Abdurahman and Butcher.

Indictment with terrorism and unlawful possession of arms counts was filed against: Senad Ramović, Jasmin Smailović, Adnan Hota, Nedžad Memić, Fuad Hodžić, Mirsad Prentić, Erhan Smailović, Senad Vejselović, Vahid Vejselović, Mehmedin Koljšij, Husein Čuklja, Aldin Pulić, Bekta Memić, Safet Bećirović and Damir Berba. Ramović is also charged with planned assassination attempt. Special prosecution maintains that the defendants planned to assassinate Zukorlić on 3 March 2007, but failed in their intent due to the police arrival. Added to that they planned attacks on the police building in Novi Pazar, two Novi Pazar mosques, and had targets also in Belgrade, namely the US Embassy, "Beograđanka" building and hotel "Park".

Trial began in mid-January 2008. Wahabis rejected all counts of the indictment, and kept maintaining that they were not terrorists, and that in fact mufti Zukorlić and the state security were trying to "frame" them. Trial to that group of Wahabis is drawing to a close and a judgment may be expected in the spring. At the outset of the trial, the first defendant, Senad Ramović, stated that "the indictment is based on hatred of Muslims and Islam. We are portrayed as terrorists, as if we have a reserve country, in addition to the one in which we live, as if we were extra-terrestrials because we have beards and don short slacks. I don't admit anything, we only defended ourselves." In his first appearance before the Special Court, Senad Ramović, accused of all the incidents mufti Muamer Zukorlić, and called him "a CIA agent". Ramovic also maintained that "the indictment seems

to be written by Zukorlić or even Bush himself." Added to that Ramović stated that "mufti is solely to be blamed for all the negative things which have been happening as of late in Novi Pazar" and added that he was preparing to defend himself from Zukorlić and his followers in case of their attack."<sup>461</sup>

Trial of the second group of Wahabis before the Special Court in Belgrade began on 17 December 2008. This group is made up of Adis Murić, Nedžad Bulić, Bajram Aslani (28) i Enes Mujanović. They are charged with forging a criminal association in May-September 2007 period, with the intent of gaining religious and political power in the territories of Serbia, Macedonia and Bosnia and Herzegovina. According to the claims of the prosecution that group planned planting of explosives and violence against citizens of Serbia, with a view of instilling fear among population at large. In the courtroom were Murić and Mujanović, while Bulić and Aslani are at large. According to the indictment counts, the group prepared literature, films and photos, glorifying the terrorist actions worldwide and inciting to violence. In addition to gun-and explosives-handling training their computers also included a program of aircraft-piloting instructions. On model of previous terrorist actions, the group was being trained for the future ones, and allegedly planned to plant explosives in the city stadium in Novi Pazar.

According to the indictment, the association headquarters were in rented part of a private house in Moše Pijade (no number) street in Novi Pazar, and in a house in Kosovska Mitrovica. Murić I Mujanović rejected those indictment counts too. At the beginning of trial Muric stated the following: „This was written by the terrorist Kosovar Serb Chetnik to show his hatred of Muslims. Proescutor reminds me of an US stooge or servant, and not of a Serb.” Co-defendant Mujanović stated that the indictment counts were incorrect: „I got Adis' message to go to the stadium and to see the police size. I went there, and photographed the police by my mobile phone.” He also claimed that Muric is a “funnyman, who likes to invent things...thus he had no serious intentions whatsoever.” Mujanovic denied his statement made during the interrogation that Muric wanted

to plant a bomb at the stadium. He said that during interrogation he was confused.”<sup>462</sup>

## Conclusions and Recommendations

Unlike in 2007 when physical conflicts and fire-arms showdowns with casualties and wounded were part of the usual election “folkloric sideshow”, republican, presidential and local elections in 2008 were held in an incident-free atmosphere in Sandžak. The latter indicates a very positive turnaround and considerable progress. What is also positive is an increasing number of Bosniak representatives in the republican government and its bodies. However, a major downside is the fact that a growing inclusion of Bosniaks in the top political echelons has not contributed to a better life of “ordinary” citizens of Sandžak. In play is obviously political horse-trading and bowing to party appetites. It also bears mentioning that certain statements, notably the one uttered by Velimir Ilić, leader of Nova Srbija in the Serb Parliament, namely, “it is a major insult for the Serb hero Karađorđe and Serbhood that the minister of Bosniak descent Rasim Ljajić sends invitations for celebrations of the Serb National Holiday,” amply indicate that a negative stance on members of minorities, even the highly placed ones, with proven “loyalty” to party ranks, has not changed an iota.

The incumbent Ministry for Religions, in contrast to the previous one, does not try to arbitrate in conflicts between the two Islamic communities. That is a positive fact, but what is negative is a continuing existence of the two Islamic communities. Participation of Bosniaks in the police forces and in the judiciary is contrary to the genuine ethnic composition

462 “Minorities Parties are Shocked”, *Dnevnik*, 10 April 2008. Such a decision of the Constitutional Court flabbergasted some minorities parties and coalitions. Leaders of the Hungarian Coalition and of the League of Social-Democrats of Vojvodina stated that they were ready to put at disposal of all minority parties their party infrastructure in order to enable them to collect the necessary signatures, submit their candidacy, and take part in the elections. Non-governmental organizations-Centre for Cultural Decontamination-, also organized the signature-collecting in order to enable Albanian parties’ participation in the elections.

of Sandžak municipalities, and in that regard the state of Serbia has done very little. Local authorities in some cases for no reason at all prevent even most innocent and fully lawful demands made by the Bosniak side. Several demands of Bosniak parties and the Liberal-Democratic Party relating to the introduction of Bosniak language and Latin alphabet in official use, in addition to Serb and Cyrillic, were rejected in Priboj and Prijepolje, although the law permits such a decision and even imposes it in predominantly minority milieus. It is noteworthy that even Democratic Party, and not only the Serb Radical Party, Democratic Party of Serbia and Nova Srbija were against the introduction of Bosniak. At last year's session of Priboj municipal assembly (the Serb Radical Party, Democratic Party of Serbia, Nova Srbija, the Serb Socialist Party, Association of Citizens "Dr. Ćetković Dragan") again rejected the demand that Bosniak and Latin alphabet be introduced on an equal footing with Serb language and Cyrillic alphabet in official use. Local committee of Democratic Party of Sandžak, on that account filed a complaint with the Constitutional Court, and Kenan Hajdarević, LDP MP from Priboj on that issue, interceded with the Serb Ministry for Minorities and Human Rights. He says that "It is obvious that in this case the state of Serbia and its bodies, that is, the Priboj municipal assembly do not want to respect the laws and Constitution of Serbia."<sup>463</sup>

Some Sandžak parties which formally urge equality and multiethnicity in fact essentially block such processes. The foregoing is best illustrated by recent developments, relating to building of a memorial monument to Bosniaks abducted from Beograd-Bar train in Strpce on 27 February. Several days before the 15-th anniversary of abduction the building of the monument began in Prijepolje. In fact the pertinent decision on the building thereof had been adopted by Prijepolje municipal assembly in 2005, but building itself started only last year. Then citizens witnessed a

463 "Radicals exploited the democratic opposition negligence", *Danas*, 10 April 2008. Ambassadors of the United States and Great Britain encouraged the Albanians to take part in the elections. S. Destani stated: "During our talks in Priština we were explicitly told that Albanians from Serbia's South should attain their rights through institutions of the state of Serbia, and hence our coalition with PDDL" "Uncertain turn-out of voters", *Danas*, 7 April 2008

new development. Namely Democratic Party, Nova Srbija, and Social-Democracy demanded that the building of monument be stopped, for the works began „without the prior approval of the municipal council.“ MPs of these parties were vexed by the dimensions of the monument and the fact that names of casualties from other municipalities, and not only from Prijepolje, were inscribed there too.<sup>464</sup> 29 MPS of aforementioned parties, making up the previous composition of Prijepolje municipal assembly, in their letter cited the following: „Those who have ordered the building of such a monument to all the victims from Strpce, under the pretext that victims should not be separated, in fact indirectly want to place blame for that terrible crime on the shoulders of current and future citizens and generations living in our city, in our municipality.”<sup>464</sup> It is clear that such a letter was greenlighted by the party headquarters.

Economic crisis could undermine a relative regional stability in the realm of politics. Added to that, in Sandžak an increasing number of citizens are barely subsisting, and there are hardly any foreign investments. In such circumstances people, especially the younger Bosniaks are prone to come under the influence of militant Wahabis, a phenomenon which could be stopped by strengthening of the official Islamic community, stabilization of relations between Bosniak parties, improvement of living standards and betterment of educational system.

464 "Minorities Parties are Shocked", *Dnevnik*, 10 April 2008



# VII

## National Minorities



# National Minorities Measure for Democracy

## State position on minorities

Eight years after the October 2000 coup Serbia is still without a coherent and well-thought-out minority policy. The process of passing minority legislation has slowed down, some processes such as those in the area of privatization of the media in minority languages are blocked, certain issues such as guaranteed mandates for minority representatives are still not under public debate, implementation of the programs for the Roma Decade lags behind and minority communities themselves are antagonized from the outside. On the other hand, demands for more autonomy for Vojvodina are so strongly criticized that some minority representatives not only growingly perceive autonomy as a Serb-Serb question but also seek solutions for their communities by the model of the Serb community in Kosovo. The lack of political will for development of a long-term minority strategy will only force minorities to turn to international fora in quest of adequate solutions.

Were we to look for an example best illustrating Serbia's policy on minorities in the year 2008, the number of signatures which minority parties are bound to collect in order take part in parliamentary elections would impose itself as such.

In order to facilitate the participation of ethnic minorities parties in the late January 2007 elections, the Republican Election Commission ruled that the number of the court-certified signatures be reduced from 10,000 to 3,000 signatures. Then some minorities parties, for example, Democratic Party of Hungarians, cautioned that such a decision was unlawful and contrary to the Act on Elections. 15 months later, several weeks before the parliamentary elections (May 2008), the Constitutional Court of Serbia, on

the Serb Radical Party initiative, annulled the aforementioned decision of the Republican Election Commission.

As expected, the ruling of the Constitutional Court of Serbia, provoked diverse reactions. Some deemed it “shameful,...making national minorities resentful of Serbia”, while Rajko Đuric, President of the Romany Union of Serbia thought the ruling “represented a great insult to us, .... thus we shall be compelled to file a complaint with the UN, OSCE, and other relevant international organizations.” According to Riza Halimi, from the Party of Democratic Action, “the ruling was unjudicious”, while Skender Destani, leader of Demokratic Union of the Valley, stated that “the said ruling prevents Albanian parties from participating in parliamentary elections, for it is impossible for us to collect 10,000 signatures in only three weeks time.” Other minority parties leaders and officials underlined that the ruling was fully in keeping with the law, and that the Constitutional Court could not have passed a different ruling. According to Tamaš Korhec, Provincial Secretary for Administration, Regulations and National Minorities, the Constitutional Court of Serbia, from the legal standpoint, took the right decision. However, Korhec also underscored that the Serb Parliament failed to respect the Serb constitution, that is, failed to timely amend the electoral law, and “thus, unwittingly made possible discrimination against the minorities parties.” Croat-Bunjevci-Shokac Party, in a bid to draw the public attention to the fact that the said ruling made more difficult participation of minorities in the parliamentary work, on the party’s building affixed a poster reading “We demand the same rights which Serbs in Croatia already enjoy.” Several days later when the unidentified persons tore off that poster, the party issued the following communique: “This vandalic act was tantamount to a message that we did not have the right to demand our legally guaranteed rights and that we face a long wait in our bid to become equal citizens of this state, to whom we have always been loyal.”<sup>70</sup>

Esad Džudžević, representative of the Bosniak List for European Sandžak, stated that “the decision was expected, but nonetheless controversial...firstly because election conditions were changed after the elections had been called, and secondly, because the decision constituted a breach of constitution, since it reduced the attained level of minority rights.” A

renowned legal expert, Vesna Rakic Vodinelic, in her analysis of the development, also mentioned that fact, or rather the constitutional provision: "in view of the situation, the least the Constitutional Court could do, was to decide to enforce the norm of acquired rights and to weigh in the two conflicted interests: the interest that the enforcement of the sub-legal act be stopped because of its unlawful and perhaps even unconstitutional nature, and the interest to protect the acquired rights and legal security by not changing the election competition rules in the middle of the competition. Had it directly applied article 20, paragraph 2, of the Serb Constitution, the Serb Constitutional Court would not have had a legal ground for passing a temporary measure."<sup>465</sup>

## Ministry for Human and Minority Rights

Decisions of the Republican Constitutional Commission and Constitutional Court not only violated the rules of a well-arranged society according to which executive bodies cannot take up the role of legislator, and election conditions cannot be changed at will in the election year (let alone during the elections), but also illustrated how Serbia, eight years on since the October changeover, still has not put in place a coherent, well-thought out minority policy, and that a systematic and a long-term resolution of

465 "I told the head of the Democratic Party MP club that the number of ministries should not be reduced by dismantling the Human and Minorities Rights Ministry...It is indeed a bad practice when every ministry deals with minority issues, for then, in fact, no ministry genuinely deals with those issues." "Democratic Party Shall Withdraw a Controversial Amendment" Građanski list, 2 July 2008. The opposition representatives also criticized the proposal, for in their mind "the government composed of 27 ministries would not be able to pursue a socially responsible policy." Jovan Palalic, from the MP Club of Democratic Party of Serbia and Nova Srbija thus commented the then developments: "This government shall not be efficient and fully functional. Such a large number of ministries will weaken the decision-making process of the executive. In fact key decisions shall be taken in the Serb Presidency, on Andric Venac, and not in Nemanjina 11." Liberal-Democratic Party was of the viewpoint that the government was a product of coalition partners horse-trading, and that its work would be characterized by the the double-key policy and burdened with great mistrust.

the minority issue, could not rest on improvisation, ad hoc solutions, and short-term fine-tuning between institutional solutions and interests of political prime movers. Non-existence of the aforementioned policy was most manifest during the process of formation of the Ministry for Human and Minority Rights. Namely political representatives of minorities and other political actors demanded that despite the dissolution of the State Union of Serbia and Montenegro, the Ministry for Human and Minority Rights be preserved. But their requests went unanswered.

The Ministry was replaced by the Department for Human and Minority Rights, whose work did not satisfy ethnic minorities. During a parliamentary debate on the Bill on Ministries, an amendment on reducing the proposed number of ministries from 24 to 23, and forming the Ministry for Justice, and Human and Minority Rights, instead of a separate Ministry for Human and Minority Rights, was submitted. Representative of the MP group *For European Serbia* (FES), which had submitted the aforementioned amendment, said that their proposal was motivated by the principle of rationalization and a kinship between the justice issues and human and minority rights issues. Representatives of minorities boycotted that proposal by leaving the parliamentary session, that is refusing to take part in the further debate. Balint Pastor, Head of the Minority MP group, stated that their club had not been consulted about that proposal, that it was an incorrect gesture, and that Human and Minority Rights Ministry should exist and be headed by a representative of the majority people, and not a representative of any minority.<sup>466</sup> MPs from the ranks of the Alliance of Vojvodina Hungarians had the following message: "Since they count on our votes, and have failed to consult us on the controversial amendment, we shall re-appraise our support to the bill on ministries." The controversial bill was withdrawn in view of the lack of support of minorities MPs. Nada Kolundzija, head of FES, stated: " Since we were divided on that issue, after taking into account the general populace responses, we concluded that public opinion was interested in coming into existence of the Human and Minority Rights Ministry."<sup>467</sup>

466 The CDCS communique of 1 July 2008

467 "Our priority is the Act on National Council", *Dnevnik*, 9 July 2008.

Proposal of the ruling coalition provoked also negative responses of the civilian society prime movers. Thus the Centre for Development of Civilian Society (CDCS) assessed that “the intention that the realm of minority and human rights be entrusted to the Justice Ministry, is doubly detrimental. Firstly, Serbia has yet to meet its commitments to the Second European Partnership, that is to pass all anti-discrimination laws and the law on national councils. Secondly, the status of protection of minority rights is so poor, that management of a possible crisis between confronted groups could not be entrusted to an inert ministry, devoid of capacity to successfully ensure the rights of minorities.” Furthermore the CDCS assessed that the decision not to establish the Human and Minorities Rights Ministry was tantamount to continuation of acting by dint of decrees and was contrary to the idea of institutional building of the state and capacitating it to properly run the public affairs.<sup>468</sup>

## Pressing Need for the Act on National Councils

According to Svetozar Čiplić, the Serb Minister for Human and Minority Rights, the negative consequences which are facing in the sphere of minority rights, result from from the non-formation of the competent ministry on the republican level in the wake of collapse of the state union of Serbia and Montenegro: “It is only natural that the sphere of your competence suffers when you don’t have a ministry whose sole and the only concern is that sphere.” Čiplić underscored that from the angle of his ministry, at this point of time it was of key importance to put on the parliamentary agenda a debate on the Bill on National Councils (NC),<sup>469</sup> “for those councils cannot continue to function in a legal void.”

468 In addition to Minister Čiplić, the expert team is composed of professor Marijana Pajvančić, professor Tibor Varadi, provincial secretary for minorities, Tamaš Korhec, state secretary of the Ministry for Human and Minority Rights, Aniko Hajnrih Muškinja, counsellor in the same ministry, Gordana Matajia and consultant Žarko Marković.

469 By using public registers of citizens, the Ministry draws up the basis of a special voters'list for national minorities which had formed their National Councils before the adoption

In early November the Human and Minorities Rights Ministry stated that the working version of the Bill on National Councils was completed and that it would be forwarded to National Councils for "critical assessment." Councils were given four weeks to study the proposal and address their proposals, criticism and suggestions to the competent Ministry, which, after the 28th November would work out the final version of the Bill.<sup>470</sup> In mid-December, at the session of the Parliamentary Committee for Inter-Ethnic Relations, Minister Čiplić announced that the Bill would be forwarded to the government for adoption the following week. He added that the key point of the Bill was the morphing of the nature of National Councils: they were transformed from non-governmental organizations into social organizations with public prerogatives, that is, into part of the state structure.

The point most criticized to date was the manner of election of the National Councils. Indirect, electoral manner of election was assessed as undemocratic, and some national councils (the Hungarian, for example),

.....  
of that act. In a minority has not set up its council, the Ministry shall draw up such a list if within 15 days after the adoption of this act it receives the request, supported by the court-certified signatures of at least 5% of members of the said minority, in line with the last population census. Any citizen can sign that initial voters' list, if he has previously given to the public register officials a voluntary statement that he or she belongs to a national minority. It bears underscoring that the state administration bodies are duty-bound to forward immediately to the Human and Minority Rights Ministry the requested data. Subsequently the Ministry draws up a special list of national minorities. The Ministry also informs every citizen that he or she has been temporarily registered in the initial basis of a special voters' list. A citizen who does not declare himself or herself as a national minority member, or declines to take part in direct election of National Council, may then ask that his or her name be struck off from the voters'list. If he does not request such a move, then it is considered that he or she has agreed to be entered into the special voter's list.

470 Acts from articles 12, 13, 14 and 15 (participation in administration of educational and pedagogical institutions; educational curricula and plans; textbooks and teaching aids; other competences in educational sphere), article 17 (participation in administration of cultural institutions), article 18 (other competences in cultural institutions) and articles 20-22 of the bill (participation in administration of information institutions and competences in official use of language).

were denied not only legitimacy, but legality too. Such an indirect manner of election was retained in the draft law, and minorities themselves were vested with the right to decide in which way they would elect their National Councils. If members of some minorities decide to elect their councils by dint of direct elections, then they must first draw up a special voters'list.<sup>471</sup> If over 50% of total number of minorities members are entered into that special list, in line with the last population census reduced by 20%, then indirect elections shall be organized. Decision on calling the elections is taken by the Minister for Human and Minority Rights, and indirect elections for all members of a National Council are held at the latest 15 days before the expiry of the mandate of the previous National Council. All organizational affairs related to the elections are carried out by the Ministry and competent bodies, while the the elections themselves are funded from the republican budget. National Council President is elected from the ranks of the National Council members, and his or her tenure is four years. Number of National Council members hinges on the minority size, and ranges from 15 (in case of the minority whose number, in line with the last population census, is lower than 10,000 or has not been specified), to 35 members (if the number of minority members is superior to 100,000 ).

National Councils are founded to provide for the exercise of the rights to self-management in culture, education and information and official use of language. The Council represents a minority and participates in the process of decision-making or takes decisions relating to those spheres, basis of institutions, economic societies, and other organizations. In the areas of vital interest for preservation of minorities identity the National Councils are accorded substantial rights, and their role was further strengthened by a provision under which some acts<sup>472</sup> passed without prior opinion or proposal of National Council were considered unlawful, that is, null and void.

One should bear in mind the fact that the Act on National Councils was debated by the MPs of the republican parliament 7 years after the adop-

471 "State Must Yield the Media", *Danas*, 9 July 2008. According to Goran Cetinic, the media consultant, the goal of privatization is exclusion of the state from the media ownership.

472 "Party Interests above the Public Ones", *Danas*, 13/14 September 2008.

tion of the Minority Act! That fact indicates that the process of building the minority-related legislation in Serbia evolves very slowly, that it is burdened by conflicts between political wills and various interests, all of which, when “translated” into some legal solutions has very adverse effect on the general minority status. Thus, for example, the Act on Radio-Diffusion, spells out that privatization of electronic media is mandatory, while the Public Information Act lays down that the state, territorial autonomy unit, an institution, a company or the state-owned legal entity or the one partly or wholly financed from public revenues, cannot found a public medium. On the other hand, under the two acts later adopted by the republican parliament—the Act on Self-Rule and the Act on the Capital City, both local self-rule units and Belgrade are empowered to found electronic and print media. The foregoing was assessed by many experts as running counter to the media reforms.

## Privatization of Minorities-Run Media

Not only the adoption of key laws is delayed or deferred, but also non-harmonized laws, often rife with contradictory provisions, are passed. Rade Veljanovski, in his expose in the round-table, “Media in Minority Languages and Privatization Dilemmas and Solutions”, underscored that the media-relating provisions in the two aforementioned laws had to be annulled, for they were in direct contradiction with the existing Act on Radio Diffusion and Act on Public Information. Other participants in this debate warned that the media privatization in Serbia was stopped and that Serbia was gradually distancing itself from the European processes. According to the participants in the aforementioned round-table “ Serbia does not want to finalize the said privatization process, for it would be tantamount to its loss of control of the minority media too.”<sup>473</sup> Due to the confronted interests, privatization in Serbia has become a “battlefield” in which di-

<sup>473</sup> It was reiterated that the new owners would not be interested in the promotion of quality of programs, but rather in getting hold of property and making profit out of thus-acquired media.

verse actors and interests are trying to get the upper hand.” According to Goran Cetinić, political parties are totally free to found their media, under the condition they do it with their own funds, and not from the pockets of taxpayers.<sup>474</sup>

However a stiff opposition to privatization was not only put by the state and political elite, but also by minorities, that is their journalists. Namely they maintained that in the cut-throat market conditions the minority media would face an uphill battle for survival and that their closing down would be tantamount to a reduction in the acquired minority rights.<sup>475</sup> Provincial Executive Council took note of those warnings and thus, jointly with the Ministry for State Administration and Local Self-Rule, requested the republican government to take an appropriate action. Thus the latter in late 2007 ruled that the process of privatization of the minority languages media be stopped.

Though the advocates of media privatization are aware of the fact that privatization would lead to closing down of the majority of minority-run media, and that the market is unlikely to solve all the related problems, they insist on privatization as a better solution than to continue with the state ownership and control of those media. The former was clearly espoused at the mid-November meeting organized by the OSCE mission and

474 In an interview Ana Tomanova Makanova, Provincial Information Secretary, stated the following: “National Councils name only executive boards, supervision boards and announce competitions for directors and editors-in-chief, but they don’t get entangled in the editorial policy. But this does not refer to the ethnic minorities media, namely the media of those ethnicities who have numerous population dispersed Serbia-wide and which are organized along the ethnic and political principle.” “Long road from the law to the practice”, Link, November 2008.

475 “Long road from the law to the practice”, Link, November 2008. Ana Tomanova Makanova stated that the policy of the provincial executive council was to assist in the work of minorities languages media. Later she also stated that the provincial budget allocations were destined for publishing of 27 – dailies, fortnightlies, monthlies, youth and children newspapers – in 10 languages – Serb, Hungarian, Slovak, Romanian, Ruthenian, Romany, Bunjevac, Macedonian and Ukrainian. She added that the local self-rule bodies and cities in Vojvodina have been looking for the right model of privatization of the media, notably of those broadcasting multi-lingual programs. “Information without borders”, *Dnevnik*, 29 November 2008.

Independent Association of Journalists of Serbia in Subotica. At that meeting it was also reiterated that the worst media owner was the state, but it was also pointed out that the transfer of ownership rights to National Councils would not be the best solution, for it would limit professional freedom of the media.<sup>476</sup> Representatives of some minority media, participants in this round-table, concluded, in a resigned manner, that the meeting did not offer any concrete solution. Jasmina Dulic from Hrvatska Rijec said: "We cannot finance our media by dint of projects, for those projects funds are of a sporadic nature." She also warned: "Our media cannot be yielded to the market conditions, due to a small number of their consumers. Even the proposal that the state finances 30% of the funds, and that 70% be earned by the media, does not seem very feasible."<sup>477</sup>

Without calling into question privatization process, as a conceptual basis of the media-geared reforms, Ana Tomanova Makanova, the Provincial Information Secretary, explained that privatization had to be stopped because no-one in the state had a clear plan as to what to do and how to do it, "furthermore, privatization was launched without any preparations, without any clear rules and strategy." She went on to note: "We must find an efficient and adequate model of privatization. We cannot erase the past achievements and models, our social capital and developmental resource at a stroke of pen. We must respect the latter and use it in further development."<sup>478</sup>

476 "Romany Fate is in hands of EU member-states", *Dnevnik*, 17 September 2008.

477 "11 Romany women give birth with the same health booklet", *Građanski list*, 8 April 2008.

478 "Half a million legally invisible in Serbia", *Dnevnik*, 12 November 2008. Team of legal experts from the Belgrade office of "Praxis" toured the Romany settlements of Veliki Rit and Adica to assist their inhabitants in collecting the necessary documents and thus facilitating their registering in the birth registers. Similar action is being taken in 20 municipalities of Serbia.

## Decade of inclusion of Romany

Similar objections were raised during the Decade of Inclusion of Romany (2005 – 2015). But first let us touch on the character of that project. That international project was launched in February 2005 when Prime Ministers of 9 countries of Central and East Europe – the Czech Republic, Slovakia, Hungary, Serbia, Croatia, Montenegro, Macedonia, Bulgaria and Romania, signed a declaration on the Romany status –enhancement measures.

In 1 July 2008-late June 2009 period Serbia would preside over the Romany Decade. That presiding role shall afterwards taken up by Slovakia. At the Brussels Summit of the European Romany, held in September 2008, Božidar Đelić, vice president of the Serb government, presented a four-point program to be pursued by Serbia during its year-long presidency: improvement of accommodation and housing conditions, curbing of discrimination, notably in education, elaboration of data basis, and creation of the pan-European policy on the Romany issue. At the opening ceremony, Jose Manuel Barroso, President of the European Commission, warned that “a dramatic Romany situation cannot be solved from Brussels. Instruments for the much-needed change are in hands of member-countries.”<sup>479</sup>

Osman Balić, co-ordinator of the League of the Romany Decade, repeatedly stressed discontent with implementation of the said project in Serbia. Balić stated: “our governments have smelled the money coming in thanks to the Romany Decade, so in many ministries so-called ‘gypsy industry’ has flourished. In 2005-2008 period Serbia got over 2 billion Euros for implementation of Poverty Reduction Strategy. That money ended in ministries, but no-one knows how it was spent. Lack of transparency is also manifest in the manner of spending the money from the Funds from the Romany Decade, for to date we have not received any pertinent official

<sup>479</sup> In April the Health Ministry announced a competition for 15 mediators of Romany nationality, with at least primary school degree. They are to be employed by health centres, and according to Vitomir Mihajlovic, President of the National Council of Romany, tasked with helping Romany obtain their legally-needed documents and assisting them in health care.

information. We also don't know if the money was spent on enhancement of the Romany life, or for seminars, computers or personal interests."<sup>480</sup>

In his September letter to Boris Tadić, President of Serbia, and Slavica Đukić Dejanović, President of the Serb Parliament, Balić cautioned them against the following: "in Serbia, in its 29,000-strong state administration there isn't a single Romany. In Justice, Social Affairs, Culture, Health, and Economy Ministries, there are no Romany employees. The foregoing does not result from the shortage of educated Romany, but rather from the discrimination in play in all the institutions. "

In the same letter, Balić underscored a host of actions which have contributed to improvement in some areas. This holds particularly true of education sphere, for there was a multifold increase in enrollment of Romany children at primary schools and also of students at faculties."<sup>481</sup> After expressing his discontent with a slow progress of the Decade, Balić demanded that the aforementioned ministries launch a Romany – employment action.

"Legally invisible persons" are one of the major problems which Serbia faces. According to Minister Čiplić in Serbia there are about 600,000 legally invisible persons, the majority of whom are Romany: "It is really disheartening to know that such a large number of people are deprived of any legal identity, and consequently of human and political rights." Čiplić pointed out that the problem was in the fact that "the competent state authorities refuse to certify their legality in an atypical and not specifically prescribed procedure...Thus those most socially vulnerable cannot attain

480 Romany minority is discriminated against in various way. Special schools have, for example, become Romany schools. Marija Kordić, deputy provincial Ombudsman for the the rights of the child, stated that Romany children lacked basic education and rearing, and were unjustifiably sent to special schools instead of being provided with an adequate education. "How Special Schools Became Romany Schools", *Gradanski list*, 14 April 2008

481 Inhabitants of Kamendin, Veliki mokri lug and Dr. Ivan Ribar street in Novi Beograde some time ago protested against the intention of the city authorities to dismantle a Romany shantytown under Gazela, a major Belgrade fly-over. As of late dwellers of Ovča have also staged similar protests.

any of their constitutionally guaranteed rights...notably the right to social benefits and health protection."

Media reports amply indicate the extent of problems the foregoing causes among the Romany minority. Namely, in absence of their health booklets, Romany are compelled to use those of others. Thus in Novi Sad as many as 11 women gave birth by using a single health booklet. A woman of Knjazevac who gave birth by using the health booklet of her daughter in law could not legally recognize her own child. Thus the National Romany Council had to pay for her DNA analysis in order to enable her to certify her motherhood rights. Similar cases have happened in other cities. In the worst predicament, or "in the ninth circle of hell", according to Rajko Đurić, President of the Union of Serbia's Romany, are Romany displaced from Kosovo, and Romany repatriated from Germany and other countries: "Since they return without any papers, they cannot get any kind of assistance."

Two non-governmental organizations, Centre for Promotion of Legal Studies and Praxis, have elaborated a model of law on recognition of legal subjectivity. That model was backed by the Ministry for Human and Minority Rights. Svetozar Čiplić stated that his Ministry would forward this model to the government for adoption. According to him that model removes irregularities in the legal order and improves the legal status of a large number of people.

According to Simon Gray, head of the World Bank Office in Serbia, despite the aforementioned, and other Romany life-enhancing measures and actions Serbia still lags behind other regional countries in the implementation of projects relating to the Romany Decade. In the mid-year report adopted by the International Working Group headed by President of the World Bank, it was assessed that progress was made in some spheres, notably in education, employment, health protection and anti-discrimination of Romany. According to the report, Hungary has made most progress in the most high-priority goals. In that regard it is closely followed by the Czech Republic and Macedonia. Bulgaria, Romania, Croatia and Slovenia have achieved similar results, while Serbia and Montenegro still lag behind the aforementioned countries, though they have reduced the gap.

According to the report, Serbia achieved some progress in employment and health protection of Romany, but very little in the spheres of institutional order, education, discrimination-curbing, and resolution of housing problems.

Bearing in mind the aforementioned assessments, Osman Balić concluded that the Decade of Romany Inclusion was still far from its goal-to arrive at doorstep of every Romany house. According to Balić the announced adoption of the government-drafted Romany integration strategy was a good signal, as well as the naming of Bozidar Đelic to the post of Vice President of the Council for Romany Status Promotion. However, Balić warned that for the resolution of the Romany-related programs it did not suffice just to increase funds. According to him those funds "must be destined to clear and transparent objectives, and their manner of spending must be transparent too. The foregoing must be imperative, in view of the fact that last year's 12 million dinars-worth allocations have simply – 'disappeared.'"<sup>482</sup>

Entering of Romany names in the public registers and adoption of corresponding legal provisions is an easier part of the job. Much more difficult task is the one of removing prejudices relating to members of that minority. Zivorad Mitrovic, President of the Co-ordinating Centre for Romany Inclusion, thus commented the announced protest of dwellers of Ovca against re-settlement of 130 Romany families from Gazela shanty-

482 "They don't want Romany in Ovča", *Dnevnik*, 18 October 2008. Diakonesku, New Foreign Secretary of Romania also commented the status of the Romanian minority in Serbia. In presenting his program before the Foreign Policy Commission of the Romanian Parliament he said: "Rights accorded to the Serb minority in Romania should be also in a similar measure accorded to and exercised by the Romanian minority members in Serbia...We shall make it clear to Belgrade that it should recognize the need for a bilateral legal framework with a view to protection of minorities in both countries." According to a *Dnevnik* – run report, Diakonesku assessed the status of the Romanian minority in Timočka Krajina as extremely worrying: "it is unacceptable that they cannot inaugurate a single church and of major concern are possible acts of vandalism targeting Romanians there." The Romanian Foreign Secretary also underscored that such a conduct is unacceptable, given the fact that Serbia wants to join the EU. *Dnevnik*, 21 December 2008.

town to their neighbourhood: “ We don’t choose our neighbours, and I am sure all of us have a neighbour we dislike, but that is not the reason good enough for protests.” Kovačević assessed those protests as unbefitting and even racist. On the other hand, Jon Čizmaš, President of the General Directorate of the Romanian Community in Serbia, was of the contrary opinion: “We are making tremendous efforts to prevent the building of a Romany settlement in Ovca, in the vicinity of Belgrade. Under the Serb Constitution and international documents it is forbidden to change the national structure of a settlement. We appealed to all the state institutions and those of the city of Belgrade to stop that move, but to date we have not received any official reply. And that, to say the least, is not fair. We have a very well-organized branch office in Ovča, the locals have set up a defence committee, for Ovca is the only locality with the majority Romanian population in that area. Borča, Sebeš and Mirijevo have been already assimilated. If a Romany settlement is built in Ovča we shall definitely lose our identity in Palilula municipality”<sup>483</sup>.

## Problems of the Bosniak community

Members of the Bosniak community in Priboj have also often invoked the Constitution, laws and minorities’ rights. MP majority in the assembly of that Sandžak municipality rejected the opposition proposal to amend the municipal statute, and introduce Bosniak language and Latin alphabet, in official use, equally with Serb language and Cyrillic alphabet. Since the adoption of the 2002 Minorities Act there have been attempts to introduce Bosniak language in official use. According to Sefko Polimac, president of municipal committee of Sandžak Democratic Party, a negative stance of the municipal assembly majority on that issue, irritates Bosniaks. Polimac told “Danas” that he thought that Bosniaks might demand introduction

483 “The first complaint reaches the Constitutional Court”, *Danas*, 2 September 2008. In its bid to provide for the protection of the Bosniak rights, Sandžak Democratic Party filed a complaint with the Constitutional Court.

of bilingual documents once Bosniak language is adopted as the official one.<sup>484</sup>

Power in Priboj municipality is shared by Democratic Party of Serbia (DPS), the Serb Radical Party (SRP), Socialist Party of Serbia (SPS) and New Serbia (Nova Srbija-NS). When compared to the last elections, the ruling coalition has been now expanded to comprise also Party of Democratic Action (PDA) and Group of Citizens “Dr Dragan Ćetković”. According to some voters, PDA has betrayed their expectations by joining the aforementioned coalition. It is interesting to note that Novi Pazar, municipality is run by a coalition in which there are also two “strange bed-fellows”, SDP and –the Serb Radical Party.<sup>485</sup> In view of the foregoing PDA and the Bosniak List for European Sandžak leader, Sulejman Ugljanin, warned that because of co-operation with the SRP Novi Pazar would be condemned to isolation, for neither the EU or the US would make investments in the city administered by Šešelj’s Radicals.<sup>486</sup> On another occasion Ugljanin stated that “there was no political logic to the local coalition between parties headed by Mlađan Dinkić, Boris Tadić and Rasim Ljajić and those headed by Šešelj-Nikolić and Košturnica...that coalition was cobbled together just to oust us, though we have contributed considerably to formation of the parliamentary majority in Serbia.” In assessing that the ruling majority in Novi Pazar could not survive, Ugljanin proposed the “only logical solution”: “formation of authorities by the two Bosniak lists and their equitable division of positions. In parallel, both we and Ljajić’s party could give to the Serb list 15% of mandates. That is the right recipe for reconciliation between politics and citizens.”<sup>487</sup>

484 The Unique Serb List-SRP, DPS, NS and SRM also make part of the coalition “For European Novi Pazar – Boris Tadić and Rasim Ljajić.”

485 “Ljajić: a hypocritical invitation”, *Dnevnik*, 19 August 2008

486 “Ugljanin: the two Bosniak lists to form government”, *Dnevnik*, 13 July 2008

487 “Ljajić: a hypocritical proposal”, *Dnevnik*, 19 August 2008. Mirsad Đerlek, new mayor of Novo Pazar, after his inauguration, stated that his first priority was stabilizaiton of political life. His second goal is to attract foreign investors, for “we must also focus on the economic prosperity of the region” Instead of gloating over his electoral victory, Đerlek had something else to offer, namely he invited all the experts from Party of Democratic Action to come and do their job, and thus contribute to revival of Novi Pazar.

SDP assessed Ugljanin's proposal as hypocritical, for "they are bothered by the power-sharing deal with Radicals in Novi Pazar, but not with the ones in Sjenica and Priboj". Ljajić assessed that offer as a too great risk which could not be explained to voters. According to Ljajić divisions in the Sandžak region were omnipresent, having permeated all pores of society, and "as such they had to be overcome...while reconciliation is possible, but must be achieved gradually, step-by-step."<sup>488</sup> Ljajić stressed that "the very fact of political changeover and our better treatment of our political opponents, have contributed to easing of tensions." He added that the SDP – headed coalition in Novi Pazar did not replace some Ugljanin-appointed directors, for it wanted to show to citizens that what was really important was "how people work, their ability to achieve results and to a lesser extent their allegiance to a political party. All the foregoing should contribute to improvement of the general mood in Sandžak".<sup>489</sup>

Pacification of political tensions and more co-operative stance of political prime movers in Sandžak are needed to prevent the region from sinking into a total social chaos and despair. Data of the socio-economic research presented in May by the local council of the European Movement in Novi Pazar are quite alarming. According to the World Bank definition, citizens in municipalities Novi Pazar, Tutin, Sjenica, Nova Varoš, Priboj, Prijepolje and Raška, belong to the category of actively poor population. The largest number of poor are in Tutin municipality-49,6%. When compared to Belgrade data, it stems that poverty in Tutin is 11,5 times greater. 50,000 people in Sandžak are unemployed and 12,000 people are welfare

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Ugljanin was not present at the inauguration, and take-over ceremony, while Mirsad Đerlek found in his new cabinet, only a chair and table. Added to that the new authorities inherited quite a burden, namely 11 million Euro debt incurred by the old authorities. 7 million Euro is the municipal debt and 4 million Euro the one of public companies. The new authorities tasked the competent finance, state administration and local self-rule ministries to launch a probe into dealings of the former authorities, headed by Ugljanin. "Novi Pazar: What kind of transactions and dealings was Ugljanin involved in?", *Dnevnik*, 22 August 2008

488 Majority of poor are in Tutin, the smallest number of them live in Nova Varoš", *Danas*, 3-4 May 2008

489 "I don't want to be a decorative tree in the Serb parliament", *Dnevnik*, 24 September 2008

beneficiaries. In 5 municipalities 3,509 persons are recipients of a soup kitchen hot meal, while 2,600 have requested that meal too. The worst situation is in Priboj municipality, for there 250 beneficiaries every day have their hot meal in the soup kitchen, while another 1,000 are waiting to be granted access to that facility. In Sandžak municipalities there are about 9,000 displaced persons and refugees, while by February 2008, about 38,000 persons returned from the EU member-countries. According to Bisera Seceragic, president of local council of European Movement "the situation has worsened with respect to a year ago, when we could speak of the appeal for survival. Now we can only speak of moans from a ghetto."<sup>490</sup>

## Albanians in South Serbia

Albanians in South Serbia have been urging for years a swifter resolution of their problems. Riza Halimi, President of the Party for Democratic Action, in that regard, stated the following: "Due to the Serb government stance on problems of Albanians from municipalities Medveđa, Bujanovac and Preševo, I must seriously ask myself whether I want only to be a decorative tree in the Serb Parliament, to be bragged about by the incumbent authorities in their meetings with representatives of the international community."<sup>491</sup> In the wake of elections Halimi sent a letter to Tadić, proposing three topics for discussion: constitution of multi-ethnic municipalities in Bujanovac, Medveđa and Preševo, shake-up of Co-ordinating Body, and economic development of the region. Halimi underscored that in a 7-year long existence of the Co-ordinating Body not a single Albanian took part in its work. He added: "Now we have the third government in

490 According to a *Danas* article no Albanian from these three municipalities is studying at any high-school institution in Serbia. "Misunderstandings have been overcome", *Danas*, 3 November 2008.

491 "Boycott of co-ordinating body is pending", *Danas*, 15 September 2008. In a letter to municipalities Bujanovac, Preševo i Medveđa, Žarko Obradović, Education Minister, stated the following: "on the basis of the opinion of the Ministry for Kosovo and Metohija it is clear that public documents on acquired education are considered null and void, the more so, because UNIMK does not have that authority to issue such public documents.

Belgrade which superficially treats Albanians.” One of the most frustrating problems for Albanians was the Serb government decision not to recognize diplomas of the Pristina University with UNMIK seals. Albanians from South Serbia are educated in Kosovo, Albanian and Macedonian faculties.<sup>492</sup> Since the government ruled out the employment of about 200 graduates with faculty diplomas obtained outside Serbia, Albanian representatives demanded the annulling of that decision: “If the discriminatory act passed by the former, Kosunica-led government is not annulled, we don’t want to co-operate with the Co-ordinating Body.”<sup>493</sup> Subsequently, the Serb government decided to recognize Pristina University diplomas issued on UNMIK memos and with UNMIK seal.<sup>494</sup> Thus the conditions for inclusion of Albanians from South Serbia into the Co-ordinating Body work were created.<sup>495</sup>

Halimi had the following message: “Our idea is that Co-ordinating Body acts as an operational body, in co-operation with presidents of Bujanovac and Presevo municipalities, with concrete responsibility and in full respect of our stands.”<sup>496</sup> Milan Marković, new president of Co-ordi-

492 “Halimi: ‘Misunderstandings ironed out’, *Danas*, 3 November 2008. According to Halimi the aforementioned conclusion concerns only diplomas certified by the UNMIK seal, but not diplomas issued by Republika Kosovo. Halimi also underscored that “in this case we shall also have to reach a compromise, for diplomas of Pristina faculty are recognized in Europe and in the world, so there is no reason for them not to be recognized by Serbia too.”

493 Hans Ula Urstad, head of the OSCE mission in Serbia urged overcoming of this problem and change of decision on non-recognition of diplomas.

494 “Halimi: Misunderstandings ironed out”, *Danas*, 3 November 2008

495 “Echo of independence in the neighbourhood”, *Danas*, 18 October 2008. According to Šaip Kamberi, president of Bujanovac municipality, “As long as this region is viewed as the frozen conflict region, we shall not be able to do anything.’ Only by strengthening developmental programs, through the state institutions, security risks lurking from Kosovo and Macedonia may be pre-empted. Otherwise those risks threaten to suddenly undermine the inter-ethnic confidence and stability in the region”. “Less ethnic tensions, less state assistance”, *Danas*, 5-6 July 2008

496 Halimi said: “When you are ignored you must look for support on the other side. Our talks with Ramus Haradinaj were not linked to any instability and possible militancy of Albanians in South Serbia. The former is just misinformation marketed by some media.”

nating Body defined as his priority the new strategy for this region, and the focus on economic development and promotion of integration of Albanians in the state structures. He also announced that the first high-school institutions for education of Albanians in mother tongue would be opened. Marković added: "We want to encourage both foreign and domestic investors to invest in this part of Serbia, for that is the only way to render the three municipalities independent of short-term donations. We shall also assist in development of cattle-raising, one of our most important economic activities, but our absolute priority shall be the young and their education."<sup>497</sup>

However, during a parliamentary debate on budget once repressed problems "flared up" in a sharp-worded polemic between Halimi and Marković. Halimi at the rostrum maintained that the budgetary restrictions affected mostly Preševo, Bujanovac i Medveđa, the least developed municipalities. He said : "We are even regressing, for we don't have a developmental policy." Minister Marković rebutted those claims and cited a series of municipalities in Serbia which did not receive extra money, in contrast to the three aforementioned municipalities: "That money is not administered by the Co-ordinating Body, but by municipal presidents appointed by Mr. Halimi himself. Life of Serbs, Romany and Albanians is terrible down there, but why they live the 19th century lives with 64 million Euro worth of donations? Belgrade is not responsible for all the local problems." Marković also wondered whether anyone was held accountable for failed investments, why the authorities in Presevo and Bujanovac were mono-ethnic, why the national council of Albanian minority has not been founded? Why Albanians have not been included in the work of the Co-ordinating Body? What happened to TV Presevo?. Marković also asked Halimi why he kept setting new conditions for Albanians' participation in the work of the Co-ordinating Body? He added: "You don't have to participate, but Belgrade shall not be the only factor to be held responsible

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He added: "Haradinaj himself proposed the opening of the office for Presevo Valley in Pristina. That was his proposal and not the initiative from South Serbia, as some media reported." "Beograd pushes Albanians towards Priština", *Danas*, 23 September 2008.

497 "Two passports only in exceptional cases", *Danas*, 2 September 2008.

for that failure...One day you shall have to place the state insignia as laid down by the law. You cannot live down there, as if you were not living in the Republic of Serbia." Halimi then retorted: "It is not true that Albanians refused to work in the Co-ordinating Body. You are just engaging in some tactics to justify your sloth and inability to resolve problems."<sup>498</sup>

## Dual citizenship problems

While Albanians indicated that the state policy was pushing them towards Priština,<sup>499</sup> Serbs from Montenegro demanded the Montenegrin authorities to enable them to get the Serb citizenship. Montenegrin authorities thus responded to that demand: "Small states, like Montenegro are compelled to protect their citizenship and in that regard have very restrictive laws." According to Jusuf Kalimperovic, Interior Secretary, "all citizens of Montenegro who had dual citizenship, the one of Montenegro and of any other state by 3 June 2006, the day of proclamation of independence, are entitled to retain the both citizenships. All citizens of Montenegro who had residence in Montenegro before 3 June 2006, and who are originally from any former Yugoslav republic, are entitled, regardless of the length of their stay in Montenegro to apply for the Montenegrin citizenship, if they bring a document testifying to their renunciation of the other citizenship."<sup>500</sup>

498 "Dual Citizenships for Montenegrins in Serbia", *Dnevnik*, 5 June 2008.

499 That competition has earmarked funds for organizations of 15 ethnic communities in Vojvodina-Hungarians, Croats, Slovaks, Romanians, Ruthenians, Romany, Bunjevci, Macedonians, Ukrainians, Germans, Slovenians, Bulgarians, Czechs, Askalis, Jews, and for the others, including Montenegrins. Stevović asked that a new funds-distribution competition be organized, "in order to have the funds allocated in proportion with the number of minority members, and Montenegrins directly named in the competition." "Vojvodina Montenegrins demand an equitable status", *Danas*, 15 December 2008

500 "Mayor advocates Bunjevci assimilation", *Danas*, 8 August 2008. Festivity of Dužjance, 15 August, was marked as the national holiday of Bunjevci. It bears saying that relations between Croats, Bunjevci and the state of Serbia have been sour for some time. Different answers are given to the question whether Bunjevci are indeed a distinct ethnicity.

Montenegrins in Serbia also demanded a dual citizenship. Nenad Stevovic, president of the newly-formed Montenegrin Party stated the following: "A large number of citizens of Montenegro live currently in Serbia. To attain their rights they must obtain the Serb citizenship...after taking the Serb citizenship, they automatically lose the Montenegrin one, contrary to their will." Stevovic added that if Montenegrins failed to accept the Serb citizenship, they would not be able to exercise their rights, get their IDs, and complete any other administrative business.<sup>501</sup> Stevovic, who is also president of the Association of Montenegrins "Krstaš", asked the president of the provincial government, Bojan Pajtić and provincial secretary for minorities, Tamaš Korhec to prevent discrimination against Montenegrins in Vojvodina. Stevovic assessed as insulting the Vojvodina competition for allocation of subsidies to ethnic communities,<sup>502</sup> for Montenegrins were placed in the group "others". He publicly stated that his association would inform of the foregoing the Embassy of Montenegro in Belgrade, the government of Montenegro, and representatives of the OSCE, Council of Europe and European Commission.

## Bunjevac minority bears the brunt of assimilation

Representatives of another minority, Bunjevci, complained of unequal treatment, that is, an increasing assimilation. Nikola Babić, President of

Bunjevci demand the state to protect them from assimilation, while representatives of the Croat community criticize the state for encouraging divisions among their community, making difficult preservation of their identity and thus enabling assimilation. Similar problems plague the relations between Romanians and Vlaschs. Thus representatives of the Romanian community cited as one of the burning issues recognition of Vlaschs as a distinct national minority. As to the identity of Vlaschs, as a distinct ethnic community, various assessments are in play.

501 "Who is exerting the stranglehold of the Croat program?", *Dnevnik*, 20 November 2008

502 The bill envisages existence of general-competence courts: basic, higher, appeal court (4 of them in the largest cities), supreme court of appeal (to replace the current Supreme Court) and special-competence courts (commercial, appeal, magistrates, higher magistrates, and administrative court).

National Council of Bunjevci, publicly protested against the fact that Duzijanci was called the Bunjevac Croats festivity, in the invitation card of Subotica's mayor, Saša Vučinić. In his letter he stated that Bunjevci and Croats (in an almost identical percentage 11%), and not Bunjevci Croats, lived in Subotica. Babic objected that by such definition the mayor sided with those who denied to Bunjevci the right to their own identity, and thus openly encouraged assimilation of Bunjevci into Croats. Furthermore, Babić asked the mayor to withdraw the controversial invitation cards, and to apologize publicly to Bunjevci.<sup>503</sup>

## Status of Hungarians and Croats

In the course of 2008 members of Croat and Hungarian minority also openly manifested their discontent. When the Croat program was merged with the Romanian one, Branko Horvat, President of the Croat National Council and Ljerka Alajbeg, Consul General of the Republic of Croatia had an emergency meeting with the RTV Vojvodina management. However that meeting failed to produce a satisfactory solution with respect to the size of program intended for Croats in Vojvodina, and status of editors of the Croat language programs. According to program's editor, Dragan Jurakić, the offered explanation that RTV Vojvodina had made "a technical mistake" did not ring true. He thought that in fact "the merger was a clear signal that the RTV management intended to remove us from the program." Jurakić stated that the Act on Radio-Diffusion was clear enough spelled out that Croats did not merit any partial civil rights, and that attempt to close down the Croat information program would resonate far and wide.<sup>504</sup>

503 "Bačka Topola, Senta and Bečeј must have basic courts", *Danas*, 22 December 2008. After adoption of a set of judiciary-related laws, Ištvan Pastor, leader of AVH, stated that the pro-European authorities-LDP, LSV, G17 Plus, and DP, succeed in what all the regimes in the past 160 years had failed, namely to betray the regional interests. Under the new set of laws only two municipalities in which ethnic minorities have the majority, that is, Subotica and Novi Pazar have basic courts.

504 We said that we did not have any ambition to take part in governance, but we also said

As regards the Hungarian minority, political representatives of that minority stated that in the Serb parliament they would not back the Bill on seats and area of competences of courts of law and public prosecution offices,<sup>505</sup> unless their amendments to retain basic courts in Backa Topola, Bečej and Senta are accepted. Balint Pastor, head of the Minorities MP Club took to task the government for abbreviating the discussion on the Bill, and for failing to consult the AVM, as a coalition partner, on that Bill. AVM also had the following message for the government: "We deem the Bill damaging for the interests of those whom we represent in this parliament...I am referring above all to Vojvodina Hungarians, but also to all the other citizens in Vojvodina, and notably denizens of those municipalities which, under the new Bill, would be left without the basic courts...". Pastor stated that the courts had to exist in the aforementioned municipalities on three grounds: firstly, those courts have existed for over 150 years, secondly, due to non-existence of any basic court between Subotica and Novi Sad, and Kikinda and Sombor, there would be an enormous "judiciary hole" in the middle of Vojvodina, due to which in the majority Hungarian-localities it would be difficult to use languages of national minorities in judicial proceedings. And thirdly, a locality without a court of law, could not be considered an urban milieu, despite the size of its population.<sup>506</sup> But the Bill was adopted and the AVM stated that its MPs in the spring would initiate the proceedings to amend the controversial provisions.

After parliamentary elections representatives of the Hungarian coalition stated that they had no ambition to take part in the governance, but

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that we want our people to be appointed state secretaries in various ministries. Ištvan Pastor in "Hungarian Coalition-a stable part of the majority.", *Danas*, 3 July 2008

505 "Future hinges on the 'deadly embrace' of Democratic Party, *Dnevnik*, 21 July 2008.

506 "Personal benefits for the sake of an alleged welfare of the Hungarian minority", *Dnevnik*, 25 September 2008. Pal sharply criticized AVM for considering co-operation within the coalition as a possibility for ousting a partner from the political life." "AVM understands politics as a possibility for making personal benefits and taking a huge slice of the tycoon-accumulated capital, while they try to convince the Hungarian minority how such things would be very beneficial for them."

they would render a reliable backing to to the parliamentary majority.<sup>507</sup> Andras Agoston, President of the Democratic Party of Vojvodina Hungarians stated: "We were generally against our joining the government, both in Serbia and in Vojvodina." He added: "On the republican level we stuck to our word, but we intend to vote in favour of those government decisions which are in line with our program..We disagreed on participation in governance of Vojvodina...but the majority of our members ultimately decided to adhere to the stance that the deadly embrace of Democratic Party, in any future provincial government, could do us only harm...Hence our decision to stay away from those negotiations and to let AVH take part in them, in harmony with their views." Agošton also underscored that he would urge the survival of the Hungarian Coalition as "the only possible solution, if we want the Hungarian national minority to have its place and weight in the political arena."<sup>508</sup>

However, relations within the Hungarian Coalition remained tense. Thus Šandor Pal, leader of Democratic Community of Vojvodina Hungarians criticized the AVH for considering "that all the votes won by the Hungarian Coalition belonged only to them." Added to that Pal took to task Ištvan Pastor for having single-handedly had talks with Boris Tadić, and subsequently having failed to inform all the other partners from the

507 "Regionalization of agreement with Democratic Party", *Dnevnik*, 17 July 2008. "Claim for territorial autonomy is not part of the agreement... but what is important for us is the fact that the agreement signed with Democratic Party incorporated our views on regionalization of Serbia." Few days before the agreement-signing, Balint Pastor stated that the agreement would also include the date of fulfillment of their request, which meant that Ada, Senta and Kanjiza, within the North Backa Area, would be annexed to Subotica, Backa Topola and Mali Idos. Balint Pastor also underscored that in the Milošević era borders had been changed, and the aforementioned municipalities had been "relocated" to North Backa area with its seat in Kikind. "That issue is not only essential for Hungarians...it is in fact a very practical and logical matter concerning all those living in the territories of the aforementioned municipalities...It resolves the issue of long travels...Namely instead of travelling 20 km to Subotica, to do some administrative business, a Horgos denizen until recently was compelled to travel much further, even to Kikinda. That is a completely distinct story from the multi-ethnic region in North Vojvodina.". "Summer talks on territorial autonomy", *Dnevnik*, 2 July 2008

508 "Claim for the Hungarian region in Vojvodina", *Politika*, 3 September 2008

Coalition on his points of agreement with Tadić and the extent of AVH concessions to DP.<sup>509</sup> In mid-July Pastor signed an agreement on inter-party co-operation with DP, but denied speculations that the said agreement included also a demand for recognition of the Hungarian territorial autonomy.”<sup>510</sup>

In early September, Andraš Agošton reminded his coalition partners of the joint concept of autonomy. In his letter to Ištvan Pastor, president of AVM, he demanded urgent talks with representatives of the Serb parliamentary parties.<sup>511</sup> Pastor replied that such an initiative would be futile, for there were no new motives for embarking upon new strategic negotiations.

Demand for territorial autonomy along the lines of ethnic principle and contradictory public reactions to that claim, are not new. “If within the process of implementation of minority rights higher standards are agreed upon, for example, ethnic autonomy of Serbs in North Kosovo, that it is quite logical that such rights should be accorded to other minorities too. According to Pal Sandor, that is the only way for Hungarians to attain

509 “Pastor sees not motive for Agošton’s initiative”, *Dnevnik*, 3 September 2008. Pastor stated that for him it was unacceptable to see the letter addressed to him first published by the print media.

510 The joint concept of autonomy, adopted by the leaders of three Hungarian parties, envisages formation of the Autonomous region of Hungarians with its seat in Subotica. In addition to Subotica, the autonomous region of Hungarians would encompass municipalities Ada, Čoka, Bačka Topola, Bečeј, Kanjiža, Mali Iđoš, Novi Kneževac and Senta. According to the results of a popular referendum, settlements bordering with the region could be annexed to the autonomous region. Regional competences would be established by dint of decentralization of affairs currently managed by the state and provincial bodies. Thus their management would be made more efficient. The concept underscores that competences of regional self-rule would not encroach on prerogatives of bodies of personal autonomy. Regional autonomy would work out a regional developmental plan, fine-tune developmental plans of local self-rule units, co-ordinate development of infrastructure of regional importance, and agriculture, ensure equal use of languages and alphabet in official use, ensure functioning of health, educational, and cultural institutions, exercise some prerogatives from the spheres of forestry, power supply, garbage-disposal management and protection of environment, etc.

511 “Scandalous comparison”, *Pres*, 10 April 2008

their national interests in an autonomous region in which they constitute the majority. In play is a democratic principle and democratic manner of resolution of the minority issue".

In assessing it as an extreme political stance, Bojan Kostreš, President of Vojvodina Parliament, mentioned that in play were only individual stances, and not the joint one of the Hungarian Coalition. According to Zoran Stojiljkovic, status of Serbs in Kosovo cannot be compared to the status of Hungarians in Vojvodina: "The two situations are totally incomparable."<sup>512</sup> According to Dejan Vuk Stanković, Pal Šandor tries to rally the nationalism-minded voters, "which in the long-term could cause serious problems in Vojvodina."<sup>513</sup> Director of CESID, Zoran Lucic, stated the following : "It is a legitimate demand, but I do not see what Pal Šandor stands to gain from it. I am rather sceptical in that regard for the Hungarian minority differs from all the others in the sense that it votes not only for its parties, but also for other, leading parties, notably Democratic Party, G17 Plus or LDP"<sup>514</sup>

According to Miroslav Samardžić, political expert, the idea of the minority territorial autonomy, is contrary to the idea of civil autonomy of Vojvodina: "Creation of ethnic autonomies would make the existence of provincial autonomy senseless." In his mind, realization of ethnic self-rules through the process of regionalization is not very realistic, "for it would lead to establishment of territorial autonomy for Albanians in South Serbia... On the other hand, it would place in an unequal position other minority communities in Vojvodina, notably those which are not concentrated in a single area. But such a solution would not be good for Hungarians proper, for they would remain outside the self-rule units in North Backa."<sup>515</sup> Tomislav Žigmanov, a publicist, thinks that "initiative put forward by political representatives of Vojvodina Hungarians should be discussed, and not put on the back burner". In his words such a model raises the issue of manner of resolution of issues of other minority

<sup>512</sup> *Idem*

<sup>513</sup> *Idem*

<sup>514</sup> *Idem*

<sup>515</sup> *Dnevnik*, 7 July 2008

communities, and their mode of influencing the decision-making process if they were to find themselves within the framework of self-rule of Vojvodina Hungarians.<sup>516</sup>

According to Sandor Pal it would not be unnatural or controversial if Budapest lobbied in Brussels not only for the autonomy of Vojvodina Hungarians, but also for their autonomy. "By acting so, Hungary would not interfere into internal affairs of other states, for the issue of minority is no longer an exclusive issue of any state. If Serbia urges preservation of Republika Srpska or the rights of Serbs in Montenegro, then Hungary has every right to advocate the rights of Vojvodina Hungarians."<sup>517</sup>

Interview of Kinge Genc, head of Hungarian diplomacy, ran in a December issue of Novi Sad newspaper *Dnevnik*, surprised political representatives of Vojvodina Hungarians. Most surprising was her stance on the territorial autonomy: "I don't think it is realistic to talk about territorial autonomy of Hungarians in Vojvodina. On the one hand, it is widely known that Hungarians in Vojvodina are not so numerous, and that Hungarians are only one of many national minorities in the province. On the other hand Hungarians don't live in a compact block, so they cannot create a territorial autonomy encompassing all Hungarians, and existing as a separate entity from the rest of Vojvodina. In those terms it would be much better if all Vojvodina Hungarians, together, through active participation in political life, worked on improvement of their status and on the status of the whole Vojvodina and Serbia."<sup>518</sup>

516 *Idem*

517 "Support of the mainstream to the minority autonomy", *Dnevnik*, 3 November 2008.

518 Hungarian Foreign Ministry responded to the said interview by stating that some remarks of Minister Genc were misunderstood. The Foreign Ministry communiqué underscored that the government of Hungary always backed the forms of autonomy demanded by legal organizations of Hungarians beyond the mainstream. "We don't have any reason to question a healthy judgment of the local Hungarian community relating to the feasible forms of autonomy.". The communique also reads: "On the basis of European experiences and in agreement with the majority community, territorial autonomy might be a fully-functioning solution. "Territorial autonomy is still a realistic option", *Dnevnik*, 13 December 2008

There were very negative responses to such a stance of head of Hungarian diplomacy.<sup>519</sup> Ištvan Pastor, leader of AVH stated that her assessment was unbefitting and tantamount to interference into internal affairs of the Hungarian community in Vojvodina. He added: "Territorial autonomy is not the subject of any negotiations, since no party in the Serb political arena showed readiness to discuss that issue."<sup>520</sup> Andras Agoston made the following comment: "That was the political move which in parallel caused most interest and revolt of ordinary people in recent times. Vojvodina Hungarians have repeatedly faced the lack of genuine support of Budapest."<sup>521</sup>

In the aforementioned interview Kinge Genc assessed that minorities may become a strong factor of promotion of the state in which they live, if their rights are respected, if they are represented in the executive bodies, and if they are thus in the position to impact both the decision-making process and contents thereof. She said that the Hungarian side would be told that the Act on National Councils, would guarantee to them and other minorities, to autonomously take decisions, through their representatives, in the area of education, preservation of cultural heritage, and other areas of importance for preservation of their identity. The Act on National Councils, whose adoption was awaited for years, was one of the reasons which made Andraš Agošton contact Katalin Sili, President of Hungarian Parliament, and ask her to delay the signing of the Serb-Hungarian agreement

519 "The autonomy-related case as seen by Kinge Genc", *Vajdaság Ma*, 15 December 2008

520 Alliance of Vojvodina Hungarians challenged Agoston's demand. Namely the former thought that every step enriching co-operation between the two countries might turn to be beneficial for the Hungarian community in Vojvodina.

521 *Dnevnik*, 15 November 2008. It is noteworthy that Andraš Agošton sent a letter to leaders of Hungarian parties, proposing that in a joint letter to the Serb Prime Minister Cvetkovic, they should ask him to take an official stand on the pogrom committed at the end of war in Backa. Šandor Pal accepted the initiative and suggested that 23 January be proclaimed the day of remembrance of Hungarians killed at the end of WW2. According to Žolt Bećei, an MP in European Parliament, resolution may lie in linking of that issue to the integration of Serbia into EU by Vojvodina Hungarians and Hungarians in the domicile state. "Axis Temerin – Segedin – Budimpešta", *Dnevnik*, 15 December 2008

on co-operation.<sup>522</sup> Agoston also quoted two more reasons for not signing the said agreement –the non-existance of the institute of guaranteed mandates for minorities members and ineffectiveness of preventive actions in thwarting the attacks on members of minorities.<sup>523</sup>

## Inadequate response of the state to incidents and intolerance

In the course of 2008 media reported on a series of incidents. They caused both concern and uproar, but interpretations of those incidents were diverse.

**Case of Atila Komradi:** On 19 April Atila Komradi was stabbed in his stomach in downtown square, in Subotica. District public attorney launched an investigation. The two young men were subsequently accused

522 One of the attackers was the son of Vojin Đorđević, director of "C and C" Company. In a public statement Đorđević senior regretted that incident and wished Komradi a quick recovery. "I augur Atila a quick recovery", *Dnevnik*, 23 April 2008

523 Police stated that attackers would face misdemeanour charges, and possibly even criminal charges, if investigation finds out elements of instigation of racial, religious and national hatred. There were other attacks on members of Hungarian nationality. In May, in Subotica was beaten up Laslo Torockai, leader of the Youth Movement of the 64th district. While he was preparing for a journey to Subotica he was attacked by an unidentified youngster and injured lightly. In addition to Torockaj, two other youngsters, one of whom was a Hungarian citizen, were injured too. (Građanski list, 13 May 2008). In July MPs of Hungarian ethnicity were mocked and insulted in Kikinda municipal assembly. When the two Hungarian MPs, disatisfied with performance of their translator asked to be allowed to speak in Hungarian, MPs of the Serb Radical Party started protesting against an alleged "filibustering and obstruction of work of the assembly" Stevan Grbić (SRP) even cursed Zoltan Čemereu in Hungarian. He later admitted that he had heard that expression from his car mechanic and that he in fact did not want to insult anyone: "If I insulted anyone, I want to apologize". "They mocked and vilified Hungarians", *Dnevnik*, 23 July 2008.

of inciting national, racial and religious intolerance and attempted assassination.<sup>524</sup>

Family Konja: Family Konja was attacked in the centre of Subotica. While they were returning from a birthday party they were attacked by unidentified youngsters who injured them lightly. According to Robert Konja the attack was perhaps motivated by the fact that he spoke in Hungarian with his sons. Mayor of Subotica Saša Vučinić condemned that incident and after the police interview stated that he had been given information that attack had not been ethnically motivated.<sup>525</sup> In order to

524 "Ours are more intelligent", *Dnevnik*, 24 April 2008. The research covered over 4,310 pupils of the 8th grade of 59 primary, and of the second and fourth grade of 60 secondary schools. Poll was conducted in schools with classes in ethnicities languages.

525 Situation in Stara Moravica, a village in northwestern Bačka, was the topic of some articles in "*Politika*" and "*Večernje Novosti*". Text ran by "*Politika*" ("Hungarization of Stare Moravice") pointed out that anyone who happened to pass through that village would be deeply perplexed and in dilemma whether he was in Serbia or in the neighbouring Hungary. "At the entrance to the village there is also its Hungarian name plate, allegedly originating from the period of WW2 Hungarian occupation. In primary school "Stari Kovač Đula" lessons are held in Hungarian, so that 30 pupils of Serb nationality are compelled to travel to 6 km far school in Pecir. The travel by regular, local buses, for neither the school nor Bačka Topola municipality, are able to ensure for them a special-purpose, that is, a school bus. In "*Večernje Novosti*" text ("Tensions in North Backa") the following is noted: "Were it not for a bilingual inscription at the entrance to the village and the Serb flag on the police station, no-one could conclude that village was in Serbia. Not a single street was named after any personality from the Serb history. All of them are named after Hungarian kings, dukes and military leaders. There were only few bilingual street plates, but, we were told that they would soon put "only Hungarian name plates." We also noticed that Serb language was not present in the primary school. All lessons are imparted in Hungarian, and those Hungarian pupils who want to learn Serb language may do that by attending a course organized in the Red Cross premises. Those articles were challenged and denied by Nađ Tibor, director of primary school and Centre for Human Rights from Srbobran. In a reply to editor-in-chief of "*Večernje Novosti*", Tibor Nađ asserted that in line with the legal obligation, Serb language is also taught in the school. He stressed that Hungarian children stayed 2-3 hours longer in the school than Serb children, that Pecir and Stara Moravica school were distant 3, and not 6 kilometres, and that a gratis school bus ferried children to school and back to their homes. Nađ also said that the school could not organize Serb lectures on technical grounds, for then each

prevent the repeat of incident heads of AVH had talks with head of Subotica police, Borivoje Mucalj. He told them that the ethnic backdrop of the incident could not be excluded, that co-operation between the police and local communities should be improved, and that measures providing for higher representation of ethnic minorities members in the police forces should be put in place.

Incidents provoked by the young are often fuelled by widespread and omnipresent prejudices. Provincial pedagogical institute for the third year running has been studying interethnic relations between the young. Its last research confirmed that every third respondent in Vojvodina considered his religion and culture superior to the one of his neighbours of other ethnicities, half of pupils-respondents were directly involved in some kind of incident with their peers, one third of respondents thought that professors did not respect equally members of various ethnicities, and every third respondent-pupil noticed that his or her professor or lecturer magnified and extolled national values of their community.<sup>526</sup> Such a situ-

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class would have only 4 pupils, that professors could not travel to two places and that an efficient, accompanying work could not be organized. Tibor Nađ, a professor of history, stated that the name of the village originated from the Austro-Hungarian era, from 1907, and not from WW2. In the report of Human Rights Centre, whose members visited S. Moravica, the following was underscored: "in that settlement nearly all inscriptions and name plates are in two languages (name of one company was written only in Serb). Of a total of 76 streets we visited 40, and have not found any plate written only in Hungarian language." 28 streets shall get new names, notably be named after King Matijaš, Košut Lajoš, Ištvan Sečenji, Vuk Karadžić, Danilo Kiš, Ivan Modričin and others." The report also underlined that public opinion should not be formed on the basis of several ill-intentioned texts, but that articles, like those ran by the aforementioned papers, did not contribute to a peaceful cohabitation.

526 On the International Romany Day, in the vicinity of Faculty of Philosophy, a black flag with the Nazi swastika and slogan "Death to Romany" was placed. Swastika was painted also on the Monument to the Victims of Round-Ups, and numbers 18 and 88 (no. 18 represents the first and eighth letter of alphabet, that is initials of Adolf Hitler, while the number 88, represents a Nazi salutation, that is Heil Hitler, or two H letters). Swastika was also painted on the doors of the wardrobe of a secondary school in Kikinda. On a Catholic church in Pancevo graffiti "Death to Catholics", "Orthodox Religion or Death", "We shall avenge Kosovo" were painted. In Titel street in Zrenjanin on several Romany

ation results from recent developments in territories of former Yugoslavia, from the value system in total disarray, and intentional misinformation fed by the media,<sup>527</sup> hate speech,<sup>528</sup> tolerating of nationalistic groupings, and absence of sanctions against and bans of militant and extremist organizations.<sup>529</sup> Hence it is not surprising that their target were members

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houses graffiti "Get out of this country" and "You, Turks should leave" were scribbled.

527 In June, a group of unidentified Neo-Nazis attacked a group of participants in the first anti-Fascist Festival held in Zrenjanin. (ZAF). Extreme nationalistic organizations, Nacionalni stroj and Divizija krv i čast announced for the 11th of October a rally "Serb march" in downtown Belgrade. The Anti-Fascist Campaign communicated that its activists would turn up there too. A large number of NGOs demanded that the rally of neo-Nazis be banned. With a view of the foregoing a large number of intellectuals sent a letter to President Boris Tadić, and also an appeal in writing to the Serb Prime Minister, president of parliament and president of the Constitutional Court. They warned that the activities of militant neo-Nazi and nationalistic organizations aimed at undermining the state, and that the state had to defend itself. Ministry of the Interior banned both rallies, the March for Unity of Serbia and a protest rally of the Anti-Fascist Campaign. League of Social-Democrats of Vojvodina demanded the adoption of law banning the neo-Nazi organizations and their manifestations.

528 Publishing of the annual report for the year 2007, "Self-Isolation-Reality and Goal" provoked another attack on Sonja Biserko and the Helsinki Committee. At the peak of the smear campaign, a newspaper published her home address. The foregoing was assessed as the public call to lynch. "Pokret 1389" group, which had protested for days against the arrest of Radovan Karadžić, left in front of the Helsinki Office doors a nazi swastika made of cardboard. The same group "paid a visit" to the Centre for Cultural Decontamination and the office of the Jurists' Committee for Human Rights. They accused Biljana Kovačević Vučo of backing the fragmentation of the Serb state.

529 Posters with photographs of Boris Tadić and Božidar Đelić, with the caption "Enemies of the State" were affixed in Belgrade. Tadić also received a threatening letter in which he was warned that he "as a proven traitor of the Serb people he would get what he deserved – a bullet in his head." (Dnevnik, 6 May 2008). Nenad Čanak, leader of the League of Social-democrats of Vojvodina received a life-threatening video clip, to the following effect: "We shall come to his house and slaughter him like Milos Obilic had slaughtered the Turk Murat." (Danas, 29 September 2008). Dragoslav Petrović, provincial secretary for culture and technological development and head of Democratic Party in the provincial parliament was brutally attacked in late August. He was beaten up by a metal rod, and was seriously injured. He had suffered multiple fractures of ribs, knee and leg and also back contusions. Dnevnik, 1 September 2008

of minorities and heads of NGOs, notably those dealing with the protection of human rights,<sup>530</sup> and also some politicians, even the President of the Republic.<sup>531</sup>

Absence of adequate response of the state to the current challenges, bias of some state bodies in some conflicts between fractions (notably internal ones, that is, those of the Islamic community), propinquity of some institutions to be influenced by some religious corporations (the Serb Orthodox Church, above all), or embroiling of those corporations in the political life by their siding with conservative and centralist forces, is frustrating and conducive to a quiet internationalization of issues of momentous importance for the minorities. Thus, for example, during a debate on the new statute of Vojvodina the rhetoric became very shrill and accusatory. Namely some maintained that behind the higher-degree-autonomy demand were separatist motives and a wish to create a state within a state.

Interest of minorities in gaining a higher degree of autonomy is understandable, since Vojvodina, as the most pluri-ethnic part of Serbia, is more sensitive to minority claims and demands. That sensibility came to the fore last year during the debate on the provincial statute bill, and also in practical policy toed by the Vojvodina parliament. That bill envisaged the formation of the Council of National Communities, as a special parliamentary body. That body would have 30 members, half of whom would be elected from the ranks of MPs declaring themselves as members of a

530 Provincial Statute Bill has placed members of all numerous ethnic communities of Vojvodina in the generic category of a –national community

531 That Bill has not only been criticized by the nationalistic far-right, but also by the political representatives of minorities. Democratic Party of Vojvodina Hungarians/DPVH , for example, considered the Bill unacceptable, for it did not contain the principle of proportionate representation, which would allow Vojvodina Hungarians to get a corresponding number of guaranteed seats in the parliament. Added to that, the statute contains the institution (the Council of National Communities), which in mind of DPVH, has the task to keep the national councils under control of the provincial government. In its communique DPVH posed the following question: how far can we go in looking for compromise with the Serb authorities? It also called on the Hungarian parties to set a limit to their flexibility in the aforementioned quest. "There is no key Hungarian demand", *Dnevnik*, 14 August 2008

national minority<sup>532</sup> making up the numerical majority in the total population of Vojvodina, and half of whom would be elected from the ranks of MPs declaring themselves as members of national communities making up the numerical minority in the total population of Vojvodina. When resolving the issues linked to the exercise of rights of national communities making up the numerical minority in the total population of Vojvodina, notably the issues in the sphere of culture, education, public information and official use of language and alphabet, it is necessary to obtain the Council's opinion, whereby that opinion is passed by the majority of votes of the total number of Council's members.<sup>533</sup> And finally it should be said that in March 2008 Vojvodina Parliament passed the decision to found cultural institutes tasked with preservation, promotion and development of minority cultures. Thus in the course of 2008 those cultural institutes were set up by members of the Hungarian, Slovak, Ruthenian, Romanian and Croat minorities. It was considered an important step in the building of institutional infrastructure of minority communities.<sup>534</sup>

532 The said statute defines the Institute for Culture of Vojvodina Croats as an institution for scientific, expert, developmental and applied research in the sphere of culture, then also for the management in culture and cultural production of the Croat national community in the autonomous province of Vojvodina. That Institute shall engage in promotion, fostering, preservation and development of culture, science, and language of the Croat national community in the autonomous province of Vojvodina, multiculturality and interculturality in the area of Vojvodina; co-operation with institutions and organizations in the sphere of culture, science and arts in the Republic of Serbia; establishment of ties and co-operation between cultural institutions, organizations and individuals in AP Vojvodina and international institutions and organizations (Council of Europe, European Union, UNESKO, etc.); normative activities in the sphere of culture, arts and science, and fine-tuning with European standards; expert training and education, staging of seminars, workshops and camps; development of tourism; and development of information-documentary activities in the spheres of culture, science and arts.

533 [www.kurir-info.rs/clanak/vesti/kurir-21-07-2008/hrvati-ucenjuju](http://www.kurir-info.rs/clanak/vesti/kurir-21-07-2008/hrvati-ucenjuju)

534 [www.pressonline.rs/page/stories/sr.html?id=52964&sectionId=33&view=story](http://www.pressonline.rs/page/stories/sr.html?id=52964&sectionId=33&view=story)

## Conclusions and Recommendations

In the course of 2008 Serbia missed out on the opportunity to make a slew of momentous steps with respect to improvement of position of national minorities. This above all applies to the promotion of minorities-related legislation. Important institutional moves, notably formation of the Ministry for Human and Minority Rights or minority cultural institutes, were overshadowed by the long wait for adoption of the law on national councils. The February 2008 proclamation of Kosovo's independence frustrated the Serb political elite and additionally strengthened nationalistic sentiments.

After the loss of Kosovo, in a mood of fear of further fragmentation of Serbia, the proposal of the new Vojvodina statute was interpreted solely as a demand for "creation of a state within a state." Thus of separatism were accused even lesser political actors who had backed the said statute. Those accusations make the status of inter-ethnic relations very volatile and shaky. The foregoing and a strong feeling of some minorities (Vlachs, Macedonians, or Montenegrins) that in religious sense they are discriminated against, or ignored by the political class, make for a fertile soil for internationalization.

Some moves of the incumbent authorities in Novi Pazar indicate that deep divisions within the Bosniak society could be overcome. Efforts to that end should be supported also by concrete economic measures, in order to prevent a total collapse of the Sandžak region.

While presiding over the Romany Decade, Serbia has an opportunity to significantly contribute to betterment of status of that minority, and in parallel to better its own position, by narrowing the gap with respect to other countries.

In Serbia's drawing closer to European Union, minorities and their NGOs could play a crucial role. However, their role of transmitter of cultural patterns and blueprints and of accumulated EU –knowledge in domicile states, (Hungary, for example), is totally undervalued. Since in Serbia the civilian sector is the strongest promoter of the European idea and values, the following is necessary:

- Create favourable conditions for actions of civilian sector by dint of tax reliefs and adoption of the new act on citizens' associations;
- Continue to build the minority-related legislation by adoption of the Act on National Councils, the Anti-Discrimination Act, the new Act on Official Use of Language and Alphabet, amending the Act on Election of MPs, fine-tuning of acts containing the mutually exclusive provisions;
- Strike off discriminating provisions from some legal solutions (Act on Religious Communities, for example);
- Step up preventive work with a view to eliminating the ethnically motivated incidents, and make more efficient the work of the prosecution and the judiciary in general.
- Create a favourable political mood for realization of minority rights;
- Curb the activities of Neo-Nazi organizations.



# VIII

## The Media



# Insistence on the national concept

In the assumed transformation of the Serb society into a modern, democratic one, respectful of the European values-and that concept prevailed over the populist, isolation-minded one in the spring 2008 parliamentary elections-mass media represent one of the weakest links. Ideological blueprint formed before the SFRY disintegration in order to justify the subsequent wars, stubbornly persists in the public discourse in collusion with generous mass media assistance. That blueprint not only dominates the tabloid coverage, but also permeats the ones of more important print and electronic media, notably of weekly *NIN*, large-circulation daily *Večernje novosti*, Radio-Television Serbia, etc.

Efforts are being made to relativise roles of and equalise “militants”- Neo Nazis and anti-Fascists, nationalists and pro-civil society advocates, liberals, unionists (the term used for those who back Serbia’s pro-EU orientation) and isolationists. Coverage aims to revive recent past by doctoring and reinterpreting it in a bid to cleanse it from negative hallmarks.

General impression is that “the media speech” is a throwback to the one used in the Nineties of the 20th century. That impression is heightened by the fact that its promoters are still the very same public figures, notably Dobrica Ćosić and Milorad Vučelić, who dominated the public and political scene in the 90’s. All members of that intellectual and very influential circle persistently advocate the well-known thesis ( secessionism of the Western republics of the SFRY brought about disintegration of Yugoslavia, the international community played a dishonorable role in that break-up, bombing of Yugoslavia in 1999 was illegal and unlawful, proclamation of independence of Kosovo was unlawful and tantamount to unlawful wresting of part of territory of Serbia) and thus keep Serbia hostage to the pre-modern idea of territorial expansion at the expense of advocacy of a liberal idea of internal modernization of Serbia.

That intellectual discourse, thanks to the backing of the political class and its influence in the media sphere, blocks any effort of the Serb society to break free from the authoritarian, centralized model. Its power and

impact on social trends is best attested to by a comprehensive media campaign orchestrated in the last quarter of 2008 against the original draft of the Statute of Vojvodina.

However, there were some positive breakthroughs in the media sphere in the year 2008, notably replacement of the editorial team in the leading daily "*Politika*". However, the new editorial team, appointed after installation of the new republican government, is yet to put firmly in place the editorial concept essentially different from the one pursued by the former editor-in-chief, Ljiljana Smajlović.

Noteworthy development in the media sphere, was the re-launching of an alternative print media, in the late 2008 – *Borba*. That daily has a new owner and a new editorial team. By uncovering the state secret of the Foreign Affairs Ministry (the case of Miladin Kovačević), "*Borba*" as early as in early 2009, set itself on a collision course with the ruling structures, thus imperiling its very existence.

Numerous long-running media problems, escalated in 2008, due to the political developments. Events which shook up the Serb public in fact indicated that the domestic media were nothing but the "mirror of the society". Trends manifested during the presidential and parliamentary elections, proclamation of independence of Kosovo or arrest of Radovan Karadžić, were mirrored by the media, thus proving a continuing media bias in the spheres of politics and ideology, their dependence on the sway of political and state institutions, and "immunity" and "resistence" to tenets of ethical codes of journalistic profession.

In parallel, the state institutions formed to regulate and control the media, notably the Republican Radio-Diffusion Agency, showed throughout the year 2008 that they in fact worked in line with political orders. It is a well-known fact that politicians in the whole world try to impact the media work, but in Serbia that fact took a very distorted shape. Namely politicians, even the top-ranking ones, endeavour to control and impact the media editorial policies in an arrogant, awkward and crude manner. That causes a chain reaction. Because some media respond to such manipulations in an equally arrogant fashion.

Media partly or totally owned by the state were not exception to that rule: developments in the Radio-television Serbia and “*Politika*” were often the topic of other media and a source of numerous scandals. The foregoing should be taken into account when appraising the media sphere in Serbia.

## Coverage of “others”

Despite numerous warnings, appeals and protests of the non-governmental sector, professional associations and media experts, the print and electronic media in the year 2008 continued their practice of direct or indirect fomenting and spreading of national intolerance and discrimination on ethnic and other grounds. Political mood and conditions-proclamation of independence of Kosovo, arrest of Radovan Karadžić, and Croatia’s charges against Serbia before the International Court of Justice in the Hague-contributed to such a manner of coverage. Regardless of a theme or topic, the print media in their headlines or “between the lines” applied a traditional blueprint of marking down “the others” (people of different national descent or sexual and political orientations) by stereotypical hallmarks. Such campaigns were spearheaded by local tabloids. When in July 2008 Croatia suspended bilateral permits for international transport through that country of a number of transporters, the pertinent article in tabloid “Kurir” was mostly in keeping with ethical codes and laws, but the title nevertheless read: “*Croats have resorted to blackmailing*”<sup>535</sup>. In its December 2008 article on the origins of toys bought by domestic companies, tabloid “Press” highlighted in the pertinent headline “*Croats took away our Father Christmas*”<sup>536</sup>, and a day later ran the article “*Croats have occupied our toy market*”<sup>537</sup>. As regards Kosovo Albanians, the principal problem is still their naming – tabloids, and even more “serious” media termed them

535 [www.pressonline.rs/page/stories/sr.html?id=53030&sectionId=33&view=story](http://www.pressonline.rs/page/stories/sr.html?id=53030&sectionId=33&view=story)

536 [www.glas-javnosti.rs/clanak/sport/glas-javnosti-26-11-2008/hrvate-na-ferku](http://glas-javnosti.rs/clanak/sport/glas-javnosti-26-11-2008/hrvate-na-ferku)

537 [www.pressonline.rs/page/stories/sr.html?id=36067&sectionId=63&view=story](http://www.pressonline.rs/page/stories/sr.html?id=36067&sectionId=63&view=story)

"Shiptari", and imbued the pertinent articles with a bevy of customary stereotypes and nationalistic formula and theories.

Obviously the problem did not only lie in headlines and terming. Frequent were also articles which openly called on inter-ethnic confrontations. The most illustrative example thereof was the text ran by "*Glas javnosti*" on the announced fight between the Russian, Serb and Croat fans during the UEFA cup match in Zagreb. As "*Glas*" reported the Russian football fans announced that they together with the Serb football clubs fans would get into a fight with the Croat fans. "*Groups of football aficionados have religious ties, the Orthodox faith, and the same colours, red-and-white*", is one of the lines in the text headlined "*Croats should be beaten up*".<sup>538</sup> The most ominous examples of the said discrimination and vilification of "others" can be seen in the coverage hyping the renowned theories of supremacy of the Serb people, its alphabet and tradition, and the perils posed to "all things and beings Serbian" by "foreign influences and factors". Tabloid "*Press*", in its article on Cyrillic and Latin alphabet, for example, noted the following: "While the Serb children in Tito's Yugoslavia regularly alternated their homework in both alphabets, Croats wisely stuck to the Latin alphabet. For Croats the two alphabets have never really existed. But, alas they existed for the Serbs, who thus put on the back burner only the Cyrillic alphabet. Result thereof is a danger that Croats might soon accuse us of using their language and alphabet."<sup>539</sup>

Similarly intoned was the coverage of so-called "serious" media. In fact those print media in their analysis, aspiring to be serious ones, and academically presented, in fact promoted the very same models present, in a more mundane way, in tabloid coverage. Thus, in an editorial of weekly *NIN* of 20 November, the following is noted: "When one observes very bad Croat propaganda and utterly naked hate speech, even those people in Serbia who most deplore the collapse of Yugoslavia may conclude that in that collapse there was something good."<sup>538</sup> In its 21 February issue, weekly *NIN* also analyzed the rally against proclamation of independence of Kosovo and the rampaging of young hooligans in the streets of Belgrade: "A new generation, the generation which shall change the stereotype

538 <http://217.26.213.177/prenosimo/balkanska-paranoja.html>

according to which Serbia only spawns generations of anational, apolitical boys and girls, interested only in Schengen visas, Afganistan white powder and Hong Kong plasma TV screens, has now burst on the scene. Those self-confident youngsters respond to a duplicitous, Rupel's pro-EU appeal by an unique SMS-campaign: 'Serbs and all other citizens of Serbia do immediately start boycotting the Slovenian and Croat produce...!'. Youngsters with such a mind-set have now decided to do something for themselves and their people, instead of waiting for Serbia's accession to the European Union. Humiliated people are a zero both on the threshold of the EU and in the EU. And zero does not participate in addition and in multiplication. Other groups can appreciate only such a self-confident group."<sup>539</sup>

What is also conspicuous is the persistence of the "poetic" tack to inter-ethnic relations-themed articles. After the death of Zoran Vujović, during the rally „Kosovo is Serbia“, journalist of „Večernje novosti“ wrote a feature about Vujovic's family: „By taking part in the magnificent rally of the Serb harmony on Thursday, in Belgrade, family Vujovic wanted to show their national pride. They hail from Kosovo, and they have left there their youth, ancestors, grave of grandmother Ijubica (90), who was strangled by Shiptari in her bath tub, in her apartment in the Pristina settlement Suncani Breg, on 2 August 1999. "<sup>540</sup>

However, the following is also noteworthy: in the course of 2008, more accurately on 7 November 2008, the first judgment in the case of the media hate speech propagation has been handed down. Namely, in a response to the intiative of the NGO, Initiative of the Young for Human Rights, the court established that the text "Boycott" ran by "Glas javnosti" on 16 March 2006, represented a salient example of hate speech.

539 NIN, 21 February 2008.

540 [www.novosti.rs/code/navigate.php?Id=9&status=jedna&vest=116701&search=Šiptari](http://www.novosti.rs/code/navigate.php?Id=9&status=jedna&vest=116701&search=Šiptari)

## Case of dr. Dabić

Arrest of Radovan Karadžić, that is, uncovering of his “second identity” inspired the mass media to entirely devote their coverage to the analysis of his life in the guise of Dr. Dragan Dabić. Both tabloids and so-called “serious media” ran a series of articles and features on Dabić’s apartment, his alleged lover, places in which he bought his food, places in which he held his lectures, his collaborators, and expert texts. One of the main topics of all the domestic media was the story about restaurant “Luda kuća” which was allegedly Karadžić’s regular haunt for listening to the sound of the old Serb national instrument-gusle. Proliferation of such-themed articles, and admiration for his “mimicry skills” aimed to repress the genuine reasons behind Karadžić’s hiding, that is the ICTY charges he faced.

The foregoing was assessed by the media analysts as a natural consequence of “the media morphing into a show business”<sup>541</sup>, and even the first appearance of Karadžić before the Hague Tribunal did not contribute to change the tone of such coverage and re-channel it to the analysis of crimes with which he was charged.

## Soul and Kosovo

Proclamation of independence of Kosovo on the 17th of February set the stage for the media “return to the past”: only few media in the wake of the 17th February managed to abstain from using anew virulent hate speech and chauvinistic discourse which had dominated both the print and electronic media in the 90’s. Although valid analyses of media coverage of proclamation of independence of Kosovo are yet to be made public, it is highly probable that the statistical figures and hard facts would show how domestic media by and large carried only very “emotional” statements of local politicians and as emotional responses of “ordinary people” to developments in Priština. In those terms most vocal and virulent were tabloids.

<sup>541</sup> [www.nuns.org.yu/dosije/25/02.jsp](http://www.nuns.org.yu/dosije/25/02.jsp)

But, alas, journalistic associations and competent bodies failed to react adequately to such-toned coverage or launch genuine protests against it.

Although the manner and style of coverage of proclamation of independence of Kosovo was contrary to the media-related laws and journalistic ethical codes, there was no condoning thereof whatsoever and let alone adequate response to it. On its front-page, 18 February issue of "Kurir" published a photograph of a child with a candle in his hands, under the headline: "Who can rob me of Kosovo, which is part of my soul?" In parallel "Kurir", "between the lines" called on the lynch of President of the Humanitarian Law Fund, Nataša Kandić in the text headlined "Kandić takes part in Shiptari celebrations", noted that by being present at the special session related to the proclamation of independence of Kosovo, Nataša Kandić "*definitely showed its true face of –a proven Serb-hater*"<sup>542</sup>. A day later, on the 19th of February, "Kurir" ran a text headlined "Traitor". The text was composed of responses of domestic politicians to the "treacherous" move of Natas Kandic, responses fine-tuned to the headline.<sup>543</sup>

## Roughing-up, demolishing and torching

In the course of 2008 representatives of media were repeatedly attacked during performance of their duties. Some of them were beaten up and suffered serious injuries. During the 17th February anti-Kosovo independence rally several cameramen, reporters and journalists of Fonet agency, TV B92, Studija B, RTS and daily "Večernje novosti" were injured. Several days later, on the 21<sup>st</sup> of February, after "Kosovo is Serbia" rally demonstrators attacked RTV B92 reporters and beat up Dutch photo-reporter, Dirk Jan Visser from agency Handelsblad. In the post-rally rampage, journalists of the Russian TV, Russia Today, Andrej Todorov and Andrej Pavlov, also sustained heavy injuries. In parallel a group of protesters surrounded the building of RTV B92 and tried to attack it, but the police forces managed to dispel them. The popular web site "Facebook" saw the emergence

<sup>542</sup> [www.kurir-info.rs/izdanje/20080218](http://www.kurir-info.rs/izdanje/20080218)

<sup>543</sup> [www.kurir-info.rs/clanak/kurir-19-02-2008/izdajnik](http://www.kurir-info.rs/clanak/kurir-19-02-2008/izdajnik)

of a group “Let’s torch B92”, and similar “ideas” appeared on the other internet fora. Management of B92 broadcasting network on 25 February filed charges against unidentified persons and submitted to the Belgrade police documentation relating to numerous threats of liquidation of journalists and editors of B92. Contrary to the majority of politicians and officials, who has condoned attacks on journalists, spokesman of Democratic Party of Serbia accused RTV B92 of stage-managing the attacks. This is how Andreja Mladenovic, the DPS spokesman has put it in an interview to TANJUG agency: *“Why on the official site of B92 were posted official statements of Condoleezza Rice and Nicholas Burns, and not those of the Serb government officials...I ask editor-in-chief of B92 Veran Matića whether that publishing and broadcasting house is registered in the United States as the US medium or in Serbia, as the Serb one. Since they use national frequency as a national resource, we also ask Radio-Diffusion Agency whether B92, in keeping with the pertinent law, objectively informs or resorts to censorship?”*<sup>544</sup>

Similar attacks and beatings happened during every day protests staged in the wake of Radovan Karadžić’s arrest in July 2008. At the protest rally, held on 23 July, cameramen of Fonet, TV B92 and Novi Sad-based TV Apolo, and journalists of Srna Agency and RTV BN of Banjaluka were attacked. A day later protesters broke the legs and camera of Bosko Brankovic, cameraman of TV B92, before the eyes of unresponsive police. On 29 July the general public was informed that the three attackers on Brankovic were arrested, while TV B92 engaged private security team to escort representatives of that media house during high-risk meetings.

Because of all those incidents, the 28<sup>th</sup> of July meeting of editors and representatives of journalistic associations demanded that the state bodies took adequate measure to provide for unhampered work of the media<sup>545</sup>. In parallel, editors and other media representatives did not agree with the

544 B92, 23 February 2008, [www.b92.net/info/vesti/index.php?yyyy=2008&mm=02&dd=23&nav\\_category=11&nav\\_id=286179](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=02&dd=23&nav_category=11&nav_id=286179)

545 [www.nuns.org.yu/vesti/view.jsp?articleId=9544](http://www.nuns.org.yu/vesti/view.jsp?articleId=9544)

proposal that journalists be treated as “official persons” and that rallies of the right-wing organizations be boycotted.<sup>546</sup>

Arrest of Radovan Karadžić and the ensuing developments provoked a conflict between politicians and media. The then deputy president of the Serb Radical Party Tomislav Nikolić on 22 July accused Radio Television Serbia of incorrectly reporting on the arrest of Radovan Karadžić and threatened, on that ground, to torch it or “make it share the fate of RTS building during the October 2000 coup.” Only the editorial board of Radio Television Serbia responded to that statement.<sup>547</sup>

During the protests in Belgrade streets, followers of Radovan Karadžić and members of organizations “Obraz” and “1389” repeatedly raided premises of Beta News Agency. They demanded that their communiqés be published and accused the agency journalists of contributing to the “media black-out”.

## Series of Elections

If ever there was an illusion on the political objectivity of mass media it was dispelled first during the presidential and later, during the parliamentary pre-election campaign. According to the survey of the Independent Association of Journalists and the Belgrade Media Centre, covering a representative sample of respondents, the following was established: *“television networks tried to equally represent all the presidential contenders, but the focus of media attention was clearly on Boris Tadić in all TV prime time duels. Tomislav Nikolić tried to compensate “the lack of attention” by renting time slotson various TVs. Thus on TV Kosava he was two times more present than Boris Tadića, while on TV B92 Boris Tadić was represented more by one third of the election-devoted time.”*<sup>548</sup> According to the same survey, the print media were even more biased, and divisions among them even more

546 [www.nuns.org.yu/vesti/view.jsp?articleId=9586](http://www.nuns.org.yu/vesti/view.jsp?articleId=9586)

547 B92, 25. jul 2008. [www.b92.net/info/vesti/index.php?yyyy=2008&mm=07&dd=25&nav\\_category=11&nav\\_id=310093](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=07&dd=25&nav_category=11&nav_id=310093)

548 Survey is available at [www.mediacenter.org.yu/](http://www.mediacenter.org.yu/)

pronounced. Thus “some accorded affirmative treatment to Boris Tadić only, while other newspapers openly favoured Tomislav Nikolić by depicting him in a very positive light.”

Similar trend was evident during the parliamentary elections campaign. Researchers of Independent Association of Journalists of Serbia and Media Centre established that daily “Pravda” prioritized the Serb Radical Party, had no coverage on activities of the Liberal Democratic Party, and that tabloid “Kurir” launched the majority of scandals targeting the list “For European Serbia.”<sup>549</sup> The only exception in that “balance of bias” and what marked the pre-election race as “a dirty one” was the coverage on signing of the Stabilization and Association Agreement on 29 April. In some media that act was termed as “surrender of Kosovo” and “treason” committed by the representatives of list “For European Serbia.”<sup>550</sup>

## Tabloidization of “Politika”

An already customary acknowledgement of “tabloidization of media” was most concretely proved in March 2008. After the right-wing daily “Pravda” disclosed that the property of the later Mayor of Belgrade, Nenad Bogdanovic was worth several millions of Euro, tabloid “Kurir” continued to spin and hype the story. The icing on the cake was a pertinent story ran by “Politika”, reputedly the most serious and responsible Belgrade daily! While “Pravda” estimated that Bogdanović’s property was worth twenty million Euros, “Kurir” increased it to 42 million, but with some reservations: *“It is impossible to conlude on the basis of here published documents whether the property left behind by the late mayor is indeed that huge... To uncover the truth and allay doubts and controversies surrounding the career of the late Mayor, in the interest of public opinion we appeal to the state bodies to disclose the exact value of property left behind by Nenad Bogdanović”*<sup>551</sup>. However, “Politika” failed to act accordingly. It continued

549 Idem

550 [www.kurir-info.rs/izdanje/20080430](http://www.kurir-info.rs/izdanje/20080430)

551 [www.kurir-info.rs/clanak/kurir-24-03-2008/gde-su-milioni](http://www.kurir-info.rs/clanak/kurir-24-03-2008/gde-su-milioni)

to spin speculations and re-hash the pertinent tabloid coverage, without offering any concrete proof for its allegations.

What ensued was an open, an ever-escalating conflict between President of Serbia and editors of “*Politika*.“ After “*Politika*“ ran the pertinent text on Bogdanovic, in his open letter to the daily, President Boris Tadić asked that “the competent bodies be urgently forwarded all the documents on the basis of which that text has been written.”<sup>552</sup> That letter was ran on the front-page along with the reply of editor-in-chief, Ljiljana Smajlović. In her text, Smajlović assessed that “*in play is an attempt to interfere into the editorial policy*” and expressed hope that journalists “*won’t be intimidated by the top state and political authorities intervention.*”<sup>553</sup> The same-toned correspondence continued, claims about Bogdanovic’s property have never been substantiated, but the “timing” of the text-publishing led many to conclude that something larger was at stake. Namely, the story about the property of the former Mayor of Belgrade (long-standing member of Democratic Party) appeared in the midst of the local elections campaign, and the one for the new Belgrade mayor. Thus it was interpreted as “*Politika*“’s open war against Democratic Party and its candidate.

However, with that interpretation the war did not end. Tadić’s 14<sup>th</sup> of April interview was rife with comments of his spin-doctor Nebojsa Krstic.<sup>554</sup> Open conflict between journalists, President of Serbia and Krstic began in the part of interview dedicated to the correspondence relating to Bogdanovic property coverage, and the media analysts assessed it as “a genuine retribution” of “*Politika*“’s management in the face of Tadić’s “pressure on the media.”<sup>555</sup>

<sup>552</sup> [www.politika.rs/rubrike/Politika/Pismo-Borisa-Tadića-Politici-i-odgovor-glavnog-urednika.sr.html](http://www.politika.rs/rubrike/Politika/Pismo-Borisa-Tadića-Politici-i-odgovor-glavnog-urednika.sr.html)

<sup>553</sup> Idem

<sup>554</sup> <http://www.mc.rs/code/navigate.asp?Id=6&eventId=40631>

<sup>555</sup> “Vreme” no. 902, 17 April 2008. [www.vreme.com/cms/view.php?id=617092](http://www.vreme.com/cms/view.php?id=617092)

## Management Board and "Politika"

Although the Act on Public Information lays down that all the print media must be privatized, government of Serbia has not renounced its ownership and management share in the leading and most influential daily, „*Politika*“. Discontent of the ruling parties by „*Politika*“'s coverage, and the intention to politically influence editorial policy of that daily, became evident on 1st of July 2008, when the Assembly of Share-Holders elected new members of the management board of „*Politika*“ share-holding society. In fact the management board has fifteen members, but since 2007 only nine were elected to those posts. The bad news was that the Government did not hasten to fill up the remaining 6 member-vacated posts!

In the wake of republican parliamentary elections, in the course of June 2008, there were unofficial announcements that the Management Board long-vacated posts would be filled by people close to the winner of elections, Democratic Party.<sup>556</sup> And that happened when at the government's proposal, to the management board were appointed Sonja Liht, Goran Marković, Slobodan Marković, Branimir Dimitrijević, Slobodan Bogunović and Zoran Stojiljković. The incumbent members, people close to Democratic Party of Serbia and other right-wing parties, Emir Kusturica, Matija Bećković, Predrag Mihajlović, Miroslav Pešić, Mladen Serventi, Vladislav Cvetković and Zoran Vacić retained their posts within the board.<sup>557</sup>

Though Management Board cannot directly impact editorial policy of the most influential daily, its members nonetheless indirectly decide on the naming of the editor-in-chief of the daily. First the Management Board appoints General Director of „*Politika*“ Share-Holding Society, and he then proposes general director of company „*Politika* Newspapers and Magazines“, who then then puts forward the name of contender for the post of editor-in-chief of „*Politika*“. Due to the aforementioned, the announcement that the remaining 6 members would be named, was interpreted as

556 [http://www.alo.co.yu/vesti/3920/Demokratska\\_stranka\\_preuzima\\_medije](http://www.alo.co.yu/vesti/3920/Demokratska_stranka_preuzima_medije)

557 <http://www.politika.rs/rubrike/Drustvo/Izabran-Upravni-odbor-Politike sr.html>

a Democratic Party attempt, to change the coverage style of „*Politika*“, that is, to replace Ljiljana Smajlovic, editor-in-chief, who was publicly marked as a member of Democratic Party of Serbia cadres.<sup>558</sup>

Such an interpretation was confirmed on 23 September, when management board, on the basis of top management of company „*Politika* newspapers and magazines“'s decision jump-started the mechanism for replacement of editor-in-chief. Then it was said that the opinion of other journalists and editors would be taken into account in the process of naming of the new editor-in-chief. In parallel, it was underscored that the final say shall have the top management of „*Politika* Newspapers and Magazines“, that is, general director, Srđan Janićijević. Since some members of the management board underscored that they were not in the know about the initiative for replacement of editor-in-chief, and director Janićijević did not explicitly confirm that the new editor would be elected by dint of competition, the general public had the impression that the whole procedure was not as transparent as it should be.<sup>559</sup> Tense atmosphere was further excarbated by the ensuing acrimonious correspondence between the principal actors in the whole event. Editor-in-chief Ljiljana Smajlović on the pages of „*Politika*“, 26 September issue, published the letter in which the following was stated inter alia: „editors and journalist failed to discover who and when jump-started the ‘notorious’ procedure for replacement of editor-in-chief.“ She thus indirectly accused the ruling parties for attempting to take over control of „*Politika*“<sup>560</sup>.

At the session held on 30 September Smajlović was replaced, and Srđan Janićijević handed in his resignation, while mutual accusations escalated.<sup>561</sup> Added to that President of Journalistic Association of “*Politika*”

558 [www.danas.rs/vesti/hronika/mediji\\_na\\_udaru\\_demokratske\\_politike.3.html?news\\_id=95960](http://www.danas.rs/vesti/hronika/mediji_na_udaru_demokratske_politike.3.html?news_id=95960)

559 [www.naslovi.net/2008-09-23/mondo/konkurs-za-glodura-politike/833582](http://www.naslovi.net/2008-09-23/mondo/konkurs-za-glodura-politike/833582)  
<http://www.politika.rs/rubrike/tema-dana/Pod-tachkom-razno.sr.html>

560 [www.danas.rs/vesti/hronika/janicijevic\\_ostavljam\\_pozitivne\\_rezultate\\_smajlovic\\_smena\\_politicka\\_bezi\\_obrazlozenja\\_.3.html?news\\_id=141104](http://www.danas.rs/vesti/hronika/janicijevic_ostavljam_pozitivne_rezultate_smajlovic_smena_politicka_bezi_obrazlozenja_.3.html?news_id=141104)

561 [www.danas.rs/vesti/hronika/krsenje\\_pravila ili osveta\\_neprijatelju.3.html?news\\_id=141236](http://www.danas.rs/vesti/hronika/krsenje_pravila ili osveta_neprijatelju.3.html?news_id=141236)

Ljubodrag Stojadinović was fired for disclosing pertinent information to the mass media.

After the competition was announced, 16 candidates were chosen, and editors and journalists gave their opinion. The final outcome was the following: at the session of assembly of founders of „Politika Newspapers and Magazines“ held on 7 November Dragan Bujošević was elected the new editor-in-chief.

## Service of Director

Despite numerous objections of NGO sector and journalistic associations to the work of Radio Television Serbia and its director Aleksandar Tijanić, in the course of 2008, there were no changes in the set-up and editorial policy of the public broadcasting service. RTS coverage of the key political events was not assessed as more objective than the one of other broadcast media. Moreover RTS program is still full of contents impermissible for public broadcasting service, and it has record viewership thanks to its broadcasting of domestic TV series of dubious quality.

Like in 2007, most objections in 2008 were raised with respect to conduct of RTS director, Aleksandar Tijanić. The first scandal in which he was involved happened after airing of documentary film “Assassination of Đindjić – Media Background”, on 12 March 2008. On the basis of statements of interviewees in the film, on 16 March Tijanić filed charges against Vladimir Beba Popović and unidentified persons who in 2003 were government ministers, officials of the then Interior Ministry and State Security Services *“for covering up preparations and non-prevention of criminal offence of organization of assassination, multiple assassination attempts and assassination of Dr. Zoran Đindjić”*<sup>562</sup>. Two days later, 13 NGOs lodged a complaint to Radio-Diffusion Agency against the work of informative program of RTS and demanded dismissal of Tijanić. In the said document the following was stated: *“Tijanić abuses his position in order to promote argu-*

<sup>562</sup> 562 *Blic*, 17 March 2008 [www.blic.rs/politika.php?id=34255](http://www.blic.rs/politika.php?id=34255)

ments of those convicted for assassination of Prime Minister of Serbia.”<sup>563</sup>. Tijanić’s reply followed in the form of an open letter, and the story continued for a while with launching of accusations and counter-accusations.<sup>564</sup> Finally on 24 March the Management Board of RTS rejected the dismissal demand, by underscoring that “Tijanić has never misused his official position.”<sup>565</sup>

New demand for replacement of Tijanić was made on the 29<sup>th</sup> of April, after Robert Tomas, a Liberal Democratic Party member, testified that Tijanić physically assaulted him after a brief verbal duel. Tijanić retorted that he had to defend himself after Tomas attacked him. NGOs responded angrily to Tijanić’s version of the incident, because that was the second incident provoked by A. Tijanić in a month’s time (on 27 March he also hit a member of Liberal Democratic Party). In the communiqué signed by 16 non-governmental organizations the following was underscored “*Tijanić’s violent behaviour has become part of his daily activities...he continues to misuse the institution of public broadcasting service funded by citizens*” and “*he turned that media house into a party bulletin and a loyal stooge of Prime Minister Vojislav Koštunica*”<sup>566</sup>. But instead of replacement, praises from the top governmental positions were showered on Tijanić. The then Prime Minister Vojislav Koštunica thus defended Tijanić: “*In addition to being a director of Radio Television Serbia Tijanić is also a journalist and a journalist, in performing his duties, by rule, must defend himself. I cannot see why that principle which applies to all the others, would not apply also to Tijanić. It must apply to him too.*”<sup>567</sup>

After installation of new government, Aleksandar Tijanić retained his post as director of Radio Television Serbia.

563 [www.danas.co.yu/20080319/hronika1.html#3](http://www.danas.co.yu/20080319/hronika1.html#3)

564 [www.pressonline.rs/page/stories/sr.html?view=story&id=32445](http://www.pressonline.rs/page/stories/sr.html?view=story&id=32445)

565 <http://www.mtsmondo.com/news/world/text.php?vest=91313>

566 [www.b92.net/info/vesti/index.php?yyyy=2008&mm=04&dd=29&nav\\_id=296294](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=04&dd=29&nav_id=296294)

567 *Blic*, 29 April 2008 [www.blic.rs/politika.php?id=39770](http://www.blic.rs/politika.php?id=39770)

## From Classified Ad to Replacement

After formation of the new republican government, on 3 July 2008, the Council of the Radio-Diffusion Agency announced public competition for new members of Management Board of Radio Television Serbia on pages of daily "*Politika*". Since the tenure of the incumbent members still has not expired, that competition, like the appointment of new members of Management Board of "*Politika*" were interpreted by conflicting political interests.<sup>568</sup> In the meantime some serious procedural mistakes were established, namely that only two out of nine members of the Council of Radio-Diffusion Agency knew about the announcement of the afore-mentioned public competition, Then first the charges were filed against persons who had approved announcement of that public competition, and later the Agency stated it would also file charges against Radio Television Serbia for its "*unconscious work*" and "*60 million Euro of damage incurred to RTS because of non-payment of subscription.*"<sup>569</sup>.

Because of a veritable flood of communiques from both sides and media speculations on soured relations between the Radio-Diffusion Agency and Radio Television Serbia, the general public remained in the dark about the true nature of the problem. Instead the focus was placed on intra-Council relations. The conflict peaked when Svetozar Stojanović, the Council member, in his interview to "*Politika*" called on Nenad Cekić, President of the Council and President of the Management Board of Radio Television Serbia "*to take a short holiday and rest a bit.*"<sup>570</sup>. Without any explanation the public competition was withdrawn on 13 July, while on 29 July, it was stated, without any official explanation, that Nenad Cekić and Aleksandar Vasić were replaced from the positions of president and deputy president of the Council, respectively. Episcope of Jegar, Porfrije, was elected the new President. Although on 5 August the Council member, Goran Karadžić, stated that Cekić and Vasić were replaced because of

568 [www.naslovi.net/2008-07-10/rts/javni-servis-ali-ciji/737874](http://www.naslovi.net/2008-07-10/rts/javni-servis-ali-ciji/737874)

569 "Vreme" no. 914, 10 July 2008 [www.vreme.com/cms/view.php?id=648720](http://www.vreme.com/cms/view.php?id=648720)

570 [www.politika.rs/rubrike/Drustvo/Stojanović-Neka-se-odmore-i-Cekic-i-Stipchevic.sr.html](http://www.politika.rs/rubrike/Drustvo/Stojanović-Neka-se-odmore-i-Cekic-i-Stipchevic.sr.html)

the public announcement<sup>571</sup>, the background of the affair still remained unclear. Furthermore, still under wraps were kept the issues of political influences on the Radio-Diffusion Agency, real power of Radio-Television Serbia leadership ad an ever-increasing influence of the Christian Orthodox Church on the media sphere (amply indicated by appointment of Episcope Porfiriije to a high position of president of the body managing the electronic media).

## Property And Ownership

Though early 2007 saw the founding of a working group for elaboration of Act on Prevention of Media Concentration and Transparency of Media Ownership, such an act is yet to be adopted, while its drafts were strongly disputed and challenged by media experts and media owners.<sup>572</sup> In the meantime rife were speculations on identity of owners of various media, which could not be established or rather unveiled due to non-transparency of the media ownership. For the same reason journalists cannot deal with that problem properly, for any inquiry or research in that direction would provoke criminal charges and official complaints.

Analysis of ownership, conducted by the Independent Association of Journalists of Serbia, however indicated that "of a total of twenty surveyed media in Serbia (radio and TV stations with national coverage, dailies), as many as 12 were owned by domestic businessmen, or rather, by the Serb tycoons, the men who "got their first million dollars" thanks to their close ties with Milošević regime."<sup>573</sup> Similar property structure is probably characteristic of other media, but that was practically impossible to establish. Act on Radio-Diffusion and Act on Public Information spell out that the media must disclose basic data relating to their founders, however those

571 RTV B92, 5 August 2008 [www.b92.net/info/vesti/index.php?yyyy=2008&mm=08&dd=05&nav\\_category=11&nav\\_id=311819](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=08&dd=05&nav_category=11&nav_id=311819)

572 [www.anem.rs/admin/article/download/files/Zakon%20o%20medijskoj%20koncentraciji%20SR.pdf?id=92](http://www.anem.rs/admin/article/download/files/Zakon%20o%20medijskoj%20koncentraciji%20SR.pdf?id=92)

573 [www.nuns.org.yu/dosije/22/03.jsp](http://www.nuns.org.yu/dosije/22/03.jsp)

Acts don't include provisions binding the media to accurately cite origins and owners of the founding capital. Agency for Economic Registers indicated names of owners or legal entities-the media founders, but behind those persons and companies there is frequently the capital whose true origins and owners are not known.

## (Lack Of) Confidence And New Media

According to the survey conducted jointly by Strategic Marketing Agency, IREX Pro Media and USAID, over one third of citizens of Serbia don't have faith in the mass media, while 73% of adults (over 18 years of age), believe that media in Serbia are subjected to some kind of censorship.<sup>574</sup> 18% of respondents believe in independence of the media, while most of those convinced of existence some kind of control over media, believe that those "controllers" are principally political parties and people funding the media. The same survey indicated that citizens get most of their information through Radio Television Serbia (65%), TV B92 (59%) and TV Pink (51%). With respect to the print media respondents mostly read daily "*Blic*" (36%) and "*Večernje novosti*" (26%). Despite the aforementioned high RTS viewership, Radio Television Serbia, or the public broadcasting service, is not at the same time the most trusted electronic medium. In fact the highest confidence rating enjoys TV B92 (75%) and TV Pink (74%), while Radio Television Serbia comes in only third (54%). Though tabloids "*Press*" and "*Kurir*" have very large circulation, they are in parallel, judging by the said survey, the least trusted print media: as many as 19% of respondents think that "*Kurir*" intentionally misinforms the general public (in that list "*Kurir*" is followed by B92, RTS, TV Pink and "*Press*").

Despite the lack of citizenry's faith in media and bare survival of a large number of print media, in the course of 2008 several new print media were launched. Those new media openly espouse some regressive and destructive values tinged with patriotism, values notorious from recent past. The most influential of that bevy is undoubtedly "*Pečat*". Though

574 [www.nuns.org.yu/dosije/25/03.jpg](http://www.nuns.org.yu/dosije/25/03.jpg)

officially proclaimed the “left-wing” weekly<sup>575</sup>, a large-circulation “Pečat” is in fact a “print spokesman” of the hard-line Socialists from the 90’s, of the Serb Radical Party and of all the right-wing and nationalism-minded political actors. Editor-in-chief of that weekly is Milorad Vučelić (one of the closest collaborators of Slobodan Milošević), while responsible editor is Aleksandar Vulin (one of the closest aides of Mirjana Marković).

## Conclusions and Recommendations

Influence of state institutions on the mass media should result from the media-related laws and rules of procedure, and not from the current political situation and balance of political powers. Arrogance and arbitrariness of the frontmen of the Council of Republica Radio-Diffusion Agency should be controlled or rather reined in by other RRA members. Competent bodies should look into the fact that some church circles wield too much power in the Council’s decision-taking process, since the Council’s incumbent head is a cleric, that is a person delegated by the Serb Orthodox Church.

Like in recent past there is an evident need for founding the Press Council, that is a body which would supervise honoring of the media laws and ethic standards of journalistic profession. Putting in place the Code of Journalists of Serbia, as well as recommendations and guidelines of the Code of Journalists of Serbia (both made public in 2008) should make more successful the Council’s work and consequently contribute to putting some order in the domestic media scene. The Press Council, when and if it is founded, should apply certain punitive measures against those who disrespect and violate laws and ethical standards.

Set of the media-related laws and laws directly impacting the mass media, should be fined-tuned to the practice, supplemented and in case of some laws finally adopted. The Acts on Concentration of Media Ownership and Transparency of Media Ownership, for example, are necessary for every day functioning of mass media. It is also necessary to amend legal

575 [www.pecatmagazin.com](http://www.pecatmagazin.com)

provisiong regulating the work of the public service and the mass media still partly owned by the state.

Journalistic associations should actively protect their members from possible political and economic influences. Added to that journalistic associations should additionally educate their members with respect to their rights and obligations.

Ministry of Internal Affairs should more actively participate in protection of journalists, who in times of high political tensions, are frequently jeopardized while performing their duties. In parallel, political parties staging various protests rallies should be held legally accountable if journalists during performance of their tasks are attacked by members or loyalists of those parties.

Non-governmental and other organizations engaging in protection of human rights should actively respond to presence of hate speech in the mass media and discrimination against diverse minority groups fomented by those very media. In view of the fact that the first judgment in the case of hate speech propagation has been handed down, it is imperative that charges be filed in the future against media in such malpractice cases. A larger number of similar judgments and sentences would contribute to a greater media discipline and respect of journalistic profession ethical codes.

# IX

## Relations with Neighbors



Good neighborly relations are one of the main conditions for accession to the European Union. Thus the EU became the principal promoter of good-neighbourly relations in the Balkans, notably as regards honoring of the minorities-related standards. In view of the negative experience from the last decade of the 20<sup>th</sup> century, it is obvious that the regional dynamics would have been much slower without an active EU role. Added to that the prospect of the EU membership is an important motivating factor for all the regional countries. Due to the lack of the political consensus Serbia was the only country in the region which reacted more slowly to the European challenge.

Serbia is yet to define its borders with all its neighbours, former republics of Yugoslavia, notably with Croatia on river Danube, and with Bosnia and Herzegovina as regards several disputed border crossings. Though an agreement on borders was signed with Macedonia in 2001, demarcation has never been effected. Kosovo is still treated as a Serb province, and loss of Montenegro is still a source of much frustration.

Serb Orthodox Church has a major influence on relations between the regional states, for it, in fact, acts in collusion with the state. Serb Orthodox Church declines to recognize autonomy of the Montenegrin Orthodox Church, and also of the existence of the Montenegrin state. Belgrade de facto broke up the Islamic Community in Serbia in order to prevent its closer ties with Sarajevo. Relations with the Catholic Church also affect the inter-state relations. Serb Orthodox Church treats the Roman Catholic Church, as a dissident, that is a heretic church. Animosity towards Catholicism was always strong and was reflected in the stance towards Vatican, perennially perceived as an anti-Serb institution.

Rampant ethnic nationalism and unresolved border issues attest to the fact that the newly-emerged states are still in the initial stage of the nation-building process. The same applies to Serbia. Stability and full integration of the region shall be only possible when those processes are

completed and a cohesive police of the West, notably of the EU or the US, pre-empting the negative trends, is fully defined.

Global economic crisis has drawn closer the regional countries because of similarity of problems they face. Therefore, more constructive tones are increasingly heard. Negative stereotypes can be overcome only through education and change of a cultural blueprint.

# Croatia: Partner or Rival

Relations between Serbia and Croatia are most probably characterized by the most complex dynamics in the region. Though during the tenure of Vojislav Koštunica, notably in early 2008, the relations between the two countries considerably worsened, things are now slowly moving forward, as evidenced by the March 2009 visit of the Croat Prime Minister Ivo Sanader to Belgrade.

However, there is truth to the assessment made by the Croat President, Stjepan Mesić, that “relations between the two countries are empty, devoid of an substantive dialogue, notably on the highest state level.” At the regional conference of the Igman Initiative in Zagreb, Mesic stated the following: „I cannot deny that all channels and avenues of communication are still open, but they are empty of any content.”<sup>576</sup>

According to Mesic, regular, routine contacts between Zagreb and Belgrade are maintained, but what is missing is a genuine discussion on mutual relations and situation in the region. Mesic went on to note: „And we need a genuine and substantive dialogue, notably in view of the fact that the regional mood is reminiscent of the one prevalent in the 90's of the past century...I cannot turn a blind eye to what is happening in our neighbourhood, nor I can lessen the significance of those developments. What I hear and see is not good for Bosnia and Herzegovina, and it is not good for the whole region.”<sup>577</sup>

Chronologically speaking the year 2008 shall be remembered, on several grounds, as the most challenging year in relations between the two countries since the 2000 political chagerover in Serbia. First the proclamation of independence of Kosovo in February 2008 and then the recognition of that independence by the Croat government several weeks later, additionally burdened already soured relations between Serbia and Croatia.

<sup>576</sup> Conference was held on 8 November 2008.

<sup>577</sup> *Idem.*

The second stumbling block in 2008, were the genocide charges (relating to the crimes committed in the territory of Croatia in 1991-1995 period) filed by Croatia against Serbia – that is, charges relating to the violation of the 1948 Convention on Prevention and Punishment of the Crime of Genocide.

Before the International Court of Justice made a pertinent statement on its competence with respect to the aforementioned case, Serbia launched a serious media campaign aimed at freshening up the memory of citizens of Serbia with respect to the war “in which Serbia had not taken part.” Unfortunately that campaign produced a host of articles aimed at provoking hostile emotions towards citizens of Croatia. A large number of aggressive and nationalistic texts were carried by the Belgrade newspapers, and their titles best illustrated insistence on negative ethnic connotations.<sup>578</sup> Croatia’s charges against Serbia contributed to the raising of some old issues. Thus Serbia began to insist on the issue of Ante Pavelic regime responsibility for all the Serb victims in the WW2, and other “crimes” of Croatia dating back to more recent past, that is the 90’s of the 20<sup>th</sup> century.

578 “Continuation of war by other means”, *Pečat*, 4 December 2008.“Who is Ambassador: Korać or Tonči”, *Grom*, 18 February 2008.“Prevent Croatia’s Entry into the EU”, *Pravda*, 13 January 2008.“Lies of the CDC stooge Puhovski”, *Pravda*, 12 December 2008 “Genocide cannot be turned into a cold case”, *Pravda*, 16 December 2008.“In 50 years as many as 1,500,000 Serbs have gone missing ”, *Pravda*, 13 December 2008. “Neo-Fascists from the CDC hatch a plan from hell”, *Pravda*, 11 December 2008.“Mocking of genocide”, *Pravda*, 8 December 2008.“Croats take over our toy market”, *Press*, 8 December 2008.“Milanović bowed to Ustashi”, *Pečat*, 30-2008.“Cyrillic Alphabet banned”, *Pravda*, 6 December 2008.“Hand-ball game on the Serb corpses”, *Press*, 7 December 2008.“We shall kill Vučić”, *Pravda*, 6 December 2008.“Croats wanted us to publicly acknowledge the commission of genocide”, *Pravda*, 3 December 2008. “Annulling of Serbs in Croatia”, *Glas javnosti*, 22 November 2008.“Genocide charges against Croatia”, *Danas*, 23 November 2008. “Croats commit genocide with the assistance of Vatican, Germany and the US”, 21 November 2008.“Pavelić should be sent to the Hague too”, *Glas javnosti*, 21 November 2008.“Serbs face the death threats”, *Novosti*, 11 November 2008.“Half of Croats praise Ustashi”, *Press*, 16 July 2008.“Kill a Serb”, *Kurir*, 2 June 2008.“Lynch of Returnees”, *Kurir*, 2 June 2008.“Jeremić: I would reiterate that it was an ethnic – cleansing campaign”, *Blic*, 29 May 2008.“Serbia favours reconciliation, Croats favour souring of relations”, *Glas javnosti*, 29 May 2008.

ry, while Croatia raised the issue of accountability of Milošević regime for the crimes committed in its territory in the 90's of the past century.

## Kosovo is Serbia, the rest is – Delta

Manifestly perilous for the relations between the two countries was Belgrade's aggressive foreign policy<sup>579</sup>. On the 19<sup>th</sup> March, after Sanader government's recognition of Kosovo independence, Serbia withdrew its Ambassador in Zagreb, Radivoje Cvjeticanin. But only after 7 months, that is on the 5<sup>th</sup> of November 2008, the Serb Ambassador was reinstated to his high position by Vuk Jeremic, the Serb Foreign Secretary.<sup>5</sup>

On the 21<sup>st</sup> of February under auspices of the Serb government, a rally "Kosovo is Serbia" was held in Belgrade. Part of participants thereof, after the rally, in an organized manner attacked several diplomatic representative offices in Belgrade, including the Embassy of Croatia. Then the consular office of that Embassy was first totally demolished and then torched. In a blatant breach of the Vienna Convention, Embassies of Croatia, Slovenia and the United States, were not protected by the police forces from the hooligans attacks.

Attack on the Embassy of Croatia was a consequence of a virulent smear campaign against the former Yugoslav republics, notably Croatia and Slovenia, orchestrated by the Serb media. Some print media went as far as to sharply criticize Serbs in Croatia, that is their political representatives, for remaining within the executive bodies of Croatia after recognition of Kosovo's independence by Zagreb. For example, daily *Kurir* in its 28 March issue, in the article headlined "*Ustashij*<sup>580</sup>" imputed that Milorad Pupovac was a member of the Ustashi movement, bankrolled by the Kosovo Albanians, for his active "anti-Serb engagement". In the same text

579 On the eve of declaration of independence of Kosovo, the Serb Foreign Secretary, Vuk Jeremić, sent especially aggressive messages to the regional countries. He repeatedly promised „worsening“ of relations with the neighboring countries.

„Warning to neighbors“, *Večernje novosti*, 20 March, 28 August 2008.

580 "Ustashij", *Kurir*, 28 March 2008.

signed by J. Jovanović, Marko Jaksic, a high Democratic Party of Serbia official in Kosovo, openly accused Pupovac of being paid by Agima Čeku<sup>581</sup>. *Kurir* also carried the stance of Dragan Todorović from the Serb Radical Party: “*Milorad Pupovac is a political prostitute and a traitor in the service of the Ustashi government...*”<sup>582</sup>. By the way SSDP offered resignation of Slobodan Uzelac to Prime Minister of Croatia in the sign of protest over recognition of independence of Kosovo, but Ivo Sanader, Croatia’s Prime Minister, refused to accept that resignation.

Only two months later, when the passions died down in the media and political scene of Serbia, Vuk Jeremić, the Serb Foreign Secretary, provoked another in a series of diplomatic incidents, this time around in Zagreb<sup>583</sup>. Namely, during the Zagreb conference dedicated to the Adriatic-Ionian Initiative, Jeremic accused Croatia of ethnic-cleansing of Serbs in Croatia in 1995. That statement, which bypassed the background of conflicts in Croatia, provoked an avalanche of negative responses in Zagreb and worsened already bad relations between Zagreb and Belgrade. Undiplomatic conduct of the first man of the Serb diplomacy not only damages relations between the two countries, but also makes more difficult the position of Serbs in Croatia, and especially the position of their political representatives. Several days after Jeremic’s unsavoury remark, in the Croat TV program “Otvoreno”<sup>584</sup> Milorad Pupovac, one of the SSDP leaders explicitly distanced himself from Jeremic’s misconduct at the Adriatic-Ionian Conference: “Someone found it suitable not to make room for statements of President Mesic, of Mr. Pajtic, envoy of the Serb President Tadić and the ecumenical message of envoy of the Holy Synod of the Serb Orthodox Church, Bishop Lavrentije. Someone was bent on establishing a link between Jeremic’s remark and that conference. But what was said later did not belong to us, those were not our words.”<sup>585</sup>

<sup>581</sup> *Ibid.*

<sup>582</sup> *Ibid.*

<sup>583</sup> Conference was held on the 27th of May 2008.

<sup>584</sup> Otvoreno, HTV, 3 June 2008.

<sup>585</sup> „Pupovac: It suited someone to provoke an incident”, *Politika*, 4 April 2008.

Only few days later, like in a well-orchestrated campaign, Prime Minister of Republika Srpska, Milorad Dodik, made a similar remark. Namely during his visit to Zagreb he accused Croatia of ethnic-cleansing of Serbs and called on Croatia to drop its charges against Serbia before the International Court of Justice in the Hague.

What is noteworthy is an especially emotional tack of Vuk Jeremic to Croatia and other regional countries. In the political game of good policeman versus bad policeman Jeremic is obviously, instead of President of Serbia, tasked with projecting and espousing the most hard-line nationalistic stances, both in the domestic and international public scene. Although a good regional co-operation within the realm of foreign policy is an important factor in a speedier accession of any hopeful country to the EU, over the past two years Jeremic, in the name of Serbia did his utmost to make nonsensical that very regional co-operation.

However, over the past 18 months Foreign Minister Jeremic has been glorified by the majority of daily tabloids in Serbia as the new star of the Serb political universe. His (mis)conduct managed to curry him favour with “the father of the nation” Dobrica Ćosić, who moreover repeatedly and publicly praised Jeremic.<sup>586</sup> Some agencies engaging in public opinion polls have established that “due to Jeremic’s meteoric political rise in the past two years, he is the second most popular politician in Serbia.”

According to assessments of some domestic—even those inclined towards Democratic Party,<sup>587</sup> and foreign media<sup>588</sup> Jeremic played a markedly destructive role in the region and in Serb-EU relations.<sup>589</sup> Added to his

586 The last Ćosić’s backing of Jeremic came about the promotion of the book “The Time of Snakes”, on the 24th of March 2009. During the promotion manu participants espoused their hard-line anti-EU stances. See : *Borba*, 25 March 2009.

587 „Jeremić gets on nerves of the EU”, *Blic*, 11 November 2008.

588 „Serbia quarrels with the rest of the world”, *DPA*, 9 November 2008.

589 According to some print media, lack of seriousness of the Serb Foreign Secretary was discussed even at some informal Brussels meetings. Jeremić thus managed not only to provoke polemic in Brussels, but also in –Belgrade. Namely, diplomatic representatives of some countries which traditionally favour Serbia, have raised objections with respect to Jeremic’s work and even complained about lack of co-operation with the Foreign Affairs Ministry.

proverbial fixation on the issue of Kosovo, Jeremic “paid a lot of attention to relations with Croatia”. In January-September 2008 he kept sending aggressive messages, thus reflecting the mood and stance of part of political elite and some informal circles. Added to that thanks to the new wave of nationalism (generated by the proclamation of independence of Kosovo) Jeremic has launched a veritable charm offensive “to win the hearts and minds of citizens of Serbia”, on the eve of an uncertain struggle within Democratic Party for the position of the future Prime Minister of Serbia.<sup>590</sup>

## Aleksandar Vučić, for the second time among Serbs in Croatia

One of the most marked developments in 2008 was the early December visit of Deputy President of the Serb Radical Party, Aleksandar Vučić to some parts of Croatia (in a day he managed to visit some localities in Northern Dalmatia and Lika). Vučić’s visit to Croatia was interpreted as the struggle for influence over Serbs in Croatia, and a good opportunity to make more difficult the position of local Serbs and their political representatives. Thus Šešelj and Nikolić, that is, Vučić, in the days following the break-up of the Radical Party were fighting for influence over people whose lives they had destroyed by their 90’s policy. In play were anew the people who at the prodding of the Serb Radical Party in the early 90’s had staged a massive insurgency, then had gone to war and finally had become the victims of ethnic-cleansing. Those very people for several hours had to face the man (“who was not invited and who was not welcomed by anyone”<sup>591</sup>) during his shameful visit. Vucic’s reply to the question about the crime <sup>592</sup> in Škabrnja locality, which took place on the 18<sup>th</sup> of Novem-

590 According to information gleaned by the Helsinki Committee in formal and informal contacts, one wing or fraction of Democratic Party is resolved to effect the re-shuffle of the Serb government by the end of 2009 or in early 2010. Such a re-shuffle would entail the naming of a new Prime Minister.

591 „Monopoly on dispriveleged“, *Vreme*, 4 December 2008.

592 One of the gravest war crimes in Croatia. In the joint Yugoslav People’s Army and

ber 1991, was the following: "I think that Škabrnja is a place near Benkovac. I have already been asked about crimes committed there. I have never heard of such crimes."<sup>593</sup>

Added to the aforementioned visit, which was a throwback to the 90's developments, in the public scene has re-emerged former leader of Republika Srpska Krajina, Borislav Mikelić, former close ally and aide of Slobodan Milošević, the main culprit for armed conflicts in the territory of Croatia, and one of the biggest smugglers during the 90's wars. By dint of tabloids Mikelić placed his "truth" about the 90's developments (one of his claims is that over the past 50 years as many as 1,500,000 Serbs disappeared from Croatia. That assertion being the sequel to the "war of figures" in Serbia's public opinion.) Mikelić, like Dobrica Čosić, perceives Vuk Jeremić as the only bright star in the Serb politicians' firmament.<sup>594</sup> Mikelic has repeatedly praised Jeremic because : "...Vuk Jeremić is so brave and diplomatically responsible in the defense of Krajina Serbs and interests of our domicile state."<sup>595</sup>

## **Charges and counter-charges**

Admission of the Hague International Court of Justice of its competence to institute proceedings on the basis of Croatia's aggression and genocide charges against Serbia, has anew generated an anti-Croat mood and sentiments in Serbia. After Jeremic's announcement on the evening of the 8<sup>th</sup> of November 2008 that Serbia would engage in a tit for tat move, that is, file counter-charges for genocide (relating to the 1995 military operations "Flash" and "Storm"), the smear and demonization campaign against Croatia, similar to the ones conducted in the 90's, ensued. One is under the impression that any motive would have been good enough to re-launch

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paramilitary units action tens of civilians were killed in that small locality near Zadar.

593 "Vučić has heard about Škabrnja, but not about crimes

committed in that place", *Zadarski list*, 29 March 2009.

594 „Lies of the CDC stooge Puhovski“, *Pravda*, 12 Decemer 2008; „Genocide is still a current affairs topic“, *Pravda*, 16 December 2008.

595 *Ibid.*

the perception of Croatia as an archi-foe of the Serb people, as “de iure anti-Fascist, but de facto a revived Independent State of Croatia.”<sup>596</sup> The campaign was laced with well-known stereotypes and prejudices, already used in the period preceding and during the 90’s armed conflicts.

Though head of Serb diplomacy while announcing counter-charges in the Radio Television Serbia program maintained that Croatia responded negatively to “the hand of reconciliation offered by Serbia on several occasions” by filing the said charges, the analysis of recent and current Serb – Croat relations offers very little, if any, evidence thereof.

June 2008 statement of Vuk Jeremic in Zagreb also did not bear any resemblance to “the hand of reconciliation.” Namely during the session of the Serb National Council, Jeremic stated that “the Croat state emerged as a result of ethnic-cleansing of Serbs.” (In backing that stance of the Serb head of diplomacy, Milorad Dodik, Prime Minister of Republika Srpska on the same occasion called on Serbs from Croatia “to re-settle in Republika Srpska in order to solve the problems which they cannot solve in Croatia.”).

Conditionally speaking, Jeremić’s “hand of reconciliation” could be related to Belgrade’s proposal to Zagreb to drop charges before the International Court of Justice and agree to an out-of-court settlement. Though very little is known about that offer, that is, its contents, transmitted by diplomatic channels, it can be assumed that Serbia thus wants to avoid retackling of recent events, its prime movers and concrete drastic cases of its war campaign against Croatia, like Vukovar Ovčare, Dubrovnik, Zadar, by the international court in the Hague.

On the other hand the counter-charges have already been prepared, as asserted by Tibor Varadi, the chief legal representative of Serbia in the following statement: “Our team has worked for eight years on the response to the Croat charges and on-counter-charges” Then, Vuk Jeremic, Head of Serb diplomacy, in a RTS program made public Serbia’s intention to file counter-charges<sup>597</sup>: “... Perhaps this is the best way. Let the truth be found out. Let the court of justice and court of history establish the truth,

596 Svetozar Livada, *Pečat*, 5 December 2008.

597 Press, 19 November 2008.

what has really happened during the operation "Storm". We shall do our utmost to adequately present our case in the context of all historical developments in these territories. We shall give an overview of all the 20<sup>th</sup> century developments, during the WW2, during the existence of the Independent State of Croatia."<sup>598</sup> A day later in TV Pink program he added that "Serbia is tired of apologizing and being pointed accusatory finger at."<sup>599</sup>

Croatia's Prime Minister Ivo Sanader then stated: "We have no reason whatsoever to fear counter-charges, for the war had not been waged in Serbia, but in Croatia." He added: "Croat soldiers did not go to Serbia. Serb soldiers came to Croatia. Vukovar and not Novi Sad was destroyed. It would be good if Serbia managed to face up to its recent past, for which the responsibility lies in the Milošević-engineered Greater Serbia policy, and not in the one toed by the incumbent authorities." (quotation)

Serb nationalists perceive every Croat state, even the current one, as an Ustashi state. That stereotype helped launch the war against Croatia in the 90's. The Serb press and public opinion turn a blind eye to the fact that the Croat state avails itself of every opportunity to publicly take distance from the WW2 Independent State of Croatia and crimes then committed against Serbs, Jews, and Romany, and that the incumbent authorities in Croatia insist on anti-Fascism as a value on which rests the modern-day state of Croatia. Although in 2008 in Croatia there were marked social tensions with respect to the stance<sup>600</sup> on the WW2, it is indisputable that at the level of the most important institutions in Croatia there is a consensus on the anti-Fascist foundations of the modern state of Croatia.

598 *Politika*, 19 November 2008.

599 *Danas*, 20 November 2008.

600 In 2008 the most serious problem for the European Croatia was the singer, Marko Perković – Tompson. Unfortunately the concerts of that far-right militant are always sold-out. At his concerts there are many young people with symbols of the Ustashi Independent State of Croatia. In Croatia attitudes towards Perkovic are a frequent topic of public polemic.

## Stance on the former, common state

The current media-conducted smear campaign is based on the two key elements which on the one hand crystallize the stand on the Croat state and on the other hand the one on Croatia's "original sin" towards the Serb people. In other words in play are pronounced efforts by part of the Serb academic elite to cement the following, widely promoted, interpretation of events leading up to the break-up of Yugoslavia: the break-up was caused by separatisms of other peoples, backed by key European prime movers (Germany, Vatican, the EU...) and the United States. Status of a permanent victim of the Serb people, which Serbia continues to emphasize in its political relations with Croatia and Croat people, is additionally compounded by insistence on the Ustashi crimes and the WW2 genocide.

Weekly *Pečat*, whose editor-in-chief is Milorad Vučelić, former editor-in-chief of Television Serbia in the Milošević era and wars in Croatia and Bosnia, in its 28 November 2008 issue devoted to the Serb-Croat relations a 20-pages feature titled "The Balkans is anew being turned into a gunpowder keg". The first text in that feature was the one titled "Croatia is an illegal state." It was in fact a lengthy interview with an Italian international law professor, Aldo Bernardi. Professor Baldini does not explicitly mention Croatia as an "illegal state", though his initial thesis was that "if the rights of all constituent parts are equal, then the right to secession does not exist." Furthermore, according to professor Bernardi "in former Yugoslavia all its peoples had equal rights", hence the binding obligation of the federal authorities to defend the integrity and unity of the country. Professor Bernardi then claimed the following: "When a state embarks upon the road of fragmentation, destruction, and new states emerge, then the right to maintain status quo with respect to the internal borders ceases to exist. There is no general tack according to which the new entities have the right to old internal borders."<sup>601</sup>

Academician Dobrica Ćosić also got embroiled in the current historic debate. According to him, the Kingdom of Serbs, Croats and Slovenians

601 *Pečat*, 28 November 2008

(created in the year 1918) did not have the integrating energy to lastingly solve the national, and state issues of the Serb people and other Yugoslav peoples. He went on to note: "Such Yugoslavia was a fundamental prerequisite for the creation of independent states of Croats, Slovenians, Macedonians and Montenegrins, and provoked great existential suffering of the Serb people at the end of the 20<sup>th</sup> century." Ćosić concluded that Yugoslavia lasted while the big powers were interested in its existence. That is, according to Ćosić, to effect disintegration of the common state, Yugoslavia, the big powers used Yugoslav separatisms as an excuse, or a pretext, and the Serb regime provided them with the ideological reason for the re-composing of the Balkans and for the incursion of the US imperialism into the Euro-Asian territories, which was moreover facilitated by the outcome of the Cold War, that is, the collapse of the Soviet Union.<sup>602</sup>

Renewal of discussion about Yugoslavia as "a historic failure" of the Serb people, from which Croatia profited, was favoured by the fact that in the early December 2008 was the 90<sup>th</sup> anniversary of formation of the Kingdom of Serbs, Croats and Slovenians. That date coincided with the publishing of the book "Unwilling Warriors" penned by historian D. Zivojinovic. In a lengthy interview to weekly *Standard*, 5 December 2008 issue, academic Živojinović resorted to the interpretation floated by part of the influential intellectual elite in Belgrade, namely that "the said state was not in the interest of the Serb people, it in fact damaged the Serb people... that idea and that policy were totally unfounded. For the Serb people and the Serb army were against such a line of policy. They were interested in their people, and not in Croats and Slovenians." On the same occasion, Živojinović maintained that King Aleksandar "worked for the benefit of Croats", whose age-old wish was to have a state of their own. Academician Zivojinovic concluded: "... and finally it became clear that all those who maintained that the common Yugoslav state would be a better solution, were in fact-wrong. Catastrophic consequences of existence of that state affected mostly Serbia, in the WW1, between the two wars, in the WW2,

602 From Ćosić's speech at the promotion of the book "Unwilling warriors" by academician Dragoljub Živojinović, *Večernje novosti*, 26 November 2008.

and recently, in the 90's wars. The foregoing attests to an accumulation of errors and subsequent accumulation of "bills" for the initial error.<sup>603</sup>

Jubilee of the former state was also dealt with by *Politika* (30 November 2008 issue). Authors of the then published texts all shared the same blueprint of interpretation of creation and disintegration of Yugoslavia. For example, a publicist Aleksa Đilas (in his article "Comintern and the Kingdom of Serbs, Croats and Slovenians"), maintained that Comintern considered the new state the heir of Austro-Hungarian Empire, that is, the new "prison of peoples", and a kind of the Serb "mini empire". That is why Comintern naturally looked for allies among the nations feeling exploited and suppressed, and supported attainment of their national rights, including the right to secession and creation of independent states. According to Đilas, because of its massive basis and revolutionary-separatist potential, the Croat nationalism, in that context, was a very important ally.

After recognizing the fact that within the framework of the new state Serbia rallied the largest number of Serbs and achieved a territorial expansion, (Vojvodina), Svetlana Vasović Mekina (in her article "From the State of Slovenians, Croats and Serbs to unification"), then made the following point: "During the creation of that state, Serbia failed to complete a painful demarcation with the "brotherly peoples" in the North and West." The journalist in other words implied that the expansion was more modest than the one Serbia would have achieved had it remained an independent state. She concluded: "On the other hand, Slovenians and Croats who fought on the side of the defeated empire, got a chance to enter the new state on the victor's shield." All in all, those "indefinite internal borders" became a source of new conflicts until the SFRY's disintegration, when Serbia was left "without a safe access to the Adriatic Sea."

Historian Mira Radojević (in her text "The time when our borders became too tight") gave a relatively objective assessment of historic importance of Yugoslavia, but at the end also succumbed to the widely-accepted thesis that "Croats are still in the grip of the national extasis", while Serbs "are yet to muster up courage to effect a spiritual and political recovery, in the face of painful defeats from recent past." According to Radojević the

603 *Standard*, 5 December 2008.

aforementioned prevents normalization of the Serb-Croat relations, notably as regards “national leveling and integration.”

## Charges are most welcome

Though the ICIJ’s decision to initiate proceedings relating to Croatia’s charges deeply shocked Serbia (the Serb side has been denying the competence of the International Court of Justice in such matters, since 1999, when Serbia, that is the Federal Republic of Yugoslavia was not the UN member), one is under the impression that the shock was quickly replaced by enthusiasm with a totally different hallmark. In fact the judicial proceedings in the Hague and especially Serbia’s counter – charges are increasingly seen as an ideal opportunity to present before the highest international court evidence both relating to the recent operations “Flash” and “Storm” (1995) and to “the origins of crime”, whose perpetrators were Croats “engaged in genocide against Serbs in the 19th century. WW1, WW2, and the 1991-1995 war.”<sup>604</sup>

Historian Dr. Nikola Žutić underscored the following: “Genocide against Serbs in Croatia lasted throughout the 20th century, and that hatred instigated by Vatican, came to the fore in 1895, in Zagreb, when Serbs hoisted their red flag in honour of the visit by Tzar Franz Joseph”. He added: “We are thankful to Croatia on its unfounded charges before the International Court of Justice, because by acting so, it enabled the full emergence in the European scene of the truth about the Serb suffering and massive casualties throughout the 20th century. Therefore, Danke Croatia.”<sup>605</sup>

Branislav Ristivojevic, professor of international law of the Novi Sad Law Faculty, said the following: “I maintain with all certainty that Croats prayed to God that the Hague Court would declare its incompetence in the said case, for they don’t have any evidence against Serbia...Hence, I think that Serbia should let the said proceedings run its course, in order to see the court prove how unfounded the Croat charges are, how Serbia is inno-

<sup>604</sup> Press, 19 November 2008.

<sup>605</sup> Politika, 25 November 2008.

cent...then Serbia, as a slandered state could demand some compensation from Croatia. Do believe me, Croatia was less satisfied with the court's acknowledgement of its competence in the said case, for Croatia now does not know what to do now.”<sup>12</sup>

After remarking that in Serbia “whole teams of Serb-haters for days on end talk in the newspapers solely about our guilt”, the most influential authority for the Serb-Croat relations, member of the Serb Aacademy of Arts and Sciences, Vasilije Krestić, also regretted the following: “We should have been the first ones to file charges against the state which in our territory committed the most atrocious genocide and the most massive ethnic-cleansing. Instead of that, we are the ones who now face the charges by those who shall never be able to wash their hands of blood innocent Serb victims.”<sup>13</sup>

A veritable avalanche of similarly intoned texts and commentaries penned by renowned intellectuals and legal experts resonated among the media consumers. Debate on the Serb-Croat relations was echoed in columns of dailies and weeklies dedicated to readers' letters. The gist of that debate was best summed up by the stance of one reader, in his letter ran by Belgrade weekly *NIN* on the 4th of Decemer 2008: “By filing genocide cahrges, Croatia provided Serbia with an opportunity, after an era of heavy silence, to finally tackle in an outspoken way the crimes against the Serb people. When that silence stopped, the issue of one of the most massive crimes of the 20th century was finally raised. One should expect more respect for the legal criteria and moral values and disapperance of hypocrisy, cinicism and manipulation versus the tally of Serb victims. Long-running Serb silence on that matter clearly hurt very much Serbia's reputation. ..”

## Is there another option?

Worsening of relations between Serbia and Croatia, which escalated in the late 2008, was a clear indicator of the lack of capacity and potential of the incumbent, pro-European authorities, formed after the May 2008 elections, to establish on a different basis, confidence-filled relations with the

neighbouring countries, that is with Bosnia and Herzegovina, Macedonia, and Montenegro. As regards Croatia, any worsening of Belgrade-Zagreb relations affects both the regional stability and the Serb minority in Croatia. To only few rational appeals by the NGO sector (Helsinki Committee), should be added the initiative launched by Milorad Pupovac, President of the Serb National Council in Croatia, who during the peak of the verbal war between the officials, suggested the formation of the *Serb-Croat Reconciliation Council*. According to Pupovac the Council would serve as a basis for a more rational tack, would be guided by the facts, and unrestrained by political limitations. The aforementioned would help it tackle in the right way the 90's developments. Pupovac also proposed that the Council be composed of prominent figures and dignitaries from both countries, MPs from both parliaments, and from both Churches, the Roman Catholic one and the Serb Orthodox one.<sup>606</sup>

That initiative first received much coverage, and then was hushed up. Added to that there was indeed a very scant exposure of the statement of the Croat Prime Minister Ivo Sanader that he was willing to come to Belgrade to help jump-start the ironing-out of misunderstandings between Croatia and Serbia.

Though the initiative was declaratively backed, it is not feasible, for it is devoid of sufficient political support both in Serbia<sup>606</sup>, and in Croatia.<sup>607</sup> Instead of rendering a serious support to the council-formation, Serbia got across another kind of message to Croatia. That is, in December 2008, the Croat Ambassador Tonchi Stanchic, after the expiry of his regular tenure, left Serbia. Despite his constructive role in the past several years, several high officials of Serbia refused to receive him in his farewell vis-

<sup>606</sup> Democratic Party publicly backed that initiative. Other parties of the ruling coalition did not espouse their stand on that proposal. Opposition parties, that is, New Serbia, Democratic Party of Serbia, and the Serb Radical Party, rejected outright that initiative as the fake one.

<sup>607</sup> Vladimir Šeks, Vice President of the Croatian Parliament, made the following comment: "it is an interesting, but not very feasible idea, because of the ongoing cooling of relations between the two countries.", *Jutarnji list*, 25 November 2008.

it. Noteworthy, but totally incomprehensible was also the refusal of Belgrade's Mayor Dragan Đilas to see the outgoing Ambassador of Croatia.

Though there are some signs of political efforts to ease the tensions between the two countries, they are mostly reduced to the appeal that interpretations of the 90's wars—the gist of the dispute—"be left to history and historians." This is how the foregoing was seen by President of the Political Council of Democratic Party, D. Mićunović: "Problem of every nation is its tendency to lessen the mistakes made by its representatives and relativize them, with justification that it was also done by the others, hence in those terms, we are all—equal."<sup>608</sup> Serb political elite by its current stance that "the 90's wars should be handled solely by historians" manifests its lack of readiness to assume its responsibility and also to accept the new reality.

## Serbs in Croatia

One of the key elements of Serb-Croat relations is the status of the Serb community in Croatia. Thirteen years on after the end of armed conflicts, Serbs are finally staging their comeback to the political life in Croatia.

After December 2007 parliamentary elections in Croatia, and after finalization of negotiations on the formation of the new government, once again headed by Ivo Sanader, the Serb community in Croatia got the Vice Prime Minister position in the newly-formed government. Dr. Slobodan Uzelac from the Independent Serb Democratic Party, was elected to that position. Thus the ISDP became part of the parliamentary majority, and Uzelac, a long-standing politician,<sup>609</sup> was entrusted with the realm of regional development, recovery and repatriation. By that appointment the reality of life in Croatia was acknowledged. While such a course of developments for the majority of the Croat elite members represented a logical consequence of normalization of relations, the fact that Serbs became part of the Croat executive was either hushed up or directly condoned in Ser-

<sup>608</sup> Slobodan Uzelac, a psychologist shall be only remembered as the last president of the City Committee of the League of Communists of Croatia.

<sup>609</sup> "Serbs retain what is theirs", *Večernje novosti*. 20 February 2008.

bia. President of Croatia thus commented appointment of Uzelac: "Serbs deserve positions in the Croat authorities, be they executive, legislative or judicial. Serbs have contributed to the development of the Croat culture and science and even of the Croat political thinking. In fact it is a pity that the previous government have failed to invite the Serb representatives to make part of the authorities.<sup>610</sup>"

Despite the aforementioned facts illustrating anemic relations between the two countries at the highest levels, in 2008 there was a turnaround in the fields of culture/arts and economy. As regards economy, the third visit of Prime Minister of Croatia, Ivo Sanader to Belgrade, testified to the fact that the global financial and economic crisis and even a social one had reached Serbia and Croatia. Hence the need for a closer economic co-operation between the two countries.

The year 2008 was also the year of the return of Serb tourists to Croatia, the first such return after the 90's developments. According to the official figures, about 27,000 Serb tourists visited Croatia. Of that number 10,000 tourists visited Dalmatia, and the rest, 17,000 visited Istria. According to some estimates by the Business Association of Tourist Agencies, an even larger number of tourists from Serbia shall be holidaying in Croatia in 2009. In 2008 there was a 14% increase in the number of Serb tourists visiting Croatia, which is indeed a large share in the total number of tourists registered in that country.

After the war Croatia and Serbia developed most co-operation in the arts scene. Theatres from both countries gave guest performances in Belgrade, that is, Zagreb. Events which marked the year 2008 indicated the continuation of that trend. In other words co-operation between the two countries was reduced to the realms of economy and culture. Last year saw the making of the two Serb-Croat film co-productions, Vinko Bresan's "It

610 Alen Little, journalist, maintains the following: „The key to the crisis in Bosnia, after the international community's failure to reconstruct Bosnia and Herzegovina is implementation of demanded reforms in devastated economy and in currently blocked democratic processes." He added that the general stalemate in both economic and social realms is due to "a division between the two largely independent entities", *Radio slobodna Evropa*, 23 October 2008

is not the end” and Goran Marković’s “The Tour.” In both films which deal with the 90’s wars star both Serb and Croat actors. In November 2008 Belgrade saw performances by the Zagreb-based theatres “Gavela” and “Kerempuh.” Added to that it has been recently announced that actors of the Zagreb Theatre of the Young shall soon perform on the stage of the Yugoslav Dramatic Theatre in Belgrade.

## **Conclusions and recommendations**

To all appearances, political elites in both countries are gradually realizing that the European future of both Croatia and Serbia hinges also on a good regional co-operation. In those terms both Serbia and Croatia have a large responsibility especially because of their important role in developments in Bosnia and Herzegovina. It is obvious that after the years of war and chaos, Croatia and Serbia naturally have to turn to each other and that their co-operation, especially in the realm of culture and economy shall continue to expand.

# Bosnia and Herzegovina: Constant Pretensions

Over the past 18 months Bosnia and Herzegovina faced its most difficult and insecure period since the signing of the Dayton Accord, and many analysts<sup>611</sup> assessed that it was teetering on the brink of collapse. Non-functionality of Bosnia and Herzegovina as a state, after independence of Kosovo, is again in the focus of the US and the EU. Professor Ivo Banac cautioned that Bosnia and Herzegovina is slowly, but steadily sliding into new divisions and conflicts, for “when there are no political and diplomatic solutions, then on the table are only –the violent ones.”<sup>612</sup>

Independence of Kosovo marked the end of the second Yugoslavia, while Bosnia is the last point to be stabilized, in order to finally wrap up the Balkans issues as a whole. The former presupposes the revision of the Dayton Accord, and accordingly, a different, internal arrangement of Bosnia and Herzegovina. Since the installation of the new US Administration, Bosnia was anew prioritized as the foreign affairs issue, without topping the priority list. In early 2009 numerous experts in their reports started indicating unsustainability of situation in Bosnia and possibility of the conflict resumption.

The US House of Representatives thus passed a resolution “on the line of thinking in the Congress”; the leading US newspapers ran a series of Bosnia-related articles and commentaries; Bosniak diaspora stepped up its activities in the US Congress and State Department, and a few Bosniak statesmen visited the US. All that preceded the installing of the new US administration. During the 2nd of April Congressional hearing it was underscored that Milorad Dodik „exploited the fact that the international community neglected Bosnia and also the shortcomings of the Dayton Accord to make Republika Srpska more independent.” Then the attention

<sup>611</sup> *Dnevni avaz*, 1 February 2009.

<sup>612</sup> [http://www.rferl.org/content/Helsinki\\_Commission\\_Urged\\_To\\_Renew\\_US\\_Engagement\\_In\\_Western\\_Balkans/1602962.html](http://www.rferl.org/content/Helsinki_Commission_Urged_To_Renew_US_Engagement_In_Western_Balkans/1602962.html).

was also drawn to the fact that „Dodik exploited the European fear of the Muslim terrorism to avoid tackling any constitutional reform of Bosnia and Herzegovina.” What was also underscored was the need for a new US initiative aimed at stabilization of the whole region, notably of Bosnia, Kosovo and Serbia. In that process, Bosnia was prioritized. Thus the US Administration should wind up the Dayton Process, by jump-starting the new plan of re-integration of Bosnia and Herzegovina, but this time around, not along the ethnic lines. It was underscored that ethnically-based territorialization acts against the unity of complex societies.<sup>613</sup>

Thus Daniel Server, Director of the Balkans Program of the US Institute for Peace, told “Dnevni avaz”: „If amendments to the BH Constitution are not seriously jump-started, the international community must take into consideration the holding of a new Dayton conference, whose only topic should be that issue, and not divisions, secession and similar nonsense.”<sup>614</sup> In a joint article, Morton Abramovic and Daniel Server, propose the renewed EU brokering and the US initiative-taking in the process of the BH constitutional reforms. This is what they underscored: “For starters, the EU and the US should openly say that the current constitutional situation in Bosnia and Herzegovina is not acceptable, and therefore, needs to be changed. If the latter produces no results, then a new Dauton conference, should be called, to include all the original participants, that is, Croatia, Serbia, Bosnia and Herzegovina with its two entities, the EU, Great Britain, France, Germany and Russia. After consultations with all the participants, the US and the EU should draw up a new draft constitutions in compliance with the European standards.”<sup>615</sup>

<sup>613</sup> *Dnevni avaz*, 13 March 2009

<sup>614</sup> *Wall Street Journal Europe*, 7 January 2009

<sup>615</sup> Radio Television Sarajevo, 16 February 2009

## Milorad Dodik's Conduct

Because of the radical rhetoric of Milorad Dodik, Prime Minister of Republika Srpska, the international community re-focused anew on the state of affairs in Bosnia and Herzegovina. Dodik in fact finally openly showed his genuine intentions, namely to, separate Republika Srpska from the state order of Bosnia and Herzegovina. Moreover he insisted on Republika Srpska's right to self-determination, referendum and secession. Behind Dodik's militancy is clearly Belgrade's long-term strategy. Dodik was backed by politcains, media and academic elite. Such an across-the-board support encouraged Dodik to arrogantly stake claims in all his public speeches. With respect to the re-emerging topic of the Dayton Accord revision, Dodik is of the opinion that Bosnia and Herzegovina is only sustainable as an union of states, composed of the federal states with the state subjectivity/legitimacy, of confederal status. According to Dodik, in that way, "the framework, desired by foreigners would be preserved, and in parallel Republika Srpska.<sup>616</sup> would be preserved...while it would be proved that Republika Srpska is a lasting and self-sustainable creation."<sup>617</sup> Dodik then implied that „if Republika Srpska embarks upon the independence road, official Croatia shall send its troops to intervene, and stage a quick, aggressive action against Banjaluka and send re-armaments to the Bosnian Muslims.”<sup>618</sup>

In commenting the European Parliament Resolution on Srebrenica, calling on the EU member-states and the West Balkans states to mark the 11th of July as the Remembrance Day of Srebrenica genocide, Dodik underscored “that the European Parliament has a prerogative to think as it

616 *Kurir*, 19 February 2009

617 <http://www.sarajevo-x.com/clanak/090116081>

618 According to the Bosnian Foreign Trade Ministry, Serbia has to date invested over 782 million Euro in Bosnia and Herzegovina. Serbia's capital has a 23.8% share in the total capital invested in Bosnia and Herzegovina. All large Serb companies, probably on orders or pressure of the government, continue to open their economic and trade representative offices and plants in Republika Srpska. “Hemofarm” has made one of the largest and most important investments.

thinks...but a bitter taste remains that only one event is emphasized." He added: "the said decision was the end of a frantic race to cleanse the consciences of some European MPs."<sup>619</sup>

Dodik's position was strengthened by the economic linkage between Serbia and Republika Srpska<sup>620</sup>. In fact one of the largest investors in BH economy is Serbia. But it bears saying that Serbia has channelled the bulk of its investment capital to Republika Srpska. Purchase of Republika Srpska telecommunication system by Telekom Serbia was both an act of anti-market business-making, but also a move aimed at spreading Serbia's sphere of influence to Republika Srpska. For years now Belgrade has been strategically integrating Republika Srpska both in economic and cultural terms into Serbia. The last in a series of such moves is the announced formation of the joint electric power supply company by electricity boards of Serbia and Republika Srpska. The priority of such a company would be the building of a river Drina hydro-power plant, in which Serbia should invest about 200 million Euro. However, the current economic crisis has temporarily stalled any such project. It also bears mentioning that Russia, through Serbia, entered the Republika Srpska market, and that it jointly with Serbia controls that territory as a leverage in a possible confrontation with the EU.

For the first time after the war, some analysts and foreign media<sup>621</sup>, have discreetly intimated the possibility of the new re-arming of ethnic groups in Bosnia and Herzegovina. An additional research indicated that

619 "A tearing sound", *The Economist*, 4 April 2009

620 <http://www.voanews.com/Serbian/archive/2008-06/2008-06-16-voa9.cfm?moddate=2008-06-16>.

621 Reform of the police morphed into a farce, for in the wake of completion thereof, Bosnia and Herzegovina would probably have the most complicated security structure in Europe. The said reform envisages, in addition to the existing three security institutions on the state level, putting in place another four parallel security structures with special prerogatives, command mechanisms, and budgets. What is most striking is the fact that the said police reform has not called into question in any segment the Republika Srpska police structure, which, in turn, distances Bosnia and Herzegovina even more from the state with joint instruments of power.

the latter implies arming of various private security agencies, hunting societies, and similar activites.

In the course of 2008, Bosnia and Herzegovina saw three developments of historic importance for the country. The first one was the July arrest of Radovan Karadžić in Belgrade. Despite the fact that the arrest took place in the territory of Serbia, it still has a momentous bearing on Bosnia and Herzegovina, because Karadžić faces the ICTY charges for war crimes and genocide in Srebrenica and in other 11 Bosnian municipalities. Added to that in the Hague is being tried General Momčilo Perišić, for, according to the indictment, setting up in his position of Chief of Staff of the Yugoslav Army, so-called personnel centre, empowered with rendering logistical and financial aid to the Republika Srpska Army and “replenishing” their commands with high-ranking officers. Thus, according to the indictment, General Perišić from mid-1993 to late – 1995 contributed to the commission of crimes during the siege of Sarajevo, shelling of Zagreb and fall of Srebrenica. Both trials (of Karadžić and Perišić) shall play an important role in shedding light on the role of Belgrade in engineering and carrying out genocide in Bosnia.

The second important development was signing of the Stabilization and Association Agreement between the EU and Bosnia and Herzegovina. The said agreement was signed on the 16th of June 2008 in Luxembourg, in parallel with the Interim Trade Agreement, by which, as quoted in the conclusions of heads of states and governments of the European Union, – “Bosnia and Herzegovina made an important step on its road to the EU”<sup>622</sup>. Signing of the former became possible after completion of reforms of some segments of the joint state: namely “the reform”<sup>623</sup> of the police, public administration, and public Radio and Television Service.

622 Since the Dayton Accord signing, Bosnia and Herzegovina had a total of six international high representatives overseeing its reconstruction: Karl Bilt, Karlos Westendorf, Wolfgang Petrich, Paddy Ashdown, Christian Schwarz Schilling and Miroslav Lajček.

623 In the period of proclamation of independence, politicians in the BH federation endeavoured to maintain the stability in the country, that is, to prevent the crisis spill-over into BH. Thus Haris Silajdžić stated: “It is obvious that the whole region

The third development was the end of the tenure of Miroslav Laiček as Head of Office of High Representative in Bosnia and Herzegovina.<sup>624</sup>. Laiček failed to impose some solutions and to make use of the Bonn prerogatives in which he was vested. The new high representative, Valentin Incko, was elected, thanks to the full backing of the US, whose condition was a full use of the Bonn prerogatives, including imposition of some solutions, if local prime movers fail to reach pertinent agreements. Incko is the last high representative, for that office shall be replaced by a new institution, with weaker prerogatives, namely the Office of the EU Representative.

## **Serbia and Bosnia and Herzegovina**

Bosnia is a hostage to Belgrade's policy, for by dint of Republika Srpska the latter still obstructs full integration of Bosnia as a functional, common state. Although Bosnia<sup>625</sup>, unlike other neighboring states, did not recognize independent Kosovo, relations between Sarajevo and Belgrade continue to be tense. Proclamation of independence of Kosovo has radicalized Milorad Dodik's conduct and raised the issue of Republika Srpska status. Namely Dodik came up with a request that Republika Srpska be allowed to hold a self-determination referendum. That in turn implied that elites in Serbia and in Republika Srpska would step up their campaign for the self-determination referendum in Republika Srpska. February 2008 Resolution of Republika Srpska Parliament, which for the first time explicitly heralded the possibility of such a referendum,<sup>626</sup> indicated the beginning

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is entering a sensitive period and that are political groups and individuals ready to spread the tense mood to Bosnia and Herzegovina." More details in: [http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=02&dd=15&nav\\_id=285020](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=02&dd=15&nav_id=285020).

624 "Independence of Kosovo additionally strengthens Republika Srpska", *Danas*, 21 February 2008, "Mention of referendum becomes cause of concern", *Danas*, 25 February 2008

625 "Mention of referendum becomes cause of concern"; *Danas*, 25 February 2008.

626 In recent years Serbia and Republika Srpska have signed several agreements which additionally strengthen the Agreement on Special Ties. In play are agreements/protocols on commodity reserves, and

of a new serious crisis in Bosnia and Herzegovina, and in the region too. Responses of the international community and other BH politicians to such a stance of Republika Srpska politicians were very negative. Dodik was brutally told that self-determination of Republika Srpska was a non-negotiable option.<sup>627</sup>

Legacy of war and interpretation thereof, continue to burden the relations between the two important neighbors. In fact the official Belgrade and Sarajevo maintain only formal contacts. On the other hand, relations between Serbia and Republika Srpska are on quite a different track, and resemble more relations between the two sovereign states, thanks to the Agreement on Special Relations (and its numerous modifications, through a set of special contracts<sup>628</sup> between the two countries/entities).

Attempt to change the intra-Bosnian arrangement, in the shape of *Prudski Agreement*, between the leading political parties (headed by Milorad Dodik, Sulejman Tihić and Dragan Čović) was not fully approved by the Bosnian public opinion. In fact the true contents of Prudski Agreement have never been disclosed. However, the statements of the three leaders indicated that in play was the creation of the third entity with its seat in Mostar, and division of the state property to be controlled by entities. The foregoing essentially provoked the most negative responses and commentaries. Continuation of so-called Prudski process was called into question after Prime Minister of Republika Srpska, Milorad Dodik refused to attend the meeting with the heads of Party of Democratic Action and the Croat Democratic Community in Mostar. It is still an imponderable whether the said agreements would be just another in the series of failed agreements of leaders of BH and RS parliamentary parties. In parallel that

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agreement on understanding in electric power supply system.

627 <http://www.slobodnaevropa.org/content/dodik/1565408.html>.

628 Negotiations relating to census-taking have entered its 10<sup>th</sup> year. Agreement is not possible for Republika Srpska insists that in the census respondents declare their ethnicity and religion. Results of such a census would be of paramount importance, for at this moment of time the state functions along the ethnic lines, in keeping with the 1991 census, the results of which, due to the war consequences, can no longer be considered reliable.

process was backed by the international community. High representative Valentin Inzko thus stated: „*I also back all moves made voluntarily by the three peoples, notably the Prudski process. It would be good if other parties joined in that process. It is not a condition for closing down the Office of High Representative, or transformation thereof, however, it would be a sign of maturity.*“<sup>629</sup>

In its Resolution on Bosnia and Herzegovina the European Parliament demanded the creation of a fully-functional state and institutions in order to accelerate its process of integration into the European Union. It is obvious that the failure of the aforementioned negotiations impacted the re-internationalization of the Bosnian issue.

629 Bosnia and Herzegovina has several levels of political structures, below the state level.

The most important division is the one of the state organization into entities Republika Srpska (RS) and Federation of Bosnia and Herzegovina (FBandH)). Federation of Bosnia and Herzegovine covers 51 % of BH territory, while Republika Srpska covers 49% thereof. Entities were established under the 1995 Dayton Accord, as a result of compromise of representatives of the three constituent peoples. Wartime devastation (1992–1995) led to major changes in the ethnic structure of the country, especially because of ethnic-cleansing of local population (in Republika Srpska of the Bosniak and Croat population, and in the BH Federation of the Serb population). Since 1996 prerogatives of the both entities governments with respect to the state level prerogatives have been considerably reduced. The third level of division in the BH Fderation are cantons. BH Federation is composed of 10 cantons, all of which have their own cantonal government under control of the Federation's law. Some cantons are ethnically mixed ones, and have special systems for the sake of preservation of the rights of all peoples. The last level of political division of Bosnia and Herzegovina are municipalities. The country is composed of 141 municipalities of which 79 are in the BH Federation and 62 in Republika Srpska, while the city of Brčko is a distinct administrative unit, a district. Municipalities also have their governments and services, are were generally formed around the most important cities or localities in the area. Each canton consists of several municipalities. Municipalities are divided into local communities. In addition to entities, cantons and municipalities, Bosnia and Herzegovina also has its own, so-called, official cities: Banja Luka, Mostar, Sarajevo, and Eastern Sarajevo. City of Banja Luka and city of Mostar are located in the namesake municipalities, while Sarajevo and Sarajevo of Republika Srpska (Eastern Sarajevo) are composed of several municipalities. Cities also have their governments, whose power lies somewhere between the power of municipal and cantonal governments (or the entity government in Republika Srpska).

## Local elections in Bosnia and Herzegovina

At the October 2008 local elections in Bosnia and Herzegovina, nationalistic rhetoric dominated anew, due to the incomplete process of creation of the Bosnian state, and resistance of Republika Srpska and Belgrade to factually recognize Bosnia as a single state. Serbs in Bosnia are in the position to unimpededly build a parallel state. According to Richard Holbrooke and Paddy Ashdown, Dodik's strategy, in the long-term is very clear: „lead the Serb entity-Republika Srpska-up to the position to effect secession as soon as such a possibility crops up.”<sup>72</sup> In their joint text, Ashdown and Holbrooke underscored that the EU made a serious mistake by failing to timely back its representative in Bosnia and Herzegovina, and by reducing the prerogatives of its representative in the key moments.” They also underscored that the international community had to urgently interfere into problems in Bosnia and Herzegovina if it did not want to “face the repeat of the Bosnian crisis.” They also pointed out that Milorad Dodik, onetime favourite of the international community, simply adopted the plan and program of SDP in Republika Srpska, which in his case was easy, for he was not burdened by the legacy of the 90’s. “

An agreement on the most important issues having a bearing on the future of the state, from economy, privatization, the key laws, census-taking, is still possible. Republika Srpska is organized as a very centralized entity, while the federation, encompassing only Bosniaks and Croats, is highly decentralized and cantonized, which, in turn, blocks the functioning of the whole system. By the way the entire system is burdened by a vast bureaucratic apparatus. When one tallies all officials at all levels of power, one may conclude that Bosnia and Herzegovina has the most numerous class of professional bureaucrats and politicians in Europe.

Process of transformation of the Office of High Representative is evolving too early and too hastily. Republika Srpska high officials consider that such a speed of transformation is all grist to the mill of Republika Srpska, for it will bring about less interventions of the special representative of the Office of European Union into the political life of Bosnia and Herzegovina. Such a shift in the policy is most welcomed by Prime Minister Milorad

Dodik, who thinks that such a development shall empower the entities to take over full power in in their hands<sup>630</sup>.

## **Republika Srpska, between genocide, organized crime and self-determination**

In the year 2008 information about the rise of organized crime activities in Republika Srpska proliferated. After so many years of stigmatizing Republika Srpska with the war crimes and genocide in Srebrenica, now the focus of the media and public opinion shifted on Republika Srpska as the centre of organized crime in the territory of former Yugoslavia. Many print media and analysts linked the name of Prime Minister of Republika Srpska to the most grave economic crimes. In fact he was accused<sup>631</sup> of being embroiled in the shady road-building in Srebrenica, purchase of a villa in Belgrade, and various disputable privatizations.<sup>632</sup> However, one of the most serious accusations was uttered by the US diplomat, deputy head of the Office of High Representative, Rafi Gregorian<sup>633</sup>. Namely he accused

630 More details in: „Support for the new EU strategy towards Bosnia and Herzegovina”, *Politika*, 12 November 2008.

631 Agency for Protection and Investigation filed charges against Prime Minister of Republika Srpska, Milorad Dodik and several other persons, for “having appropriated from the Republika Srpska and Bosnian budget about 145 million Convertible Marks-CM – in February 2009. The same source quoted that the said Agency after conducting an investigation into certain building projects in Republika Srpska, found out that the RS government and some entity institutions committed unlawful actions in implementation of those projects. Indictment filed with the Bosnian Prosecution furthermore reads “several criminal offences of organized crime, money-laundering, and misuse of officials position and prerogatives have been committed...the foregoing incurred to the BH budget the damage totalling 145 million CM.” Several months ago, the Agency for Protection and Investigation, on orders of the BH court, asked the Republika Srpska government to forward to it all documentation relating to the building of the new government building, Banjaluka-Gradiška highway and other building projects..

632 „Dodik’s Shady deals”, *Pečat*, 5 September 2008

633 Prime Minister of Republika Srpska filed “the criminal association against Republika Srpska” charges against R. Gregorian.

Dodik of being surrounded by notorious criminals and organizers of the network engaged in hiding the Hague war crimes indictee, Ratko Mladić. Rafi Gregorian also imputed that “those from Dodic’s close circles are men close to the 410th Intelligence Centre of Republika Srpska, which in 2003 was overhauled due to charges of illegal tapping<sup>634</sup>”. Despite all the aforementioned accusations and suspicions, Milorad Dodik, Prime Minister of Republika Srpska, marked the year 2008 by one of the most serious chauvinistic statements heard in Bosnia in the past 10 years. Namely in December 2008 he stated that for Republika Srpska it was unacceptable to be tried by the Muslim judges. The aforementioned statement was tantamount to one of the most primitive attacks on the whole ethnic community in Bosnia and Herzegovina.<sup>635</sup>

The unbefitting treatment of recent past and failure of local and international prime movers to invest more efforts in the building of the Bosnian identity, have resulted in Bosnia having de facto a three loosely connected entities, without a genuine connecting tissue in the economic and cultural realm.

## Conclusions and recommendation

After a 13-year –long effort, due to a weak constitutional structure of the state, fatigue and saturation of the international community in Bosnia and Herzegovina, and lack of ability of the EU to insist on implementation of the conditions set by the EU proper, in the last two years in Bosnia and Herzegovina have been annulled all the efforts invested in and results of creation of a functional state. The international community let Dodik continue the process of weakening of the common state, which additionally distanced Bosnia and Herzegovina from the European prospects. The only correct mid-term strategy for Bosnia and Herzegovina is the change in the Bonn prerogatives in the long-term, but also redefinition of the Republika Srpska’s position in the BH federation. In the long-term it shall be

634 „Gregorian Accuses Dodik”, *Dnevni avaz*, 25 November 2008

635 More details in: „New Outburst of Milorad Dodik”, [www.b92.net/info/vesti/index.php](http://www.b92.net/info/vesti/index.php).

necessary to seriously redefine or revise the Dayton Accord, which has become a stumbling block on the road to the process of rounding the common state.

Resolution of Bosnian problems hinges also on a more constructive role of Serbia. The influence which Serbia exerts on the politicians in Bosnia may prove to be of a crucial importance on the future developments. Furthermore, if Serbia wants to accelerate its accession to Europe, its future stance on Bosnia shall be of a great importance.

# Kosovo – an emerging state

Government of Vojislav Koštunica did not expect such a quick recognition of independence of Kosovo. The Serb negotiating team in the Vienna talks on the Kosovo status was not proactive, that it, is did not come up with serious proposals because it pinned its hopes on maintainance of the status quo. Failure of that strategy produced calling of snap elections. Namely Vojislav Koštunica assessed that the loss of Kosovo could mobilize emotions of citizens of Serbia and thus, together with the Serb Radical Party win the elections. However, majority of citizens of Serbia voted for the coalition rallied around Democratic Party, that is, for *For European Serbia* coalition. Kosovo was an important topic for Koštunica, for it helped him articulate pretensions towards Republika Srpska. It is indicative that citizens anew demonstrated greater understanding for the political reality than the politicians and the highest ranking state officials.

Proclamation of independence of Kosovo, came at the time of a deep internal crisis in Serbia. The ruling coalition was already divided over some key issues, notably, the Stabilization and Association Agreement with the EU –which Koštunica had refused to sign in late 2007-and tack on Kosovo. Then it became clear that the second government of Vojislav Koštunica would not survive its whole tenure. Then also emerged the idea of the legal way out of the existing situation, by dint of resorting to the International Court of Justice in the Hague.<sup>636</sup> At the end President of Serbia, Boris Tadić, opted for such a “struggle” for Kosovo, which many

<sup>636</sup> That idea was for the first time publicly flouted by Thomas Fleiner, legal adviser of the Serb state team in negotiations on the future status of Kosovo and Metohija. He also espoused his conviction that “unilateral proclamation and recognition of independence of Kosovo is a legal violence against the US Security Resolution 1244” and that, “in my mind it would be best if Belgrade filed charges with the Hague Court of Justice.” According to Fleiner, “Serbia had three possibilities in case of recognition of independence of Kosovo by some states, firstly to file charges with the Hague Court of Justice, secondly to initiate an arbitrating process and thirdly to embark anew upon negotiations.” Fleiner added: “I know experts who maintain that Serbia would win that process, experts who claim that Serbia would lose it, but I personally believe that Serbia has 80% of chances to succeed.”

interpreted as a Democratic Party exit strategy from Kosovo. On the other hand, the popular camp had a totally different tack on Kosovo. Thus Andreja Mladenović, Democratic Party of Serbia spokesman emphasized that in case of proclamation of independence of Kosovo, "Serbia would react to such a land grab like any other state in a similar situation."<sup>637</sup> He added that "We are vested in that right under the UN Charter and the UN Security Council Resolution 1244, and we shall most certainly respond in compliance with both, like any other internationally recognized state in full respect of its integrity and sovereignty."<sup>638</sup> He also got across the following message: "Institutions of Serbia shall respond in keeping with the Action Plan." In that period leader of Democratic Party of Serbia made many bombastic and mindless statements ("Kosovo is part of the DNA of the Serb people", "Kosovo is Soul of Serbia"). In those terms noteworthy was his statement on the eve of proclamation of independence: "All the world should know that the false state of Kosovo shall never be acknowledged by Serbia, and that Kosovo and Metohija shall always been part of Serbia. Kosovo is priceless, and Serbia shall not accept any offer for compensation"<sup>639</sup>.

Both in the pre-independence and post-independence period, Koštunica's closest circle seriously pondered the idea of a functional division of Kosovo. That idea was elaborated in detail in the Action Plan of the Serb government. That Action Plan was for a long time considered the best kept secret in Serbia. The then Minister for Kosovo and Metohija, in a response to accusations of keeping strictly confidential the division-related document, stated: "We cannot pursue the operational state policy on Kosovo and Metohija, on the agreement considered an initiative, at a square full of people, nor we can ask constantly all the government members whether they are in agreement with our every step."<sup>640</sup> Samardžić added: "Government shall gradually get to know that Action Plan, but as it *pans*

637 "Kosovo: Preparations for independence ", *B92*, 11 February 2008.

638 *Ibid.*

639 "Serbia shall not recognize Kosovo's independence ", *B92*, 9 February 2008.

640 "Favoring one-man play", *Gazeta*, 25 March 2008.

*out.*<sup>641</sup> Samardžić also underscored: “Repeated, public raising of the issue of agreement gives the impression of someone trying to undermine it, to belittle and trivialize the importance of such an agreement.”<sup>642</sup>

The rub was the fact that the government of Serbia and Serbs from Kosovo have not been in the know about contents of the document which Samardžić submitted to the UN headquarters in New York. Added to that not a single government session debated that document.<sup>643</sup> On the other hand, in that period Samardžić persistently maintained that the controversial document was part of the Action Plan. However it could be deduced that only Vuk Jeremic, Serbia’s Foreign Secretary and Minister for Kosovo were familiar with the contents of the plan.<sup>644</sup>

Tag of a strict confidentiality placed on the Action Plan of the Government of Serbia, provoked resentment and disapproval of the some government members, notably of Dragan Šutanovac, Mlađan Dinkić, and Goran Bogdanović, the then president of the provincial committee of Democratic Party and Minister for Kosovo and Metohija. They all stated that they “saw no reason for such a secrecy” and demanded “disclosure of the Action Plan.” Even President of Serbia was not acquainted with the proposal, prior to its presentation by Samardžić to the United Nations.<sup>645</sup>

After disclosure of outlines of Samardžić’s idea, responses varied. Goran Svilanović, an official of the Council for Regional Co-operation, thus stated that the said proposal “indeed opens the topic of division, but of a personalized, and not territorialized one.”<sup>646</sup> Svilanović likened Samardžić’s idea to the idea of “non-territorial federation” and quoted the example of Macedonia.<sup>647</sup> On the other hand, Oliver Ivanović, said that

<sup>641</sup> *ibid.*

<sup>642</sup> *ibid.*

<sup>643</sup> Head of government’s Office for Co-operation with the Media, Milivoje Mihajlović stated: “I can confirm that at the government’s sessions we did not discuss the draft agreement with UNMIK, but I don’t know whether that theme was tackled elsewhere , “Is this a proposal of Samardžić, Košturnica or government ”, *Glas*, 26 March 2008.

<sup>644</sup> “Is this a proposal of Samardžić, Košturnica or government ”, *Glas*, 26 March 2008.

<sup>645</sup> “Beograd accused of dividing Kosovo”, *Politika*, 26 March 2008.

<sup>646</sup> *ibid.*

<sup>647</sup> *ibid.*

Samardžić's plan greatly differed from his proposal submitted in the Co-ordinating Body for Kosovo.<sup>648</sup>

Disagreements and squabbles within the ruling coalition continued to deepen. President Tadić assessed that the country was in the midst of a serious political crisis, due to the presentation of Samardžić's plan "on the functional separation between Serbs and Albanians in Kosovo" in the United Nations.<sup>649</sup> Tadić then also assessed that the said proposal would *de facto* "lead to the division of Kosovo"<sup>650</sup>, although such a matter should be decided solely by citizens of Serbia. Minister Samardžić denied that accusation, and stated that he had never advocated division of Kosovo, and that such a stance was imputed to him.<sup>651</sup> He then accused Boris Tadić: "The fact that Boris Tadić cannot distinguish between the functional separation between Serbs and Albanians, on the one hand, and division of Kosovo, on the other hand, is his personal problem. However, such a lack of insight need not prompt him to try to introduce confusion into Serbia's state policy in Kosovo and Metohija, nor to try to deceive the general public about my recent performances and activities as the Minister for Kosovo and Metohija."<sup>652</sup>

Goran Bogdanović, president of the provincial committee of Democratic Party criticized conduct of Minister Samardžić. He said that he learnt about the proposal's contents from the print media and added: "I did not have the opportunity to see that document, nor to have it explained by Samardžić himself. Moreover Minister Samardžić failed to consult the government, President of Serbia, and Serbs in Kosmet. During his visits to the province he intentionally avoided and avoids contacts and meetings with local Democratic Party officials. He has also avoided a meeting with the president of Kosovska Mitrovica municipality"<sup>653</sup>. Bogdanović also as-

648 "Serbs don't want to leave enclaves", *Gazeta*, 27 March 2008.

649 "Tadić: Samardžić divides Kosovo ", *Politika*, 31 March 2008.

650 *Ibid.*

651 *Ibid.*

652 *ibid.*

653 "Separated, but united", *Novosti*, 1 April 2008.

sessed that “Samardžić was pursuing one-party, policy line, ultimately leading to strife among the Serb community.”<sup>654</sup>

The above best illustrates relations within the ruling coalition in the period preceding the proclamation of Kosovo’s independence. Absence of the common strategy, open rifts between the coalition partners, and lack of joint exit strategy, led to undesirable course of events in Serbia on the very day of proclamation of independence, and several days later. Destruction of the capital of Serbia by Democratic Party of Serbia, New Serbia, the Serb Radical Party, far-right militants, and pro-Fascist organizations, including the attacks on and torching of foreign embassies, were only a logical development amid a general chaos and widespread social psychosis. The next development—two weeks later—was the fall of Koštunica-led government, that is, Koštunica’s resignation.

However, as regards the *functional division, even after Koštunica’s downfall, that strategy remained in play*. In fact division of Kosovo remains a lasting orientation of Belgrade. By reaching the agreement on the 6-point plan with the international community, President Boris Tadić was more “successful” than Koštunica with respect to the division of Kosovo. In fact Democratic Party and its leader emulate Koštunica’s strategy towards Kosovo, but, have publicly declared their resolve not to engage in the policy of conflict-deepening and generating. In the long-term such a policy is doomed to fail, for the conditions in Kosovo are still unstable, and such a political and social milieu may produce only new uncertainties for all the citizens of Kosovo.

## Proclamation of independence

At an extraordinary and special session of Kosovo Parliament in Pristina, on the 17th of February 2008, *Declaration on Independence of Kosovo* was adopted. All 109 MPs voted for the Declaration on Self-Proclamation of Independence. CNN and BBC had live broadcast of the session which began at 15 p.m.

654 “Goran Bogdanović accuses Samardžić”, *Glas*, 1 April 2008.

The first speaker to address the Kosovo MPs was Kosovo Prime Minister, Hašim Tači. In his speech he underscored that Kosovo would be the state of all its peoples, vested in the equal rights.<sup>655</sup> That parliamentary session was devoted to the following agenda: proclamation of independence and adoption of the state symbols.

Members of the Constitutional Commission signed the Draft Constitution of Kosovo defining Kosovo as an independent and sovereign state. Constitution of Kosovo consists of 40 chapters and 160 articles, and it defines Kosovo as a parliamentary republic, and strengthens the role of President of Kosovo, naming him the commander of the Kosovo security forces. The text of the Draft Constitution lays down that *President of the Republic of Kosovo shall represent the national unity*<sup>656</sup>. Kosovo Constitution defines Kosovo as a secular state, neutral with respect to the religious beliefs of its citizens. The said Constitution lists as official languages Serb and Albanian, and envisages an unnamed, unique currency in Kosovo.

Constitution spells out that of 120 parliamentary seats, 10 are reserved for Serbs-regardless of election results-and additional 10 are reserved for representatives of other communities. It also envisages that at least one ministerial position, and at least two deputy ministers positions be accorded to Serbs.<sup>657</sup>

As envisaged under the Ahtisaari Plan, the draft constitution was approved by the international civilian representative in Kosovo, Peter Fate.<sup>658</sup>

655 In his address Tachi underscored the following: "We have waited for a long time for this day. Many people have long waited for the independence to become the reality. We remember and respect the names of all those who gave their lives for realization of this dream and their deeds and remembrance of them shall always live in our hearts. I welcome all those who are here with us, and those who are watching us. Our hope and faith have never been stronger, inhabitants of Kosovo have never been more united, our dreams are unlimited. We shall be a united nation with a very clear European vision. Today the whole world is with us, and we shall become equal members of democratic world." Source : "Kosovo has proclaimed its independence ". B92, 17 February 2008.

656 "Draft Constitution of Kosovo Signed", *Politika*, 8 April 2008.

657 "Priština gets the army, police and intelligence services", *Blic*, 10 April 2008.

658 "Both Albanian and Serb are official languages", *Danas*, 10 April 2008.

On the 9th of April 2008, by votes of 103 MPs of the total of 120 present MPs, the Kosovo parliament adopted the Kosovo Constitution. 120<sup>659</sup>.

Independent Kosovo, was immediately recognized by a score of the most powerful countries in the world, spearheaded by the United States, Germany, France and Great Britain. In the wake of proclamation of independence, the aforementioned countries sent their ambassadors to Priština. Thus Kosovo, along with the Constitution, accompanying acts and institutions acquired its independence outlines.

## Responses to independence

Responses to proclamation of independence ranged from serious incidents at the Kosovo border, a robust diplomatic action (withdrawal of ambassadors from the countries which had recognized independent Kosovo, sharply-worded diplomatic notes sent to the US and the EU, and total severance of communication with the EU), to implementation of administrative measures practically running counter to interests of Kosovo Serbs. The Serb Parliament also adopted a Declaration annulling independence of Kosovo.<sup>660</sup>

Added to that the ruling structures stated “a peaceful protest” in the streets of Belgrade, named „Kosovo is Serbia.“ But only several hours after „highly inspiring speeches“ of some prominent figures and politicians, the crowd broke loose and went on the rampage.<sup>661</sup>

659 *Ibid.*

660 On the 18 February 2008, 225 MPs voted for the government’s proposal at an extraordinary session of parliament. There were no abstained, or no-votes, but the Liberal Democratic Party declined to take part in the voting on that proposal. Serb parliament confirmed that Kosovo was an inalienable part of unique and indivisible constitutional and state-legal order of Serbia, under the Serb Constitution, and the UN Charter.

661 At Terazije and Slavija were demolished Mc Donald’s restaurants, and demonstrators attacked the police at 10 locations in Belgrade. The seat of the Liberal Democratic Party was also demolished, and journalistic teams of TV B92, Studio B, FoNet, the Croat RTL, TV Palma Plus and Radio-Television Serbia were attacked. Injured were at least 50 civilians, policemen and demonstrators. About 30 demonstrators raided the Embassy of Slovenia

The first speaker was Vojislav Košunica<sup>662</sup>. Milorad Dodik<sup>663</sup>, deans of Pristina and Belgrade University, Zdravko Vitošević and Branko Kovačević, and presidents of the Serb parties in Montenegro, Andrija Mandić and Predrag Popović, followed suit. To the domestic and international public appealed also film director Emir Kusturica, basketball player, Dejan Bodiroga, and by video-link, tennis player, Novak Đoković.

Contrary to some expectations reaction of Russia was a mild one even on a declarative plane, for Russia, as usual, was engaged in its regional calculations, (Georgia), and not close to its Slavic brothers, in view of the 1710,99 km geographical distance. *Washington Post* also commented that the Russian response to proclamation of independence of Kosovo was a mild one: "Both Putin's mild reaction to the 17<sup>th</sup> February proclamation of independence of Kosovo, and instantaneous recognition of that independence by the West, " can be interpreted by Russia's striving to stage a comeback to the international political scene, as a global partner.<sup>664</sup>

.....

and demolished it before the eyes of inert policemen. In front of the US Embassy police started dispersing a large group of demonstrators only after they had managed, thanks to passivity of the police forces present, to raid the Embassy and totally destroy its Consular Office. During the torching of the US Embassy's Consular Office one young man, a demonstrator, lost his life.

662 This is what Prime Minister Košunica said at the beginning of his address: "Aren't we all from Kosovo? Don't we all think that Kosovo is ours?". He then went on to note: "Some power-holders want us to renounce our Serbhood, our origins, Kosovo, ancestors and history. If we admit that we are not Serbs, they say that we shall be better, as the people without memory and origins." He then wondered: "Which God's, human or European law have we violated? Which agreement have we failed to honor?"

663 At the rally in front of the National Parliament Dodik tried to get across the following message: "I love dignified and determined Serbia. And this is Serbia which wants Kosovo to remain in Serbia." He then emphasized the following: "Republika Srpska knows its own path. It loves Serbia. Only a stable and strong Serbia can help Republika Srpska and only a strong Republika Srpska can help Serbia. Serbia is our homeland, although we live in Bosnia and Herzegovina."

664 "Putin shall ultimately accept Kosovo's independence", B92, 24 February 2008.

## Attack as the best defense

In an action engineered by the Ministry for Kosovo and Metohija<sup>665</sup>, several thousand persons on the 19th of February attacked two border crossings in Kosovo, that is the two administrative checkpoints-Jarinje and Brnjak (in the vicinity of Zubin Potok). During that raid checkpoint Jarinje was torched, while Brnjak was mined by a military explosive and blown to peaces. On that occasion several UNMIK and Kosovo police vehicles were torched. During a “peaceful protest” demonstrators also attacked several Belgrade journalists and beat up few of them.

## Diplomacy

Vuk Jeremić, Foreign Secretary of Serbia, activated many foreign policy tools and resources. Namely his “tools” ranged from lobbying among the *non-aligned*, blackmailing of the regional countries, (notably of Macedonia and Montenegro), lodging of sharp protests in the UN and in other international organizations. Single, greatest success of the Serb diplomacy was the “victory” scored in the UN General Assembly. Namely, after an intense diplomatic action, Serbia got is five minutes before the International Court of Justice in the Hague, from which it would get an unbinding opinion of international legality of proclamation of independence of Kosovo. Such a course of developments contributed to a more constructive stance of Boris Tadić on Kosovo, more constructive with the respect to the one espoused by Vojislav Koštunica. Many considered that transfer of the independence problem to the legal ground as the way out of the current

665 Minister for Kosovo and Metohija, Slobodan Samardžić, stated that the action of Serbs against the two check-points, at administrative border crossings of Jarinje and Brnjak was not orchestrated by Belgrade, but that it was fully in keeping with the Serb government’s policy on taking over the customs policy. Samardžić stated during *Poligraf*, TV B92 program, that destruction of police check-points was the most direct response of population living north of river Ibar, to unilateral proclamation of independence of Kosovo. He also added: “I think that the said action was legitimate. Perhaps it was not nice, but it was legitimate.” Source: [www.b92.net](http://www.b92.net)

situation both for Tadić and Serbia. However, transfer of the Kosovo issue to the legal ground shall not impact the newly-emerged reality in Kosovo, but only may produce delays in Kosovo's recognition by some countries. As the proceedings are expected to last for two to three years, in the meantime Serbia and Kosovo shall be able to peacefully implement their reforms.

## Boycott of institutions

After proclamation of independence of Kosovo, unbalanced, official policy on Kosovo became even more unhinged. Another measure of the Belgrade authorities (defined by the Action Plan for Kosovo and Metohija) was then applied. That is the Serb government ordered Kosovo Serbs to leave their workplaces in Kosovo institutions. Then Slobodan Samardžić reiterated that all Kosovo Serbs, loyal to the state of Serbia, would get a compensation to the tune of Euro 200, or an amount equal to their Kosovo institutions wages. He underscored that such guarantees were especially related to the Kosovo policemen and prison guards of Serb descent.<sup>666</sup> In the light of the forthcoming elections such a proposal by the Ministry for Kosovo and Metohija caused concern and uncertainty among those previously told to remain at the disposal of the said Ministry. Particularly scared were Serb in the enclaves, for after several years of peaceful integration into Kosovo society, they had to bear the brunt of decisions taken by the Serb institutions in Kosovo. They were expected to leave their jobs without hesitation.<sup>667</sup> Such orders from Serbia led to spontaneous protests of local Serbs in Kosovo. Thus Slađan Milenković, a local of Laplje Selo near Priština stated: "I fear that the call to boycott Kosovo institutions shall affect us all in the

<sup>666</sup> "For 25,000 Serbs 200 Euro per person from Belgrade?", *Blic*, 30 March 2008.

<sup>667</sup> During their stay in Kosovo in May 2008, representatives of the Helsinki Committee found out that in an enclave in the vicinity of Pristina, Serbs, employees of the local fire brigade unit, were ordered by the Kosovo and Metohija Ministry to refuse donation of the fuel offered by the Pristina government. By such nonsensical orders professor of European integrations at the Belgrade Faculty of Political Sciences, Slobodan Samardžić, threatened the security of about 5,000 people in Kosovo.

worst possible way. What shall happen if the new government refuses to implement Koštunica cabinet decision”?

Direct outcome of such a harmful policy pursued by the government of Serbia in Kosovo was the deepening of social differences between the local inhabitants. On the one hand, there are those who because of their reliance on financial assistance from Belgrade agreed to boycott the institutions in which they had worked, and on the other hand, there are those, and at that, many of them, who receive no assistance or wages. The boycott-related proposal represents a short-sighted and selfish policy de facto disinterested in a sustainable solution for the economic survival of Serbs in Kosovo.

In commenting the payment of Euro 200 per person for the boycott of Kosovo institutions Minister Dinkić, stated that such allocations would not be possible without a rebalance of budget, to be effected only after the formation of the new government.<sup>668</sup>

In Gračanica suspended workers of penitentiary Lipljan blocked the building of the Co-ordinating Centre and demanded that the Serb authorities resolve their social and financial problems, which had cropped up after their resignations from the Kosovo institutions on official Serbia’s orders.<sup>669</sup> Boban Petrović, representative of penitentiary’s workers and member of the crisis headquarters, stated that “all those who after proclamation of independence left Kosovo institutions, are now forgotten.”<sup>670</sup> Minister Samardžić in fact promised to those workers compensations equal to the amount of their penitentiary pays, and full social and retirement benefits.<sup>671</sup> When after their boycott, those workers were suspended, Minister Samardžić failed to deliver on his promise and instead announced single-amount aid to the tune of 11,000 dinars, to be paid only to Penitentiary Lipljan workers<sup>672</sup>.

668 “No payments without new government”, *Blic*, 30 March 2008.

669 “Demand for Serbia’s take-over”, *Danas*, 2 April 2008.

670 “Guards from Lipljani criticize Slobodan Samardžić”, *Kurir*, 2 April 2008.

671 *Ibid.*

672 *Ibid.*

The then Finance Minister of Serbia, Mirko Cvetković (the incumbent Prime Minister), stated that on the basis of the Serb government's decision all employees who had resigned from the Kosovo institutions in the wake of proclamation of independence, would be re-employed by the corresponding state bodies in Serbia.<sup>673</sup> In mentioning so-called "double pays" for part of those who live in Kosovo, Cvetkovic said that half a billion Euro budget would suffice to cover the needs of the Serb and other non-Albanian population in Kosovo.<sup>674</sup>

Serbs in Kosovo if they leave their jobs still fear that they may be harassed by their fellow-nationals. Since compensations were not paid two months later, people were scared, angry and confused because of the predicament in which official Belgrade had plunged them. Part of them would like to go back to their workplaces, but they feared that such an act could be interpreted as recognition of independence. Minister Samardžić was accused of dividing the people. Gordana Arsić, Head of Kosovo District maintained that „in the North of Kosovo policemen got their wages both from Pristina and Serbia, while those most threatened, south of river Ibar, did not get anything.”<sup>675</sup>

At this moment of time it is estimated that about 2,000 people left Kosovo institutions,<sup>676</sup> and that their future (notably in the context of the current economic downturn) is quite uncertain a year on since the proclamation of independence.

Added to a continuing stratification of Kosovo Serbs, or rather their division into those without income and those who have double wages, the problem of misuse also emerged. Namely among those who are on the payroll of the Republic of Serbia there are people who are registered as Kosovo residents, though they only go there to take their wages. A thorn in the flesh of many Serbs in Kosovo are about 3,500 persons employed in municipalities, whose average monthly pay is about 75,000 dinars per

673 "Fulfilment of promises is epecxted", *Danas*, 3 April 2008.

674 *Ibid.*

675 "Serbs hand in their resignations, Belgrade slows down payment of wages", *Blic*, 10 April 2008.

676 "Cvetković: Budget is not sufficient to cover the needs of Kosmet Serbs", 3 April 2008.

person. Only on Priština municipality payrolls there are about 50 persons who don't live in Kosovo.<sup>677</sup>

Goran Rakić, former employee of the Ministry for Repatriation in the Kosovo government, stated the following: "We got the lists of workers. Their wages range from 85,000 to 135,000 dinars, depending on their fictitious positions, like the political issues adviser, adviser for environment, sports and the youth or counsellor or head for information, or commissioner for culture, etc."<sup>678</sup> Mirko Cvetković, the then Finance Minister of Serbia was against double wages for denizens of Northern Kosovo, for in his mind, they enjoyed living conditions similar to those in predominant in Serbia.<sup>679</sup> But neither then, nor now, as Prime Minister, he was able to solve the kind of social problems which we Serbs in Kosovo faced. The Serb Liberal Party is the only political grouping of Serbs which participates in the work of Kosovo institutions since proclamation of independence of Kosovo. However, despite its good relations with the international community, the SLS is still distant from Serbs in Kosovo.

## Elections in Kosovo –a challenge

The first test for stability of Kosovo were elections in the May 2008. Serbia decided to hold at any cost local and parliamentary elections on the territory of an already sovereign state of Kosovo.

President of Serbia, Boris Tadić then stated: "The first principle is to hold elections in the whole territory of Serbia, which implies elections in the territory of Kosovo too. The second principle is not to call into question the issue of the UN Resolution 1244 and our relationship with the international institutions UNMIK and KFOR, for it is of paramount importance for the existence of the state of Serbia in Kosovo."<sup>680</sup>

<sup>677</sup> "They left Kosovo, but kept the wages", *Blic*, 6 April 2008.

<sup>678</sup> *Ibid.*

<sup>679</sup> *Ibid.*

<sup>680</sup> "Tadić: Elections in Kosovo too", *Politika*, 2 April 2008.

However, holding of elections caused a rift within Democratic Party proper. Foreign Secretary, Vuk Jeremić, stated that "nothing impedes holding of elections in the whole territory of Serbia"<sup>681</sup>, and "it is of paramount importance to fully respect a democratic process, that is to have elections in the whole territory of our country."<sup>682</sup> On the other hand, his party colleague, Dragan Šutanovac was of the different opinion: "If someone thinks that elections may be carried out by having people vote in their houses, then such elections shall not be the elections desired by Democratic Party, for that is not a democratic way of voting."<sup>683</sup> Republican Election Commission decided that the controversial local elections be held in Kosovo and Metohija, while UNMIK assessed that holding of local elections in Kosovo and Metohija was contrary to the UN Resolution 1244, and that results of those elections could be thus considered illegitimate.<sup>684</sup> Joachim Richter, Head of UNMIK, stated: "Only UNMIK can organize elections in Kosovo. Therefore any other elections shall not be considered valid."<sup>685</sup> On the other hand UNMIK took the stand that it would neither back or impede parliamentary elections.<sup>686</sup>

Local elections in Kosovo were held, but what was achieved by them, remained an imponderable. Namely, Head of UNMIK, Joachim Richter, stated that "the Serb local elections held in Kosovo in parallel with the parliamentary ones, were illegal and invalid<sup>687</sup>... and as such they cannot have legal consequences."<sup>688</sup> Their results shall not be recognized. UNMIK shall continue to exclusively co-operate with legal municipal authorities in whole Kosovo and legitimate representatives of those municipalities."<sup>689</sup> Problems cropped up after the elections, with the protracted negotiations

<sup>681</sup> Ibid.

<sup>682</sup> Ibid.

<sup>683</sup> "Only Belgrade can prevent local elections in Kosovo", *Gazeta*, 2 April 2008.

<sup>684</sup> "Priština gets the army, police and intelligence services", *Blic*, 10 April 2008.

<sup>685</sup> "Ricker: Serbia cannot organize local elections in Kosovo", *Politika*, 11 April 2008.

<sup>686</sup> "UNMIK bans Serbs from organizing local elections in Kosovo", *Glas*, 10 April 2008.

<sup>687</sup> "A large number of displaced persons did not vote", *Danas*, 12 May 2008.

<sup>688</sup> Ibid.

<sup>689</sup> Ibid.

on the future coalition started in Belgrade. Then simply no-one had time to discuss formation of *parallel institutions* in Kosovo.<sup>690</sup>

This is how Slobodan Samardžić assessed the local elections in Kosovo: "...the local elections in Kosovo were held in a democratic, peaceful and exemplary way. Serbs from Kosovo shall finally get their local self-rule bodies."<sup>691</sup> He then went on to quote the unofficial results of the Republican Election Commission: "local elections were held in 25 municipalities, turnout in Kosovo was 57%, while in Serbia it was 35%, at 141 polling stations. In 15 municipalities the Serbian Radical Party won the majority of votes, Democratic Party of Serbia won the majority in 6 municipalities, while in two municipalities, Radicals and the Serbian Socialist Party had an equal number of votes."<sup>692</sup>

## A year on

Leadership of Serbia continued to declaratively maintain that Serbia would never recognize independence of Kosovo, as well as that Serbia would continue to fight to keep Kosovo within its borders, by diplomatic and peaceful means.<sup>693</sup>

At Serbia's initiative, the UN General Assembly in October 2008 requested from the International Court of Justice an advisory opinion on the legality of proclamation of independence of Kosovo. Boris Tadić, President of Serbia, in talks with the legal team representing Serbia before that court, underscored the following: "Kosovo is not a state, a year on after its unilateral, illegal proclamation of independence...Serbia shall never

690 "UNMIK's and Serbia's Serbs", *Glas*, 16 May 2008.

691 "Samardžić: Serbs shall not be divided ", *Danas*, 20 May 2008.

692 *Ibid.*

693 Boris Tadić in talks with the German Foreign Secretary, Frank-Walter Steinmeyer stated the following: "We shall use all legal and diplomatic means at our disposal to defend territorial integrity and sovereignty of our country. We shall continue our struggle for territorial integrity and sovereignty, but alike all European democracies, by non-aggressive means." Source: "Serbia shall not recognize Kosovo's independence." B92, 9 February 2008.

recognize independence of the province.”<sup>694</sup> He went on to note: “We are resolved to defend by diplomatic and legal means, and not by force, our legitimate rights, in our territory. In full respect of the international law, Serbia shall defend its legitimate interests and its integrity in Kosovo on the legal ground, before the International Court of Justice in the Hague.”<sup>695</sup>

In a written statement Prime Minister Mirko Cvetkovic underscored that the Serb government would never recognize unlawful and illegal acts of the interim leadership of Kosovo Albanians and their intention to create a virtual state in the territory of Serbia.<sup>696</sup> He added that a dialogue with Albanians had to be pursued in keeping with the Constitution of Serbia and in the interest of long-term peace, stability and better life of citizens of Kosovo<sup>697</sup>. According to Stephen Meier, Professor at the National Defense University in Washington, Serbia’s reliance on the future decision of the International Court of Justice represented a two-edged sword: “If Serbia loses the case, it will be compelled to recognize Kosovo. If the court’s acknowledges that Serbia is in the right, Albanians shall simply ignore such a decision.”<sup>698</sup>

A year on after proclamation of independence it is somewhat easier to analyze some of the Kosovo-related “arguments” used by the Serb political elite.

One of those arguments was the regional instability. It was in the first place a reference to Macedonia, and then to Bosnia and Herzegovina. A year later, Macedonia had successfully carried out parliamentary and presidential elections and thus additionally strengthened its pathway to the EU. On the other hand Bosnia and Herzegovina, in the year 2008, indeed entered the stage of serious instability, but such a course of developments may be attributed to the role which the official Belgrade has been playing in Bosnia and Herzegovina for quite some time. In fact Belgrade

694 “Tadić: We have hopes that the court in the Hague shall be just”, *B92*, 17 February 2009.

695 *Ibid.*

696 *Ibid.*

697 *Ibid.*

698 “Tadić: We have hopes that the court in the Hague shall be just”, [www.vesti.rs](http://www.vesti.rs) 17. February 2009.

has strategically opted for compensating Kosovo by dint of “appropriating” Republika Srpska.<sup>699</sup>

## EULEX and the six-point plan

Deployment of EULEX in the territory of Kosovo officially began on the 9th of December 2008. The mission was jump-started with less than 1,500 members, while the full engagement includes about 2,000 policemen, customs officials, investigators and judges, who should strengthen the police, customs services and judiciary of Kosovo.

“The key element of our mission is strengthening of Kosovo police-supervision of, support to, and advising, at all levels including the level of local police stations.”<sup>700</sup> EULEX<sup>701</sup> is the largest civilian mission within the framework of the system of the European security and defense. The main goal of that mission is rendering of assistance to the Kosovo authorities in the realm of law, police, judiciary and customs. It is in fact a technical mission which should advise and supervise. EULEX is under command of Brussels, and it must act in compliance with the general rules of the UN Resolution 1244.<sup>702</sup>

UNMIK<sup>703</sup>, under the auspices of the UN Security Council, was deployed in territory of Kosovo under the UN Resolution 1244, passed on

699 That idea was politically activated by the Serbian Academy of Arts and Sciences circle headed by Dobrica Ćosić. Ćosić’s strategy in recent years has altered in some technical elements. Namely he recognized the reality that Koštunica-pursued policy became unsustainable, and that new strategies in resolution of the Serb national issue had to be sought. Resolution of the Serb issue was always reduced to the issue of territories, that is drawing and re-tailoring of maps.

700 “Kosovo: EULEX Deployment Begins”, Serbian service of Voice of America ([www.voanews.com](http://www.voanews.com)), 9 December 2008.

701 The European Union Rule of Law Mission in Kosovo

702 [www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)

703 United Nations Interim Administration Mission in Kosovo

the 10<sup>th</sup> of June 1999. The basic mission of UNMIK is to assist in building of peace, democracy, stability and self-management.<sup>704</sup>

UNMIK is a unique operation encompassing four principles and acting under the auspices of the United Nations. The first principle, whose provisions were implemented by the UNHCR until the end of June 2000 covered humanitarian aid and its effects. Other principles are: civilian administration under the UN auspices, democratization and institution-building implemented by the OSCE and the EU-managed reconstruction and economic development.

Added to the two aforementioned institutions, in Kosovo acts the third international institution – the International Civilian Office – ICO, backed by the most important countries of the West who had recognized independence of Kosovo. That office works under the Marti Ahtisaari plan.

UNMIK's role is now taken over by EULEX. But one of the key questions is whether that transfer of powers is done on the basis of the 6-point plan for Kosovo and Metohija, or on the basis of the law adopted by Pristina authorities. The Serb side accepts deployment of EULEX, if the aforementioned plan is implemented. The first three points of the plan-judiciary, police and customs, were delegated to the EULEX competence. Other three points are transport, border security and protection of cultural heritage.

The six-point principle is obviously a result of a bad compromise between Serbia and the international community. No-one in Kosovo finds that "solution" suitable on many grounds. The 6-point principle/plan above all represents a basis for a kind of division of Kosovo, the solution which the international community to date has persistently rejected. Division per se would be a source of new instabilities, both in the short-term and in the long-term. Albanian majority has reached a consensus with respect to the unity of Kosovo and shall firmly adhere to that stand. Serbs in Kosovo (about 120,000 of them), on the other hand, also don't find suitable such a compromise. To be more accurate, the only Serbs who stand to benefit from the police and customs independence are those few Serbs, the most radical ones rallied round the Community of the Serb Municipalities of Kosovo and Metohija, and criminals, who via the Northern Kosovo

704 [www.un.org](http://www.un.org).

territory every day smuggle great quantities of goods. The 6-point plan may prove most dangerous for the majority of Serbs living in enclaves, south of river. For Belgrade to accept the transfer of competence from UNMIK to EULEX, the transfer of competence in the areas of police, customs and judiciary is necessary, and that is something that Kosovo Albanians stiffly oppose, viewing it as an encroachment onto Kosovo's independence.

Ban Ke Moon, the UN Secretary General, in his November 2008 Report, confirmed the necessity for implementation of the 6-point plan for Kosovo and Metohija. Belgrade urges implementation of that plan which "should improve living conditions of Serbs in Kosovo." The plan envisages greater prerogatives for Serbs in the milieus in which they constitute the majority, while Priština maintains that the „said document is dead” for it undermines sovereignty of Kosovo.<sup>705</sup>

While the official Belgrade urges the implementation of Ban Ke Moon's plan, the Pristina authorities reject it, on the ground that it has never been adopted in the first place. According to Memljiji Krasnić, spokesman of the government of Kosovo, "the six-point plan does not exist and cannot have any future."

Slobodan Samardžić, Minister for Kosovo, stated the following: "There is no legal ground for replacement of UNMIK by any other body, and the EU mission is unlawful and illegal. That is why the United Nations have a big problem on their hands, for their mission would fail, and that would be a difficult situation not only for that UN mission, but also for the idea and practice of the international peace-keeping missions world-wide. Furthermore the foregoing would call into question the very legitimacy of the United Nations."<sup>706</sup> He also assessed that the International Management Group was "legally nonexistent," and therefore "cannot take decisions on the crucial issues relating to the Serb province."<sup>707</sup>

<sup>705</sup> "Topics linked to the six-point plan", [www.vesti.rs](http://www.vesti.rs) 15 March 2009.

<sup>706</sup> „Samardžić: UNMIK“ s replacement by EULEX is not legally grounded”, Press, 19 April 2008.

<sup>707</sup> *Ibid.*

## Serbia-Montenegro: age-old pretensions

Serbia still has not accepted the Montenegrin independence. In play are in fact age-old pretensions towards the neighbouring state, and perennial attempts of Belgrade to command what the Montenegrin state may (and mustn't do). Recognition of Kosovo served as a pretext for launching a new smear campaign against Montenegro. After Podgorica's recognition of Kosovo independence, Belgrade expelled Montenegrin Ambassador, Anka Vojvodić. Then a virulent anti-Montenegro campaign was kicked off, first in the Serb parliament. Namely MPs of the opposition parties (barring the Liberal-Democratic one) demanded an embargo against Montenegro, ban on entry of the Montenegrin officials into Serbia and seizure of their alleged property. The ruling coalition, primarily Democratic Party, did not respond to those absurd demands.

In the anti-Montenegro campaign orchestrated by the Belgrade media, prime time news programs and front-page articles gave much exposure to nationalistic messages of the Montenegrin opposition and Serb politicians. Podgorica rally organized by the pro-Serbia parties against recognition of Kosovo independence also received much coverage. In fact that protest and similar ones in other cities were an attempt to destabilize Montenegro. Serbia expected that the Montenegrin opposition would manage to effect the regime change in Montenegro, much desired by the Serb nationalistic circles.

Souring of relations with Montenegro, in addition to the banishment of the Montenegrin Ambassador, is reflected in Serbia's futile effort to impose to Montenegro solutions relating to granting of dual citizenship. In month-long negotiations between Serbia and Montenegro on that issue, Serbia continues to disrespect the fundamental stance of Montenegro that "we have a small population which must be preserved", and that the agreement should regulate only consequences of the dual citizenship.

Under the Montenegrin constitution, dual citizenship shall be an exception, and only those who had it before the 3rd of June 2006, the day of proclamation of Montenegrin independence, would be able to retain it. Furthermore, under the Constitution of Montenegro, all citizens who have

residence and have voted in Montenegro, and are devoid of the Montenegrin citizenship, shall face the following option: if they don't take the Montenegrin citizenship they shall be deprived of their voter's right.

Serbia still insists that for a large part of Montenegrin citizens living in Serbia, the issue of dual citizenship is of vital importance. Insistence on that tack dates back to the era of Vojislav Koštunica, that is, to the pre-Montenegrin independence referendum when Belgrade tried vainly to "include" the Montenegrin citizens living in Serbia into the Montenegrin election lists. By the way Montenegro has reached the agreement on the dual citizenship with Bosnia and Herzegovina, and shall soon sign the similar agreement with Croatia.

Serb nationalistic circles still refuse to recognize the Montenegrin state and people. They both directly support the pro-Serb opposition in Montenegro and instruct it and render to it the logistical aid. Serb Orthodox Church is still spearheading the campaign of denial of Montenegrin independence. In that respect most active is Mitropolite Amfilohije, who took part in the Podgorica protest against recognition of independence of Kosovo. Pretensions of the Serb religious and nationalistic forces are best mirrored in the formation of the Serb National Council in Montenegro. That Council was in fact founded to prove the thesis about the threat to Serbs and Serbhood in Montenegro, and consequently "the need to defend both from the incumbent Montenegrin regime."

## Recognition of independence of Kosovo

Montenegro and Macedonia recognized Kosovo independence on the 8th of October 2008. Montenegrin authorities justified that move by "respect of its own national interests and the fact that Kosovo had been recognized by the majority of the EU member-states, the US and other states." Ranko Krikovapic, president of the Montenegrin Parliament then stated the following: "It is an illusion that Kosovo can be returned to Serbia. Why not first wrap up the status-related issues, why maintain Serbia in the 19th century position? Independence of Kosovo is a reality and recognition of

interests of Montenegro is a good thing for Serbia, which lives in the illusion that in that respect something may be altered.” Milan Roćen, Montenegrin Foreign Secretary, then stated: “If we want to join the company of the EU and NATO, it is only logical for us to respect and honour their decisions and stances.”

Serbia declared the Montenegrin Ambassador Anka Vojvodić the persona *non grata* and expelled her from Belgrade. This is how that move was interpreted by Head of the Serb diplomacy, Vuk Jeremić: “those are measures against the Podgorica regime, and not against citizens of Montenegro.” Earlier he had stated that the Montenegrin recognition of Kosovo represented “a backstabbing act both with respect to Serbia and its diplomatic efforts to peacefully and legally dispel dilemmas about the future status of the Southern Serb province.” After Montenegro’s recognition of Kosovo, Jeremic maintained that “Montenegro thus showed that it was not a fully sovereign state, for it did not pursue an independent foreign policy...the official Podgorica made that move under the EU and the US pressure.” Montenegrin opposition parties immediately embraced Jeremic’s thesis.

President of Serbia, Boris Tadić then asserted that Montenegro was pressurized to recognize Kosovo. He added that by that move the Montenegrin government called into question sovereignty and territorial integrity of Serbia. Tadić added that the said recognition “was a great damage for both citizens of Serbia and Montenegro, who have so much in common” and said that he was convinced that “citizens of Montenegro don’t agree with the decision of their government.” In an interview with TV Montenegro President of Serbia was even more blunt: “Montenegro got directly involved in internal affairs of Serbia. If we now recognized independence of Boka Kotorska that would be tantamount to interference into internal affairs of other state, because by such a move we would relativize its borders.”<sup>708</sup>

Montenegrin Prime Minister, Milo Đukanović, thus responded to those accusations „no-one has piled pressure on Montenegro to recog-

708 *Politika*, 14 October 2008.

nize Kosvoo. Our decision was motivated by consolidation of partnership relations with the EU and NATO”.

In the Serb parliament Vjerica Radeta (Serb Radical Party) proposed sanctions against Montenegro, while Dragan Đormaz (Democratic Party of Serbia) demanded that the Montenegrin officials be banned from entering Serbia and severance of all ties with Montenegro. Some MPs also proposed that Montenegrins be banned from buying property in Serbia. Democratic Party of Serbia spokesman, Andrija Mladenović accused Montenegro of attempting to break up Serbia. Ban on air transport with Montenegro and boycott of holidays on the Montenegrin coast were also proposed. Furthermore Vojislav Košturnica urged that against Montenegro be filed charges with the International Court of Justice in the Hague.

In the anti-Montenegro campaign orchestrated by the Belgrade print media, much exposure was given to the Montenegrin opposition politicians, notably to Nebojša Medojević, head of the Movement for Changes. He, for example, told *Politika* that „Đukanović was thus repaying his debts to the Albanian mafia.“ *Večernje novosti* ran a text on “a possible secession of Pljevlja unless Đukanović retracts his decision on recognition of Kosovo.” *Glas javnosti* reported that the six majority Serb municipalities expressed their disagreement with the government’s decision to recognize the false “state of Kosovo” (Herceg Novi, Andrijevica, Pljevlja, Plužine, Mojkovac and Žabljak). That daily also ran the results of the public opinion poll indicating that nearly half of citizens thought that „the shameful act of recognition was to be expected from the puppet government which endeavours to meet all the Brussels and Washington demands.”

Headlines of similar, accusatory texts ran by *Kurir*, *Pravda*, *Pres*, *Nedeljni telegraf* were laced with indignation, anger and resentment: “Treason”; „Shame“; „What about our aid for the Bar port, Bar railway, for the earthquake victims...“; “The First Montenegrin Slap to Serbia”; „How to punish Montenegro“; „We were bitten by those whom we had fed“; “Milo is worse than the Turks!“; „Heroin-based independence“. Daily *Pečat* raised the issue of the military property by asserting that after the break-up of the state union of Serbia and Montenegro and creation of independent Montenegro, the military property has never been restituted to Serbia.

Belgrade press gave a lot of coverage to the anti-Kosovo independence protest staged in Podgorica by the Serb List, Socialist Popular Party, Popular Party and Democratic Serb Party. That protest was also attended by Nebojša Medojević, head of the Movement for Change and Mitropolite Amfilohije. *Politika* ran the report on the protest on its front-page with the headline: "Police and the army oversee the protests."<sup>709</sup> *Večernje novosti* underscored the demands of protesters: retraction of the recognition decision by the government, calling of referendum on that issue, calling of snap parliamentary elections.<sup>710</sup> Daily *Pravda* ran an interview with Sima Spasić, President of the Association of Families of Serbs Kidnapped and Killed in Kosovo and Metohija, in which he inter alia maintained that he would file charges against the Montenegrin police for maltreating him during the protest rally.<sup>711</sup>

At the rally Mitropolite Amfilohije stated that recognition of Kosovo was not the issue of political, but rather of, ethical nature, that is of national pride and dignity: "Is it in the national interest of Montenegro to backstab its brother? Recognition of Kosovo by Montenegro must be the most ignominious act in history of Montenegro". Belgrade press ran a series of interviews with Andrija Mandić, head of the Serb List, a grouping rallying the most radical/militant Serb parties, who had staged a hunger strike in the sign of protest against the government's decision.

Nebojša Medojević was also frequently interviewed by the Belgrade newspapers, notably during the presidential race in March 2008, in which both Andrija Mandic and Medojevic ran as contenders. Montenegrin public opinion reacted negatively to the fact that the Serb Ambassador in Podgorica, Zoran Lutovac, played an active role in Medojevic's pre-election campaign.

<sup>709</sup> *Večernje novosti*, 14 October 2008.

<sup>710</sup> *Pravda*, 15 October 2008.

<sup>711</sup> *Politika*, 3 October 2008.

## Serb Orthodox Church

Serb Orthodox Church keeps getting embroiled in the Montenegrin state affairs and policy. Mitropolite Amfilohije avails himself of every opportunity to say that in Serbia and Montenegro there is only one people, the Serb people. He does not recognize the Montenegrin people, language and culture, and the Montenegrin Orthodox Church. In the anti-referendum campaign he rallied all the Serb parties who opposed –and still oppose– the Montenegrin independence.

In his letter to President of Montenegro, Filip Vujanović and Prime Minister, Milo Đukanović, Mitropolite Amfilohije asked them not to recognize independence of Kosovo: “We are shocked by the long-running violence, injustice and crimes, we wonder whether it is possible that Montenegro is ready to recognize such a phantom state built on the bones, misfortune, banishment, crimes committed against our people.” He also wrote that Montenegro since its historic inception, “was and remains organically connected for the territory of Kosovo and Metohija.”<sup>712</sup>

Serb Orthodox Church does not recognize the Montenegrin Orthodox Church, which has an increasing number of followers and faithfuls in Montenegro. The state of Serbia also does not recognize the Montenegrin Orthodox Church, for the Serb Ministry of Religions declined to register the Montenegrin Orthodox Church. In view of the foregoing President of the Committee for Affirmation of the Montenegrin Orthodox Church, Stevo Vučinić, pointed out that the Montenegrin Orthodox Church would ask the Montenegrin President, Filip Vujanović, the Montenegrin government and international organizations for human and religious rights to provide assistance in ensuring the right to freedom of religion of Montenegrins in Serbia. Vučinić also stated that the aforementioned ministry’s decision was based on the “forgery”, for the Montenegrin Orthodox Church was not a non-governmental organization but rather the church which attached to its registration application both its constitution and statute on its religious activities. According to him, because of the smear campaign a distorted

<sup>712</sup> *Danas*, 11 January 2008.

picture of the Montenegrin Orthodox Church was created. He added that some Montenegrin political parties took part in that campaign by dint of their statements that the Montenegrin Orthodox Church was a non-governmental organization. Vučinić also asserted that President of Serbia, considered president of all Serbia's citizens, was waging a war against the Montenegrin Orthodox Church.<sup>713</sup>

## Divided opposition

Over the past three years the pro-Serbia parties were routed three-times-first at the 21st May 2006 referendum which greenlighted the Montenegrin independence, then at the 10th of September 2006 parliamentary elections when the ruling colition emerged anew victorious, and finally at the 2008 presidential elections won by the candidate of the ruling coalition, Filip Vujanovic. Despite a direct support of the Serb Orthodox Church and official Belgrade defeats of those parties were glaring. Montenegrin opposition has set a genuine precedent by its refusal to recognize the state of Montenegro. It avails itself of every opportunity to raise the issue of so-called inequality of the Serb people.

Founding of the *Serb National Council* in Montenegro, which should „protect the Serbs and the Serb people“ is yet another indication of a series of activities of religious-nationalistic forces in Montenegro and Serbia. Furthermore that Council managed to divide the opposition into those who think that Serbs would be best defended as the national minority, and those of the opinion that Serbs could not be a national minority in Montenegro, for “they are a constituent people...which prevents their assimilation in Montenegro.” Momčilo Vuksanović, president of the Serb National Councill, maintains that the status of minority facilitates the return of Serb language to schools (in fact Serb language has never been „banished“ from schools, it was just renamed mother tongue, while Montenegrin language was introduced in curricula), re-introduction of the Serb history into curricula and better representation of Serbs in state institutions. He

<sup>713</sup> 713 *Večernje novosti*, 18 February 2008.

asks that Serbs found their own media, for on the contrary “the agony, assimilation and disappearance of the Serb people in the face of the aggressive Montenegrin nationalism shall continue.”

Contrary to the aforementioned stance, Predrag Popović, President of the National Party was adamantly against the status of national minority, for that would mean that “Serbs are new settlers, with their original domiciles elsewhere.” He underscored that during the creation of Montenegro Serbs were the only constituent people, and that the current dilemmas emerged only during the Communist era. Popović went on to note that Serbs had to defend their constituent status by defending their institutions, Serb language, seat of the Montenegrin-Coastal Orthodox Chruch Mitropolite, and preservation of brotherly ties with Serbia.<sup>714</sup>

## Conclusion

By prioritizing Kosovo in its foreign policy, Serbia has managed to worsen relations with all its neighbours, even with Montenegro. Added to that the foregoing slowed its accession to the EU, and modernization and democratization of society.

If it decided firmly to accelerate its accession to the EU, Serbia shall have to improve its relations with neigboring/regional countries, for that it a pre-condition for any candidate for the EU membership.

714 “Jeremić warns Macedonia ”, [www.b92.net](http://www.b92.net), 27 September 2008.

# Macedonia : In the shadow of big neighbours

Since proclamation of its independence in the year 1991 to date Macedonia had complicated relations with all its neighbours. Issues of the name of state, influence of the Serb Orthodox Church, and inter-ethnic tensions in Macedonia proper, conditioned Macedonia to engage in an uphill struggle for definition of its basic state issues. Because it is burdened/affected by regional developments, notably those relating to Kosovo, Macedonia continues to experience a spill-over of regional problems into its territory, which makes more difficult the process of its EU-related integration.

Macedonian-Serb relations in 2008 were burdened by the issue of Kosovo's independence. Last year Serbia via diplomatic channels, that is in the shape of Foreign Secretary Jeremic's statements and public warnings, issued threats to Macedonia and Montenegro.<sup>715</sup> After declaration of independence of Kosovo, Macedonia first abstained from any response, fearing new destabilization, in the first place of its own government. Nikola Gruevski, Prime Minister and leader of the ruling VMRO-DPMNE, stated: "Macedonia shall weigh up carefully any decision in the aftermath of proclamation of Kosovo independence. We are attentively monitoring the situation in Kosovo and Serbia alike. We have multi-ethnic population in Macedonia, and we shall take any future decision in keeping with our state and national interests." Macedonia then faced a hard choice: how to reconcile the EU and the US expectations relating to recognition of Kosovo's independence and its wish to have good relations with the official Belgrade.

And finally, eight months on, Macedonia recognized the Republic of Kosovo, which caused much relief both in Macedonia and in Kosovo.

Thus Macedonia became the 50th country in the world which recognized Kosovo. On the 9th of October Macedonian Parliament passed the recognition-related decision. A day later, Serbia declared the Macedonian Ambassador in Serbia, persona non grata, and the Serb Ambassador in

<sup>715</sup> "Albanians caused crisis in Macedonia ", *Politika*, 14 March, 2008.

Skoplje sent a protest note to the Macedonian Foreign Secretary. Despite its eagerness to join NATO and jump-start negotiations on the EU-related accession, in that sphere, in the year 2008, Macedonia was not very successful. In fact in that regard Macedonia lost an important year, because of the negative assessment of its performance in the EU commission annual report, a continuing blockade of Macedonia's EU integration by Greece and absence of the key EU support.

## Crisis

An already unstable Macedonia slid into an even bigger crisis when the key partner of the ruling coalition and leader of the Democratic Party of Albanians (DPA) Menduh Tachi heralded that he would leave the coalition. That statement of his coincided with the Prime Minister's Gruevski visit to Brussels. Tachi then commented that he did not want to be a participant "in a dangerous political game which may harm the state of Macedonia in these, for the country, historic moments.<sup>716</sup> Tachi then demanded from Gruevski to urgently adopt the Act on Resocialization of Fighters of Paramilitary Organization ONA, to accord the status of official language to Albanian, to urgently recognize independent Kosovo, to facilitate larger participation of Albanians in state administration, to provide for an equal treatment of Albanian and Macedonian flags and to suspend judicial proceedings relating to the four Hague cases involving Albanian indictees. Before announcing his bolting from the coalition, Tachi had pertinent talks with the US diplomats and the EU representatives. The latter has become a practice in the cases of major political shifts.<sup>717</sup> Tachi garnered support from Jilian Milovanović, the US Ambassador to Macedonia for the adoption of Act on Social Care and Benefits of fighters of paramilitary ONA and and status of Albanian as the official language of the Republic of Macedonia. That internal political split placed an additional burden on Macedo-

<sup>716</sup> *Ibid.*

<sup>717</sup> "Milošoski suggested signing of Declaration on Good-Neighborly Relations", *Danas*, 22. January 2008.

nian Prime Minister, since Tachi's demands were made on the eve of the Bucharest NATO meeting, from which Macedonia expected very much.

In the first half of March 2008, Democratic Party of Albanians left the ruling coalition. DPA furthermore demanded that all Albanians abandon institutions governed by Prime Minister Gruevski. On the other hand spokesman of the Macedonian government stated that the government was normally functioning after the "departure" of DPA ministers.

But only two weeks later, after a meeting with Gruevski, the DPA representative Menduh Tachi decided to re-join the government. At the said meeting it was also decided to set up working groups tasked with adoption of a new act on use of official languages. Prime Minister Gruevski then also promised that social care would be provided for the ONA fighters, that the Hague cases would be suspended and that larger participation of Albanians in state institutions would be ensured.

## Name

Issue of the right of Macedonia to that name is a bone of contention in its relations with the neighboring Greece. In Ohrid, on the 21<sup>st</sup> of January Skoplje and Atina began negotiations on the name of state. Negotiations were brokered by the UN envoy Matthew Nimitz. At the start of negotiations Macedonian Foreign Secretary, Antonio Milošoski, floated a proposal on signing a declaration on friendship and good-neighbourly relations. The said declaration envisaged "setting up of a joint educational-historic commission composed of historians, experts, representatives of NGOs, tasked with exchange of opinions, with a view to familiarizing with the facts considered problematic."<sup>718</sup> But, according to the Macedonian press, the state leadership confirmed "its adherence to the constitutional name of the country."<sup>719</sup>

At the New York meeting Matthew Nimitz proposed a name for the Republic of Macedonia. That proposal was in fact tantamount to taking

<sup>718</sup> *Ibid.*

<sup>719</sup> "Final Proposal : Republic of Macedonia – Skoplje", *Politika*, 28 March 2008.

a 17-year old process back to square one. Namely, from a bevy of names, Nimitz selected the name Republic of Macedonia-Skopje, the name which had been circulated in the year 1992, when the dispute over the name has erupted. Nimitz's proposal entailed the possibility of using that very name written in Cyrillic alphabet in written communication.

First reaction of Dora Bakojani, Head of Greek Diplomacy, was that the new proposal of Nimitz "was incompatible with goals of Greece."<sup>720</sup>

Macedonia was seriously shook up by a continuing and unresolved problem of its name, on the eve of the Bucharest NATO summit. There was a large disagreement between President Branko Crvenkovski and Prime Minister Nikola Gruevski over that issue. In fact Crvenkovski advocated a compromise name, for the sake of a quick accession to NATO, while Gruevski was of the opinion that the said issue should be resolved at the citizens' referendum.

At the Bucharest NATO summit Greece stuck to its decision to veto the entry of Macedonia. Such a negative outcome only deepened political instability in Macedonia, and provoked mutual accusations of the leading political parties.

Pressures relating to recognition of independence of Kosovo, failure to reach a compromise solution on the name of the country, and Macedonia's failure to join NATO, broke up an already unstable government, and led to calling of snap elections in Macedonia.

Start of the snap elections campaign was marked by armed conflicts. First a member of Democratic Party of Albanians (DPA) was killed, and then two days later fire was opened on the motorcade of the opposition leader of the Union for Integration (DUI), Ali Ahmeti<sup>721</sup>. The foregoing indicated that internally Macedonia was still unstable.

Elections proper were not incident-free. Namely at the polling stations in Skoplje and outlying suburbs, one person was killed and 15 injured in showdowns and skirmishes between followers of opposed Albanian parties. Those incidents were a step backwards with respect to democratic

720 "Bloody start of pre-election campaign", *Press*, 16 May 2008.

721 "Gruevski shall invite Albanians to enter the government", *Blic*, 4 June, 2008.

processes in Macedonia and its attempts to draw closer to the European Union.

Coalition “For Better Macedonia”, headed by the party VMRO-DPMNE and its leader Nikola Gruevski, scored a major electoral victory by garnering 48.21%<sup>722</sup> of votes.

## **Accession to the EU in the shadow of political developments**

In 2008 Macedonia faced another disappointment. Namely its overall “political track record” was negatively assessed by the European Commission. Namely the Commission’s report noted that Macedonia failed to meet the criteria for kicking off negotiations on the EU membership. The two basic reasons for negative assessment were poorly organized snap elections and politicians “essential misunderstanding of a hate-free and ideological differences-free political dialogue and consensus.” The issue of fine-tuning of legal norms with the EU standards was overshadowed by the turbulent political developments.

Despite a generally negative assessment, the Commission also noted that in the last year Macedonia made progress in the field of economy and in anti-corruption and –crime combat. Conspicuous was also progress made in the field of the judiciary and police reforms and visa liberalisation. The report also noted that despite the global economic downturn, Macedonian economy had a solid growth rate, and that there were visible signs of establishment of the market economy.

Though for four years now Macedonia has not managed to kick off negotiations for the accession to the EU, the EU Commissioner for the EU Expansion, Olli Renn announced a possible visa liberalization regime for citizens of Macedonia by the end of 2009.

722 “See you next year ”, *Danas*, 10 November , 2008.

And finally in early April 2009 Macedonia managed to hold incident-free elections. Candidate of VMRO-DPMNE, Đorđe Ivanovo, then emerged victorious.

Despite its visible political instability, Macedonia shall continue to be extended e an open support of the EU both for the reforms of Macedonian state and society, and the EU membership. In the near future Macedonia shall have to resolve several salient issues, notably the issue of the state's name. In that regard it expects much greater EU assistance notably through the pressure on Greece. Serbia and Macedonia can easily build long-term, stable relations, but the foregoing hinges mostly on Serbia proper and the Serb Orthodox Church. As long as the Serb Orthodox Church continues to hold sway on some political structures in Belgrade, relations between Serbia and Macedonia are not likely to improve considerably.

# Slovenia: burden of unresolved issues

In comparison with other republics of the former SFRY, the Republic of Slovenia is an example of a country which in the process of Euro-Atlantic integrations had most success.

Full membership of NATO and the EU, a stable market economy, that is, full democratic consolidation of the country in the wake of the SFRY disintegration, makes Slovenia a *successful* example of the post-Communist transition, especially in the Balkans.<sup>723</sup> Moreover in comparison with the new EU member-states from the Eastern Block, Slovenia scored another success-entry into the Euro zone since 1 January 2007. The foregoing confirms that the state of Slovenia, the first one among the EU<sup>724</sup> countries from the Eastern block, had sufficiently consolidated its economy to „sustain” the taxing process of replacement of domestic currency with the Euro. Added to that in the first six months of 2008 Slovenia has successfully passed another test, the one of chairing the EU. And it was a daunting test, on the two grounds. Firstly, the practice has shown that presiding over the EU is always a great challenge for those EU member-countries considered smaller and less influential. Secondly, during its chairing, Slovenia faced the challenge of proclamation of independence of Kosovo in February 2008. That proclamation put on great trial relations between Serbia and Slovenia. That strain peaked when the Embassy of Slovenia was attacked in Belgrade, on the 17th of February 2008. In fact a showdown with Slovenia began 10 days ahead of proclamation of independence of

723 In the face of geographic fact, state of Slovenia and its representatives (like those of Romania) think that they don't belong to the Balkans Peninsula, or more precisely they think that they are not the *Balkan people*.

724 In the meantime only Slovakia replaced its national currency with Euro. Currently only 16 EU-members use Euro.

Kosovo, when a bomb was planted in the trade center<sup>725</sup> Merkator in the New Belgrade.<sup>726</sup>

Relations with Slovenia in the aftermath of Kosovo's independence, that is after Slovenian recognition of the Republic of Kosovo, became even more strained. Namely Serbia decided to withdraw its Ambassador from Ljubljana, to sent a protest note to the official Ljubljana. Moreover Foreign Secretary Jeremic issued a "warning" to Slovenia.

Unfortunately, the leading daily *Politika*, under the editorial control of DPS and Košturnica, joined in the Kosovo-motivated smear campaign against Slovenia and other regional countries. Thus investigative work<sup>727</sup> of the daily's correspondent from Ljubljana – Svetlana Vasović Mekina<sup>728</sup> led to an incredible scoop: namely she "uncovered" that Slovenia, while chairing the EU, together with the US, that is with the EU countries, hatched a strategy relating to proclamation of independence of Kosovo<sup>729</sup>.

Relations between Serbia and Slovenia are burdened by several unresolved issues. Firstly, there is the issue of „the erased ones“, which since the SFRY disintegration was a salient problem of both Slovenia and Serbia. This problem is nearing its resolution, for, the newly-installed Slovenian

725 Explosive device was made up of 200 grams of plastic explosives. Source: [www.b92.net](http://www.b92.net).

726 Trade centre is 100 metars away from the New Belgrade police station.

727 Obviously the Ljubljana scoop of S. Vasović-Mekina is an information of the Slovenian daily *Dnevnik*.

728 After changes effected in the editorial policy and concept of daily "*Politika*" (replacement of editor-in-chief, Lj. Smajlović), Mekina no longer files her „analytical“ comments from Ljubljana. Currently Mekina has the status of ordinary correspondent.

729 The document "found" by *Politika*'s correspondent from Ljubljana, Svetlana Vasović-Mekina, indicates that Mitja Drobnič, in presence of the Slovenian Ambassador in the USA, met with representatives of the US Council for National Security, that is Daniel Fried, Assistant Secretary of State, his deputy Rosemary e De Carlo, and Deputy Director of the US Security Agency, Judith Ansley. The document attested to the fact that the US State Department was piling pressure on the European countries to recognize urgently independence of Kosovo and urged Slovenia to be the first one to do that. On the eve of the Slovenian Presidency of the EU, the Bush Administration instructed the top Slovenian diplomatic circles which tactic to use in effecting that move and which steps to make in order to make possible its recognition of independence of Kosovo.

government has repeatedly asserted that it would respect the pertinent decision of the Constitutional Court of Slovenia. The latter would enable settlement of problems of citizens of Slovenia, who because of their ethnicity/ethnic descent were deprived of the right to normal life and work in that state.

Another problem emerged in 2008. Namely the Serb government decided by dint of its Agency for Privatization, to sell several Slovenian companies, that is, their property (at issue is the right to property from the SFRY period, which is the subject-matter of negotiations/agreement on succession) in Serbia. After a veritable diplomatic offensive of Slovenia, that controversial decision of the Serb Privatization Agency was withdrawn. Namely Slovenian Foreign Ministry, that is, Samuel Žbogar, sent four protests notes to Serbia and made several calls to the highest officials of Serbia. Finally the controversial privatizations were suspended.

However, despite the aforementioned problems, in 2008, Slovenia remained a solid partner of Serbia with respect to Serbia's accession to the Euro-Atlantic integrations. Thus the new Slovenian Foreign Secretary in December 2008 stated that Slovenia would be one of the countries which would lobby for un-freezing of the Stabilization and Association Agreement<sup>730</sup> signed by Serbia and the EU. Slovenia included the Western Balkans in its highest-priority list during its EU presidency, and the new government in Ljubljana, in that respect, did a great job for this part of the region.

However, the year 2008 shall be remembered for the culmination of a long-standing dispute between Slovenia and Croatia over the cross-border issues.<sup>731</sup> Despite the duration of that dispute, conduct of Slovenia in 2008 constituted an extremely unpleasant surprise in the region. In other words, Slovenia's blockade of Croatia's bid for the EU membership was a bad signal for the region as a whole. Slovenia availed itself of the right to block or unblock some chapters opened or intended to be opened by Croatia. By resorting to its right to block Croatia's ne-

730 "Intervention with the Dutch government", *Blic*, 11 December 2008.

731 For more details see „Self-isolation-reality and goalj”, Helsinki

Committee Annual Report for the Year 2007.

gotiations with the EU, Slovenia showed that it was akin to or familiar with *balkanization*<sup>732</sup> of relations, and thus sent a negative signal to the Western Balkans. Conflict between Slovenia and Croatia, that is, the spill over of cross-border issues into the field of EU integrations, may become a principle for resolution of all the open issues in the region. Conduct of Slovenia has obviously become Brussel's "problem", hence there are expectations that the dispute would be solved, without conditioning the Croat membership of the EU.

Slovenia and Serbia in the forthcoming period shall develop relations above all in the field of economy. Strategic co-operation between the two countries is possible, and Slovenia, may become an important ally of Serbia as concerns Serbia's bid for Euro-Atlantic integrations.

## Controversial pro-European orientation

Ruling political class of Serbia in the course of 2008 amply demonstrated its inability to make the pro-European orientation a dominant foreign policy option. In those terms it can be said that it has betrayed the support and expectations of citizens, who, because of such orientation both in presidential and snap parliamentary elections in the first months of 2008 had given their votes to the parties running on the pro-EU ticket, and not to the popular-conservative block. Coalition government (a grouping "For European Serbia" rallied around Democratic Party and the coalition cobbled together by the Socialist Party of Serbia), formed after the elections, due to its post-election non-consistent foreign policy orientation, despite some lesser steps forward, has not made a genuine progress towards Euro-Atlantic integrations. On the contrary, it has stalled the process of Serbia's accession to the EU.

Blocking of the European path has in turn caused a drastic decline in Euro enthusiasm among the Serb citizenry. In the second half of 2009, in

732 Here Balkanization is understood in broader terms: as a state of fragmentation and escalation of conflict of interests in a region, with weak prospects for reaching an agreed/consensual settlement.

less than six months, the number of citizens backing Serbia's accession to the EU fell by 6%-from 67% in May to 61% in December, while the same opinion polls indicated that 13% of citizens would vote against accession to the EU. Milica Delević, head of Office for European Integrations of the government of Serbia, in presenting the survey's results stated: "Such a fall in support is a sign of disappointment, for citizens thought that we would move more quickly towards the EU." According to Delevic, citizens apportion the blame for the lack of progress on the road to Europe both "between the Serb politicians and the EU."<sup>733</sup>

The fact that citizens also blame the EU for the aforementioned stalling, results primarily from messages by the authorities, opposition front-men and a broad circle of analysts and commentators , which implied that "Brussels is toeing a blackmailing line towards Serbia by continually setting new conditions for its accession." But the slowing down of Serbia's 'journey' to Europe in fact results from a combination of controversial internal development and wrong foreign policy actions. Namely the two priority, foreign policy goals were set: "preservation of constitutional order" (euphemism for denial of the proclaimed independence of Kosovo) and "European integrations." But in fact the Foreign Ministry of Serbia focused most of its activities on lobbying against recognition of Kosovo independence. The end-result of the foregoing was that "both Kosovo and Europe as foreign policy objectives, became more inaccessible."<sup>734</sup>

Reliance on Russia as a principal partner, in the meantime, became questionable. Namely, Russia, like the whole world, was seriously hit by a global economic crisis. Hence Moscow was compelled to take a more balanced tack to its Western partners, in contrast to its robust and aggressive diplomacy in the international arena in the course of 2007, and the first half of 2008, when the "protective" attitude towards Serbia played an important role. Noteworthy is the thesis about "privileged interests of Russia in other countries" espoused by President of Russia, Dimitri Medvedev, made in the wake of the Russian military intervention in Georgia. It appears that he has included Serbia in those countries, for, according to him,

733 "Declining support for European integrations", *Politika*, 22 January 2009.

734 Nikola Samardžić, "Hitting Rock-Bottom", *Danas*, 3 March 2009.

"privileged interests also apply to "to the states with which we traditionally have cordial and historically special relations." Medvedev added that his statement concerned "not only the states bordering with Russia."<sup>735</sup>

Results of the foreign policy orientation of Serbia in 2008 are indeed bad: worsening of relations with practically all neighbours, and notably with former republics of the Yugoslav federation. Due to genocide charges and counter-genocide charges filed with the International Court of Justice in the Hague, relations with Croatia grew very sour, while those with Macedonia and Montenegro, after their October 2008 recognition of the Republic of Kosovo, and Belgrade's expulsion of Macedonian and Montenegrin Ambassadors, became very tense.

The legacy of Vojislav Koštunica-led government, at whose proposal the Serb Parliament adopted resolution on the (military) neutrality, was sidelining of co-operation with NATO. Membership of *Partnership for Peace* was not challenged, but in the public discourse, with respect to the strategic orientation of Serbia, there was no longer mention of "Euro-Atlantic", but only of "European" integrations. It is clear that in play was not only terminological, but rather an essential difference with respect to orientation advocated by the first, two democratic governments in Serbia, the first one led by Zoran Đindjić and the second one led by Zoran Živković.

Despite the official statements highlighting the need for a comprehensive improvement of relations with the United States, due to two serious incidents in 2008 those relations were additionally burdened. The first incident was demolition and torching of the US Embassy in Belgrade during February (21st February) protests against recognition of independence of Kosovo. The second incident, which still affects the Serb-US relations, happened in 2009, and involved an unlawful issue of passport of Serbia by the Consulate of Serbia in New York to a student Miladin Kovačević<sup>736</sup> who had beat up an US student. The new passport allowed Kovačević to leave the United States, despite pledges and guarantees given by Kovačević himself and the state of Serbia that Kovačević would appear before the US court of law.

<sup>735</sup> "Serbia in the Russian Sphere of Influence", *Politika*, 2 September 2008.

<sup>736</sup> The US student beat up by Miladin Kovačević is in a coma.

However, the fear of socio-economic consequences of the world economic crisis had a sobering effect on the political class of Serbia. In late 2008, and in early 2009 a gradual re-affirmation/re-assertion of the pro-EU option was noticeable. That turnaround seems to be genuine. Namely since the year 2000 Serbia got from the EU over 3.6 billion Euro either in the shape of favourable loans or as donations. In the future Serbia can expect such an aid and support only from Brussels.<sup>737</sup> The fact that Serbia is aware of the foregoing is best confirmed by the following: in late 2008 in November the government's Council for European integrations became finally fully operational (it was founded 2003, never had held a single session.)

<sup>737</sup> Data of the Office for European Integrations and the Serb Finance Ministry, 4-5 October 2008.

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# Relations with the World



# Serbia and the EU

After victory of Democratic Party leader Boris Tadić over the Serb Radical Party President, Tomislav Nikolić in presidential elections (January–February 2008), anti-Western campaign continued unabated. Government of Vojislav Koštunica, leader of the nationalist-conservative camp, who controlled the most influential media (*Politika* and Radio Television Serbia), by calling snap parliamentary elections on 11<sup>th</sup> of May in a bid to manipulate the alleged “Kosovo land-grab”, made a desperate effort to discredit the pro-EU orientation and shift additionally Serbia towards Russia and the East.<sup>738</sup> Conservative-popular camp used the proclamation of independence of “mock” that is “the NATO-created state of Kosovo”, as a principal argument in the campaign for presidential and parliamentary elections. That camp hoped that such a pronounced “patriotic” rhetoric would lead to the “patriotic revival” (Slobodan Antonić) of the Serb electorate.

However, another topic, reflecting a possible foreign policy course and even the future of Serbia, namely the (non)-signing of the Stabilization and Association Agreement with the European Union, dominated the pre-election campaign. Lobbying of the EU officials, notably of Xavier Solana, among the EU member-states to have the agreement signed before the elections, was interpreted with scorn and sarcasm by the Serb leading media. Some print media went as far as to maintain that “Solana was interfering into internal affairs of Serbia.” Other dailies speculated whether such a signing would help Tadić to win: “...In a bid to decipher the mechanism of judgment-making of an average Serb voters, foreign diplomats in Belgrade are asking all and sundry whether the signing of the Agreement would help Tadić win and whether it is too late to put that carrot again on a stick...”<sup>739</sup>. The mass media also kept hyping the thesis that an open sup-

<sup>738</sup> Serious incidents in Belgrade, demolition of foreign embassies, withdrawal of Serbia’s ambassadors from countries which had recognized Kosovo, etc. was covered in the Annual Report of the Helsinki Committee for Human Rights in Serbia for 2007.

<sup>739</sup> Dragana Matović, “How Brussels Love Serbs”, *Politika*, 10 April, 2008.

port of Brussels to the DP-spearheaded Coalition for European Serbia in fact strengthened the conservative camp headed by the Serb Radical Party.

In the final stages of the pre-election campaign, the Brussels officials somehow managed to soften the stand of Netherlands, the stiffest opponent of the SAA signing before the hand-over of Ratko Mladić to the Hague Tribunal. President of Serbia, Boris Tadić, then, in Luxembourg, on 29<sup>th</sup> April signed that important document (in its 1<sup>st</sup> May issue *Politika* headlined the report on that event, “Agreement with the EU signed, Serbia divided”).

Signing of the SAA, despite its subsequent, immediate freezing until Serbia’s full compliance with the Hague, as well as a promising business arrangement between Kragujevac-based “Zastava” and Torino-based “Fiat” (also concluded on the eve of elections), have contributed to the victory of the pro-European camp. In a mood reminiscent of a referendum, coalition *For European Serbia*, convincingly defeated its most serious rival, the Serb Radical Party, and Democratic Party, for the first time since its founding became the strongest single party in Serbia. After the Socialist Party of Serbia decided to, at least, formally, distance itself from its own past, the month of June saw the forming of a pro-European government headed by Mirko Cvetkovic, as a Prime Minister. The first moves of his cabinet seemed encouraging. In his first speech before the newly-elected Parliament of Serbia, on 7th of July 2008, Cvetković ranked as the first priority of his cabinet accession to the EU. It is indicative that in that address of his “non-recognition of independence of Kosovo” was listed as the third priority, while “economic and other reforms” were listed as the second one.”<sup>740</sup>

In the summer of 2008 the new government took several pro-EU decisions which won it international recognition. First the government decided to reinstate the Serb Ambassadors to their posts in Western capitals (they had been recalled after recognition of Kosovo’s independence by a host of Western countries.) Then on the 21<sup>st</sup> the breaking news was the following: Radovan Karadžić, wartime president of Republika Srpska, and after Ratko Mladić, the most wanted fugitive from the Hague Tribunal justice,

<sup>740</sup> 740 *Večernje novosti*, “Europe –a Top Priority”, 8 July 2008.

was finally apprehended. But, the initial momentum then waned, and the pro-European course, thanks to which the incumbent authorities were entrusted with the government-forming tenure, became more amorphous. Under the pressure of a still strong conservative camp, which still wielded power among an important strata of society and media, and also due to overall political vacillations with respect to genuine Serbia's political priorities, the process of accession to the EU ground to a halt. On the foreign policy plane the foregoing was reflected through diplomatic activities focusing on "the defense of Kosovo", in the shape of a bid to ensure the support within the UN for a declaration asking from the International Court of Justice an (unbinding) opinion on the legality of proclamation of independence of Kosovo. That action which at a regular fall session of the UN General Assembly ended successfully, thanks to the support rendered by the majority vote of member-states, in fact set Serbia on a collision course with the majority of EU member-states. This is how that development was explained by former head of Yugoslav diplomacy, Goran Svilanović, "the pro-EU government started pursuing an anti-European policy....and thus it became the leader of an anti-European and anti-US policy in Europe."<sup>741</sup>

In the meantime, an institutional internal crisis became even more evident in Serbia. It was most manifest in the blockade of work of the Serb parliament, for which the authorities accused the opposition, and opposition, in turn, accused the government and the ruling coalition. Then there was another diplomatic failure. Namely Netherlands and Belgium stiffly opposed the un-freezing of the SAA, requested in a fervent lobbying action by the Serb officials in Brussels (Serbia reckoned that the arrest of Radovan Karadžić was a good enough argument for a positive assessment of its co-operation with the Hague Tribunal). The failure of that lobbying action and a continuing discreditation of the SAA by the conservative camp (that anti-SAA campaign was, surprisingly enough, spearheaded by the Popular Party rallied around Vojislav Koštunica, and not by the unified Radicals) however, compelled the ruling coalition to force the issue in the Serb parliament. Subsequently the SAA was adopted on 9<sup>th</sup> September by a slim majority of votes – 140 of a total of 250 MPs. In favour

741 Program "Browsing through the Newspapers", *Radio B* 92, 3 August 2008.

of the SAA voted all the MPs of the Coalition for European Serbia, and also MPs of the opposition Liberal Democratic Party. In underscoring the historic importance of that adoption, Vice Prime Minister for European Integrations, Božidar Đelić, also expressed his regret because “the Serb parliament failed to reach consensus on the European issues.”<sup>742</sup> In contrast to the absence of consensus “on the European issues,” the voting on the energy agreement with Russia, the same day in the Serb parliament, “panned out smoothly”. Namely that agreement was adopted by 74 votes more (214) from the votes favouring the EU document.

In the last quarter diplomatic activity focused on “the defense of Kosovo,” which willy-nilly entailed a veritable “quiet” war with the European Union. Serb officials, backed by the opposition (barring the Liberal Democratic Party) opposed the deployment of the EULEX mission in Kosovo, envisaged under the Marti Ahtisaari-drawn plan. A compromise solution, opposed by the Kosovo officials, was however found in late 2008, when under the UN auspices a 6-point agreement was agreed on. Though deployment of EULEX was effected in the whole territory of Kosovo, many details of that document, not only remained unknown, but, it seems, non-elaborated.

Institutional blockade, notably in relations between the government and Parliament, led to a humiliating outcome concerning the adoption of legal provisions necessary for a successful realization of the EU “road-map.” Long-term blockade of Serb parliament, caused by the arrest and hand-over of Radovan Karadžić, became even more acute after the split in the largest opposition party, the Serb Radical Party. Domestic public got rightly the impression that primarily the opposition MPs should be blamed for that blockade. And that was also the opinion of the EU Commission as expressed in its annual report on Serbia. However, having in mind the fact that for the work of both the government and parliament most responsible is the ruling majority, it may be concluded that for the “stalling” in the process of drawing up of laws compatible with the EU legislative requirements, the most responsible was the cabinet headed by Mirko Cvetković.

<sup>742</sup> 742 *Večernje novosti*, 10 September 2008.

What ensued were mutual accusations for slowness in adoption of laws and provisions in keeping with the European agenda. Due to all the aforementioned it is impossible to establish accurately the number of proposed, unprepared and adopted laws. As regards the number of laws prepared to be submitted for adoption to the Serb parliament in the course of 2008, one should rely on a recent statement made by one Serb top official. Namely, Vice Prime Minister for European Integrations Božidar Đelić, in his February 2009 parliamentary committee report on implementation of the National Program of Integrations in July–December 2008 period, quoted that the plan envisaged adoption of 64 laws from the European agenda; according to his words, the government accepted 49 bills, while the National Parliament of Serbia adopted only – 17, which meant that only 29% of the plan envisaging fine-tuning with the EU legislation was realized.<sup>743</sup> Đelic then went to say that he hoped that “the amended Rules of Procedure of the Serb parliament would contribute to its capacity to fulfill the European legislative agenda”. However, the LDP MP, Ivan Andrić, at the same session voiced his disagreement with the cited figures and Đelic's confidence: “Parliamentary work has ground to a halt, government is manipulating us in a bid to relieve itself of any responsibility.” Andrić also added: “If the annual average of the law adoption is 29%, then we can expect adoption of all the EU-related laws not by the end of 2012, but rather by the end of 2020.”<sup>744</sup> In view of the current situation, optimism of Vice Prime Minister Đelić that the republican parliament in the course of 2009 would adopt 155 EU-required laws, seems excessive if not altogether-unfounded.

Earlier Božidar Đelić stated that Serbia should have adopted 57 laws, that the government drafted 43 bills, and that the Serb parliament adopted 17. Validity of data made public by the government is questionable. The more so because the leading daily *Politika* in August ran an analysis indicating that of 13 laws to be adopted in July, the government submitted only 6 bills, while of 19 laws planned for adoption in September, only two were submitted to the Serb parliament. The said analysis

743 “For European Agenda One Law a Day”, *Politika*, 26 February 2009.

744 Idem

also uncovered that of 17 laws envisaged for adoption in December, not a single one was submitted to parliament, and that 11 of them were only in the first stage of elaboration.<sup>745</sup> (By the way as regards the number of EU-compatible laws which Serbia should have adopted in 2008, the aforementioned analysis first mentioned 49, then 57, and finally 64).

Similar confusion reigned with respect to laws, accompanying provisions and concrete actions necessary for putting Serbia on “the white Schengen list”. Despite various publicly announced time-frames for the suspension of EU visas for the Serb citizens-2008, mid-2009, late 2009 – it seems that the said goal would be attainable only in the year 2010. The mass media underscored the introduction of new passports, as if only on the issue thereof hinged the visa suspension. But the replacement of “old” with “new” passports began in August, and not in spring 2008, as initially promised. Moreover that new passport issue was riddled with many problems, primarily due to the lack of technological skills of police clerks. In the police stations there were huge line-ups and citizens waited for months to get their new travel documents. Hence in December the Serb parliament was compelled to adopt the provision prolonging the validity of old passports by the end of the year 2009.

In early 2009 the first expert European Commission mission visited Belgrade with the task of analyzing in detail Serbia’s compliance with the White Schengen List requirements. Only then, thanks to some media reports, unmet Serbia’s obligations on the “white Schengen road-map” (laws, strategies, ratification of international conventions, etc.) became more transparent. Namely despite the adoption of some major provisions (on protection of personal data, on protection of state borders, on foreigners, on impounding of property gained through criminal actions, and founding of anti-corruption agency), by parliament in October 2008, adoption of the three important legal provisions relating to prevention of money laundering, terrorism financing, and discrimination prevention, is still pending. In early March the Serb government was compelled to withdraw the Anti-Discrimination Bill from the parliamentary proceedings, just several days before its adoption, at the request of religious communities

745 Idem

representatives. The former caused a veritable public uproar. Also pending is the adoption of the Bill on the International Legal Aid, while according to the media reports, the four necessary strategies relating to reintegration of returnees on the basis of the Re-admission Agreement, combat against organized crime, anti-drug trafficking and illegal migration curbing, are yet to be drafted. And finally, pending is also ratification of the Council of Europe's conventions with corresponding protocols, relating to prevention and curbing of terrorism, human trafficking, high technology crime, and property impounding. Added to that the process of replacement of travel documents should be completed.<sup>746</sup>

Before leaving Belgrade, members of the European Commission expert teams declared succinctly, in line with their protocol-related obligations, that Serbia made some progress on the road to "the White Schengen," but that "many things still remain to be done."<sup>747</sup> Flying in the face of optimism of the Justice Secretary, Slobodan Homen, namely that "Serbia met 90% of its Schengen road-map commitments,"<sup>748</sup> were more realistic statements of other officials. Thus Counsellor to Vice Prime Minister for European Integrations, Ksenija Milivojević, maintained that Serbia would be put on the White Schengen List only in early 2010; according to Sanja Mrvaljević from the Office for European Integrations of the government of Serbia "final political decision of the Council of EU Ministers on liberalization of the visa regime shall hinge also on institution-building in our country" (anti-corruption agency, directoriat for property-management, etc.)<sup>749</sup>

As a gesture of good-will towards the EU, the Serb parliament in the late 2008 adopted a decision on the unilateral implementation of the Stabilization and Association Agreement, that is on the interim trade agreement. Thus that agreement entered force on 1 February 2009. That decision was taken despite stiff opposition of the political opposition, which maintained that due to the agreement's implementation Serbian budget would

746 "Lack of Readiness for Adoption of Laws", *Politika*, 6 August 2008

747 *Danas*, 22 January 2009.

748 *Politika*, 7 February 2009.

749 *Idem*

have less revenues (according to some assessments between 150 and 200 million Euro annually).

## European Union and Serbia

In 2008 European Union faced several challenges which put to serious test its own organization and its way of functioning. In recent past the most serious challenge was the Lisbon Treaty fiasco, and now it is the global economic crisis. Though it seems that the European constitutional crisis shall be soon overcome in 2009 (by a repeat of referendum in Ireland), overcoming of the global economic crisis shall be a much more difficult task, for the EU lacks efficient mechanisms for the crisis-prevention and management. Joshka Fischer, former head of German diplomacy, voiced a very pessimistic view in that regard: "Situation... in Europe is of utmost concern in view of the fact that the global economic crisis mercilessly unveils shortcomings and limitations of the European Union. It is obvious that because of the rejection of the reform-oriented treaty, Europe has lost faith in itself and in its future."<sup>750</sup>

Economic downturn with which in late 2008 were faced all the EU member-state individually and the EU as a whole, may have far-reaching "internal" and external" consequences. Namely it became manifest that the new EU members, notably the Baltic countries, Bulgaria and Hungary, were facing more economic and financial difficulties than more developed, traditional members, like Germany, France or Great Britain. Earlier within the EU there were some problems and misunderstandings too, notably when Romania and Bulgaria were accepted within its fold, despite their non-fulfillment of the EU institutional and other criteria. But now, coping with the burden of the global crisis, produces additional, internal tensions. Former communist countries from the Soviet sphere of influence expect now more solidarity and understanding from "the old" EU members. If such support and assistance don't materialize the "new" EU

<sup>750</sup> *Danas*, 5 March 2009.

members fear the emergence of the new “Iron Curtain”, which in this case, could be placed by the West.

In such a complex situation the countries making a bid for the EU membership now face another hurdle. That hurdle is currently most felt by Croatia, the West Balkans country closest to the EU accession (according to the previous agenda Croatia could count on full membership as early as in the year 2010), but, is most likely to be felt also, though in different ways, by other potential candidates.

According to some EU integration experts “for some reason the mood towards Serbia within the EU has recently changed”<sup>751</sup>. The former became obvious when Serbia started deliberating whether to make its bid for the EU membership. In the course of 2008 it seemed that Brussels was encouraging Belgrade to take that step. For example, when presenting the European Commission report, in early November 2008, Olli Renn, the EU Expansion Commissioner, announced that Serbia “may get the EU candidate status in 2009.”<sup>752</sup> And that possibility was hinted at in the very EU Commission report.

However, when in late 2008 high officials ( Božidar Đelić, Vuk Jeremić, Ivica Dačić) started thumping out very optimistic messages that as early as in the first quarter 2009 Serbia would make its official bid for the EU candidacy, Brussels responded by advising Serbia not to do that. Namely the EU Expansion Commissioner, Oli Renn, in early February, stated that Serbia should apply for candidacy only after the EU unfreezing of the SAA. Renn reiterated that view during his visit to Belgrade on the 12 February, and even suggested to the Serb President Boris Tadić, to abstain from that candidacy. Tadić then replied: “For Serbia the most important thing is to shorten the process of integration. We are not interested in quick, transitory objectives, we are interested in our final objective. Therefore we shall take into consideration this realistic analysis of Commissioner Renn, and subsequently take decision on the date of our submission of candidacy.”<sup>753</sup>

Brussels and Belgrade in the course of 2008 had a kind of “roller-coaster” relations. After gathering momentum, on the eve of parliamentary

751 *Politika*, 6 November 2008.

752 *Politika*, 13 February 2009.

elections, and a spectacular signing of the SAA in Luxembourg, and formation of the pro-European government, which the EU backed and welcomed, those relations began to sour. Namely, head of diplomacy Vuk Jeremic, started lobbying for an UN petition binding the International Court of Justice in the Hague to take into consideration (un)lawfullness of independence of Kosovo. In early August, Head of the French diplomacy, Bernard Couchner (in the second half of 2008 France was presiding over the EU), asked Serbia to renounce that initiative. Although the EU later did not publicly comment that diplomatic action of Serbia, it was easy to assume how displeased it was in view of the fact that 22 of its 27 member-states had recognized Kosovo already in the first half of 2008. In September, contrary to great expectations of Belgrade, the EU did not un-freeze the SAA, not only because of Serbia's failure to hand over Ratko Mladić, and thus meet its principal "Hague condition", but also because of general lack of co-operation of the incumbent Serb authorities.

EU usually makes public its assessments of the candidates' progress on the road of accession in early November, in its regular annual report. Even before its public presentation in Brussels, on 5 November 2008, the Serb media widely speculated that the report would be negative for Serbia. And those speculations proved true, though formulations given in that report were diplomatically well balanced. So it became clear that Serbia on its road to Europe in 2008 made very little progress and met only few EU-required standards, especially in the key sectors, impacting the overall EU assessment: development of democracy, rule of law, corruption, combat against organized crime. The only genuine kudos were addressed to institutions being built in the face of stiff resistance and objective hurdles, namely to the protector of citizens' rights (Ombudsman), Information Representative and Council for Combat against Corruption.

The following was also stated in the report: souring of relations between the EU and Serbia because of recognition of independence of Kosovo. The EU condemned unrest and attacks on foreign embassies in Belgrade, in February, and required that similar incidents in the future be prevented. Kosovo-related problems were frequently mentioned in the report. Serbia's decision to "fight" against Kosovo independence exclusively

by non-violent means, was positively assessed by the EU. But Serbia was taken to task for discouraging Kosovo Serbs to participate in the work of Kosovo administrative bodies and other institutions.

European Union also had some objections with respect to the Serb Constitution, notably the latter's failure to respect the Venice Commission opinion. Also criticized was the regulation spelling out that MPs mandates were property of political parties. In fact it was judged as "contrary to the European criteria." Although the total administrative capacity was assessed positively, noticeable was disappointment because of Serbia's failure to make some improvements in that sphere.

In its report the European Commission assessed that no progress was made in the process of corruption and organized crime-curbing. That part of the report, *inter alia*, read: "as regards the legal framework of anti-corruption fight, it is incomplete because of the delay in enforcement of the Act on Criminal Proceedings and absence of national strategy and action plan. Due to the shortness of the Prosecutor's mandate, the efficiency of the Special Court for Organized Crime is diminished; added to that, in the sphere of combat against financial crimes and money-laundering, Serbia does not co-operate sufficiently with foreign intelligence services.

In the report was also noted a growing number of threats and attacks on NGOs, especially on defenders of human rights, due to their different stances on tackling of some salient Serbia's problem, notably, Kosovo. It was also stated that the said incidents have never been properly investigated.

## Foreign Secretary of Serbia

In October 2008 Serbia's Ministry for Foreign Affairs gave to the print media the list of travels of head of diplomacy, Vuk Jeremić. According to that list in only three months time Jeremic covered 96,299 km.<sup>7</sup> During those long travels planet-wide, the Serb Foreign Secretary met with over 90 state delegations. Such an impressive "itinerary" of the first man of foreign policy, the man of an enviable physical energy, testifies, above all, to his

one-sided diplomatic orientation. Practically from the very first day of his re-naming to that post (he also served as the Foreign Secretary in the second government of Vojislav Košunica), his principal concern was to prove “unlawfulness” of independence of Kosovo and to block further recognition of that independence by other countries.

Though one of the first moves of the newly-formed government was reinstatement of the Serb ambassadors to their posts in the Western countries’ capitals (they had been withdrawn after recognition of Kosovo), Jeremić commented that decision as a sign of loyalty “to the southern Serb province”: “The return of our Ambassadors to the EU member-countries is tantamount to our signal to the world that we shall not renounce our fight for Kosovo.”<sup>70</sup>

But his duplicity soon came to the fore. Namely Serbia decided to request the International Court of Justice to rule on the lawfullness of the Kosovo parliament’s decision on proclamation of independence, that is, to establish whether the said decision was in harmony with or contrary to the international law. But since that decision hinged on the UN resolution, Jeremić embarked upon the world tour, mostly visiting the former Yugoslavia’s non-aligned friends, a host of Asian and African countries. And he got what he wanted: thanks to 77 “yes” votes, 6 “against” votes and 74 abstained, the General Assembly of the United Nations asked the International Court of Justice on 8 October 2008 to deliberate the Kosovo precedent. Serbia’s political compromises which preceded such a UN vote can be only guessed on the basis of a single media report. Namely Novi Sad daily “Dnevnik” learnt that on 21 November 2008 Serbia voted against the Resolution on Status of Human Rights in Iran (Iran still applies the Sharia common law, cruel even towards underage persons – of 32 death sentences handed down in the world in 2005, 26 were carried out in Iran). An EU official, who wanted to remain anonymous, thus commented Serbia’s move: “... we cannot accept the fact that Serbia flies in the face of the EU by voting contrary to our precepts and standards on the important issue of status of human rights. We can only explain Serbia’s move as its “repayment of debt” to Iran, which had voted in favor of the International Court of Justice advisory opinion on the legality of independence of Kosovo. If

on the account of Kosovo Belgrade is ready to side with those trampling on human rights, then we cannot see how Serbia can reconcile such a policy with its proclaimed aspiration to join the EU..”<sup>752</sup>.

Bursting with self-confidence and arrogant in his actions and speeches on the domestic scene, Jeremic, thanks to his “international success in the defence of the constitutional order” alas enjoys a high popularity rating in Serbia (he is the most popular politician in Serbia, after Boris Tadić). But such an attitude of his was condoned by foreign officials. Some print media coverage indicated that the EU officials were disgruntled by his conduct which sometimes bordered on diplomatic incident and scandal.

One such incident happened during the visit of Lamberto Zanieri, head of the UNMIK mission to Belgrade, on 19 February 2009. At the meeting which was to discuss prerogatives of the EULEX mission in Kosovo was also present an EU official, Peter Sorensen (who was appointed head of the EU office in Belgrade several days later.) According to *Politika*,<sup>753</sup> Jeremić first asked Sorensen what he was doing there, and then refused to talk to him. In the wake of that incident the Serb Foreign Affairs Ministry was compelled to officially apologize to Zanieri, and the EU decided to smooth out the “misunderstanding”, after Vuk Jeremic allegedly apologized in several phone conversations to a few EU ministers.<sup>754</sup>

In September Vuk Jeremic also addressed in an arrogant fashion the Permanent OSCE Council meeting, in Vienna, during a discussion on the Russian aggression against Georgia and subsequent Russian recognition of seceded regions of Abkhazia and South Ossetia: “I am not happy to conclude that what I had predicted in February as a possible consequence of unilaterally proclaimed independence of Kosovo, now has come to pass.” Jeremić added that he had earlier cautioned against “a precedent which could stem from Kosovo Albanian’s shameful rejection of the 21st century principles...” Daily “*Politika*” thus headlined that report from Vienna “Jeremić: I had warned you.”<sup>755</sup>

753 *Politika*, 22 July 2008.

754 *Politka*, 24 February 2009.

755 Željko Cvijanović, Standard, 12 December 2008.

Controversial, oft undiplomatic conduct of Vuk Jeremić, aimed at bringing home to the general public that Serbia was pursuing a resolute, principled and result-producing foreign policy. The most illustrative of the foregoing is his famous statement, always made in his favourite communication language, English: "Enough is enough." In that "subtle" way he tried "to hammer it home" to the European officials that Serbia could no longer be "blackmailed." All the foregoing raised speculations as to his genuine position in the government, and generally in the political arena of Serbia. While some consider him "the most powerful paradigm of Tadić's policy"<sup>756</sup>, more commonplace is the view or rather a conviction that Jeremic enjoys full support of still unfluent, nationalistic-conservative camp. Jeremic and that camp are Russophiles, full of distrust towards NATO and resentful of the European Union. Jeremić has repeatedly made public his allegiance to Moscow: "Regardless of the identity and composition of authorities in Serbia, Serbia shall continue to pursue its two priorities – Kosovo and Russia"<sup>757</sup>, or, " Serbia and the Russian Federation have age-long relations... these relations are very close and brotherly, we are true partners, and our relations have an added dimension, they are of spiritual character."<sup>758</sup>

His reply to the question why Serbia's communication with NATO had worsened, was the following: "We lost faith in NATO because of its role in the creation, training and formation of so-called Kosovo security forces."<sup>759</sup> Vuk Jeremic expressed a genuine Euroscepticism in his interview to the German magazine "*Stern*": "the issue of Serbia's candidacy was frozen by the EU...since the arrest of Radovan Karadžić not a single positive signal was sent to Serbia."<sup>760</sup>

756 Vuk Jeremić, at the New Year's Party in the Embassy of Russia, according to the Radio Television Serbia, 22 December 2009.

757 *NIN*, 18 December 2008.

758 According to *Danas*, 5 December 2008.

759 Obrad Kesić, "Friends of Injustice", *Politika* 7 April 2008.

760 Mirjana Bobić Mojsilović, "Twilight Zone", *Politika*, 1 October 2008.

## Anti-European Lobby

Across-the-board Euroenthusiasm, so evident after the May elections and formation of the pro-European government headed by Mirko Cvetkovic, started waning in the fall of 2008. Due to vacillation of the ruling majority to channel the mood of citizenry towards reaching a broad social-political consensus on the pro-EU course (Serbia is the only country in Eastern Serbia in which such a consensus has not been reached) open opponents of the Euro-Atlantic integration of Serbia and Euro-Sceptics to the upper hand in the political, ideological and public arena.

During the years of dominance of Vojislav Koštunica, and his efforts to entrench Serbia in the “pro-Eastern” stance, a group of the like-minded commentators and analysts rallied around the review *Nova srpska politička misao* gained ground. Those self-styled interpreters of the Serb national interest imposed themselves as authoritative and omniscient ideological actors to be reckoned with, both at home and abroad. Representatives of that camp either individually or as a group were given access to all the media to foment an anti-European mood. In the year 2008 members of that circle launched another anti-European and markedly pro-Russian weekly, *Pečat*. Editor-in-chief of that glossy and expensive magazine is Milorad Vučelić, a long-term friend and collaborator of Slobodan Milošević. In the Milošević era, during the war years, he headed Radio-Television Serbia.

Added to calling all the pro-EU advocates, “EU-snitches” and “EU-suckers”, members of this informal circle use a whole arsenal of derogatory labels for their “opponents”, especially those from NGO ranks. Thus those who urge an accelerated Serbia’s accession to the EU, are demonized as “Unionists”, “EU-reformists”, “EU-nationalists”, „civilianists”. In numerous articles penned by the anti-EU lobby, “EU-flatterers” are depicted as “a major social problem.” The following is also alleged: “There is a very vocal group of people who think that the future of Serbia may be only built within the European Union, even if that Union is undemocratic and violent. They think that Serbia, and its people should not anger those EU countries which arrogantly think that they can do whatever they fancy;

that they can even violate the international law (a reference to Kosovo), in a show of their all-powerful standing.”<sup>761</sup>

In one of her numerous columns, the first and foremost female member of that camp, Mirjana Bobić Mojsilović wrote: "...Today many people in Serbia are of opinion that it is too brave to think with one's own head and to think loudly. Is that what we fought for with pans, and pots and whistles? How come that after Communism and then Milošević era and twenty year of agony, we have reached the point in which anyone can be proclaimed a right-winger and a Serb nationalist if he or she enthusiastically does not agree to belong to the herd branded by yellow stars, led by self-styled interpreters of the European values?"<sup>762</sup>

Thesis and analysis which that group leans on, as seen from the above, are rife with the anti-EU rhetoric. One of the most illustrative examples thereof is their gloating over the fact that the Irish in the 12th of June referendum refused to accept "the European Constitution". In addition to praising "the Irish courage", they re-hashed the thesis of a collapse of the most important supra-national organization "even before Serbia's accession to the EU." Thus, according to them, "the Serb (pro-European elites) should be seriously asked "where are you leading us to and what is awaiting us there...would not it be fair if that elite told us the exact price of Serbia's realization of a better life..." The emphasis was on the following: "If the French, Dutch and Irish grew scared of EU bureaucracy, is it possible that Serbs have no reason whatever for a similar fear?"<sup>763</sup>

The global economic crisis which in late 2008 hit European countries too, made more virulent the rhetoric of the anti-EU camp and strengthened their notorious arguments about "an imminent collapse of the New

761 Slobodan Antonić, "Lessons To Be Learnt from the Irish 'NO', 19 June 2008.

762 Đorđe Vukadinović, "Turmoil in the Chocolate Kingdom", *Politika* 3 March 2009.

763 Though Serbia has been accepted to the Partnership for Peace program two years ago, it has yet to move into the NATO headquarters building in Brussels. The foregoing is justified by the lack of funds. In connection with that President of the Atlantic Alliance, Vladan Živulović in the article he penned for daily *Danas*, of 4-5 April, disclosed a rather bizarre detail: " Serbia is waiting for premises to be vacated by Croatia and Albania, since they shall be moving to the part of the building housing the NATO full-membersva. Thus we shall fulfill our wish to be next to the Russian office with NATO."

World Order, based on Liberalism." The following was underscored: "Why would Serbia want to join such a club? Serbia is not wanted there and moreover the ongoing economic crisis would provide a final answer to the dilemma about the true capacities of the European Union...that is, we shall finally see whether its current organizational shape is capable enough of finding the right response to huge economic challenges (its inadequacy in handling the political ones is quite clear) or the national states are still the best and most vital structure for facing up to the challenges of the contemporary world."<sup>764</sup> Or as the author wonders: "... shall Serbs ever understand that the coarse Serb shirt befits them better than the European coat"?<sup>765</sup>

## Conclusions and recommendations

Six-year long loitering, without a genuine intent to embark upon the EU path (since assassination of Prime Minister Zoran Đinđić), was characterized with more missteps than the right steps, or the steps leading forward. Hence it is not too pessimistic to conclude that Serbia missed out on the momentum to get closer to the EU. Objectively speaking, five years ago that process would have been easier. The year 2009 will be difficult and complex for the EU proper in many respects. In mid-2009 will be staged the elections for the European Parliament, which entail the change of the Brussels administration; in November in Ireland shall be repeated a referendum on the Lisbon Treaty; in the meantime much energy shall be engaged in the short-term and long-term post-economic crisis recovery.

Despite the foregoing it would be important for the EU not to neglect, economically and politically fragile Balkans and especially Serbia, as a key factor of the regional (in)stability. European policy should take into consideration that complex situation and as soon as possible make Serbia realize that its territorial aspirations are no longer possible.

764 Prof. Jovo Bakic for example is against NATO membership because

"NATO is a criminal organization", *N/N*, 9 April 2009

765 "We lost faith in NATO, *Blic*, 8 February 2009

In view of the current situation, the EU should unconditionally enable Serbia, Bosnia and Herzegovina and Kosovo, to swiftly accede to its fold. As regards Serbia, in addition to the government, the EU should rely on citizens which have clearly shown that they see their future in Europe.

Inability of Serbia to make the pro-European orientation its primary goal, leads us to conclude that, in that regard, Serbia needs the EU assistance. The current financial assistance from Brussels keeps Serbia economically afloat and foments its regional claims and aspirations. Negative trends in Serbia would be stopped if Serbia were accorded the status of an EU candidate. On the other hand, in addition to the political elite, local self-rule bodies and citizens, should play a role in reaching the EU accession-related consensus.

# NATO – Yes or No?

In early April a debate on relations with the most important military – political alliance, the NATO Pact, has (un)expectedly been launched. Only several days after culmination of anti-NATO campaign-on the occasion of the 10<sup>th</sup> anniversary (24<sup>th</sup> March) of the NATO operation in the then Federal Republic of Yugoslavia, “Allied Force”, to which many in Serbia wrongly and pathetically attribute a code name of “The Merciful Angel” – a more judicious tones appealing to the re-appraisal of self-styled or self-proclaimed military neutrality of the country started to emerge in the public. Such a turnaround in rationalization of the debate on the most significant strategic orientations of Serbia should be viewed within the context of recent developments in Serbia proper, but also in the regional and broader international context.

Firstly, the global economic-financial crisis imposed to the key world actors the need to jointly look for common solutions, by all appearances shall impact re-definition of total relations between them. Small countries like Serbia, also hit hard by the crisis, shall be also compelled to adapt their strategic positioning to the newly-emerged circumstances. That positioning shall be to a large extent subordinated to the new dynamics in the making (the G20 summit in London) in the global scene. Added to that in early April Croatia and Albania became the full members of the North Atlantic Alliance. In other words Serbia is now totally encircled by the NATO member-countries, which empties her position of neutrality of any genuine content, and furthermore makes it obsolete and mindless. And finally the major economic downturn in the world has laid bare the failed economic and social transition in Serbia. In the face of a real fear of a potential bankruptcy, Belgrade is compelled to turn anew to the US and European money, read –funds. The foregoing entails the change of rhetoric towards Brussels, not only as the centre of the European Union, but also as the seat of NATO headquarters.

## Anti-NATO campaign

As early as during the second tenure of Prime Minister Vojislav Koštunica, a visible distancing from the European integrations, was most reflected in an evidently cooling stance towards the NATO membership. From the official vocabulary the sintagm "Euro-Atlantic orientations" was covertly turned into "European integrations". Moreover the Serb Parliament in December 2007 adopted a resolution on the *military neutrality*, though the country, in December 2006, at the proposal of the US President, George Bush, was accepted in the Partnership for Peace program. Added to that the office of Serbia in the Brussels seat of NATO is yet to be open.<sup>766</sup>In the meantime, thanks to a vocal smear campaign orchestrated in Serbia, NATO was branded as the leader of the anti-Serb mood in the West. Added to a permanent blame attached to NATO and its member-states for the 1999 bombing campaign, the Serb political class and intellectual elite<sup>767</sup> took it to task for proclamation of independence of Kosovo, and the assistance rendered by that military organization in the process of formation of the Kosovo security forces. Thus Vuk Jeremić, Serbia's Foreign Secretary, has recently stated: "We lost confidence in NATO, after its ample assistance in formation and training of so-called, Kosovo security forces<sup>768</sup>".

What was also evident over the past and a half year was Serbia's shift, not only in the economic realm, to the East, that is, towards Russia. Within the framework of that, according to some, very important relationship, Serbia's membership of NATO would not fit at all. This is how Miroslav Lazanski, military analyst close to the conservative block,.one of the stiffest media opponents of Serbia's accession to NATO has put it: "Membership of NATO carries an obligation, namely to join the war, if any NATO member-state is attacked. Shall anyone in Serbia go to war against Russia, if, for example, Russia attacks Lithuania (...) No-one says that Moscow would

766 "The last Serb secret", *Politika*, 1 November 2008

767 *Pravda*, 26 March 2009

768 [www.b92.net](http://www.b92.net) 11 April 2009, His statemnet at the Ropund Table on the "Contemporary Foreign Policy of Russia" held in Ruski Dom in Belgrade 10. April 2009.

interpret Serbia's accession to NATO as "a hostile step". Or perhaps that is the last Serb secret."<sup>769</sup>

In parallel to the anti-NATO mood, the pro-Russia mood peaked on the 24th March 2009, during the marking of the 10th anniversary of NATO campaign. On that day Serbia saw many important and vocal visitors from Moscow, ranging from retired generals, retired DUMA MPs, prominent artists, like film director Nikita Mihalkov, to active representatives of Putin's "United Russia" Party in the Russian parliament, most notably president of the Foreign Policy Committee of Duma, Konstantin Kosačov. In an exalted tone daily tabloid Kurir reported that "at the protest rally in the Republic Square, in the city centre, on the 24th of March, patriotic and Russian songs resonated well."<sup>770</sup> In further and very detailed description of the event the following was noted: "The rally was attended by numerous guests from Russia. Many of them also spoke at the rally. Slogans like "Serbia and Russia, we don't need the European Union" were also heard. On that occasion General Leonid Ivašov praised the Serb people for their "struggle against Western fascism" and sent a message that "When they are united, Serbs and Russians, are invincible."<sup>771</sup>

Maksim Miščenko, an MP of "United Russia" Party in DUMA, and one of the guests in the aforementioned two-day conference, gave an extensive interview to daily *Pravda*. In that interview he expressed his conviction that "the Serb people shall never pardon and forget crimes which NATO committed against Serbia." In the same interview he went on to note: "Bombing of Serbia was an act of piling pressure on all the Slavic countries..and that pressure, alas, still continues. Serbia is a thorn in the flesh of the West for it does not want to bow to the new world order, for the latter would result in the loss of its faith and identity." Mischenko also maintained that Russia was the biggest obstacle to the US expansionism and its bid to geopolitically subjugate the planet: "The West and the US need Russia because of its resources...that is why they try to convert into the NATO members all our neighbouring countries...that was one of the reasons

<sup>769</sup> *Pecat*, 3 April 2009

<sup>770</sup> *Idem*

<sup>771</sup> *Pravda*, 24 March 2009.

for the bombing campaign against you, while your resistance to the NATO membership is punished by the wresting of Kosovo from Serbia".<sup>12</sup> Russian ambassador Alexander Konuzin in Belgrade warned that Serbia's membership in EU would change its relationship with Russia because of „institutional reasons“. He also claimed that it would lead to breaking of the Agreement of Free Trade between Russia and Serbia.<sup>13</sup>

In a lengthy text titled "A state or a puppet state?" weekly *Pečat*, among other things, commented the announcement of Serbia's President, Boris Tadić, that "Serbia shall ponder the membership of NATO" and went on to note: "Since through the signing of the Stabilization and Association Agreement and legalization of EULEX the incumbent authorities amnestied the EU's role in the break-up of Serbia, now on the agenda is apparently justification of the NATO aggression against Serbia and consequences thereof. For if Serbia were to join NATO that would be factually tantamount to Serbia's recognition that it has bombed itself! Is there a better and more original amnesty for the crime committed against Serbia!"<sup>14</sup>

A two-day international conference called "Let us not forget" was held in Belgrade. One of the most "prominent" guests was Borislav, Milošević, a resident of Moscow, and brother of the late president Slobodan Milošević. One of the participants was the Interior Secretary and Vice Prime Minister, the highest-ranking member of the Socialist Party of Serbia, Ivica Dačić. This is what he said on that occasion: "Unilateral declaration of independence of Kosovo and international, that is, the West's recognition of that independence is tantamount to continuation of bombing campaign, pressures and aggression, albeit in a peaceful way."<sup>15</sup>

Marking of the 10th anniversary of "war against NATO", gave rise to numerous media public opinion polls and surveys relating to a potential Serbia's membership of the alliance. This is what the former ideologue of the Socialist Party of Serbia, currently the member of the Serb Progressive Party, Mihailo Marković said about that topic: "I am totally against any co-operation with that organization." His opinion was shared by his new party chief, Tomislav Nikolić, who additionally opposed "Serbia's membership of any military alliance". In the same poll, Dragan Šormaz from Democratic Party of Serbia, made public his stance: "Serbia should remain

militarily neutral, not only because NATO had bombed us, failed to show any repentance for that act, and failed to offer us any compensation, but because they are damaging us anew, by forcibly grabbing Kosovo from us.”<sup>72</sup>

In the same-themed poll carried by *Kurir*, deputy president of the Serb Radical Party, Dragan Todorović, stated: “For us, accession to NATO is inconceivable. If we did that, we would tramp upon all the victims who had fallen in the defense against the NATO aggression.”<sup>73</sup>

## More rational rhetoric

In the aforementioned surveys both politicians and citizens were polled. Though the majority of citizens shared stances of the elite, some of them rationally opted for the NATO membership. Added to that some military experts and analysts started boldly exposing their reservations towards “military neutrality”. In commenting the 10th anniversary of NATO campaign, a military analyst, Aleksandar Radić, noted the following “ten years on from the war, Serbia in its relations with NATO Serbia knows what it does not want, but does not know what it wants...that is why it is simultaneously flirting with that alliance and proclaiming the military neutrality”. According to Radic, official policy must take a clear stance, that is, “decide whether it wants a shift towards the West and then do it fully, and not by the current half-steps. Current situation is confusing, without a clear strategic vision and unsustainable.”<sup>74</sup>

President of a relevant NGO, the Atlantic Alliance of Serbia, Vladimir Živulović, in early April, made important statements to several print media. Zivulovic claimed that after accession of Croatia and Albania to NATO, neutral Serbia is becoming a military “black hole” in the Balkans, since Macedonia, Montenegro and Bosnia and Herzegovina are on the doorstep of the Alliance: “Croatia, just like Bulgaria, Romania, Hungaria, Lithuania, and Estonia, before the EU, had first to join NATO.” He went on to underscore that the military neutrality of Serbia was not feasible, notably in the view of the fact that “a serious and mighty army is necessary for

implementation of foreign policy".<sup>772</sup> In the text "Serbia sends different, confusing signals", penned for daily *Danas*, Živulović noted the following: "Barring the Načertanije<sup>773</sup> we did not try to formulate national interests to benefit exclusively Serbia, and not only Russia or the West. Because of the clash of the latter two orientations, the Serb foreign policy looks somewhat awkward and confused. As of late the previous and the incumbent authorities have been sending different signals which have been only puzzling the foreigners". Živulović then went on to illustrate the foregoing: "Serbia joined the NATO program Partnership for Peace, but then stalled all the program related activities. After that it proclaimed the military neutrality and then vocally proclaimed its interest to speed up its accession to the European Union, leaving totally aside the NATO and Partnership for Peace matters. After some time it concluded an agreement with Russia on the pipeline crossing through its territory towards EU, or rather was the only country which gave Russia a concession to manage that pipeline in Serbia proper. How can then the EU interpret all this, how can NATO one day ask us to join the organization, when we are still calculating with the Partnership for Peace."<sup>774</sup>

Military commentator of daily *Politika*, Ljubodrag Stojadinović, in his commentary „Wobbly Neutrality of Serbia“ maintained that „Serbia proclaimed a military neutrality at the time when it does not have well-defined borders, and consequently a well-defined territory, when that territory is being fragmented as a consequence of the pre-emptive use of force by the coalition forces, and when in play is the state which does not have not a single state element. In such circumstances the neutral status is

772 "Serbia is encircled by NATO", *Press*, 6 April 2009

773 In the formative period of Serbia as a nation state in XIX century, the idea of Serbia's resurrection became the core of the Serbian foreign policy program. This plan was formulated in 1844 as the "Nacertanije" (or "Draft Plan") of Ilija Garasanin, minister of internal affairs in the government of Prince Aleksandar Karađorđevic. In the Nacertanije, Garasanin set out the goals of Serbia's territorial reconstruction as follows: "The Serb state, which has got off to an auspicious start but must yet spread and grow stronger, has its firm foundations in the Serb empire of the thirteenth and fourteenth centuries and in the rich and glorious Serb history."

774 *Press*, 6 April 2009

militarily and politically contradictory, and it is in collision with any logic and is not sustainable without a good definition of the state of affairs.”<sup>775</sup>

President of Forum for Democracy, General Ninoslav Krstić, reasons in the similar way: “I don’t know how we think to join the EU, if we declare our neutrality. All the EU member-states have first joined NATO, and then the EU. Anyway our neutrality is dead-letter. How can we be neutral when ‘in the heart’ of Serbia we have Bondsteel base? How can we be neutral, wheh we have signed the Partnership for Peace program? We have also signed agreements with NATO on flights over Serbia and Montenegro and on passage of NATO troops through the land corridor?”<sup>776</sup>

Defence Secretary Dragan Šutanovac recently has been flouting deftly balanced formulations. In his interview to daily *Danas* despite defending the “neutrality”, he however noted that “Croatia’s credit rating increased by one degree, when it was invited to join the Alliance.”<sup>777</sup> In Radio B92 program *Kažiprst*, several days later, Sutanovac stated that the credit rating of Croatia, by its full-membership of NATO, increased by three degrees.” He also underscored that “the anger at NATO because of bombing campaign ten years ago, cannot last forever...because we cannot always dwell on the past.”<sup>778</sup>

It is obvious that there are dissonant voices in the Serb government. Thus Srđan Srećković (Serbian Renewal Movement), the Serb Minister for Diaspora, urged that co-operation within Partnership for Peace be stepped up, and asserted that by Croatia’s and Albanian’s accession to NATO, Serbia “started losing its leadership potential in the region. We cannot be held hostage to the past, despite the injustice done to us”. In commenting a positive message from the Strasbourg summit of NATO, Srećković stated “the fact that NATO has so openly invited us to join the organization, and welcomed such a move of ours is-encouraging”<sup>779</sup>

775 *Večernje novosti*, 6 April 2009

776 *Blic*, 7 April 2009

777 *Danas*, 4-5 April 2009

778 German vested interests ranked by US view on European energy security, *Eurasia Daily Monitor*, Sept. 24, 2008

779 Poland’s status still “not equal,” foreign minister says, *IHT*, August 14, 2007

## Conclusion

After a pronounced opposition to and obstruction of Serbia's two-year long process of drawing closer to NATO, this sudden presence of different voices and stands in the public scene is an important indicator of a turnaround. Though it is perhaps too early to draw definite conclusions, one however gets the impression that another taboo has been dispelled as regards the geopolitical and strategic orientation of Serbia. Aside from the fact that the theme of Serbia's accession to NATO was until recently a taboo, one should also mention that recent policy towards Euro-Atlantic integrations also had most concrete consequences. The most important consequence was undoubtedly the December 2008 replacement of Head of Chief of Staff of the Army of Serbia, General Zdravko Ponoš, who had a reputation of being a vocal advocate of closer ties with NATO. It is also noteworthy that Serb citizens support for NATO membership – always lower than the one for accession to the European Union – fell drastically from 38% in 2007 to 29.32% in early 2009 (according to the Strategic Marketing Poll).<sup>780</sup> According to other public opinion surveys the percentage of citizens favouring Serbia's membership of NATO is even lower. For example, in the poll of the daily *Danas* web site, which lasted from 9-25 March 2009, a convincing majority of visitors opposed Serbia's membership of NATO – 2,252 of a total of 2,773, or 81.21%, while only 521 visitor or 18.79% were in favour of that membership.<sup>781</sup>

780 Jurij Balujevski, Head of Chief of Staff of the Russian Army openly threatened that Moscow could use nuclear arms as a pre-emptive strike in case of a major threat to Russia or its allies. *Pres*, 20 January 2008

781 Medvedev Opt for Soft Sell In Berlin, *Moscow Times*, June 6, 2008

# Getting closer to Moscow's orbit

In the course of 2008, Russia tested in a very unpleasant way both NATO and the European Union. Firstly, in April, at the Bucharest summit of NATO, despite Washington's insistence, Ukraine and Georgia did not get any closer to the full membership of the organization because of Germany's and France's stiff opposition. And secondly, in August, after Tbilisi, which relied heavily on importance of its political alliance with the US, was routed in a brief war with Russia.

The first development indicated that NATO with respect to the most important issue, further expansion of that organization to the East, did not have a unified stand. Added to that it became manifest that in the Western Europe, some EU member-states (notably Germany, France and Italy...), were not ready to subordinate their very important economic relations and increasingly better political relations with Russia to NATO's objective of expanding towards the Russian borders. Those countries expressed their fear that such a shift could irritate Russia and thus imperil their more important national interests.<sup>782</sup> The second event, the war in Southern Abhazia just confirmed the impression that NATO in the future would not speak with one voice about such developments.

Non-fulfillment of expectations of Ukraine and Georgia that their accession to NATO would be accelerated (and just a year earlier both countries were encouraged to hope for such a development) clearly indicated the success of the Russian policy towards so-called Old Europe. Namely Moscow encouraged countries of so-called Old Europe to recognize where its true interests lie, or whether it would be better for them to give priority to good relations with Russia, at the expense of solidarity with the newly-accepted NATO and EU members in the East.

Principal concern of Europe is still the Russian gas. The first EU country which tried to solve that pressing problem was Germany. It did it by signing a deal on the gas pipeline via the Baltic Sea bottom. However, other Europeans instead of losing time by waiting for a formulation of a joint

<sup>782</sup> Ruža Ćirković: Marketing is Naked, *N/N*, 18 December 2008

policy on the energy co-operation with Russia quickly followed suit. On the other hand, Moscow was irritated by a mere thought of having a joint energy-related deal with EU, as a whole. Putin's general political conduct suggested that Moscow wanted a deal but separately, with every single EU state, and above all with the countries of the "Old Europe." Since the very outset, Moscow criticized the West's possible sensitivity to objections of Poland and other "anti-Russian xenophobes" (termed as such by Sergej Jastrzembski, Putin's representative with the EU).

In such circumstances the war between Russia and Georgia made Europe "dazed by the gas." Subsequently, de facto annexation of Abkhazia and South Ossetia, by Russia's recognition of their "independence" and Russia's swift military entrenchment in the seceded areas scared the Baltic countries and Poland. A remark was heard that they needed a swift response of NATO in case of a threat to them. Even before the Caucasian crisis Poland voiced its stand that its status in the EU and NATO, since the day of its accession to the organization, "was not equal to the one enjoyed by other countries", and maintained that "its status was called into question by Russia", and others, including Germany!<sup>783</sup> However, after a brief protest stalemate, Brussels and Moscow's were back to "business as usual" (as early as in the first months of 2009) and ties between the two partners were fully rehabilitated.

Flying in the face of such a change of mood, or perhaps a crack in the façade of declared interest alliance of EU member-states, Moscow even more resolutely than in previous years showed that it did not and would not renounce its right to intervene "in the zone of Russia's security interests" and if necessary even by military force "in order to protect its citizens and allies."<sup>784</sup>

The mere mention of the influence spheres brought to the fore the following issue: "Which countries in fact belong to the zone of Russian interests?" The new President of the Russian Federation, Medvedev, as early as in June 2008 demanded that Russia, the EU and non-EU countries, should sit together at a negotiating table in order to agree on the new architec-

783 Europe is Getting Closer to Russia, *NIN*, interview, 18 December 2008

784 Russia would demand annulment of independence, *Politika*, 16 January 2008

ture of the European security. That clearly indicated that Moscow would no longer accept the existing order of things, established at the end of the Cold War.<sup>785</sup> But, the foregoing raised the following issue: Is “the zone of Russian interests” the whole, former USSR or only former Soviet Republics in Central Asia. Or perhaps Russia has even more ambitious plans, to encompass the Balkans, or even, Serbia?

## Indecisiveness of Serbia

The aforementioned delicate moment found Serbia non-aligned, politically divided, with some political parties favouring the accession to EU, and some against it. Thus Serbia faced the danger that any negotiations about a new architecture of European security could accord it a status of “a still unformed territory.” Serbia also ran the following risk: it could find itself in the “package” on a diplomatic table, “package” prepared for some possible settling of interest scores between the decision-makers concerned. All the foregoing could happen, if the dialogue between the EU, the US and Russia, took an unexpected turn.

Continuing Serb uncertainty with respect to its own future is contrary to the will of a vast majority of citizens of Serbia, if one were to judge it by the confidence given first to Boris Tadić and later to Democratic Party (in early and in mid-2008 presidential and parliamentary pre-election campaigns were run on the pro-European ticket with the slogan “Serbia firmly within the EU.”) However, what is currently missing in that regard, are performances and results, confirming that Belgrade is firmly set on the path towards Western integrations, EU, and NATO. In other words Belgrade failed to show that it truly wanted to attain its declared goal. On the contrary, in the course of 2008 the general public was given the impression that the ruling elite were favouring prolonged non-alignment or even an anti-EU stance if “the price of accession to EU would be renunciation of Kosovo or recognition of its independence.”

785 Jonathan Eyal: Russia in the Balkans, *Guardian*, June 15, 1999

Rada Trajković, the Serb political figure in Kosovo stated that “Foreign Secretary Vuk Jeremić totally re-channeled Serbia, and turned it towards Russia and thus betrayed all the voters who had cast their ballots for the democratic, pro-EU program.” She added: “Foreign Secretary should show that Serbia is a factor of stability in the region...but he, instead, keeps promoting the ideas which drag us towards isolation and he does not highlight the EU-appreciated values.”<sup>786</sup>

“EU as a theme” was neglected in the wake of elections, and priority was given to the issue of the state integrity. The foregoing aimed at focusing the Serb citizenry attention above all on the “struggle for Kosovo” or in other words on the continuing denial of the looming proclamation of independence of that province. Such order of political priorities was confirmed in the previous year, 2007, during the mandate of the coalition government (Democratic Party of Serbia-Democratic Party) led by Vojislav Koštunica, but it turned out that the new, DP-led government composed of so-called pro-European forces either did not have the will or did not feel strong enough to re-set its priorities or goals.

Foreign Secretary, Vuk Jeremić, reminded the Serb and international public that “priorities of Serbia are clearly defined”. He even cited the most important ones in the following order: “defense of the constitutional order, acceleration of EU integrations, and attainment of harmonious relations in the region.” In speaking about the manner of attainment of any of these priorities he underscored the following: “My international interlocutors should endeavour not to threaten the Serb orientation towards the EU membership...but our first priority was spelled out even in the Constitution”. Head of Belgrade’s diplomacy also stated the following: “the policy of this country is to pursue military neutrality...but that does imply our lack of willingness to co-operate...”<sup>787</sup>

In view of thus-chosen set of priorities (with Kosovo topping them all), EU could not be Serbia’s ally, having in mind that the largest number of EU members (in fact, the most influential ones), had intimated that they would recognize independence of Kosovo (and which they did in Feb-

786 Moscow Turns Its Attention To The Balkans, *RFE/RL*, June 27, 2007

787 *Politika*, Tanjug, 15 January 2008.

ruary 2008.) Thus, Belgrade's ally could only be Russia. Moscow took note of the fact that Belgrade was offering it an opportunity to "return with its influence to the Balkans." In return, Moscow promised it would make the process of recognition of Kosovo even more difficult, if it failed to thwart it by its diplomatic activities within the UN. Russian Ambassador in Belgrade stated: "We absolutely adhere to the stand that the issue of Kosovo should be resolved by the Security Council. We believe that in case of unilateral proclamation and recognition of independence of Kosovo, an urgently called UN Security Council session should annul that decision. We are working on the continuation of the negotiating process."<sup>788</sup>

Thanks to Serbia's appeal for help, Moscow availed itself of the opportunity to get an international satisfaction. That was soothing after the long-felt, bitter feeling of having been unjustly ousted from the decision-making process relating to the Balkans in the Nineties of the past century. In the then critical phase, as Jonathan Eyal has stated, "the West would first persuade the Russians to agree with the West's joint position, and then would sideline Russia, convinced that Russia would simply bow to NATO's demands."<sup>789</sup> In contrast to Yeltsin, Putin was in a much more favorable position in Kremlin. Thanks to huge oil-generated revenues, he announced that "Russia rose again...it is now staging its comeback to the international arena as a factor 'to be reckoned with' in any decision-making process...the time of unipolar world is over."

Belgrade's appeal to Russia, enabled Moscow to foil Washington to take decisions similar to the one on Kosovo outside the United Nations mechanism. In fighting for the Serb territorial integrity Moscow got hold of a potentially popular case, around which it could effortlessly rally international like-minded factors, and use the UN as a powerful lever. It did not seem likely that Russia would prevent the West's declared intent, but thanks to Belgrade's open doors Russia staged its comeback in the Balkans, in the region over which it had lost sway because of the pro-European options of Bulgaria, Albania and the majority of Yugoslavia's former members.

788 Nikolić: We must turn to Russia and Europe, *Politika*, 17 December 2008

789 Idem

Vladimir Putin reminded the other international actors that “the Balkans and the Black Sea has always been the zone of our special interests” and “it is only natural that a growing Russia makes its comeback in that region.”<sup>790</sup> In his letter to President of Serbia, Boris Tadić, on the occasion of Tadić’s birthday, at a very important moment, on the eve of the Serb presidential elections, Putin made it clear that Serbia was the most important station on the road of that promised return: “...Serbia was and is the key partner of Russia in the Balkans.” In that letter Putin praised “a visibly increased intensity of our political dialogue, which is characterized by high, mutual confidence and nearly identical tack to the key issues of the international agenda”<sup>791</sup>

Putin’s words were true. In the course of 2008, Serbia showed by its all diplomatic actions that in foreign policy it relied heavily on Russia. Added to that a large part of the formally opposition parties in Serbia made it clear that they would gladly see Serbia “under Russia’s umbrella.” Tomislav Nikolić, President of the Serb Progressive Party then stated: “Russia needs Serbia as a guarantor, protector, chief source of raw materials, energy sources, minerals and mines and as its principal market.” Nikolić’s stance was that Serbia in “its foreign policy should turn towards the Russian Federation, China, India, Brazil, Arab countries, and also towards the European Union.”<sup>792</sup>

Moreover, the former leader of Šešelj’s Radicals (the Serb Radical Party), went as far as to claim that President Tadić shared that view of his, since “in him I noticed a publicly voiced evolution in some stances.” Nikolić went on to explain that claim of his: “He is currently more on the side of the EU, but life shall teach him that he should turn more towards Russia. I have noticed in Tadić his evolution in that direction (...) “in terms that he has replaced his slogan “Europe does not have an alternative” with instructions given to Foreign Secretary Vuk Jeremic to voice new stances...the stances which have even been condemned by the Western diplomats.”( ...) “That is Tadić’s evolution...from the man who accepted

790 Statement made at reception in the Russian Embassy in Belgrade. *RTS*, 22 December 2008

791 The Orthodox Church And Moscow’s New Mission, *RFERL*, April 10. 2006

all the conditions to make Serbia the EU member (...) to the man who is now saying that Serbia would never accept independence of Kosovo and Metohija.”<sup>7</sup>

Vuk Jeremić, Foreign Secretary also confirmed that “regardless of the identity of Serbia’s future rulers, Serbia shall always adhere to its two priorities – one is Kosovo, the other, is Russia.”<sup>8</sup>

## Russia: Balkans as a pawn in the EU-US confrontation

In the post-Communist Russia there is a huge ideological void, a kind of a cosmic black hole. Top officials there are trying to fill that void with Christian Orthodox religion and xenophobic nationalism.<sup>9</sup> Stance on “Kosovo” was explicated by Russia’s duty to help its Orthodox, Serb brothers, who, allegedly because of their Slavic descent and religion were under pressure of the West, and “in that regard, are sharing Russia’s fate.”

Thanks to “the case of Kosovo”, Russia availed itself of the opportunity to act as a “lawyer of the violated international justice” and deny the leading position of the US in the world. It was difficult to counter Russia’s arguments, since it positioned itself as a protector and not a violator of the law. But because of the foregoing tug-of-war, Belgrade found itself in a very unpleasant situation. Its growing closer to Moscow provoked its political confrontation with the EU, thus imperiling its bid for the EU membership candidacy.

In his letter to Tadić, Putin listed other common interests and goals. For example, “overlapping between the Russian and Serb tack to the key issues of the international agenda”. Belgrade lacked the will and energy to resolve the newly-emerged dilemmas and to offer clear replies. On the contrary, the media kept highlighting a near-crucial importance of “Putin’s support” for some Serb politicians, along with an open suggestion that in Serbia such a support would help some political actors achieve a better position in the political arena. But there was another covert suggestion in the foregoing, namely that Serbia was slowly slipping towards

circumstances in which Moscow would heavily impact the choice of any new Serb authorities.

Putin's letter to Tadić resonated very much among the general public, largely "russified" during Košunica's tenure, during which both Prime Minister Košunica and the then opposition the Serb Radical Party and the Socialist Party of Serbia confronted Serbia's relations with the European Union and Russia, reducing them to "or-and-or friendship." On the other hand, Moscow pandered a lot to that informal coalition of political modifiers of the Serb "October 2000." But, Kremlin's "birthday letter" to the allegedly pro-Western Tadić (in early 2008) surprised domestic politicians and made them think that Moscow was no longer pleased with the conduct of some key political players in Belgrade. Daily *Glas javnosti* posed the following question: "What is the meaning of that "many happy returns letter"? A support for the candidate or a message to Serbia?"<sup>792</sup> Belgrade daily *Pravda* speculated that those "congratulations" were in fact "a warning", that "Putin lost patience, and was disgruntled with 'co-operation' with (Košunica-led) government of Serbia" and represented "an announcement of change of partners in the Serb regime coalition." According to daily "Pravda" the said letter "was a warning to Košunica to accelerate the sale of Oil Industry of Serbia to "Gasprom"."<sup>793</sup>

In mentioning the case of the Oil Industry of Serbia, the media in early 2008 indicated the "explosive potential" of so-called gas arrangement with Russia. That issue became momentous in the last quarter of 2008, when many started asking the following questions: "Who is Serbia siding with," "Is it tying its future to the EU or Russia"!? There was much gas arrangement-related coverage, but most of it implied the underlying symbolism of the extent of "closeness" between Russia and Serbia.

Nationalism-minded press, a genuine generator of the social mood redolent of hallmarks of the Milošević era, echoed from its pages more vocally than the Russian press, the US-Russian souring of relations. "Russia vessels in competition with the 6<sup>th</sup> Fleet" (*Glas*, hinting at some 6<sup>th</sup> Fleet vessels deployed first in the Atlantic, and later in the Mediterranean).

792 *Glas javnosti*, 16. January 2008

793 *Pravda*, 16. January 2008.

"Russians are coming!" (*Nedeljni telegraf*). "Russia is tailoring the map" (*Politika* announcing the UN Security Council Kosovo-related session). "Russians threaten with a nuclear response" (*Globus*, on an alleged nuclear response of Moscow "if interest of Russia and its allies are jeopardized"). "Atomic bomb because of Kosovo" (*Press*). "Nuclear strike in case of a great threat" (*Glas*). "The Third World War?!" (*Kurir*, in commenting the warning of the Russian representative at NATO that "NATO should not even try interfere in Kosovo-related politics")...

Serb press doctored all events and statements commented or covered by the international press, in an attempt to revive the nationalistic, political stratum, and to convince the general public by dint of orchestrated media campaign that Serbia was not alone in the international political scene, that on its side was "the great Russia, ready to confront with all its power the West."

## Without Russia's Promise

Formally Moscow took a neutral stance with respect to the issue of Serbia's accession to EU. Added to that it feigned to respect the orientation of the Serb electorate.<sup>794</sup> Whenever the need arose, Russia stated that the choice of Europe was the matter of Serb citizens. With respect to the Kosovo issue, Russia reiterated that Serbia decided on the extent and limits of Russia's assistance: "Russians cannot be greater Serbs than Serbs themselves").<sup>795</sup> Kremlin was aware of the pro-European mood of the majority of Serbs. Hence it did not want to risk the loss of the Serb affection, by piling too much pressure on the country. Added to that it was clear that Serbia would not soon and easily cross the European threshold in view of the conditions, or the two very difficult barriers, set in the process of accession both by Belgrade and Brussels. Namely Belgrade officially and repeatedly stated that in case it was compelled to choose between Kosovo or EU the Serb choice would fall on-Kosovo. On the other hand the EU

<sup>794</sup> We Respect Serbia's Decision, A.Aleksejev, *Pravda*, 5 February 2008

<sup>795</sup> Ramp for Kosovo, A. Aleksejev, *Večernje novosti*, 8 February 2008

conditioned the Serb accession by the arrest and hand-over of Ratko Mladić.

Serb elite uses the issue of arrest of Ratko Mladić just as a smoke-screen to hide its resistance to the EU accession from the Serb supporters of EU orientation. Brussels insists on “Serbia’s honoring of its commitments towards the Hague Tribunal, the arrest and handover of the war crimes indictees, primarily Ratko Mladić” before greenlighting the gradual process of Serbia’s accession to the EU. EU’s insistence on the hand-over of Ratko Mladić, enabled Serbia to do two things: firstly, to justify its stalling of the process of EU integrations by its “impossibility” to find and arrest him, and secondly, to make Ratko Mladić permanently inaccessible since his “elusiveness” is the best guarantee of Serbia’s non-accession to EU.

On the other hand, through some former state officials, currently employed with various institutes and institutions, Moscow continued to encourage the Serb nationalistic orientations. Here’s an example of the foregoing. Dmitri Rogozin, representative of Russia with NATO, in Brussels, thus described the Balkans, Serbia and Serbia’s pro-EU orientation: “Well, the chocolate called the European Union in the hands of the West is only bait, in exchange for which Serbs are offered dishonor. The West wants Serbs in Serbia and those in Bosnia and Herzegovina to renounce their eternal values.”(..) The West “is afraid of a sudden strengthening of Russia”. Moscow is returning to the Balkans, for that is “a natural need of Russia”, and “in that return there are two extenuating circumstances”, the most important one being “vastly improved relations between Belgrade and Moscow”, “thanks to a firm stance of Russia on the issue of status of Kosovo and Metohija, in the UN Security Council.” Moscow openly calls itself “an ally of Belgrade...and Belgrade does not have many allies,” and “such a position shall be beneficial for the Russian economy in the Balkans, notably in –Serbia.” Furthermore, “a highly positioned diplomat in the Russian Ministry for Foreign Affairs” clarified what such “certain possibilities” could mean:...We expect the Serb authorities to allow our businessmen to do business in Serbia under the same conditions valid for the Serb ones. We also think that the Russian investors with the Serb

assistance could take part in privatization of companies in the province of Kosovo...All those are concrete measures aimed at strengthening Serbia's position, and a strong Serbia is our strategic interest..."<sup>796</sup>

Rogozin also said that "our interlocutors from the West, are afraid because they are facing the rise of the Russian bear and its strong roar (...) Hence they are trying to draw into their their 'stable' the remaining countries...When asked if Serbia could count upon " a realistic help from Russia, and not only on a diplomatic rhetoric", Rogozin replied: "First of all no-one has still asked us for the other kind of assistance, apart from the one we are now offering to Serbia. Those who requested from us diplomatic support had to do it covertly. Interesting is also the conduct of the incumbent Serb politicians, those who regularly go to Washington and Brussels and then make the following statement there 'We want to be part of the free Western world, we cannot accept independence of Kosovo because it would imperil our positions, for in our backyard we have the Radicals waving Šešelj's flag, ever-ready to oust us.' Politicians in the West have come to understand that in the near future they would face a different reality, when at the negotiating table would sit the Serb political force enjoying a genuine support of the Serb society and voters. In that case "so called 'democratic forces' of Serbia would gradually morph into a genuine political 'jet set', whose principal task would be "touring of foreign embassies in Belgrade, but without any political clout in the country (...) ...Nationalistic Serb opposition stands a good chance of becoming a principal political actor in Serbia."<sup>797</sup>

Russia's representative at NATO headquarters in Brussels created the impression that his principal mission was to reinforce ties with Serbia, rather than to revive contacts with the Western pact. Rogozin was full of stimulating ideas: "Since the West recognized Kosovo, then Republika Srpska or anyone else in a similar situation might resort to the right created by the Kosovo precedent. What the Brussels keeps reiterating that Kosovo is a unique case and that it is not a precedent, is just am empty story. Kosovo is now the model for Bosnian Serbs." He said the following about Ser-

796 New Russia's Offer to Serbia, *Pres*, 8 March 2008

797 Dishonoring the Serbs, *Pravda*, interview with D. Rogozin, 14 January, 2008

bia and NATO: "After bombing of Serbia I cannot see how it could become a NATO member. I know Serbs and I know that NATO membership cannot be their goal."<sup>798</sup>

In contrast to a tactical restraint of the Russian Head of Diplomacy, Lavrov, Rogozin is more critical with respect to the Serb aspiration towards the NATO membership: "As regards EU, it toes a cynical line towards Serbia. It is true that Serbia has economic problems, but with Russia's assistance they could be solved. There are advantages to a country's neutrality, but if it is outside EU and NATO. Example of Switzerland is a good one, and so are the other examples, notably Austria, Finland, and Sweden." That stance coincided with "neutrality" about which later would brag the Serb Foreign Secretary, Vuk Jeremic.

Rogozin was not the only Russian high official with such and similar messages in which Serbs were explained who was who in their country. Thus Mihajil Leontjev<sup>799</sup> stated: "There is no doubt, Tadić is not Đinđić, and he is not a traitor." Aleksandar Bocan-Harčenko, the Russian representative for the Balkans had another 'brilliant idea': "There is a possibility that Russians, after possible recognition of independence of Kosovo" tell NATO and EU forces to leave in view of a possible wave of refugees and new incidents, both in Albanian-inhabited South of Serbia, and in Macedonia."<sup>800</sup> Valerij Aleksejev, President of the International Fund of Unity of the Orthodox Peoples, tried to encourage Serbs with the following words: "Jews for two thousand years have prepared themselves for the return to Jerusalem. And they returned. If a nation sets such a task, then it might achieve it"<sup>801</sup>.

Despite efforts of the Serb nationalistic press, which carried similar encouragements, Serbia's performance has not always got the kudos of the Russian allies: "In some situations the Russian media are far more radical than the Serb ones, and they have not quite grasped why has Ser-

798 Idem, *Pravda*, 14 January 2008

799 "Russia to Back Tomislav Nikolić, *Glas javnosti*, 27 January 2008

800 *Danas*, Beta, 29 January 2008

801 Interview after Conference in Banjaluka, *NIN*, 6 March, 2008.

bia in advance renounced the military solution of the Kosovo issue".<sup>802</sup> There is another objection: "...80% of citizens of Russia in a pertinent poll responded that Serbia should be helped to keep Kosovo. In Serbia such a poll certainly would not yield the same result."<sup>803</sup> A suggestion is also made to Serbia that it should use other means to win back Kosovo, and not only diplomatic ones. In a host of statements made to the print media, General Leonid Ivašov, former head of the Russian Chief of Staff and as of late a prominent Russian academic geostrategist, clarified the aforementioned implication of "other means": "Serbs face a long and persistent struggle, until Europe realizes that it has fallen into a historic and geopolitical trap, because of its stupidity, lack of will and fearfulness. Our Serb brothers should preserve their spirit, pride and hope. Russia is regaining its strength, Belorus is its firm ally, Bulgarians are gradually seeing reason and it seems that the end of America is near."<sup>804</sup>

However, another Russian geo-strategist-Aleksandar Dugin, invited as a lecturer by the Belgrade Law Faculty-was even clearer in his message: "It is time for Serbia's third historical momentous move...Serbia should invite the Russian army to come to Serbia to defend the Serb people(...) Serbs now have the opportunity to act as a trigger in the Euro-Asian process (...) If you now renounce on Russia and bow to the EU, as suggested by Tadić, then all those terrible victims and suffering of the great Serb people would be annulled." Dugin furthermore underscored: "On one side is the Euro-Atlantic alliance, and on the other side Euro-Asian Russia with Serbia, as the most vanguard country in the Orthodox West. (...) Keys of Russian policy are in Serbia, and we must create an alternative to the Euro-Atlantic Europe"(...) "Russia is ready to help Serbia in every way, diplomatically, politically, and economically, and if necessary even militarily! However, a precondition for such an assistance of ours is the decision of your authorities and unique appeal made to Moscow (...) It is illogical to expect Russia to defend Kosovo in a more concrete and decisive way

<sup>802</sup> Lj. Milinčić: "Kosovo More Important than Presidential Elections", *Pečat*, January, 2008

<sup>803</sup> *Idem*

<sup>804</sup> General Leonid Ivashov, president of the Russian Academy for Geopolitical Problems "Collision between the Two Worlds", *Večernje novosti*, interview, 24 February, 2008

more than Serbia should do it," stated Dugin in interviews to several Serb papers.<sup>805</sup>

The last question isn't whether Serbia is today closer to Europe or to Russia, but – why Serbia despite all its past, tragic experiences, offers itself again as a battleground for the big powers settling of scores. For example, by serving as the Balkans South Ossetia, in which Russia, if its foreign policy' need arises, would test the firmness of Europe, in whose unity it does not believe? That is the right question for Serbia. In the past 8 years Serbia has had many elections, but after so many election tests and tested coalitions it seems impotent and paralyzed. For the umpteenth time in history it seems to be rather a witness, then an actor in the orientation which "in the name of people" has chose its national elite.

805 Aleksandar Dugin at the rally "Russia and the Balkans-the Issue of Co-operation and Security", Belgrade Law Faculty, *Glas javnosti*, 19 March 2008

# XI

## Annex



# Letter

Center for Cultural Decontamination; Lawers Committee for Human Rights – YUCOM; Belgrade Center for Human Rights; Civic Initiatives; Helsinki Committee for Human Rights in Serbia

To all EU member-states' governments

European Parliament

EU Commission

Embassies of EU member-states in Belgrade

Belgrade, 3 February 2009

*Your Excellencies,*

*This is to appeal for your reconsideration of the current situation in Serbia and region, because, in our view, new international circumstances that additionally affect the fragility of the Western Balkans and its European prospects call for a fresh approach in the EU's strategy for the region. Fully aware of all the problems emerging from those new circumstances, we would appreciate your taking them into account while charting the relations with Serbia.*

*Under the aforementioned circumstances the EU policy for the Western Balkans necessitates a fresh approach. In our opinion, constant postponement of EU candidate status for West Balkan countries – Bosnia-Herzegovina, Serbia and Kosovo in the first place – is counterproductive as it undermines their anyway poor democratic potential. The policy of*

*conditioning, as evidenced in the cases of Bosnia-Herzegovina and Serbia, generated regressive trends that take those countries away from the European option. War devastation in Bosnia followed by inadequate post-war management, as well as the political situation in Serbia incapable of leaving behind its recent, belligerent past wear out capacities and potentials of those societies. Façade democracies in those countries obviously do not imply that transition in itself has brought about a fundamental change in the perception of democratic processes.*

*Only once the EU grants Bosnia-Herzegovina candidate status for EU membership Belgrade will be forced to end its policy of blackmail. This is the only way to curb instability and ease the tension between the two entities in Bosnia-Herzegovina, as well as between Bosnia-Herzegovina and Serbia.*

*Though it obtained a clear-cut mandate from citizens for the European option, Serbia's new government has failed to keep up with their expectations so far. Despite some head-ways, no fundamental progress towards Euro-Atlantic integration was made in 2008. To all appearances, this process is blocked. At the same time, Belgrade is working with Moscow on strengthening Serb autonomy in North Kosovo. Serbia's overall foreign policy in 2008 was focused on "the protection of constitutional order and territorial integrity," which practically confronted it with the EU.*

*In the present situation, the EU should make it possible for Bosnia-Herzegovina, Kosovo and Serbia to accede to its membership as soon as possible without any conditioning. Speaking of Serbia, unfreezing of Stabilization and Association Agreement signed in April 2008 should be the first step in that process. Besides, apart from the government, the EU should rely more on citizens of Serbia, who unambiguously cast their vote for an European future.*

*Serbia's inability to give the upper hand to the pro-Europe orientation leads to the conclusion that Serbia needs assistance, primarily from the EU. Brussels's ongoing financial support keeps Serbia at existential minimum but also nourishes its territorial pretensions. A candidate status for EU membership would reverse those negative trends in Serbia. Not only political elites but also local self-governments and citizens need to harness their energy for reaching a consensus on Serbia's indisputable European course.*

*It is of utmost importance to send Serbia's citizens a clear signal that EU policies are aimed at upholding their real-life interests. One step in this direction would definitely have a positive echo in all walks of life: speeding up the abolishment of visa regime – following a concerted effort to help the country to fulfill the technical requirements (introduce appropriate legislation, adequate travel documents, etc) rather than wait for it to do so – would considerably add to EU's image in Serbia.*

SONJA BISERKO,  
Helsinki Committee  
for Human Rights in Serbia

BILJANA VUČO-KOVAČEVIĆ,  
Lawyers Committee for  
Human Rights, YUCOM

VOJIN DIMITRIJEVIĆ,  
Belgrade Center  
for Human Rights

MILJENKO DERETA,  
Civic Initiatives

BORKA PAVIČEVIĆ,  
Center for Cultural  
Decontamination



# What we accomplished in 2008

In setting our priorities for 2008 we were aware that any serious concern with human rights in Serbia presupposed continued observation and analysis of the developments, tendencies and factors influencing the country's *reformist potential and democratic transition, "standardization" of public life, response to transitional justice, major decision-makers' readiness to take it towards Euro-Atlantic integration and the society's prevalent mindset, including that towards any otherness* (ethnic, political, religious, etc.). This was the context in which, throughout 2008, our Committee was cooperating with various donors in thematic projects that reflected the organization's overall mission and strategy.

To start with – logically, though not chronologically – we issued our annual report for the previous year under the title "**Serbia in 2007 – Self-Isolation: the Reality and the Goal.**" The report, realized with the support of the *Swedish Helsinki Committee*, dissected Serbia's social, political and economic landscape on over 500 pages. It specifically underlined that messages such as that Serbia could be a partner of the EU only "as a whole" seriously questioned its commitment to European integration, whereas accusations against US and NATO of fomenting Serbia's fragmentation and creating "a false state," resistance to the EU mission in Kosovo, withdrawal of ambassadors from the states that have recognized Kosovo, praise of the police after the scandalous rally in Belgrade and failure to strongly condemn violence and looting threatened with dangerous polarization of the society. However, as late as autumn 2008, the annual report – developed by the same model for eight years now – was used as a pretext for an unprecedented, almost two-month smear campaign against the Helsinki Committee and its chairwoman Sonja Biserko. The campaign of hate speech probably reached its peak on September 30, 2008, when a group of some 100 people – followers of the so-called organization 1389 – tried to force the entrance of the building housing the offices of the Helsinki Committee, and on October 6, 2008 when the *Kurir* tabloid carried an open letter by Milorad Ulemek Legija, convicted for the assassination

of Premier Đindić and other crimes, who thus “joined in the polemics” to defend his “Church, army, and everything he love, honor and respect... everything for which he would readily give his life.”

In 2008 we finalized the 18-month project **“Fostering Vojvodina’s Multiethnic Identity”** that was carried out with the assistance of the *EU – Delegation of EC to Serbia*. The project was tailored to address the needs of young people, promote intercultural and interethnic understanding, strengthen the role of the civil society in conflict prevention and affirm a proactive minority policy in the ethnically mixed province of Vojvodina. One of the objectives our Committee hoped to achieve was to utilize Vojvodina’s potential as “the most Europe-oriented” part of Serbia and its multiethnic human resources to speed up Serbia’s integration into Europe. In this context, we assisted in forming the first multiethnic “think tank” that, over four sessions, attempted to outline a new approach to ethno-cultural diversity, i.e. a model for most appropriate political accommodations and reformist strategies for the province. This endeavor resulted in the edition that came out of print under the title *“Vojvodina’s Multiethnic Identity: Challenges in 2007-08.”*

As of February 2008 and with the support from the *Open Society Institute* we have been engaged in the 18-month project realized under the common title **“Social Care Institutions in Serbia: Support to the Reform-Oriented Strategy.”** This composite project involves 15 fact-finding missions to the social care institutions in Serbia accommodating individuals with long-term care needs: adults and children with various forms of mental disabilities, children without parental care and/or with social behavior disorders, disabled persons and old people/geriatric patients. These investigating missions – conducted for the first time by a team of independent experts – are planned as civil sector advocacy both against institutional bias and noncompliance with internationally recognized standards for institutionalization on the one hand, and for more community-based care on the other. The overall project is being realized in three phases, each concerned with one of the above-mentioned groups of institutionalized persons and each producing a well-argued, comparative report with detailed guidelines for domestic authorities and relevant institutions,

which will also be brought before the public eye at three press conferences/panel discussions.

In keeping with our longstanding focus on Serb community in Kosovo, particularly the Serb population south of the Ibar River, we realized an eight-month project **“Serb-Serb Dialogue in Serb Enclaves in Kosovo.”** With the assistance of the *Rockefeller Brothers Fund*, our teams composed of outstanding public figures conducted intensive field work with a view to encourage the Serbs in enclaves to exercise their human, minority, socio-economic and political rights through Kosovo institutions instead of remaining on the margins of Kosovo society and a window-dressing for the official Belgrade’s territorial claims on the one hand, and to sensitize general public in Kosovo of realistic needs and anxieties plaguing Serbs in enclaves, and the imperative for highest minority standards supportive of a sustainable society on the other. Overall project findings were publicly presented in the edition *“Forgotten World: Kosovo Enclaves”* on September 15, 2008 in Prishtina.

The youth-oriented project **“Capacitating Future Decision-Makers,”** realized with the assistance of the *Balkan Trust for Democracy*, was a natural follow-up of a similar training program for multiethnic groups of young people in Vojvodina. The project created yet another nucleus of 57 potential reformist decision-makers in the prominently multiethnic province of Vojvodina, who mastered the ways in which “conflict behavior” is being generated in different social environments, learned how to recognize the stumbling blocs in the way of Serbia’s movement towards the EU and modernization, characteristics of leadership “with vision,” the historical background of the Kosovo issue and facts about the Srebrenica massacre in 1995, and, last but not least, cemented cooperation with their peers from Srebrenica and thus opened prospects for the program’s regional dimension.

In 2008, we started working on the publishing project **“Serbia: Resistance to European Option”** that is supported by the *Embassy of the Federal Republic of Germany* in Belgrade. Publication of seven editions planned under the project would, hopefully, provide a valuable source of historical and factual information to scholars and analysts of the domestic scene, to

a younger generation of Serbian citizens and to policymakers who should lead Serbia on its way to Europe. The long-term goal of this project is to generate critical thinking and debate on the root causes of Serbia's actions, particularly over the last two decades, and to contribute to the formulation of a new way of thinking about Serbia's future. So far, we have presented to the public eye "*Ethics of Feminism*" by Ksenija Anastasijevic, "*Carsija: Waste Land or Serbia*" by Tomislav Ognjenovic, "*Serbian Farmwoman in the First Half of the 20th Century*" by Momcilo Isic and, quite recently, "*Serbia: How Good or How Big the State?*" by Olga Popovic-Obradović.

We published the book "*The Power of Personal Responsibility*" on the occasion of the work and birthday jubilee of our longstanding friend and associate, historian Dr. Latinka Perovic. Thanks to the support from the *Heinrich Boell Foundation* we managed to run the second edition of this capturing reading matter, along with the second edition of the afore-mentioned work by Tomislav Ognjenovic.

Generally speaking, the four-month project carried out under the title "**Fostering Sandžak's Identity**" and with the assistance of *US Embassy in Belgrade, Office of Public Affairs*, was meant to set in motion the process of overcoming animosity and distrust within the Bosniak community itself and between the two predominant ethnic communities (Serbs and Bosniaks) but also to foster the region's multiethnic identity and self-reliance, and fuel its overall potential for progress. For this purpose we organized a two-day conference on June 20-21, 2008 in Novi Pazar, which, divided in seven sessions, addressed the problems most characteristic of or pressing for the region, and assembled some 60 figures marking Sandžak's political, religious and intellectual life, as well as NGO representatives and young people. The conference proceedings, along with major conclusions and recommendations incorporated in the introductory analysis, were publicized in the edition that can be loosely translated as "*Sandžak: Identity in the Split between the Old and the New.*"

As indicated by the very title, the project "**The Role of the Hungarian Community in Serbia**" aimed to throw more light on both the impact and preoccupations of the biggest and best organized minority community in the country the support of which was crucial for defining the status of

Vojvodina as a truly autonomous province that rests on democratic values, neighborly relations and the idea of integration into Europe. With the assistance of the *Embassy of the Republic of Hungary* in Belgrade, we organized three panel discussions in Novi Sad, assembling intellectuals from both Hungarian and Serb community. On the one hand, discussions indicated differing opinions about the issue of autonomy and the Hungarian community's potential to speed up Serbia's accession to the EU within the Hungarian community itself. On the other hand, the panels testified of the need for the two communities – Serb and Hungarian – to communicate not only at the level of political alliances but also in the areas of entrepreneurship and culture.

Since mid-2008 we have been running an outreach office in Kosovo thanks to the assistance of the *Kosovo Fund for an Open Society*, and *Norwegian and German embassies in Prishtina*. From then till the end of 2008 we were mostly working on the program generally named "**Action and Advocacy for People in Enclaves.**" The same as its enclave-focused predecessor, the program is so planned to help dispel fears of the Serb population in enclaves and encourage their communication and cooperation with their Albanian neighbors, and solve their pressing problems (property claims, free movement, safety, unemployment, healthcare, access to funds, etc.) through Kosovo and international institutions. The project is also expected to sensitize the Kosovo authorities, UNMIK and EULEX about the steps to be taken to effectuate minority policy vis-à-vis Serb communities in enclaves. The program is being realized through fact-finding missions to and informal panels in Serb enclaves, public debates in Prishtina, excursions for enclave children and women, activities meant to build civil sector capacity, etc.

Throughout 2008 we were working on the longstanding, regional program "**Schools of Human Rights for the Young**" traditionally assisted by the *Norwegian Helsinki Committee*. For years now, the Committee has been endeavoring to capacitate as many as possible young people in breaking the shackles of the past and overcoming the interethnic distrust and stereotypes that are being imposed on them, and grow into modern decision-makers. The curricula of so planned educational outreaches – in 2008

and in the past alike – implied not only rational perception of the policies that have led to war crimes committed “in the name of the nation” and the concepts still standing in the way of Serbia’s democratic legitimacy, but also instruction in transitional policies and contemporary international norms and trends. In 2008 alone, we organized 4 ten-day “schools” for some 160 young people from all over Serbia.

Last but not least, in 2008 we continued with publication of our bi-monthly magazine “**The Helsinki Charter**” also with the assistance of the *Norwegian Helsinki Committee*. The issue **No. 115-116** (January-February, 2008) thematized Kosovo’s independence declaration and official Belgrade’s response to it, the next, March-April issue of the magazine (**No. 117-118**) was mostly devoted to the memory of late Premier Zoran Đindjić as it coincided with the 5<sup>th</sup> anniversary of his assassination, *The Helsinki Charter* issue **No. 119-120** (May-June, 2008) only logically focused on the outcome of the May parliamentary elections and was bannered “Citizens Defeat Their Elite,” the issue **No. 121-122** (July-August, 2008) was mostly preoccupied with the arrest of Radovan Karadžić, one of the most infamous fugitives from The Hague justice, the fifth issue in 2008 (**No. 123-124**, September-October, 2008) came out of print under the banner “In the Shadow of the World Financial Crisis” thematizing the hottest international topic but also dealing with Serbian-specific problems, whereas the last number of the magazine in the past year **No. 125-126** (November-December 2008) only logically focused the global event such as the election of US President Barrack Obama without neglecting Serbia-specific topics vis-à-vis global and regional landscapes. All issues published in 2008 are available integrally at our website, along with on average 7 articles in English per each bimonthly.

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