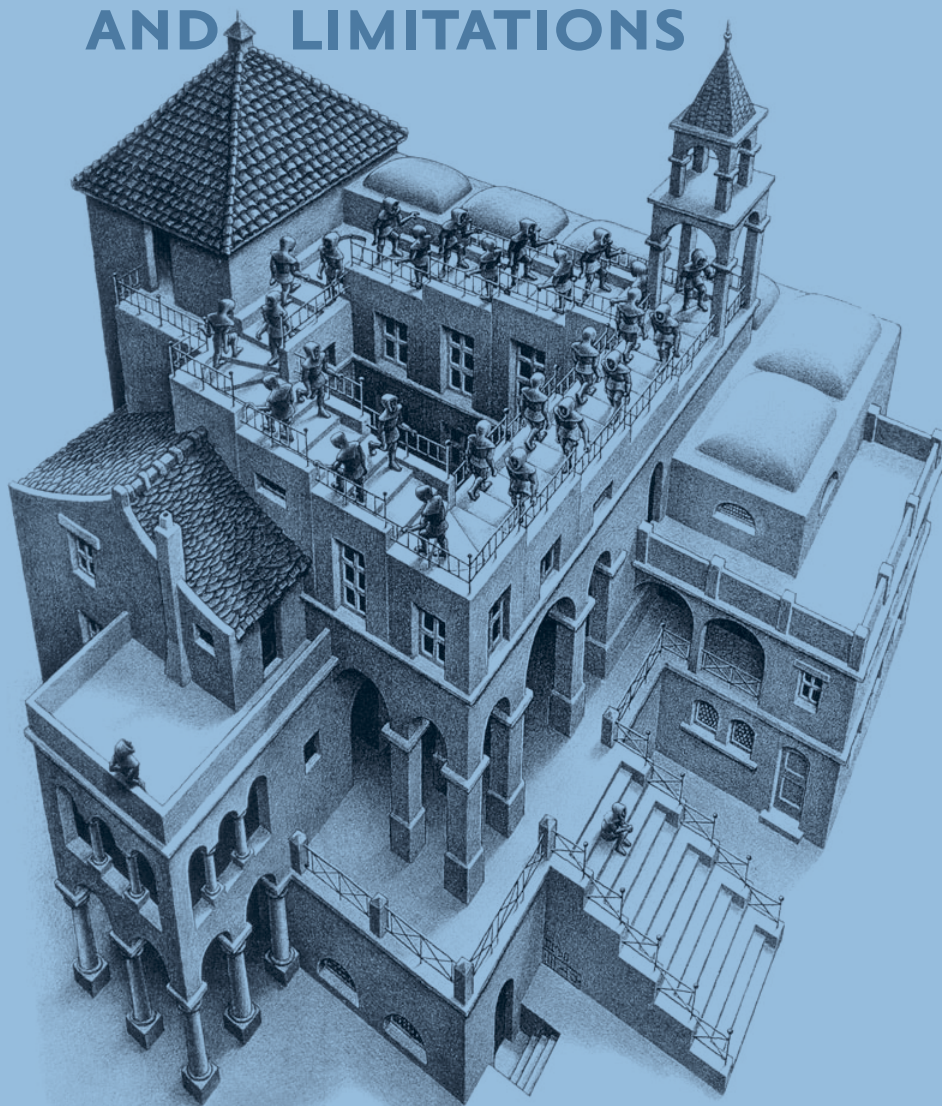




HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

Annual Report on Human Rights : Serbia in 2009

EUROPEANIZATION – ACCOMPLISHMENTS AND LIMITATIONS



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Conclusions and Recommendations

In 2009, Serbia made necessary progress in defining its future as a European country. The measures taken by the Serbian Government in that direction opened its European perspective. This inevitably provoked adverse reactions by one part of the Serbian elite, which is feverishly defending its position and insisting on the greater-state national project. This specifically refers to its resistance to NATO membership, interpretation of the recent past and defence of Bosnia's status quo.

Regardless of the opening of its European perspective, Serbia is still torn between its wish to join the European family and a strong conservative bloc trying to preserve the model of a patriarchal and populist state. The aggravating factors are a total blockade of the economy, bad privatization, monopolistic status of tycoons and incapable leaders at all levels. A drag on development is also centralism that stubbornly resists any decentralization and regionalization, which are a prerequisite for democratization and the undertaking of responsibility at all levels.

Serbia's progress toward the European perspective also implies a more resolute internal transformation, involving the status of Vojvodina, change of the Constitution, decentralization and regionalization, status of minorities and reform of the country's media space. This is a prerequisite for breaking away from Milošević's legacy.

Despite its declarative commitment to modern values, Serbia's value system did not make much progress relative to the authoritarian model, combined with anarchy as the consequence of the overall devastation of society. Conservatism, whose standard bearers are the Democratic Party of Serbia (DSS) at the political level and Serbian Progressive Party (SNS) at the social level, the University and the Serbian Orthodox Church (SPC), makes Serbian society xenophobic, autistic and intolerant. It is dominated by radical right-wing groups which are present at the University and strongly influence young generations. This has a decisive effect on their value model and, thus, on their perception of others.

All this contributed to extreme intolerance towards all minority and vulnerable groups, in which Serbian nationalism is reflected. Those are ethnic and religious minorities, LGTB population, political alternative and, in particular, human rights organizations. There is also a high degree of insensitivity towards the needs of persons with disabilities, children with special needs and all endangered groups (pensioners, mental patients). Deep conservatism is manifested just by resistance to the concept of human rights as the symbol of the modern concept of society.

During 2009, the National Assembly adopted 160 laws, including the key ones, which finally completed the legal framework for the realization and protection of human rights. This specifically refers to the Law on the Prevention of Discrimination and the Equality Law, as well as to the Access to Information Law and the like. At the same time, independent bodies were formed with the aim to serve as the main control mechanisms. Thus, together with the civil sector and non-governmental organizations (NGOs), the assumptions have been created for the promotion of human rights as the fundamental civilization value. Their implementation will depend to a large extent on the education system which should incorporate these laws into the curriculum and educate new generations according to the new value concept.

In 2009, the state set out for the first time to deal with violence, which penetrated all spheres of public and private life. In this connection, the Serbian Interior Ministry not only contributed to Serbia's inclusion in the white Schengen list, but also took more serious measures against drug dealers, trafficking and violent sports fan groups. For the first time the state began to take control over repressive institutions, which should guarantee the security of every citizen. In addition to judicial reform, the conditions have been created for the strengthening of confidence in state institutions. However, to achieve the desirable level, it is necessary to set in motion the economy and establish some moral assumptions on which society is based.

A vital prerequisite for Serbia's internal democratization and prosperity is to resolve the state question. In that sense, resolving Serbia's state question is also the EU's obligation, primarily by changing the Dayton

Accords in order to ensure the functioning of Bosnia as a state. It is also important that EULEX assumes substantive control over the entire territory of Kosovo and begins to implement the agreement which was recently signed with the Serbian Interior Ministry.

The proposal of Serbian President Boris Tadić concerning the adoption of the Resolution on Srebrenica stirred up emotions and a debate, which did not make any more significant progress. As the symbol of genocide and crime in Bosnia, Srebrenica will remain the subject of denial and relativization for a long time. Regardless of the fact that the Serbian Assembly adopted the Declaration on Srebrenica, the Serbian elite is still not prepared to discuss the recent past in a responsible way.

NATO membership remains a dilemma and most likely the point where conservatism and commitment to reforms will clash. NATO membership is supported by professionals as well as that part of the public which understands the rational reasons for this option. Reactions to the initiative for holding a referendum on NATO point out clearly that the public opinion is changing and that it is necessary to provide additional information about the character of the North Atlantic Alliance and the fact that it is important for Serbia to become an integral part of the collective security system.

As for religion-motivated incidents during the observed period, it can be noted that their total number is declining, but the communities which have especially been endangered so far, like Jehovah's Witnesses and the Christian Adventist Church, are still exposed to various forms of discrimination. Both the police and the prosecutor's office are not very keen on bringing charges against perpetrators in accordance with Article 317 of the Criminal Code (instigating national, racial and religious hatred and intolerance), which certainly does not contribute to the decline and prevention of religion-inspired incidents. The indifference of state bodies towards the increasingly frequent internationalization of the problem concerning the protection of religious rights of national minorities in Serbia is disturbing and irresponsible.

Fierce reciprocal accusations by political and religious leaders in Sandzak and deliberate disregard for the current authorities in the region

brought about the internationalization of the Bosniak question in Sandzak. The presence and interest of numerous international organizations (OSCE, the Council of Europe, European Union, international and local non-governmental organizations and embassies) point out clearly that the international community wishes to prevent the possibility of further radicalization and violence.

Bearing in mind the above mentioned facts,

The Helsinki Committee for Human Rights in Serbia recommends the following to the Serbian Government:

- Speed up and fulfil all requirements for obtaining EU candidate status, including the urgent arrest of Ratko Mladić;
- Make an effort towards the faster normalization of relations in the region, including the recognition of Kosovo;
- Engage sincerely in the provision of support to the revision of the Dayton Accords, so that Bosnia and Herzegovina can be stabilized as soon as possible and can prepare itself for an EU accession candidate;
- After the adoption of the Declaration on Srebrenica, Serbia must demonstrate its will to genuinely recognize the genocide in Srebrenica in such a way that the Declaration is taken as the official truth by all media and education and other state institutions;
- Continue the substantive decentralization of the country in order to create conditions for faster economic recovery and the undertaking of responsibility at all levels;
- Show respect for the specifics of all regions, especially Sandzak, and the peculiarities, such as their multiethnic and multi-confessional character. Due to the geostrategic position of Sandzak, Serbia must devote special attention to this part of the country;

- The Ministry of Religion should stop encouraging one of the two Islamic communities;
- The Government should propose the new Information Law in order to regulate the country's media space in a more adequate way;
- The Government should cooperate more adequately with the civil sector, especially with those NGOs which promote and protect human rights, in order to ensure the fast and successful implementation of the Law on the Prevention of Discrimination;
- The Government must sincerely support all independent regulatory bodies so as to ensure that its fight against corruption is as efficient as possible. To that end, access to information must be more transparent;
- As far as human security is concerned, the Government must more actively promote the new security values and, thus, prepare the citizens for NATO membership;
- Complete judicial reform, because it represents the basic link in the establishment of the rule of law;
- Cooperate with the Hague Tribunal as sincerely as possible, because that is an assumption for starting dialogue on the recent past;
- Promote the climate and values of tolerance and human rights, and show sincere interest in the attitude towards all minorities;
- Work on the further improvement of the legal framework by advancing new proposals or amending the current laws within the shortest possible time when it becomes clear that an adopted law did not pass the practical test, or shows serious deficiencies;
- The proposes of laws and relevant ministries must actively and regularly follow the implementation of their laws in order to be able to react promptly to improve them. To that end, it is necessary to establish quality communication between the proposes of laws and the National Assembly;
- The Assembly must have its own mechanisms of control over the implementation of the adopted laws;

- Establish the instruments for cooperation with the civil sector representatives and enable them to adequately participate in the work of the Assembly;
- Introduce the obligatory discussion about the reports of independent state institutions and regulatory bodies, coupled with the recommendations and measures that should be implemented so as to improve their function;
- Systematically promote the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Law on Gender Equality;
- Carry out the campaign for the implementation of UN Resolution 1325;
- Carry out the permanent campaign against violence against women;
- Show greater respect for the work of women's organizations (by respecting their experiences and competences in specified fields) concerning the enhancement of gender equality and the improvement of the status and life of women in Serbia;
- The adoption of *media development strategy* is a vital prerequisite for the creation of a favourable environment in which the public will be objectively and timely informed, while the media will operate according to the democratic and market principles;
- The *Press Council* must try to build reputation in the print media and among the citizens from the very beginning, by working impartially and resolutely, in the word and the spirit of the Journalistic Code;
- It is necessary to carry out the privatization of the media faster and more consistently, as well as to reduce them to a rational number from the viewpoint of the consumers and bearing in mind the economic status of the media themselves;
- The state must take part in the creation of a minority-friendly climate; it seems that it has not yet been understood that the world is interdependent and that the minority issue is one of the issues being under constant scrutiny of the international community;

- Harmonize the legal regulations concerning the rights of vital importance for minorities;
- Work constructively on resolving conflicts within specified minority and religious communities;
- Take efficient measures against any disruption of interethnic relations;
- Enable minorities to play a constructive role, with the resources at their disposal, in the processes of European integration and the promotion of political, economic and cultural cooperation in the region.

Recommendations to the international community

- Speed up Serbia's candidacy in order to thwart the intentions of the conservative opposition forces to prevent it;
- Do not treat Serbia as a regional leader, since that causes dilemmas in the region and encourages territorial claims, which have not yet been abandoned;
- Resolve the question of borders in the region in order to reverse the trend of complete ethnification of the region;
- In the final phase of resolving the Balkan question, the international community must bear in mind that raising the question of borders again would be like opening Pandora's Box and could destroy the security structure that was built for two decades. A unique and functional state of Bosnia and Herzegovina is the key to the stability of the Balkans. And when Serbia is in question, resolving the question of borders will open up new opportunities for change within Serbia itself;
- Provide more serious support to that part of the civil sector which promotes the human rights values and other European standards and norms;
- Insist on a serious process of confrontation within Serbia itself;

- Insist on education reform at all levels and, in the meantime, provide serious support to alternative education based on the human rights concept;
- Insist on the fight against organized crime, trafficking and money laundering;
- Continue to insist on regional linkages and the opening of all regional countries as a necessary prerequisite for faster development and the creation of dynamic cultural space;
- Work more on the education of personnel that will be involved in the process of EU accession and their responsible behaviour towards society; at the same time, take a more active part in the preparation of society without which there is no serious adoption of new values;
- Insist on the transparency and departization of political life;
- Have all EU members recognize Kosovo as soon as possible, thus unlocking the process of EU accession for both Serbia and Kosovo;

Recommendations to the civil sector

- Engage as constructively as possible in the implementation of the laws that guarantee the protection of human rights, especially the Law on the Prevention of Discrimination and the Equality Law;
- Engage more actively in the promotion of a climate of tolerance and joint life;
- Show solidarity in all repressive situations with those NGOs being permanently a target of the state and conservative right-wing forces;
- Support all independent bodies and form a strong alliance with the aim to change the cultural model and establish the rule of law;
- Continue the campaign and put pressure on the government to take an adequate stance on the recent past, and insist on the arrest of Ratko Mladić and Goran Hadzic;
- Take a more active part in the Europeanization of society.

I

Europeanization: Accomplishments And Limitations

Between the Realities and European Integrations

This is the tenth in a row annual report of the Helsinki Committee for Human Rights in Serbia scrutinizing the overall political and socio-economic context that considerably determines the quality of human rights, as well as the reasons behind their systematic violation. Human rights are mirrors of societies and reliable indicators of the value systems on which they rest. Unfortunately, the Serbian society is still burdened by the legacy of the recent past. It has not embraced yet a proper attitude towards it, an attitude that would assist it to overcome accumulated problems, including those in the area of human rights. Consequences of wars – as most brutal forms of human rights violations – are still visible in the Serbian society.

The year 2009 was marked by the endeavors to affirm Serbia's pro-European course – the endeavors paradoxically stemming from extremely unfavorable economic and financial circumstances, domestic and international. The country's proclaimed neutrality was gradually melting since Serbia was incapable of confronting the global and domestic crises unless assisted from abroad. Russia, itself affected by the global crisis, could not have been relied on.

The task of knotting Serbia to European integrations was far from being an easy one. It was challenged by the strong opposition of a powerful and predominant conservative bloc unwilling to accept the electoral defeat in 2008. Having won these elections by a rather thin margin, the democratic bloc was struggling to consolidate its power at local, regional and national level. Though working in the climate of constant opposition, the government managed to fulfil the preconditions for activation of the Provisional Trade Arrangement with EU and obtain access to "white visa regime." Speaking of the latter, the Ministry of the Interior was almost successful beyond expectations. In the meantime, the conservative bloc adjusted its rhetoric to new circumstances: it took up a pro-European discourse and thus opened the door to communication with the West.

Kosovo's independence – i.e. denial of the realities – still topped the country's foreign policy agenda and all diplomatic activities. However, economic realities had to be prioritized over it in international relations but were not in the relations with neighboring countries: they remained at low level and only moved in a positive direction under the pressure from European Commission and EU member-states, as well as US.

Despite extremely unfavorable economic and social circumstances, the government managed to push the great bulk of the legislation rounding off the legal frame for the exercise and protection of human rights through the parliament. No doubt that most important in this domain were the Anti-discrimination Act and the Law on Gender Equality. In 2009 the parliament passed 264 laws. It also ratified a number of international conventions and agreements. Most significant, from the angle of human rights, were UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. It also revised the European Social Charter and the Council of Europe Convention on Action against Trafficking in Human Beings. Last but not least, the parliament ratified the Convention of the Promotion and Protection of Diversity of Cultural Expressions, the Convention on Access to Information, the Additional Protocol to the Convention on Cybercrime, two conventions of the International Labor Organization, one of which dealing with occupational safety and health, etc.

To dissolve the petrified and corrupted judicial system, a judiciary reform was launched in 2009. Serbia's judicial system still has to be empowered (through relevant laws and mechanisms) for the implementation of mandatory decisions by international human rights bodies (UN Committee and European Court of Human Rights).

The year 2009 was crucial in another aspect as well: for the first time ever the regime took punitive measures against outbursts of violence and discriminatory incidents, and neutralized the previous government's negative effects on all the forms of human rights defense. And yet, when it comes to overall social climate and value system, Serbia still tends towards the radical right wing. Exercise and protection of human rights are basically hampered by dysfunctional or understaffed institutions. In addition,

nationalism, xenophobia and intolerance still dominate the value system that permeates the everyday life of younger generations in particular.

Generally, the social climate is not propitious for the respect of human rights, notably human rights of vulnerable and minority groups. Many dysfunctional state institutions and the closed and intolerant society are the main reasons behind the low level of the respect of human rights. Violence is still characteristic of all spheres of social and public life. The government begun responding to these negative phenomena but has not yet come to grips with their causes. The blocked and impaired system, selfish political elites and immoral public dealings are the biggest stumbling blocs in the way of harnessing social energy for changes. Public space is practically closed to any alternative dialogue and social engagement. Political elites are monopolizing and channelling public discourse.

Pro-European orientation

As a poor and devastated country Serbia has a limited space for manoeuvre the dilemmas about its future course. Only EU has the infrastructure and capacity to assist the countries such as Serbia. Hence only institutional ties with EU can secure Europeanization, implying the adoption of European values and norms under the strict supervision and management of relevant European bodies. However, once the Serbian government consolidated its pro-European course it was faced with strong opposition from the anti-European and anti-West alliance of powers perceiving such development as a threat to their ideological concept. For, the government has become a part of the process in which Serbia will have to close down the question of “the nation and statehood,” meaning to give up its territorial aspirations, those towards Bosnia in the first place. This bloc or alliance is politically embodied in Vojislav Koštunica and his party, Tomislav Nikolic regardless of his party’s changed rhetoric, Vojislav Seselj’s Radicals and the party led by Velimir Ilic. The bloc is in fact much larger as it encompasses influential circles in Serb Orthodox Church and in academic and cultural elites. In reality, parts of the so-called second Serbia, segments of the civil

society and outstanding figures unmindful of the fact that undermining of Democratic Party and Boris Tadić postpones the anyway fragile and painful transformation of the Serbian society are on the same side.

In the first place, this bloc is after the overthrow of the incumbent government and early parliamentary elections, hoping to secure parliamentary majority in their aftermath. Its comprehensive strategy also counts on the negative effects of economic and social crisis on many strata of the society. In this context, it seeks support among younger generations, frustrated with uncertain prospects for the future, among the unemployed, trade unions and, practically, among all transition losers.

Escalation of violence (brutal murder of the young Frenchman, the pride parade cancelled as a high-security risk, etc.) testifies of the strength of Serb nationalism with fascist elements – the nationalism undermining the very social foundations. An evident threat as such forced Democratic Party to voice its position on the issues it used to treat with ambivalence. Latest addresses by President Tadić and other party officials are most indicative in this context.

The conservative bloc responded fiercely once this orientation became obvious. It responded to various developments and events but always with the same goal in mind: to destabilize the government and the President. In the summer of 2009, it reacted to the adoption of the controversial Public Information Law, then to the cancellation of the Pride Parade and, finally, to the series of violent incidents and assaults against foreign residents. Everything was used to support the argument that the government was incapable of holding the situation in the country under control. When the package of “military” laws was passed in the parliament, the conservative bloc accused Democratic Party and Defense Minister Dragan Šutanovac of preparing the terrain for Serbia’s membership of NATO.

Everyone was practically taken aback by President Boris Tadić’s precise and resolute response whereby he defined the value system on which the government would be insisting from then on. In the aftermath of the brutal murder of young Frenchman Bruce Taton, President Tadić said, “This /murder/ stems from the unbroken chain of violence that marked 1990s, atrocious crimes committed in the territory of ex-Yugoslavia, the

support given to Special Operations Unit /JSO/ while on strike, the political discourse inciting rage against the so-called traitors...the atmosphere of hatred for any minority.”¹ This was the statement that announced a turn in Democratic Party’s attitude.

Elaborating his theses in an interview with *NIN* weekly on October 8, 2009, President Tadić pointed a finger at the governmental structures that “survived” the Milošević era – the police and the judiciary in the first place. “The government gets no public support whatsoever for a radical social reform. On the contrary, it is being obstructed all the time,” he stressed. He also referred to “political organizations that encourage activism of extremist groups and propagate violence as an ideology of sorts.” In this context, he said, “Kosovo has often served as an alibi for violence...Representatives of the opposition invokes violence in the streets and predicts that the street would overthrow the government.”² He reiterated Democratic Party’s newly voiced assessment of the recent past by calling Milošević’s legacy the main cause of “the disturbed value system” allowing “infiltration of crime into political structures, judiciary, the policy, army, intelligence services, healthcare, sports and education system.” More importantly, he made no bones about the significance of Serbia’s “accession to EU, changed values of the country’s political society, normalization of the media sphere, foreign investment and reform of the judiciary.”³

Serbia must change the value system it has inherited, said Tadić adding, “The solution of our problems depends on us and only us, on our different attitude towards work, on our respect of others, on our decency and attitudes that jeopardize not lives of other persons, accuse not others for treason and proclaim them social enemies,” said Tadić.⁴

1 *Politika*, October 2, 2009.

2 *NIN*, October 8, 2009.

3 *Pecat*, October 9, 2009.

4 *Ibid.*

Red alert over European prospects

The Serbian cabinet's decision to apply for EU candidacy in late 2009 was a breakthrough in Serbia's history as a European country. The decision provoked strong, though not necessarily overt resentment of the anti-European bloc. Apart from populist parties (DSS, SNP, SRS, NS, etc.) the bloc assembles the greatest part of the country's scholarly elite – mostly the circles from the Academy of Arts and Sciences and the University – the Serb Orthodox Church /SPC/, various right-wing groupings and non-governmental organizations, parts of the Army and most media.

Faced with the country's economic collapse and the global crisis, the Serbian government made a fresh advance towards EU. In 2009 it took a number of steps that opened the door to Europe. In early 2009, the government decided to unilaterally implement the Provisional Trade Agreement with EU, while the Ministry of the Interior signed an agreement with EULEX mission in Kosovo. In October, EU issued an affirmative report on Serbia's advancement towards Euro-Atlantic integrations. In November ITCY Main Prosecutor Serge Bramertz positively assessed Serbia's cooperation with the Tribunal. The Netherlands made a concession over the arrest of Ratko Mladić for the time being, which contributed to the Prosecutor's positive assessment. All this led to the European Parliament's decision in late December to include Serbia in "white visa regime" and to have the Provisional Trade Agreement unfrozen by EU.

Serbia's faster movement towards EU created a positive climate in the society as a whole (a number of public surveys testify of that). President Boris Tadić seized the "moment of great change"⁵ to launch the initiative for adoption of a parliamentary resolution on the Srebrenica genocide. He called such a resolution, postponed for years, "Serbia's obligation towards the Tribunal in The Hague."

Dissatisfied with such dynamism towards EU, Serbia's mainstream elites went on counter-offensive based on some skilfully varied stereotypes such as the West's conspiracy against Serb nation, NATO bombardment,

5 *Vreme*, January 14, 2010.

the loss of Kosovo and its independence, assault against “the Dayton Bosnia,” etc.

Counter-offensive and the initiative by “two hundred intellectuals”

Though extensively discussed in expert circles, the question of membership of NATO is still open. Once Croatia, Montenegro and Albania were admitted to NATO membership in 2009, Serbia practically found itself isolated. The very fact that, except for Bosnia and Kosovo, it is surrounded by NATO member-states fundamentally changed the regime’s attitude towards the Alliance.

The changed landscape in the country’s closest neighborhood, along with its application for EU candidacy, only spurred a counter-offensive by the anti-European bloc. In early January 2010 it launched an initiative for calling of a referendum on Serbia’s membership of NATO. The main purpose of the initiative is to cement Serbia’s military neutrality in keeping with a relevant parliamentary resolution. For their part, the media fuel anti-NATO climate by bringing to mind NATO intervention and “seizure” of Kosovo. Objectively speaking, a referendum vote – particularly the majority vote against – would slow down Serbia’s movement towards EU.

Signatories of the initiative are academicians, writers, university professors, church dignitaries, actors, artists, etc. The list includes public figures such as Dobrica Ćosić, Matija Beckovic, Svetozar Stojanovic, Đorđe Vukadinović, Vasilije Krestic, Milorad Ekmecic, Cedomir Popov, Dusan Kovacevic, Metropolitan Amfilohije, Bishop Artemije and former high officials like Vojislav Koštunica, Dusan Mihajlovic (police minister in Đinđić’s cabinet) and Dragan Jovic. Assembled around Memorandum and supportive of Slobodan Milošević, they are now struggling to safeguard Milošević’s legacy – Republika Srpska in the first place.

Addressing a press academician Matija Beckovic, Professor Svetozar Stojanovic and president of the Journalists’ Alliance of Serbia Ljiljana Smajlovic (ex-editor-in-chief of *Politika* daily) said a referendum on NATO

membership was necessary because of justifiable concern that “a decision on Serbia’s membership of NATO could be made behind the scenes and behind citizens’ back.”⁶ According to them, such crucial decisions “should not be left to politicians.” In their appeal they strongly argue that by joining NATO Serbia recognizes Kosovo’s independence.

Opposing NATO membership and arguing for military neutrality instead, Professor Svetozar Stojanovic pointed out a major aspect, as he saw it – the attitude towards Russia. By joining NATO Serbia would hamper a thorough reconsideration of NATO role and its relationship with Russia, as well as the Russian concept of international security. “The Russian initiative for a new international security agreement calls for a constructive approach,”⁷ he said and argued, “As a country ranking high its independence and dignity, Serbia should restrict its military cooperation to US, Russia, EU countries, China and India.”⁸

Resolution on Srebrenica before the Parliament (at long last)

In the context of the government’s advance towards Euro-Atlantic integrations – implying the respect for some moral norms in the long run – President Tadić initiated a resolution on Srebrenica to be adopted by the Serbian parliament. In 2009, the European Parliament adopted the declaration whereby July 11 was proclaimed the Day of Srebrenica. All European countries became duty-bound to adopt the same document. As for President Tadić, he said its adoption derived from Serbia’s obligation towards ICTY, though adding he was aware the idea would not be exactly welcome by all either in Serbia or in Republika Srpska.⁹

In almost no time Boris Tadić’s initiative proved that the society, and Serbia’s elite in particular, were not ready yet to probe into the recent past.

6 Press, January 12, 2010.

7 *Politika*, January 14, 2010.

8 Ibid.

9 *Danas*, January 16, 2010.

First negative reactions to this initiative were grounded on the argument that Srebrenica victims were not “an exception” and the others, particularly Serb victims, deserved to be paid the same homage. Soon after, another initiative was launched – a resolution on innocent Serb victims of the past wars in the territory of ex-Yugoslavia.

Out of 250 MPs, 127 voted for the resolution on Srebrenica – and that was the maximum the Serbian parliament could have attained as things stand. Though avoiding any mention of the term genocide – as the European Parliament denoted the Srebrenica massacre – the resolution acknowledges it nevertheless as it invokes the ruling of the International Court of Justice. However, it would be by far more important should the resolution itself be followed by the arrest of Ratko Mladić and promotion of the European Parliament’s Declaration through the educational system, the media and all governmental institutions.

Spinning of anti-Americanism

Serbian political elites’ systematic – and successful – spinning of anti-NATO feelings is a cover for its considerable anti-Americanism. US administration’s stronger engagement in the region gave a new impetus to anti-American feelings, carefully built up for two decades. The latest wave of anti-Americanism – tending to peak after Kosovo’s independence declaration in 2008 (when the US Embassy was demolished) – derived from the “Biden effect.”

The masses demonstrated the grudge against America, which “smashed Serb national interests in the Balkans, while assisting those of Muslims or Bosniaks, Croats and Albanians” (Ljiljana Smajlovic)¹⁰, by booing the American team at the top of their lungs at the opening ceremony of Belgrade Universiade on July 1, 2009.

Commenting the phenomenon, Dragan Simic, director of the Centre for American Studies in Serbia, said anti-American feelings were rather to be ascribed to the influence of the media running stories or airing features

¹⁰ *NIN*, July 9, 2009.

that “fostered a shallow but fierce anti-Americanism, which is most harmful to our bilateral relations.”¹¹

Consolidation of the political Right

A wing of the Serb Radical Party underwent the biggest “transformation” in the general reshuffle at Serbia’s political scene: it formed the Serb Progressive Party /SNS/. The entire political establishment and some other elites – notably circles of legal experts – welcome the emergence of a new, “transformed” party. There is no doubt that Vojislav Seselj’s inappropriate behavior before the ICTY that compromised SRS was among the reasons why some Radicals decided to form a separate party. Another major reason was to have a two-party system in Serbia some elites have been striving after. Hence, the newly formed Serb Progressive Party attracted undivided support from the media: with such backing it managed to win over the majority of “old” Radicals and to obtain relatively good results in some local elections (for instance, in the Belgrade municipality of Vozdovac, in Zemun and in Arandjelovac).

EU and all foreign observers in Belgrade also welcomed this change of attire. Tomislav Nikolic, party president, and Aleksandar Vucic, his deputy, were doing their best to win over the sympathies of domestic and international public with their changed rhetoric. For the same purpose, Aleksandar Vucic paid a visit to US, though not an official one, and even delivered a lecture at the Woodrow Wilson Centre.

The Statutes of the SNS puts emphasis of the following goals: safeguard of Serbia’s territorial integrity with Kosovo and Metohija as its component and inseparable part; assistance to Serb people outside Serbia, notably in the territory of ex-Yugoslavia; the rule of law; improvement of Serbia’s international standing and membership of EU along with Kosovo and Metohija as its component part on the one hand, and developed

11 *Politika*, July 13, 2009.

relations with Russia, China and India on the other; respect for human and minority rights, etc.¹²

Serb Progressive Party has begun preparing the terrain for new elections with both barrels – regardless whether the elections will be early on which it insists or regular that are scheduled for 2012. Its major objectives at this stage are to attract as many as possible voters of Serb Radical Party (SRS) and to demonstrate its power in local elections in certain towns in Serbia. It has been successful in both up to now. Its weaknesses, however, are in its poor human resources and actually no-existent party program. Its rhetoric so far has been reduced to demagoguery, to social populism in the first place. With an eye on a change of the regime, it criticizes everything but never propounds alternative solutions.

With the logistic support from the media, the entire conservative bloc has promoted SNS. War propagandists from Socialist Party of Serbia (SPS) in early 1990s make have been its main strike force up to now. On the list here are Ratko Markovic, author of “Milošević’s constitution,” Brana Crncevic, operative of ethnic engineering in Croatia and in Bosnia-Herzegovina, Bozidar Delic, commander of the Prishtina corps in 1998-99 and witness for the defense in the Milošević trial (video tapes showing him torching an Albanian village from a tank incriminated him on the occasion), Goran Radosavljevic Guri, head of Gendarmerie at the time of NATO and many other persons of similar profiles.

Whether Serbia will persevere in its pro-European orientation is still an open question. The answer primarily depends on the support the extremely populist policies get from ordinary citizens as in the case of Serb Progressive Party. The electoral victory of the Right in Hungary indicates fundamental changes in Europe’s overall political arena. Therefore, the growth of SNS is not an isolated phenomenon but a problem to be perceived in the context of Serbia’s realistic capabilities.

12 <http://www.srpskanaprednastranka.org/sr/o-srpskoj-naprednoj-stranci/statut-srpske-napredne-stranke.html>.

New Patriarch

Given the close relationship between the Serb Orthodox Church /SPC/ and the political elite, the change at the SPC throne is a major indicator of Serbia's future orientation. As things stand, the change itself will effectuate no other major changes in the SPC structure, organization and functioning or, for that matter, in its secular ambitions. In this context, the newly elected Patriarch Irinej (Gavrilovic), former bishop of Nis, has been skillfully picked to guarantee continuity.

In other words, SPC will be trying to safeguard the space it has occupied at Serbia's public scene over the past ten years, strengthen its position and further expand its influence on governmental policies.

SPC will be relying on nationalism, a constant value vertical of its own identity and its "spiritual" influence on the Serb national corpse. In his inaugural address on the day following his election, Patriarch Irinej said, "One of the Church's most important and holiest tasks is to safeguard the tormented Kosovo and help the state that does its best to defend it from those planning to snatch it away from us."¹³ For him, Kosovo is a Serb Jerusalem – Serbia cannot be without Kosovo. What also marked his inaugural address is the emphasis he placed on the Church's obligation to "bring together and maintain the unity of the people scattered at all the continents, which has been its primordial duty at all times."¹⁴

With its big influence on Republika Srpska, aggressiveness against Montenegro, denial of autocephaly of the Macedonian Orthodox Church and ambitious to "help the state to defend Kosovo" SPC denies the new realities in the region and continues fostering the deadly nationalistic mythology that brought about a calamity for Serb nation at the end of the 20th century.

13 *Danas*, January 25, 2010.

14 *Ibid.*

Centralism vs. decentralization

Serbia's centralism practically obstructs the entire society. It not only blocks the provinces but also chokes Belgrade with oversized state bureaucracy. Belgrade's potentials are hostages to undefined relations between central, city and municipal level. Serbia's energy can be released only if the Constitution is amended. And this implies decentralization – not only autonomy for Vojvodina, but a decentralization of property and financial power.

The issue of decentralization mirrors the conflict between the two blocs – pro-European and anti-European. The debate on Vojvodina's Statute placed on the table the question about the type and the extent of Serbia's decentralization. Vojvodina was the first victim of Milošević's centralism (anti-bureaucratic revolution in 1989). At the time of Vojislav Koštunica's premiership decentralization was treated as a fiend incarnate – any attempt to tackle, say, the issue of Vojvodina was followed by "patriotic bloc's" accusations of separatism, disintegration of Serbia and the like. Vojislav Koštunica himself advocated regionalization. However, as he saw it, regionalization implied just transfer of some authorities from central level to relevant regional counterparts. Centralism affects Serbia's provinces the most as it hinders any grassroots initiative. However, the pressure from the provinces grows the same as EU requirements: for, decentralization preconditions not only democratization and good governance but also new foreign investment in Serbia.

Though Democratic Party had to overcome strong resistance to enable the adoption of Vojvodina's Statute (with still limited jurisdiction) the very fact that President Tadić and Premier Cvetković did not attend the ceremony of its proclamation in the provincial assembly testifies of the controversies surrounding the issue on the political arena. Aleksandar Popov, director of Centre for Regionalism, says, "Their /Tadić's and Cvetković's/ absence put across an unfavorable message to the public of Vojvodina and Serbia. Such attitude by the central governance cannot but lead to the conclusion that Belgrade does not see the proclamation of the Statute as

a major event and that everyone there is not exactly pleased with the act itself.”¹⁵

And yet, under the pressure from the reality, in 2009 the government established the institutional frame for the development and implementation of the Strategy for Decentralization of the Republic of Serbia. It formed the National Council for Decentralization – a political body meant to coordinate the development of the Strategy. The National Coalition for Decentralization /NKD/ convened its first meeting (March 29-30, 2010) with the aim to launch a public debate on the Strategy for Decentralization. This start-up itself is significant as it is in all other areas but the final outcome will solely depend on the political elite’s genuine commitment to the process.

Reform of the judiciary

No doubt that the launch of judicial reform – implying among other things reorganization of courts of law – was a landmark of Serbia’s political-judicial life in 2009. The Assembly of the Republic of Serbia adopted a national strategy for the reform of judiciary back on May 25, 2006, the proclaimed goal of which was to restore citizens’ trust in the judicial system through the efficient rule of law. The strategy is based on four tenets: independence, transparency, accountability and efficiency.¹⁶

After the democratic change of 2000 the repute of domestic judiciary improved just partially and superficially. That was mostly due to the establishment of the War Crimes Council and Special Court for Organized Crime, and the changed process of election of judicial bodies (e.g. the High Council of the Judiciary is made up not only of judges but also of governmental officials such as the Minister of Justice and the President of the Parliamentary Committee for Judiciary). Unfortunately, many judges, court presidents and prosecutors have been in the service of the Milošević

15 *Decentralizator*, No. 1, March-April 2010.

16 „National Strategy for the Reform of the Judiciary,” website of the Ministry of Justice of the Republic of Serbia.

regime. Since the judiciary did not undergo lustration the very beginning of judicial reform was the biggest stumbling bloc.

In 2009 the so-called French system was finally implemented dividing judiciary into newly introduced tiers. Reorganization of courts of law met with considerable resistance among the country's judicial officers and general public. A new network of courts with appropriate division of prosecution offices became functional as of January 1, 2010. Inferior courts replaced the old municipal courts along with their units throughout Serbia. Inferior courts hear cases in the first instance and rule for the crimes punishable by fine or by up to ten-year imprisonment, civil suits, labor disputes and are also in charge of out-of-court settlements. They also provide legal aid, international legal assistance and other services prescribed under the law. Four appellate courts empowered to hear appeals of trial courts were established in Belgrade, Novi Sad, Nis and Kragujevac. The High Cassation Court is on the top of the judicial structure and has replaced the old Supreme Court.

Serbia's cooperation with ICTY

The real progress made in cooperation with the tribunal in The Hague and in implementation of transitional justice in Serbia, but also in the region, has to be perceived in the context of the prevalent "spiritual" and intellectual climate in the Serbian society. For, the one has to take into account that Serbian elites still aspire after recomposition of the Balkans and that Serbia has not yet recognized the new realities in the region, i.e. new borders.

This particularly refers to Bosnia-Herzegovina, actually to the safeguard of Republika Srpska (RS) Serbia has been seeking to integrate into its economic and cultural space ever since the Dayton Peace Accords were signed. Its attitude towards RS is probably best mirrored in the interpretation of the war in Bosnia-Herzegovina: accordingly, Serbs wagged "a liberation war" in Bosnia, eventually triumphed but had to "pay dear for

it.”¹⁷ The arrest of Radovan Karadzic, therefore, caused anxiety on the one hand and, on the other, further radicalized the policy of RS Premier Milorad Dodik, now intent to secede RS from Bosnia-Herzegovina as soon as possible.

From the very beginning of ICTY functioning Serbia has been shaping public opinion on the thesis about an anti-Serb institution, established with the sole purpose of accusing Serbs of ex-Yugoslavia’s disintegration. The Serbian government’s cooperation with ICTY needs to be viewed from this angle, the same as the interpretation and the media coverage of some trials, notable those of Slobodan Milošević, Vojislav Seselj and, as of recently, of Radovan Karadzic.

Minorities as a measure of democracy

Serbia has almost rounded off its minority legislation. However, the position of minorities (ethnic, religious, LGTB population, etc.) and the way the society treats them still indicate that nationalism – Serb elites’ only firm ideology – dominates all the spheres of public and social life. The still predominant concept of ethnic state influences domestic developments and foreign policy priorities vis-à-vis neighboring countries, especially Bosnia-Herzegovina. Laws as such cannot legitimate Serbia as a democratic society. For such a legitimization Serbia needs to develop a political culture on which implementation of “good laws” and international standards can rely.

17 Nikola Koljevic, *Stvaranje Republike Srpske (Creation of Republika Srpska)*, foreword by Dobrica Ćosić, Official Gazette, 2008.

Serbia and the world

Serbia's behavior at international level is dictated by its proclaimed strategic goals and priorities summed up in the slogan "Both Kosovo and EU." These are mutually opposed goals and contrary to the criteria and preconditions for EU membership.

Serbia's controversial behavior at both domestic and international scenes stems from inner tensions and the pressure from the actors who actually determine its strategic goals. On the one hand, "realpolitik" (necessitated by the country's almost catastrophic economic situation in the first place) calls for rationalization of these goals along European course. On the other, the once "warring lobby" (patriotic bloc) insists on the attainment of warring goals by legal and diplomatic means. After the fall of Milošević's regime this bloc was reinforced with intellectual "followers" of the nationalistic-conservative option.

Application for EU candidacy (in late 2009) implies acknowledgment of the new realities in the region, i.e. recognition of all the states emerging from ex-Yugoslavia. Intent to "close down the Balkan question" as soon as possible international factors such as US and EU keep reminding Serbia of this fact and its obligations. A closed Balkan question opens up the avenues to EU for all newly emerged states, including Bosnia-Herzegovina and Kosovo, within their present borders.

In this "trap" the official Belgrade acts inconsequently and confusingly. As it tries to reconcile incompatibilities, its actions oscillate between "Europe" and "patriotism." On the one hand, the government and President Boris Tadić are under the pressure from international community, under the pressure from economic reality at home and under the pressure from their own promises to the citizens who voted for the European option in 2008. On the other hand, the conservative bloc insists that "there is an alternative to EU."

Caught in between, the official Belgrade wavers between concessions (in Kosovo) and oscillating over Bosnia. Financial difficulties and the economic stalemate call for recognition of realistic goals. Serbia's potential for blackmail is smaller and smaller: neighboring countries and the

international community have understood its strategy at long last. Insistence on the goals advocated by the conservative bloc reflects the spirit of provincialism and misunderstanding of the new context of international relations.

Reform processes in institutions of repression

Bearing in mind army's and the police's roles in 1990s and their track records in the wars and in keeping the Milošević regime alive, it could be said that the biggest reformist moves in 2009 were made in the Army of Serbia /VS/ and the police. The adoption of two crucial documents – the National Security Strategy and the Defense Strategy – was major accomplishments in this regard. On October 26, 2009 the parliament adopted the two strategies and six “military” laws (on military, labor and material obligation; on deployment of the Army of Serbia and other defense forces in multinational operation beyond Serbia; on amendments and supplements to the Defense Law; and, on Military-Intelligence and Military-Security Agency). These documents have not been passed at the time the reform was launched. But it was launched despite non-existent financial assistance and the above-mentioned strategies and laws, and preceded mostly thanks to vision and enthusiasm of the people responsible for the armed forces.

The Ministry of the Interior adopted several strategic documents that will be channelling its functioning in the period to come, notably the operation of some specific police units. These strategies were developed along the lines of EU Roadmap for Serbia's Accession and are of major importance for the process of adjusting the work of the Serbian police to the tenets guiding operation of police forces in EU member-states. In the same context, the Ministry developed draft laws on traffic safety and emergency situations (already adopted by the parliament). Along with several other acts regulating the functioning of the Ministry of the Interior, these acts stand for major police-related projects in 2009, the projects that have been delayed for years.

Parliament without democratic potential

In the past years, the Assembly of the Republic of Serbia has been a major “reform staler.” Adoption of the Decision on the Amendments and Supplements to the Operating Rules for the People’s Assembly unblocked the parliament and considerably improved its functioning. In 2009 the parliament passed the total of 264 laws and then, only in 10 days of its first session in 2010, another thirty or more. However, democratic potential of the so-called big parties is too meagre for quality parliamentary debates over differing but well-argued positions. As a rule, a MP is not sovereign in decision-making – instead, decisions are made by the party he or she represents. And these parties usually operate like private businesses, wherein a small and privileged circle around a party leader is invested with the unquestionable power of decision-making. Besides, parliamentary sessions are marked by indecency and hate speech that only further compromise this crucial institution. The laws the parliament has passed need to be implemented in real life if Serbia wants to become a stable country capable of guaranteeing peace and safety to all its citizens. Citizens would then place more trust in the institution. Presently, according to public opinion surveys, only 15 percent of citizens of Serbia have trust in the parliament, meaning that its ratings among general population are lower than those of the European Union, the army, the Church and even the Serbian government and the tribunal in The Hague.

Corruption, organized crime and impunity

Organized crime figures as the biggest stumbling block in Serbia’s transition process. Serbia may be a more complex case than other countries in transition as it has to cope with the legacy of the Milošević regime, wars, war crimes and the consequences of international sanctions. Premier Zoran Đinđić’s first serious attempt to smash the structures of organized crime ended in his assassination. The so-called Zemun clan, the one that executed him, was crushed in the Saber operation. Later on the Vojislav

Koštica cabinet practically obliterated the effects of this large-scale police action by presenting it to the public as massive violation of human rights. However, in the past two years – actually since Serbia set itself more resolutely on the course to Europe – the parliament passed laws and strategies preconditioning the fight against organized crime.

The case of Darko Saric's narco-cartel reopened the issue of organized crime in Serbia and its links with politics. The power of the Saric clan is assumed to be in its financial ties with the worlds of business and politics. And, according to the media, the Saric clan is by far bigger and more powerful than its once infamous Zemun counterpart. Several governments have changed in Serbia while the gang was getting stronger and stronger but none of them showed spirit to lock horns with it. Investigations into its operations have been either undermined or hushed up while the clan was thriving to the proportions that finally threatened the state itself.

Economic realities

Serbia's budget for the year 2010 indicates that it will take the state long to get over the consequences of the 2009 crisis though it apparently managed to overcome it relatively smoothly. However, the country may soon have to come to grips with the problems stemming from the big wave of foreign debts in 2009. This also calls for energetic continuation of pro-European reforms leading the country towards an economically safer community.

The rapidly deteriorating socioeconomic situation may create conditions propitious to the emergence of social movements playing into the hands of the radical Rights.

EU mechanisms for coping with the crises such as the one facing Serbia and other countries in the region have not been sufficiently developed yet. Therefore, a stronger and institutionalized regional cooperation would considerably help to unblock the dynamics of the region.

The media standing in the way of transition

The media – potentially crucial instruments of transition – have not been capacitated yet, either financially or professionally, for their major role. Most of them still stick to obsolete matrices and patterns. In addition, insufficiently regulated market conditions, various forms of control, a variety of property relations, further tabloidization of the press (and, consequently, low level of professionalism), etc. still characterize the media sphere in Serbia as they have for years with a nuance here and there.

Impoverished media are easy prey to the executive power and centres of economic power, which continue influencing publishers and broadcasters through informal channels. In Serbia, property over the media ranges from state-run ones to those with “blurred” or suspicious financial backing. Privatization is still slow-paced and rather ill-defined despite the fact that a package of media laws – meant to speed up transformation of the media sphere – was adopted several years ago.

Violence shifts from political to social sphere

In the second half of 2009, the problem of growing violence in Serbia became a main topic in the media as well as a chief concern of the Government. Although violence is for the most part the work of neo-Nazi and patriotic organizations, sports fan groups, and ideologically allied movements, society's attention is often diverted from the main actors and the problem attributed to „extremists” or to „violence” in general and the „violent character of Serbian society”. In the absence of relevant research into the activities of the aforementioned groups in Serbia and the impact of their ideology, one can gain an objective picture by contrasting domestic media coverage and state authorities' activities, on the one hand, and reports by nongovernmental and international human rights organizations, on the other.

With respect to the former, the predominant trends include the relativization of fascist manifestations, the absence of clear critical attitudes, and the propagation of extreme right-wing ideology by intellectual elite, with leading media outlets carrying statements by ruling or conservative opposition parties. At the same time, many instances of violence pass unreported. The average citizen of Serbia is not aware that Roma were the victims of repression during the World University Games in Belgrade, that homophobia is not just a word but that persons of non-heterosexual orientation are often brutally beaten and abused by neo-Nazis, that every second woman in Serbia is the victim of some kind of mental and/or physical violence and that men are responsible in 90 per cent of cases.¹⁸ Because the public is susceptible to stereotypes, stereotypes are propagated and easily constructed by those who advocate national homogeneity

18 According to the Statistical Office, there was in 2008 a threefold increase in the number of cases of domestic violence compared with 2004, with women accounting for the majority of victims. The official data on domestic violence and violence against women were presented Minister of Labour and Social Policy Rasim Ljajić (press conference, Media Centre, 18 September 2009).

(or, in contemporary parlance, „national unity“). This concept excludes diversity and manufacture public enemies on various grounds such as religion, sexual orientation, or political belief.

It is possible to draw parallels between violence that was applied both inside Serbia and outside it towards others during the 1990s and violence that goes on at present. The two periods display a number of structural similarities: violence is practiced or supported by extreme right-wing groups within the system, fascistized opposition parties, the Serbian Orthodox Church (SPC) with its propaganda, and informal groups and organizations inspired by fascist ideology (formerly the Serbian Volunteers' Guard and the Chetniks, and currently organizations such as Obraz, Nacionalni stroj, Krv i čast, and Srpski nacionalni pokret 1389). Although Europe-oriented sections of government make efforts to suppress violence, the outcome of their battle with structures surviving from the Koštunica and Milošević periods is uncertain.

The brutal disintegration of Yugoslavia engendered violence as a way of life. After the fall of Milošević on 5 October 2000, Koštunica, the SPC and a whole cohort of various organizations and associations were particularly active in further developing Serbia as an ethnic state and imparting a new form on Serb nationalism. Koštunica's two mandates will be remembered by numerous incidents against all minorities (especially in 2004 and 2005), particularly in Vojvodina, where they provoked the internationalization of the Vojvodina question. Apart from that, violence as a way of life for many young generations has further been encouraged by the policy of impunity. As a result, society lives in constant tension with its value system destroyed. The last stage of completing Serbia as a state and defining it as a European state is still overshadowed by criticism of and resistance to a European Serbia. The groupings that were particularly active during Koštunica's term in office continue to work towards legitimizing the nationalist agenda.

The Serbian authorities react to violence only after it occurs and causes irreparable damage. It was not before the French citizen Brice Taton was murdered, the Pride Parade was banned, and Belgrade was covered with fascist graffiti that the Prosecutor's Office found it necessary to react

by proposing to ban a number of hooligan groups and extreme right-wing movements. In this way, the State demonstrated its vulnerability and unpreparedness to confront organized violent groups on time. Owing to the State's passivity, there is a relationship of tolerance between itself and the hooligans, and a balance of terror.¹⁹ It is hard to tell to what extent violence is the outcome of the incompetence of the State and to what extent it is exploited or encouraged by the State (as was the case of the previous government).

The decision of the ruling coalition in 2009 to deal with violence as a matter of priority has brought results. This was also a condition for including Serbia in the Schengen visa system. Since violent behaviour culminated in the murder of the young Frenchman, the authorities have undertaken a number of concrete measures including making arrests and bringing indictments.

Chetnik movement promoted as anti-fascism

After October 5, 2000 the thesis that the Chetnik movement was a rightist anti-fascist one has been skillfully and systematically promoted – actually the thesis about two anti-fascist movements in Serbia: a right-wing and a left-wing one. In the meantime, however, the partisan movement has been sidetracked and all historical dates related to it erased from collective memory, including October 20, the day of Belgrade's liberation in WWII. Anti-fascism was thus so degraded that it was considered no more a part of "collective identity."

Anti-fascism was equalized with communism – and not only in Serbia but in almost all East European countries under Soviets after the WWII. In all these countries anti-communism was used to disparage anti-fascism. When the Berlin wall fell and East European countries consequently joined the European Union it was at their initiative (Baltic states and Poland in the first place) that EU adopted a declaration equalizing communism and Nazism. Hence these countries deny May 9 as Europe Day and

19 Saša Čirić, "Zakon rulje", *www.e-novine.com*, 7 May 2010.

treat it instead as the day on which they were occupied by USSR. Russia responded to this by accusing post-communist countries of revisionism.

In this context, Russian President Dmitri Medvedev used the opportunity of his visit to Belgrade to send a message about historical revisionism worldwide. And it was only on the account of his visit that October 20 was restored to collective memory as the day when liberated by partisan and the Red Army.

However, the act itself hardly changed the predominant attitude towards revival of Nazism and fascism. The Chetnik movement and its Greater Serbia ideology, as well as ideas of collaborationists Ljotic and Nedic remain sources of inspiration for all rightist groupings at Serbia's social scene.

Instrumentalization of football fans

The phenomena often referred to as hooliganism or extremism (terms veiling the real state of affairs) are actually ideologically based violence. It makes no difference when perpetrators are under age since their actual or informal leaders, masters and bosses come from some political circles (and circles close to the Serb Orthodox Church), have clear-cut goals and ideologically channel young people's violence. Minister for Sports and Youth Snezana Markovic-Samardzic says, "Generally the police makes arrests but courts of law dismiss cases. Only 2.4 percent of perpetrators have been sentenced...Some extremist sub-groups are probably closely connected with football fans. As I see it, some ideologists are behind all this. Ideologists of violence. Of course, they may be political ideologists advocating certain ideologies such as, say, Nazism or chauvinism, but they may also be ideologists of some heavy conservative stuff."²⁰

Investigative journalist for TV B92 Brankica Stankovic opened the question of the character of "hooliganism" in Serbia in her "Insider" show. She presented scores of information about sports clubs, football fan groups, their mentors, incidents involving them, criminal records of

20 *Vreme*, October 29, 2009.

their “leaders” and the background of all these incidents. After the show she received a number of threats, including death threats. Governmental bodies responded with releases in which they condemned the threats, the police arrested several persons they identified as present at the stadium and the public prosecutor filed the proceedings for the ban of extremist groups of football fans of Partizan, Crvena Zvezda and Rad clubs.

Ever since late 1980s when nationalism exploded violence has been spiralling at sports grounds. But when groups of football fanatics and sports terrains became strongholds of the regime and Para-governmental segments of the system the model of violence begun reproducing itself – and it is still here. (It is open to doubt, however, whether the model has been reproducing itself or has been reproduced by interest groups in politics and tycoon circles.) In 1990s groups of football fans were already deep-rooted: fans of the Partizan club known as “Grobari” /Gravediggers/ who imitate the cheering of Chelsea fans, and fans of Zvezda, “Delije” /Strongmen/, who found inspiration in Italian fans in the first place.

As a rule, these fan groups are aggressively nationalistic – and they are instructed by nationalistic actors either from the regime or the opposition. At football games at home or abroad they established close ties with similar groups from other countries (for instance, Delije became close to Russia’s Spartak fans and Greece’s Olympiacos fans, even closer on the account of the shared Eastern Orthodoxy). Today, new generations of football fans are by far more violent than those in 1990s, and the most violent among them are those assembled in United Force – the group the members of which are connected with the gravest crimes committed at football games.

On the other hand, there are self-organized groups with no visible “mentors” and solely acting along the lines of their own racist beliefs and outlooks. However, one cannot but suspect that they must have some “shadow” lords the more so since they have not been banned so far. The Nacionalni Stroj /National Front/ organization has not been banned (the procedure for its ban now depends on the decision by the Constitutional Court). Its leader, Goran Davidovic called Furer was freed from the charges of spreading racial, religious and national hatred on the grounds of his

complaint about all documents used in the proceeding being written in Latin alphabet.

Mladen Obradovic and Misa Vacic, leaders of *Obraz* and *1389*, have not been charged for their threats to LGBT population all media had carried for months before the scheduled Pride Parade.

Profiles of extremely rightist groups

From the angle of ideologies and actual actions, extremely rightist and neo-Nazi organizations in Serbia can be divided into two currents. One overtly propagates Nazism and its program, tenets and methods are clearly racist (*Nacionalni Stroj* and *Krv i Cast /Blood and Honor/*). The other glorifies Eastern Orthodoxy and is anti-communist: it advocates fascism by demonizing Serbia's anti-fascist legacy and its international and multi-religious character.²¹ This current includes organizations such as *Obraz*, *Srpski Narodni Pokret 1389 /Serb National Movement 1389*, and *Nasi /Ours/*, but also *Dveri /Gates/*. *Dveri* presents itself as a genuinely patriotic organization and its members distance themselves from any Nazi propaganda. However, they have no dilemma when it comes to standing up for their neo-Nazi colleagues. "This tragic even threw a shadow on our people's reputation, though we take that those who committed this crime are not entitled to present themselves as Serbs...We appeal to public servants and the media to use not this situation for an ungrounded hunt against members of national and Eastern Orthodox organizations, a hunt against football fans and their treatment as hooligans," said the organization's release.²²

A common ideology of the aforementioned organizations can be summed up as anti-democracy, anti-liberalism, anti-communism and authoritarian nationalism (with racist elements in the case of *National Front* and *Blood and Honor*). Whatever their share in ideological terms they are also sharing when it comes to methods.

21 Anti-communism is a common trait of the two currents, while *Obraz* and *1389* endorse elements of conventional fascism.

22 *Pecat*, October 2, 2009

Dveri is an extremely rightist organization mostly focused on propaganda activism – it publishes a magazine under the same name and runs the project Movement for Life campaigning for homophobia and against abortion. Dveri is among the founders of organizations such as Srpska Mreza /Serb Network/, Sabor Srpske Omladine /Assembly of Serb Youth/ and Svetosavska Skola /St. Sava School/. Serb Network encompasses a number of Eastern Orthodox organizations including those announcing to smash the Pride Parade in Belgrade. The organization has directly threatened LGBT population for months before the announce parade. The organization is also known for the incident it provoked in Arandjelovac when its activists broke into the book launch organized by Pescanik. Another Pescanik's launch was disrupted by some ten members of Dveri on March 2008 in Pancevo. A founding father of Dveri, Branimir Nesic, is the editor of the Serb Orthodox Church's magazine Pravoslavlje, whereas members of the organizations such as Bosko Obradovic and Lidija Glisic are on the magazine's staff. Nova Srpska Politicka Misao /New Serb Political Thought/ promotes Dveri by placing the magazine's articles at its website.²³

It its releases Dveri emphasizes that the era of "empty-worded patriotism and national self-suppression" is gone and "the time comes for Christian renaissance and national discipline." "We must take reins in our hands and separate the truth from lies and friends from enemies," says the organization.²⁴

Similar calls mark its releases dealing with Vojvodina's statute. "The Serb Vojvodina was established as autonomy of Serb people in Austria-Hungary with a single goal: survival of Serb nation...The actual regime follows Tito's policy for disintegration of the Serb state...Concrete actions against the separatist regime in Novi Sad stand for the only serious politics at this point."²⁵

In its program, **National Front** calls for the safeguard of superiority of the Aryan race. "The foreign policy of the Serb national state will be in the service of our country and people, as well as in the service of the

23 <http://www.nspm.rs/kulturna-Politika/elementi-ideologije-homoseksualizma.html>

24 Pravoslavlje, www.pravoslavlje.org.yu

25 December 1, 2009.

white Europe. We take that race provides a foundation for European unity and advances European civilization...We shall advocate endorsement of eugenic program securing progress to human race and shall forbid any form of racial mixture. Maintenance of one's own race and heredity does not imply subjugation or destruction of others but only a natural right to one's own racial identity."²⁶

Blood and Honor, a branch of its international namesake, was established in 1995. Many of its members were at war in Kosovo and Bosnia with the mission of "propagating the revolutionary idea of national socialism without a compromise." On June 28, 2009 50-odd supporters of the organization partook in the so-called St. Vitus Day March and went to Kosovska Mitrovica and Gazimestan (in Kosovo). According to the release issued by Dveri, anyone registering himself in the offices of 1389 could join the march. Apart from domestic rightist, Eastern Orthodox and Nazi organizations, Russian Obraz, Young Russia and activists from Greece and Poland applied.²⁷ Dragan Petrovic-Bajba, leader of the organization's branches in Serbia and Bosnia-Herzegovina, was arrested in October 2009 in Prague.

Members of the clerical-fascist organization *Obraz*, active in full swing since 1992, and the **Serb National Movement 1389**, maintain close relations with their Russian counterparts such as Russian Obraz and Russian National Front. The two organizations are often referred to as "patriotic."

The program of the **Fatherhood Movement Obraz** /Face/ quotes, "The crucial question facing the Serb nation today is 'Shall we all die from the hand of Shiptar terrorist, Islamic fundamentalists, Ustashi and NATO-occupiers? Will Serbs survive at all or shall we disappear in the melting pot of the New World Order in the name of democracy and the so-called human rights? Will Serbs survive at all or will abortions, sects, crime and narcotism totally destroy our children and us?'" For the organization, arch enemies of the Serb nation are "Zionists /anti-Christian Jewish racists/, Ustashi, Muslim extremists, Shiptar terrorists, false peace-makers, party

26 E-novine, February 15, 2009.

27 **Vidovdanski March /St. Vitus Day March/** is a traditional pilgrimage organized by Serb National Movement 1389. This year it was organized for the third time with the blessing of the Serb Orthodox Church (<http://www.dverisrpske.com/tekst/173985>).

officials, sectarians, perverts, drug addicts and criminals.”²⁸ The organization’s releases appeal to these groups, “Repent your crimes or else neither God nor humans will show mercy for you.”²⁹ Founded in 1990s the organization was firstly focused on publishing and cooperation with the Serb Orthodox Church. Its founding father and president, Nebojsa Krstic (1964-2001), was on editorial staff of many Church magazines such as “Svetigora,” “Monarhija,” “Pravoslavlje,” “Vojska,” etc. Patriarch Pavle bestowed the St. Sava award on him in 1991.

Magazines of the extreme right

What all these organizations have in common is their antagonism towards the West and interpretation of the 1990s wars based on the West’s conspiracy against Yugoslavia and Serbia, i.e. Serbs in particular. For them, sects and LGBT movements are also threats to “further dissolution of Serbia and Serb hood.” According to them, sects and “gay lobby” worked together on Yugoslavia’s disintegration in 1990s.

Ideologically closest to these organizations is the *Pecat* magazine. The magazine’s rhetoric is about the same as the one used at the websites of the aforementioned organizations. The magazine issued by the New Serb Political Thought and the organization’s website are criticize the West in about the same manner. Their aggressive nationalism veils anti-communism and aims at preventing any serious debate on the recent past, particularly the root causes of ex-Yugoslavia’s disintegration. Anti-communism is just another form of nationalism – nothing is subjected to analysis but only off-handedly labelled. They are also marked by anti-anti-fascism – they alert the public to “urban gay activists,” anti-fascist movement or “communist rats.” They see any movement without nationalistic components as pro-Western: “supporters of the Other Serbia installed by the West and guided by dollars.” They usually speak in terms of conspiracy theories and, therefore, fail to engage in constructive criticism of Western

28 <http://www.obraz.rs/index1.htm>

29 Ibid.

systems (for instance, they never target militant regimes but only value systems, modern life styles and multiculturalism). This is most indicative of their populism but also of the threat that their ideas might take deeper root.

Their usual “enemies” are Roma, homosexuals, NGOs and ethnicities (Albanians, Muslims and Croats). Whereas National Front and Blood and Honor openly propagate racism through their releases and actions, the other veil it skilfully – they never mention eugenics but actually advocate it in the form of cultural racism: they picture in black and white their own nation and the rest. They glorify Serb hood, deny war crimes and demonize all those engaged in transitional justice and facing the past. “This year the Serbian media and politicians displayed a high level of respect for Muslim victims in Srebrenica, while totally ignoring some 3.5 thousand Serb victims in Bratunac and nearby villages,” writes Milorad Vucelic, chief editor of the *Pecat* weekly.³⁰ To prevent any debate on the 1990s wars they usually speak only of figures /the number of people killed/ and never dig into overall context and chronology of events. Such relativization bottlenecks regional normalization.

Ideologists of Serbhood

Homogenization of Serbs and mobilization for its defense begun in 1980s through a well-orchestrated propaganda spreading hatred for anything “different” – ethnically, religiously, sexually, etc. Mentors of that propaganda were the academicians behind the Memorandum with journalists as their “field workers.” Interviews with academicians were run on front pages of the *Politika* daily and, as such, shaped public opinion. Not long ago, it was the *Pecat* weekly that reprinted an interview **Dobrica Ćosić** gave in 1991. In this interview, Ćosić elaborated the role other Yugoslav nations had in the integration of the Serb people in 1990s: “With secessionist and chauvinistic regimes in power in Slovenia and Croatia, and Albanians’ decades-long aggression against Serb population in Kosovo and Metohija,

³⁰ *Pecat*, July 17, 2009.

unified the jeopardized Serb nation. The threat of the revived Ustashi movement in Croatia, state terror and the actual war against Serbs in Croatia – heroically defending itself today – resulted in renaissance of Serbs' national consciousness, the consciousness about their fate to get united and form an integral national identity. Enemies of Serbs have made Serbs to act and think like Serbs. And today, Serbs need to be just Serbs any longer.”³¹

To this very day the same ideologist occupy the public scene – not only through their books and activities but also through the way they influence racist ideologies of extreme rightist groups in Serbia. This is best illustrated by the state's rather passive response to violent incidents and other provocations by these groups. During Koštunica's premiership their ideas were largely carried by the media and they themselves were acting under the auspices of the government, the army and the Serb Orthodox Church.

Conclusions and Recommendations

The Coalition for Europe – that won the 2008 parliamentary elections – made a breakthrough towards law and order once it decided to place membership of EU high at national agenda. Violence spiralling in the streets and public places (from kindergartens, though schools to families) and attacks at foreigners in particular (killing of the young Frenchman) triggered off governmental actions against criminal behavior.

The police tracked down the persons involved in the murder of the young Frenchman, as well as the leaders of the campaign against B92 who threatened with death its journalist Brankica Stankovic. They identified the entire criminal network behind Taton's murder and arrested football fanatics who had most brutally threatened Brankica Stankovic from stadium tiers.

However, followers of the aforementioned extreme rightist and neo-Nazi organizations still freely operate. Bearing in mind that violence at

31 Pecat, July 17, 2009.

sports terrains is a product of the propaganda and activity of football fans' ideological mentors, it can be said that the state is more prone to respond to consequences than to causes

The Public Prosecutor has started proceedings to ban these organizations but no one can tell yet the outcome.³² Pressure from the "inside" and from EU is needed to make governmental bodies permanently engaged in the struggle against violence. Such orientation may be expected after the U-turn the government has made towards EU.

Since balance of power in the society is still uncertain the civil sector needs to be active in identifying all the developments caused by followers of extreme rightist organizations.

The law banning manifestations by neo-Nazi or fascist organizations and the use of neo-nazi and fascist emblems was enacted on June 10, 2009. Under this law all the above-mentioned organizations must be either banned or put on trial.³³

32 League of Vojvodina Social Democrats requested a ban on these organizations but the state failed to respond.

33 Article 3. Production, photocopying, storing, presentation, glorification or any other way of spreading propaganda material, symbols or emblems that incite or spread hatred or intolerance for citizens' free expression, racial, ethnic or religious hatred or intolerance, and propagate or justify neo-nazi or fascist ideas or undermine law and order in some other way shall be banned. 4. Production, photocopying, storing, presentation, dissemination or any other use of symbols that propagate or justify the ideas, acts or deeds by the persons convicted for war crimes shall be banned.

II

The Mechanisms of State Repression

Transformation Into a Professional Army

In 2009, the most progress in reforms was made in the Army of Serbia (VS) and in the police. The VJ reform had been launched before, under the former Chief of General Staff, General Zdravko Ponoš. Ponoš, without whose reform moves this progress would not have been possible, was later relieved of duty. At the time the VJ reform was launched, as late as the beginning of 2007, Ponoš was hardly known outside VJ circles. He was the architect of the VJ reform. He set out the concept of the reform and its theoretical proposition in a study published in the periodical *Vojno delo*,³⁴ a guide as to how to put the theory into practice. Ponoš's reform concept envisaged the preparation and adoption of a number of strategic-doctrinal and planning documents, the preparation and adoption of a number of legal acts and by-laws, and the making of practical transformational moves in the units. The reorganization of the VJ, a necessary prerequisite for starting its transformation, was completed in only 13 months (starting in January 2007). A "personnel pyramid" was laid down and implemented for the first time,³⁵ as a result of which units had "fewer majors than lieutenants, fewer lieutenant-colonels than majors, fewer colonels than lieutenant-colonels". The pay system was radically changed: "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, carries a substantial pay increase. We have laid down a far lower enrolment quota for higher level training for command staff and General Staff duty: there must be a quite clear idea as to what those people are going to do after graduating. There is much work ahead of us in reforming the military

34 Zdravko Ponoš: "Transformacija Vojske Srbije – izazovi i odgovori", *Vojno delo*, 3/2007, pp. 9-30.

35 Dragana Marković: "Reforme su ili nepopularne ili neuspešne", *Odbrana*, No. 58, pp. 8-12, 15 February 2008.

education system: The Military Academy will be turning out only what the Army needs,” said Ponoš.³⁶

Ponoš's most important move was his attempt to impose new socio-political, professional, and moral values on both the Army and the Ministry of Defence. He was one of the very few Serb generals to say that Serbia's armed force was “used” and “abused” in the 1990s wars. However, Ponoš remained isolated in his efforts because the VS and the Ministry of Defence showed no desire to address the issue seriously.

Strategy of national security and defence

The adoption of two key strategic doctrinal acts – the National Security Strategy and the Defence Strategy – was the most successful reform move in 2009.³⁷ The two strategies and 6 military laws (Law on Military, Work and Material Obligations, Law on Civil Service, Law on the Use of the Army of Serbia and other Defence Forces in Multinational Operations Outside the Borders of Serbia, Law on Amendments to the Law on Defence, Law on Amendments to the Law on the Army of Serbia, and the Law on the Military Intelligence and Military Security Agencies) were adopted by the National Assembly on 26 October 2009.³⁸ This set of doctrinal, legal, by-law, and programmatic documents includes the Strategic Defence Review (adopted by the Government on 19 March 2009),³⁹ as well as two regulations of great importance for personnel policy and army professionalization – the Regulation on the Service Situation of Professional Members of the Armed Forces and on the Promotion of Officers and Non-commissioned Officers, and the Regulation on Admission to Professional Military Service.⁴⁰

36 Ibid.

37 Radenko Mutavdžić: “Zakoni”, *Odbrana*, No. 99, p. 5, 1 November 2009.

38 *Službeni glasnik*, 88/09, 26 October 2009.

39 Editorial article: “Odgovor na promene i izazove”, *Odbrana*, No. 85, p. 9, 1 April 2009.

40 A. Petrović: “Putokaz za vojnu službu”, *Odbrana*, No. 81, pp. 30-31, 1 February 2009.

The VJ reform got under way thanks chiefly to the ideas and enthusiasm of top military personnel, with no adequate financial support and without any relevant strategic documents or legislation. This explains the fact that no key document was passed in the early stages of the process.

Because the State Union of Serbia and Montenegro – the last episode in the disintegration of the Socialist Federal Republic of Yugoslavia – was a poor improvisation of a state, formulating a security or defence strategy or doctrine was just not possible at the time. In his analysis of prospects for military reforms soon after Milošević's fall, however, Dr Miroslav Hadžić, attributed the sluggish pace of reforms to something else: "Above all, DOS [the Democratic Opposition of Serbia] should embark upon a radical transformation of the Army. At this moment, however, it is short of time and money, and does not have an appropriate programme. One should not rule out the possibility that DOS wishes to avoid a conflict with the elite generals and part of the officer corps averse to change."⁴¹ Or: "Government in Serbia has long been preoccupied with preserving its statehood, and with remedying the economic-social consequences of past reforms in order to ensure its continued existence. At the same time, there is ahead of it reform of the institutions of the system, as well as of segments of the armed forces – the police, the secret service, the parapolice forces. For this reason reform of the Army is not among the priorities of the local elites and parliamentary parties."⁴²

Even while a debate of sorts on the two draft strategies was in progress, one of the younger military analysts, Aleksandar Radić, claimed that "once these documents are adopted, one may reckon with a far more stable attitude towards reorganization and with possibilities for the further elaborate normative and organizational regulation of the security system, the system of defence, and the Army."⁴³ However, to what extent this allegation corresponds to the reality is highly debatable.

41 Dr Miroslav Hadžić: "Jugoslovenska narodna armija", Dan Graf and Centar za civilno-vojne odnose, Belgrade, p. 54, 2004.

42 Dr Miroslav Hadžić: "Potraga za bezbednošću", Dan Graf and Centar za civilno-vojne odnose, Belgrade, pp. 54-55, 2004.

43 I. Pejčić: "Strategija počela od kraja", *Danas*, 3 April 2009.

A more careful perusal of the National Security Strategy and the Defence Strategy⁴⁴ reveals that these documents have no answer to the key issues concerning Serbia's security and defence. These key issues pose the following questions: what are the basic parameters of Serbia's political strategy?; what are their foundations?; what are the main directions and goals?; what are the economic, social, political, and, especially, military realities which dominate Serbia's neighbourhood and the wider region?; what are the characteristics of her geostrategic position?; what is the essence of her defence policy?; is Serbia definitively committed to the system of collective security?; where lies the greatest danger to the security and defence of the State and society?; what are the borders of Serbia?; how has the role of the Army been defined?; to what extent can the strategies be used in paving the way for the future stages of the Army's transformation?

The existing military strategies offer either vague and incomplete answers or no answers at all. For instance, although Serbia is militarily neutral, there is no mention of this in the strategies at all. The question of whether Serbia intends to seek membership of the North Atlantic Treaty Organization is also ignored. NATO is only mentioned in connection with Serbia's accession to the Partnership for Peace programme. There is, however, another reference to NATO, namely in a highly negative context: "The problems of the economic development of the Republic of Serbia caused by the years-long economic sanctions and the destruction of vital economic and traffic infrastructure facilities during the NATO bombing have as a consequence numerous unfavourable social phenomena, the overall effect of which constitutes a significant risk factor in the process of transition..."⁴⁵

The strategies regard Kosovo as a source of risk and threats to the security and defence of the State and society. The National Security Strategy states that "the main threat to the security of Serbia [is posed by] the attempt at secession of the territory of the Autonomous Province of

44 www.mod.gov.rs/cir/dokumenta/strategije.

45 Ministry of Defence website: Strategija nacionalne bezbednosti, p. 10.

Kosovo and Metohija..."⁴⁶ In other words, the strategy treats Kosovo as a territory over which Serbia has full sovereignty. Incidentally, the strategies abound with pronouncements made for daily political purposes.

The conclusion of the document states: The National Security Strategy is a document which provides the international and domestic public with transparent insight into the key strategic objectives in strengthening national security and expresses the determination of the Republic of Serbia to contribute actively to the building and promotion of regional and global security."⁴⁷ One is at a loss what to make of this, for, according to the Strategy, Serbia leaves NATO out of account although NATO is the main factor of European and, ipso facto, regional security in the Balkans.

The chapter entitled "Challenges, Risks, and Threats to the Defence of the Republic of Serbia" states: "An aggression against the Republic of Serbia is considered unlikely; it might occur as a consequence of an armed conflict of a global or regional nature caused, above all, by contending interests of big powers or states in the region."⁴⁸ The strategies give no hint as to who might be Serbia's allies.

At the time of the public debate on the drafts of the two documents, the political scientist Miloš Nemanjić wrote in the daily *Borba*: The real question is, is being in possession of a piece of paper called "Strategy" is all that matters, even though we don't know the values and objectives of our national security? We must know whether our system of national security is aimed entirely at defending territorial integrity or human security, that is, the security of individuals, or of both. We must know the answer to the simple question of whether we are neutral or whether we are going to join NATO. The petty politicking games of our politicians must not be at the expense of our national security. The concept of European security policy hinges on active participation in and cooperation with NATO... Partnership for Peace represents but a stepping stone for countries wishing to join NATO, or a cooperation framework for neutral countries such as Switzerland and Austria, so that they may take an active part in NATO operations

46 Ibid, p. 7.

47 Ibid, p. 32.

48 Ministry of Defence website: Strategija odbrane, p. 6.

without being part of the Alliance. NATO is the guarantor of the strengthening of European security, whether one likes it or not... Who is in control of the security system? Or is it so perfect and self-sufficient that it requires no supervision at all? Although the authors are aware of the existence of the Council for National Security, it is obvious that this came to them as an afterthought because there is no place reserved for it in the structure – a mere castle in the air... Is the adoption of these strategies going to solve the security problems and dilemmas we have? Is this going to give us a clearer view of our position, in security terms, in the region and globally? Certainly not.”⁴⁹

Professionalization slow, modernization without financial support

At the very start of his term of office, the new Chief of General Staff, General Miloje Miletić, who succeeded Zdravko Ponoš, made the following forecast regarding the Army's reform in 2009: “In view of the present economic situation, it is hard to expect the year 2009 to be one marked by development. More realistically, it should be a year of consolidation of the situation in the Army of Serbia and of preservation of the achieved degree of development. Our priorities this year are training, preparations for participation in UN peace missions, the drafting and adoption of doctrinal documents, gradual professionalization of the army, and the organizational upgrading of commands, units, and institutions...”⁵⁰

Apparently, the optimistic plans had to be scaled back considerably in view of the reality of the situation. In this connection, Miletić said: “It is not realistic to expect the process of professionalization of the Army to be completed by the end of 2010 – what with the budget the defence system has at present – especially not in the conditions of an economic crisis.

49 Miloš Nemanjić: “Čardak ni na nebu ni na zemlji”, *Borba*, 25 February 2009.

50 Slavoljub M. Marković: “Godina konsolidacije”, *Odbrana*, No. 84, pp. 8-11, 15 March 2009.

A professional army requires stable financing and larger financial investments, but such investments only pay in the long term.”⁵¹

The draft Strategic Defence Review adopted as early as 2006 by the Collegiums chaired the then Minister of Defence, Zoran Stanković,⁵² envisaged an army whose numerical strength would not exceed 21,000. However, after Kosovo proclaimed independence in February 2008, this figure was dropped, with almost every politician and soldier, including President Boris Tadić, Prime Minister Dragan Šutanovac, and the then Chief of General Staff General Zdravko Ponoš, insisting that a reduction in the number of personnel would be unrealistic in the circumstances. The “patriotic bloc” in particular was strongly opposed to any reduction of the Army, arguing that the numerical strength of the Army alone, that is, not counting the 10,000 or so members of the Ministry of Defence, must not be reduced below about 30,000 officers, soldiers, and civilian persons.

Miletić gave the following information regarding the VJ’s numerical strength: “At the moment, units of the Army of Serbia comprise 80 per cent professional members and 20 per cent soldiers doing their military service. According to the adopted model, plans are that the system will comprise 45 per cent professional soldiers, 15 per cent officers, 25 per cent non-commissioned officers, and 15 per cent civilians, that is, military employees. The important fact is that interest in the job of the professional soldier is greater than we expected. The advertisement of some 2,200 vacancies in the units was answered by more than 5,000 applicants including 13.5 per cent women. So, there’s no yes-or-no dilemma regarding professionalization. The only question concerns the pace at which it will be implemented in the years to come.”⁵³

51 Ibid.

52 The document was adopted by the Collegium of the Minister of Defence as early as on 7 June 2006 and was published as an offprint in the magazine *Odbrana* on 15 June 2006. It is quite possible that this is the same document, albeit with minor alterations, as that adopted by the Serbian Government at the session on 19 March 2009.

53 Slavoljub M. Marković: “Godina konsolidacije”, *Odbrana*, No. 84, pp. 8-11, 15 March 2009.

At the end of 2009, however, the Ministry of Defence announced that the Army's professionalization might be completed by the end of 2010 or in the first months of 2011. The reason for the sudden change lay in the large influx of applications from citizens wishing to become professional soldiers. Heavy unemployment was no doubt a contributing factor.

Minister of Defence Dragan Šutanovac announced that the process of the professionalization of the Army would be completed the following year and that from then on enlistment would only be on a voluntary basis. He said that "In the year ahead of us the process of professionalizing the Army of Serbia and integrating the defence system will be completed, [creating] an advanced, modern system in which military service will be performed only by those who so wish, and Serbia has a modern and powerful army." He said that confidence in the Army had been restored thanks to the reform process: "The fact is, by its reputation, status, and respect by the citizens of its country, the Army of Serbia as an institution is at last top ranked, along with the Serbian Orthodox Church."⁵⁴ The Chief of the General Staff, General Miletić said that the VJ was on a stable course of being transformed into a professional army and that "in conditions where security challenges, risks, and threats know of no borders, the Army must be a pillar of the international-security capacity and credibility of our country."⁵⁵

Try as they might, the conservative generals failed in their attempts to camouflage the truth about how much the VJ was lagging behind, in comparison with both the armies of developed European countries and those of some countries in the region. Lack of sophisticated weapons and equipment is the sorest point of the Army and the whole defence system of Serbia. Before the economic crisis struck, military circles believed that the financing of the defence requirements would become stabilized, even that there would be enough money for capital investment, that is, the acquisition of modern weapons and equipment. However, last year's budget, which was nominally 4.5 per cent up on the 2008 budget, was just about enough to meet current military needs. The 2009 budget "amounted to

54 www.b92.net, 13 February 2010.

55 www.b92.net, 13 February 2010.

approximately 72 billion and 763 million dinars, or about 2.1 per cent of Serbia's GDP..."⁵⁶ Aleksandar Mišćević's statement that domestic practice "inclines towards international standards",⁵⁷ with 50 per cent of the military budget allocated for personnel expenditure, 30 per cent for operating expenditure, and 20 per cent for investments, was contradicted by the budget implementation.

Given that Serbia lacks, inter alia, a modern air force, one wonders what the authorities meant by stating that the State was going to "guard its skies" on its own. Đorđe Popović of the Centre for Civilian-Military Relations said: "An air force like this is inadequate for a country aspiring to military neutrality. The Serbian Air Force has obviously been neglected. If we want to be neutral, we need a much better equipped and more modern air force. Slovenia has come to the conclusion that having an air force of its own would be irrational, so its skies are "guarded" by Italy. Montenegro too has decided to do without an air force. The Baltic States have entrusted defence of their skies to NATO. Until such time as Serbia has resolved this strategic dilemma, we are going to be having problems with the organization of the Army as a whole, not only of the Air Force."⁵⁸

Aleksandar Radić, a military analyst, blamed the present state of the Air Force on an "interest group" who "persuaded the previous powers that be, all in the name of patriotism, that the best solution would be to have the MiG-29s overhauled. They argued that one ought to consider the citizens' emotions and that it was necessary for us to protect our skies because, if we didn't do that, NATO, as a criminal organization, would take over. That was a propaganda lie because NATO wasn't interested in guarding our skies. If we were in NATO, we would need no air force."⁵⁹

The head of the Planning and Development Department of the General Staff, Major-General Dr Božidar Forca, commented on the problem as follows: "It had been envisaged to set aside 11 billion dinars for equipping

56 Vladimir Počuć, "Režiranje brojki", *Odbrana*, No.81, pp. 14-15, 1 February 2009.

57 Ibid.

58 Dragana Bokan: "Das mo u NATO, avijacija nam ne bi bila ni potrebna", *Borba*, 9 July 2009.

59 Ibid.

the Army of Serbia in 2009, but, the purse being somewhat 'lean', only 6.5 billion was set aside for the procurement of priority equipment. If financing of the Army of Serbia were to be stabilized at 2.4 per cent of GDP, with 20 per cent of the budget being spent on capital investment or equipment, the Army would be able to acquire, within a six-year cycle, all the necessary armaments and equipment other than multipurpose fighter aircraft."⁶⁰

However, there were diametrically opposed views even among military personnel of high rank and high office. For instance, if one were to take at face value the following statement by General Dr Miodrag Gordić, commander of the 250th PVO [Air Defence] missile brigade, one might infer that Serbia does not need sophisticated combat systems because one makes up for one's inferiority with one's ingeniousness and military competence: Other than in certain periods in the past, our State has been unable to keep pace with technologically highly developed countries through acquisition of new systems. This kind of inferiority, however, has been made up with brains, expertise, enthusiasm... It's been ten years since the war. Meanwhile, based on extensive and very thorough analyses, we have found avenues of technical-technological advancement and of working out combat tactics in assumed armed conflicts."⁶¹

Huge stockpiles of obsolete armaments and military equipment pose a major obstacle to technical-technological reform of Serbia's armed forces, something General Miletić addressed as soon as he entered upon office in the General Staff: "Some 6,800 tonnes of ammunition are being stored in the open, and there are large quantities of ordnance of no future use which pose a burden for the Army of Serbia. We're dealing with this, first of all through the sale of surpluses, but this isn't easy because the market is glutted and potential buyers are not really interested. Destruction and delaboration of ammunition is another way, but owing to limited resources we're only alleviating the problem. In the past two years we have eliminated 8,000 tonnes of ordnance in this way. However, regarding some other ordnance, we lack the technology for their ecologically safe

60 A. Petrović: "Prioriteti u okviru odobrenog", *Odbrana*, No. 82, p. 12, 15 February 2009.

61 Branko Kopunović: "I zvezde padaju s neba", *Odbrana*, No. 86, pp. 24-26, 15 April 2009.

delaboration. The construction of new dumps is one of possible solutions. With the resources at our disposal, we're unable to solve this problem on our own."⁶²

The problem was certainly not alleviated by the "putting into operation" of the huge Cepotina military base near Bujanovac on 23 November 2009, a ceremony attended by the entire political-military leadership including President of the Republic and Supreme Commander of the armed forces, Boris Tadić, Prime Minister Mirko Cvetković, Minister of Defence Dragan Šutanovac, Chief of the General Staff General Miloje Miletić, his deputy General Mladen Ćirković, Commander of the Land Forces General Ljubiša Diković, and Brigadier-General Milosav Simović,⁶³ the commander of the 4th brigade, Serbia's strike force facing the Kosovo administrative line. In 2009, Minister Šutanovac said on several occasions that Serbian military industry, which was described by politicians and professional soldiers alike as defensive, was thriving. Opening "Partner 2009", the 4th International Armaments and Military Equipment Fair in Belgrade held on 2-5 June, he told media those exports of armaments and military equipment were worth US400 million in 2008 and that he expected "this year" to be just as successful.⁶⁴ Although the trend continued into the next year, the fact had no significant bearing on reducing Serbia's technical-technological lagging behind developing countries.

Military education

It is worth recalling once again two statements concerning military education which Zdravko Ponoš made in his capacity as Chief of the General Staff in February 2008, at the time when he was pursuing reforms with full vigour: "Much work awaits us in reforming military education: the Military Academy will be turning out only what the Army needs." If one

62 Slavoljub M. Marković: "Godina konsolidacije", *Odbrana*, No. 84, pp. 8-11, 15 March 2009.

63 Aleksandar Petrović: "Epicentar bezbednosti", *Odbrana*, No. 100, pp. 22-25, 15 November 2009.

64 Mira Švedić: "Partner", *Odbrana*, No. 90, pp. 20-22, 15 June 2009.

follows the logic of this statement, one cannot help inferring that, prior to that, the Military Academy had been turning out what the army did not need. More importantly, has the reform of the system of military education since then been in line with what Ponoš announced? Judging by numerous statements by Minister of Defence Dragan Šutanovac, including the claim he made at the Car Lazar barracks in Kruševac in April last year, during the swearing in of the recruit class called up in March, this certainly is the case: "However, our most difficult aim was to improve the reputation of the Army and restore trust both in the military profession and in the entire defence system. Today we may say that the unprecedented turn-out of the March class, the multiple increases in the number of applicants for enrolment in the Military Grammar School and the Military Academy, are a confirmation that we have succeeded in restoring the reputation of the army and the military profession..."⁶⁵

The Minister's allegations were reiterated on 1 May in the leading article of the magazine *Odbrana*: "Furthermore, it should be pointed out that this year's competition for enrolment of students in the Military Academy was prolonged owing to great interest. Applications have been received from 1,059 future students, including 243 girls, representing a multiple increase in the number of applicants compared with last year. There were over 11 applicants for each of the 70 places for first-year students in the Military Grammar School. The selection boards are going to have quite a job of choosing the best of the best."⁶⁶

The question is how come that interest in attending the Military Academy and the Military Grammar School in 2009 was so keen? A partial answer is given here: "In the aftermath of the scandals and negative practices, which five or six years ago brought down the approval rating of the Army and the entire defence system to an all-time low, it took a lot of effort first to halt the trend, and then to move off in a positive direction. The fruit of these efforts has been in evidence for already a few years past, and it is precisely these days that we are registering the greatest achievements as the result of the timely, well-organized and well-conducted promotion

65 Dušan Glišić: "Zakletva otadžbini", *Odbrana*, No. 85, pp. 16-17, 1 April 2009.

66 Slavoljub Marković: "Kampanja", *Odbrana*, No. 87, p. 5, 1 May 2009.

campaigns by the competent organs of the Ministry of Defence and the Army of Serbia, above all by the Public Relations Department, for this is one of its regular duties and tasks.”⁶⁷

However, the assertions set out in *Odbrana* are only partially correct. What was left out was the single most important cause of the drop in the approval rating of the Army and the Ministry of Defence, namely the legacy of the 1990s wars, a topic neither the political nor the military leaders are able to discuss openly and honestly. Apart from this, official records either minimize or simply ignore the global crisis and particularly the crisis of Serbian society, which may well account for such keen interest in enrolment in military schools in 2009.

For instance, interest among young people in attending the Military Academy has fallen drastically in the last 10 years, a trend confirmed by a survey organized by the Institute for Strategic Research of the Ministry of Defence, its results having finally been sorted out early in 2009.⁶⁸ The survey encompassed 2,527 secondary school pupils from 67 schools. The results show that as many as 80 per cent of respondents chose to study in a civil faculty and only 10 per cent opted for the Military Academy. The researchers attributed these “disappointing” results to “lack of information about the officer’s calling”, various “scandals” and “other negative practices” in the Army and the Ministry of Defence, as well as to the “consequences of wars” and, finally, “reporting by the press, which sometimes does not provide objective information about the Army.”⁶⁹

Dr Jovanka Šaranović, who was in charge of the survey, offered the following description of the young officer: “A long time ago, Voivode Živojin Mišić said that an army’s character is reflected in the character of its officer corps, and that the character of the officer corps depends on the character of the state and the nation to which it belongs. This means that an army will be good in so far as the candidates for its officers are good, because one day they will be deciding on the most important matters of the army and the state. Educational institutions bear great responsibility, especially

67 Ibid.

68 Branko Kopunović: “Profesija jakog srca”, *Odbrana*, No. 84, pp. 22-25, 15 March 2009.

69 Ibid.

the Military Academy, which must develop [students'] intellectual powers and judgement of unpredictable situations characterized by complexity, ambiguousness, precariousness, and changeability. For this one needs a mind which can not only cope with such circumstances but also overcome them. Flexible, imaginative, agile, inquisitive [minds] capable of comprehensive analysis and objective critical thought, minds capable of 'seeing the varying nuances of grey', [minds] which develop understanding, intuition, wisdom, and sound judgement. All of these qualities must be incorporated in the profile of the modern officer who can rise to the challenges of the future."⁷⁰

Speaking on the same subject at a symposium on the military profession in Serbia in 2009, Dr J. Šaranović said: "The army is one of the pillars of every state, and the officers are the pillars of the army. In the structure of democratic societies, the officer population represents an extremely small percentage. In the case of Serbia, this is in the order of magnitude of 0.1 per cent of the total population. However, its significance does not stem from its numbers but from the role the army plays in every society."⁷¹

That the army is an essential component part of the state is not debatable; but when an army (that is, its officers) constitutes too large a pillar of a state, one may well wonder what kind of state that is. What is at issue here, actually, is the glorification of the army and/or the officer's calling, something which has a deep tradition in Serbian society. To be sure, the Army's and its officer's image suffered in the aftermath of the 1990s wars and the scandals which left no part of society untouched. One might say that the glorification of the Army of Serbia and the officer's profession has been on the rise in recent years, last year reaching an arguably all-time high for the entire 10-year post-war period. Evidence of this is to be found, inter alia, in all kinds of events, notably the officer commissioning ceremonies which have been held annually outside the House of the National Assembly.

Speaking at the graduation of the 2009 class on 19 September, Minister Šutanovac said: "The promotion to the rank of second lieutenant is a

⁷⁰ Ibid.

⁷¹ Branko Kopunović: "Profil viđen izbliza", *Odbrana*, No. 86, pp. 14-17, 15 April 2009.

state event of the greatest importance for Serbia, and this is one of the ceremonies at which Serbia best manifests her statehood.”⁷² President Tadić’s address at the ceremony was suffused with the same patriotic pathos: “I ask of you to defend Serbia and keep the peace. I am grateful to all the members of the Army of Serbia for reaffirming the military calling. Once again it is an honour to be a Serbian soldier.”⁷³

The President’s and the Minister’s satisfaction expressed at such ceremonies was borne out by a number of facts concerning the transformation of the system of military education. For instance, at the middle of the year, the Commission for Accreditation and Quality Assurance of the Serbian Ministry of Education granted the applications submitted by the Military Academy and the Military Medical Academy in November 2008. Brigadier-General Dr Mladen Vuruna said that the Military Academy had applied for accreditation as a “college of academic studies, while the Military Medical Academy applied for accreditation as a college of integrated academic studies in medicine...”⁷⁴ Upon receiving a “certificate of accreditation and an operating licence from the Ministry of Education”, the Military Academy will “train officers in 5 study programmes – defence management, military electronic engineering, military mechanical engineering, military chemical engineering, and military aviation. Students who finish these programmes of study will be awarded degrees which are also identified and recognized by society...” One of the main reform goals of the system of military education is to “train officers to become sufficiently educated, competent, and able to face any challenge, risk, and threat. We ought to win a place for ourselves in our as well as in the European academic space...”⁷⁵

The staff of the Military Medical Academy, and especially its management with General Dr Miroljub Jevtić at its head, had their stellar moments in 2009. To begin with, on 1 January the Academy was incorporated in

72 Several authors: “Čast je biti srpski vojnik”, *Odbrana*, No. 97, p. 6, 1 October 2009.

73 Ibid.

74 Aleksandar Petrović: “Osvajanje akademskog prostora”, *Odbrana*, No. 84, pp. 18-20, 15 March 2009.

75 Ibid.

the network of Serbian health institutions, “thereby attaining a status of equality with the clinical centres.”⁷⁶ Second, the institution acquired a large quantity of modern medical equipment including a magnetic resonance imaging scanner, a “miracle of medical technology.”⁷⁷ The Military Medical Academy opened the College at which doctors would be trained to meet the needs of the defence system.⁷⁸ Both Minister Šutanovac and President Tadić ranked the Military Academy and the Military Medical Academy among the institutions with which they can step onto the stage of collective and global security.

The year 2009 will also be remembered, as far as military education is concerned, for the fact that that year’s graduates were the first generation of officers to take communion and the first to attend a prayer. The event took place on 13 September in the Temple of St Sava in the central Belgrade district of Vračar, and the service was conducted by Metropolitan Amfilohije.⁷⁹ By this act the Army of Serbia and the Serbian Orthodox Church confirmed their great spiritual closeness. That this rapport indicates that the Serbian army is acquiring a new identity was confirmed by one of the second lieutenants present, Mladen Mastilović: “The Serbian army has always been honourable, Christ-loving. After many years, we are resuming this tradition in the best way possible. I’m sure that this is what all my comrades think...”⁸⁰

Democratic control of the secret military services

The secret military services were renamed, the first as the Military Security Agency (VBA) and the second as the Military Intelligence Agency (VOA). In informal communication, they are referred to as the secret military

76 V.P.–A.P: “Najzad uspešna godina”, *Odbrana*, No. 79, pp. 8-9, 1 January 2009.

77 Dragana Marković: “U korak sa svetom”, *Odbrana*, No. 90, pp. 16-17, 15 June 2009.

78 Ibid.

79 Branko Kopunović: “Čast u snazi vere”, *Odbrana*, No. 96, pp. 32-33, 15 September 2009.

80 Ibid.

services. This is not without cause: they were secret and there is no sufficient cause to believe that they do not remain secret, regardless of the assurances that “at the present time [they] are incomparably more open to the public than they once were.” Whereas only 10 years ago, the matter of controlling them was out of the question, mechanisms designed to control the operation of VBA and VOA is at least formally in place. The Law on the Military Intelligence and Military Security Agencies, adopted by the National Assembly on 26 October 2009,⁸¹ goes a long way towards improving the system of democratic control of the services’ operation in formal legal terms.

The very adoption of this law is regarded by official military and political circles as a major reform achievement of the VJ. The chronology of the legislative moves taken to regulate the operation of Serbia’s military security services⁸² is as follows: A law passed on 12 November 1839 is regarded as the first legal act defining fundamental matters concerning threats to and protection of the army of the Kingdom of Serbia. (The date is marked as Day of the Military Security Agency.) No other piece of relevant legislation was passed until 1974, when the Law on the Fundamentals of State Security was adopted; the Rules of Service, passed in 1984 on the basis of this Law, regulated the operation of the Security Service in barest outline; and, on 11 July 2002, the Assembly of the then Federal Republic of Yugoslavia adopted the Law on Security Services of the FRY. The Republic of Serbia passed the Law on the Basic Regulation of the Security Services of the Republic of Serbia in 2007. In connection with the adoption of the Law on the Military Intelligence and Military Security Agencies and the references made to the 1839 act, the director of the Military Security Agency, retired General Svetko Kovač, said: “One hundred and seventy years later... Serbia for the first time had a law on military security created in harmony with current international standards and recommendations.”⁸³

81 *Službeni glasnik*, 88/o9, 26 October 2009.

82 Radenko Mutavdžić: “Odgovor novim izazovima”, *Odbrana*, No.100, pp. 8-11, 15 October 2009.

83 *Ibid.*

The draft of the agencies law was put forward for public debate. Although the debate was not extensive, a number of pertinent points were raised. These concerned, above all, control of the work of the services, the very ambiguous provisions concerning the election of the services' directors, and proposals that the agencies be merged as a more effective and more rational solution.⁸⁴ These proposals carried no weight, however, because the opinion of the professional community, which insisted on the existence of two agencies, prevailed. At the time of the public debate, Minister Šutanovac made the following statement about the state of control of the services at the time: "At this moment there is no adequate control of the work of VOA and VBA. We are practically working according to a system which is based on trust. While this trust is sometimes at a higher and sometimes at a lower level, there is currently no way, no instrument the Minister might use to obtain information as to what is really going on in those services."⁸⁵

VBA Director Svetko Kovač submitted a report on the agency's work to the Assembly's Security Committee on 23 February 2010. The report says that most of VBA work in 2009 concerned protection of VJ units in the Ground Security Zone against attacks by Albanian extremist groups. The attacks were characterized as acts of terrorism. The report says that VBA cooperated with the KFOR intelligence service in the gathering of intelligence about criminal groups, as well as cooperating with the intelligence services of 50 countries. It is also said that religious extremism was less in evidence than in 2008 and that no parallel organization or illegal arming of extremist groups was registered. In the VJ units, six minor incidents on national and ethnic grounds were registered, none of them constituting the criminal offence of incitement of racial, national, and religious hatred. The incidents, Kovač said, were triggered by provocations concerning a special diet regime but, owing to measures taken by the commanding personnel, there were no consequences.

84 Dragana Bokan: "VBA i VOA ostaju zasebne agencije, konfuzne odredbe o izboru direktora", *Borba*, 3 July 2009.

85 Editorial article: "Nema kontrole vojnih službi", *Blic*, 13 July 2009.

As to the country's military neutrality, Kovač said that no foreign intelligence service had brought any pressure to bear on Serbia to change her neutrality stance though, he added, "our pulse was felt" by many services of both NATO members and non-members.

Formally, the National Assembly has been in control of these services all the time both directly and indirectly through the Security Committee. Under the new law, however, democratic control is "raised to a higher level" by the establishment of a new institution – the institution of the Inspector General. The Inspector General has a five-year term, must not be a member of any party, and is appointed by the Government on the proposal of the Minister of Defence. He is answerable to the Minister and submits his reports to the appropriate Assembly Committee "if necessary and at least once a year".

Other than providing for "external control", the law also "strengthens" "internal control" by "operatives, lawyers, psychologists, and other experts who by their expertise and professionalism render the institution competent and efficient in the prevention of abuse within the agency."⁸⁶ The internal control department, for which the law provides in both agencies, operates under a chief subordinated to the agency director. The chief has authority to subject any service member to security, knowledge, and psychophysical tests, "and even to polygraph testing". It goes without saying that the external and the internal control departments cooperate with each other and that the Inspector General plays an important role in this.

Surveillance of individual citizens is an especially sensitive area of the work of the agencies. In the past, permission for "measures of surveillance" used to be issued by ministers of defence and chiefs of the General Staff. Later, the procedure was somewhat democratized and such measures were approved only by a court. Under the new provisions, surveillance is undertaken only in cases where it is justifiably presumed that surveillance is necessary and that all other methods have been exhausted. In such cases a principle of proportionality is applied: if a citizen is subjected to surveillance for justifiable reasons, no such measures are undertaken in respect of any other person who has had contacts with the subject. Since

86 Ibid.

there is considerable possibility of error and abuse while applying such measures, full democratic control of the services is necessary.

VBA Director Svetko Kovač said this about the agency reforms: "If we consider the results of the reforms so far, we can be satisfied. A normative legal framework has been rounded off, providing for modern arrangements which enable efficient intelligence work by the VBA. The Agency is organized so as to protect the defence system efficiently. In the personnel field, as the most vulnerable segment of reforms, substantial changes have been implemented concerning the recruitment and training of new personnel. Since the start of the reforms, some 70 per cent of the Agency's new personnel have been recruited. Civilian persons make up nearly 20 per cent of the Agency's staff, and their number is expected to increase in the forthcoming period. Some 42 per cent of the members have completed postgraduate training. Much progress has been made in providing [the Agency] with modern surveillance equipment. We are planning to revise and build on the reform arrangements in 2010, so that we may practically complete the process of reforming the VBA."⁸⁷

No alternative to NATO

In spite of continuing anti-NATO propaganda, the matter of Serbia's membership of NATO was debated daily, especially by the so-called expert circles, as the most important geostrategic topic. The debate was prompted by a number of internal and external factors. Chief among the internal factors were the effects of the economic-financial crisis, which were forcing the authorities to contemplate a rational decision concerning the country's strategic orientation. A move in the right direction would enable Serbia to use EU assistance to overcome her economic and social problems. Among the external, the new US administration's more dynamic engagement in the region was of the greatest consequence, as evidenced by the visit to the region by US Vice-President Joseph Biden. The visit coincided

87 Radenko Mutavdžić: "Saradnja sa Haškim tribunalom jedan je od prioriteta", *Odbrana*, No.100, pp. 9-10, 15 November 2009.

with intensified efforts by the EU to improve prospects of EU membership for countries in the Western Balkans through their closer “networking”. Finally, the decision of the state leadership of Bosnia and Herzegovina to present a single application (including Republika Srpska) for membership of the North Atlantic Alliance early in June held out the prospect of Serbia becoming an isolated, professedly militarily neutral area in the near future, surrounded by members of the most powerful military-political alliance in the world.

During his Balkan tour, on 20 May 2009, Biden met President Boris Tadić, Premier Mirko Cvetković, and, significantly, Minister of Defence Dragan Šutanovac. Biden not only proposed “the opening of a new chapter in relations between the United States and Serbia”, with recognition of Kosovo being no condition imposed on Serbia for an improvement of these relations or an obstacle to her Euro-Atlantic integration; the high-ranking guest’s meeting with the Minister of Defence signified a great tribute for the achievements made in reforming the Army and the defence system in general, as well as an encouragement for future reform moves.⁸⁸

The interview Joseph McMillan, Principal Deputy Assistant Secretary of Defence, gave to *Odbrana* magazine was highly indicative. «... He recalled that the fact that the Serbian Minister of Defence was the only minister whom Vice-President met during his recent tour was a gesture acknowledging the importance of the two countries’ considerably developed relations in the field of defence. He said that while, in political theory, it was often considered that in developing a relationship two countries should first establish civilian and then military relations, this particular case was different – the military relations were the more advanced.⁸⁹

On the occasion of the graduation of the 52nd class of students attending General Staff specialized training at the National Defence School of the Military Academy, McMillan said that Serbia was currently a key and indispensable factor of stability in South-Eastern Europe and that if there was no stability in Serbia, there would be none throughout the region.⁹⁰

88 *Politika* reporters on Joseph Biden’s Balkans tour, 21 May 2009.

89 Snežana Đokić: “Jezik profesije kao prepoznavanje”, *Odbrana*, pp. 22-23, 1 August 2009.

90 V. Počuć, “Spremni da brane Srbiju”, *Odbrana*, pp. 8-9, 1 July 2009.

Although there was still no real drive in Serbia in support of NATO membership, the conservative bloc watched the ongoing debate with great trepidation, qualifying it as an aggressive pro-NATO campaign (Đorđe Vukadinović). The NATO option had been relegated to the background after the government of Vojislav Koštunica in 2007 pushed through the National Assembly a Declaration of Military Neutrality of the country.

Pro-NATO arguments

In addition to the Liberal Democratic Party (LDP), which has always insisted that Serbia's EU integration should not be separated from NATO integration, the Serbian Renewal Movement (SPO) was the most vociferous advocate on the political scene of EU and NATO membership. Although the party of Vuk Drašković no longer has the political weight it enjoyed before, it is a member of the ruling coalition and Drašković himself speaks on the matter with the authority of a former foreign minister. He said that Serbia had "within three years turned round her state strategy objective from Euro-Atlantic integration to European integration and anti-Atlantic integration",⁹¹ thus committing an "unthinkable and intolerable piece of Serbian jugglery".⁹² He said that "The policy of anti-Atlantic integration is a policy of rehabilitating the regime of Slobodan Milošević and his anti-European policy. This policy has committed an unpardonable concession to the anti-European forces in Serbia."⁹³

On the same side as SPO was is another parliamentary party, G17 PLUS, whose leader Mladen Dinkić openly and staunchly opposed Serbia's energy deals with Russia. Out of pragmatic reasons, the party steered clear of openly advocating Serbia's membership of the North Atlantic Alliance

91 RTV B-92, 14 July 2009.

92 Ibid.

93 *Pravda*, 2 July 2009. Significantly, Vuk Drašković gave this large pro-NATO interview to the paper regarded as the unofficial organ of Tomislav Nikolić's Serbian Progressive Party.

on the grounds that the issue was not a “subject for discussion” yet, all the more so as “no one has invited us” to NATO.⁹⁴

The benefits which Serbia and her army would have from membership of the leading international military organization were pointed out by analysts and experts more loudly than before. At the round table organized by the SPO and the International Peace Institute in June 2009, it was said that Serbia’s alleged military neutrality was actually a fraud. In a formal legal sense, it was said, a country does not proclaim its neutrality through a parliamentary declaration or any other internal political decision but through international treaties.

The experts also pointed out that being “neutral” implied giving up arms dealing. Zoran Dragišić, military-political analyst and lecturer at the Faculty of Security Studies, recalled that one of Serbia’s major branches of industry was the production of weapons and that large quantities were being exported to third world countries. The Serbian firm SDPR made weapons to the value of 400 million dollars in 2008.⁹⁵

Without the support of the DS, this orientation would not have been possible. In reference to this delicate topic, Serbian President Boris Tadić, whose elbow-room is limited by his loyalty to the national-conservative circles, chose his words very carefully. In an interview with Radio Free Europe, he recalled the Assembly resolution “within the framework of which we proclaimed the neutrality of Serbia in respect of NATO and other military alliances”. Significantly, he also said that as to “what will happen in the next five or ten years, that’ll depend on the Serb people”.⁹⁶

Conservative bloc perturbed

The change of attitudes in the public discourse to the stereotype of NATO as a “criminal organization which bombed us” and which “robbed us of Kosovo” disturbed the nationalist-conservative bloc. True to form, Vojislav

94 *Politika*, 17 June 2009.

95 Zoran Dragišić disclosed this at a round table.

96 *Borba*, 24 June 2009.

Koštica and his DSS were at the forefront of the political actors promoting the stereotype. Bearing in mind that the citizens were far less inclined towards joining NATO than towards joining the European Union, the DSS urged that the matter be put to a referendum as soon as possible. Following recent local elections in the Belgrade municipalities of Voždovac and Zemun, after which it entered into a coalition with the victorious SNS of Tomislav Nikolić, the DSS laid particular stress on this matter in their coalition agreement. Koštica's insistence on a referendum on Serbia's NATO membership was based on a conviction that the government in power was scheming to "draw Serbia into NATO through the back door, by a circuitous route and behind the backs of the citizens, for it is the common goal of NATO and the present government to avoid a referendum at all costs."⁹⁷

On this and some other occasions (such as the controversy surrounding the Vojvodina Statute), Koštica stressed the importance of early elections and of a NATO referendum being held at the same time.⁹⁸ The insistence on a referendum stems from a belief that the citizens would vote against NATO membership. The weekly *Pečat* was the most vociferous champion of the referendum idea.⁹⁹ In one of his leading articles, entitled "Nato grip" [NATO flu], its editor-in-chief Milorad Vučelić expressed these expectations as follows: "Why is it that a small group of people in power in Serbia and in Republika Srpska, as well as a great number of nongovernmental organizations, lay claim to all the merit, all the honour and respect concerning becoming a member of NATO? Why is it that they do not want to share this with the people? Why not give the Serb people a chance to express themselves and win a name for them? Why should those in power alone have the privilege of being pro-NATO and reap the benefits of it? If they are so convinced in [the correctness of] their NATO-ism, why do they fear then that the Serbs might lose face?"¹⁰⁰

One of the leading military commentators and a frequent media contributor and guest, Miroslav Lazanski, stressed that "the most important

⁹⁷ *Danas*, 15 June 2009.

⁹⁸ *Pečat*...2009.

⁹⁹ A small circulation magazine, *Pečat* is the chief mouthpiece of the conservative bloc.

¹⁰⁰ *Pečat*, 3 July 2009.

foreign-policy debate since the break-up of the SFRY” must not be opened within closed circles. He criticised a number of politicians for the statements they had made at “round tables and conferences open and closed to the public” and urged a wide public debate.¹⁰¹

In a comprehensive analysis of Serbia’s key strategic relations, the editor-in-chief of the journal *Nova srpska politička misao* (New Serbian Political Thought), Đorđe Vukadinović, writes that since 2000 every single government in Serbia has been formed with the blessings of Western actors and their greater or less assistance. The present government, which, according to Vukadinović, is “the most pro-Western” of all, was created with the object of removing Koštunica from power and preventing the Radicals from taking over: “It turned out, however, that the third and actually the most important objective, the one that would presumably be achieved automatically once the first two had been realized – the final expulsion of Russia from Serbia and the Balkans – was not achieved at all.”¹⁰²

An influential mouthpiece for the Serbian conservative right-wing, Vukadinović called for “preserving a minimum of national interests and national self-esteem” and proposed a “third road” which would imply a “correct stance and a genuine sincerity” towards the United States because, he claimed, the Russians would “accept everything that is not NATO”.¹⁰³

Spinning anti-Americanism

Anti-Americanism was largely behind the anti-NATO sentiments which the Serbian political elites succeeded in spreading far and wide through systematic media spinning. Hostility towards the United States has been systematically stoked for nearly two decades, seizing upon any increase in US administration activity in the region to add fuel to the flames. The anti-American mood reached a climax at the beginning of 2008, following the

101 *Politika*, 4 July 2009.

102 Đorđe Vukadinović: “Istok Zapadu, Zapad Istoku”, *NIN*, 16 July 2009.

103 *Ibid.*

proclamation of Kosovo's independence and resulting in the demolition and burning of the US embassy in Belgrade. The latest outburst was no doubt partly provoked by the "Biden effect".

The resentment of America, who "crushed Serb national interests in the Balkans and promoted Muslim and/or Bosniak, Croat, and Albanian ones" (Ljiljana Smajlović),¹⁰⁴ was given vent to at the ceremonious opening of the World University Games, when the US team was greeted with an ear-splitting chorus of whistling and booing.

Dragan Simić, director of the Centre for American Studies in Serbia, said that the anti-American sentiments were largely a product of media influence, with a number of newspapers and TV channels "promoting an anti-Americanism of a shallow kind, one which is highly impassioned and very harmful for our relations".¹⁰⁵

Serbia's increased diplomatic activity among Third World countries coalesced in the Non-aligned Movement, which was zealously pursued by Foreign Minister Vuk Jeremić, reflected these countries' anti-Americanism, among other things. Many members of the movement identify Serbia with anti-Americanism. Predrag Simić, until recently Serbian ambassador in Paris, said that whereas at one time these countries "saw in Milošević's Serbia a champion of anti-globalism, today they look upon Serbia to a certain extent as a stronghold of anti-Americanism."¹⁰⁶

According to a recent survey by Media Gallup, Pakistan and Serbia were at the forefront of countries distinguished by anti-American sentiments. The resistance to Atlantic integration is largely attributable to the fact that Serbs generally identify NATO with the United States.

104 *NIN*, 9 July 2009.

105 *Politika*, 13 July 2009.

106 *Borba*, 16 July 2009.

Conclusions

By all accounts, the ruling political class circles are disposed towards charting a course at geostrategic level to bring Serbia formally closer to Euro-Atlantic integration. In the face of strong opposition from the still very influential nationalist-conservative bloc, rational discussion of Serbia's real interest is currently taking place on the sidelines. The positive reactions by a portion of the public to the departure from the stereotypes dominating the two mandates of the Koštunica government should be taken into account and not underestimated.

Also, in view of the still unstable and potentially explosive situation in the region (southern Serbia, Bosnia and Herzegovina), there is a mutual interest to "reset" the relationship. Therefore, Serbia's most realistic option in the forthcoming period is, inter alia, to strengthen institutional ties with the Alliance. The first move has already been taken by appointing Serbia's ambassador at the NATO headquarters in Brussels.

Serbia is the only country in the Western Balkans which has still not made a decision on NATO membership, in spite of the fact that, under the present international circumstances, collective security is inconceivable without membership of the organization. The conservative bloc continues to insist on the neutrality proclaimed in the Assembly, as well as in the context of Kosovo. The bloc's case against membership rests on the fact that in 1999 NATO bombed the FRY. Nevertheless, the professional community has succeeded in forcing a highly reasoned discussion of Serbia's NATO membership.

Police: Reform Progress

In 2009, the Ministry of the Interior of the Republic of Serbia drafted the proposals for the law on road traffic safety and the law on emergency situations (which was adopted by the National Assembly). In addition to several other laws regulating the work of the Ministry of the Interior, these laws represent the most important legislative projects of the Ministry of the Interior in 2009, since they regulate extremely important issues for the safety of citizens and their adoption was delayed for several years. Apart from these laws, the Ministry of the Interior also adopted several strategic documents that should guide its work and, in particular, the work of some of its organizational units in the coming period. The strategies were adopted in accordance with "Serbia's Road Map to EU Accession" and they represent a significant step towards the harmonization of the principles of the work of the Serbian police with those applied by the police authorities in the EU member countries, as well as the path towards the adoption of best police practices in Europe. The adopted strategic documents include as follows:

- Strategy for the Prevention of Illegal Migrations in the Republic of Serbia for the Period 2009-2014;
- Strategy to Combat Organized Crime and the Action Plan for Its Implementation;
- Migration Management Strategy;
- National Action Plan to Combat Human Trafficking for the Period 2009-2001;
- Sectoral Anti-Corruption Action Plan and
- National Action Plan to Combat Human Trafficking.

In addition, under way is the adoption of the strategy for the control of small arms and light weapons and the national strategy for protection and rescue in emergency situations. The strategy for the reform of the Ministry of the Interior for a period of 3-5 years is also under preparation. It will provide a starting point for the preparation of the strategies for the reform of all organizational units of the Ministry of the Interior.

Law on Road Traffic Safety

The new Law on Road Traffic Safety came into force on 10 December 2009, after the debate both in the Serbian professional and broader community which lasted several months. The Law is considerably stricter than the previous one and introduced a number of novelties, the most important being the introduction of penalty scores for traffic offences; ban on mobile phone use while driving without using appropriate equipment; mandatory use of short-range lights while driving; introduction of the term "aggressive driving", which implies the driver's gross negligence with regard to the safety of others, i.e. repeated passing through the red light, overtaking the column of vehicles where there is a solid white line and similar dangerous driving practices. Such behaviour is punished by imprisonment for 30-60 days, 15 penalty scores (the driver with 18 penalty scores is subject to re-examination) and 9-month suspension of driving a car. The Law also introduces some minor novelties, such as the mandatory possession and use of a fluorescent vest, mandatory use of rear seat belts and the like. Fines are several times higher, while the most serious offences are punishable by a prison sentence.

The Law incorporates the practices of the European Union and neighbouring countries, as well as many provisions from foreign laws. In this way, traffic safety legislation and the relevant legal procedure applied in the Republic of Serbia were harmonized with the EU. Apart from increased traffic safety, it contributes to the legal safety of foreigners driving through the territory of the Republic of Serbia, which is especially significant if one bears in mind the importance of Corridor 10 as a European route.

The implementation of the Law on Road Traffic Safety has already produced visible results. According to the data provided by the Ministry of the Interior, the number of traffic accidents with victims was reduced by 3 per cent; the number of deaths dropped by nearly 10 per cent, while the number of injured by a little more than 1 per cent. Compared to 2008, the number of children killed in traffic accidents was halved, which certainly is a significant result.

The Law on Protection and Rescue

The Law on Protection and Rescue or, in other words, the way in which the organization and functioning of the civil protection system will be regulated, was the subject of debate in the professional and political community for ten years. As the result of the debate in the professional community three proposals were crystallized: that the civil protection system should remain a part of the defence system, which was practiced since the introduction of civil protection into Serbia, that a special Civil Protection Agency should be formed and that civil protection or, more precisely, the emergency reaction service should become a part of the Serbian Ministry of the Interior. The third proposal, which was incorporated into the new Law on Emergency Situations, had the least support from professionals. The remarks made with respect to this solution refer to the non-existence of the tradition of such an organization of civil protection in Serbia; the impossibility to coordinate the entire network of all those involved in civil protection within the Ministry of the Interior; the impossibility on the part of the Ministry of the Interior to organize the training of the population and mobilize forces and resources. A very serious remark made with respect to this solution was that in this way two systems were practically established. One would be established within the Ministry of the Interior and would rely on professional fire fighting units, while the other would include civil protection bodies within local self-government units and, by tradition, would rely more on the Armed Forces of Serbia and Ministry of Defence than on the Ministry of the Interior.

The Law on Emergency Situations stipulates emergency activities, proclamation and management; the system of protection and rescue of people, material and cultural resources, and the environment from natural disasters, technical-technological disasters – accidents and catastrophes, consequences of terrorism, war and other more serious disasters; competences of the government bodies, autonomous provinces and local self-government units, as well as the participation of the police and Armed Forces of Serbia in protection and rescue operations; the rights and duties of citizens, companies, other legal entities and entrepreneurs in

emergency situations; organization of civil protection and related activities, including protection and rescue, as well as the elimination of the consequences of natural and other disasters; financing; inspection supervision, international cooperation and other issues of significance for the organization and functioning of the protection and rescue system.

The Law stipulates the competences of the Ministry of the Interior in the area of protection and rescue in the following way:

The Ministry of the Interior (in further text: Ministry) shall, within its frame of reference, propose and implement a protection and rescue policy; execute the ratified international treaties, laws and other general enactments of the National Assembly and Government.

In the area of protection and rescue the Ministry shall:

- 1) Prepare the Draft National Strategy for Protection and Rescue in Emergency Situations;
- 2) Prepare the Proposal for a Long-Term Plan for the Development of the Protection and Rescue System;
- 3) Organize the Assessment of the Endangerment of the Republic of Serbia from Natural and Other Disasters and submit it to the Government for adoption;
- 4) Prepare the proposal for the National Plan for Protection and Rescue in Emergency Situations of the Republic of Serbia;
- 5) Coordinate its work with all those included in the protection and rescue system with respect to the organization, planning, preparation and implementation of risk prevention and reduction measures and activities, protection and rescue (it shall also organize telecommunication and information systems required for protection and rescue management and coordination and data and information transmission and protection);
- 6) Organize the reconnaissance, information dissemination, early warning and alarm system in the territory of the Republic of Serbia;
- 7) Ensure the participation of the police and other organizational units of the Ministry in the implementation of protection and rescue measures and the fulfilment of the relevant tasks;

- 8) Prepare and implement the safety protection of the area, infrastructure and buildings of significance for undertaking protection and rescue measures and tasks;
- 9) Organize the training and checking of operational readiness of the headquarters and services for emergency situations, as well specialized civil protection units, in accordance with training programmes and plans (it shall also provide expert assistance and operating instructions for the protection and rescue bodies of the autonomous provinces, local self-government units, companies and other legal entities);
- 10) Educate, organize and equip specialized civil protection units for the territory of the Republic of Serbia and administrative districts; organize and procure, repair, maintain and store protection and rescue equipment;
- 11) Organize and remove deactivate and destroy unexploded devices (in further text: UXD);
- 12) Conduct personnel training and issue certificates of qualification for the removal of UXD, issue authorization for the removal and destruction of UXD to companies and other legal entities;
- 13) Form the national and regional protection and rescue training centres in the Republic of Serbia;
- 14) Prepare and adopt technical regulations concerning protection and rescue devices and equipment and, should it be entrusted with such a task, prepare the proposal for the Serbian standards relating to protection and rescue devices and equipment;
- 15) Initiate and finance scientific research in the area of protection and rescue;
- 16) Keep records of human and material resources for the protection and rescue needs, and order the partial mobilization of necessary human and material resources;
- 17) Maintain international cooperation in the area of protection and rescue and disaster risk reduction;
- 18) Participate in search and rescue operations in case of road, rail, river and air accidents;

- 19) Supervise the implementation of the Law and the regulations adopted on its basis;
- 20) Perform other duties as specified by law.

However, regardless of all these competences entrusted to the Ministry of the Interior, the Law stipulates that civil protection is a non-military organization, formed in times of war and peace in accordance with Additional Protocol I of 1977 and the Geneva Conventions of 1949. The Law also stipulates that civil protection uses the international distinctive sign. The remarks that could be heard during the professional debate that, bearing in mind these provisions, two systems would be practically developed seem quite appropriate. In the former Yugoslavia, the civil protection system was an integral part of the defence system and relied, above all else, on municipal civil protection headquarters, which formed part of the Secretariat for Defence. However, after the collapse of the former Yugoslavia, the system was practically destroyed in Serbia. Thus, the main task set before the Protection and Rescue Department of the Ministry of the Interior is to establish a modern and functional protection and rescue system that will meet the daily needs of Serbian citizens. A good step in that direction is the integration of fire fighting, police and emergency services into a single system, which is in compliance with the European standards.

In the operating report of the Ministry of the Interior for 2009 one can observe the positive trends in the area of protection and rescue. The number of explosion and fire accidents was reduced by 6 per cent relative to the same period in 2008 (from 6,124 to 5,751). The number of dead and injured was also reduced: from 84 to 79 and from 276 to 237 respectively. Mention should be specifically made of the fast and efficient intervention of the fire fighting and rescue units during the fire in the Dr Dragisa Misovic Clinical and Hospital Centre and the spare parts warehouse of Zastava Automobile AD in Kragujevac, as well as on the occasion of the explosion and fire at the Prvi Partizan Ammunition Factory in Uzice. One of the Ministry's more significant reform activities is related just to protection and rescue. The activities were also undertaken to establish a single service for emergency situations within the Ministry of the Interior (in June,

the Protection and Rescue Department was officially transformed into the Department for Emergency Situations), thus pooling all existing resources associated with protection, rescue and reaction in emergency situations.

The Activities of the Ministry of the Interior Concerning the Realization of the "Visa Liberalization Road Map"

In 2009, thanks to its very intensive efforts, the Ministry of the Interior succeeded in fulfilling all "Visa Liberalization Road Map" requirements set by the European Commission (EC). The general evaluation of the representatives of the European Commission in Serbia and the domestic professional community is that the Ministry of the Interior made the greatest contribution to placing Serbia on the white Schengen list pursuant to the Visa Liberalization Resolution adopted by the European Union Council of Ministers, which came in force on 19 December 2009.

Apart from the intensification of international police cooperation, the Ministry of the Interior also ensured the removal of all obstacles concerning the security of state borders and personal documents, readmission, prevention of illegal migrations and protection of fundamental human rights as the priority requirements from the European Commission's "Road Map", which Serbia had to meet in order to be granted visa liberalization. The Ministry of the Interior also proposed a set of laws and strategic documents, which represented a visa liberalization requirement.

Among other things, the Law on Travel Documents of the Republic of Serbia was amended, whereby the validity of old "blue" passports was extended for another year, that is, until 31 December 2010. The mentioned amendment to the Law was the result of the need to solve the problem of issuing new passports to Serbian citizens living and working abroad, who did not obtain new biometric passports due to a great distance from the consulate or somewhat longer passport issuing process. Also, the validity of passports for children up to three years of age (valid for three years)

and children up to 14 years of age (five years) was extended. During the past period, sub-legal acts, that is, executive regulations were adopted on the basis of the competences set forth in the laws of 2007. The sub-legal acts anticipated for the adoption of the Law on Foreigners (15 rules) were also adopted. One of the last visa liberalization requirements, which will also be fulfilled, was the adoption of the Decree on the Procedure for the Determination of the Fulfilment of the Requirements for the Issuing of Passports to Persons from Kosovo and Metohija (September 2009), determining the competences of the Kosovo and Metohija Coordination Directorate in Belgrade and setting the requirements for the issuing of travel documents to persons having the place of residence in Kosovo and Metohija and persons having no place of residence in the Republic of Serbia to whom certificates of citizenship were issued by the relevant government body in the Republic of Serbia which is in charge of Kosovo and Metohija.

The Ministry of the Interior achieved very significant results in the provision of document security, which was one of the crucial visa liberalization requirements. The new biometric documents were further improved, so that they are now provided with the highest possible degree of protection and, thus, meet all EU standards. So far, the Ministry of the Interior has issued 1.4 million biometric passports and 1.3 million biometric identity cards. The measures were also undertaken to enable persons with special needs to obtain personal documents without queuing, which is an everyday feature due to the great interest shown by citizens.

One of the European Commission's important visa liberalization requirements was border security. In 2006, the police took over border security from the Armed Forces of Serbia and since then a lot has been done with respect to the establishment of the system of integrated border management in accordance with the Action Plan for the Implementation of an Integrated Border Management Strategy. Especially significant steps made towards better border control include continuous personnel training and the procurement of new electronic equipment for reading biometric travel documents, which has been installed at all border crossings. Intensive cooperation with the border authorities of the neighbouring countries has also been established and is now maintained through

regular contacts and the planning of joint activities, including the prevention of illegal migrations and other forms of cross-border crime.

In accordance with the "Road Map" requirements, the Government adopted the Strategy for the Prevention of Illegal Migrations in the Republic for the Period 2009-2014. The Ministry of the Interior was crucial for the elaboration of this Strategy, while in accordance with it the Binding Instruction for Dealing with Trafficked Persons was adopted. The Binding Instruction, which has been implemented since May 2009, was fully harmonized with the regulations and practices of the EU member countries.

In order to combat human trafficking and illegal migrations more efficiently, the Minister of the Interior, other ministers and competent representatives of several relevant ministers and the Commissariat for Refugees signed the Cooperation Agreement to Combat Human Trafficking and Establish the Council to Combat Illegal Migrations, insisting on the coordination of the activities performed by the government bodies with a view to ensuring the sustainability of the programme for the protection and reintegration of human trafficking victims, especially through the accommodation provision programme. This is especially significant, because over the past years most of human trafficking victims have been Serbian citizens.

In 2009, in order to promote international police cooperation – apart from the already signed documents of strategic importance – the Working Arrangement for the Establishment of Operational Cooperation was concluded with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), with the aim to develop cooperation in operational actions related to border security improvement and training. The other signed documents include the Agreement on Long-Term Strategic Partnership between the Republic of Serbia and DFAC, revised Memorandum of Understanding between the Ministry of the Interior and the OSCE Mission in Belgrade determining the priority areas of further cooperation, as well as the Protocol on Police Cooperation with EULEX, aimed at combating organized crime in Kosovo and Metohija.

Apart from the legal framework for international police cooperation at the strategic level, bilateral cooperation agreements are also important for the operationalization of such arrangements. Bilateral agreements have been concluded with Croatia, Belgium, Switzerland, the Russian Federation, Austria, France, Israel and China, thus providing a legal basis for direct operational cooperation. Bilateral agreements were signed not only for police cooperation in general, but also for cooperation in combating organized crime, corruption and terrorism. Of special significance are the comprehensive agreements concluded with the neighbouring countries in order to ensure more efficient border control and combat cross-border crime through joint efforts. This refers to the bilateral protocols on joint border patrol signed with the Montenegrin Ministry of the Interior and the Ministry of Security of Bosnia and Herzegovina, and the Agreement on Cooperation against Transnational and Organized Crime between the Bodies Dealing with Crime signed with the Republic of Hungary. The protocols were also signed with the police of Bosnia and Herzegovina and Macedonia concerning the organization of regular meetings of border police representatives at the state, regional and local levels. In order to directly implement the Readmission Agreement, the relevant protocols were signed with Slovenia, Switzerland and France. In addition, the Memorandum of Understanding on Migration Partnership was concluded with Switzerland. The Agreement on Humanitarian Reaction in Emergency Situations, the Prevention of Disasters and Technogenic Accidents and the Removal of Their Consequences was signed with the Russian Federation, in addition to the plan for the organization of the initial stage of developing the centre for humanitarian intervention in emergency situations, which will be located in Nis. The formation of this centre provoked very sharp polemics both at home and abroad, because the relevant agreement was signed with the Emergencies Ministry of the Russian Federation, which has very serious military resources, so that this fact rose concerns that the centre might develop into a military base. Also, the Memorandum on the Donation of Laboratory Equipment for the Criminalities Technical Centre of the Serbian Ministry of the Interior was signed with Spain.

The Fight Against Crime

As for the fight against narcotics production and trafficking in 2009, the police discovered 28 narco-groups at different levels and with varying degrees of organization, with a total of 133 members of whom 118 were arrested. In 2009, organized narco-crime was characterized by cocaine trafficking, due to which intensive measures were undertaken. Among other things, the police discovered a five-member group involved in the smuggling of this drug from South America (Paraguay) into Serbia (3 kg of cocaine, whose street value is 500,000 euros, were seized), as well as the branch of a transnational criminal group trafficking cocaine from South America into Serbia and West European countries through ports in Spain, Italy, Belgium and the Netherlands (three persons were arrested in Belgrade and a total of 274 kg of cocaine was seized in Europe and Latin America in the police actions aimed at breaking up this group, which lasted a few months). Larger amounts of cocaine were seized in Novi Sad – 1.9 kg and at the Gradina Border Crossing – 5.5 kg. (Darko Saric's group was discovered thanks to the continuation of these actions in 2010, in cooperation with the relevant US agencies.)

An international criminal group involved in trafficking a larger amount of modified marijuana (so-called "skunk") from Albania, through Montenegro, into Serbia – where it was stored for further distribution in Bosnia and Herzegovina, Croatia, Slovenia, Italy and other West European countries – was also discovered. About 60 kg of skunk were seized (32.9 kg in the region of Nis and about 27 kg at the Sid Border Crossing, at the point of exit from Serbia). Also, in only two separate actions about 15 kg of hashish were seized and in one of them the channel through which hashish was smuggled from the Netherlands was cut off.

A larger amount of heroine was also seized both at the border crossings (3.2 kg at the Presevo Border Crossing, nearly 20 kg at the Gradina Border Crossing, 15.1 kg at the Batrovci Border Crossing and about 8.9 kg at the Horgos Border Crossing), as well as during the arrest of drug-trafficking groups (over 10 kg from a three-member group in Grocka, about 1 kg in Belgrade, which this criminal group intended to sell in Bosnia and

Herzegovina, nearly 10 kg from the same criminal group in Belgrade, over 12 kg of heroine and 14 kg of paracetamol from a four-member group in Nis; special mention should be made of the seizure of over 21 kg heroine and 8 kg of paracetamol in Belgrade).

Intensive measures were undertaken against the sale of drugs near schools and gathering places of young people within Operation Morava, whose aim is not only to seize larger amounts of drugs, but also to break up and paralyze drug trafficking networks. In this police action, carried out in the night between 31 October and 1 November, about 600 locations in the Republic of Serbia were searched and the following was discovered: 20 kg of various drugs, 10 precision scales, 57 pieces of various firearms in illegal possession, larger amount of ammunition, forged banknotes worth 1,052,000 US dollars, 120,000 euros and about 200,000 dinars, 4 stolen cars, 20 high-class cars owned by drug dealers and the like. Thanks to central warrants, 6 persons were found; out of 262 persons brought in, 88 were detained. The ratio between the persons taken in and detained was the subject of debate in the professional and broader community, which left an impression that Operation Morava was a marketing trick rather than a serious police action. The Ministry of the Interior did not present this action in the media an adequate way or, better said, its real results were not presented to the public despite being impressive, thus providing scope for underrating this action by one part of the public.

Otherwise, in the period January-November 2009, there were 5,097 seizures, including 1.25 tons of drugs and 21,748 pieces of narcotics, i.e. 135 kg of heroine, over one ton of marijuana, 17 kg of cocaine, 16 kg of hashish, over 5 kg of ecstasy, nearly 7 kg of amphetamine, as well as over 21 kg of other narcotics. Also, 2,374 pieces of ecstasy and 18,440 pieces of other narcotics were seized. Compared to the same period last year, the seized amount of cocaine was larger by 64 per cent; seized amount of hashish was 15 times larger, while the seized amount of ecstasy was greatly multiplied.

Human trafficking is one of increasingly common forms of organized crime in this region, which was devoted special attention by the Serbian police in 2009. The investigations carried out by the police show that

so-called internal trade is prevalent. Namely, out of 79 victims – 69 were Serbian citizens. The fact that most victims are children and underage persons (about 60 per cent) raises concerns. It must also be pointed to the discovery of a five-member criminal group in Novi Pazar which exploited three Serbian citizens (all of them from Subotica), pressing them into prostitution and forced labour. Mention should also be made of the arrest of 14 members of one of the best organized criminal groups in the territory of the Balkan countries (Serbia, Bosnia and Herzegovina, Croatia and Slovenia), in addition to cutting off the channel for the illegal transfer of Albanian citizens through our territory to the EU countries (the group smuggled 53 Albanian citizens and earned about 200,000-300,000 euros). This operation was carried out in cooperation with the Ministry of the Interior of the Federation of Bosnia and Herzegovina, with support and coordination provided by the SECI Centre and Interpol. Special mention should be made of the arrest of 17 members of an international organized crime group smuggling Chinese citizens, through Serbia and the Republic of Macedonia, into Greece and other EU member countries from December 2008 to April 2009. On the basis of the data and evidence provided by the Serbian Ministry of the Interior, 13 persons were arrested in the Republic of Macedonia. The police action was carried out in coordination with the SECI Centre.

In 2009, the police placed special emphasis on the fight against corruption, which resulted in discovering an increased number of criminal acts with elements of corruption by 22 per cent (from 2,962 to 3,635). Also, the number of criminal acts of bribe receiving and bribe giving discovered by the police was about five times higher (from 55 to 251). Here special mention should be made of the arrest of 37 persons, including 17 police officers, from the territory of Novi Pazar, Raska and Kraljevo, who were involved in smuggling excise goods from Kosovo and Metohija. The police officers were bribed to allow this criminal activity. It is also important to point to the discovery of the abuse of procedure with elements of corruption in the public procurement of 25 Land Rovers for the Serbian Ministry of the Interior due to which the Ministry suffered a loss of 62.5 million dinars. It must also be pointed to the recently discovered corruption chain

in two driving schools in Pancevo. Twelve employees and candidates for a driver's licence, including two police officers (members of the examination commission), were reported to have given and received bribes. The candidates were given certificates for allegedly passing the driving test for a certain amount of money. It should be emphasized that the Ministry of the Interior prepared the Sectoral Action Plan for the Implementation of the National Anti-Corruption Strategy. It is very important to note that a number of police officers involved in criminal acts with elements of corruption were arrested in these actions. This made a serious contribution to the "cleansing" of the police ranks of criminal elements, which is a necessary prerequisite for a successful fight against all forms of crime.

According to the data provided by the Ministry of the Interior, significant results were achieved in fighting all forms of crime in 2009:

The total number of criminal acts was reduced by 1,442 (from 94,270 during the first 11 months of 2008 to 92,828 during the same period in 2009). Overall crime was reduced in most police directorates and it should be emphasized that crime was reduced in the territory of the largest urban centres – Belgrade (by 1,000 criminal acts), Nis and Kragujevac. General crime declined by 1,774 criminal acts (from 83,413 to 81,639). The number of crimes against life and limb and property also declined. This is very important because property crimes are the most common form of general crime. Crimes against general safety also declined and the same refers to lighter forms of general crime.

The number of more serious cases of general crime – attempted murders, serious bodily injuries, cases of rape, cases of attempted rape, aggravated thefts, armed robberies, extortions and illegal use of someone else's cars – also declined.

The percentage of solved murder cases also increased (from 76 per cent to 80 per cent), first-degree murders (from 75 per cent to 85 per cent), cases of rape (from 79 per cent to 88 per cent), cases of attempted rape (from 78 per cent to 80 per cent) and armed robberies (from 69 per cent to 72 per cent). High efficiency was also achieved in solving the cases of attempted murder (80 per cent), cases of attempted first-degree murders (71 per cent), severe bodily injuries (88 per cent) and extortion cases (90

per cent). In addition, more than half of theft and aggravated theft cases was solved. All abduction cases were solved. Efficiency in solving the number of crimes committed by unidentified perpetrators was also improved. Positive trends were also recorded in fighting juvenile delinquency (the number of crimes committed by juvenile perpetrators declined by 9.4 per cent, while a 4.4 per cent decrease in the number of reported juvenile perpetrators was also recorded).

The results achieved in fighting economic crime were also improved – 9,600 cases were solved, representing an increase of 8.2 per cent (8,869). An increase was also recorded in solving the number of more serious economic crimes, such as: the abuse of authority of office, abuse of economic power, business frauds, falsification of official documents, embezzlements, etc. The number of solved environmental crime cases also increased.

Regardless of the significant results achieved by the Serbian Ministry of the Interior in 2009, numerous abuse cases and serious crimes involving police officers were also recorded; there are complaints on the part of the Coalition for Free Access to Information that the Serbian Ministry of the Interior refuses to provide information upon request and that many important data are still hidden from citizens; the police did not adequately protect public gatherings and there are some crime cases from the previous years which have not yet been solved, thus causing greater public concern.

The most serious incident involving the police in 2009 was the killing of Djordje Zaric, 24, from Jakovo, on 19 March, around 4 a.m., at Omladinskih Brigada Street in New Belgrade. The killing was committed by Miljan Raicevic, a riot-brigade police officer from Belgrade, after the police patrol stopped the car in which the victim was in the passenger seat. Police officer Raicevic tried to pull Zaric out of the car, when his gun went off shooting the man in the head. Zaric died right away. In November 2009, Miljan Raicevic was sentenced to seven years' imprisonment for murder. The incident caused great public concern and protests. It can be stated that the Ministry of the Interior reacted professionally: a public statement was issued; the facts were not hidden (like in some other cases in the previous years!); the investigation was carried out and the trial was relatively fast.

The Attitude of the Police Toward the LGBT Population

In 2009, the greatest failure of the police was the prevention of Belgrade's Pride Parade on 20 September 2009. Police officials kept assuring the public that they would their best to allow the Pride Parade to take place unhindered and ensure the safety of all participants and people who would be in the streets on that day. However, the police retreated very fast before the threats of extremist organizations and football fan groups: the Pride Parade was called off after the police proposed that the event take place in front of the Serbia Palace in New Belgrade. Thus, it seemed as if on that day the power in the streets of Belgrade was taken over by groups of hooligans. In such an atmosphere, Brice Taton, a French citizen who came to Belgrade to watch the Partizan-Toulouse football match, was attacked. Taton and some 15 other French football fans were attacked by a group of 30 or so hooligans in the Irish Club in Obilicev Venac. Several French fans suffered lighter or more serious body injuries, while Brice Taton died after beating, on 29 September. The murder of Brice Taton and attacks on other foreigners, which took place during the next few days, were a direct consequence of the atmosphere created on the occasion of the Pride Parade. The police missed a chance to react to the threats received by the activists of the organizations fighting for the rights of the gay and lesbian population by extremist organizations and groups of hooligans for months which, coupled with the irresponsible statements of some Serbian politicians, was understood as direct support to extremists. In this case, the responsibility lies in large measure with the Security Intelligence Agency which failed to treat extremist organizations in an adequate way.

Police Still Susceptible to Corruption

Serbia has some 43,000 policemen, who are divided into four main departments, which supervise 33 regional secretariats and report to the Serbian Government. The efficiency of the police varies, while most policemen are Serbs. There are a smaller number of Hungarians, Bosniaks and Montenegrins, while Albanian and other minorities are represented in very small numbers. The police is still susceptible to corruption, especially the border one, which can be supported by numerous reports.

On 23 March, the district court in Negotin sentenced 9 border policemen to imprisonment due to the fact that during 2007 they were receiving bribes to allow cargo transport to cross the border between Serbia and Kosovo without collecting customs duties. Andjelka Petrovic, deputy chief of the border police, was sentenced to 10 months imprisonment and Dragan Prvulovic, border police officer, to 18 months imprisonment. The policemen Djordje Grekulovic, Milan Radic, Dejan Zivadinovic, Ljubisa Bobokovic, Nikola Grujic and Dusan Grekulovic were sentenced to 16 months imprisonment.

On 25 June, the district court in Sabac sentenced 16 border police officers from Gucevo to 18-20 months imprisonment for taking bribes from individuals to allow the smuggling of cattle across the river Drina into Bosnia and Herzegovina. The smugglers were also sentenced to imprisonment.

Conclusions

In 2009, the Ministry of the Interior of the Republic of Serbia achieved outstanding results and it can be stated that the last year was the most successful one for the Serbian police since 2000.

The Ministry of the Interior drafted several very important laws, which were submitted by the Serbian Government to the National Assembly. The Law on Emergency Situations, Law on Road Traffic Safety, Law on Travel Documents, Law on Identity Card, Amendments to the Law on Indecent Behaviour at Sports Events and a set of strategic documents represent a good foundation for the continuation of police reform.

In addition, among all Serbian Ministries, the Ministry of the Interior made the greatest contribution to the realization of the "Road Map" and visa liberalization, which represents a very significant incentive for the further democratization of Serbian society and the adoption of European values. Apart from the preparation of the draft laws necessary for visa liberalization, the Ministry of the Interior also prepared new biometric documents which, according to the degree of protection, meet the highest European standards. It also established intensive international police cooperation and better border control, and achieved significant results in the prevention of illegal migrations, thus creating conditions for the abolition of visas for Serbian citizens travelling to the EU member countries.

The police also achieved significant results in the fight against crime. Success is especially important if one bears in mind that the percentage of solved cases involving the most serious crimes with elements of organized crime increased significantly, that huge amounts of narcotics were seized, that several organized crime groups involved in human trafficking were arrested and that the total number of all types of criminal cases was significantly reduced. Remarkable results were also achieved in the area of protection and rescue, as well as in the area of transport safety.

The main remarks that can be made with respect to police work are that there are still many abuse cases involving police officers, that the reaction to the attempt to hold the Pride Parade was inadequate, that a certain number of police officers is tolerant toward right-wing extremist organizations and that the most serious crimes from the earlier period have not yet been solved. Numerous remarks also refer to the fact that the Ministry of the Interior is still withholding the information of public importance and that police work is not sufficiently transparent.

The continuation of reforms and positive processes within the Ministry of the Interior during 2009 can provide conditions for the creation of the police that will comply with the European standards in the foreseeable future. In future reform efforts it will be necessary to place special emphasis on the education of police personnel, especially in the area of human rights standards.

III

Legal System

A Justice Reform: a real start or just an attempt?

The launch of justice reforms including court reorganization was no doubt the most important event in Serbia's judicial-political life in 2009. For decades past, the judiciary – the third arm of government of key importance for the stability of any country – has been regarded and treated as an extended arm of political and executive power, as well as of influential opposition parties in Parliament. The National Strategy for Reform of the Judiciary was adopted at the session of the National Assembly of the Republic of Serbia of 25 May 2006, its chief proclaimed goal being the establishment of the rule of law and of legal security to restore citizens' trust in the judicial system of the Republic of Serbia. The Strategy rests on the following four key principles: judicial independence, transparency, responsibility, and efficiency.¹⁰⁷

Although the need to reform the Serbian judiciary had been discussed long before the Ministry of Justice put forward the Strategy, the passing and then the implementation of the relevant legislation was deferred from one year to the next. The necessity of radical changes in the judiciary sector was raised back under the regime of Slobodan Milošević, who used the judiciary as one of his chief tools. Those who urged changes called for amending the procedure for the election of judges and prosecutors, lustrating the discredited judiciary officials, and across-the-board re-elections at all levels.

Not much has changed since Milošević's fall from power in spite of numerous demands for a general lustration in the sector which would apply to both judges working in various fields (criminal, civil, extrajudicial, and economic, etc.) and prosecutors. Unfortunately, the judges and prosecutors with records of years-long malpractice and unprofessional conduct have not yet subjected to any reassessment according to

107 National Strategy for Reform of the Judiciary, Ministry of Justice of the Republic of Serbia website, 2008.

moral-professional criteria. One still remembers the draconian penalties imposed during the socialist-radical rule both lawfully and unlawfully. For instance, judgments passed in accordance with the Law on Information, whose provisions punished, *inter alia*, “verbal crimes”, led to the closure and bankruptcy of many media outlets and journalists. Members of the judiciary were also involved in numerous cases of electoral fraud based on “summary” decisions, property seizure, usurpation of villas in the Belgrade elite district of Dedinje, legalization of criminal privatizations...

The reputation of the domestic justice system has been restored only partially and superficially by the democratic changes; instances of this include the establishment of the War Crimes Chamber and the Special Court for Organized Crime and changes in the election procedure (the High Judicial Council comprises both professional judges and government representatives, i.e. the Minister of Justice and members of the parliamentary Justice Committee). Because the Milošević regime was served by judges, court presidents, and prosecutors loyally and on a grand scale, it is not surprising that the justice system remains practically untouched. At that time, the citizens had very little trust in all government institutions.

Court reorganization

The reorganization of the courts (in accordance with the Law on the Organization of Courts), resulting in the re-election or transfer of judges and prosecutors, was not doubt undertaken in good faith. In view of the reactions coming from the judiciary itself and the public, and of the general confusion caused by the transfer of cases and the sacking of a great number of judges and prosecutors, it remains to be seen whether this will improve the courts’ efficiency and speed. Whether the reorganization of the courts is a mere attempt at a radical change of the judiciary, or whether it will really help Serbia’s international integration, will become apparent in the foreseeable future; meanwhile, it remains to watch developments in the field of prosecution and sentencing, the enforcement of sentences, the implementation of new legislation and of judicial decisions already

passed. All this is important for Serbia on her road to becoming an orderly state, as well as for anyone monitoring the building of institutions as a precondition to integration into the European Union and the international family.

Whatever arguments the sceptics may put forward, the fact remains that the judiciary could not have undergone “purification” with so many people with a blemished past still being in both government and opposition. After many years of putting off the reorganization of the courts, ostensibly for lack of space, the so-called “French system” was applied in 2009 for grading the justice institutions in a new way. In brief, the reorganization of the courts made possible and brought about the general reelection of judges, a move which provoked fierce resistance on the part of the judiciary and the public. On the other hand, Serbian judicial and political authorities have been arguing for months that, in reforming the judiciary, everything has been done legally and legitimately, i.e. “according to the law and justice”.

A new network of courts accompanied with prosecutor’s offices reorganized accordingly became operational on 1 January 2010. The basic courts took over from the hitherto municipal courts, with court units located in towns across the country. The basic courts are in charge of first-instance proceedings; they adjudicate criminal offences punishable with fines or with imprisonment up to 10 years, as well as in civil cases (civil litigation, proceedings for compensation, housing disputes, and employment disputes, in addition to conducting enforcement and non-contentious proceedings. They also provide legal aid and international legal aid and discharge other affairs provided by law. Offences punishable with more than 10 years imprisonment as well as second-instance cases are dealt with by higher courts, which practically take over most of the work previously handled by district courts.

Four appellate courts are also operating: in Belgrade, Novi Sad, Niš, and Kragujevac. At the top of the judicial pyramid is the Supreme Court of Cassation, which does most of the work previously, done by the hitherto Supreme Court?

In addition to the courts of general jurisdiction, there are the courts of special jurisdiction including the economic courts, the Economic Court of Appeal, the misdemeanour courts, the Higher Misdemeanour Court, and the Administrative Court. The economic courts have taken over from the hitherto commercial courts whereas misdemeanour courts covering towns or one or more municipalities have been established to replace the misdemeanour authorities. The misdemeanour courts adjudicate in the first instance misdemeanours not falling within the jurisdiction of an administrative authority and decide on appeals against decisions passed by administrative authorities. The Higher Misdemeanour Court, established in Belgrade, has jurisdiction for the whole of Serbia. It determines appeals against decisions by misdemeanour courts and cases involving conflict and transfer of jurisdiction. The Administrative Court adjudicates in administrative disputes. The establishment of 26 higher courts, 16 economic courts, and 4 courts of appeal has been envisaged.

Following the courts reorganization, the High Judicial Council (VSS) elected 1,531 judges and 876 candidates for judges to be elected by the Serbian Assembly, with 46 positions remaining vacant. In electing the judges, the High Judicial Council took into account candidates' worthiness, skills, and competence as well as the representation of national minorities. A total of 5,050 candidates applied for 2,453 judicial positions. After deliberating for nearly 400 working hours, the High Judicial Council re-elected 1,531 judges and elected 876 first-time judges with a 3-year mandate, with 46 positions remaining vacant pending the next competition.¹⁰⁸ In all, some 720 judges were not re-elected and will be dismissed.

Prosecutors

Under the Law on Public Prosecutor's Office, which entered into force in April 2009, the Public Prosecutor's Office comprises the appellate public prosecutors' offices, the higher public prosecutor's offices, the basic public

108 "Imenovane sudije", RTS, 17 December 2009.

prosecutor's offices, and the public prosecutor's offices of special jurisdiction. The public prosecutor's offices of special jurisdiction are the Prosecutor's Office for Organized Crime and the Prosecutor's Office for War Crimes. The Republic Public Prosecutor's Office, the Prosecutor's Office for Organized Crime, and the Prosecutor's Office for War Crimes have jurisdiction for the whole of Serbia.

The Prosecutor's Office for Organized Crime and the Prosecutor's Office for War Crimes have seats in Belgrade. The Appellate Public Prosecutor's Office has jurisdiction for the territory covered by an appellate court. A higher public prosecutor's office covers the territory of a higher court and a basic public prosecutor's office covers the territory of a basic court. The establishment, seats, and territories of appellate, higher, and basic public prosecutor's offices are regulated by a special law. A public prosecutor's office may have a special department established to prosecute particular criminal offences, in accordance with a special law. The Prosecutor's Office for Organized Crime may have departments away from its seat, in accordance with a special law.¹⁰⁹

Mutiny in the judiciary: judges and prosecutors

The outcome of the general elections in the justice sector left many unelected (as well as elected) judges dissatisfied. A number of prosecutors and their deputies also requested, through their association, the State Prosecutor's Council to publish a list of all who had not been re-elected along with any information of relevance to such a decision. The "arbiters' arbitration" on colleagues' eligibility gave rise to recriminations and divisions among the judges, with a "mutiny" breaking out in the judiciary and accusations being levelled at the High Judicial Council, the Ministry of Justice, and political authorities at the very start of the reform and the re-election. Members of the judiciary dissatisfied with the decisions said they were going to appeal to the Constitutional Court and to international institutions such as the Venice Commission and the Council of Europe, as well as to bring a case before the

109 Law on Public Prosecutor's Office, Assembly of Serbia website.

European Court for Human Rights in Strasbourg. Their objections relate to the re-election criteria applied. The rating of judges' "worthiness" provoked the most controversy. According to the definition adopted by the High Judicial Council itself, the term worthiness implies "the moral character which a judge ought to have, including conduct compatible with such character". Following the re-election, many judges insisted on being told why they had been judged "unworthy" after serving for many years, saying they considered the criterion a personal insult.

The Society of Judges of Serbia asked the High Judicial Council to publish and explain the criteria used for the re-election of judges. It said that failure on the part of the High Judicial Council to do that would reinforce the suspicions of political involvement. The Society also said that the method used by the Council, without offering any reasons for the decisions, had cast doubts on both those who were re-elected and those who were not. The Society's President, Dragana Boljević, who failed the re-election, announced that she would report the matter to the European Commission, the Council of Europe, and the Venice Commission. The judges said that after exhausting domestic remedies they would seek protection of their rights before the Court in Strasbourg.

Dragana Boljević claimed that the judges had been elected under political influence and pressure and that no statement of grounds was offered as to why some were re-elected and others were not. She also said that the High Judicial Council, which conducted the re-election, had held proceedings behind closed doors and declared some of its decisions confidential. She said that yellow and red markers were used to mark off the names of candidates who were not to the Council's liking. The Society Deputy President Omer Hadžiomerović, who was elected as a judge of the Appellate Court in Belgrade, said that in view of all that happened during the re-election, "the judicial system as a whole has been put in doubt" because one-third of its judges failed the re-election. The former Supreme Court president, Vida Petrović-Škero, who was elected as a judge of the Supreme Court of Cassation, said that the judges were "chosen selectively". There are instances, she said, of highly esteemed and respected judges failing the re-election. For instance, the judges who tried the "Ibar Highway" case, or the

case of Archbishop Pahomije, were not re-elected although we all know them to be top judges. On the other hand, others were elected who don't have very much to show for it, she said. She said that, according to what was said, the High Judicial Council spent only five minutes on the assessment of each candidate.¹¹⁰

In response to the demands that the High Judicial Council explain the criteria and decisions in respect of each judge, it submitted written explanations at the beginning of 2010. However, the judges who failed the re-election remained dissatisfied because the resulting document contains no specific reasons in respect of each individual and no recommendation as to remedy. The 16.5-page document signed by the High Judicial Council President, Nata Mesarević, does not give the concrete reasons for turning down a candidate. The first 15 pages are taken up with the first names and surnames of the 837 judges who were "not elected in accordance with the Law on Judges and whose judicial duty terminates on 31 December 2009", with the last two pages containing a statement of reasons, which is identical for all the candidates. It is said, *inter alia*, that "in the procedure of electing the judges the High Judicial Council determined the expertise and competence of the judges performing judicial functions at the time of the election, on the basis of reports on their performance in the last three years, which contain data on the number of reversed, modified, and affirmed decisions on legal remedies, the percentage of fulfilled orientation norms, the time needed to draw up judicial decisions, the number of criminal cases that fell outside the statute of limitations, as well as by examination of case files where there were reasonable grounds to doubt a judge's efficiency and competence".¹¹¹ It is further said that "the High Judicial Council assessed a judge's worthiness on the basis of information about the judge's conduct, which it collected by obtaining reports from competent public prosecutor's offices concerning judges against whom criminal proceedings have been instituted, or on the basis of information obtained from the Supervisory Board and the High Personnel Council of the Supreme Court of Serbia. In electing judges, members of the High

110 "(Ne) pravna država: Pobuna srpskih sudija!", *Press*, 24 December 2009.

111 "Isto obrazloženje za neizabranih 837 sudija", *Politika*, 28 January 2010.

Judicial Council also took into consideration the merits of complaints concerning the work of judges which parties had submitted to court presidents, the President of the Supreme Court of Serbia, the Ministry of Justice, and the Committee for Justice and Administration of the National Assembly, and the High Judicial Council.¹¹²

Judicial and political authorities defend the reform

The criticism that politics had interfered in judiciary elections drew reactions from government, the Ministry of Justice, the High Judicial Council, and the Supreme Court of Cassation. Serbian President Boris Tadić said that there had been *no political pressure during the general election of judges and prosecutors and that the judiciary reform was crucial for the fight against corruption and organized crime*: “Judiciary reform is a most sensitive affair, so no reform of that kind can be ideal,” he told reporters after visiting the Office of the Citizens’ Protector. Commenting on the demands of the Judiciary Trade Union to annul the general election of judges and prosecutors, Tadić said that he would hear out the the Union’s objections as well as discuss the matter with the state authorities in charge of the judiciary reform. He denied that any political pressure had been brought to bear, adding that such pressure would render the reform meaningless.¹¹³

Nata Mesarović, the President of the High Judicial Council and of the Supreme Court of Cassation, also publicly denied that political pressure had been exerted during the election. She said that the judges who failed the election “know themselves why they failed. The body [High Judicial Council] is willing to publicly explain the reasons for non-election to those who feel hurt and who believe that after all they meet all the criteria: expertise, competence, and worthiness.”¹¹⁴

112 “Isto obrazloženje za neizabranih 837 sudija”, *Politika*, 28 January 2010.

113 “Tadić: Nije bilo političkih pritisaka pri izboru sudija”, *Beta*, 25 December 2009.

114 Mesarović: “Većina sudija zna zašto nisu reizabrani”, *Tanjug*, 5 February 2010.

She claimed that the blows directed at the judicial reform come mostly from people with close connections with organized crime, especially with narcotics trafficking: “From the moment it was decided that it was necessary to carry out a reform of the judiciary, and to intensify the fight against organized crime and corruption, it was clear to all of us taking part in the process that we were going to come up against numerous difficulties and even threats. I wish to reiterate that such things will neither discourage nor stop me. None of the ‘well-meaning advice’, SMS messages, and other hints that I should give up is going to stop me doing my job in the interests of the citizens of Serbia. Various patterns of attacks and attempts at degrading the whole process have been in evidence from the moment the names of those elected as judges and prosecutors were announced. The thesis was put forward, inter alia, that opinions about the candidates had been obtained from the BIA [Security Intelligence Agency], which is incorrect. I challenge anybody to point out to us any specific case of suspicion that this was the case and that someone’s privacy was jeopardized. I’m certain that they won’t be able to give any such example. We are aware that with the package of judiciary laws, reforms were having destroyed the network of established corruptive ‘schemes’ in the judiciary. The blows directed at the judicial reform come mostly from people with close connections with organized crime, especially with narcotics trafficking, people whose empires have been threatened in this way.”¹¹⁵

At the very start, the judiciary reform brought about a paralysis of the justice institutions, with many of the parties no longer being sure who was in charge of ongoing proceedings, and with many criminal trials (including war crimes trials) and civil cases having to be started all over again owing to the replacement of complete judicial panels.

For instance, the two-year-old trial of Ratko Mladić’s “harbourers” will have to start anew – from the reading of the indictment and the hearing of witnesses – because neither the presiding judge, nor the public prosecutor, nor the pre-trial judge was re-elected. While the number of such cases is not known, the fact is that the number of judges was reduced by more

115 “Kriminal se ne isplati”, *Politika*, 24 January 2010.

than 25 per cent, and this at a time when the number of processed cases increased by 54 per cent over a six-year period.

The numerous complaints and objections, including petitions to international bodies, from non-elected judges and prosecutors prompted several visits by international delegations including by the European Association of Judges and Prosecutors for Democracy and Freedom. Representatives of domestic professional organizations pointed out to the guests that the use of almost identical criteria for the election of judges and prosecutors was illogical and that a number of former judges had been elected as holders of prosecutorial functions.¹¹⁶

The controversy surrounding the reform also triggered sparring between judges and prosecutors in the media. The Society of Judges of Serbia protested over “the statements by members of the High Judicial Council which injure the honour and reputation of newly-elected judges and damage the reputation of the judicial profession as a whole”. Pointing out that the word “judge is not a collective noun” and that therefore “the responsibility of a judge must be individual”, the Society called for instituting proceedings against judges in cases where such action was warranted. Otherwise, it said, those who make unsubstantiated allegations must not be absolved from individual responsibility either.¹¹⁷

The attorney Božo Prelević, a former judge, said that as a result of the reform “a hush descended on Belgrade courts, an unbearable silence among those who were elected. Both those who were elected and those who were not consider that the choice of judges is bad. There’s no telling who came off worst. The professional community is for the most part critical of how the procedure, which was declared secret, was conducted and how the candidates’ worthiness or unworthiness was established. The standard response of some members of the High Judicial Council is that all the critics are against government and European standards and would like cases to last 30 years. The gap between the Ministry of Justice and judges widened as a result of the insults directed at unnamed judges and prosecutors. What could be the outcome of the conflict between the President of

116 “Nisu podobni za sudije, a jesu za tužioce”, *Večernje novosti*, 4 February 2010.

117 “Društvo sudija: Neproverene izjave vređaju čast sudija”, *Beta*, 9 February 2010.

the Supreme Court of Cassation and Serbian judges? Of what benefit to the judiciary and the public are the allegations that certain judges are prostitutes and criminals? After all that has been said, can anyone believe in such a thing as a law-governed state? The right thing to have done would have been to investigate the matter and remove the culprits, if any, from the judiciary in a lawful way, with a full explanation given. This, however, would only have been possible by holding proper dismissal proceedings and that before the National Assembly. Does the way in which the dismissals were carried out not indicate a lack of confidence in both Parliament and the arguments? Fifteen years ago, a poor slob who believed (or had been told) that he was the justice minister threatened to bring in 400 judges from the south by truck if necessary. The judiciary and prosecution reform as the most important segment of State reform ought to ensure the rule of law. Mistakes in the reform process will have incalculable consequences for the Serbian State and all its citizens. As this is a project which permits of no revolutions, rash solutions, and vanity, my message to the Ministry of Justice is: you have so far made many good and brave moves in reforming the law and fighting crime, but the failure to elect honourable and honest judges and prosecutors calls for reconsideration.”¹¹⁸

At the end of February 2010, Belgrade newspapers wrote that the European Union and the Council of Europe were closely monitoring the reform of the Serbian judiciary. “Following the complaints about BIA’s unlawful part in the re-election of prosecutors and judges, the European Commission is preparing a report and the Venice Commission will announce early in March whether the re-election was conducted according to European standards. As of this writing, the Constitutional Court was still considering over 800 constitutional complaints by judges and prosecutors who were dismissed on 1 January 2010. The controversial re-election was reviewed for three days by a 5-member delegation of the European Commission early in January 2010. The delegation was headed by Wolfgang Noser and included Gerhard Reissner, an Austrian judge and foremost authority on European judiciary.

118 Attorney Božo Prelević, “Reforma sudstva”, *Blic*, 10 February 2010.

Rodoljub Šabić, the Commissioner for Information of Public Importance and Data Protection, said: "They asked that their visit should not be given publicity. They came to collect as much information as possible. In this connection, they were interested in the activities of the Commissioner for Information. They were told that prior to their arrival I granted the appeal of the Society of Judges of Serbia concerning the failure of the High Judicial Council to comply with the request for information regarding the implementation of the re-election. They were interested to learn what action the competent authorities had taken in connection with the unlawful data processing by the High Judicial Council, regarding the allegations that data collected by BIA had been used."¹¹⁹

The Citizens' Protector, Saša Janković, informed the delegation that he was collecting information about judges' and prosecutors' complaints regarding the re-election. He said that "it was checked and established that BIA did not transmit information to the High Judicial Council for the purpose of re-election. However, as part of their regular work and subject to decisions by the President of the Supreme Court of Cassation, the BIA, MUP [Ministry of Interior], and VBA [Military Security Agency] intercept telephone conversations for use in investigative and other proceedings and submit them to judicial authorities, so only the members of the High Judicial Council and the State Prosecutor's Council, who have access to them on other grounds, know whether they used them during the re-election of judges and prosecutors." Janković added that he was not aware of the existence of any legal grounds permitting such use. The attorney Božo Prelević said that Serbia needed more judges and prosecutors than the number re-elected because of the large number of cases to be dealt with. With the number of judges reduced, citizens will now have even less chance of having a trial within a reasonable time, he said. The Council of Europe will make a recommendation to increase the number of judges, as it recently did in the case of Italy.¹²⁰

119 *Blic*, 20 February 2010.

120 "Evropska komisija ispituje reizbor sudija", *Blic*, 20 February 2010.

Courts, trials, crimes, and the past

Fight against crime in Serbia: for real or for show?

Organized crime is the biggest obstacle to transition in Serbia. The problem could prove to be more complex in Serbia than elsewhere on account of the Milošević legacy, wars, war crimes and sanctions. So far, no serious attempts have been made to break up the organized structures. Prime Minister Zoran Đinđić's attempt to deal with it ended in his murder. The Zemun gang, which did the killing, was broken up during Operation Sabre in 2003. However, the effects of the operation were all but annulled by the government of Vojislav Koštunica, which portrayed the operation to the public as human rights violations on a massive scale. Nevertheless, in the last two years Serbia has passed legislation and strategies indispensable for the fight against organized crime as part of its European Union integration efforts.

Last year the Government announced an all-out fight against organized crime and criminals of all kinds. The results of this fight are best judged from the media coverage, with crime pages full of daily reports of cases of serious criminal offences and lists of arrested persons including suspects from high economic and political circles, criminals of "smaller" calibre, and those of international fame. With new Mafia-style groups being discovered one after another in 2009 and 2010, one wonders whether the State's is going to emerge victorious from its fight against organized crime.

In 2009, Serbia adopted the National Strategy for the Fight against Organized Crime and the Law on the Organization and Competences of State Bodies in the Suppression of Organized Crime. The latter, adopted in August, together with the Law on the Establishment of Custodial Sanctions for Criminal Acts of Organized Crime, gave the Special Prosecutor for

Organized Crime wider competences. The Law on Confiscation of Proceeds from Crime (2009) is among the law which hurt the leaders of criminal organizations the most. After the law was adopted, serious threats were made against holders of state offices in the forefront of the drive against organized crime. Further, amendments to the Criminal Code (August 2009) introduce new criminal offences, especially offences connected with financial crime. What are still needed, however, are a comprehensive analysis of and an action plan for the implementation of the new strategy concerning organized crime. The Prosecutor's Office still lacks adequate working conditions including premises and infrastructure. Training in investigation of organized crime is especially deficient.

The Council for National Security adopted a "secret plan" in 2009 for suppressing crime in stages. Significantly, as part of the plan, the Government adopted the Law on Confiscation of Proceeds of Crime as a main tool against all who have unlawfully enriched themselves mostly as members of organized criminal groups, including the notorious "Zemun gang", "Road Toll Mafia", and "Health Care Mafia", as well as participants in all kinds of financial scams. In the sphere of crime and violence, 2009 will be remembered by the murder of the French citizen Brice Taton, the resumption of the criminal prosecution of the neo-Nazi Goran Davidović "Führer", and the arrest of Ratko Mladić's harbourers. There were also cases of criminal offences in the media field (for instance, the arrest of Serbian citizens suspected of killing the Croat journalist Ivo Pukanić and the arrest of Radislav Rodić, the owner of the dailies *Glas javnosti* and *Kurir*) and the rehabilitation of notorious World War Two collaborators such as Dragiša Cvetković, the prime minister of the Kingdom of Yugoslavia. A number of judicial proceedings were ended and another final judgment imposed, with Milorad Ulemek "Legija" receiving the maximum penalty of 40 years imprisonment for the assassination of Prime Minister Zoran Đinđić.

As a result of the judicial reform and the replacement of judicial panels and investigating authorities, several months-long cases were reopened, e.g. the trial of Ratko Mladić's harbourers, several war crimes trials, and the trial on charges of major financial fraud of Mihalj Kertes, one of Slobodan Milošević's closest allies.

Confiscation of Crime Proceeds

In addition to the envisaged penalties, the adoption and implementation of the Law on Confiscation of Proceeds of Crime is no doubt a major deterrent in the fight against organized crime. The Law was adopted to prevent the enjoyment of proceeds of crimes and unlawful acts of all kinds such as murder, kidnapping, bribery and corruption, financial abuse of power, and fraudulent privatization of firms and production plants. The Law, which entered into force on 1 March 2009, will be implemented with assistance from the newly-established Directorate for Confiscation of Property.

No sooner was the Law adopted than a plot of land in Zemun worth some EUR 1.2 million was confiscated by decision of the Supreme Court of Serbia. It was taken away from the next-of-kin of the leaders of the Zemun gang, who were shot dead in the aftermath of the Đinđić assassination. The Secretary of State at the Ministry of Justice, Slobodan Homen, said that the implementation of the Law on Confiscation of Proceeds of Crime was producing excellent results: "At this moment more than 300 property confiscation proceedings are pending and about 30 unlawfully acquired facilities have been confiscated. The decision to confiscate the immovable property on Šilerova Street [in Zemun] was taken because, in the estimation of the court, the heirs, on whom the burden of proof lay according to the law, failed to provide evidence about the origin of the money used to buy it."

However, Goran Ilić, a professor at the Faculty of Law in Belgrade and a co-author of the Law on Confiscation of Proceeds of Crime, said that the legislation could only be applied restrictively, i.e. in cases where the proceeds exceed RSD1.5 million (about EUR 20,000): "This means that neither the prosecutor's office nor the court can apply the Law in a large number of cases. And because one, two or several more serious cases have a much greater impact, massive implementation would not have such effect and no such resonance in criminal circles. Another problem is the Law has not been equally applied throughout the entire territory of Serbia because judges have not been trained properly. Unlike Belgrade and the Special Prosecutor's Office for Organized Crime, which account for at least 70 per

cent of the credit for confiscated property, in the smaller communities it is necessary to train and educate judges and prosecutors. The main goal in establishing the Judicial Academy will be to improve the application of this institute, because it alone is a serious reminder that crime does not pay.”¹²¹

The Special Court for Organized Crime announced that “In the ten months since the Law on Confiscation of Proceeds of Crime entered into force, property to the value of several million euros has been confiscated”. Special Prosecutor Miljko Radisavljević said that the confiscation had affected mostly drug dealers, who had been undermining Serbia by investing “dirty money” through privatization or housing construction. A quantity of luxury cars were confiscated, of which 20 could be seen kept in a pound in a Belgrade street. The vehicles were worth as much as 4,000 child benefits. A Peugeot SUV that belonged to Suvad Musić, charged with drug trafficking, was valued at EUR 100,000. “Although 21 financial investigations have been launched in Serbia since March 2009, the prosecuting authorities have initiated 8 proceedings for temporary confiscation of property. So far, only the plot on Šilerova Street that belonged to the widows of the Zemun gang leaders has been permanently confiscated.”¹²²

Who will end up in the dock and whether the provisions of the Law will be applied impartially to all – this is a matter of political and judicial consistency. Specifically, it is common knowledge that members of the Milošević regime from the ranks of his SPS party, and especially the JUL party, have retained property, which has not been valued, in the form of real estate, foreign bank accounts, and stock in domestic and foreign firms. Some of them already own such firms or have become their owners. The courts and prosecuting authorities are silent on this matter. The list of well-known persons such as Ražnatović, Bojović and others, who became rich during the regime of Slobodan Milošević and whose property is yet to be looked into, is very long. Also, judicial proceeding instituted long ago is being endlessly delayed. Equally absurd is the fact that, according to Prosecutor Vladimir Vukčević, the property of the ICTY fugitive Ratko Mladić

121 “Efekti zakona o oduzimanju imovine”, Radio Free Europe, 8 December 2009.

122 “Oduzeta imovina vredna više miliona”, Beta, 21 January 2010.

cannot be confiscated because he has not been charged before a domestic court. **Vukčević said that Mladić's property would not be confiscated "because he is not [the subject of] a case before our courts".**¹²³

The Šarić case

The case of Darko Šarić and his gang raised again the issue of organized crime in Serbia and of its links with politics. The strength of the Šarić gang is believed to lie in its financial power and connections with business and political circles, without which no powerful organized crime can exist. Miljko Radisavljević, the prosecutor for organized crime, said that since "by definition, organized crime seeks to exercise influence on nearly all spheres of life, on state bodies, politics, economy, sport and media, organized crime in Serbia is no exception in this regard". He considers that the gang of Darko Šarić is the most influential criminal group against which proceedings have been instituted in Serbia so far.¹²⁴

He said that the State was determined to fight all kinds of organized crime and that its resolve has raised serious concerns among members of criminal groups in Serbia: "This is attested not only by the threats being made, but by a whole range of activities from playing down to completely negating the importance of the activities being undertaken in the field of the fight against organized crime, and that in spite of completely contrary assessments by partners and institutions monitoring our work."¹²⁵ Radisavljević said that media were increasingly being abused in an effort to deflect the activities of state bodies and public attention away from ongoing criminal proceedings or to politicize some of these proceedings without any grounds.¹²⁶

The Šarić's involvement in drugs smuggling was exposed by the US Drug Enforcement Agency (DEA), which alerted and enlisted the Serbian

123 *Blic*, 27 February 2010.

124 *NIN*, 5 April 2010.

125 *Politika*, 18 April 2010.

126 *Ibid.*

Ministry of Internal Affairs (MUP). The DEA regional director for Europe and Africa, Russell Benson, visited the Security Intelligence Agency (BIA) and congratulated it for its contribution to the successful outcome of Operation Balkan Warrior. A total of 2.7 tons of cocaine – the largest quantity so far – was seized in Uruguay. Serbian media attributed the operation exclusively to Serbian services.

The rise of the Šarić gang began after 2003. In the autumn of 2003, only a few months after the end of Operation Sabre, Darko Šarić was in control of most of the heroin market in Serbia and was therefore ready for more ambitious operations such as wholesale cocaine smuggling. From 2003 to 2010 he laundered a large part of proceeds through business transactions involving the purchase of real estate, catering facilities, companies through bidding, land, and so on.

It was only after a large quantity of cocaine was seized that the Serbian public learned of the existence of Darko Šarić. While reporting on the progress of investigations by state bodies, confiscation of his various possessions and, generally, involvement of all resources of the State in breaking up the gang, media also began analyzing the Šarić phenomenon.

For all of seven years the Šarić-led narco-mafia laundered money all over Serbia at will, buying real estate and companies on a large scale. The transactions went smoothly because no one in the whole system of privatization implementation checked the origin of the gang's money and its flows. In the meantime, the mafia had become so powerful that it appeared that it had the State in its grip.

Several governments succeeded each other during the rise of the Šarić gang which, media say, is considerably larger and more powerful than the Zemun gang (broken up in Operation Sabre). None of these governments had the courage to confront it. As the gang grew more and more powerful, many investigations were interfered with or hushed up. The fact that the prosecutors, policemen, judges, and politicians alike failed to act still needs to be explained.

Following several serious announcements of a crackdown, the mafia began to make threats and was said to have set up teams of hitmen to deal with persons directly involved in exposing the network (President

Boris Tadić, Minister of Internal Affairs Ivica Dačić, Minister of Justice Snežana Malović, and Special Prosecutor for Organized Crime Miljko Radisavljević).¹²⁷

At the very outbreak of the scandal, Serbian authorities tried to shift the blame onto Montenegro with the help of Montenegrin opposition. However, the disclosed information about the extent of the gang's property in Serbia forced the MUP and other authorities involved to focus on the gang's activities in Serbia itself.

Radisavljević said that the Šarić narco-gang was not the only organized group in Serbia and that more arrests could be expected. He said that it had been established that "heroin reaches Western Europe from Asian countries by the Balkan route passing through Serbia. Part of that heroin stops here and ends up on the domestic market... It also plays an important part in the distribution of heroin and skunk towards Western European destination, as has been confirmed by several criminal proceedings so far."¹²⁸

Final judgment in Đinđić assassination trial

October 2009 saw the end of what many considered the most important judicial proceeding in Serbia. A final judgment was entered for the assassination of Zoran Đinđić against defendant Milorad Ulemek "Legija". The sentences previously imposed on Ulemek, 41, and Zvezdan Jovanović, 44, was confirmed by the Supreme Court. Ulemek, charged with organizing the assassination of the Serbian prime minister on 12 March 2003, and Jovanović, charged with actually killing him, have no more right of appeal and will have to serve their 40-year prison sentences. The 7-member panel of the court of highest instance in Serbia rejected the appeals of Ulemek's and Jovanović's attorneys as unfounded. The appeals had been lodged against the second-instance judgment which confirmed the maximum penalties imposed by the Special Court on 23 May 2007. In a statement

¹²⁷ *Danas*, 5 April 2010.

¹²⁸ *Politika*, 18 April 2010.

of grounds for the judgment, Judge Nata Mesarović said that “a criminalized section of the JSO [Special Operations Unit] and the gang of Dušan Spasojević took part” in Đinđić’s murder and that the decision to kill the prime minister had been taken by Spasojević and Ulemek. As Ulemek was sentenced to 10 years for association for hostile activities, 12 years for the attempted murder of Milan Veruović, head of the Đinđić security team, and 40 years for the murder of Đinđić, he received the maximum term of imprisonment of 40 years.

The trial started on 23 December 2003. The District Court in Belgrade said that 89 witnesses, 18 expert witnesses, and 4 cooperating witnesses were heard during the trial. The trial was marked by the intimidation and murder of witnesses, as well as by resignations of judges and prosecutors. Kujo Kriještorac, the only witness who identified one of the accused, Vladimir Milosavljević “Budala”, at the scene on the day of the assassination, was shot dead on 1 March 2004. Zoran Vukojević, a cooperating witness, was murdered on 3 June 2006, presumably by fugitive members of the Zemun Gang. Five of the 12 accused have been at large since 2003. The presiding judge, Marko Kljajević, resigned without giving an explanation as the trial entered the final phase. He was succeeded by Nata Mesarović, then member of the panel and now President of the Supreme Court.

This was Ulemek’s third final 40-year sentence. At the beginning of 2007, the Supreme Court confirmed the first two maximum penalties for the murder of Ivan Stambolić and the assassination attempt of Vuk Drašković in Budva. The 7-member panel sentenced the 12 defendants charged with the murder of prime minister Zoran Đinđić as follows: Zvezdan Jovanović – 40 years, Aleksandar Simović – 35 years, Ninoslav Konstantinović – 35 years, Miloš Simović – 30 years, Milan Jurišić – 30 years, Branislav Bezarević – 30 years, Sretko Kalinić – 30 years, Dušan Krsmanović – 20 years, Željko Toljaga – 15 years, Saša Pejaković – 8 years.¹²⁹ However, not all involved in the murders committed by the Zemun gangs were brought to justice: in February 2010, the Serbian Minister of Justice requested the Canadian authorities to locate an anaesthesiologist named Miroslav Risović. At the Đinđić trial, both defendants and witnesses alleged that Risović had been

129 “Legiji konačna presuda za ubistvo Đinđića”, *Blic*, 17 February 2009.

killing people for the Zemun gang. A pre-trial proceeding was instituted against Risović on suspicion of being a collaborator of the Zemun gang. The investigating authorities had information that he went to Canada in 2004. During Operation Sabre, launched shortly after Đinđić's assassination, he was arrested on the same suspicion at his place of work at the Belgrade Emergency Department. Although a pistol for which he had no licence was found in his possession, he was released from detention soon. At the Đinđić trial, cooperating witnesses including Dejan Milenković "Bagzi" said that Risović had been in touch with Ulemek over the telephone on the day of the assassination and that his role was to finish off any victim of the Zemun gang who happened to survive an attack. "On that particular day, 12 March, when the prime minister was shot, Doctor Popović gave the anaesthetic while, of all the doctors present there, Ristović held the blood next to his body to warm it. After he was arrested, we were informed that he had been in touch with "Legija" over the phone all the time," said Dr Đorđe Bajec, the present director of the Clinical Centre, back on 2 December 2006. He also said that at the time when Milan Veruović, the wounded head of Đinđić's security, underwent surgery on three occasions, Risović insisted on visiting the patients and their prescribing therapy he each time. Veruović said in his witness capacity that when he was brought to the Emergency Department he saw Risović next to Đinđić. Dr Bajec said earlier that Risović happened to be present at the Emergency Department whenever a victim of a shootout was brought in. "Many of those patients died, during Risović's shifts, in spite of successful surgery. We suspected nothing at the time; we thought that the man was simply unlucky. Inexplicable complications in patients occurred whenever he was on the team as anaesthetic."¹³⁰

130 "Doktora zemunskog klana traže u Kanadi", *Blic*, 22 February 2010.

Extremism – murder of Brice Taton

The murder of the French citizen Brice Taton in downtown Belgrade was a tragedy which provoked strong reactions at home and abroad. On 17 September 2009, Taton, 28, and a number of other French citizens were attacked and beaten by a group of hooligans. He was seriously injured and died on 29 September 2009. Taton was among the supporters of the French football team Toulouse who had come to Belgrade to watch a match with the Belgrade team Partizan. While they were sitting in the garden of a cafe in a central pedestrian street, they were attacked by some 30 hooligans. Several of the French fans were brutally beaten. According to the French daily *Depeche*, the young men were sitting peacefully, displaying no club emblems, and were attacked because they were heard speaking French. Taton suffered severe head injuries in addition to aorta injuries and intra-thoracic bleeding as a result of being repeatedly struck with an iron bar. The cause of death was diagnosed as grave brain damage and failure of vital functions. The French Ministry of Foreign Affairs requested the Serbian authorities to investigate the incident promptly and try the culprits. The Higher Public Prosecutor's Office in Belgrade filed an indictment against 15 persons suspected of taking part in Taton's murder. The Republic Public Prosecutor, Slobodan Radovanović, said after Taton's death that the alleged crime would now be charged as aggravated murder, an offence punishable with up to 40 years in prison. He said that the perpetrators were not mere fans but also of organized criminal groups and that the Office was considering banning such groups. A youth group which organized protest walks in Belgrade petitioned the city authorities to rename after Taton the alley into which he was thrown by the hooligans who had beaten him.¹³¹

131 The Brice Taton murder indictment, B92, 19 January 2010.

Case of Goran Davidović “Führer”

The failure to bring to Justice Goran Davidović “Führer”, the leader of the neo-Nazi organization Nacionalni stroj [National Front], proved that Serbia had not got rid of extremists and extremist groups including neo-Nazis. At the beginning of February 2010, the Serbian justice authorities asked Germany to extradite Davidović, who had been arrested near Munich. Davidović arrived in Germany from Italy, where he had spent almost a year waiting for the outcome of extradition proceedings at Serbia’s request. He had been given in Serbia a one-year prison sentence for disseminating racial, religious and national hatred and intolerance. “How, in spite of an Interpol wanted notice, Davidović managed to reach Germany from the Italian extradition prison is still not known. Davidović was sentenced to a year in prison for instigating national, racial and religious hatred and intolerance when, at the end of 2005, he and a group of neo-Nazis interrupted an anti-Fascist panel at the Novi Sad Faculty of Philosophy and verbally and physically attacked participants.”¹³²

Media-related scandals

The killing of Ivo Pukanić, the editor and owner of the Croatian weekly *Nacional*, was not dubbed the “Balkan Express” for nothing. According to the indictment, the crime was planned by Slobodan Đurović and Luka Matanić from May to October 2008. Pukanić was shadowed all the time by Luka’s brother Robert Matanić, Luka, and a Syrian named Mafalini. They also arranged accommodation for two other men, Bojan Gudurić and Željko Milovanović. Their meetings were attended, according to the prosecution, by Slobodan Đurović, who “brought the money and paid all the expenses of procuring weapons, surveillance equipment, cars, and motorcycles, as well as overseeing the preparations for killing Ivo Pukanić”. Milovanović provided the explosive device which killed Pukanić and Niko Franjić, wounded two persons, and endangered the lives of many others.

132 “Goran Davidović uhapšen u Nemačkoj”, RTV B92, 3 February 2010.

He arrived at the scene, the car park belonging to the NCL Media Group, riding a scooter which he had procured with Robert Matanić's help. Armed with a rifle, Gudurić was hidden on the roof of a nearby building, his task being to fire in case the explosive device failed.

According to the indictment, the motive for the killing was to prevent the disclosure of information about the operations of criminal groups in the region. Sreten Jocić, a.k.a. "Joca Amsterdam", was arrested in April 2009 on suspicion of being involved in the killing. He is alleged to have given Đurović, his best man, EUR 1.5 million to pay the other perpetrators. Predictably enough, Jocić denied any involvement but not his close relationship with Đurović.¹³³ Željko Milovanović, suspected of actually killing Pukanić, was arrested in Belgrade on 1 June 2009. Another man suspected of taking part in the killing, Milenko Kuzmanović, was arrested immediately before. Serbian citizens Svetozar Đurović, 54, born in Bar and living in Belgrade, and Milenko Kuzmanović, 25, of Belgrade were arrested in connection with the killing in 2008. Jocić, whom the police suspect of being one of the principal actors, has been in detention since 27 April 2009.

Robert Matanić told the court that he had falsely accused Jocić under pressure from the Prosecutor's Office, which allegedly promised him the status of a cooperating witness. The trial for the murder of Ivo Pukanić and his associate Niko Franjić opened before the County Court in Zagreb in February 2010. The 4 defendants within reach of the Croatian judiciary – Robert Matanić, Luka Matanić, Amir Mafalani, and Slobodan Đurović – pleaded not guilty on any count of the indictment. Robert Matanić, one of the 6 charged with the murder, said that USKOK [Anti-corruption Agency] had tricked him by promising him protected witness status. He adhered to an earlier statement, blaming the Pukanić and Franjić murder on Željko Milovanović and Bojan Gudurić, and not accusing Jocić and Đurović as persons who commissioned the crime.

The defence moved to examine the Chief State Prosecutor, Mladen Bajić, for allegedly offering Robert Matanić protected witness status, as well as Sreten Jocić for allegedly commissioning the crime. Jocić

133 "Složni kad ne treba", Research Centre, NUNS, 5 February 2010.

is awaiting trial in Belgrade on charges connected with the case. Beside Robert Matanić, Luka Matanić, Amir Mafalani, and Slobodan Đurović also pleaded not guilty to the murder. Asked how much his property was worth, Đurović replied that he could not spend it even if he were to “live one hundred years” and put it at some EUR 100 million. Absent from the dock was Željko Milovanović, who is charged by Belgrade with the same crime together with Milenko Kuzmanović and Sreten Jocić. Croatian media speculated that there is a crown witness who took part in the preparation of the murder and who could seriously incriminate the accused. The person is said to be in a safe place because there is a reward on his head of EUR 1 million. According to the USKOK indictment, Pukanić’s murder was organized to prevent him of disclosing to media in Croatia and neighbouring countries information on the activities of several criminal groups operating in Croatia and these countries and their mutual links.¹³⁴ Bojan Gudurić gave himself up in Bosnia and Herzegovina and was turned over, at his own request, to the Croatian authorities. He was transferred to the Zagreb prison Remetinec at the end of February and is there in custody.

Arrest of owner of *Glas javnosti* and *Kurir*

Radisav Rodić, the owner of the dailies *Kurir* and *Glas javnosti* (which has meanwhile stopped being published), was arrested on tax evasion charges. His associates claim, however, that his detention signified a “political showdown between the authorities and the media”. At the middle of September 2009, the Prosecutor’s Office requested that Rodić be investigated on suspicion of tax fraud of more than RSD 203 million. He was charged with failing to pay RSD 115.3 million in sales tax and over RSD 88 million in income tax. The Prosecutor’s Office requested the investigation against Rodić and the former editor-in-chief and director of *Glas javnosti*, Slavoljub Kačarević, based on a criminal report filed by the Tax Police. *Kurir* and *Glas javnosti* spokesperson said that the charges against Rodić were “bogus”. They said that the dailies had been targeted for “uncovering

134 “Počelo suđenje za ubistvo Pukanića”, B92, Beta, Tanjug, 3 February 2010.

corruption scandals in which both government and opposition representatives are involved".¹³⁵

The Appellate Court in Belgrade on 24 February 2010 decided to extend the detention of the *Kurir* owner because of concerns that if he were at liberty he might interfere with witnesses and thus influence the further course of the proceedings.¹³⁶

Rehabilitations

The District Court in Niš in 2009 rehabilitated the former prime minister of the Kingdom of Yugoslavia, Dragiša Cvetković, who was one of the co-signatories of the Tripartite Pact. The rehabilitation request was filed by his descendants in Niš, where Cvetković served three times as mayor before becoming prime minister. The District Court's ruling reversed an earlier decision by a state commission which declared Cvetković an enemy of the people. The ruling also reversed all the consequences stemming from that decision. Cvetković's grandchildren said that justice had finally been served. Their attorney, Milan Ivošević, said that the court panel had rendered the rehabilitation decision entirely on the basis of historical evidence and that, rather than being an enemy of the state, Cvetković wanted to protect the Serb people. After the Second World War, a state commission of Communist Yugoslavia declared Dragiša Cvetković an enemy of the people and a war criminal but did not try him.¹³⁷

The court decision triggered a media debate lasting several months, with a number of participants wondering whether a revision of the history of the Second World War was not in progress in Serbia. Radio Free Europe's dedicated one of its "Most" (Bridge) shows to discussing the motives behind the demands to rehabilitate Draža Mihailović, Milan Nedić, and Dimitrije Ljotić. The questions the show guests tried to answer, which also interested many members of the public, included: Why is being a collaborator's

135 "Osumnjičen i pritvoren vlasnik Glasa javnosti i Kurira", *Borba*, 28 October 2009.

136 "Rodiću produžen pritvor", *FoNet*, 26 February 2010.

137 "Rehabilitovan Dragiša Cvetković", *B92*, 25 September 2009.

descendant more advantageous in Serbia today than belonging to a family with Partisan traditions?; What is the object of the campaign to discover the grave of Draža Mihailović?; Why is the Holocaust in Nedić's Serbia being hushed up? One also wonders why Serbia was the only country which did not send a delegation to attend the commemoration of the 60th anniversary of the liberation of Auschwitz, and to what extent has the revision of the history of the Second World War in Serbia relativized Serbia's attitude to fascism.

The rehabilitation process is well on its way. The historian Dubravka Stojanović said, "We have a law which treats the Partisan and the Chetnik movements as equals; the judiciary moved in and carried out rehabilitation in a large number of cases, including the controversial rehabilitation of Dragiša Cvetković; mayors have taken history into their own hands and are making decisions as to which holidays to celebrate and which not, at which monuments to lay wreaths and at which not. However, there's no end to this process because it depends on the needs of day-to-day politics. These days, for example, we see that Cvetković is celebrated again for foreign policy's sake. They had been looking for someone among their fathers as a clear counterweight to the Partisans, that is, the fathers of the Communists. They looked for this ideal father among the personalities who were on the opposite side of the Partisans during the Second World War."¹³⁸

In 2009, the profusion of articles about Draža Mihailović and of demands for his rehabilitation was a clear sign that the cult of World War Two collaborators was growing in Serbia. The first rehabilitation suit was filed with the court by Mihailović's grandson Vojislav Mihailović in December 2006. In 2009 the Serbian Liberal Party led by the academician Kosta Čavoški, the Associations of Members of the Yugoslav Army in the Fatherland, the Association of Political Prisoners and Victims of the Communist Regime, and the international law Professor Smilja Avramov filed

138 Dubravka Stojanović, associate professor at Belgrade Faculty of Philosophy History Department, "Zašto se Srbija odriče antifašizma", Radio Free Europe, 21 December 2009.

an identical suit, calling for rehabilitating Draža Mihailović and restoring his civil rights.

Ivana Ramić, spokeswoman for the District Court, said that all these cases had been joined and that Vojislav Mihailović had been summoned to appear at the District Court on 9 April to inspect the materials made available by the Military Archives in the form of discs containing several thousand pages of court files and/or documents and evidence. The rehabilitation request includes a request to reverse the judgment of 15 July 1946 whereby Draža Mihailović was sentenced to death and to restore his civil rights.¹³⁹

In December 2009, Dragiša Vasić, a chief ideologue of the Ravna Gora Movement and a close ally of Dragoslav Mihailović, was rehabilitated after 65 years at the request of his daughter Tanja Vasić-Janićjević. Historians and sociologists have been warning against such rehabilitations because rather than serving scientific truth they alter historical facts and cater for the wishes of a segment of the political elites in Serbia. They point out that rehabilitations are necessary because completely innocent people also lost their lives during the Second World War. The historian Branka Prpa warned that “nevertheless, rehabilitations such as those of Vasić and Cvetković make it possible for collaborators to ‘squeeze through the back door’ along with innocent victims”. She puts most blame for such attitudes to the past on a segment of the political elites bent on rewriting history: “This is an unspeakable mixing of the issues, a pulling the wool over people’s eyes, a looking away and a diverting attention from recent history – from that which occurred some 10 years ago to that which occurred almost 70 years ago. So, we are faced with an unspeakable manipulation with catastrophic consequences not only for a people’s culture of remembrance, but also with catastrophic consequences for a science. What good is historiography to us, if they [politicians] know better than we do?” asked Prpa.¹⁴⁰

Serbian society is still divided on the issue of Chetniks and Partisans. The impression is that those with right-wing leanings are more numerous

139 “Sud uskoro o rehabilitaciji Draže Mihailovića”, Tanjug, 23 March 2009.

140 “Rehabilitacije – udovoljavanje političkoj eliti”, Radio Free Europe, 12 December 2009.

in Parliament today. The passage of the Rehabilitation Law by the Assembly in 2004 has been condemned by a segment of the intellectual elites in Serbia as an act of historical violence, an act which proclaims the Chetnik movement an anti-fascist one. Miodrag Zečević, the former professor at the School of Political Science in Belgrade, told Radio Free Europe that in such an environment, it was quite possible for controversial personalities such as Dragiša Vasić to be rehabilitated. In conclusion, he said: *"This is a rehabilitation of fascist ideology. What is involved here is a scam, because the politicians and some people close to them want to use the Rehabilitation Law not to rehabilitate those who ought to be rehabilitated, but treason and collaboration with the occupier and its symbols."*¹⁴¹

141 "Rehabilitacije – udovoljavanje političkoj eliti", Radio Free Europe, 12 December 2009.

War crimes trials – judgments and new indictments

In 2009, the War Crimes Chamber of the Belgrade District Court ended several trials by rendering final judgments and rendered 7 first-instance judgments. It also continued ongoing trials on charges in connection with crimes committed during the 1990s conflicts in the territory of the former SFRY. New indictments were also brought and investigations launched partly on the basis of evidence of ongoing and completed trials and partly as part of regional cooperation between ex-republics of the former SFRY, which includes the exchange of cases.

Although the proceedings of the Special Court, which deals with these cases, have become more transparent, and in spite of the fact that the Prosecutor's Office for War Crimes has frequently been commended by international observers, independent domestic and foreign analysts agree in their assessments, carried by Serbian media, that the indictments have been brought mostly against direct perpetrators of crimes and not against those who gave the orders. At a panel discussion titled "Autonomy and Challenges in the Work of the International Criminal Tribunal for the Former Yugoslavia", held at the middle of December 2009, ICTY Prosecutor Serge Brammertz praised the work of the Prosecutor's Office for War Crimes and the ICTY's cooperation with it, especially with Prosecutor Vladimir Vukčević. Brammertz said that his office had cooperated with Prosecutor Vukčević and his team for 2 years and those they were doing their job in a highly professional manner.¹⁴² The praise heaped on the Prosecutor's Office for War Crimes from various quarters, as well as its efforts to prosecute war crimes should, of course, be kept apart from the assessments of the Court's work and its judgments.

Six years after the establishment of the War Crimes Chamber, one could notice a shift in Serbian public attitudes to trying war crimes before national courts. "Trials of war crimes ought to be continued in Serbia

142 Beta, 15 December 2009.

once the Hague tribunal ceases to operate", was the opinion of 46 per cent of respondents in a poll conducted by the Public Relations Office of the Prosecutor's Office for War Crimes of the Republic of Serbia in collaboration with the OSCE mission in Serbia and the Belgrade Centre for Human Rights. The Serbian judicial system is competent to conduct war crimes trials said 66 per cent of respondents, with as many supporting regional cooperation among prosecutor's offices in countries in the territory of the former Yugoslavia. "This survey, the fourth in the last 5 years, has yielded the most positive results so far regarding recognition of values being promoted by the Prosecutor's Office for War Crimes through its work. More and more people know of its work, but 71 per cent of respondents were unable to cite any particular trial. 9 per cent of respondents were ignorant of the Ovčara and Scorpios cases each, and 6 per cent of the Štrpce case," said the spokesman and Deputy War Crimes Prosecutor, Bruno Vekarić, in an interview to *Politika*. Just over half respondents (53 per cent) believed that the Prosecutor worked under the influence of the authorities, 24 per cent said that he made decisions himself independently of the authorities and the public, and 33 per cent that the Prosecutor's Office for War Crimes had the courage to institute any proceeding. Importantly, 52 per cent of respondents believed that the prosecutors were impartial regarding the nationality of war crimes perpetrators. In all, 57 per cent of respondents believed that war crime trials contributed to finding out the truth, with 41 per cent considering that trials before the Hague tribunal were also useful in this connection. Further, 46 per cent said that one should only try members of "one's own nation", with only 7 per cent concurring with the Prosecutor's Office that "the important thing is to hold trials", Vekarić said.¹⁴³ As regards information about war crimes trials, more respondents (26 per cent) trusted the media and less (19 per cent) the justice authorities. About 51 per cent of respondents thought that the media reported impartially on proceedings both at The Hague and before Serbian courts. On the other hand, less than one-third of respondents said that the public was getting enough information in this regard. As many as 55 per cent said that media reporting was partial during the 1990s, with 32 per cent

143 *Politika*, 17 January 2010.

of them saying that the media used lies to foment hatred and war. A large majority (76 per cent) believed that journalists guilty of such reporting should be punished, tried, forbidden to work as journalists or forbidden to engage in any public activity, the survey revealed.

The fact that the public was more aware of and better informed about these issues is no doubt due to the greater transparency of the Prosecutor's Office for War Crimes, which was the subject of 5,820 electronic and print media items during 2009. This was more than five times the number of such items in 2003 (a total of 1,123), indicating a considerable increase in media interest in the work of the Prosecutor's Office. The Public Relations Office had contacts with 98 journalists from Serbia and abroad in 2009.

In order to enhance its work transparency, the Prosecutor's Office launched a detailed and well laid out website (www.tuzilastvorz.org.rs) and a CD presentation. Its Public Relations Office co-edits the journal *Pravda u tranziciji* [Justice in Transition], of which 14 issues and 2 special English-language issues have been published so far.

Judgments

Following years-long trials, examinations of numerous witness, and appeals, the War Crimes Chamber of the Belgrade District Court in 2009 rendered a number of judgments, including several final ones, for crimes committed in the territory of the former Yugoslavia.

The most significant was the termination of the retrial at first instance (after the case was referred back for a retrial by the VSS to the War Crimes Council) for a grave crime involving the execution of 200 Croat prisoners at the Ovčara farm near Vukovar. This was the first war crimes trial before a domestic court. I will be remembered by the manner in which the proceedings were conducted, the gruesome testimony of the survivors, and the connection of the defendants with their military superiors (the "Vukovar three" tried before The Hague tribunal) including members of paramilitary units under their command. At the end of the retrial in the Ovčara case, 13 members of Vukovar Territorial Defence and of the

“Leva Supoderica” unit were sentenced in March 2009 to terms of imprisonment ranging from 5 to 20 years, with 5 others acquitted of the charges. The Supreme Court reversed the first judgment at the end of 2006 and ordered a retrial.

On 4 December 2003, the former Vukovar Territorial Defence commander Miroljub Vujović, his deputy Stanko Vujanović, and the territorials Predrag Milojević, Đorđe Šošić, Miroslav Đanković, Saša Radak, and Ivan Atanasijević were again given maximum 20-year terms of imprisonment for murder, inflicting bodily harm, and inhuman treatment offensive to human dignity. Milan Vojinović was sentenced to 15 years, Jovica Perić to 13, and Nada Kalaba, the only woman among the defendants, charged with the murder of a prisoner, was again sentenced to 9 years. Milan Lančuzanin was given 6 years and Goran Mugoša and Predrag Dragović 5 years each for physically abusing prisoners. They were not found guilty of murder.

Marko Ljuboja and Slobodan Katić, charged with complicity in murder, were again acquitted owing to lack of evidence. The court also acquitted Vuko Zlatar, Predrag Madžarac, and Milorad Pejić, the last having been indicted in April 2008. Under the original judgment, handed down in 2005 and reversed a year later by decision of the Supreme Court, Vujo Zlatar was sentenced to 20 years and Predrag Madžarac to 12 years. Under the new judgment, Vojinović’s term was reduced by 5 years and Perić’s by 3. The presiding judge, Vesko Krstajić, gave detailed reasons for the judgment. He said that Milan Lančuzanin “Kameni”, the former commander of the volunteer unit “Leva Supoderica”, who had originally been sentenced to 20 years, was only found guilty of beating prisoners and therefore sentenced to 6 years. The charges of killing prisoners could not be proved. After the judgments were handed down, the spokesman for the Prosecutor’s Office for War Crimes, Bruno Vekarić, told journalists that the 7 maximum penalties for the Ovčara war crime had given the victims partial satisfaction. He said that the Prosecutor’s Office would appeal against the reduced sentences as well as against the acquittals of those who had originally been given 20-year sentences. “It is disturbing that victims’ families should have to wait for justice to be served in a judicial proceeding that takes all of 5

years. I think that this gives rise to concern and that we'll have to address this systematically at some time in the future," said Vekarić. Although numerous independent observers gave Judge Krstajić high marks for his competent and impartial conduct of the proceedings, the president of the Croatian Disabled Homeland War Veterans Association, Josip Đakić, said that the sentences were far too lenient in view of the crimes committed at the farm.

In a separate proceeding in connection with the Ovčara crimes, Damir Sireta was originally sentenced to 20 years in prison. He was tried separately because he was arrested later than the others, in December 2006. According to the indictment, as a member of Vukovar Territorial Defence, which operated as part of the JNA, he was in the firing squad which executed the prisoners near a pit called Grabovo at the Ovčara farm near Vukovar.

In June 2009, the War Crimes Chamber rendered judgments of conviction against 4 members of the paramilitary unit Scorpions on charges of a war crime committed at Podujevo in March 1999. Željko Đukić, Dragan Medić, and Dragan Borojević were sentenced to maximum terms of 20 years each, while Miodrag Šolaja was sentenced to 15 years because at the time of the crime he was less than 21 years of age. On 28 March 1999, the convicts murdered 14 Albanian civilians, including 7 minors, and wounded 5 children in Podujevo. The convicts, who were members of the Scorpions unit operating as part of the Serbian MUP, entered the yard of the house belonging to the Gashi family and fired automatic weapons at a group comprising 19 women and children. Five of the seriously injured children survived after they were given medical assistance by members of the Special Anti-Terrorist Unit (SAJ). The former Scorpions unit member, Saša Cvjetan, was sentenced to 20 years for his part in the crime in July 2005. In 2009, the Supreme Court Chamber affirmed the Belgrade District Court's judgment against Aleksandar Medić, who had been found guilty of aiding in the commission of a war crime against civilian population (the execution of 6 Muslims) and sentenced to 5 years in prison.

Under the specified indictment of 1 October 2008, on an undetermined day in July 1995, Aleksandar Medić, a former member of the paramilitary

formation Scorpios, was alleged to have committed a criminal offence of war crime against civilian population by aiding. The incident took place at a location called Godinjske bare near Trnovo.

In May 2009, Bora Trbojević was sentenced to 10 years in prison for a crime he committed against Croat civilians in the municipality of Grubišno Polje in Croatia during 1991. The Supreme Court affirmed the sentence.

On 22 September 2009, two former Serbian MUP members, Sreten Popović and Miloš Stojanović, were acquitted of charges of depriving the Bytyqi brothers of the right to a fair trial and thus making it possible for unidentified MUP members to kill them on 9 July 1999. The bodies of Agron, 23, Mehmet, 21, and Ylli, 25, were discovered on top of a mass grave in the village of Petrovo Selo near Kladovo in 2001. It was established that the brothers were shot in the police training camp in Petrovo Selo shortly after the end of war operations in Kosovo. "We consider that the Prosecutor's Office for War Crimes did not react in a timely and efficient manner and that this is the main reason why the perpetrators and organizers of this criminal offence have not been prosecuted."¹⁴⁴

In September 2009, the War Crimes Chamber sentenced Ilija Jurišić to 12 years in connection with the May 1992 attack on a JNA column of vehicles in Tuzla, in which at least 50 soldiers were killed and at least 51 wounded. The presiding judge, Vinka Beraha-Nikčević, determined that Jurišić, a high-ranking officer of the Bosnia and Herzegovina MUP, gave the order to attack the column after himself receiving such an order from his superior, Meša Bajrić. The judgment said that some 50 men were killed and at least 33 were wounded, and that marked ambulance cars were also fired on and destroyed. Jurišić, who was duty officer in the operational headquarters of the Tuzla Public Security Service at the time, was arrested at Belgrade airport on 14 May 2007 on the basis of an international wanted notice. Jurišić's counsel said they would appeal the judgment to the Supreme Court of Serbia and to the Court in Strasbourg. Under Serbian law, the criminal offence charged against Jurišić carries a maximum penalty of 20 years in prison. The Prosecutor's Office for War Crimes took over the Tuzla Column case

144 "Specifični način suočavanja", Helsinki Charter, September/October 2009.

from the Military Prosecutor's Office in Belgrade in 2004 and the trial started on 22 February 2008. At the trial, Jurišić denied the charges and said that he only communicated the order to "return fire with fire". In his closing statement, he said that the proceedings had been initiated for political reasons rather than with a view to establishing the truth and the facts about the incident. The citizens' association Front from Tuzla called the judgment scandalous and called on the competent authorities in Bosnia and Herzegovina to "take a decision to issue international wanted notices for all Serbian citizens who occupied any office in Serbia during the war in Bosnia and Herzegovina".¹⁴⁵

At the end of the year, Nenad Malić was sentenced at first instance to 13 years' imprisonment for the murder of 2 and the attempted murder of 1 Muslim civilian in Stari Majdan in 1992. In his reasoned opinion, Presiding Judge Vesko Krstajić said those three days after the event Malić gave a detailed account of the crime to an investigating judge. On 21 December 1992, in a state of substantially reduced competence, Malić took out Husein Grbić out of the cafe Fontana at gunpoint, stabbed him in the right side of the neck, and finally shot him with a pistol in the chest. Malić, a member of the Sixth Krajina Brigade of the Army of the Serb Republic of Bosnia and Herzegovina, next dragged Refik Velić out of the cafe and fired a shot in his head. He then called out to Džemal Hadžalić, who was inside a house across from the cafe, to come out. When Hadžalić appeared, Malić seized him and proceeded to strike him on the head and body. Hadžalić seized an opportunity to escape while Malić, who had been bashing his head against a wall, was groping for his pistol tucked inside his leather coat. Malić was convicted of the same crime in his absence by the Cantonal Court in Bihać. The Ministry of Justice of Bosnia and Herzegovina referred the case to Serbian judicial authorities.¹⁴⁶

The Supreme Court of Serbia increased the first instance sentence against Zdravko Pašić from 8 to 10 years for the murder of the doctor Dragutin Kušić in Slunj in Croatia in 1991. On 7 October 2007, the Prosecutor's Office for War Crimes brought an indictment against Pašić, for whom

145 "Iliji Jurišiću 12 godina zatvora", *Blic*, 29 September 2009.

146 "Nenad Malić osuđen na 13 godina za ratni zločin", *Blic*, 7 December 2009.

there were grounds for suspicion that, as a member of organized armed formations under the authority of the so-called Serb Autonomous District (SAO) Krajina, he committed a war crime against civilian population. He had been tried by the County Court in Karlovac in 2001 and sentenced in his absence to 12 years in prison. His accomplice Milan Grubješić was also tried and sentenced and is serving a 12-year prison sentence. The evidence had been submitted to the Prosecutor's Office for War Crimes by the State Attorney's Office of the Republic of Croatia on the basis of the Agreement on Cooperation in Prosecuting Perpetrators of Criminal Offences of War Crimes, Crimes against Humanity and Genocide.

The trial of Dragan Slavković, Ivan Korać, Siniša Filipović, and Dragutin Dragičević, in the case titled "Zvornik 1", was completed in September 2009. The War Crimes Chamber of the VSS reduced Slavković's sentence from 15 to 12 years and Korać's from 13 to 9 years. The Chamber affirmed the first-instance 3-year sentence against Siniša Filipović as well as Dragutin Dragičević's first-instance sentence of acquittal.

Long first-instance prison sentences were imposed in the trial of Radoslav Mitrović, Radojko Repanović, Nenad Jovanović, Slađan Čukarić, Miroslav Petković, Zoran Petković and Milorad Nišavić for a crime committed in Suva Reka. For co-perpetrating a war crime against civilian population, Repanović and Čukarić were sentenced to 20 years each, Nišavić to 13 years, and Petković to 15 years. Radoslav Mitrović, Nenad Jovanović, and Zoran Petković were acquitted and the Prosecutor's Offices dropped the prosecution of Ramiz Papić.

On 17 September 2009, the Supreme Court of Serbia was asked to quash the War Crimes Chamber's acquittal of Radoslav Mitrović, Nenad Jovanović, and Zoran Petković and to return the case to the first-instance court for retrial. The Prosecutor's Office also moved to impose more severe punishment on Milorad Nišavić and Miroslav Petković. The Prosecutor's Office objected to the punishment imposed on Nišavić and Petković and alleged substantive violations of criminal procedure provisions and erroneous determination of the factual situation with regard to Mitrović, Jovanović, and Petković. The indictment states that, as active and reserve members of the Special Police Unit of the police station in Suva Reka, operating as part

of the police forces of the Republic of Serbia, they committed a war crime against civilian population in co-perpetration with members of the then Department of State Security and Territorial Defence, when, on 26 March 1999, they murdered 50 Albanian civilians in Suva Reka.

New indictments and ongoing trials

Members of the Kosovo Liberation Army (KLA) known as the “Gnjilane group” went on trial on charges of torture and brutal murder of Serb and non-Albanian civilians in Kosovo during 1999. Between June and the end of December 1999, on the territory of the municipality of Gnjilane, they brutally murdered some 80 civilians – Serbs, non-Albanians, and a few Albanians – as well as physically abusing and torturing at least 153 people before setting them free. Charges of imprisonment, theft, torture, ill-treatment, rape, and murder were brought against a total of 17 KLA members, of whom 8 are at large and are being tried in their absence, the rest on trial in Belgrade. The 24-count indictment brought by the Prosecutor’s Office for War Crimes contains the names of the murdered persons and of 34 persons listed as missing. The three principal defendants – Fazlija Ajdari, Rexhep Aliji, and Shaqir Shaqiri – are at large, as are Shefket Musliji, Sadik Aliji, Idriz Aliji, Shemsi Nuhiu, and Ramadan Halimi. Agush Memishi, Faton Hajdari, Ahmet Hasani, Nazif Hasani, Samet Hajdari, Ferat Hajdari, Kamber Sahiti, Selimon Sadiku, and Burim Fazliju have been in detention in Belgrade since their arrest on 26 December 2008 in Preševo. The trial is underway.¹⁴⁷

In June 2009, the Prosecutor’s Office brought an indictment against Milan Španović, a former member of SAO Krajina Territorial Defence. He is charged with ill-treatment, cruel treatment, and torture of the Croat civilian’s Đuro Bogunović, Luka Filipović, and Josip Kvočić in the Stara Gradiška prison in Croatia from the beginning of October 1991 to the end of January 1992.

147 “Počelo suđenje Gnjilanskoj grupi”, *Blic*, 24 September 2009.

At the start of the trial, Španović admitted that he had been in the Stara Gradiška prison until October 1991 but denied that he had treated anyone cruelly. At the end of September and the beginning of October 1991, the victims, all residents of the village of Borovac in Novska municipality in Croatia, were expelled from their homes and taken to the prison in Stara Gradiška, where they were kept until the end of January 1992, when they were either exchanged or released. During their stay in the prison, they were under the full authority of members of the Territorial Defence of SAO Krajina, including Španović. The Serbian judiciary took over the case from the County Court in Požega. The trial is underway.

The Belgrade War Crimes Chamber is trying Pana Bulat and Rade Vranešević on charges of crimes committed in Banski Kovačevac in Croatia. Under the indictment brought in April 2008, Bulat, then assistant security commander of 2nd battalion of 19th brigade of the Army of the self-proclaimed Republic of Serb Krajina, and Vranešević, then a private in 4th company of the same battalion, shot dead Grga Mihalić, Baro Mihalić, Kata Mihalić, Veronika Krupić, Mara Lesar, and Mara Đerek in the yard of a house between 19 and 23 March 1992. They threw the victims' bodies into a well and blew it up. After the cessation of fighting, the County Court in Karlovac initiated an investigation against Bulat and Vranešević on suspicion of a criminal offence of war crime against civilian population. Because they had their permanent residence in Serbia, the case was taken over by the Prosecutor's Office for War Crimes on the basis of the Agreement on Cooperation in Prosecuting Perpetrators of Criminal Offences of War Crimes, Crimes against Humanity and Genocide, concluded between the Prosecutor's Office for War Crimes of the Republic of Serbia and the State Attorney's Office of the Republic of Croatia.

The War Crimes Chamber is also trying 14 persons charged with crimes committed in the Croatian village of Lovas in 1991. Four of them were members of the local government, 4 members of the JNA, and 6 members of the paramilitary formation "Dušan Silni". They are charged with the murder of 22 civilians in their houses and yards during the attack on Lovas on 10 October 1991 and with killing 23 in improvised prisons by 18 October. On 18 October 1991, the defendants forced the civilians to form a

human shield and walk over a minefield. The first 22 civilians were killed there, with 3 more losing their lives in sporadic incidents. The villagers of Croat nationality were forced to wear white bands and mark their houses with white sheets.

On 25 August 2009, the Supreme Court overturned the judgment of the War Crimes Chamber of the Belgrade District Court acquitting Sinan Morina of the charge of a war crime against civilians and returned the case for retrial.

The indictment of 13 July 2005 charges Morina of a war crime against civilian population of Serb nationality on the territory of Orahovac municipality in Kosovo and Metohija. Morina, a former KLA member under the command of Halit Dulaku, is said to have taken part, together with 34 other members of the unit, in the destruction of property and religious buildings and in the expulsion, imprisonment, torture, rape, and murder of 8 Serb civilians during the period 17-21 July 1998.

Apart from the aforementioned concluded trial of crimes committed in Zvornik, two more are ongoing. In “Zvornik 2”, the defendants are Branko Grujić and Branko Popović alias Marko Pavlović. The Prosecutor’s Office brought a *new indictment* against them in 2008, charging them with imprisonment, inhuman treatment, and the deaths of some 700 Muslim civilians. (Grujić and Popović had been indicted under “Zvornik 1”, but, at the request of the Prosecutor’s Office, the War Crimes Chamber in 2008 separated the proceedings against them in view of an ongoing investigation. For the crimes committed in the cultural centre in Čelopek and at the Ekonomija farm and the Ciglana brickworks in Zvornik, Dragan Slavković, Ivan Korać, and Siniša Filipović were on 12 June 2008 sentenced at first instance to terms of imprisonment totalling 31 years while Dragutin Dragičević was acquitted of the charge.)

“Zvornik 3” is at the main trial stage before the War Crimes Chamber, with Goran Savić and Saša Čilerdžić accused, as members of the volunteer unit Pivarski belonging to the Zvornik Territorial Defence, of inhuman treatment of civilians at the Ekonomija farm and the Ciglana brickworks from May to July 1992. Savić is also charged with the murder of one person.

The main trial in “Medak” started at the end of November 2009. The defendants, Milorad Lazić, Perica Đaković, Nikola Vujnović, Mirko Marunić, and Nikola Konjević, are charged with war crimes. As members of the Territorial Defence and reserve policemen, the defendants are charged with inhuman treatment of Mirko Medunić, Croatian policemen who had surrendered and laid down his weapon. From 3 to 8 September 1991, the defendants and a number of unidentified Territorial Defence and reserve police members continually punched and kicked Medunić, beat him with sticks and a wooden stake, cut and stabbed him with knives, as a result of which he suffered numerous slight and serious injuries. They were tried in their absence before the County Court in Gospić, which in 1996 sentenced Lazić, Đaković, and Konjević to 8 years in prison each and Vujnović and Marunić to 6 years each. The case was referred to the Prosecutor’s Office for War Crimes by the State Attorney’s Office of the Republic of Croatia on the basis of the Agreement on Cooperation in Prosecuting Perpetrators of Criminal Offences of War Crimes, Crimes against Humanity and Genocide.

The Prosecutor’s Office brought an indictment against Duško Kesar, 47, on reasonable suspicion of taking part, as initiator and co-perpetrator, in the murder of Muslim civilians in Prijedor, Bosnia and Herzegovina, in 1994. Kesar was a reserve policeman of Republika Srpska at the time.

Announced and ongoing investigations

In March 2009, the Prosecutor’s Office for War Crimes requested the investigation and detention of 5 former members of the 37th detachment of the Special Police Units (PJP) on suspicion of committing war crimes against civilians and prisoners of war. The Prosecutor’s Office spokesman, Bruno Vekarić, said that the investigation encompassed only those former members of the 37th PJP detachment who had broken the law and wanted to “profit from the war”. “The investigation is directed solely at serving justice for the victims and bringing to justice those who have broken the law, those who killed women and children and stole property,” said Vekarić, adding that 99 per cent of the policemen did their jobs honestly. Vekarić

said that a number of officers had also been arrested but did not name those under investigation. He said that those being investigated were suspected of committing war crimes and serious violations of humanitarian law in Kosovo in 1999.¹⁴⁸

There was a public storm following the announcement by the Prosecutor's Office for War Crimes that it would investigate journalists who incited hatred and ethnic intolerance during the conflict in the former Yugoslavia and the regime of Slobodan Milošević. The Prosecutor's Office for War Crimes initiated an investigation against journalists believed to have incited war and crimes. The subject of the investigation is former and present journalists and editors of the dailies *Večernje novosti* and *Politika*, and of Radio Television of Serbia. Vekarić said that the investigators were trying to establish whether some of them had encouraged crimes through their work. He did not name the media and texts concerned. Vekarić said that the Office had engaged a "team of journalists" to analyse the controversial texts and programmes. "In our view, some media contents from those days gave rise to certain crimes, but we still can't say which texts and media are specifically involved," said Vekarić and added that the investigation "does not concern only domestic but also media in Bosnia and Croatia."¹⁴⁹

The Prosecutor's Office for War Crimes initiated the investigation into the responsibility of media and journalists for inciting war crimes during the 1990s. While some warmongering media luminaries disappeared long ago, others continue their careers as if nothing happened. The investigation into media responsibility was initiated on the strength of witness evidence given during the trial for the massacre of 200 Croats at the Ovčara farm near Vukovar in 1991 and for the murder of 25 Bosniaks in Zvornik in 1992. Vekarić said that in the course of the trials a number of defendants declared that it was precisely certain texts and electronic media reports that had encouraged them to take part in crimes: "This will be very difficult to prove because in that case we would have to establish

148 <http://www.naslovi.net/2009-03-13/mondo/osumnjiceni-pripadnici-pjp-za-ratni-zlocin/1075185>.

149 "Novosti, *Politika* i RTS pod istragom", *Press*, 8 June 2009.

both the cause and, factually, the consequences. At the moment a comprehensive analysis is being made with the participation of journalists and media experts, both domestic and foreign. We want to be absolutely sure; as prosecutors we are after the elements of a criminal offence in order to be able to raise the matter to the next procedural level, that is, to pre-trial proceedings.”¹⁵⁰

In 2009, the most controversy in the country and abroad centered on the “yellow house” file, alleging that kidnapped Kosovo Serbs and other non-Albanians were taken to a house in northern Albania to have their organs removed and sold. The Council of Europe initiated an investigation into possible trafficking in organs following the publication of former ICTY prosecutor Carla Del Ponte’s book *The Hunt*. According to the book, about 300 Serb civilians were murdered in the “yellow house” in the town of Burrel in northern Albania. The Serbian prosecuting authorities have identified, on the basis of photographs, 10 possible executioners and one victim – Predrag Dragović. Three other locations in northern Albania have also been mentioned as places where transplantation of organs might have taken place. Vekarić said that an investigation was in progress to find out what really happened in the “yellow house”. “We have proof that there was an operating theatre in the yellow house,” Vekarić told the Russian TV channel Russia Today.¹⁵¹

In her book, the former ICTY prosecutor mentions the house owned by the family Katuci and the village of Rribe as locations where organs were removed from Serbs kidnapped in Kosovo. According to News 24, residents of Rribe village blocked the road for two hours to prevent the Council of Europe investigators from visiting the Katuci house without a warrant from Albanian prosecuting authorities. “They showed us no warrant and we had no way of knowing who they were, especially because there was no Albanian prosecutor in their company,” the owner of the house, Abdula Katuci, told France Presse. “The Hague tribunal carried out an investigation and found no evidence in 2002 and 2003, but now they are beginning to pester us again,” said Katuci, who has protested his innocence from the

150 “Šta će biti sa ratnohušakačkim novinarima?”, Radio Free Europe, 9 June 2009.

151 “U toku istraga o žutoj kući”, Tanjug, 10 April 2009.

beginning. The representatives of the Council of Europe in Tirana declined to comment on the media reports.

In March 2009, Serbian judicial authorities initiated an investigation into the trafficking in organs in Kosovo and in northern Albania alleged by Del Ponte in her book. At the end of 2009, the Albanian Ministry of Justice turned down a request for an investigation from the Serbian Prosecutor's Office. According to the Albanian authorities, "The request of the Serbian Prosecutor's Office concerning an investigation into trafficking in organs is not in accordance with the relevant conventions of the Council of Europe" because it is "based solely on the allegations made in Carla Del Ponte's book." On the basis of photographs, the Prosecutor's Office for War Crimes has so far identified 10 possible suspects and 1 victim by name of Predrag Dragović. In addition to the "yellow house", Del Ponte mentions three other locations in northern Albania as places where organ transplantation might have taken place. The matter is still an open issue, with Serbian prosecuting authorities still wanting to carry out an investigation with international support.

Cooperation between prosecuting authorities and courts in trying war crimes

Prosecutor's Offices and courts trying war crimes committed in the former SFRY, especially those in Serbia, Croatia, and Bosnia and Herzegovina, cooperate in prosecuting and trying suspected war criminals regardless of their nationality. On 5 February 2005, the State Attorney's Office of the Republic of Croatia and the Republic Public Prosecutor's Office and the Prosecutor's Office for War Crimes of the Republic of Serbia signed a Memorandum of Agreement on Realization and Promotion of Cooperation in Fighting All Forms of Grave Crimes. Several months later, on 1 July 2005, an identical memorandum was signed with the State Prosecutor's Office of Bosnia and Herzegovina. With a view to an even wider and more specific cooperation, an Agreement on Cooperation in Prosecuting Perpetrators

of War Crimes, Crimes against Humanity and Genocide was signed on 13 October 2006 by the Prosecutor's Office for War Crimes of the Republic of Serbia and the State Attorney's Office of the Republic of Croatia.

The Serbian Prosecutor's Office for War Crimes and the War Crimes Chamber has established very good cooperation with their colleagues in Croatia. Serbian courts are conducting numerous trials, including "Ovčara", "Lovas", and "Banatski Kovačevac", of perpetrators of war crimes committed in the territory of Croatia although many of them have also been convicted and sentenced in their absence by Croatian county courts. Evidence at these trials is presented not only in person by surviving victims, relatives of dead victims, and eye-witnesses but also by video-link in order to protect witnesses who, for various reasons, are unable to appear before the War Crimes Chamber in Belgrade. This is a two-way cooperation with the Croatian State Attorney's Office, with survivors living in Serbia giving evidence about their ordeal in the Lora prison in Split. The cooperation of Serbian and Croatian justice authorities (especially prosecutor's offices) continues, with the two sides voluntarily exchanging information, documents, and reports, including suspects' statements and information facilitating the investigation of war crimes, given that national legislation in the two countries still does not permit extradition of own nationals.

As regards cooperation with Bosnia and Herzegovina, the Bosnia and Herzegovina Ministry of Justice and the Serbian Ministry of Justice are cooperating in dealing with 15,000 cases a year. The objective is to reach an umbrella agreement concerning all future cases. Both countries' prosecutors have declined comment on ongoing cases which pose obstacles to the two countries' relations.¹⁵²

The Agreement on Transfer of Evidence, which the Bosnian side has not signed out of concern that it might thus relinquish its primary jurisdiction in investigating and trying its citizens for crimes committed on Bosnia and Herzegovina territory, was said to represent the main stumbling block between the Serbian and Bosnia-Herzegovina justice authorities.

152 "Saradnja pravosuđa Srbije i BiH", Informativno – turistički portal Bosne i Hercegovine, 29 June 2009 – report from the meeting of the ministers of justice and war crimes prosecutors of Bosnia and Herzegovina and Serbia.

The cases cited in this connection include the trial of Ilija Jurišić (the “Tuzla Column”) and the proceedings initiated in connection with the incident in Dobrovoljačka Street in Sarajevo on 3 May 1992, when a JNA column withdrawing from the town in the direction of Lukavica was ambushed. Several JNA soldiers were killed. It was the “Dobrovoljačka Street” case that gave rise to a controversy as well as a political debate as to which court and prosecutor’s office was competent, with the Serbian prosecuting authority’s putting out a wanted notice for 19 BiH citizens based on war crimes documentation and initiating an investigation of their role in the 1992-5 period, at about the same time as the Prosecutor’s Office of Bosnia and Herzegovina itself launched an investigation into the incident. At the beginning of July 2009, the Interpol General Secretariat stopped the red wanted notice issued by Belgrade. The outcome of this judicial-political issue is awaited.

There is no doubt that responsibility for war crimes is the key issue regarding the cooperation of some former Yugoslav republics (i.e. Serbia, Bosnia and Herzegovina, Croatia, and Montenegro) with the Hague tribunal, as well as regarding trials of war crimes before national courts. The failure of Serbia to extradite the suspected war criminals Ratko Mladić and Goran Hadžić is the main stumbling block in this connection.

IV

The Parliament and Independent Agencies

The Parliament – a Lack of Democratic Potential

In recent years the National Assembly of Serbia has been the main hindrance to reform, and it was not before 17 February 2009 that major obstacles were cleared by the adoption of the Decision on Amending the Rules of Procedure of the National Assembly. Proceedings were considerably speeded up by curtailing deputies' right to raise points of order, shortening the amount of time for debate, and imposing measures and fines more frequently. Although the amendments were designed to improve the work of the Assembly considerably, the opposition sharply criticized them and did not vote for them. The Assembly adopted a total of 264 laws in 2009 and over 30 drafts in the first 10 days of the first session in 2010. Although not all legislative proposals attracted the same attention in the Assembly and outside it, they no doubt contributed to the continuation of reform processes.

In addition to the Anti-Discrimination Law, which unleashed an unprecedented storm of public controversy,¹⁵³ much attention was attracted by the Law on the Prohibition of Manifestations of Neo-Nazi or Fascist Organizations and Associations and the Prohibition of the Use of Neo-Nazi or Fascist Symbols and Emblems. The fact that it took very long for the draft, introduced by the League of Social Democrats of Vojvodina, to pass through procedure attests to the lack of political will and the unhealthy political climate, let alone the grave legacy of the past which obviously still poses a very heavy burden on the present. The president of the Serbian Progressive Party, Tomislav Nikolić, said in his address to the Assembly: "This is a meaningless law whereby it is wished to say that Serbia is not a fascist and Nazi country. After all, Serbia is not the state in which that came into being and was cultivated and developed; we Serbs are not someone

153 See: 2008 Annual Report, "Ljudska prava, demokratija i – nasilje", Helsinki Committee for Human Rights in Serbia, May 2009. The Anti-Discrimination Law was adopted on 26 March 2009 and published in the *Official Gazette of the Republic of Serbia*, No. 22-09.

who persecutes people on religious, racial or any other grounds.”¹⁵⁴ The draft was also opposed by the deputies of other rightist parties. Miroslav Markičević of New Serbia (NS) described the law as a “shameful and most dangerous law in recent Serbian parliamentary practice”.¹⁵⁵ The deputies of the Socialist Party of Serbia “justified” their opposition to the law on the grounds that there were many other more important priorities, hastening to add that they were “certainly against any activity by and propagation of fascist and neo-Nazi organizations”.¹⁵⁶ The law was eventually adopted¹⁵⁷ in the face of strong opposition. Although it only provides penalties for misdemeanours, it no doubt represents a contribution to the further democratization of society. Whatever problems may be encountered in its implementation, the law supplements the existing legislation and takes a clear stand on the most dangerous ideology of modern times. The law is a further encouragement to the segment of Serbian society involved in the strenuous fight against associations with an undisguised fascist background and numerous associations which glorify war criminals and seek to justify their crimes committed during recent wars in the former Yugoslavia.

The Assembly and the ruling coalition were on the brink of a rift on the occasion of the Law on Amendments to the Law on Public Information. The amendments were designed to bring order to the media field and curb obvious control and abuse of individual media outlets for political and other purposes.¹⁵⁸ The issues on which the professional and lay publics failed to agree during the two-month campaign replete with threats, blackmailing, accusations, and detractions of various kinds, laid bare the weaknesses not only of media officials but of political and intellectual elites and even of the state system. Professional associations and journalists failed to see eye to eye on anything save on the undeniable fact that there was no public debate on the proposal. The parliamentary parties too

154 *Pravda*, 20 May 2009.

155 *Ibid.*

156 *Ibid.*

157 *Official Gazette*, No. 41-09, 29 May 2009.

158 *Official Gazette*, Nos. 43-03 and 61-05.

demonstrated disunity and put forward opposing positions with hardly any evidence of a principled policy or programme. A number of amendments having been approved, the law was adopted with a narrow majority¹⁵⁹ mustered at the last moment.

In view of the tensions threatening the very survival of the Government, following the adoption of the law there was speculation that a number of individual deputies and parliamentary groups had been bought to lend their support. This gave the law inappropriate publicity and detracted from its merits. Looking back from a distance of several months, one is at a complete loss to explain to intention of the propose (G17 Plus) and the need for so much pressure to push the law through. Except for the provision on opening a Register of Public Media at the Agency for Business Registers, no other provision is implemented and none of the political entities has shown any interest to do so. So far, fears that media would be “suppressed” and “disciplined” through stiffer fines have proved unfounded.

No media outlet has been fined and no one has invoked any provision of the law (including judicial authorities, “injured” parties, and journalist associations). Indeed, not only are the media under as much impermissible influence as before, but they themselves do not respect the law and codes of professional ethics. The impression is that the law was adopted with delayed effects in mind: on the one hand, it stimulates self-censorship among journalists; on the other, it carries the threat of being activated as necessary.

In the meantime, rather than abating, the chaos in the media sphere shows increasing signs of being highly orchestrated. Presumably aware that such a state of things is unsustainable over a long period of time, a number of politicians have suggested that one should consider passing a completely new law to regulate the field of public information in a comprehensive and systemic manner. The Assembly president, Slavić Đukić-Dejanović, said that “the field of information needs a new law because the one recently adopted can hardly be improved through amendments”.⁸ A decision to this effect could be brought forward by a decision of the Constitutional Court of Serbia concerning the request by Republic Ombudsman

159 *Official Gazette*, No. 71-09, 31 August 2009.

Saša Janković for a constitutional review of the Law on Public Information. Although declared a priority, a decision is still being awaited. The present Assembly's lack of interest in sorting out this state of affairs is shown, inter alia, by the fact that it was only on 23 March 2010 that Gordana Suša was elected member of the Council of the Republic Broadcasting Agency on the proposal from the Independent Association of Journalists of Serbia. While there was a delay of a year in the election of representatives of professional associations, the parliamentary majority necessary to elect representatives of churches, the University, and political and state bodies was mustered quickly and easily.

From the aspect of human rights and fundamental freedoms, importance should be attached to the adoption of the Law on Associations, the Law on National Councils of National Minorities, and the Law on Equality of Sexes,¹⁶⁰ as well as several laws from the field of social policy which considerably improve the situation of persons with disabilities and protect vulnerable categories of the population. It took a very long to adopt the aforementioned laws, and not only because there were more important priorities. Like all other proposals to widen freedoms and rights of citizens, these laws were often object of inappropriate commentaries and contending views, which certainly does not promote the culture of human rights in society and speaks volumes about the fundamental incomprehension of modern civilization achievements and processes.

On the other hand, the ruling coalition and the opposition were unexpectedly agreed on the draft Law on Political Parties.¹⁶¹ The ruling majority adopted the proposal of the Democratic Party of Serbia (DSS) and NS which requires twice as many signatures for registering a political party as the number proposed by the Government. This means that in future political parties will have to collect 10,000 signatures (or 1,000 signatures in the

160 The Law on Associations was adopted on 8 July (*Official Gazette* No. 51-09), the Law on National Councils of National Minorities on 31 August (*Official Gazette*, No. 72-09), and the Law on Law on Equality of Sexes on 11 December 2009 (*Official Gazette* No. 104-09).

161 The Law on Political Parties was adopted on 12 May 2009 and published in the *Official Gazette* No. 36-09.

case of national minority parties). The decision was criticized by small parties and part of the public.

Although Serbia's political scene is undeniably cluttered with too many small and largely inactive political parties, any attempt at amalgamation raises serious doubts as to its ulterior motives. Owing to the lack of democratic potential within the so-called large parties, which operate largely as private companies in which all decision-making is in the hands of narrow and privileged groups close to the president, there is hardly any room for different views and the confrontation of views and ideas. Many district and city boards of these large parties have had occasion to verify the truth of this all over Serbia: acting on orders from their headquarters, they have been forced on innumerable occasions to act contrary to and to the detriment of the interests of the local environment. It is therefore quite unrealistic to expect that the collective incorporation of small parties in big ones can help to preserve their autonomous interests and give them better legitimacy. Milan Jovanović, member of the working group for drafting the Law on Political Parties and professor at the Faculty of Political Science, says that the adopted statutory provision will practically prevent the development and formation of regional parties which have ambitions to influence matters at local rather than at republic level. He says that the "requirement for registering a party has been tightened a hundred times since the early 1990s, which will very soon result in a drastic reduction in the number of parties".¹⁶²

However, at the end of 2009 (at about the same time that the law was adopted) Mladen Dinkić started an initiative for founding a union of national, regional and local parties, citizen groups and individuals "to promote the uniform regional development of Serbia and create a society of equal opportunities".¹⁶³ The initiative for such a political alliance was signed by G17 Plus president Dinkić, president of Together for Šumadija Veroljub Stevanović, president of I Live for Krajina Boško Ničić, entrepreneur and owner of the Todor clothing factory Mirko Todorović, film director Goran Paskaljević, and G17 Plus founder Predrag Marković. Dinkić told

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163 www.kragujevac.co.rs, 25 February 2010.

a large press conference that since no party in Serbia was genuinely in favour of decentralization involving the restitution of property to local self-government and its empowerment, local problems should be dealt with at the local level and that money from EU pre-accession funds should be directed towards the numerous less developed regions in the country. His statement that the association wanted to cooperate with both Sulejman Ugljanin and Rasim Ljajić was a signal to minority parties to embrace in good time a political option offering them a new programmatic platform acceptable to the voters, i.e. local interests. Since then, this still informal coalition has brought together a good many local parties and citizen groups. G17 Plus announced the holding of two assemblies in May: the first to establish a Union of National and Regional Parties and the second, the party's own assembly. Analysts and public opinion agree that Dinkić has a good plan to ensure his and his party's survival on the political scene. In this way, the party, which evidently faces the problem of meeting the electoral threshold, will ensure its future and more than that. Because the Democratic Party (DS) and the Serbian Progressive Party (SNS) are set to battle for supremacy with roughly even forces, G17 Plus is going to be a desirable and important coalition ally for both. The party is also almost certain to spread its influence at the local level.

The scope of this "political manoeuvre", launched by adopting the aforementioned law, is considerably more far-reaching. Less than two months later, the Assembly adopted the Law on Regional Development,¹⁶⁴ also created and promoted by the Minister of Economy and Regional Development, Mlađan Dinkić. Prior to that, at the beginning of March, the Government adopted a Programme for Stimulating Equal Regional Development in 2010 worth EUR 100 million and coming from the same address. The law itself provoked much comment though not as much as it merited. Adopted in mid-summer, at a time when everybody was concerned with amendments to the Law on Public Information, it was not the subject of an adequate public debate because the attention focused on local self-government assemblies, i.e. on political entities. With the public being insufficiently and sporadically informed about the start of

164 *Official Gazette*, No. 51-09, 8 July 2009.

the regionalization process, Dinkić undertook the “thankless” task of dispelling the previously inculcated prejudices that regionalization equals separatism.

Undoubtedly G17 Plus and its president had devised the whole strategy long in advance, not forgetting the benefits it would bring them as individuals and as a party. Regionalization is an indispensable condition in the process of accession to the European Union because a candidate for membership is expected to implement regionalization or to bring existing regionalization into harmony with relevant EU legislation. The problem is, however, that on the basis of the statutory provisions adopted and practical steps taken so far one cannot conclude that Serbia has embarked on the process of regionalization sincerely and with full awareness of its significance. On the contrary, the inadequate and unargued division into seven “statistical regions”, combined with the establishment of national and regional agencies designed to draw resources from the relevant EU pre-accession funds, acquires the increasingly clear contours of a new political regrouping with the aim of establishing firm political as well as financial control.

Although the statistical regions are said to be a mere stepping-stone to the establishment, in the next 10 years or so, of “real” regions with full administrative and political capacity, the activities carried out so far do not point in that direction. The perfidious establishment of frameworks for forcing regional and minority parties to renounce their sovereignty and even their programmatic goals, along with exercising political and financial control of resources to be received from the EU and distributed among the regions, is contrary to the aims of regionalization and the purpose of Euroregions. In all probability, decentralization will be carried out within the framework of the present system of districts and party boards. Serbian President Boris Tadić recently announced amendments to the Constitution designed to achieve decentralization and regionalization and equal regional development as a “precondition for the future development of the country”. The initiative is fundamentally different from the DS position on all the attempts at decentralization made so far. The adoption of the Vojvodina Statute, with all the delays and backstage and circuitous acts

that accompanied it, bears out the thesis about the doubtful democratic and reform potential of all the parliamentary parties, including the biggest of them.

Political developments in recent months contradict the speculation of a break in cooperation between the DS and G17 Plus. The impression is that the two parties' years-long coalition cooperation turned the corner after Tadić began to talk about the inevitability of regionalization, and after DS party member and Minister of Environment and Spatial Planning, Oliver Dulić, prepared the Strategy for Spatial Development of the Republic of Serbia. Speaking about regional political alliances and initiatives on the Radio-Television Belgrade "Svedok" show on 24 March 2010, Dinkić said that "Ljajić is one of those people who don't mind helping out those who are forgotten and have no chance – including the poor regions and weak companies – so, the idea is that we should pay more attention to those who are weak so that we, who are stronger, could help them...Our key allies in this are President Tadić and the DS".¹⁶⁵

The current debate on amendments to the Law on Regional Development also bears out the tendency to assert political power at the expense of substantial decentralization. Opposition representatives interpret the reduction in the number of statistical regions from seven to five as a concession to Bosniak parties, which insist that Sandžak should not be split between regions. Also, Dinkić accepted an amendment by the Alliance of Vojvodina Hungarians (SVM) demanding that areas be defined on the basis of their geographical features and telecommunication, economic court and chamber of commerce networks, i.e. that the municipalities of Ada, Senta, and Kanjiža should be part of Northern Bačka rather than of Banat. Since the SVM had insisted on its amendment as a condition of supporting the law, SVM deputy Balint Pazstor found it necessary to deny accusations of a political deal: "I know that there is a climate of opinion that the Hungarians, Albanians, and Bosniaks want regions of their own, but that is not true."¹⁶⁶ Dinkić also denied that the number of regions had

165 <http://www.rts.rs/page/stories/sr/story/9/Srbija/587601/Intervju:+Mla%C4%91an+Dinki%C4%87.html>.

166 *Politika*, 8 April 2010.

been reduced to please the Bosniak parties. He said that the issue had been unnecessarily politicized because the regions in question are only statistical regions having no administrative centres.

Although the ruling majority will probably vote the amendments, there is no denying that the statistical regions are not as insignificant as they are made out to be? With new political coalitions being established, and knowing that politicians in Belgrade will have the final say on what happens to the money expected from the EU, being on the right side is very important indeed. This, however, is no guarantee of any economic recovery at local level to at least diminish the frustration and feeling of hopelessness of most Serbian citizens.

The doubts are justified given that parliamentary deputies and other party cadres are known to be more concerned with personal and party interests. At the end of April, the Administrative Committee adopted austerity measures abolishing, inter alia, daily allowances and attendance allowances for deputies attending parliamentary group meetings and those attending meetings of boards of which they are not members. The Administrative Committee also abolished allowances for the use of fixed and mobile telephones and reduced the number of business trips abroad. In spite of deputies' objections, austerity measures were unavoidable because the public had grown irritated at its political representatives' pay and open scandals concerning exorbitant fees for membership in various management boards, committees, etc. Confronted with alarming data about low production levels and surplus labour at all levels, as well as lacking a clear strategy for mitigating the effects of the world economic crisis, the parliamentary parties were at last forced to reduce their spending to a bearable level.

The measures resulted in significant savings already after the first six months of the Assembly's work, as well as at year's end. The abolition of daily allowances, along with pay reductions in accordance with a government regulation, rendered unnecessary the Solidarity Fund established early in the year to assist the neediest citizens. The explanation lies in the fact that deputies stopped paying into the Fund one daily allowance or part of it as originally envisaged, so that the Fund could only count on

finances imposed on deputies, mostly those belonging to the Serbian Radical Party (SRS). Also, a number of parties boycotted the idea from the start; saying that the giving of presents was a personal matter and those they already operated humanitarian schemes of their own. They also said that the Fund had been established as “hype for the ruling coalition”.

On the other hand, since political parties are financed not only from the budget, but largely from deputies’ donations, the Assembly’s work and finances are certainly going to be closely watched despite the austerity measures. It should be noted that the Finance Committee failed also in 2009 to establish an adequate procedure and mechanisms for controlling the finances of both parliamentary parties and individual deputies, and of the Assembly as a whole.

The adoption of the Law on the National Assembly¹⁶⁷ is expected to finally establish the full legality of work of this important institution. With better legislation on the financing of political parties and full control by the Anti-Corruption Agency, this could be a sound basis for regulating relations between political entities. Unfortunately, the Agency is obstructed chiefly by parties making up the ruling coalition. Observers are awaiting with great attention the Agency’s reaction to the announcement by a group of politicians that they do not intend to comply with the statutory provision prohibiting them from holding more than one function. Worse still, none of the parties has penalized this arrogant flouting of the law on the part of its members or at least publicly criticized them for doing so. Another very dangerous aspect of this practice is the message sent to the public that the law does not apply to all and that citizens are not equal before the law. A failure by the Agency, courts, and other institutions to react adequately will have much more serious consequences than political instability, which is regularly cited as a “legal excuse” for flouting the law.

For instance, parliamentary parties are often guilty of not only immoral but also unlawful conduct. A case in point concerns two former G17 Plus deputies, Ksenija Milenković (Milivojević) and Goran Paunović. They have filed a suit against the State before the European Court of Human Rights

167 As the law was adopted on 26 February 2010 (*Official Gazette* No. 9-10), its implementation and effects are yet to be seen and analysed.

alleging unlawful revocation of mandates and violation of electoral rights, violation of the due process of law before the Supreme and Constitutional courts, discrimination for expressing opinions and lack of an effective remedy for violation of the right to be elected. In 2003 they were elected parliamentary deputies on the G17 Plus list. After Dinkić took over the party following his rift with Miroljub Labus, their blank resignations were activated and the Assembly established that their mandates had been terminated. Because under the Constitution then in force deputies were the owners of their mandates, Milenković and Paunović decided to appeal. The Supreme Court declared itself without jurisdiction and the Constitutional Court dismissed the appeal. Meanwhile, the new Constitution introduced the institute of blank resignations. Both the European and Venice Commissions insist that it should be abolished. At the end of March 2010, Serbia was served a notice requesting it to state whether it wants to proceed to litigation or make an out-of-court settlement. Interestingly, Milenković is currently employed in the office of Deputy Prime Minister Božidar Đelić and Paunović is a DS deputy in the Vojvodina Assembly. Both stress that the chief purpose of their suit is to prove that blank resignations are unlawful and illegal. No European constitution provides for the institute of blank resignations; on the contrary, all emphasize that a deputy is at liberty to act according to his or her conscience rather than act upon orders of his or her party. A deputy who leaves the party can only be excluded from a parliamentary committee, not from Parliament itself.

All Serbian parties used blank resignations even during the life of the old Constitution although it stated explicitly that mandates belonged to deputies. Article 102 of the new Constitution provides that although the deputies own their mandates they can place them at the disposal of their parties. This possibility is applied on a massive scale ostensibly to prevent possible corruption and trade in mandates. The legal jumble is complete even without the decision of the European Court: in April 2010, the Constitutional Court declared unconstitutional Article 47 of the Law on Local Elections which also provides for blank resignations. The current situation regarding mandates is totally illogical: councillors are free while parliamentary deputies are tied to their parties. The absurdity is all the greater

since the Constitutional Court cannot declare the Constitution unconstitutional and the only conclusion to be drawn is that the political elite has again brought the State to an impasse. Serbia's representative in Strasbourg, Slavoljub Carić, considers that an out-of-court settlement would be a better solution for the State: "If we conclude an out-of-court settlement, the whole issue will blow over regarding this case; but another case may arise in this connection and the approach will have to be reconsidered. If there is a judgment, then the State will have an obligation to vary its electoral legislation. We'll have to choose the right approach."¹⁶⁸ This and many other statements by party officials show clearly that the parties are not in a mood to give up blank resignations. They obviously think that legal insecurity and inefficiency of the system as a whole is not too high a price to pay for this practice.

An even stiffer, and quite open, resistance was offered to legislation seeking to limit the number of republic and/or local administration personnel.¹⁶⁹ Although a number of ministries reduced their personnel even before the time limit, most claimed that they had no surplus employees. A number of jobs were cut, but the public was never told precisely how many republic administration employees were actually dismissed and how many were merely transferred to posts inexplicably created in spite of the ban on new recruitment. The situation in local administrations, which have a far larger number of employees, was even worse. Some municipalities resorted to setting up new public corporations to absorb the surplus labour and others simply ignored the law, with apparently only those employees who did not want to work any longer leaving the administration. One is concerned not only at the lack of precise information as to how much the administration has been reduced, but also at the lack of transparent rules regarding performance evaluation, dismissal criteria, and appeal procedure. This opens possibilities of abuse and gives rise to doubts about the sincerity of the intention; on the other, it shows that political parties are largely united when it comes to protecting their

168 Dan on line, 4 April 2010. www.dan.co.me.

169 Both laws were adopted on 11 December 2009 and published in the *Official Gazette*, No. 104-09.

interests. It should be noted that no strategy for reform exists regarding the public corporations sector, which has been abused for decades for providing sinecures for all kinds of party cadres and “meritorious” citizens.

The unbridgeable ideological and programmatic differences between parliamentary parties came to prominence during the historic visit of Russian President Medvedev in October 2009: the first “glorious” visit to the Assembly by a foreign state president, which left most deputies in a state of rapture for days, was soon “overshadowed” by the announcement of the sudden visit by Turkish President Abdullah Gül. Deputies of some opposition parties’ complained that “the exclusiveness of the first guest was thereby deliberately diminished”, with Aleksandar Martinović from the SRS suggesting that only “heads of states which are friendly towards us should appear in the Assembly”.¹⁷⁰

Medvedev said that Russia regarded Serbia as a strategic partner in the Balkans and spoke, whether by accident or not, about a new security system in a global environment. His speech made a strong impression and was given further interpretations during the debate on strategies for national security and defence of the Republic of Serbia, which happened to be on the agenda at precisely that time.¹⁷¹ Having stressed that the “illegally, unilaterally declared independence of Kosmet [Kosovo and Metohija] poses the greatest security threat” and that Serbia was going to use diplomatic, legal, and all other legitimate means to protect its sovereignty and territorial integrity, nearly all opposition deputies and a great many military analysts and strategists availed themselves of the opportunity to again relativize the future of European and Atlantic integration. This time again no constructive proposal was put forward for surmounting the irrational and untenable situation in which Serbia continues to be held hostage to Kosovo, nor was there any indication of a rational and pragmatic policy gaining strength. On the contrary, even the parties which had dared to publicly acknowledge the reality and call for changing the policy appeared to have softened their rhetoric and given up appealing to reason where there is evidently none at all. Kosovo will therefore continue to be

170 *Večernje novosti*, 23 October 2009.

171 The strategies were adopted on 26 October 2009.

used to demonstrate one's patriotism as and when necessary, without giving much serious thought to, or being genuinely concerned about, the life and future of the people who live there.

The extent of the Assembly's inefficiency was attested by the fact that in several instances Government ministers failed to keep up with the Assembly's accelerated pace of work. On 28 October the session was adjourned because ministers Mladen Dinkić and Milan Marković failed to appear to explain the legislation limiting the number of republic and local administration employees. Although the ministers simply found it impossible to reschedule their agendas and to address the Assembly two days ahead of schedule, a number of opposition parties took this as an insult and a good excuse to interrupt proceedings and criticize the Government. Although in other cases where the Assembly had to bring proceedings forward, the Assembly President succeeded in ensuring the presence of the proposer, the problem of coordination was at times very pronounced.

On the other hand, it could be said that deputies did not fully use the opportunity of directly communicating with Government representatives. These important face-to-face meetings of executive and legislative authorities failed to fulfil their intended role because the time allotted to Government representatives was often abused for party and even personal promotion. Instead of seeking to enhance the transparency and efficiency of the most important government institutions, the two sides' representatives most frequently engaged in inter-party or inter-coalition slinging matches, not being able to rise to the level of state and civic interests.

The work of some Assembly committees was beset by identical problems. This was especially true of the Committee for Defence and Security, made up of nine members of the ruling coalition and eight opposition members. The Committee's work was marked by frequent quarrels and tactless statements of its members and was even blocked at one time. Government representatives kept turning up for meetings that had to be cancelled for lack of a quorum and it took months before reports on the work of the Military Security Agency (VBA) and the Security Intelligence Agency (BIA) were considered and adopted. Although Committee members accused each other of obstruction, it was quite clear that the inter-party

conflict within this Committee at least was the sign of deep differences concerning reform of the security sector. The tensions in the Committee actually reflect the vulnerability and instability of the overall democratic process in Serbia considering that the security sphere involves highly delicate dilemmas and challenges of decisive importance for the future of the State and the status of human rights and fundamental freedoms.

The amended Rules of Procedure contribute to more efficient work of the Assembly by preventing attempts at obstruction, as well as significantly reducing the time that opposition parties have at their disposal and which they usually abuse to promote themselves and their positions. The time had been heavily abused in the past by both the opposition and the ruling coalition. The shortening of debate time irritated particularly the SRS and NS, parties trying hard to outdo each other in provoking scandals which attract media attention. Notorious for their vituperative press conferences, these parties' deputies often provoked incidents in the Assembly either to obstruct proceeding or to discredit political opponents.

On the first working day in the refurbished House of the National Assembly the SRS deputies created confusion about who was to sit where and continued obstructing proceedings for several more days. In only three days, the session chairpersons ordered more than 50 expulsions of SRS deputies and imposed a number of fines. Commenting on the incidents, the head of the SRS parliamentary group, Dragan Todorović said, "...the yellow [DS] terror continues with undiminished rage, and the behest of the English and American ambassadors has partially been carried out today". He explained that the "behest" meant purging the Serbian Assembly of the SRS, "...so that not a word of truth is uttered in the parliament, to forbid any reference to crime, corruption, betrayal of the state...Kosovo and Metohija are again to be wrested away from Serbia, with Boris Tadić and the DS seeing the recognition through step by step".¹⁷²

This time, however, the usual performance including wearing T-shirts bearing an image of Vojislav Šešelj, chanting slogans, and hurling abuse at Western embassies was condemned by the former colleagues and now SNS deputies, with Tomislav Nikolić declaring the penalties justified and

172 *Danas*, 2 April 2009.

accusing the SRS of acting on “dictates from Vojislav Šešelj from The Hague”. The rigorous application of the Rules of Procedure disciplined the SRS deputies, with expulsions severely restricting their tactics and objectives. At only two sessions during which they were absent the Assembly considered nearly 60 items on the agenda and nearly 4,000 amendments. At the end of November, SRS deputy Gordana Pop-Lazić was penalized for throwing a shoe at Gordana Čomić, who was presiding over the session. Pop-Lazić said she considered the gesture a “legitimate way of expressing her position”¹⁷³ and that she had been thinking of the right way to do it for several days.

Her party colleague Zoran Krasić explained that SRS deputies behaved in the Assembly “...the way the citizens of Serbia want them to. They spit at Boris Tadić and swear at Mlađan Dinkić in the street, and we behave accordingly in the parliament”.¹⁷⁴ Although it cannot be said that the SRS has changed its attitude, there is no doubt that it is much more cautious in the planning of incidents regarding their seriousness, protagonists, and timing.

The head of the DSS parliamentary group, Slobodan Aligrudić, tried to provoke a scandal and obstruct the Assembly’s work by presenting to media footage taken with a mobile phone. However, the recording, meant to provoke a new “Bordum scandal” and present Assembly proceedings as irregular, kept the media’s attention for only a few days. Although no penalty was imposed in this case, it seems that further attempts of this kind were discouraged by the mere threat of applying the rules and the fact that no desired publicity had been achieved. NS president Velimir Ilić also got off without a fine after publicly apologizing for the statement he made in his address to the Assembly on 12 February 2009, when he found it “an insult to Karađorđe [leader of the first Serb uprising against the Turks] that the invitations to the celebration of Statehood Day in Orašac should have been sent by a minister whose [Muslim] name is Rasim Ljajić”.

Hate speech and indecent behaviour to say the least were characteristic of most Assembly sessions in 2009. Deputies were troubled most by

173 *Blic*, 28 November 2009.

174 *Ibid.*

the decision of the RTS public broadcaster to discontinue live coverage of sessions owing to crippling costs. While most opposition parties accused the parliamentary majority of intentionally discontinuing live coverage, Liberal Democratic Party leader Čedomir Jovanović offered the following rational argument: “Why should the public broadcaster incur losses that would have to be covered by the citizens? The Assembly must work regardless of whether there is coverage.”¹⁷⁵ As before, this problem of several years’ standing was solved by compromise. It was agreed that RTS should continue to broadcast as usual until autumn, when a parliamentary channel would be introduced. RTS also submitted a financial claim to the Government in which it put the cost of coverage at EUR 630 an hour. Since no parliamentary channel was introduced and sessions continued to be covered live, there is no doubt that the parliamentary parties are agreed that it does not pay to discontinue this kind of free advertising. Especially not in a time of a general shortage of money, and especially not when the costs are covered by the citizens!

Considering numerous other instances of arrogance and prodigality, as well as corruption scandals and possible illicit dealings concerning legislative proposals, one cannot help concluding that parliamentary parties are not overly concerned about their public image. They are obviously aware that for quite some time the voters will have to do with what they have now. This kind of carefree ease, combined with unbounded political pragmatism, appears to be all which one needs to survive on the political scene. The problem is, however, that Serbia is far from being sufficiently stable to ensure the equal measure of ease and security to its citizens. It is therefore essential that the laws passed by the National Assembly should begin to be applied. It is only then that the public’s trust in this institution can grow. At present however, the Assembly’s approval rating of some 15 per cent is lower of that of the EU, Army, and Church, and even of that of the Government and the ICTY.¹⁷⁶

175 *Kurir*, 10 February 2009.

176 The survey was conducted by CESID and Strategic Marketing, *Blic*, 6 April 2010.

Conclusions and recommendations

Work towards further improving the framework of law through new proposals or through amending existing legislation soon after it becomes clear that a law has failed the test of practice or exhibits serious flaws. The proposers of laws and relevant ministries should closely monitor the application of laws in order to be able to improve them in good time. With this aim in view, it is essential to establish good communication between the proposers of laws and the National Assembly.

The Assembly should have its own mechanisms for controlling the implementation of legislation it passes.

The need for rapid approximation of domestic legislation with EU law cannot and must not serve as an excuse for lack of adequate public debate, particularly not with regard to legislation of general interest. The Assembly must plan its activities better and coordinate them with those of proposers of laws in order to ensure that important legislation passes through complete and adequate public debate.

Establish instruments of cooperation with representatives of civil society and ensure their appropriate participation in the work of the Assembly.

Introduce as obligatory debates on reports by independent government institutions and regulatory bodies and adopt recommendations and measure necessary to improve their work.

Role of independent bodies in human rights protection

The year 2009 saw no appreciable progress in the field of human rights protection. This was especially true of the attitude of the legislative and executive authorities to the institutions entrusted with looking after human rights by the State itself.

Apart from passing necessary legislation to protect human rights, the State set up a number of independent bodies primarily concerned with controlling the work of state bodies. Based on media reports about the work of independent bodies and agencies and the people in charge of them, the public was largely under the impression that they played an important part in controlling social processes; this is, after all, what they are supposed to do in accordance with relevant European and international standards in well-regulated political and social systems. However, the general impression was that the State often treated those organizations and agencies as rivals and, occasionally, even as enemies, rather than as institutions which can be trusted and relied on by the citizens especially with regard to fighting abuse, corruption and underhand dealings of various kinds. In a number of instances the attitude of the State and state bodies gave cause for concern, which was all the more worrying given that the public perceives these agencies as controllers, supervisors and correctors at precisely those levels of government to which ordinary citizens have no access. It was also precisely at these levels that the most vociferous promises and announcements were made concerning the fight against corruption, money laundering, organized crime and other similar evils of today.

Many government representatives stressed the need for such institutions and agencies and publicly supported their activities. Early in the year, President Boris Tadić announced “the State’s further determined showdown with crime and corruption”, adding that that would be a “national undertaking of the greatest importance”.¹⁷⁷ On the other hand, at the same

¹⁷⁷ Fonet, 4 March 2009.

time the authorities ignored the elementary, above all financial, needs of the independent institutions.

What is more, people at different levels of government had different perceptions of corruption and crime. For instance, the mayor of Indija, Goran Ješić, said that while he supported the fight against corruption announced by President Tadić, he was of the opinion that it ought to have been launched systematically nine years before and that from the top down. "One should empower the independent institutions and proceed [with investigations] from the state bodies, the republic public corporations, the political deals made in Parliament, whose deputies adopt the financial reports of their own parties," said Ješić.¹⁷⁸ He said that it would be logical for the police and the prosecuting authorities to start from the place with the most money, i.e. from Belgrade; it is the place, and he said, with the most money, the highest cost of building space, the busiest construction sector, and the highest concentration of administrative personnel whose work is not transparent.¹⁷⁹

There was no political consensus as to whether the rule of law is the foundation of every democratic society and legal system. Instances of the fact that the political elites are not conscious of the need to respect and implement laws occurred almost daily.

The attempts of the State Audit Institution (DRI) to establish itself in a controlling capacity encountered quiet obstruction on the part of the Government. The Government displayed a cynical attitude to the DRI by doing nothing throughout 2008 and during much of 2009 to at least provide it with working conditions. The DRI was established back in 2007. The DRI Council President, Radoslav Sretenović, said: "We can't even receive visits because the Government has not provided us with space for as long as sixteen months, and Parliament has for a year been withholding approval of our rules of procedure, without which we can't formally perform a single audit."¹⁸⁰

178 *Blic*, 3 June 2009.

179 *Blic*, 3 June 2009.

180 *Politika*, 13 January 2009.

Sretenović explained the whole absurdity of the situation: the basic conditions for the functioning of the audit service depend on the Government, whose work in turn is, by law, subject to audit controls. After being accused by a *Politika* reporter that the Council had not done anything for a year, Sretenović replied that “in the course of that year it wrote at least twenty letters addressed to appropriate institutions, the prime minister, the Parliament speaker and the president of the State. Promises were made but no solutions were offered”. He said that he bore no responsibility for the state of affairs because he “could not give orders to the Government”.¹⁸¹

The Assembly adopted the DRI’s rules of procedure only in January 2009, thus enabling the DRI to do its job, and the audit of the 2008 budget began as late as mid-May. Although a staff totalling 117 had been envisaged, the DRI had only 22 auditors at the time and a room in the House of the National Assembly to work in.

The weekly *Vreme* found it “interesting that the auditors inspected only ‘samples of transactions made’, which means that they had no insight into the complete financial lives of the institutions they audited. In addition to the 18 institutions that were audited, there are more than 8,000 others, including public corporations, which are not subject to audits; this means that this year the auditors have merely ‘scratched’ the surface of the state coffers.”¹⁸²

At the end of 2009, the DRI found itself at the focus of public attention after submitting its 2008 budget audit report. The report was incomplete because the auditors had had no conditions for doing their job properly. Even the incomplete report showed that public money had been spent liberally on all kinds of things, often in contravention of the Law on Public Procurement.

The report, based on a small sample of documents of 14 ministries, 3 departments and the republic Directorate for Property, said: “Arrogant spending of money of citizens of Serbia in restaurants – RSD 56 million or EUR 700,000; violations of provisions of the Law on Public Procurement;

181 *Politika*, 13 January 2009.

182 *Vreme*, 10 December 2009.

millions [of dinars] spent on 'entertainment', unjustified temporary service contracts, astronomical fees, 'conscientious' and 'valuable' services rendered by people in a number of health centres who were so 'conscientious' that they 'worked' – and, of course, collected pay for – up to 30 hours a day..."¹⁸³

Based on the report, misdemeanour charges were filed at the beginning of 2010 against present and former ministers and officials of several government institutions. The DPI filed requests to institute misdemeanour proceedings against 19 present and former ministers and department directors. The present ministers against whom misdemeanour charges were filed are Tomica Milosavljević, Žarko Obradović, Oliver Dulić, Nebojša Bradić, Goran Bogdanović, Saša Dragin and Slobodan Milosavljević, and the former ministers Predrag Bubalo, Slobodan Samardžić, Zoran Lončar and Vojislav Brajović. An investigation was instituted against the former secretaries of the Ministry of Economy, Aleksandra Popović and Aleksandar Todorović, and against the secretary and the secretary of state at the Ministry of Labour, Tatjana Matić and Zoran Martinović. The DPI requested an investigation against the director of the Republic Directorate for Property, Milan Tomić, and the former and present directors of the Administration for Joint Services of the Republic Bodies, Mirjana Nikolić and Novica Antić. An investigation was also requested against Ivan Maričić, former director of the Treasury Administration. Audits of the annual account of the republic 2008 budget carried out in 14 ministries, 3 departments and the Republic Directorate for Property of the Republic of Serbia identified a number of violations of the Budget System Law, the Public Debt Law, the 2008 Budget Law and the Law on Public Procurement.¹⁸⁴

A logical consequence of such discoveries in a law-regulated state would have been punishment of the senior officials involved including their resignations. Whatever the professional community and the widest public expected, the acting president of the Higher Misdemeanour Court, Zoran Pašalić, confirmed the same day that the misdemeanour charges had been filed and gave hint of what that could mean in judicial practice. He

183 *Vreme*, 10 December 2009.

184 B92, 18 February 2010.

said that “these offences carry a maximum penalty of a fine of RSD 50,000 dinars, and all the charges were filed against the responsible persons”.¹⁸⁵

The state auditor, Radoslav Sretenović, declined to give details of the charges and left it to the courts to decide what to do. The DRI planned to start auditing the 2009 budget on 1 March 2010.¹⁸⁶

The Anti-Corruption Agency, which was established on the recommendation of the European Commission and the Council of Europe, became operative on 1 January 2010. The Law on the Anti-Corruption Agency, adopted in October 2008, began to be implemented on 1 January 2010. The republic Assembly elected the members of the Agency Board in 2009 and the Board elected Zorana Marković president of the Agency and Vladimir Janković her deputy.

The Agency, which took over the powers, cases and staff from the Board for Resolving Conflicts of Interest, began to work. It has years-long experience in the field, a backlog of some 20 cases, and 13 employees. Its staff should increase to 47 by June 2010. In addition to dealing with conflicts of interest and declarations of assets and gifts, the Agency was given authority to control the financing of political parties and election campaigns, which ought to have been done by the Finance Committee and the Republic Electoral Commission. At the end of 2009, a working group set up by the Agency began analysing the Law on the Financing of Political Parties and of a proposal for its amendments. The Agency’s duties include monitoring the implementation of the Anti-Corruption Strategy and Action Plan and the launching of integrity plans in government institutions.¹⁸⁷

Requests from the Council of Europe and the European Commission concerning legislation, including amending the Law on Free Access to Information of Public Importance in order to protect insiders, provoked a heated debate. Prior to that, the Draft Law on Data Secrecy gave rise, even during the drafting stage, to a sharp controversy not only among drafters themselves but also among state control bodies and nongovernmental organizations. Owing to conceptual differences, the working group which

185 *Blic*, 19 February 2010.

186 B92, Tanjug, Beta, 18 February 2010.

187 *Borba*, 1 January 2010.

included representatives of the ministries of justice and foreign affairs, the Security and Information Agency and the Military Security Agency, was left by the Belgrade Centre for Human Rights and the Lawyers Committee for Human Rights (JUKOM). The commissioner for information of public importance and the citizens' protector, who had not been invited to help draft the law, said in their observations that, if adopted in the form laid down by the Government, the Law on Data Secrecy would prevent them from exercising their statutory powers.

In spite of the controversy, the republic Assembly succeeded in adopting the Law on Data Secrecy in December 2009. The Law establishes criteria for designating as secret domestic and foreign data of relevance to the national and public security, defence, and internal and foreign affairs of Serbia, as well as laying down a system for protecting such data. The Law provides for four levels of data secrecy: state secret, strictly confidential, confidential, and internal.

The commissioner and the citizens' protector insisted on deleting the article denying them access to data they are required to control. Following the adoption of their amendment, Commissioner Rodoljub Šabić appeared pleased and had no further objections about the Law. He said: "In principle, it's good for Serbia to have the Law on Data Secrecy. From the point of view of the functioning of the legal system and people's reputations, it wasn't normal for us to be the only country in Europe having some strange stopgap substituting for a law, as well as goodness knows how many regulations with long-obsolete standards. It's good in principle that we have this Law, but as to its content, it remains to be seen." He said that the Law originally "had over 100 articles and was expanded by the addition of 70 amendments during the debate".¹⁸⁸

In 2009, the institution of the Citizens' Protector of the Republic of Serbia became a full member of the European Network of Ombudspersons for Children (ENOC). This international institution, established in Norway in 1997, brings together independent European institutions concerned with protecting and promoting children's rights.¹⁸⁹

188 www.smedia.rs/vesti, 11 December 2009.

189 www.ombudsman.rs

Ombudsman Saša Janković said that the situation concerning institutions designed to protect citizens was slowly improving: “We strive to build our capacity as quickly as possible to meet the great and growing expectations by citizens. This, however, does not depend on us alone, and this is why I sometimes find myself ‘complaining’ to the citizens. This is our biggest problem – we still can’t manage to deal with all complaints within the time limits rightfully expected by the citizens.”¹⁹⁰

*In 2009, Janković made a public recommendation to the Government to relieve of office the secretary of state at the Ministry of Economy and Regional Development, Nebojša Ćirić, for violating citizens’ rights and for not cooperating with the ombudsman according to the law. Janković wanted Ćirić dismissed for officially requesting the Ministry of Justice to suspend all judicial proceedings instituted by employees of privatized companies or companies undergoing privatization to protect their employment rights. Furthermore, Ćirić ignored two requests from Janković to submit the document in question and to explain the circumstances surrounding its drafting, thereby violating his statutory obligation to cooperate with the ombudsman.*¹⁹¹ In spite of this Ćirić was not replaced.

In summing up his one year in office, and no doubt drawing on this and other experiences in his dealings with the executive, Janković said that “administration in Serbia does not sufficiently respect the rights of citizens” whereas “human and minority rights are respected in principle”¹⁹².

The Annual Report of the Citizens’ Protector says that Janković received complaints from 8,700 people in 2009, a considerable increase from previous years. The majority of complaints concerned alleged violations of employment rights. “The administration is preoccupied with itself rather than with the exercise of rights”, says the Report. “Respect for the rights of citizens by the administration and its attitude to the citizens and their rights in general cannot be said to be satisfactory in spite of the growing contribution which the institution of the Citizens’ Protector, and others

190 *Blic*, 1 November 2009.

191 *Blic*, 28 April 2009.

192 B92, 16 March 2009.

too, makes by exercising control over the work of administrative authorities and by preventive action", it says.¹⁹³

Judging by the structure of the complains made and the control proceedings undertaken, it was found that "the administration violates rights of citizens most frequently not in order to prevent them from realizing a particular right or freedom, but because it lacks responsibility for what it does and has no awareness that administrative affairs must not be discharged in whatever manner (most often so as to make things easy for the administration itself), but through respect for the principle of good government and especially for the dignity of the party, protection of the rights of the party and public interests, efficacy, efficiency, economy, appropriateness..."¹⁹⁴

Statistically viewed, most of the complaints related to violations of employment rights. Janković said that "a great many citizens experienced violations of their rights during employment and later. Characteristically, the State acted with insufficient consistency in many of the instances. While it helped some, it is not quite clear what criteria caused it to do so in some situations and to leave citizens to shift for themselves in others."¹⁹⁵

Janković saw a major problem in the fact that many state body employees "are not familiar even with the basic elements of the legal system, nor are they familiar with general provisions governing the work of administrative authorities and staff, nor even with provisions governing the proceedings they conduct."¹⁹⁶ For Janković, the attitude of the State was "an even bigger problem because such employees are not penalized and removed from state service"¹⁹⁷ although the consequences of their bad work are suffered both by citizens who expect their help and by conscientious government administration employees who are often equated by the public with their irresponsible and incompetent colleagues.

193 The Ombudsman's 2009 Annual Report.

194 The Ombudsman's 2009 Annual Report.

195 B92, 16 March 2009.

196 The Ombudsman's 2009 Annual Report.

197 The Ombudsman's 2009 Annual Report.

The 2009 Report contains a number of proposals to the National Assembly. Key among these is the proposal to require the Serbian Government and other organs and organizations to “fully cooperate with the Citizens’ Protector and to give effect to recommendations, opinions and other acts of that and other independent state bodies”.¹⁹⁸

Departmental bodies and institutions were asked to sharpen accountability for omissions in the work of state bodies, state officials and employees, as well as to strengthen the mechanisms of internal control in state bodies concerning the exercise of the rights of citizens. One of Janković’s demands was to “ensure and improve access by citizens to all state bodies and public services without discrimination on any grounds”.¹⁹⁹ Janković also said that legislation should be varied to make sure that workers no longer bear the consequences of disregard for the law (which is what both present and former employers want), as well as to improve control by inspectors and others regarding the lawfulness of acts by employers and respect for the rights of workers, especially of women, persons with disabilities, and members of minority groups.

In the context of employees’ rights and interests, the Anti-Corruption Council too tried to assert its authority during 2009 with more or less success. In its annual report, the institution gives several explicit instances of systemic corruption, especially the mutually related cases of the public corporations *Železnice Srbije* [Serbian Railways], *Želvoz*, and *Šinvoz*, and the unrelated – but not less serious – case of the Port of Belgrade. While taking measures within its scope, the Anti-Corruption Council found that it was being ignored by economic entities and denied relevant information and documents. The conclusions drawn in the Annual Report left no doubt that the Anti-Corruption Council still lacked sufficient authority in its own right and that the Government did not appear eager to support it in the discharge of functions it had entrusted to it. This was clearly the case in the instance of the Public Corporation *Železnice Srbije*, which failed to submit all the documents in spite of numerous requests and reminders. On the strength of this, the Anti-Corruption Council concluded that it was

198 B92, 16 March 2009.

199 The Ombudsman’s 2009 Annual Report.

dealing with the consequences of an illegal privatization and with elements of systemic corruption.²⁰⁰ The Anti-Corruption Council said it was unable to complete its analysis of the *Železnice Srbije* case in 2009 owing to the lack of documents but would pursue this phenomenon of systemic corruption in 2010.²⁰¹

Regarding the highly controversial case it addressed during 2009, that of the Port of Belgrade, the Anti-Corruption Council said it represented a “characteristic instance of predominant systemic corruption in Serbia”.²⁰² It added that this case too would be more thoroughly investigated in 2010 for the same reasons as the case of *Železnice Srbije*.

How seriously this Government body charged with fighting corruption is taken is best illustrated by the fact that in the course of 2009 the Anti-Corruption Council received open threats from the Port of Belgrade representatives. The Anti-Corruption Council president, Verica Barać, complained to the Government and the prime minister, as well as requesting an urgent appointment with Prime Minister Mirko Cvetković.²⁰³

In mid-March 2010, the case was further complicated and suspicions of corruption were compounded by allegations of crime. Phoning in during the TV B92 programme “Interview with Yugoslav Ćosić”, the controversial businessman Stanko Subotić “Cane”, who is wanted by Serbia in connection with 1990s cigarette smuggling, alleged that he had given the businessmen Miroslav Mišković and Milan Beko EUR 50 million to buy the port (as well as the daily *Večernje novosti*).²⁰⁴ The incident gave fresh impetus to openly expressed doubts and allegations that there was “something fishy” in the Port of Belgrade privatization process and the subsequent controversial decisions to change the purpose of land use and vary the Urban Development Master Plan (GUP). On 17 November 2009, the Anti-Corruption Council requested the Assembly of the City of Belgrade to

200 The Anti-Corruption Council’s Annual Report.

201 The Anti-Corruption Council’s Annual Report.

202 The Anti-Corruption Council’s Annual Report.

203 <http://www.antikorupcija-savet.sr.gov.yu/view.jsp?articleId=611>

204 B92, 15 March 2010.

submit its decision on amending the GUP and changing the land use following the acquisition of the Port of Belgrade.²⁰⁵

Furthermore, in an effort to correct bad government decisions which might bring about market disruptions and irregularities, the Anti-Corruption Council in November made a recommendation to the Government to vary the Law on the Protection of Competition, which had begun to be implemented on 1 November 2009. It said that the Law had weakened the hand of the Commission for the Protection of Competition and given greater discretionary powers to the Government in the application of anti-monopoly regulations. The Anti-Corruption Council said that now a member of the Council or the president of the Commission could be replaced by a "simple vote in the Assembly, on the motion of an Assembly committee", whereas under the previous law such a motion had to be backed by the signatures of at least 20 deputies. The Government was also given wide powers in awarding special privileges to market players on which the Commission has no say, the Anti-Corruption Council said. "If the Government is really in the grip of private interests, as many monitors of local developments claim it is, then it is going to use its newly-acquired statutory right to give privileged status to interested tycoons, and this will come out very soon," the Anti-Corruption Council said in its analysis of the Law on the Protection of Competition.²⁰⁶

The Anti-Corruption Council faces a tough battle in 2010, too, in its efforts, with general social interests in mind, to throw light on existing corruption in the system and its institutions and prevent it in the future where possible. While the "political elites" have always been lavish with praise for such endeavours, one wonders where political and institutional support stops and where government hypocrisy and interference by all kinds of political-financial lobbies begins – all with the common goal of preserving the status quo.

It was only in 2004, and that chiefly owing to the insistence of the international community and domestic nongovernmental organizations, that Serbia passed the Law on Free Access to Information of Public

205 The Anti-Corruption Council's Annual Report.

206 Beta, 18 October 2009.

Importance. In a short time the commissioner for information of public importance and personal data protection, Rodoljub Šabić, succeeded in demystifying certain levels of power and disclosing information previously treated as secret. Šabić said that "affirming the idea of free access to information wasn't easy and problem-free even in states with much longer democratic traditions. During the last six year, resistance in our midst too has been more than evident. But there is progress. And this is not merely my subjective assessment. Of far greater relevance is the fact that independent experts and monitors from the EU and CE say that we have achieved probably the most progress of any country in the immediate neighbourhood. More importantly, the increasing number of complaints does not only bear out the citizens' confidence in the institution, but also their wish and intention to exercise the rights belonging to them under the Constitution and statute."²⁰⁷

Statistically viewed, interventions by the commissioner produced positive results in about 94 per cent of cases. In a country like Serbia, he said, where it is openly admitted that 1.5 million court decisions are not executed and that just over 5 per cent of money debts are collected judicially, the 95 per cent figure could give cause for satisfaction. But statistics are not everything, Šabić said: "The remaining 6 per cent contain information in which the public is rightly keenly interested. Besides, there is an encouragement to break the law in the very fact that even in a relatively small percentage of cases the authorities do not comply with decisions of other competent bodies – something they are required to do by law – and that they do that with impunity and without risk of being made to comply."²⁰⁸ During the six years the body has existed it has accomplished a breakthrough in changing both public and institutional attitudes. Thus more than two-thirds of interventions by the commissioner yielded results without the need for a formal decision and/or order. In other words, Šabić said, a mere request for an explanation in connection with a complaint was sufficient for the authority in question to inform the commissioner

207 *Akter*, 15 March 2010.

208 *Ibid*.

that it would or had already given the complainant the information originally denied him/her.²⁰⁹

An authority which fails to execute an order from the commissioner can only be charged with misdemeanour. The fines range from RSD 5,000 to 50,000. The fines are considered too small by many, but the fact that they are practically not imposed is the bigger problem. The commissioner has no authority to institute misdemeanour proceedings himself, and the Government, i.e. the appropriate ministry, often does not do that. Šabić said that the government administration was the most exclusive and that the best way of gaining access to information would be through web presentations.

He said that the Law on Free Access to Information of Public Importance must be amended to protect insiders and whistle blowers. People who disclose information with a view to protecting public interests and fighting corruption come up against informal or formal rules on the keeping of "secrets" and pay the penalty, he said. Šabić has been striving to protect such people for years.

The president of Transparency Serbia, Dr Vladimir Goati, said that "the Government is bound to execute every decision by the commissioner. However, it is doing nothing. This is a bad message to all state bodies. If the Government does not address this issue in earnest, then the Assembly ought to call the responsible authorities to account for the non-performance of their statutory duties."²¹⁰ Given that relevant legislation was not lacking, the behaviour of the Government and the lack of political will was clearly to blame for the disturbing increase in the number of the commissioner's decisions that were not complied with.

209 Ibid.

210 Ibid.

Provincial ombudsman

The term of office of Petar Teofilović, the first Vojvodina ombudsman, expired in the course of the year. The provincial Assembly elected Dr Dejan Janča the new ombudsman in October and, two months later, his three deputies: Dragomir Sekulić, Stevan Arambašić (general jurisdiction), and Eva Vukašinović (protection of national minority rights).

The provincial ombudsman conducted a campaign entitled “The Provincial Ombudsman with you” to inform the public about the purpose of his office, his competences and mode of work. A survey was conducted during the campaign and its preliminary results were announced in the Assembly of the City of Novi Sad by Petar Teofilović. He said that the institution of the Provincial Ombudsman was rated 3.6 on a scale from 1 to 5 by people who had attended the discussions it organized in 44 Vojvodina municipalities and even higher – 4.48 – by those who had applied to it directly as parties. After vainly applying at various desks and to various services in order to obtain protection for their rights, people began turning to the Ombudsman.

In cooperation with the Vojvodina Assembly, the Provincial Ombudsman organized in the first half of the year a round table entitled “Gender Aspects of the World Economic Crisis and the Exercise of Human Rights of Women in the APV [Autonomous Province of Vojvodina]”. Participants pointed out that no one had hitherto discussed the world economic crisis from the point of view of gender equality although practice had shown that women were among its first victims: it was observed that the gender gap was widening, that, as a result of growing poverty, women were increasingly victims of violence, mobbing and open discrimination, that more and more women were concerned as their incomes declined and their working conditions worsened, and that they did lower paid jobs far more frequently than men. The participants in the round table called on the employers and the State to distribute the burden of the economic crisis more evenly among men and women, to safeguard the rights acquired so far, and to lay the foundation for promoting gender equality.

As part of their regular activities, representatives of the Provincial Ombudsman's office visited the District Prison in Novi Sad and the penal-correctional institutions in Sremska Mitrovica and Sombor. The visit followed complaints from inmates serving prison sentences. The Ombudsman's representatives established the following: inmates' rights were violated by shortening their visits and open-air exercise; the health care was inadequate; convicts were often not given their prescribed medication and not helped to acquire it at their own expense; owing to the lack of funds the food was bad and this, combined with crowding and poor hygienic conditions, weakened inmates' immunity. According to the Ombudsman's findings, inmates' rights were violated as a result of the lack of financial resources. It made recommendations to the competent authorities as to what necessary steps to make to ensure respect for inmates' rights.

The Ombudsman also paid visits to police stations in Vojvodina and found that only a few of them observed standards relating to rooms where people are held in police custody for 24 hours. Not one of these police stations provided food for detainees. Most of the detention rooms had no daylight and no sanitary area, and a number were also unheated. Only a small number of rooms were under video surveillance. A number of police stations had only one detention room, which raised the issue of accommodating persons of different sexes at the same time. The Provincial Ombudsman reported his findings to the Ministry of Internal Affairs.

In order to find out more about the situation of Roma, the Ombudsman's representatives visited Roma settlements in Apatin, Senta, Ruma, Novi Sad, and Zrenjanin. All these settlements are situated either outside or on the very edge of towns. Nearly all sit next to rubbish dumps and have great problems with basic infrastructure services such as water and electricity supply, sanitation, roads. Of the seven settlements visited, the situation was worst in Ruma: there was only one broken-down tap and no water and electricity supply or roads. On the other hand, the one in Apatin has a nursery and a surgery, and organized transport for schoolchildren to school. The dwellings are built of hard materials and are supplied with water and electricity. All the roads in the settlement are asphalted.

It is worth recalling that the Provincial Ombudsman supported the announced "Pride Parade" and said that the holding of LGBT public events was a civilization achievement. He condemned the withdrawal of the draft of the Anti-Discrimination Law as a blow to democracy. He said in a statement that the draft had been withdrawn at the last moment without justifiable reason and legal justification. He said that laws should be enacted, amended and withdrawn in the interest of all citizens rather than the interest of particular social groups or in order to formally meet the admission requirements for membership of the EU.

The Provincial Ombudsman repeatedly condemned graffiti spreading hate speech and encouraging violence against minorities. Interested in preserving the harmonious interethnic relations, the Provincial Ombudsman expressed a wish to participate in drawing up a strategy to promote the development of tolerance and coexistence in multiethnic Vojvodina.

V

Freedom of Religion

Religious Rights and Freedom

Laws and Regulations

The government's attitude towards religious freedom is still problematic due to the unconstitutional character of the Law on Churches and Religious Communities²¹¹, as well as its arbitrary implementation by the Ministry of Religion of the Republic of Serbia. Such an opinion has also been given in the reports of the independent bodies, such as the Council of Europe, OSCE, Venice Commission and State Department, pointing to the unconstitutional provisions of the Law on Churches and Religious Communities, as well as the discriminatory provisions of the Regulations on the Content and Manner of Keeping the Register of Churches and Religious Communities²¹².

The Ministry of Religion has emphasized on a number of occasions that the registration of religious communities is not a prerequisite for the realization of their rights. The last section of Article 7 of the Regulations on the Content and Manner of Keeping the Register of Churches and Religious Communities reads: "A religious organization that has not been registered and does not wish to be entered into the Register shall enjoy religious freedom in accordance with the Constitution and international conventions on human rights and freedom of religion, in accordance with Articles 1, 2 and 5 of the Law, unless its activities are contrary to Article 3 of the Law". Although registration is not mandatory for religious communities, those who do not register encounter considerable difficulties when opening a bank account, purchasing or selling property, or publishing their literature. The tax and property tax laws grant property and value-added tax exemptions only to registered communities. The

211 *Official Herald of the RS*, No. 36/2006.

212 *Official Herald of the RS*, No. 64/2006.

implementation of these laws allows registered communities to claim VAT refunds, including retroactively to January 2005.

Some non-governmental organizations have already pointed to the importance of entry into the Register for the rights of religious communities to disseminate information, stipulated in the General Binding Instructions for Broadcasters (Broadcasting Code of Conduct) of the Republican Broadcasting Agency (RRA). In the part of the RRA Instructions referring to the treatment of religion and religious programmes, the instructions for broadcasters concerning the protection of churches and religious communities refer exclusively to the “recognized churches and religious communities”: a ban on the discriminatory and insulting treatment of religious beliefs and teachings, obligation to prevent the disparaging, insulting and making mockery of religious symbols and teachings, obligation to set quotas for religious content, duration of this kind of programme proportionate to the share of believers in the total population, etc. In the same section of the General Binding Instructions, in the part referring to “sects, fundamentalism, terrorism”, the RRA stipulates the following: “The broadcasters shall draw a clear line between recognized churches and religious communities, on the one side, and sects, on the other. Only those churches and religious communities that have been registered with the Ministry of Religion shall be permitted to have their programmes broadcast by public service broadcasting institutions or outside of them. Sects can be mentioned only in the context of analysis of social processes. “

The Centre for the Development of Civil Society holds that the “systematic reproduction of the unequal approach of government bodies to religious communities”²¹³ continued after the adoption of the Law on the Fundamentals of the Education and Upbringing System²¹⁴ on 31 August 2009. Namely, the provisions of this Law stipulate the formation of the National Education Council consisting of 43 members, who will be appointed by the National Assembly for a period of six years. Among the Council members

213 *Verske slobode u Srbiji: stanje, prepreke, mogućnosti* (Religious Freedom in Serbia: The State, Obstacles, Possibilities), Vladimir Ilić (ed.), Zrenjanin: Centre for the Development of Civil Society, 2009, p. 79.

214 *Official Gazette of the RS*, No. 72/2009.

– apart from the members elected from among the ranks of academicians, faculty professors and professors at teachers’ training faculties – there are also “one member from the Serbian Orthodox Church, selected from the list of candidates proposed by this church”, as well as “one member representing traditional churches and religious communities, except from the Serbian Orthodox Church, selected from the list of candidates proposed jointly by these churches and religious communities”.

Under the provisions of the Law on the Fundamentals of the Education and Upbringing System only one of the privileged seven “traditional” churches and religious communities is privileged. One seat on the Council is anticipated for a member from the Serbian Orthodox Church. The other seat on the Council is agreed upon by the remaining six traditional churches and religious communities. The other non-traditional churches and religious communities, regardless of whether they have been entered into the disputable Register of Churches and Religious Communities or not, are deprived of the right to participate in the work of this body.

During her April 2009 visit, UN Special Reporter on Religious Freedom or Belief Asma Jahangir recommended that the procedure for registration of religious groups be simplified. The Ministry of Religion characterized the Law as symptomatic of the countries in transition and focused its efforts on monitoring the implementation of this law. At the end of 2008, Assistant Religion Minister Dragan Novakovic pointed to the “transition character” of the Law on Churches and Religious Communities during his visit to Jehovah’s Witnesses, stating that “there is no doubt that some things hitherto practiced should be changed due to which the impact of implementation of the Law on Churches and Religious Communities is studied with special attention...”²¹⁵ A similar statement was made by the Ministry of Religion State Secretary during his talk with the representative of the Political Section of the American Embassy in Belgrade: “This is certainly the question of a transition law, but such a short period (three years!) is not enough to realistically perceive its deficiencies and consider the justified remarks. Any observed deficiency will be removed after

215 *A Visit to Jehovah’s Witnesses*, Ministry of Religion of the RepuBlic of Serbia, 18 December 2008.

realistically considering everything, but it is still too early to speak about changes. ²¹⁶

The restitution of property to religious communities poses a complex problem for most religious communities, because the relevant law sets out the conditions, manner and procedure for restitution of the property taken away from churches and religious communities by implementing the regulations on land reform, nationalization and sequestration, as well as other regulations adopted and implemented since 1945. This provision of the Law on the Restitution of Property to Churches and Religious Communities²¹⁷, adopted in 2006, was especially criticized by the Jewish and Islamic Communities, whose property was confiscated in the period prior to 1945. The property of the Jewish Community was seized during the Second World War or, more exactly, prior to 1945 and after 1941, so that the decision of the quisling government of Milan Nedic was legitimized.

It is a fact, however, that progress has been made with respect to the restitution of religious property confiscated in 1945 and beyond. Within the period of two years, set as the time limit for the submission of restitution applications (from 1 October 2006 to 30 September 2004), all churches and religious communities submitted 3,049 restitution applications to the Directorate for Restitution. The Serbian Orthodox Church submitted the greatest number of applications – 1,649, while among other traditional religious communities most applications were submitted by the Jewish Community (520), Roman Catholic Church (467) and Slovak Evangelical Church a.v. (236). According to the Director of the Directorate for Restitution, out of 32,500 hectares of forests and forest land, churches and religious communities were resituated 12,000 hectares; out of 49,606 hectares of agricultural land, 3,000 hectares were resituated and out of 1,263 hectares of constriction land – about three hectares. In addition, out of 1,297 flats 12 were resituated and out of 712 business facilities – 26. The state will also have to restitute 240 church cemeteries and about 145 registers.²¹⁸

216 *Eric Collings in the Ministry of Religion*, Ministry of Religion of the Republic of Serbia, 28 October 2009.

217 *Official Herald of the RS*, No. 46/2006.

218 *Politika*, 19 August 2009.

Article 44 of the Constitution of the Republic of Serbia stipulates that churches and religious communities are equal and separated from the state. According to Article 11 of the highest legal act, the Republic of Serbia is a secular state in which churches and religious communities are separated from the state and no religion may be established as a state or mandatory religion. The mentioned provisions of the highest legal act have been confirmed by the Law on Churches and Religious Communities. Namely, it's Articles 2 and 6 stipulate that there is no state religion and that churches and religious communities are equal.

The issue of privileging some "bearers of religious freedom" has been the subject of a long-running debate. The existence of seven "traditional churches and religious communities" is in direct contradiction not only to the mentioned provisions of the Constitution of the Republic of Serbia, but also to numerous international norms and ratified documents concerning the observance of human rights. These legal solutions have also been criticized by the OSCE, Council of Europe and Venice Commission, stating that certain articles of the Law on Churches and Religious Communities are not in compliance with the European Charter on Human Rights.

On 24 April 2009, the Coalition for a Secular State called upon the Constitutional Court to rule on the group's request, submitted a year earlier, to determine whether certain provisions of the Law on Churches and Religious Communities violate the constitutional guarantee for separation of church and state and equal treatment.

Incidents

There is no doubt that the reaction of the police is better than in the earlier periods. However, this better reaction of the Interior Ministry bodies is frequently not accompanied by the submission of criminal charges, or the appropriate reaction of the prosecutor's office.

On 8 January 2009, the police protected the people who came with their children to the Pentecostal Church in Belgrade for the distribution of Christmas gifts. On 30 March 2009, the media reported that during the

night of 28 March a group of youngsters tried unsuccessfully to remove the Crucifix from the Roman Catholic Church in Temerin. The police carried out an investigation, but nobody was arrested. During the night of 31 May 2009, 713 tombstones were damaged at the Orthodox cemetery in Stapar, a village near Sombor. On 6 June, the police arrested one person from Stapar on suspicion that he damaged the tombstones. However, the local people expressed their doubts that one person could make such damage.

Also, during the night of 31 May – 1 June and again during the night of 6-7 June 2009, the tombstones at the Jewish cemetery in Subotica were damaged. In its press release, the Federation of the Jewish Communities of Serbia protested most resolutely because of this incident and pointed out that this act of vandalism took place on the eve of the commemoration to the Jewish victims of fascist terror in Subotica and the session of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research in Oslo, in which the Serbian delegation would also anticipate. In the press release it was also emphasized as follows: “We expect that the relevant bodies will take prompt and efficient action, instead of issuing vague statements about isolated acts by small groups of drunken minors and the like, as usual”.²¹⁹

During the night of 12-13 September 2009, the monument to Martin Luther in front of the Bishopric of the Evangelical Church at Trg reformacije in Subotica was demolished by unidentified individuals. On this occasion, the Serbian Ministry of Religion issued a press release in which this act of vandalism was most harshly condemned.²²⁰

During the Christmas Book Fair, organized at the Trade Union Hall in Belgrade, the Federation of the Jewish Communities of Serbia was again compelled to issue a press release in which it pointed to the sale of anti-Semitic books, such as: *Protocols of the Elders of Zion*, *Jewish Ritual Murder*, *The Vagabonds of Hades*, *Einstein and Freud – Two False Geniuses*, *Abbot Genadi's Sermon on Anti-Semitism*, *Judeo-Bankers Enslaved Euro-America*, *The Kingdom of the Khazars*, *Saint John Chrysostom – Against the*

219 Press Release, Federation of the Jewish Communities of Serbia, 11 September 2009.

220 Press Release, Ministry of Religion of the Republic of Serbia, 15 September 2009.

Jews, Shadow Rulers, The Mystery of the Elders of Zion by Oleg Platonov, including the new translation of *Protocols, The Conspiracy Against Christ...* In the press release it was also stated that it was expected that all legal measures would be promptly taken against those responsible for such a flagrant and open act of spreading national, religious and racial hatred.²²¹

Like in the previous periods, small religious communities, non-traditional and usually non-registered, were continuously exposed to public stigmatization and discrimination. During the reporting period, the media appearances of Chief Inspector Zoran Lukovic, a member of the Criminal Police of the Serbian Interior Ministry, were especially symptomatic. Inspired by the statement of the Centre for Family Placement of Children and Youth that one foster family from Obrenovac, which belongs to Jehovah's Witnesses, is successful in foster parenting, he stated in a 27 March 2007 newspaper article that Jehovah's Witnesses were a "hermetic sect", whose members should not be allowed to act as adoptive or foster parents. In the context of this case, Zoran Lukovic mentioned the monstrous crime in Banovci in 2007, suggesting that "its satanic background was consciously or unconsciously covered up". It should be noted that neither the Ministry of Religion, nor the police, nor the judiciary found any satanic elements in the crime committed in Banovci. Lukovic previously equated the Protestant churches with "satanic sects". In March 2009, Jehovah's Witnesses filed a libel complaint against Lukovic with the First Municipal Court in Belgrade, which rejected the complaint stating that Jehovah's Witnesses failed to demonstrate that Lukovic intended to insult them. Jehovah's Witnesses appealed this decision of the First Municipal Court in Belgrade.

On 24 January 2010, the daily newspaper *Kurir* carried an article under the headline "200,000 Serbs in sects!" claiming that "more than 150 sects are roaming Serbia, from satanic to Hindu". The article also provided an arbitrary list of religious communities, including certain traditional religious communities like the Slovak Evangelical Church, as well as some non-registered religious communities, alluding to them as sects. Two days after the publishing of this article, the Helsinki Committee for

221 Press Release, Federation of the Jewish Communities of Serbia, 18 December 2009.

Human Rights in Serbia issued the press release stating that “calling small religious communities ‘sects’ and ‘satanic’ is an act of hate speech, which encourages frequent attacks on their members”.²²² It was also pointed to the fact that the statements given by Belgrade Police Chief Inspector Zoran Lukovic, which were cited in the article, could be regarded as the hate speech. Thus, it was called on the Interior Minister to react to such an irresponsible behaviour of its officers.

Insofar as religious discrimination displayed by government officials is concerned, mention should be made of the Zitoradja Municipality. Namely, in mid-February 2009, the coalition of non-governmental organizations reacted to the unconstitutional and discriminatory practice of the Zitoradja Municipality, which has been providing financial support to newborn infants baptized in the church and grooms younger than 30 for three years already. While respecting the right of any church or religious community to provide any support, this non-governmental group pointed to the fact that money from the municipal budget was given to only one religious community. The controversial decision, proposed by the previous president of the Zitoradja Municipality, Stanisa Djokic from New Serbia, with a view to encouraging births, was criticized for several reasons. First, among taxpayers, whose money is used to finance this church action, there are also the members of other religions as well as atheists; second, there are the institutions within the municipal administration established specifically to perform that job, like the centre for social work. Moreover, the municipality itself can do that.²²³

Internationalization of Religious Discrimination

Like in the previous periods, the government bodies do not react to the continuous internationalization of the problem concerning the protection of religious rights of national minorities in the Republic of Serbia. Fights

222 *Discrimination of small religious communities*, Press Release, Helsinki Committee for Human Rights in Serbia, 26 January 2010.

223 *Borba*, 16 February 2009.

and the use of firearms in clashes between the Muslim factions in Sandzak, as well as the meetings of the leaders of the Islamic Community in Serbia with the Ambassadors of the United States, Iran, Austria and OSCE Mission show that the international community is aware of the sensitivity of the issue concerning the realization of the minority national and religious rights of Muslims among ethnic Bosniaks in Sandzak.

Apart from the problems related to the rights of ethnic Bosniaks of Muslim affiliation, there is also the problem related to the realization of the religious rights of ethnic Vlachs of Orthodox affiliation.

After the Negotin Municipality suspended the building of a Romanian Orthodox church in the village of Malajnica, because the inspectors determined that the building in question was not intended for cultural and artistic activities, as was stated in the application for a building permit by the representatives of the Romanian community. Provoked by this decision, the representatives of the New Right Association staged protest in front of the Serbian Embassy in Bucharest.²²⁴ Shortly afterwards, Romanian Ambassador Ion Macovei and the Cultural Attache of the Romanian Embassy to Serbia met with the municipal officials in Negotin. Pointing to the case of the priest belonging to the Romanian Orthodox Church, Bojan Aleksandrovic from the village of Malajnica, the Ambassador expressed his concern that something similar in question once again.²²⁵ It was agreed that the foundation would not be demolished until an agreement was reached between the Serbian Orthodox Church and Romanian Orthodox Church.

The case of the disputable legal status of the Romanian Orthodox Church drew international attention a long time ago. By the Resolution of the Parliamentary Assembly of the Council of Europe, adopted on 1

224 *Danas*, 2 February 2009.

225 The process of decision-making on the demolition of the facilities under construction (the church, its bell tower and priest Bojan Aleksandrovic's family house), which are owned by the Cultural Society of Vlachs/Romanians of Serbia "Orthodox Romanians", started as early as 2005. In late 2006, this decision was abolished by the then Ministry of Capital Investment. For more detail see: *Press Release*, Committee for Human Rights, Negotin, 26 January 2005.

October 2008, Serbia was recommended to actively help improve the national rights of Romanians and was requested to precisely define the relationship between state and canon law, since the recognition of the Romanian Orthodox Church was subject to approval by the Serbian Orthodox Church. At the end of 2008, Foreign Minister Cristian Diaconescu stated before the Foreign Policy Committee of the Romanian Parliament that the status of the Romanian community in Timocka krajina was “especially disturbing”. He pointed out that “the rights granted to the Serbian minority in Romania should be similar to those granted in Serbia”. As for the Romanians in eastern Serbia, Diaconescu said that “it is unacceptable that they cannot build a church”.²²⁶

For years now, the Serbian Government has been rejecting to consider the proposal of the Executive Council of Vojvodina that the Romanian Orthodox Church (and the Ruthenian Greek Catholic Church) should be classified as “traditional churches and religious communities”. According to the Regulations on the Content and Manner of Keeping the Register of Churches and Religious Communities, it is necessary to obtain (unconstitutional and illegal) approval by the Serbian Orthodox Church for the registration of another religious community. Section 2 of Article 2 of the Regulations on the Content and Manner of Keeping the Register of Churches and Religious Communities reads: “The appropriate organizational unit of the Romanian Orthodox Church shall also be entered into the Register, in agreement with the Serbian Orthodox Church”. A great number of the relevant international bodies, from the Venice Commission to the High Commissioner for Human Rights of the Council of Europe, stated that seeking approval from one church for the registration of another was unacceptable.

Also, except for the Ministry of Religion, no other government body reacted to the recent appeal of the Adventist Christian Church to international organizations and the US, British and Austrian Embassies to ensure at least minimal protection from physical assaults on its believers.

226 *Danas*, 2 February 2009.

The Majority Church in Serbia

During 2009, the Serbian Orthodox Church was also affected by a strong institutional crisis, caused by Patriarch Pavle's long absence. After being hospitalized for two years, Patriarch Pavle died on 15 November 2009. The period of his absence from the patriarchal throne was marked by numerous disputes among the bishops concerning numerous issues of importance for both the Church itself and the "state and people".

The most striking dispute in 2008, the one between Bishop Artemije of Raska and Prizren and the Synod of the Serbian Orthodox Church, continued in 2009 as well. After the dispute concerning the validity and implementation of the Memorandum on the Renewal of Demolished Shrines in Kosovo and Metohija, which marked the previous year, Bishop Artemije continued to fiercely criticize both the state of Serbia and the Synod of the Serbian Orthodox Church, which could be seen in the "Crna Reka case".

The publishing of the article in *Vreme* weekly magazine about the brutal treatment of drug addicts in the Crna Reka Spiritual and Rehabilitation Centre²²⁷ was followed by shocking photos featuring the abuse of the inmates, which were shown in all media. Thereafter, the Protector of Citizens filed a criminal complaint against nine persons for quackery and serious injuries inflicted upon the inmates; the Ministry of Health then sent an inspection, while the Municipal Prosecutor's Office in Tutin submitted a request for initiating an investigation against the Director of the Centre, Archpriest Branislav Peranovic, and his deputy, Deacon Nemanja Radisavljevic, on suspicion of brutality and torture. All these initiatives were only partially successful, but the reaction of the Synod of the Serbian Orthodox Church was important – it severely condemned the events in the Centre and called on the government to carry out an investigation and punish those responsible.

The media carried the statement by the head of the Centre that the Centre was not a health institution and that it carried out a church activity within the Diocese of Raska and Prizren, with the blessing of Bishop

227 *Vreme*, No. 959, 21 May 2009.

Artemije. The Synod of the Serbian Orthodox Church stated that it “received the news about brutal violence against those suffering from drug addiction with astonishment” and called on Bishop Artemije to “close the illegal dispensary right away”.²²⁸ Dismissing any connection with the Centre, Bishop Artemije claimed that it was the question of a “fabricated case” against him, because he refused to see James Biden, after which Washington exerted pressure on the official Belgrade to have this decision, changed. In the communique signed by Bishop Irinej of Backa, the Synod of the Serbian Orthodox Church unambiguously confirmed the Church’s jurisdiction over the Centre and severely criticized Bishop Artemije.²²⁹

Several months later, in an interview for *Politika* daily of 8 September 2009, Bishop Artemije made various accusations against the Serbian state and attacked the Serbian Patriarchate saying: “The Patriarchate depends directly on the Belgrade authorities”. This statement provoked a reaction from Bishop Irinej who, in the same daily a few days later, condemned Bishop Artemije’s “unfair” and “false statement” and stated that such a behaviour was “inappropriate for an Orthodox bishop”.

The guardian of the patriarchal throne, Metropolitan Amfilohije of Montenegro and the Littoral, continued to propagate his anti-Western and anti-European views, which has been a part of the official discourse of the Serbian Orthodox Church for many years. He mentioned the conflict with the United States and European Community as the new crucifixion of the Serbian people. It is also interesting to point to his statement that the Serbian Church and society are now faced with “the children born in the monstrous marriage between a radical secular consumer mentality, with NATO as its striking fist, and the spiritual chaos of communist-Bolshevik atheism”.²³⁰

As for the Pride Parade, which was scheduled for 20 September, Metropolitan Amfilohije of Montenegro and the Littoral issued a public

228 *Communique of the Synod of the Serbian Orthodox Church*, Fonet Agency, 23 May 2009.

229 *Rebutting Rebuttals*, Information Service of the Serbian Orthodox Church, 25 May 2009.

230 *Danas*, 30-31 May 2009.

statement in which he called the event a “parade of shame” and “parade of Sodom and Gomorrah”. He pointed to the violation of a “fruitful secret of matrimonial love” and “trampling on human nature”. Despite emphasizing that the “Church has never, nor will ever call for violence against anyone, including those who choose the path of insanity and death, instead of the path of life”, the statements like: “every tree that does not bear fruit is cut down and thrown into the fire (...) and such is gay and lesbian love that will not and cannot inherit the kingdom of God, because it is fruitless and barren”,²³¹ provoked a fierce reaction from several non-governmental organizations which, in their joint statement pointed to the hypocrisy of the Metropolitan’s words whereby he “indirectly yet unambiguously justified the planned violence and, in part, called his followers to participate in it”.²³²

During 2009, reports on the incidents in Montenegro continued to arrive as a direct result of the unresolved conflict between the Montenegrin Orthodox Church and Serbian Orthodox Church. So, for example, in mid-August 2009, the Montenegrin Police Administration informed the public that three police officers were left with light injuries after the incident in Ivanova Korita near Cetinje, where the followers of the canonically unrecognized Montenegrin Orthodox Church and the Metropolitanate of Montenegro and the Littoral of the Serbian Orthodox Church gathered to celebrate a religious holiday in the Church of the Transfiguration.²³³

The Electoral Assembly of the Serbian Orthodox Church was formed on 22 January 2010, a little more than two months after Patriarch Pavle’s funeral, which will be remembered for almost a state of emergency in the Republic of Serbia (three – or four-day mourning, the recommendation by the Ministry of Education that all schools and faculties should be closed, the Government’s resolution recommending employers to give paid leave to their employees on the day of the funeral, the presence of

231 *Danas*, 18 September 2009.

232 *Stop the Hypocrisy of the Serbian Orthodox Church! – Public Statement*, Women in Black, Committee of Lawyers for Human Rights, Helsinki Committee for Human Rights in Serbia, 17 September 2009.

233 *Politika*, 20 August 2009.

the gendermerie and honour guard at the funeral). Of 34 Bishops eligible as candidates for the post of Patriarch, Metropolitan Amfilohije of Montenegro and the Littoral, guardian of the patriarchal throne, Bishop Irinej of Nis and Bishop Irinej of Backa found themselves on the shortlist. The election of Bishop Irinej of Nis as the 45th Patriarch of the Serbian Orthodox Church was accompanied by numerous public comments that he was a man of dialogue, aware of the position of the Church in society, tolerant and tactful, "a worthy successor" to the deceased Patriarch Pavle and the Bishop being well acquainted with the reality of society.

However, only five days after his enthronement, by his statement in which he characterized the "philosophy and psychology of Islam", the Patriarch provoked fierce reactions from the Islamic community in Serbia and the Islamic Community of Serbia, as well as a good part of the civil sector: "When in minority, they (Muslims) behave themselves and behave correctly. When equal in numbers, they raise their heads against the rest. And when in majority, they pressurize others either to move out or to join them. That's the philosophy of Islam."²³⁴ These are the words by which the beginning of the mandate of the 45th Patriarch of the Serbian Orthodox Church will be remembered.

After the hearing of Bishop Artemije of Raska and Prizren before the delegation of the Synod of the Serbian Orthodox Church and control over the financial operations of his Diocese, there followed numerous media speculations on the growing psychological pressure on the Bishop to resign or be removed.²³⁵ According to the media, the synodal delegation reproached Bishop Artemije for doing nothing to install priests in the restored churches, for failing to return to the restored diocesan seat in Prizren, for promoting his secretary Father Simeon Vilovski to the rank of Archimandrite without the Synod's approval, which is regarded as a canonical violation, for failing to act on the Synod's recommendations to remove his secretary from office, etc. Finally, at the session of the Synod of the Serbian Orthodox Church on 13 February 2010, which was chaired by Patriarch Irinej, it was decided to initiate the procedure for determining

234 *Blic*, 27 January 2010.

235 *Politika*, 11 February 2010.

the canonical responsibility of Bishop Artemije of Raska and Prizren and to suspend him from administering the Diocese of Raska and Prizren until the completion of the initiated procedure. The retired Bishop Atanasije of Zahumlje and Herzegovina was appointed Administrator of the Diocese with all rights and duties of a diocesan bishop.

Several days after the removal of the controversial bishop, there was again an incident being similar to the clash of monks in the monastery of Visoki Decani after the last year's removal of Auxiliary Bishop Teodosije of Lipljan just by Bishop Artemije. Namely, in the monastery of Gracanica, a group of twenty or so monks of the Diocese of Raska and Prizren, who opposed the decision of the Patriarch and the Synod of the Serbian Orthodox Church about the suspension of Bishop Artemije, clashed with a group of monks assisting the newly appointed Administrator of the Diocese of Raska and Prizren, Atanasije.

Church Interventionism

During 2009, the Serbian Orthodox Church demonstrated its political capacity on two occasions by exerting a direct influence on the work of the legislative authority of the secular Republic of Serbia.

In early February 2009, on the occasion of putting the Statute of the AP of Vojvodina on the agenda of the National Assembly of the Republic of Serbia, which was adopted by the Provincial Parliament as early as 14 October 2008, the Synod of the Serbian Orthodox Church submitted the following letter to the Speaker of the Serbian Parliament: "As the guardian of the Serbian spiritual being for centuries and the Serbian national identity even in times when there was no Serbian state, the Serbian Orthodox Church expresses deep concern over the sovereignty and territorial integrity of the Republic of Serbia, which has been heavily jeopardized, we hope just temporarily, by the forceful seizure and occupation of Kosovo and Metohija and now by an attempt to create a new state within the state of Serbia from the Autonomous Province of Vojvodina." Claiming that "this proposal of the Statute of the AP of Vojvodina starts the new

fragmentation and destruction of the already reduced and crippled Serbian state“, the Bishops pointed to the “unconstitutional” competences of Vojvodina proposed by the Statute: “1) the right to sign international treaties falling within its jurisdiction (*ius contrahendi*); 2) the right to set up its representations abroad, especially in Brussels (*ius representationis*); 3) the right, acquired by usurpation, of the Assembly of Vojvodina to enact laws.” It was also pointed to the “unconstitutional establishment of the so-called Vojvodina Academy of Sciences and Arts”.²³⁶

The letter, which was signed by Metropolitan Amfilohije of Montenegro and the Littoral, was also sent to the Prime Minister and the President of the Republic of Serbia, also attracted a great deal of public attention. The representatives of some political parties publicly advocated the serious consideration of the letter by the Synod of the Serbian Orthodox Church such as, for example, SPO's deputy Aleksandar Cotric. Some of them also emphasized that the views expressed in the letter were “some kind of moral warning” and that they fully agreed with the content of this letter, such as DSS deputy leader Milos Aligrudic and NS's deputy Sandra Jankovic. Radomir Naumov, a DSS official and the former minister of religion, was of the opinion that the reaction of the Serbian Orthodox Church could be expected and that it was in compliance with the responsibility of that institution for its people and state. A somewhat more moderate support to the letter, with a “constructive” proposal for holding a referendum, was given by United Serbia's (JS) deputy Dragan Markovic Palma.²³⁷

The letter sent to the highest government officials was most severely condemned by Nenad Canak, leader of the League of Social Democrats of Vojvodina (LSV), while G17 Plus deputy leader Suzana Grubjesic expressed her conviction that the parliamentary deputies would “vote led by terrestrial considerations”.²³⁸

236 *The concern of the Serbian Orthodox Church over the proposal for the new Statute of the AP of Vojvodina*, Information Service of the Serbian Orthodox Church, 6 January 2009.

237 *Press*, 8 February 2009.

238 *Danas*, 7 February 2009.

The letter especially caused political confusion among the deputies in the Republican Assembly of Vojvodina. Although the letter was not addressed to him, the President of the Executive Council of Vojvodina and Vice-President of the Democratic Party, Bojan Pajtic, announced that the Provincial Government would seriously analyze the arguments of the Synod of the Serbian Orthodox Church and that the provision stipulating that the Province can conclude international treaties – one of the three rights set forth in the statute which the Synod designated as being the attributes of statehood – would be changed. This announcement caused a fierce reaction by LSV Deputy President Bojan Kostres and Balint Pastor, a deputy of the Alliance of Vojvodina Hungarians (SVM), who pointed out that their deputies would not support any substantive change in the Statute which would reduce Vojvodina's competences.

During a public debate, which lasted several months, the Progressives and Radicals persistently used the letter of the Synod of the Serbian Orthodox Church as the argument to prove that the text of the Draft Statute of the AP of Vojvodina was unconstitutional, while the ruling coalition more and more ignored the very existence of the Church's appeal each day. On 30 November 2009, the National Assembly of the Republic of Serbia still adopted the Law on the Competences of Vojvodina and confirmed the Statute of the AP of Vojvodina.

The statements by some Bishops who, during the "pre-election campaign" for the election of a new patriarch, denied any connection with the content of the letter which, on behalf of the Synod of the Serbian Orthodox Church, was sent to the country's highest institutions by Metropolitan Amfilohije, are indicative. After the allegation of the SRS deputy leader that Bishop Irinej of Backa was behind the Synod's letter to the Assembly, that same day the mentioned Bishop sent his denial stating that "he never commented the topic being currently discussed in the Assembly neither on behalf of the Holy Synod of Bishops nor on his own behalf".²³⁹ Bishop Irinej of Nis, who was a member of the Synod when the letter was published, said that this letter was not discussed in the Synod and that he did

239 *Politika*, 28 November 2009.

not know what was written in it.²⁴⁰ In an interview for *Politika* daily, Bishop Hrizostom of Bihac and Petrovac explained that the letter was a personal appeal by Metropolitan Amfilohije as the presiding member of the Synod of the Serbian Orthodox Church and that “we in the Synod were not very happy that it appeared in public before its content was discussed”. Then he offered a more precise explanation: “We subsequently accepted this letter. It was absurd to discuss the letter, because it was already published.”²⁴¹

The withdrawal of the Draft Anti-discrimination Law, which already was in parliamentary procedure, demonstrated once again that the Serbian Orthodox Church had a great influence on political processes in Serbia. The traditional churches and religious communities joined the appeal of the Serbian Orthodox Church, including its comments on thirteen articles of the Draft Anti-discrimination Law and proposing the solutions that could be entered into this act. The religious communities asked for the removal of Article 18 concerning the right of an individual to freely practice his or her religion or belief and Article 21 referring to gender equality, that is, sexual freedom. The traditional churches and religious communities requested that the terms “sexual orientation” and “gender equality” should be removed from the Law; there were also objections to the article stipulating the misdemeanour responsibility in the case of discrimination.

An appeal for reconsidering the Draft Anti-discrimination Law was submitted to the Speaker of the National Assembly by the Serbian Orthodox Church, Roman Catholic Church, Slovak Evangelical Church, Reformed Christian Church, Evangelical Christian Church, Islamic Community and Jewish Community, and was signed by Metropolitan Amfilohije of Montenegro and the Littoral.²⁴²

At the insistence of the traditional churches and religious communities, the Draft Anti-discrimination Law was withdrawn after a telephone session, less than 24 hours before the deputies of the National Assembly

240 *Politika*, 3 December 2009.

241 *Politika*, 28 November 2009.

242 According to Sead Sacirovic, spokesman for the Islamic Community in Serbia, the members of this religious community did not participate in the appeal. *Danas*, 6 March 2009.

had to give their opinion about it. The Government of the Republic of Serbia adopted the text of the Draft Anti-discrimination Law with the “blessing” of the Ministry of Religion as early as 19 February. Sasa Gajin, an associate in the Centre for Advancement of Legal Studies and one of the authors of the Draft Law, reacted severely to its withdrawal from parliamentary procedure by the Government and stated that “the Ministry of Religion already asked us to change Article 18, that is, to remove its first section, which was taken from the Constitution, stipulating that the church should be separated from the state and that all religious communities should be equal, and we removed it. As for Article 21 and sexual minorities, they had no remarks on its content.”²⁴³ In its official statement of 6 March 2009, the Ministry of Religion “made some remarks on the articles concerning its competences and those are Articles 13, 18 and 55”.²⁴⁴ Due to the evidently poor communication between the religious communities and the Ministry of Religion, the latter was acquainted with the remarks made by the Serbian Orthodox Church like the rest of the public, on 4 March 2009.

Whereas the traditional churches and religious communities commended the Government for “its wise decision to withdraw the mentioned Draft Law for improvement”²⁴⁵, this move of the executive authority surprised the President of the Parliamentary Committee on European Integration which, in principle, adopted the Draft Anti-discrimination Law. On that occasion, Laszlo Varga pointed to the undesirable consequences which the Republic of Serbia could have because of the Government’s hasty decision, bearing in mind that the adoption of this law was among the preconditions for “White Schengen”.²⁴⁶ The Government’s decision was also severely condemned by Marko Karadzic, State Secretary at the Ministry for Human and Minority Rights, who pointed out that Serbia was

243 *Danas*, 7-8 March 2009.

244 *On the withdrawal of the Draft Law*, Ministry of Religion, 6 March 2009.

245 *Joint statement by the representatives of the traditional Churches and religious communities concerning the Draft Anti-discrimination Law*, Information Service of the SOC, 6 March 2009.

246 *Borba*, 5 March 2009.

a secular state and that he could not believe that the Serbian Orthodox Church could influence the executive authority in such a way as to prevent the adoption of the law. According to him, the Ministry for Human and Minority Rights will not allow a change in the essence of the Anti-Discrimination Law. The severe criticism of the Government's decision also came from Rasim Ljajic, Minister for Labour and Social Policy: "It is a shame that the Serbian Government acts in such a way with respect to the church's request. They do not wish the alteration of some provisions or their amending; they are against the spirit of the law and they will do everything they can against its adoption. (...) The Council of Europe and all most relevant European institutions dealing with human rights gave their approval for the text of this draft law, but that is not so in Serbia. It seems that the church knows better than they do and, thus, it is given an opportunity to rectify the alleged errors".²⁴⁷

Immediately after the controversial telephone session, it was unofficially announced by the Serbian Government that the Draft Law would not be substantively changed and that it would be possible to act upon the demands made by the traditional churches and religious communities only if these were not drastic. It was also announced that the Serbian Government absolutely stood behind the text of the Draft Law but, due to the importance of the institution which made the remarks, it was prepared to talk with them. According to Minister of Religion Bogoljub Sijakovic, the traditional churches and religious communities represent a huge number of citizens, so that this fact cannot be disregarded.

After the withdrawal of the Draft Law from parliamentary procedure, the Serbian Government representatives held talks with the representatives of the traditional religious communities to which Minister of Labour and Social Policy Rasim Ljajic was not invited, although his Ministry was one of the proposers of the original text of the Draft Law.

At the session of the Serbian Government, held on 13 March 2009, the new Draft Anti-discrimination Law was adopted and Minister Rasim Ljajic announced that the Draft Law would be sent into shortened parliamentary procedure. Some provisions were changed at the request of

²⁴⁷ *Danas*, 7-8 March 2009.

the traditional churches and religious communities, and all members of the Serbian Government voted for the new draft except Religion Minister Bogoljub Sijakovic, who did not attend the session and whose Ministry already announced that it would not support this proposal.

The concentrated proposal of the traditional churches and religious communities for amending the new Draft Anti-discrimination Law, which was considered at the session of the Serbian Government on 13 March 2009, was sent to the Serbian Government one day later, on 14 March. The letter with the amendments was signed by Bishop Irinej of Backa and, as stated in it, he did that on behalf of the traditional churches and religious communities.²⁴⁸

The text of these amendments differed drastically from the existing one and it also changed its essence to a large extent, especially due to the request that some articles of the Draft Law should be removed. The new Draft Anti-discrimination Law proposed by the Serbian Government was opposed by SRS deputies, who found it unacceptable in that form. According to SRS deputy Aleksandar Martinovic, "religious sects and homosexuality are not normal. Those provisions are contrary to the Constitution and the traditional moral values of the Serbian people".²⁴⁹ SRS deputy leader Dragan Todorovic said that the Serbian Radical Party agreed with the request of the religious communities and that his deputy club was already working on the amendments.

It was speculated by the public that some political parties participated in drafting the "church" amendments. This was confirmed by New Serbia deputy leader Miroslav Markicevic, who said that they had contact with the Serbian Orthodox Church concerning the amendments to the Draft Anti-discrimination Law, which would be submitted to the Assembly by his deputy club.²⁵⁰

248 *The statement made on behalf of the representatives of the traditional churches and religious communities*, Information Service of the Serbian Orthodox Church, 13 March 2009.

249 *Kurir*, 14 March 2009.

250 *Borba*, 16 March 2009.

Apart from this demonstration of the political capital of the Serbian Orthodox Church, mention should also be made of Bishop Nikanor's statement while talking with the bailiffs in connection with the different interpretations of the ownership of a flat in Kikinda: "The Supreme Court is weaker and younger than the Serbian Orthodox Church. Remember that! And tell your protégé once and for all that he should make the sign of the cross towards this building. If you come for the third time, the town will be blocked by students, soldiers and the police, if necessary. We have a greater force than you!"²⁵¹

Muslims in Serbia

In 2009 the Muslim community in Serbia was also shaken by numerous incidents. The ongoing dispute between two factions within the community is still taking its toll. In February, in Novi Pazar, in an intra-Muslim conflict, one person was heavily injured and the police arrested the suspect. A new conflict between the members of the two factions within the Islamic Community took place in Novi Sad, on 17 April. The fight on the religious premises ended without more serious consequences only thanks to timely and adequate intervention by the police. Immediately after the fight, 12 persons were taken in for an informative talk, while the police confirmed the presence of firearms, which were not used, and that one person was lightly stabbed during the fight.

The Meshihat of the Islamic Community in Serbia regarded this incident as only one "in a series of cases involving the seizure of official premises and mosques from the only legal Islamic Community and, after all, from the believers themselves (...) which reminds the public of similar incidents over the past two years in Novi Pazar, Tutin, Sjenica, Prijepolje ...". For its part, the Islamic Community of Serbia claimed that the prayer house in Novi Sad was personally bought by the father of the present Mufti Muhamed Jusufspahic.

251 *Politika*, 31 October 2009.

The wounding of Mustafa Makic, President of the Council of the Sandzak Islamic Community, in Sjenica, on 15 May, was another bloodshed incident in which the Muslims of Serbia suffered. The incident drew sharp criticism from Adem Zilkic, Reis-ul-Ulema of the Islamic Community of Serbia, who accused Mustafa Ceric, Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina, and Muamer Zukorlic, Chief Mufti of the Islamic Community in Serbia, that they instigated and ordered the attempted assassination. Zilkic stated that he “does not have control over the believers any more, so that this can lead to an intra-Bosniak conflict, which can expand into something similar to a civil war”. He requested the “urgent” arrest of Zukorlic and the removal of the President of the District Court in Novi Pazar from office because, as he put it, he dispensed justice “from his pocket”.²⁵²

As for the conflict within the Islamic Community, the Turkish Embassy in Belgrade planned to host reconciliation talks between the leaders of the divided Islamic Community, under the sponsorship of Ambassador Ahmet Suha Umar, in early April 2009.²⁵³ The invitation was accepted by the representatives of the Islamic Community of Serbia, Reis-ul-Ulema Adem Zilkic, Serbian Mufti Muhamed Jusufspahic, Sandzak Mufti Hasib Suljovic and Presevo Mufti Adnan Ahmeti. The representatives of the Islamic Community in Serbia, led by Mufti Muamer Zukorlic, failed to come once again. Sead Sacirovic, spokesman for the Meshihat of the Islamic Community in Serbia, confirmed for *Danas* that they received an invitation from the Turkish Embassy, but that their stance on reconciliation was clear: “To be fruitful, the talks must be held with the persons who are prepared to publicly assume the responsibility for the situation in the Islamic Community. (...) There are no talks between the officials of the Islamic Community in Serbia and “officials” of a certain Islamic Community. There are

252 Verske slobode u Srbiji: stanje, prepreke, mogućnosti (Religious Freedom in Serbia – The State, Obstacles, Possibilities), Vladimir Ilić (ed.), Zrenjanin: Centre for the Development of Civil Society, 2009, p. 44.

253 *Danas*, 5 April 2009.

no talks with the followers of Adem Zilkic and Muhamed Jusufspahic in Belgrade".²⁵⁴

During his visit to Sandzak, after a ban on the gathering in Tutin, Mustafa Cerić, Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina, together with the Chief Mufti of the Islamic Community in Serbia, addressed some 600 followers in the Sports Hall in Sjenica, on 18 May 2009. According to Mufti Zukorlic, the Muslims do not pose any threat to Serbia; instead, they represent "a great asset for both Serbia and Montenegro. Serbia cannot be stable if the cornerstone of the state, Sandzak, is not stable. Therefore, Serbia, don't suppress your citizens! (...) We won't tolerate that any more. This does not mean that we want to destroy the state of Serbia. This means that we'll raise our voices. Therefore, Serbia, don't be afraid! Instead, take advantage of your assets, because we are the centre of the Balkans. This is where East and West meet. We will connect you with Bosnia and Herzegovina, Montenegro and the Islamic world."²⁵⁵

At the end of his visit to Sandzak, at the press conference in Novi Pazar, Reis-ul-Ulema Mustafa Cerić emphasized that if Serbia was represented "by the Tutin authorities, then the human rights in this state are violated – the right of public assembly and the right to freedom of expression of one's own opinion. (...) On the other hand, if Serbia was represented by the Muslim gathering in Novi Pazar, then the rights of Muslims in Serbia are protected and I congratulate them on it. We live in two different states and our instructions from Sarajevo are clear – wherever they live, the Muslims must obey the laws of that state. The relations between the Islamic Community in Serbia and the Islamic Community in Bosnia and Herzegovina are brotherly and the Muslims have the right to a spiritual centre in Sarajevo. That is our natural right, while our internal organization is our own concern". According to him, there are no divisions among the Muslims in Serbia; "it is the question of a group of people being dissatisfied with the present structure of the Islamic Community".²⁵⁶

254 *Danas*, 5 April 2009.

255 *Danas*, 19 May 2009.

256 *Danas*, 21 May 2009.

Certain statements made by Reis-ul-Ulema Mustafa Cerić in Novi Pazar provoked a very strong reaction from the Serbian Ministry of Religion, which condemned the speech of the leader of the Islamic Community in Bosnia and Herzegovina, characterizing him as “one of several Bosnian politicians who had access to secret war funds, the originator of the idea about Bosniaks being part of the Turkish people and of hegemonies Bosniak ideology about the Bosniak nation consisting of three ethnic groups (...), which negates the existence of the Serbian nation in Bosnia and Herzegovina.” In addition to pointing out that Cerić “also supported the secession of Kosovo and Metohija”, the statement of the “controversial” Reis-ul-Ulema: “We swear by God the Great that we will be no one’s slaves!” was perceived as a dangerous threat to the Republic of Serbia, “which is on the same ominous track like his ideology that the Serbian nation in Bosnia and Herzegovina does not exist”. It was also stated as follows: “Consequently, the religious leader of Muslims in Bosnia and Herzegovina, who denies the existence of the Serbian nation in that neighbouring country and, thus, denies the Serbs their right to exist, ‘accuses’ the Republic of Serbia of ‘violating the human rights of Muslims’!”²⁵⁷

The beginning of the school year once again actualized the issue of the right to religious education in elementary schools in Tutin and Sjenica. The appointment of new religion teachers, who are the followers of the Islamic Community of Serbia, sparked protests by the representatives of the Islamic Community in Serbia, who argued that newly appointed religion teachers were not qualified. The Islamic Community in Serbia also criticized the current provisions stipulating that the Ministry of Education should appoint religion teachers as implying government interference with religious practices.

The session of the Serbian Government’s Commission for Religious Education in Elementary and Secondary Schools was left by the representative of the Meshihat of the Islamic Community in Serbia, refusing to participate in the work of the Commission, because the representative of the Islamic Community of Serbia was also present. Due to the impossibility

257 *On Mustafa Cerić’s Statements*, Ministry of Religion of the Republic of Serbia, 22 May 2009.

to solve the dispute triggered by the existence of two lists for the election of religion teachers, stating that “the conflict within the Islamic Community causes great damage to overall religious education in Serbia”, the members of the Commission appealed against “turning religious education into an area of confrontation to the detriment of the legal right of parents to see their children educated in their religion”.²⁵⁸

Conclusion

The discriminatory provisions of the Law on Churches and Religious Communities and the Regulations on the Content and Manner of Keeping the Register of Churches and Religious Communities have been reproduced and multiplied in other legal solutions, such as the General Binding Instructions for Broadcasters by the Republican Broadcasting Agency or, most recently, in the Law on the Fundamentals of the Education and Upbringing System. The representatives of the Ministry of Religion do not display sufficient readiness or, better said, political will to revise the Law which they themselves called a “transition” one. The Ministry of Religion is still divided between the political intention to preserve Serbia’s religious composition and the ratified international standards, which cannot be publicly rejected by the Ministry.

As for religion-inspired conflicts during the reporting period, their total number is decreasing, but the communities – which have so far been endangered, such as Jehovah’s Witnesses and the Adventist Christian Church – are still exposed to various forms of discrimination. Both the police and the prosecutor’s office are reluctant to bring charges in such cases, in accordance with Article 317 of the Criminal Code (stirring up national, racial and religious hatred and intolerance), which in no way contributes to the decline and prevention of incidents motivated by religious intolerance.

258 *Session of the Commission for Religious Education, Ministry of Religion, 25 September 2009.*

The indifferent attitude of government bodies towards the increasing internationalization of the problem related to the protection of religious rights of national minorities in Serbia is disturbing and irresponsible, especially if one bears in mind the declarative policy of advancing on the road to European integration.

The way in which the Draft Anti-discrimination Law was withdrawn from the ongoing parliamentary procedure actualized a debate about the relations between state and church once again: by withdrawing the Draft Anti-discrimination Law, the Serbian Government actually allowed the indisputable right of churches and religious communities to express their opinion on the important issues for the state and society to be turned into the right of veto, which represents the violation of the constitutional principles of secularity. It has been proved that religious institutions have a very respectable relationship with the state, but it is certainly exaggerated that the government treats the Serbian Orthodox Church as a political party supported by 95 per cent of the electoral body. This and similar views can often be found in press releases and official statements by the officials of the Ministry of Religion, who refer quite uncritically yet targetly to the results of the 2002 census, disregarding the fact that in every census taken there is a question on one's religious affiliation and not on one's belief in God.

The Ministry of Religion is politically responsible for the inconsistent implementation of the Law on Churches and Religious Communities, as well as for tolerating a series of incidents between Serbia's two Muslim factions.

The statements made by the religion ministers point out that the Ministry of Religion regards the preservation of the religious composition and building of the religious system as its basic task and not the affirmation and advancement of religious freedom, which nominally represents its primary task.

VI

The Tribunal in The Hague and its Social Effects

Confronting: Serbs as Victims

The official policy of confronting the past in Serbia is strikingly Ambivalent. The Serbian Government and Assembly have proven insufficiently resolute in this regard and when they do act they do so mostly under international pressure and in consequence of the increasingly unfavourable situation in the country. For instance, the Declaration on Srebrenica and Serbia's cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) is entirely due to pressure. In addition, the discourse on the recent past is marked by distorted perceptions or manipulation of facts. This is reflected on the official policy of remembrance, among other things. War losses are presented mostly selectively and the emphasis is placed on the status of Serb victims. This approach enjoys wide social support and is accompanied by controversial political debates. For instance, this is the case of the Declaration on Srebrenica adopted by the Serbian National Assembly.

Politicians spin controversial narratives about the recent past usually to promote themselves and court the electorate. Different interpretations of the past give rise to conflicts and therefore pose an obstacle to creating a vision of a common future in the region. Preoccupation with one's own losses influences social dialogue considerably and obstructs reconciliation with neighbours for a long time. Differences of interpretation exist within the framework of civil society too.

Part of the civil society opposes instrumentalization of the past and denial of crimes while promoting the transformation of the culture of denial or silence into a culture of confronting the past. Activities of these civil society organizations include determination of facts, monitoring of judicial proceedings, counselling victims, protecting witnesses, psychosocial support, dialogue initiatives, and promoting alternative attitudes to history and an integrative culture of remembrance.

Attitudes to the recent past and its contrary interpretations remain of crucial importance for the future of the Western Balkans. Realization of a common future and establishment of a lasting and stable peace in South

East Europe depends on whether these societies will find a constructive and integrative way to overcome these controversial subjects within and between themselves. The closing of the ICTY in the near future will close a significant chapter as far as the recent past is concerned. One wonders whether the conceptualization and implementation of further work concerning confronting the past will be based on the ICTY legacy.

Serb elite and confronting the past

Proceeding from the standpoint of the Serb elite that the reorganization of the Balkans is not yet over and that Serbia will not accept the new reality in the region, i.e. the new frontiers, an appraisal of the true achievements of the ICTY in relation to Serbian society, as well as of the achievements of transitional justice in Serbia and the region, must be placed above all in the context of the spiritual and intellectual climate of Serbian society.

In spite of the international community's increasingly clear orientation towards consolidating the recognized borders of the newly-established states in the Balkans, the Serb elite continues to expect consideration for its demands for rearranging the Balkans along ethnic lines, i.e. for partitioning both Kosovo and Bosnia, even if that means giving up EU membership. In common with many others, Ćosić says that "any policy which sees national salvation in the European Union alone is an illusion and a poor man's utopia. 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 Serbophobic, as long as it holds Serbia to ransom and its people suffer on account of two Hague inductees . . . I don't believe in a 'happy future' which starts as soon as one is admitted to European Union membership."²⁵⁹

What Ćosić and the rest are well aware of is that membership of the EU will put an end to the question of state borders and thereby 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

259 *Večernje novosti*, 21 March 2008.

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 that it has set up permanent enmities between the Albanian and Serb peoples".²⁶⁰

Projections of neighbours

Such revisions of history are inevitably affecting Serbia's relations with neighbours, especially Bosnia and Herzegovina, Montenegro, and Kosovo. Viewed as the chief rival, Croatia is the source of unending Serb frustrations and the focus of attempts to portray the Croatian state as the successor of Ante Pavelić's genocidal Independent State of Croatia (NDH) during the Second World War. For this reason, references to the Jasenovac concentration camp and to the suffering of Serbs during the Second World War are one of the Serb elite's chief subjects.

Even a genocide countersuit was filed in response to Croatia's suit for genocide and aggression during the 1990s. A large segment of the Serb elite considers that legal action should be taken concerning "the crimes of ethnocide nature committed against the Serb population in the NDH by Croats and their 'flowers' [contemporary Croat reference to Muslims]". It is stressed that "genuine coexistence is impossible within the framework of a new Yugoslavia, i.e. European Union, without first settling historical accounts; since both official Croatia and official Serbia want EU membership, it is necessary that an end be put to the Croat-Serb historical controversy before joining the so-called Euro-club, if only to prevent the European Union from falling apart on the model of Tito's Yugoslavia".²⁶¹

260 Ibid.

261 Vladimir B. Sotirović, 'Prebilovci, prebijanje hrvatsko-srpskih povesnih računa i EU', <http://www.nspm.rs/istina-i-pomirenje-na-ex-yu-prostorima/prebilovci-prebijanje-hrvatsko-srpskih-povesnih-racuna-i-eu.html>, 5 December 2009.

As regards Bosnia, Serbia has instituted proceedings in connection with the incidents during the Yugoslav People's Army's (JNA) withdrawals from Sarajevo (the Ganić wanted notice) and Tuzla (the Jurišić judgment), both dating from the beginning of the war. Both proceedings betray an intention to prove that the war in Bosnia was started by the Bosniak side and thus support Ćosić's thesis that that war was a "war of liberation".

The Serb elite does not acknowledge the independence of Kosovo and considers that no criminal conspiracy on the part of the political, military, and police leaderships was proved during the trial of "the Six" on charges of crimes committed in Kosovo. Its argument is that the Serbian security forces intervened because they could not look on as the Kosovo Liberation Army carried out terrorist activities and expanded "free territory". It is pointed out that crimes that occurred in Kosovo were directly attributed to the convicted generals and politicians, and indirectly to the Serbian state, on the basis of a speculative construct. By imposing draconian punishment on the accused, says Slobodan Antonić, the ICTY turned them into victims rather than men guilty of crimes and omissions. In passing that judgment the ICTY succeeded in doing harm not only to justice but to historical truth.²⁶²

The Serb elite's racist attitudes to the Kosovo Albanians were especially manifested in connection with the NATO intervention. In its verbal or written references to the intervention, the elite hardly ever mentions the plight of the Albanians that preceded it. The Serb elite experience this as a humiliation. Dobrica Ćosić has made this position public in his interviews and his *Piščevi zapisi* [The Writer's Notes]. In one of his interviews he said, "That social, political, and moral scum of tribal, barbarian Balkans, takes up for an ally America and the European Union in its struggle against the most democratic, most civilized, most educated Balkan people – the Serb people."²⁶³

262 Slobodan Antonić, "Hag: da li je bilo 'zajedničkog zločinačkog poduhvata'", <http://www.nspm.rs/istina-i-pomirenje-na-ex-yu-prostorima/hag-da-li-je-bilo-qzajednickog-zlocinackog-poduhvataq-q.html>, 5 March 2009.

263 *Večernje novosti*, 25 November 2008.

The Serbian public (that is, those who witnessed the 1990s events) is largely aware of what happened. Confronted with numerous items of evidence, articles, ICTY judgments, documentary footage, and various testimonies not only in the neighbourhood but also in Serbia, it cannot be indifferent. Nevertheless, under the pressure of continuing propaganda, the Serbian public has accepted relativization, denials and the shifting of blame for the outbreak of war on “the secessionists” and the West. The biggest losers are the young generations because they easily fall for the interpretations offered them in school and university and in the media. Their frustration is enormous because they are confronted with a picture of Serbia they find difficult to accept.

Cooperation of Serbia with the ICTY is one of the main criteria for her candidacy for the membership of the EU. The arrest of Ratko Mladić is uncertain and it seems that Belgrade is still delaying his arrest. Belgrade has given Mladić’s dairies to the Tribunal, hoping to get the positive assessment for its cooperativeness with The Hague. However, the authenticity of the dairies is being brought into the question. They seem to be forgery though written by Mladić’s hand, but much later than the real date and it seems that all relevant facts have been deleted. Dairies are, as pointed out by Bosnian daily Avaz, the strongest proof that the Serbian authorities know Mladić’s whereabouts.²⁶⁴

During his last visit to Belgrade (May 2010) the Prosecutor Serge Brammertz stated that he does not believe that Hague fugitive Ratko Mladić is not located in Serbia. Rasim Ljajić, the President of the National Council for Hague Cooperation, however, said that such claims cannot be confirmed until Mladić is arrested.

He also said that operative information shows that the hiding of Radovan Karadžić and Ratko Mladić were two completely separate efforts that have no shared characteristics. He also said that

“We were all optimists that it would be easier to find Mladić after Karadžić’s arrest because of the psychological and political circumstances of the society. Unfortunately, this did not happen.”²⁶⁵

264 Avaz, 30 April 2010

265 www.b92.net, 15 May 2010

Karadžić, who is defending himself by drawing entirely on theses that Serbs in Bosnia were defending themselves as it is presented by the Belgrade elite, made this self-assured statement in the courtroom: "I am here before you not to defend my humble self but the greatness of a small people in Bosnia and Herzegovina which has for 500 years suffered and showed a great deal of stamina and moderation in order to survive in freedom."²⁶⁶ Karadžić accused the Muslim side of conspiracy. "They had fundamentalist objectives to change the fate and look of the entire region. Their objective was one hundred per cent power, like during the time of the Ottoman Empire."²⁶⁷ He alleged that the plan for creating a Muslim state was supported by "various actors" including the United States and Germany. Karadžić quoted George Kenny, a former State Department official, as advising Bosnian President Alija Izetbegović to block negotiations and "wait for a unitary Bosnian state".²⁶⁸

Plavšić returns to Serbia

Biljana Plavšić's return was treated like a moral victory and was perceived by the Serbian public as a belated justice. All The Hague returnees are seen as unjustly accused. Dusko Tadić, for example, one of the first accused war criminals in The Hague, was given the media space in all leading media outlets and was portrayed as a normal man devoted to painting. He talks of himself as an innocent victim and hopes that time will prove that he was right. This approach to accused war criminals additionally reduces the impact of the ICTY on the society because there is never condemnation of the crimes and needed explanation of the context, as well as the reasons of their being in The Hague in the first place.

Biljana Plavšić's example is the best illustration of such a treatment. She was met by the prime minister of Republika Srpska, Milorad Dodik, who owes his first term in this office to her. He welcomed her because "she

²⁶⁶ *The Times*, 3 March 2010.

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid.*

went to The Hague of her own free will so as not to put a strain on the institutional capacity of Republika Srpska” and because “despite her age, she accepted to serve the sentence, accepted to get it over with”.²⁶⁹

In Banja Luka, she was given an enthusiastic welcome, with newspaper headlines reading “The Superwoman Who Ought not to Have Gone to Prison”, “Biljana the Hero”, “She Saved the Serb People”. Dodik’s comment was, “She’s absolutely positive in [Republika] Srpska”.²⁷⁰ Plavšić was given a welcome by neighbours and the majority of domestic journalists in the name of politicians, who dared not turn up. Speaking on behalf of the ruling Democratic Party (DS), Jelena Trivan said that the DS never comments court decisions. The Serbian media were more than favourably inclined. For instance, a headline in *Blic* ran: “Biljana Plavšić Sheds Tears as She Flies into Serbia”. The crimes she had been charged with and admitted were not mentioned. The Humanitarian Law Centre issued a statement in which it criticized the Serbian media for “treating Plavšić as a pop star and not a convicted war criminal”.

Count 3 in the indictment, the HLC recalled, which the accused acknowledged and under which she was sentenced, states that acting individually and in concert with others in a joint criminal enterprise she participated, planned, instigated, devised and executed persecutions of non-Serb populations in 37 municipalities in Bosnia and Herzegovina.²⁷¹

However, being aware of the fact that the international public was keenly watching reactions to her return, Belgrade media resorted to mimicry. *Rasim Ljajić, who is in charge of Serbia’s cooperation with the ICTY, said: “I believe that some in the international community are watching to see how this thing will pan out, considering the speculations as to the kind of welcome she’s going to receive. At this moment we absolutely don’t need this, especially not ahead of the arrival of Serge Brammertz and the report he is going to submit to the Security Council. Some in the international*

269 B92, radio and TV programme ‘Kažiprst’, 28 October 2009.

270 B92, radio and TV programme ‘Kažiprst’, 28 October 2009.

271 www.hlc.org.rs

community would like to make a story out of this to prove that Serbia supports those who are accused or convicted in The Hague."²⁷²

Most interesting of all was the reaction of Plavšić herself, who in her book *Priznanje* [admission] denies every admission she made before the ICTY. In exclusive interview to *Politika*, she said:

"The discovery that Serbs had committed crimes was tragic for me. Whether you believe it or not, I had not known that until that time.' She also talked about her meetings and conversations with Patriarch Pavle, to whom she said, 'It's not difficult for me to tell the truth, but who shall I tell it to? Do those people deserve the truth?' Pavle is said to have told her, 'God is in that courtroom, too.' Whereupon she said that, as far as she was concerned, this issue had been resolved."²⁷³ Apparently, God alone has jurisdiction over Serb crimes. "Plavšić added, 'I would do everything again, it would probably be the same. I'm not complaining about the path God set for me.'"²⁷⁴

Plavšić's return triggered numerous debates and discussions about the anti-Serb character of the ICTY. Stefan Karganović said that "the moral and physical suffering that Biljana Plavšić has gone through is emblematic of the fate of all in the Bosnia 1990s war who tried in any way to protect the interests of the Serb people and to oppose the designs of those who had planned to enslave and make them leaderless. Her fate is also a constant reminder to all thoughtless heads on the Serb side of what awaits all who agree to cooperate in any way with the foreign sponsors of the local persecutors of Serbs."²⁷⁵ Plavšić's case is held up as a warning to all who are "cooperative" with the ICTY because "the Hague inquisitors never completely let their victims out of their clutches".

<http://www.stopdiskriminaciji.org/arhiva/>

koalicija-protiv-diskriminacije-dosledno-primeniti-clan-387-krivcnog-zakonika-srbije.

272 <http://www.Danas.org/content/plavsic/1861917.html>

273 "Ne bih se protivila ni smrtnoj kazni", *Politika*, 15 November 2009.

274 Ibid.

275 Stefan Karganović, "Biljana Plavšić: jedna tragična srpska priča", <http://www.nspm.rs/istina-i-pomirenje-na-ex-yu-prostorima/>, 27 October 2009.

The Ganić and Jurišić Cases

In its endeavours to relativize things, Serbia also uses other means. By filing indictments against people who were active in any way during the war in Bosnia, particularly at its very beginning, it is wished to create the impression that the conflict was due to attacks on the JNA during its withdrawal from Bosnia and Herzegovina – BiH (specifically from Sarajevo and Tuzla). This serves to reinforce the thesis being promoted by Serbia that the conflict was a civil war and that all sides were equally responsible.

The cases of Ejup Ganić and Ilija Jurišić are the most indicative in this regard. Ganić was arrested in Britain on the basis of Serbia's indictment and wanted notice. On the occasion of his arrest, Belgrade media published a great many articles and commentaries and recalled the incident which occurred in Dobrovoljačka Street in Sarajevo on 3 May 1992. While ignoring the circumstances that gave rise to the incident (the kidnapping of BiH President Alija Izetbegović by the JNA, which at that time was a foreign army in BiH, and the severe bombardment of Sarajevo), the media dwelt solely on the attack on the JNA column. The number of persons killed and wounded in the incident is also subject to manipulation. The media declared Ganić responsible for the attack in advance. From this, it follows that the Bosniaks are responsible for the outbreak of the war.

The Jurišić case (with a similar background, i.e. the JNA's withdrawal from Tuzla) indicates what treatment Ganić would be accorded if tried in Belgrade. Jurišić was arrested in Belgrade and sentenced to 12 years in prison.

After the judgment was rendered, spokesman for the Prosecutor's Office Bruno Vekarić said that as far as the prosecution was concerned the most important thing was that "the Tuzla crime was established judicially" and that "the Prosecutor's Office for War Crimes has promised not to forget a single soldier killed in Tuzla".²⁷⁶ The judgment was welcomed in Republika Srpska, particularly by the Serb Democratic Party (SDS). Mladen Bosić said: "I applaud the judgment of the Belgrade court and the fact that

276 www.b92.net, 28 September 2010.

finally someone responsible for the war crime against the JNA members from the 'Tuzla column' has been called to account."²⁷⁷

Both cases have raised tensions between Serbia and BiH. The cases are also used to support Belgrade's insistence on reinterpreting the character of the war in spite of all the evidence which points to Serbia's primary responsibility.

In the meantime, Serbia and BiH have signed an agreement according to which all suspects are to be tried in the country of their permanent residence. In spite of this, Belgrade has embarked on this adventure although the outcome may well fall short of its expectations.

International Community and ICTY

In its dealings with Serbia, the international community has not paid enough attention to meeting its moral obligations towards the region, the world, and itself. Instead, it has accepted Serbia's "commercial" attitude to its obligations, an attitude which has created the impression in Serbia that after fulfilling its obligations to the ICTY (to arrest Mladić and Hadžić) it has no more obligations at all. Unfortunately, the ICTY has no mechanism for making Serbia officially accept its judgments as part of the obligatory truth. The ICTY outreach programme was not established to publicize and promote that which has already been established in ICTY courtrooms. In addition to the numerous judgments, the ICTY archive is an invaluable source of material for the study of the 1990s wars.

277 Ibid.

Declaration on Srebrenica: Debate Opened, Notwithstanding

President Tadić's initiative for a parliamentary resolution on Srebrenica triggered off a debate that laid bare the proportions of Serbia's frustration manifested in its denial to face up the recent past, the Bosnian war in particular. The existence of Republika Srpska /RS/ – actually the very fact that it exists for fifteen years now – strengthened the Serb mainstream elite's belief about full attainment of warring goals being just a matter of time and more favorable international constellation.

Reactions to the initiative by proselytizers of Serb national program additionally illustrate this mainstream belief. So, Dobrica Ćosić for the first time ever accuses President Tadić though almost until yesterday he used to be his "everyday" adviser in state matters. Actually, Ćosić accuses the President, the government and the parliament of "a risky, sectarian, short-sighted national and state policy" that legitimized Vojvodina's autonomy and thus "politically charted Vojvodina's separatism" and tolerated the internationalization of the "Sandzak issue" thus enabling a legitimate Ottomanization of the Balkans, i.e. of Serbia and Bosnia-Herzegovina. And all that was done says Ćosić, shortly after Montenegro's secession and against the backdrop of the Serb problem in Montenegro and broken diplomatic relations with this "brotherly" state.²⁷⁸

Ćosić and his circle opposes Serbia's Europeanization, which implies characterization of the Srebrenica crime. In his view, Europeanization is "advocated by immature politicians, corrupted intellections and some media." He accuses the ruling pro-European coalition of having yielded to "jihad – fundamentalist Bosniak lying propaganda about Serbs committing genocide in Bosnia and Srebrenica." Hence, "We unconscientiously and irresponsibly equalize our war crimes and alleged 'holocaust' of Muslims, add and multiply our crimes and hush up Bosniak and Croat

278 Pecat, February 12, 2010.

– whereby we turn our descendents into members of a genocidal nation equal to Nazi Germany,” says Ćosić.²⁷⁹

Some expert circles have been trying to find a term that would suit the European Parliament’s resolution calling upon all European countries to commemorate July 11 as the day of the Srebrenica genocide. So, Prof. Vojin Dimitrijevic put forth a phrase boiling down to “condemnation of the gruesome crime in Srebrenica characterized as genocide by all international courts.”²⁸⁰ This would avoid a characterization of our own, says Dimitrijevic. However, the sum and substance of such a resolution is to come public with “one’s own” characterization. For his part, therefore, War Crimes Prosecutor Vojislav Vukcevic suggests the following wording: “The Serbian Parliament condemns the Srebrenica genocide and genuinely grieves for all victims in Srebrenica. On this occasion, it offers apologies to all members of victims’ families for Serbia’s failure in 1995 to prevent the Srebrenica genocide.”²⁸¹

Most parliamentary parties insisted on the adoption of two resolutions – one of which would condemn the crimes against Serbs. Vojislav Koštunica and his Democratic Party of Serbia /DSS/ opposed the European Parliament’s term ‘genocide’ the most. Other opposition parties also backed a formula whereby the term “genocide” would be avoided, advocating terms such as “the most horrible crime,” “crime” or “serious crime” instead.

Representatives of EU and US visiting Serbia in the meantime kept insisting on condemnation of the Srebrenica crime and the arrest of Ratko Mladić. Their attitude additionally pressurized the ruling coalition for the adoption of the Srebrenica resolution.

The chairwoman of the Serbian parliament, Slavica Đukić-Dejanović, announced that a resolution on Srebrenica would not be placed on the parliamentary agenda before its March session. Submitters of the initiative, she explained, want it to be adopted by the majority vote.

279 Pecat, February 12, 2010.

280 *Blic*, February 14, 2010.

281 *Vreme*, February 11, 2010.

The purpose of a resolution as such, actually, is that it is adopted by the great majority of MP votes so as to demonstrate the political will for facing up the recent past. A resolution on Srebrenica would be a major step forward for Serbia, though incomplete without the arrest of Ratko Mladić.

Parliament and public opinion

Ms. Đukić-Dejanović points out the goal are not to have a resolution adopted by a razor-thin majority. She thinks that every parliamentary caucus has its own version of the resolution. “Probably there will be an attempt to harmonize all these versions. Since we’ll have to ultimately vote for one text, it is most important that it is not adopted with 126 votes only,” says she.²⁸²

Parliamentary caucuses have not yet discussed a resolution on Srebrenica, given that no concrete text has been presented to the parliament so far. Prospects are poor for its soon placement on the parliamentary agenda.

Findings of the public opinion poll, conducted in January 2009 (on a sample of 1,000 interviewees) show that 20.6 percent of citizens of Serbia supports a parliamentary declaration condemning the crimes in Srebrenica. Further, 46.2 percent of citizens favor a unique resolution condemning all the crimes committed in ex-Yugoslavia. Adoption of two separate declarations – one on Srebrenica and the other on the crimes against Serbs – dominates the mind of 20.3 percent of citizens, whereas the same percentage holds that no resolution whatsoever on the crimes committed in 1990s wars needs to be adopted. 12.7 percent of interviewees opted for “undecided” or the answer “I am not sure whether resolutions are necessary at all.” One of the polling questions was, “What is your opinion about the crimes against Bosniaks in Srebrenica in 1995?” According to the findings, 55.2 percent of citizens of Serbia believe it is about one crime only “the proportions of which have been maliciously overblown by our enemies and the media.” 6.7 percent of interviewees negate the Srebrenica genocide as

282 Beta, January 30, 2010.

a fabrication, while 22.4 percent are undecided. Only 15.7 percent hold the Srebrenica crime one of the most serious crimes in ex-Yugoslavia in 1990s.²⁸³

Tadić: Condemnation of Srebrenica is an obligation

Initiating the adoption of a Srebrenica resolution, President Tadić said he knew it would meet strong disapproval in Serbia and Republika Srpska. Nevertheless, its adoption was an obligation of the Serbian parliament, he said. "Politicians are those who need to take upon themselves the responsibility for such political decisions, as this is why citizens vote for them in elections and then, in next elections, reward or punish them for their decisions," he added.²⁸⁴ "As times go by", he said, "the Srebrenica resolution will gain support not only in Serbia but also in all places where Serbs live." And he stressed in particular that the policy of acknowledgment of other people's suffering and paying homage to other people's victims gives Serbia international credibility for its national policy.²⁸⁵

He also argued that the adoption of a resolution on Srebrenica would make a positive ethical break with "the constant need of Balkan societies for mourning only their own victims." "All nations readily show understanding for their own suffering and that of those close to them. It is most important, however, to demonstrate sympathy and empathy for other people's suffering and misfortune, particularly in the region of Western Balkans where such an act stands for an ethical break with the habitual behavior in the past," said Tadić.²⁸⁶

When faced with resistance, primarily from opposition parties, Tadić said that compassion for Srebrenica victims in no way contradicted Serbia's right and obligation to remember its own victims and suffering to which Serbs had been exposed. Commenting the idea about two resolutions, he

283 *Blic*, February 2, 2010.

284 *Tanjug*, January 10, 2010.

285 *Ibid.*

286 *Tanjug*, January 15, 2010.

said, "As for the other resolution, the one on Serb victims, I would say that any nation belittling its own victims would commit an ethical misdeed. In my opinion, Serbia should adopt such a resolution as well. Since we have to show empathy for other people's hardships, I take that we need to adopt two resolutions but not on the same day."²⁸⁷

According to Defense Minister Dragan Šutanovac the vote on the Srebrenica resolution will demonstrate which player at the political scene "behaves and thinks as a responsible person, and which remained stuck in the times that should be bygone." "I recognize the handwriting of those who will vote against, given that their handwriting has been recognizable ever since 1990s. The same handwriting was recognizable at the times of torched embassies and Montenegro's 'defense' with folk lutes in 'Sava Center' and when tanks heading for Srebrenica were blessed." A resolution on Srebrenica, he said, was an opportunity for Serbia to take responsibility for everything done in its name and clearly manifest that it will not longer allow such crimes.²⁸⁸

The chairwoman of the Serbian parliament, Slavica Đukić-Dejanović, emphasizes she would personally support any resolution that condemns war crimes, including the one on Srebrenica. "In my view, giving mention to Srebrenica is not enough. However, the decision on my vote and those of other MPs of the Socialist Party of Serbia /SPS/ will be on party bodies," she said.²⁸⁹ Ilica Dačić, SPS leader, said, "Every nation needs to face up the crimes it committed. However, that implies not amnesty for other states that have not yet faced up their crimes. I would be most pleased should all states adopt such a well-balanced attitude towards crimes."²⁹⁰

287 *Blic*, January 11, 2010.

288 *Blic*, February 1, 2010.

289 *Blic*, January 11, 2010.

290 Tanjug, February 9, 2010.

Opposition parties' stands: SNS, DSS and NS

Opposition parties backed President Tadić's initiative in principle. However, they immediately suggested adoption of two resolutions, one of which would condemn the crimes against Serbs. In this, Vojislav Koštunica and his Democratic Party of Serbia /DSS/ were in the forefront.

"It's hard to imagine a bigger injustice than the one of separating innocent victims. People are morally obliged to pay homage to all innocent victims without exception," says Koštunica. It is in Serbia's interest, he says, to have all war crimes committed in Yugoslavia's modern history – and in which Serb people were the biggest victims of all – exposed and condemned. "Since Serbia suffered the most, it is only logical that it should be the first to condemn all crimes. Adoption of the declaration DSS submitted to the parliament in June 2005 would be the best solution," says Koštunica.²⁹¹

His party spokesman, Andreja Mladenovic, said a declaration condemning all the crimes in the territory of ex-Yugoslavia would be acceptable to DSS unlike the one condemning just the Srebrenica crime. "We can vote for a declaration condemning all war crimes in the territory of ex-Yugoslavia: a declaration against the crime in Srebrenica, but also against those in Tuzla, Bratunac, Sarajevo or in 'Storm' operation," said Mladenovic. According to him, history proves that unexposed and unpunished crimes encourage criminals to repeat them – therefore, we are all duty-bound "not to allow new crimes through forgetfulness."

Aleksandar Vucic of Serb Progressist Party /SNS/ said his party's attitude towards a Srebrenica resolution would be positive. He emphasizes he has always been aware of the Srebrenica crime, which no living person could possibly justify. "Crimes against Serbs were committed, that's indisputable, but not a single crime against Serbs can justify the crimes some of our compatriots committed in Srebrenica," said Vucic.²⁹²

291 *www.B92.net*, January 17, 2010.

292 *Blic*, January 23, 2010.

Serb Radical Party /SRS/ denies genocide in Srebrenica in July 1995 and announces its vote against the resolution.²⁹³ According to Aleksandar Martinovic, deputy head of SRS parliamentary caucus, the Radicals would never accept “accusations for an alleged genocide in Srebrenica against Serb people, Army of Republika Srpska or Ratko Mladić.”²⁹⁴

Đorđe Vukadinović, political analyst, writes, “The motive for the initiative is in foreign policy. And I hold it will only add fuel to the flame of Serbia’s political disputes and will hardly contribute to what should be its main purpose – truth and reconciliation in the territory of ex-Yugoslavia...Such initiatives, inadequately prepared and lacking a consensus, eventually bring more harm than benefits.”²⁹⁵

Cedomir Antic, historian, comments, “It goes without saying that all crimes committed in 1990s wars need to be condemned. However, I must ask the President why this was not done in 2005, and I wonder whether Tadić is aware that raising the question of Serbia’s and Republika Srpska’s collective responsibility is not meant to do justice to victims but, on the contrary, to justify subsequent military operations by Republic of Croatia, and Muslims and Croats in Bosnia-Herzegovina.”²⁹⁶

Non-governmental sector and individuals

Some non-governmental organizations²⁹⁷ have been calling for a resolution on Srebrenica for years. Ever since European Parliament adopted its resolution, activists of these organizations have been assembling in the front of the presidency building on 11th day of every month and calling upon President Tadić to launch the initiative on a Srebrenica resolution. The pressure from the civil sector created a climate of Serbia’s moral

293 Beta, February 14, 2010.

294 Ibid..

295 Vreme, February 4, 2010.

296 Ibid.

297 Youth Initiative for Human Rights, YUCOM, Humanitarian Law Center, Helsinki Committee for Human Rights in Serbia, Women in Black, Center for Cultural Decontamination, Civil Initiatives and Belgrade Circle.

obligation to have a say on the matter. During Vojislav Koštunica's premiership, representatives of the conservative bloc, usually angered by such manifestations, have been staging campaigns against the most insistent NGOs.

On behalf of NGOs, MPs Natasa Micic /Civil Alliance of Serbia/ and Zarko Korac /Social Democratic Union/ submitted the first draft resolution to the parliament in 2005. That year the group of eight NGOs organized a round table and various manifestations to mark the 10th anniversary of the Srebrenica genocide. They demanded condemnation of the genocide and a clear break with the policy that brought it about. In 2005, the 10th anniversary was marked by other manifestations as well – but the tone of these manifestations was quite the opposite. Such was the one organized at the Faculty of Law in Belgrade in which law professors fully participated in denial of the crime.

It was only after the ruling of the International Court of Justice in 2007 that Serbian President Boris Tadić appealed to the parliament to adopt a declaration that would decidedly condemn the Srebrenica crime. In response, Liberal Democratic Party /LDP/ submitted its "Draft Declaration on the Obligation of State Bodies of the Republic of Serbia to Respect the Decisions by the International Court of Justice." The party insisted that Serbia, through its legal system and actions by state bodies "clearly condemn any denial of the Srebrenica genocide."

A number of individuals and intellectuals also requested condemnation of the crime. For instance, historian Dubravka Stojanovic says, "The societies without empathy for other people's victims, the societies feeling no compassion for others, manifest symptoms of serious problems. Such moral entropy only leads to further deterioration and makes the future of these societies uncertain. Therefore, this is about a first-rate political issue, which must not be turned into a 'barter policy' of trading 'genocide for votes' or something like that. That would be shameful."²⁹⁸

Vojislav Vukcevic, war crimes prosecutor, says the resolution should be a symbol and a message for Serbia's future and the future of "our children," while strongly opposing those "trying to strike a balance of crimes

298 *Blic*, February 14, 2010.

at any cost.” He advocates a resolution on Srebrenica – a chapter in our history we have not taken stand on yet.²⁹⁹

Messages from the international community

Jelko Kacin, EU reporter for Serbia, said that a debate on a resolution on Srebrenica was most important for Serbia as it provides an opportunity for reconsideration of half-truths. “The longer the debate, the bigger chances for the adoption of a text close to European Parliament’s resolution on Srebrenica,” said Kaciu.³⁰⁰ While addressing the European Parliament, he said, “This resolution is not meant for the past: by speaking about the dead, it is meant for the living and their future.”³⁰¹

Netherlands Ambassador Ronald van Dartel said he hoped people would be calling past events their proper names once the resolution is adopted. “Such resolution can be adopted only once...Therefore, the people who will be discussing it have a serious task. We particularly appreciate President Tadić’s explanation that Serbia adopts not the resolution because of European Union but because of itself.”³⁰²

Denial of genocide

Denial of genocide spiralled after the ruling of the International Court of Justice (2006) and, in particular, in academic circles including a number of law professors of the Belgrade University. Stefan Karganovic, president of NGO ‘Historical Project Srebrenica,’ has been among the loudest promoters of the denial. NGOs such as *Obraz*, *Dveri*, *Srpski Narodni Pokret 1389* and the like, all of which are close to Koštunica’s DSS, Faculty of Law, Serbian Academy of Arts and Sciences and Serb Orthodox Church has been agilely promoting the thesis about a non-existent genocide.

299 Vreme, February 4, 2010.

300 Beta, February 15, 2010.

301 Vreme, February 15, 2010.

302 Beta, January 29, 2010.

Most articles denying the Srebrenica genocide are publicized at the website of *Nova Srpska Politicka Misao* /New Serb Political Thought/ and the *Pecat* weekly. According to Karganovic, the “only corpus delicti of crimes in Srebrenica are forensic findings from 13 exhumed mass graves with alleged corpses of the shot Muslim war prisoners from Srebrenica enclave.” Only these forensic findings testify of the actual number of the killed, he says,³⁰³ adding, “If Serbia takes upon itself the responsibility for Srebrenica developments; it can be sued for huge reparations.”³⁰⁴

According to Aleksandar Pavic, President Tadić’s initiative came as a cold shower on the day Republika Srpska was celebrating its anniversary and at the moment the Serb entity in “Dayton Bosnia-Herzegovina is under the biggest pressure ever from the international community.” “As a graduate in psychology, President Tadić should have known to what extent his statement – at that time and on that occasion – could demoralize people and leadership of Republika Srpska, which have no one to rely on except for Serbia – and for Russia, though not that much,” says Pavic.³⁰⁵

303 NSPM, February 15, 2010.

304 *Politika*, February 16, 2010.

305 *Pecat*, January 18, 2010.

Conclusions and Recommendations

Notwithstanding all the resistance from general public and academic circles the debate on a Srebrenica resolution opened the question of facing the past and responsibility. The growing pressure from the international community creates the impression that the resolution has to be adopted – but in what form remains an open question.

The Serb elite have finally acknowledged that EU accession preconditions some moral gestures. It is still not ready to make such gestures, but know they are inevitable.

The debate on Srebrenica indicates the balance of powers between pro-European and anti-European stakeholders. Continuation of the debate needs to incorporate Serbia's obligation to arrest Ratko Mladić so as to imbue the resolution with true sense. A social climate – propitious not only to the adoption of a single parliamentary document but also to reconsideration of the developments in 1990s and responsibility for them – needs to be created.

The media need to play a key role in all this, given their influence on public opinion. In this context, the media need to rely inasmuch as possible on the existing documentary serials and available documents, as well as on the rulings of ICTY and numerous documents testifying of the crucial role institutions played in planning and waging the wars in the territory of ex-Yugoslavia. Special attention needs to be paid to the institutions such as Serbian Academy of Arts and Science, Serb Orthodox Church and University, which are still shaping young people's mind by "victim model."

The international community needs to insist more resolutely on Serbia's duty to meet its moral obligations to the region and to the world. In this context, more attention needs to be paid to the society as a whole – the society exposed to anti-European propaganda for more than two decades.

Declaration on Srebrenica

Based on the Constitution of the Republic of Serbia which declares human life and dignity inviolable.

Expressing adherence to the spirit and norms of the United Nations Universal Declaration of Human Rights, Pact of Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, Additional Protocols to the Geneva Conventions relating to the Protection of Victims of International and Non-International Armed Conflicts, Convention on the Prevention and Punishment of the Crime of Genocide and Statute of the International Criminal Court,

Aimed at ensuring lasting peace and stability in the Western Balkans region, as well as further improvement of friendly relations among the states of the former Yugoslavia based on the respect for international law and territorial integrity and sovereignty of all member states of the United Nations, including Bosnia and Herzegovina,

Striving to keep the memory of the victims of the brutal armed conflicts in the former Yugoslavia in the 1990s, in which all the nations suffered grave hardships, forever alive,

In line with the ruling of the International Court of Justice, the United Nations supreme judicial body, delivered in the case brought by Bosnia in Herzegovina against Serbia and Montenegro on 26 February 2007,

In view of the fact that under said ruling of the International Court of Justice Serbia is obliged to take effective steps to ensure full observance of its international obligations, including full cooperation with the International Criminal Tribunal for the Former Yugoslavia,

Under article 99 paragraph 1 item 7 of the Constitution of the Republic of Serbia and article 136 of the Rules of Procedure of the National Assembly of the Republic of Serbia (RS Official Gazette, no. 14/09 – revised text), the National Assembly of the Republic of Serbia, at the Third Sitting of the First Regular Session in 2010, held on 31 March 2010, passed the

DECLARATION

Of the National Assembly of the Republic of Serbia Condemning the Crime in Srebrenica

The National Assembly of the Republic of Serbia most severely condemns the crime committed against the Bosnian population in Srebrenica in July 1995 in the manner established by the ruling of the International Court of Justice, as well as all the social and political processes and incidents that led to the creation of awareness that the realisation of personal national goals can be reached through the use of armed force and physical violence against members of other nations and religions, extending on the occasion condolences and apologies to the families of the victims that everything possible had not been done to prevent the tragedy.

The National Assembly of the Republic of Serbia provides full support to the work of the state authorities in charge of processing war criminals and successful completion of the cooperation with the International Criminal Tribunal for the Former Yugoslavia, in which the detection and arrest of Ratko Mladić for the purpose of standing trial before the International Criminal Tribunal for the Former Yugoslavia is particularly significant.

The National Assembly of the Republic of Serbia calls upon all the former conflicting sides in Bosnia and Herzegovina, as well as in the other states of the former Yugoslavia, to continue the process of reconciliation and strengthening of the conditions for common life based on national equality and full observance of human and minority rights and freedoms so that the committed crimes would never be repeated.

The National Assembly of the Republic of Serbia expresses the expectation that the highest authorities of other states on the territory of the former Yugoslavia would also condemn the crimes committed against the members of the Serbian people in this manner, as well as extend condolences and apologies to the families of the Serbian victims.

This declaration is to be published in the Official Gazette of the Republic of Serbia. RS no. 6

Belgrade, 31 March 2010

National Assembly Of The Republic Of Serbia

Speaker Prof. Dr Slavica Đukić-Dejanović

VII

Minorities: A Measure of Democracy

The Position of Minorities in Serbia – Under Constant Pressure

The relationship of the new Serbian government towards national minorities began to evolve after the October 2000 regime change and under pressure from the international community. This process has included the adoption of the Constitutional Charter on Human and Minority Rights and Civil Liberties, which was the main precondition for Serbia's acceptance into the Council of Europe. Since Charter was adopted, the status of minorities in Serbia has been continually monitored by international organizations of the EU, OSCE, Council of Europe, as well as local non-governmental organizations. However, the past nine years were also marked by numerous incidents and by essentially inadequate government policies. Since the "new" political elite maintained the concept of an ethnic state, the position of national minorities remained a constant matter of concern for all observers of affairs in Serbia. Due to the lack of both a legal framework and a genuine political will to change the social climate, minorities remain largely dissatisfied with their treatment by the state and society.

At the end of 2008, the Advisory Committee on the Framework Convention for the Protection of National Minorities concluded that the Serbian government had not developed a comprehensive or strategic approach – an active politics of inclusion – to promote the integration of minorities in a broader political and social community. In addition, the Committee assessed that certain minority rights protection measures were perceived as simply a result of pressure from the international community.³⁰⁶

The Advisory Committee also concluded that minority rights were generally better enforced in Vojvodina, and that both the regulations and practices in education and minority language use were far more developed than in other parts of Serbia.

306 *Council of Europe State Report on Serbia*, Council of Europe, 4 Mar. 2008. <www.coe.int/minorities>

In 2009, two crucially important laws for the realization of minority rights were passed: the Law against Discrimination and the Law on National Minority Councils. The first law is critical for establishing civil equality, and the second creates a foundation for traversing the legal vacuum that national councils confronted after most of their mandates expired. The Anti-Discrimination Law was also one of the preconditions for Serbia's inclusion on the Schengen White List, while the Law on National Councils enables the implementation of local minority self-government.

However, certain problems continue to stand in the way of minority rights realization. The Law on National Minority Councils was passed seven years after the Charter on Human and Minority Rights and Civil Liberties prescribed that new legislation should be designed to regulate the election of National Minority Councils. In the course of these seven years, the political map of this part of Europe changed. This created a number of negative consequences, and it has delayed the process of developing minority legislation. According to Minister for Human and Minority Rights Svetozar Čiplić, this is due to the fact that certain districts have yet to pass municipal laws, as prescribed by the Constitution.³⁰⁷

The greatest problem is that the legislation is either not implemented, or it is implemented only in select cases. Regional Administrative Secretary Tamaš Korhec claims that laws are only selectively applied, most frequently when their implementation serves personal, group or party interests of the ruling elite.³⁰⁸ Another problem lies in the contradiction between certain laws, which puts minorities in an extremely difficult situation – one law will stipulate a course of action, while another prohibits it. A typical example of this is the legislative regulation of public information. The discrepancies between the Law on Radio Broadcasting (2004) and the Law on Local Self-Government (2007) are a commonly discussed case. The two laws prescribe contradictory norms in regards to the rights of local self-government to set up electronic media sources in minority languages. Public debate tends to overlook the chronology of the case – at the time it

307 "We Are A Divided Country," *Dnevnik (Daily News)*, Radio-Television Serbia (RTS.) 4 May 2009.

308 "The Rule of Law and the Process of European Integration," *Dnevnik*, RTS. 17 Jul. 2009.

was passed, the Law on Radio Broadcasting did not comply with the Charter on Human and Minority Rights and Civil Liberties (2002.)³⁰⁹

The elites have lost credibility due to their inconsistent and irresponsible behavior, especially in the case of the Law against Discrimination. At the request of the Serbian Orthodox Church (SPC), as well as other traditional churches and religious communities, the proposal for the law was withdrawn once it had already been scheduled for parliamentary debate.³¹⁰ After public outrage ensued, the administration returned the proposal to parliament, with slight changes.³¹¹ This maneuver showed how substantially the Serbian political elite are influenced by other factors, including the Serbian Orthodox Church.

The parliamentary discussion on the Law against Discrimination exposed the impervious and xenophobic attitudes of the Serbian elite, and it also showed how deeply ingrained homophobia is in Serbian society. According to a report by the Gay-Straight Alliance on the state of human rights of LGBT individuals, 67 percent of the people surveyed have a negative attitude towards the LGBT population, 22 percent do not have a negative attitude or have a neutral attitude, and only 11 percent have a positive attitude. More than half of the individuals surveyed do not oppose LGBT individuals living in Serbia, yet this percentage declines when it comes to living in the same city. Every other individual surveyed feels that homosexuality is a threat to society, and that the state should combat it actively, while seven out of ten citizens consider homosexuality to be a disease.

309 Article 17 of the law declares that the state can establish separate radio and television stations that produce programming in the national minority languages.

310 In a joint statement, representatives of traditional churches and religious communities expressed concern that the application of certain insufficiently clear and imprecise provisions could lead to harmful consequences. The traditional churches and religious communities commended the government's "wise decision" to withdraw the Proposal for revision, and stated that "In its current condition, the Proposal is inapplicable, it threatens freedoms and rights that are guaranteed by the Constitution and by state values, and it is contradictory." "Explanation of Basic Positions of Traditional Churches and Religious Communities on Anti-Discrimination Bill", *Serbian Orthodox Church*, 11 Mar. 2009. <www.spc.rs/eng>

311 The law was passed on May 26th, 2009.

Three quarters of the population surveyed oppose gay pride parades. This deeply ingrained homophobia is accompanied by hatred towards all individuals who support the aforementioned law and actively promote human rights.

Due to the authorities' inconsistent behavior, national minorities have started to organize amongst themselves, which was not the case earlier. In the first quarter of 2009, the Bosniak National Council signed a protocol on cooperation with the Vlach and Bulgarian National Councils, with the goal of improving human rights of national minorities in central Serbia.

Tensions Within the Bosniak Community

Bosniaks in Sandžak have been subjected to repression since the beginning of the war in Bosnia. Apart from forced expulsion, a number of individual and group murders are registered that have never been fully processed. Tensions in Sandžak also arise as a result of government strategies aimed at preventing the formation of a unified Bosniak community. This comes in addition to the problems already present in the Bosniak minority population, including a lack of human resources. Besides the rivalry of the two political parties in Sandžak, the constant presence of various state agencies only aggravates the tensions within the Bosniak community. The Islamic populace has been divided under Belgrade's guidance, which shows how relevant Sandžak continues to be in the production of "state enemies." Inter-ethnic violence encumbers the political process within the Bosniak population. In January 2009, three individuals were injured in an incident in Novi Pazar.³¹² Sulejman Ugljanin, leader of the coalition "The

312 The incident evolved from a conflict about the Cultural Center facilities that are leased by the Bosniak List for a European Sandžak and owned by the city administration.

The lease for the space was signed at the time when Ugljanin was at the head of the municipality, and the current leadership considers it both harmful to the municipality and legally void, on the grounds that it has not been confirmed by the Serbian Directorate for Property. Since the Bosniak List did not vacate the facilities, although it was asked to do so on multiple occasions, the firm "Tigar" was hired to evict them. The locks on the doors were changed, and agency employees were directed to disable the

Bosniak List for a European Sandžak,” claims that the conflict developed when “an unauthorized group of armed bandits occupied the List facilities.” The public affairs office of the city government of Novi Pazar, on the other hand, issued a statement alleging that “a group of 150 hooligans, led by Sulejman Ugljanin, barged into city administration offices and demolished a part of the building.”³¹³

The Sandžak issue became a matter of international concern once tensions had risen to a level that could threaten regional stability. Turkish Foreign Minister Ahmet Davutoğlu visited the region, obviously intending to both calm and reprimand both sides involved in the conflict. Davutoğlu was accompanied by Serbian Minister of Foreign Affairs Vuk Jeremić. Turkish Deputy Raisu-l-ulama Mehmed Gormez also visited Novi Pazar in an attempt to reconcile the leaders of the divided Islamic community.

In mid-April, the conflict spread to the streets in Novi Sad, where one person was slightly injured in a fight.³¹⁴ A month later, a new incident occurred in Sjenica, resulting in the injury of Mustafa Makić, the President of the Islamic Community Assembly of Serbia.³¹⁵ Makić was assaulted only

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use of the space.

313 Representatives of the Sandžak Democratic Party asked Prime Minister Cvetković to take necessary measures against Ugljanin, alleging that it was unacceptable for a government official to lead a break-in into a state institution building, while crying “Alah is the greatest!” Ugljanin retorted that supporters of Ljajić’s SDP were attempting to mount synchronized attacks on multiple Bosniak institutions – the Bosniak List, the Sandžak newspaper and the Bosniak National Council.

314 According to Effendi Fadil Murati, the incident was caused by supporters of the Serbian Islamic community. Murati stated that five men attempted to change the lock on the courtyard gate, break into the prayer room and the community offices, and that once they were prevented from doing so fighting broke out and spread to the street. Zilkić’s supporters claimed that the incident occurred when they tried to deliver an eviction notice from the Islamic community authorities in Novi Sad. “Clash over Attempted Alternation,” *Danas*, 18-20 Apr. 2009.

315 An unidentified perpetrator fired several shots at Makić’s vehicle, and Makić sustained lighter injuries to his left thigh. “We do not yet know the identity of the perpetrator,” stated Reis Adem Zilkić, “but we know who gave the order. It was Mufti Zukorlić. Mufti Čertić is just as responsible as those who gave the order or carried it out.” Zilkić warned state authorities to take the situation very seriously, because he “no longer has control

two days prior to the visit of the Bosniak muslim religious leader Raisu-l-ulema Mustafa Cerić.

On his trip to Sandžak, Raisu-l-ulema Cerić first visited Tutin and was scheduled to address worshippers at the city square. However, the police prohibited the gathering for security reasons. The ban seemed motivated by the intent to publicly portray the atmosphere as dangerous. It also revealed that the entire situation was orchestrated from Belgrade. During his visit to Sandžak, Cerić called attention, among other things, to human rights abuses of the Bosniak minority. The Ministry of Religion reacted by characterizing Cerić's claim as "nonsense." In an official statement, the Ministry alleged that the Republic of Serbia was under accusation by a religious leader who negates the existence of a Serbian nation in his own state, and who "does not deserve to be welcome in our country."³¹⁶ The Meshihat of the Islamic community in Serbia reacted strongly to the Ministry statement, condemning the slander of a religious authority figure. The religious community demanded that the President and Prime Minister distance themselves from these claims and issue a public apology. The Meshihat also called for the resignation or immediate removal of the Minister of Religion, and advised the Bosniak ministers and delegates to reconsider their participation in the government and parliament. At the end of the statement, the Meshihat threatened to cease cooperation with the Ministry of Religion if the demands of the community were treated irresponsibly.

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over the religious community, so a possible inter-Bosniak conflict could evolve into a kind of civil war." "Zilkić Accuses Zukorlić and Cerić," *Dnevnik*, RTS. 17 May 2009. In a letter addressed to the Riyasat of the Islamic Community in Bosnia-Herzegovina, the ministries of foreign affairs of Bosnia-Herzegovina and Serbia, Reis Zilkić claimed that Raisu-l-ulema Cerić's visit to Sandžak and his contact with the people was against the interest of peace in the community.

316 A statement issued by the Ministry of Religion suggests that the "controversial Reis" developed the theory that Bosniaks are part of the Turkish nation, as well as the hegemonic "Greater Bosnia" ideology of a Bosnian nation consisting of three ethnic groups. The statement also accuses him of supporting the secession of Kosovo and Metohia, and claims that the Reis is depriving Serbia of its right to exist. <www.mv.gov.rs/eng>

The statement on ceasing cooperation testifies to the serious problems that exist between the Islamic community and the Ministry of Religion. In an interview for *Sedmica*, when asked about the relationship of the Serbian government towards the Islamic community, Muamer Zukorlić replied: “We are currently involved in a special war.” According to Zukorlić, the government used of a group of imams – as well as intelligence agencies, criminal groups, Ugljanin’s politics and the Ministry of Religion – in an attempt to dismantle the Islamic community. He also holds the government responsible for allowing the illegal formation of a parallel Islamic community. In order to solve these problems, Serbia must, Zukorlić believes, “kneel down and admit the role its agencies played and promise to stop shattering and destroying us.”³¹⁷

Representatives of the Islamic community and non-governmental organizations warned of other problems – including the realization of the right to religious education and the treatment of Bosniaks before court.³¹⁸ It is important to note that the Bosniak community was also discontent with the government regulation that divided the Sandžak municipalities by placing them under two different auspices – of the Central and Western regions. The Meshimat of the Islamic community called on Ministers Ljajić and Ugljanin to prevent the administrative parceling of Sandžak. The Bosniak National Council and the Sandžak Democratic Party also demanded that all the Sandžak municipalities be included in the same region.³¹⁹

317 See : www.islamskazajednica.org.

318 The Center for Human Rights Protection and Tolerance from Prijepolje warned of the human rights violations against Bosniaks, and appealed to the Sandžak courts, asking them to disclose the number of trials held in the Bosnian language, the number of cases where Bosniaks were informed by the court that they could use the Bosnian language in trial, and the number of cases where their right to use Bosnian was withheld.

319 “Our reasons for requesting this are primarily economic, in the interest of future economic development and enabling access to EU resources,” explained Mirsad Jusufović, the general secretary of SDP. According to Jusufović, both Bosniak parties are prepared to take extreme measures if the government does not correct this “technical error.” A failure to do so would discredit confidence in the government and bring into question Bosniak participation in the parliamentary majority, he stated. *Dnevnik*, RTS,

Special Treatment of the Albanian Minority

In 2009, other minority representatives also expressed their dissatisfaction and anguish with the state of minority affairs. According to Preševo municipality chairman Ragma Mustafa, the Serbian public does not know enough about the way that current government members treat Southern Serbia: “The furthest that the ministers, Prime Minister and President of the Republic have ventured into Southern Serbia is to visit the Gendarmerie Headquarters on the hill. The heads of this state have never entered offices of Southern municipalities. They completely ignore local self-government, as if we were an occupied territory.” Mustafa also called attention to Minister of Internal Affairs Dačić’s multiple visits to the South. “He met with the agency BIA and the Gendarmerie police force, but he has never visited the legitimate representatives of the Albanian people,” Mustafa stated.

At the end of July 2009, a meeting with Minister Dačić was held in Belgrade – the Minister, according to Mustafa, was interested to learn “what was really happening in the South.” The meeting took place behind closed doors. It was preceded by assaults on Gendarmerie members in the village of Lučani, an explosion in a residential building in Preševo, the discovery of a container with a large weapons supply in the village of Končulj, and by Albanians objecting to the excessive force employed in searches of their homes. The Preševo Assembly demanded that the Gendarmerie leave and called for the Serbian government and the Minister of Internal Affairs to determine who was responsible for the excessive use of force during searches.³²⁰ In a letter addressed to the Western embassies and the OSCE

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5 Jan. 2010.

320 Minister of Internal Affairs Dačić stated that the withdrawal of the Gendarmerie would be out of question as long as the threat of terrorist attacks persists. He added that the police has not used excessive force since the beginning of his term in office. He also emphasized that the police authority in Preševo consists of both Serbs and Albanians, and that they should take on the responsibility of preserving *public* order and peace, as well as combatting crime and terrorism – the victims of which are both Serbs and Albanians. He asserted that it was unnecessary for Albanian leaders to complain to the

in Belgrade, the heads of the Preševo Assembly Šaip Kamberi and Jonuz Musliu claimed that the Serbian police was staging spectacular actions in order to convince international institutions to suspend the Ground Security Zone. The letter also asserted that the government was consciously avoiding the responsibilities it accepted by signing the Agreement on the Reconstruction of the Coordination Body, and that this was “proof of the disingenuous intentions of the Serbian government towards the Preševo valley Albanian community, which considers itself betrayed.”³²¹

At the end of July, an assembly of aldermen of the municipalities of Bujanovac, Preševo i Medveđa adopted a political declaration demanding that Preševo valley be officially designated as a region. According to Ragmi Mustafa, there are many grounds for the formation of a Preševo region: “The political justification is the referendum from 1992, through which the citizens elected to strengthen political, cultural and territorial autonomy, and to move closer to Kosovo. The economic rationale is that all three municipalities are among the least developed in Serbia, and the developmental reasons relate to the possibility of future cross-border cooperation with Kumanovo, Gnjilan, Bulgaria.”³²²

According to Riza Halimi, the declaration demanding regionalization comes as a response to the ignorant attitude of the Serbian government towards the problems and needs of Albanians. The Albanian demands include the demilitarization of the region, abandoning all Serbian Special Forces operations, the proportionate participation of Albanians in state institutions, especially in the local and border police, the official

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international community, because its own intelligence agencies provide information on the activities and arming of certain groups in Kosovo and Metohia hailing from the municipalities in Southern Serbia.

321 “The Municipality of Preševo Requests the Withdrawal of the Gendarmerie, Dačić: There Will be No Withdrawal,” RTS. <www.rtv.rs> On another occasion, Kamberi warned that the Serbian Administration was attempting to marginalize the Coordinating Body: “We do not agree with the statement that the Coordinating Body is a round table, we consider it to be an official state agency with the concrete mission to implement the program of the Serbian government.”

322 “The President, Prime Minister and Ministers are ignoring the South of Serbia, as if it were an occupied territory,” *Borba*, 3 August 2009.

recognition of diplomas issued by the University of Priština after February 2008, and the release of the ethnic Albanians arrested in December 2008.

At a meeting with Kosovo President Fatmir Sejdiu, a delegation of political representatives from Souther Serbia discussed the problems arising from the non-recognition of diplomas, as well as the enlargement of the enrolment quota at the Priština University. The President of the Party for Democratic Action Riza Halimi stated that the non-recognition of diplomas from Priština and Tetovo leads to the ethnic cleansing of Albanians from the territory of Medveđa, Bujanovac and Preševo. The Albanian delegation also informed President Sejdiu of other problems – the “heightened militarization”³²³ of the region and the discrimination at work in the privatization process. All of the companies that were privatized in the three municipalities are no longer operative. Halimi claims that “most of the privatizations were orchestrated in such a way that all Albanians were eliminated from the process.”³²⁴

Problems of the Hungarian Community

The Hungarian minority is the most organized and has the most developed infrastructure, which makes it possible to always promptly react to instances of discrimination and pressure. As the largest and most established minority, it plays a crucial role in defining the status of Vojvodina.

323 In an interview to the Novi Sad *Dnevnik*, Halimi, who headed the delegation, elaborated on the issue of heightened militarization: “Special police forces are on the field every day here, all police work has been taken over by the Gendarmerie, while the local police has been marginalized. That is what heightened militarization means.” “Souther Serbia on the Agenda,” *Dnevnik*, RTS, 15 Sep. 2009. A month before meeting with the Kosovo President, Minister of Internal Affairs Dačić convened with Southern Serbia Albanian leaders. At the talk he declared that the Gendarmerie special forces would leave Southern Serbia once the situation was completely stabilized. The role of the special forces, said Dačić, is not to harass citizens, but to ensure their peace, stability, security, to protect their lives and properties. “Cautioned by Past Lessons,” *Dnevnik*, RTS, 3 Aug. 2009.

324 Ibid.

For this reason the community was under a great deal of pressure during Vojislav Koštunica's term in office, when Belgrade politics were geared towards changing the ethnic composition of the Vojvodina populace and preventing the reestablishment of Vojvodina's autonomy.

Because of its size, the Hungarian minority was also a target of ethnic engineering in the 1990s – Serbian refugees from primarily Croatia, but also Bosnia, were systematically resettled in multinational communities. One of the most prominent examples is Temerin, a town that was populated entirely by Hungarians prior to the war. The systematic settling of Serbian families changed the ethnic composition and created a tense atmosphere. This municipality now has an approximate population of 30,000 – two thirds of the population are Serbs, and one third is Hungarians.

In January 2010, two instances of attacks on Hungarian minority youths were recorded in Temerin. Hunor Horvat was beaten mid-January, and Marko Lošonc was attacked eight days later. In this municipality, there have been ongoing "graffiti wars." At the beginning of February, posters appeared at different locations in town, warning "Serbian brothers and Serbian sisters" that a larger group of Hungarian separatists, members of an organization of 64 counties physically attacked 5 Serbs, and declaring "Serbia for the Serbs, we will not surrender, the battle continues." Tamaš Korhec, Regional Secretary for Administration, Regulation and National Minorities, demanded severe penalties for extremists who instigate nationality-based incidents.³²⁵ The Regional ombudsman also commented on the incidents, and the Hungarian Hope Movement party announced that it would request assistance from the European parliament, in order to prevent the situation from escalating and to promote peaceful coexistence.³²⁶ Because of these events, Hungarian Ambassador Imre Varga also

325 "New Inter-Ethnic Conflicts – The Confrontation in Temerin," *Free Vojvodina*, 28 Jan. 2010. <www.slobodnavojvodina.org> In Korhec's opinion, there are more cases of such attacks in Vojvodina, but they remain unreported due to the victims' fear of retaliation.

326 "Concern about the Situation in Temerin," *Vajdasagma*. <www.vajma.info> The statement claims that well organized groups with political backing are spreading chauvinist propaganda against the Hungarian population, and they do not shy away from the use of violence.

paid a visit to Temerin, stating that the Hungarian government has faith in the state of law in Serbia.³²⁷ Hungarian Parliament Chairman Bela Katona, Serbian Prime Minister Mirko Cvetković, and Šandor Egerešija, President of the Vojvodina Assembly, also met to discuss the incidents. Katona requested from Cvetković that the Serbian government insist on an efficient investigation.³²⁸ The Centre for Civil Society Development condemned the incidents in Temerin and warned that similar events could occur in other parts of Vojvodina, and that the situation in Temerin was an indicator of the state of inter-ethnic affairs in the Region.³²⁹ Inter-ethnic incidents also occurred in Temerin in earlier years.

Hungarian community representatives expressed dissatisfaction with the way that state authorities handled the anniversary of the 1848 Hungarian revolution. The Vojvodina Hungarians wanted to commemorate the event by organizing a three-day celebration that was to include a visit by Hungarian President László Sólyom. This was, however, prevented by a turn of events that the Hungarian political representatives, primarily the ones organized around the Alliance of Vojvodina Hungarians (SVM), had not expected. Through diplomatic channels, the Cabinet of Serbian President Tadić relayed a message to the Hungarian president,³³⁰ stating that his visit could adversely affect the peaceful resolution of the status of

327 "The Hungarian Ambassador in Temerin," *Vajdasagma*. <www.vajma.info>

328 "Katona visits Egerešija: there was talk of crimes committed against Hungarians," *Vajdasagma*, <www.vajma.info>

329 "New Inter-Ethnic Conflicts – The Confrontation in Temerin," *Free Vojvodina*, 28 Jan. 2010. <www.slobodnavojvodina.org>

330 The Hungarian President was to attend the celebration commemorating the 1848 Hungarian revolution. This is a national holiday in Hungary and is also celebrated by the Hungarian community in Vojvodina. During his visit, the Hungarian President was scheduled to visit the ethnic Hungarians in several Vojvodina towns, and he was also set to pay his respects at the graves of the 1942 and 1944 victims. Sólyom shortened his visit to one day (March 15), noting that the other two days of his visit could only be realized once he had consulted with the Cabinet of President Tadić. From a statement issued by SVM: "We were shocked. This humiliating turn of events has embittered us, and we feel betrayed." The presidency of SVM decided to "celebrate the holiday alone," in the absence of the Hungarian President.

Vojvodina, especially the process of agreement on the regional statute. Following this intervention, a statement from Sólyom's Cabinet announced that the President would only attend the manifestations held on March 15, and that the second and third day of his visit would be scheduled after consulting with the Cabinet of President Tadić.

The SVM leadership did not hide their resentment, and they decided to celebrate the anniversary of the revolution alone, without Sólyom's visit. Due to "President Tadić's unacceptable behavior", the Democratic Party of Vojvodina Hungarians (DSVM) chairman Andraš Agošton sent a letter to István Pásztor and Sándor Páll, the SVM and Democratic Fellowship of Vojvodina Hungarians (DZVM) leaders. He suggested that a discussion on the political situation take place in the aftermath of the cancellation of the Hungarian President's unofficial visit. According to Agošton, the opposition to this visit testifies to how far the Serbian side is willing to go in ignoring Hungarian national interests.³³¹ On the other hand, both Agošton and member of the SVM leadership Bálint Pásztor welcomed the agreement reached by Presidents Tadić and Sólyom on the formation of a mixed expert committee that will investigate events during and immediately after World War II and reveal the truth about crimes committed against Hungarians.³³²

The Vlachs of Eastern Serbia – From Assimilation to Romanization

The dissimilation of the Vlachs began with the break up of Yugoslavia. The Vlach community was largely assimilated within Yugoslavia; statistics show that around 24.535 declared they Vlachs while, according to the same source 125 000 Serbian³³³ citizens spoke the Vlach language, although they

331 "Tadić's Test," *Dnevnik*, RTS, 11 Mar. 2009.

332 The motivation of the SVM, according to Pásztor, is not to politicize a painful topic and overemphasize the importance of these historical events, but to process them and put them in their proper place, in order to close a chapter of our shared history.

333 Statistički godišnjak Jugoslavije, 1989. str. 454.

declared themselves Serbs. This number gradually declined – at the same time, the Vlach minority grew. The construction of a Romanian national identity began during the dissimilation process. The process is also reflected in the 2002 state census. Since Serbia was constituted as an ethnic – and not a national – state, the government's efforts at countering the romanization trend have been ineffective.

The Serbian Orthodox Church (SPC) was guided by the same principles when it reacted harshly to the first church service held in the Romanian language in Bor. The Vlach-Serbian conflict over language of worship began in 2002 when the Romanian ambassador attended a liturgy celebrating the tenth anniversary of the Democratic Movement of Romanians in Serbia in the village Slatina, near Bor. The service was delivered in Romanian by Danil Stonesku, the Episcopope of the Romanian Orthodox Church in Vršac. In May 2005, a group of Serbian Orthodox Church members prevented the Union of Serbian Vlachs from celebrating the 610th anniversary of the Battle of Rovine by Negotin, where the Vlach leader Mircea the Elder fought against the Turks in May 1395. In April 2009, the organizers of the "Villages Meet" manifestation in Bor objected to the fact that members of the village Bučje announced the program in both the Vlach and Serbian languages. The organizers explained that this behavior signified "the romanization of Serbia." The highest state administration, the Belgrade offices of the Council of Europe and OSCE, and the Vlach National Council were all informed of the incident.

The Vlach National Council established that Romanian is the first language for the ethnic minority. There have been attempts at standardizing the Vlach language. The position and needs of ethnic Vlachs in Serbia can be summarized in three central points. The first is the demand to be recognized as an ethnically Romanian minority population in Eastern Serbia; the second is the right to a Romanian language education; the third is the right to conduct religious services in the Romanian language. In practice, the third point would either imply the formation of a diocese of the Romanian Orthodox Church in the Timočka region, or allowing for the Romanian Orthodox Diocese in Vršac to assume responsibility for services in this region as well.

In October 2009, the Vlach National Council issued a statement denying claims of the Ministry of Education that ethnic Vlachs students in South-Eastern Serbia did not show interest in studying the Romanian language and elements of national culture as an elective subject in school. The Council statement argued that in some schools parents of students were pressured to declare that their children were not interested in learning Romanian, while in others they were falsely informed of their options and it was suggested to them that their children would not be able to learn English, if they chose to study Romanian.

Official Serbian policy defines Vlachs and Romanians as ethnically and linguistically separate communities. Belgrade considers that certain Vlach activists cooperate too closely with official and unofficial representatives of the Romanian state, and that these representatives are trying to persuade members of the ethnic Vlach minority of Eastern Serbia to declare themselves ethnic Romanians in the upcoming 2011 census. State Secretary for Minority Rights Anika Muškinja – Hajnrih stated that “We demand that Romanian state representatives refrain from pressuring and imposing a sense of Romanian identity on members of the Vlach ethnic minority. Such behavior would not only infringe on international human and minority rights standards, it would also be in conflict with regulations of the Romanian-Serbian agreement on cooperation in the field of minority rights protection.”³³⁴

Chairman of the Vlach National Council Živoslav Lazić claimed that “someone in Belgrade is playing a dangerous game with the Vlach question. What we have here is the all too familiar scenario from the beginning of the 1990s, where professional patriots are awarded large funds for the so-called protection of Serbian interests. At the same time, Serbia’s ‘romanization’ narrative is a poke in the eye of a friendly nation, a nation it has never been in conflict with. The romanization thesis originates with malignant individuals who desire the assimilation of the Vlach ethnic minority.” He also stated that “some people in Serbia” are trying to

334 Albinović, Marko. “The Vlachs of Eastern Serbia – From Assimilation to Romanization.” *Politika*, 18 May 2009. <www.Politika.rs>

prove that Vlachs and Romanians are separate communities, and labelled these efforts as “xenophobic.”³³⁵

Romania is closely following the behavior of the Serbian state and its opposition to the romanization of the Vlachs. Representatives in the Romanian parliament attempted to internationalize the status of the Romanian ethnic minority in Eastern Serbia, and special UN reporter on religious freedom Asme Jahangir also made remarks on the issue.

Marginalization of the Roma Ethnic Minority

The status of the Roma minority is an issue that continues to require serious commitment from both state and society. The state must address a number of questions regarding status, and the society needs to surmount its racism and constant discrimination towards the Roma minority. In his report on Serbia from October 2008³³⁶, the Council of Europe Commissioner for Human Rights stated that the Roma are subjected to prejudice, systemic discrimination, marginalization, and that they are excluded from social life. He emphasized his opposition to the relocation of unhygienic Roma settlements, which was especially pronounced during the relocation of the Roma community from under the Gazela Bridge in Belgrade.

Serbia presided over the Decade of Roma Inclusion initiative from July 2008 until the end of June 2009, and in this period the government adopted the Strategy for Improving the Roma Status. The Strategy covers thirteen areas, three of which are considered priorities – education, housing, employment and health. All operative documents are integrated in the Action Plan for Strategy Implementation for the period 2009 to 2011. However, insufficient funds were allocated for the Action Plan. 525 dinars were secured for the project, which was less than originally planned. The Committee for Improving Roma Status and Implementing the Decade of

335 Albinović, Marko. “The Vlachs of Eastern Serbia – From Assimilation to Romanization.” *Politika*, 18 May 2009. <www.Politika.rs>

336 “Report by the Commissioner for Human Rights, Thomas Hammarberg, on his visit to Serbia (13-17 October 2008)”, *Council of Europe*, 11 Mar. 2009. <wcd.coe.int>

Roma Inclusion was also constituted in March 2008. However, the Committee has yet to release a report or statement, and it has not met frequently.

Improvement in the status of the Roma minority is uneven – progress is most visible in the field of education,³³⁷ and, according to Osman Balić, Coordinator of the League for the Decade of Roma Inclusion, it is most lacking in terms of bettering housing conditions. There are around 600 Roma villages in Serbia, and they are home to about 160,000 Roma inhabitants, 40,000 of whom live in extremely poor conditions. Balić highlighted that the former Ministry of Infrastructure and current Ministry of Environment and Spatial Planning has not only been ineffective, but has also actively countered other initiatives that aim to improve living conditions in the mahalas (slums).³³⁸ The Serbian state's patronizing attitude towards the Roma population is a huge obstacle to the realization of the Decade initiatives. Despite their progress, the state insists on treating the Roma as irresponsible and immature.

In 2009, Belgrade was the host of the Universiade sports festival, and in preparation for the event municipal authorities moved to tear down the houses in the “illegal” Roma settlement in New Belgrade. The settlement was located under the Gazela Bridge, near the Universiade building complex. Enraged by the fact that the eviction and demolition notice arrived only a day before the bulldozers, Roma community members attempted in various ways to prevent the demolition of their houses. Once they failed at this, they stopped traffic and protested in front of City Hall. The city then decided to relocate the newly homeless Roma to Boljkovci, a village outside of Belgrade. This in turn infuriated the village population, and they blocked the roads leading from villages Surčin and Jakovo to

337 Affirmative action practices have been adopted in the education system, and Roma students receive 30 stimulative points after elementary school (for enrollment in high school), while they are granted direct admittance to university after successfully completing high school.

338 There are, however, some positive examples. “Deputy Prime Minister Božidar Đelić, as well as ministers Rasim Ljajić and Svetozar Čiplić do not operate in this way,” claims Balić, “however, they need more support.” “Frozen and Hungry, They Will Come Knocking on the President's Door!” *Danas*, 8 Apr. 2009.

Boljkovci – in order to stop the authorities from installing containers to house the Roma families. Locals “threatened that they would burn the containers, and even the people, if we brought them there.”³³⁹

The Centre for Minority Rights warned that protests, threats, the destruction and burning of containers – are all acts of racism, and that they are prosecutable crimes that incite ethnic hatred and intolerance. The displacement of the Roma families from Block 67 in New Belgrade, according to the Center, demonstrates that the government does not have a clear strategy or a sufficient will to resolve the question of illegal and unhygienic Roma settlements in Belgrade in an enduring and systemic way.³⁴⁰ The demolition of the housing structures in the settlement did not follow municipal regulations, according to ombudsman Saša Janković. The fact that they demolished the settlement before securing adequate housing for the affected community shows that the authorities are incapable of performing their basic duties, and it brings into question the ability of the state to constructively cope with the problems of its most unprotected citizens. According to Janković, bulldozers are not the proper tools for solving the Roma housing problem or for actualizing the goals of the heavily publicized Roma Decade initiative.³⁴¹

The Roma who were relocated to housing containers in the village Makiš say that they lack living space, as well as work and food. 140 families who were official residents of the Belgrade settlement (under the Gazela Bridge) were relocated among seven city municipalities, while the remaining families were transported back to the municipalities they came from, mostly in Southern Serbia.

Aferdita Sejtović (23) speaks of the living conditions in the metal container that she shares with her husband and four small children: “It’s great

339 Marko Karadžić, State Secretary in the Ministry of Human and Minority Rights, called the protest racist. He noted that no one offered help to the Roma citizens who spent the night on the street: “We went there, and we didn’t see any church members, or the Red Cross, or any individual offering aid. No one even brought a sandwich for the children.”

340 *Borba*, 6 Apr. 2009.

341 “Problems Are Not Solved By Bulldozers”, *Danas*, 3 Apr. 2009.

to have water for showering. It would be even better to find work, so that I could earn some money. It's excellent, everything is all right, compared to how be living before this is good."³⁴² Although they agree that their living conditions have improved with the move from the unhygienic settlements to the containers, Aferdita's neighbors complain about lack of space, and of moisture dripping down from the electrical installations. The City Health Secretariat claims that it is monitoring the health of the displaced persons, and that it would soon be administering the new flu vaccine.

In order to obtain funding from the European Bank for Reconstruction and Development (EBRD) for the renovation of the Gazela Bridge, adequate housing for the Roma citizens that were displaced before the Universiade must be secured. The EBRD approved the loan, but the money will not be transferred to Roads of Serbia until the so-called Action plan for the relocation of the families from the unhygienic settlement under Gazela is completed. The families have been relocated, but this is not the only condition required by the EBRD.³⁴³

Intolerance towards the Roma also surfaced when city authorities in Niš attempted to name a street after a Roma artist, singer Šaban Bajramović. The inhabitants of the street, previously called South Boulevard, protested against the name change. Zoran Luković, the protest organizer, stated: "This decision is violent and it imposes on us the duty to feel proud of Bajramović – who we know very little of as an artist, though he was familiar to us as a fellow citizen with many vices."³⁴⁴

Their impeded integration and the fact that they are perceived as a disturbance factor create many other problems for the Roma minority. The Roma have barely any contact with public policy. The lives of the Roma women are especially difficult, as they are exposed to violence that they rarely acknowledge for themselves or report to authorities. Due to familial dysfunctionality, Roma children are more exposed to drugs, and young

342 "How the Relocated Roma Are Living," *B92*, 6 Jan. 2010. <www.B92.net>

343 "Drobnjak: Gazela Is Safe," *B92*, 29 Jan. 2010. <www.B92.net>

344 "Against Šaban Bajramović Street," *Danas*, 31 Mar. 2009 <www.Danas.rs>

women often turn to prostitution. Roma children are also frequent victims of human trafficking, and they are sold in Italy, Germany and France.

The judicial system lacks Roma interpreters, so the minority also faces discrimination in court, and they are often sentenced to longer prison terms than other citizens. Not only do Roma children experience problems with integration in the educational system, they are also not offered the opportunity to study their native language.

Minority Electoral Lists

A significant problem for minorities is the formation of separate electoral lists. Data for the electoral lists was assembled from November 9th 2009 to March 11 2010, and the National Council elections, according to some estimates, will take place between May 26 and June 26 2010.³⁴⁵ Elections are a key prerequisite for the constitution of minority self-government, and, as

345 19 ethnic minority communities applied to have electoral lists assembled – these include three new minorities: Albanian, Ashkali, Slovenian and Czech. The National Council elections will take place in the entire state of Serbia, in all local self-governments, in nine language, according to two electoral systems, and they will include the approx. 800,000 citizens who declared themselves ethnic minority members in the last state census. If more than half of the members of a particular minority population sign up for the separate electoral lists – that are being constructed democratically and voluntarily – then the elections for that particular National Council will be unmediated. If fewer than half of the minority sign up, the elections will be mediated, i.e. they will be organized via electors, just as they have been in the past. The election costs will be covered by the state. At the end of October 2009, the Ministry for Human and Minority Rights organized a donor conference for international organizations active in Belgrade, in order to secure additional funding for the preparation for National Council elections, as well as their successful implementation. It is interesting that the Montenegrin and Yugoslav minorities did not request to form electoral lists. It should also be mentioned that, in the case of the Bunjevci minority, the Ministry of Human and Minority Rights formed a temporary governance body, after it determined that the Bunjevci Council was operating illegally, given that 8 out of 21 representatives had resigned. "Recall of the Bunjevci Council", *Danas*, 21 Jan. 2001. <www.Danas.rs>

Svetozar Čiplić claims, Serbia is the first European state to apply this model: “The process of electing National Councils and the option of enrolling in separate electoral lists are benchmarks in both regional and European minority policy.”³⁴⁶ Emphasizing that Serbia has taken a big step forward, Čiplić added that minority rights have not been significantly expanded, but from now on ethnic minorities will have access to mechanisms that will enable the implementation and regulation of these rights, in partnership with the state.

The separate electoral lists are being composed for the first time, and this is a very demanding task – a project that, according to Ana Tomanova Mikanova, Vice President of the Regional Executive Committee, measures the maturity of a community. The project’s realization will rely on the participation of various state, regional and local institutions, as well as the media, KUD, the political parties, and other organizations. The process of forming electoral lists will expose the disparities between the various minority groups. The project should be more manageable for the more populous minorities, as they have a more developed infrastructure, more financial backing³⁴⁷ and the capacity to mobilize community members. Ethnic minorities that are less territorially dispersed should also have an easier time with this task. However, the process minority groups with weaker capacities will face more difficulties in the process. In the Hungarian community,³⁴⁸ more than a thousand activists are engaged in collecting statements from citizens, and the different political parties are

346 “Enrollment in Separate Electoral Lists Begins Soon”, *Dnevnik*, RTS, 31 Oct. 2009.

347 The state promised to refund the campaign costs for the formation of the electoral lists. “State Leaves Everything Up to Minority Activists,” *Danas*, 5-6 Dec. 2009. <www.Danas.rs>

348 In September, SVM invited its own members, as well as members of other parties, church and NGO representatives, and intellectuals to attend national consultations in Senta – in order to reach an agreement on questions pertaining to the council elections and to discuss strategies of mobilizing community members to enroll in the electoral lists. In order to achieve this, according to Chairman of the National Council Laslo Joža, all political factors need to contribute intense efforts. “Call to Meeting on National Council Formation”, *Dnevnik*, RTS, 10 Sep. 2009.

collaborating on the project, which they understand to be of national, and not partisan, interest.³⁴⁹

However, representatives of the Croatian community expect more support from the state, considering that this community – according to the Democratic Union of Croats in Vojvodina (DSHV) Vice Chairman Duje Runja – does not have a developed infrastructure, and also because the very mention of the electoral lists has a negative connotation for many members of this ethnic minority. For this reason, “our duty is to reach every member of our community, whether they live rural areas or in Tutin, to convince them that the polls are legal, that they have state support, and that there is no reason for any individual to fear participation.”³⁵⁰

Minister Čiplić also mentions fear as a reason that could affect minority members’ participation. He considers that it is “the duty of the state to

349 Reaching a consensus within the minority groups is one of the key conditions for the polls to be effective. “I doubt that any minority community members will attempt to dissuade others from participating,” Minister Čiplić stated. “If, however, any political organization tries to do so, I believe that it will be sanctioned from within the community. I also do not believe that any political party in Serbia would dare to do something as stupid as calling on minorities to boycott the polls.” “There Is No Reason For Fear of Participating in Polls”, *Dnevnik*, November 5, 2009. When it comes to bipartisan cooperation, in Kanjiža and Bačka Topola members of Agošton’s DSVM are collaborating with SVM on questionnaire distribution, although Agošton objected to some elements of the Law on National Councils – which, he claims, contains discriminatory strategies: “As a citizen of Serbia, I am automatically included in the general electoral list, and I can vote without sending a personal request to be included on the list,” while in the case of the Law on National Councils “I can only be included on the electoral list for the National Council election if I request this in a special letter.” The various Hungarian political representatives had differing assessments of the Law on National Councils. For SVM, the law is a huge step forward, while Šandor Pal’s party, DZVM, sees the law as a scam orchestrated by “enlightened crypto-chauvinists and nationalists who engaged only one Hungarian party to compose their Law on National Councils.” Pal considers the law irrelevant in its current form, as it does not even grant National Councils, for example, the power of veto in the choice of school principles in multinational communities. “SVM and DZVM Feud Over Law”, *Dnevnik*, RTS, 19. Sep. 2009.

350 “Campaign is Left To Parties and Organizations,” *Danas*, 2 Dec. 2009. <www.Danas.rs>

clarify to minority members that they should not be afraid, and that participating in the electoral process is a consummation of their constitutionally protected rights. If people are really afraid, we advise them not to join a separate electoral list. In doing so, they will not lose their constitutional rights – it will simply mean that they are choosing for the minority elections to be conducted electorally.”³⁵¹

Minority members warned of other difficulties. Electoral lists are composed through voluntary applications, but many minority members are difficult to reach. The Ministry has publicized the constitution of the separate electoral lists through the media, but this is insufficient. For example, the German minority list needs to include the names of 1600 members, which, according to Chairman of the German National Council Rudolf Vajs, is an exhausting task for a “small” minority. “It’s not good that the state left this up to us,” said Vajs, and he expressed doubt that this was “an elegant way to marginalize small ethnic minority communities, which is fine with the larger communities, as they are already represented in government. We highly suspect that there was an agreement made between the minority parties in the ruling coalition and the government, at the disadvantage of the smaller minorities.”³⁵² Niko Čoban, member of the Romanian National Council, also considers that the state could have been more involved in the project: “The work is slow and difficult, we’re going from house to house, talking to people and distributing forms (...) Once a sufficient number of statements is collected and delivered to the municipalities, I’m afraid that we will face a classic bottleneck problem with the municipal administration. The state should have secured more media exposure for the project, and it should have also collaborated more with the national councils to create the most effective implementation strategy.”³⁵³ Tomislav Žigmanov, Director of the Croatian Cultural Institute in Vojvodina, also expressed his concerns over the ability of a small number of municipal employees to effectively process all the collected applications.³⁵⁴

351 “There Is No Reason For Fear of Participating in Polls,” *Dnevnik*, RTS, 5 Nov. 2009.

352 “State Leaves Everything Up to Minority Activists,” *Danas*, 5-6 Dec. 2009. <www.Danas.rs>

353 Ibid.

354 Ibid.

Rodoljub Šabić, Trustee for Public Information, also commented on the formation of the electoral lists, warning that complete protection of private information must be guaranteed. He emphasized that “only state authorities are legally empowered to process the kind of personal information that is implied in composing an electoral list. It is illegal for anyone else to, under the guise of offering help, process personal data, to collect or form electoral or other information on the individuals that are to be included in separate electoral lists.”³⁵⁵

Conscious of the importance of the electoral list formation and the national council elections, Serbian President Boris Tadić called on minority members to enroll in the separate electoral lists. At a meeting with national council representatives, Tadić said that Serbia would ensure the best possible conditions for the prosperity and protection of identity for its ethnic minorities. At the invitation of Ištvan Pastor, Hungarian President László Sólyom also visited Serbia to provide support in the electoral list composition process to the ethnic Hungarians in Vojvodina. Additional support was provided by former Hungarian Prime Minister Viktor Orban, as well as the OSCE and the EU. Minister Čiplić emphasized that the development of electoral lists is a process, and that it would take two election cycles for the majority of the minority population to be included on the lists.

Legal Regulation Without Implementation

The basic legal framework necessary for minority rights implementation has been established with the passing of two important laws³⁵⁶, the formation of electoral lists, the adoption of the Strategy for Improving the Roma

355 “Information Protection Essential While Forming Lists”, *Beta*, 17 Feb. 2010. In a statement for Deutsche Welle, Šabić repeated: “It is out of the question that someone would be allowed to visit the residences of minority members, fill in forms in their name, then transfer the information from these forms to the electoral lists, and finally compose parallel collections of data – yet this is precisely what appears to be happening.” *Deutsche Welle*, 4 Feb. 2010. <www.dw-world.de>

356 According to Čiplić, the Law Against Discrimination was more favorably valued on an

Status, the continued operation of the Serbian Government Council for National Minorities³⁵⁷, the ratification of the Vojvodina Statute, as well as guarantees of the forthcoming Human Rights Strategy. Čiplić claims that “in normative terms, according to passed laws and ratified international conventions, Serbia’s protection of human and minority rights is on the level of a Western democracy.”³⁵⁸ He also states that “Serbia is specific in that it has become a brand and a leader in minority rights protection.”³⁵⁹ Čiplić considers that the extant problems are not political or national – but economic, as Serbia is entering the transition process as a very poor country: “If weren’t for these economic problems, the only obstacle minority communities would be the ‘sweet suffering’ of realizing and using their rights.”³⁶⁰

In order for Serbia to genuinely establish itself as a democratic society, minority rights have been supported by more than just legislation. The development of a corresponding political culture – that will support the implementation of these “good laws” – is essential. Minister Čiplić is correct in stating that many problems would not exist if Serbia were a wealthier country, because this would, for example, protect minority organizations from funding shortages or withdrawals.³⁶¹ Improved economic

international than on a domestic level.

357 Members of the Council, besides the presidents of the individual national councils, include – Minister of Human and Minority Rights Svetozar Čiplić, Minister of PuBlic Administration and Local Self-Government Milan Marković, Minister of Internal Affairs Ivica Dačić, Minister of Culture Nebojša Bradić, Minister of Education Žarko Obradović, Minister of Youth and Sports Snežana Marković Samardžić, Minister of Religion Bogoljub Šijaković, and Minister of Justice Snežana Malović.

358 Čiplić: “Human and minority rights in Serbia are more of an economic than a political question.” 3 Aug. 2009.

359 Čiplić: “Leaders in Minority Rights”, *Tanjug*, 11 Dec. 2009.

360 Ibid.

361 In a letter to Sombor city and regional functionaries, leaders of the Hungarian Civic Kasina and the Pocket Theater “Berta Ferenc” expressed their dissatisfaction with the fact that their institutions, relevant organizations for puBlic information and both linguistic and cultural preservation and promotion, were removed from the direct funding budget, which brought into question their further operation. See “Dissatisfied with Budget”, *www.soinfo.org*. Also, if Serbia were a wealthier nation, rationalization

conditions can contribute to the advancement of minority rights, but they cannot eliminate all problems. The transformation of both the political culture and the fundamental belief system of the population require more time and effort. In addition, the adequate application and protection of minority rights necessitates stable institutions that can react adequately and promptly in any situation.

The success of minority politics is best assessed by members of the minority community. Bálint Pásztor, for example, says that the state of minority rights is not bad, but it would be inaccurate to say that there are no problems.³⁶² Pásztor considers that, apart from legal regulations,³⁶³ efforts should be directed towards improving the social climate,³⁶⁴ securing funding for minority institutions, as well as increasing minority participation in the public sector.

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would be less of problem, as it leads to combining different school sections and cancelling sections in native languages, which in turn displeases parents and causes fear of assimilation. Due to the fact that national councils face funding cuts because of the economic crisis and budget restrictions, the Center for Civil Society Development emphasized that state authorities must assure that the effects of the economic crisis are equally distributed, so that minorities are not forced to bear a greater burden than others.

362 Head Mufti of the Islamic Community in Serbia Muamer Zukorlić was much harsher in his assessment of the situation. In a recent interview for *Dnevni Avaz*, he stated that administrative strategies in the past hundred years had been geared towards destroying Sandžak – and that Bosniak population was crafted into a minority in all statistical, administrative and electoral regions, in order to curb their influence.

363 Especially when it comes to public information – this area is regulated by different laws that are mutually contradictory, which made it possible for the political administration to halt the privatization of electronic media in minority languages. Čiplič asserts that the media laws will have to be revised, in order to conform with the 2006 Constitution.

364 Research conducted by Strategic Marketing, as part of the project Support for the Implementation of the Anti-Discrimination Legislation and Mediation in Serbia, shows that the state is insufficiently engaged in combatting discrimination, and that the topic lacks media coverage. More than half of the individuals surveyed believe that discrimination is forbidden by law, but that this is not frequently respected and that perpetrators of discrimination do not face legal consequences.

Problems in the Realization of Minority Rights

Problems in the realization of minority rights will remain an issue in Serbian public and political life for a long time to come. Serbia's international progress – admittance to the Schengen visa system, the state submitting for EU candidacy – could have a relaxing effect on inter-ethnic relations, as well as aid the successful integration of minority members. Serbia's relations with other countries, especially the nations it borders – for example, Croatia, Bosnia-Herzegovina or Kosovo – also influence inter-ethnic relations within the state. It is therefore in the interest of inter-ethnic conditions in Serbia,³⁶⁵ as well as successful European integration, to maintain and improve relationships with these countries.

There are many other minority rights problems that should be mentioned. One of these is the way that the state describes minority problems and, in particular, the way that the problems are presented at international minority rights conferences. In reaction to the remarks of Ministry of Religion representatives at the annual OSCE Human Rights Conference, the Centre for Civil Society Development expressed that the unbiased operation of administrative authorities is of key importance for the advancement of religious rights and freedoms in the country.³⁶⁶

A special problem is the state's attitude towards Yugoslavs, i.e. the segment of the population that declares itself Yugoslav. Đorđe Dragojlović, a member of the Yugoslav Initiative Committee, claims that "the state cannot

365 The Croatian lawsuit against Serbia for genocide, the counter-lawsuit filed by Serbia, as well as the actions of Croatian representatives during the case assessing the legality of Kosovo's declaration of independence at the International Court of Justice in the Hague (which Serbian President Boris Tadić saw as an act of interference in Serbia's internal affairs) – can all contribute to the worsening of relations between these two countries. This can also negatively affect the inter-ethnic relations and the status of minorities in the neighboring nations. However, according to Žarko Puhovski, it would take "a bit more than nationalistic provocation against Serbs and Serbia."

366 The Center for Civil Society Development assessed that the Ministry of Religion presented a series of untruths at the OSCE summit in Warsaw, which negatively impacts the improvement of religious rights and freedoms.

ignore the fact that 80,000 people consider themselves Yugoslavs.”³⁶⁷ The unwillingness to recognize this community is a strategy of silent assimilation – according to Mikloš Olajoš Nađ, also a member of the Initiative Committee, this was apparent in the last state census, which did not include a category for Yugoslavs.³⁶⁸ Media reports suggest that the formation of the Initiative Committee in Subotica, a town where 10 percent of all Yugoslavs reside, has motivated the campaign for a Yugoslav National Committee.³⁶⁹

The debate leading up to the Vojvodina Statute caused polarization and the development of rhetoric on the verge of spreading inter-ethnic hatred. Assessments show that the Statute was often publicly portrayed as an antecedent to separatism, “integration factor of a multi-ethnic region.” Regional Secretary for Administration, Regulation and National Minorities Tamaš Korhec claims that nationalist circles in Belgrade are resentful towards the fact that Serbs, Hungarians, Croats, Romanians and all other groups were able to reach a consensus³⁷⁰ on the Vojvodina Statute. It is important to preserve the stability of the consensus, despite events like the Temerin incidents,³⁷¹ or earlier incidents in Novi Sad³⁷² where Hungar-

367 “The State Cannot Ignore the Yugoslavs”, *Danas*, 28-29 Nov. 2009. <www.Danas.rs>

368 Ibid. Members of the Initiative stated that they would demand that the 2011 census allow for all citizens who desire to do so to declare themselves Yugoslav, and that they would also form committees in other towns in order to develop a unified organization of Yugoslavs.

369 An official request for the formation of an electoral list was, however, not submitted by the Yugoslav minority.

370 “Belgrade Nationalists Pained By Agreement of Vojvodina Serbs, Hungarians, Croats...” *Dnevnik*, RTS, 8 Dec. 2009.

371 Two incidents of attacks on Hungarian minority youths were recorded in January in Temerin. In this municipality, according to Tamaš Korhec, there have been ongoing “graffiti wars.” He believes that there are more attacks on minority members in Vojvodina, but that the victims do not report them out of fear. “Korhec: Young Hungarians Attacked in Temerin,” *Beta*, 27 Jan 2010. <www.autonomija.info>

372 In mid 2009, two young men from Temerin were beaten in Novi Sad, and they were subsequently charged with legal violations. The incident began on a bus, where one passenger was bothered by the fact that the Temerin youths were speaking Hungarian. “Insulted and Beaten, Then Charged with Violations,” *Dnevnik*, RTS, 20 Jun. 2009.

ian minority members where physically attacked. State reactions in these cases was delayed and inadequate. The situation calls for more functional autonomy for local actors. The decentralization process, heralded by the state administration, should provide lower levels of government, especially local self-government, with more independence in decision-making processes – so that problems can be addressed in a simpler, faster and more efficient manner.

At a conference on the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages,³⁷³ a series of problems that affect minority members was identified. In regards to the Croatian minority, for example, matters discussed included the necessity of forming a Croatian language editorial board as part of Radio Television Vojvodina, and obtaining “a permanent permit for the import of educational literature from Croatia, in order to successfully conduct education at all levels.” It is also necessary to “establish a college course for educators of the Croatian language at the College of Education in Subotica, as well as form a Croatian Language department at the Philosophy School of the Novi Sad University.”³⁷⁴

Albanian and Bulgarian minority members also requested that adequate educational literature in their native languages be secured and imported, while Macedonian minority representatives appealed for

373 The conference was held in Novi Sad at the end of November, and it was organized by the Vojvodina Center for Human Rights.

374 Mid-December the Democratic Alliance of Croats in Vojvodina demanded a meeting with Minister of Education Žarko Obradović, in order to determine why Croatian minority students have still not received Croatian language school books, even though eight years have passed since Croatian language education was implemented in schools. The Croatian community in Vojvodina was also displeased with the amount of funding received from the Croatian state, which was 60 times smaller than the funding provided for Croats in Bosnia-Herzegovina for this year. The reasons for this are the economic crisis and budget shortages, but also the fact that the Vojvodina Croats, according to Tomislav Žigmanov, have no relevant political representatives in Croatia to lobby for their cause. “Crisis as an Excuse,” *Danas*, 30 Sep. 2009. <www.Danas.rs>

members of their community to be able to study the Macedonian language combined with cultural studies.

As for media access, participants of the conference petitioned for minority media to be made exempt from the privatization process. They also requested the formation of a German language radio and television editorial board, and for programming in Romanian from Radio Television Serbia to be rebroadcast in Eastern Serbia.³⁷⁵ In regards to official use of languages and scripts of the ethnic minorities, representatives appealed for their legal rights to be applied consistently, and they also asked that the minority languages be officially implemented in their local municipalities – the Bosnian language in the municipalities of Priboj and Nova Varoš,³⁷⁶ the Bunjevci language in the municipalities of Subotica and Sombor, the Slovak language in the community Slankamenački Vinogradi (municipality of Indija.) As for the preservation of minority culture, representatives called for the formation of an Institute for Bunjevci Culture, as well as adequate institutions for preserving and promoting the culture of the German ethnic minority. Representatives of the Bosniak National Committee requested that the immobile cultural properties in the Sandžak communities, which they consider part of their cultural heritage, be officially defined and treated as such by the Serbian state, its representatives, institutions and agencies. Finally, conference participants recommended

375 Conference participants also demanded improvement of technical standards in broadcast media, particularly Radio Television Serbia, in order to enable quality transmission of image and sound. Czech minority representatives also reported that the only media source in Czech "Radio Sun – Voice of Southern Banat" had, after many operative years, not received a permit from the State radio-broadcasting institution.

376 In August 2009, the Bosniak National Council sent a request to the Ministries of Education and Human and Minority Rights, asking for the school subject "Bosnian language with elements of national culture" to be changed to "Bosnian language and literature" in the municipalities where it is in official use, and that the subject be taught for two school periods a week, both in elementary and high schools. They also requested that the educational literature and other necessary class materials be printed in the Bosnian language and that their import from Bosnia-Herzegovina be organized. Finally, they asked for the Bosniak National Council to participate in the creation of lesson plans of importance to the Bosniak minority community.

that the state establish a separate fund that would ensure both higher quality operations and more secure financing for minority activities.³⁷⁷

The Influence of the Financial Crisis on the Status of Ethnic Minorities

The impact of the world economic crisis in Serbia, according to Balić, was first felt among the Roma population, especially the Roma who work with secondary materials – which is up to 70 percent of the total Roma population. However, the economic crisis is not the only cause of the Roma problems. A large number of Roma minority members exist outside of the educational, health and social service systems, as they do not have personal identification documents.³⁷⁸ The Roma communities displaced from Kosovo are the most numerous “legally invisible” populations, which puts them in an even more difficult position compared to the other Roma citizens.³⁷⁹ At the conference “The Roma between Integration and Discrimination”, Minister for Human and Minority Rights Svetozar Čipilić stated that

377 Bulgarian minority representatives emphasized the need to prevent economic discrimination against their minority, because this is occurring in the preparations for constructing Corridor 10 – from Niš to the Bulgarian border land is being expropriated at significantly lower prices than in the neighboring Pirotška municipality.

378 According to Saša Gajin, coordinator of the Center for Advancing Legal Studies, legally invisible persons are not only interesting from the viewpoint of human rights, but also for state security, because these persons are a direct target of all forms of organized crime, human and drug trafficking, begging, prostitution, and they represent a reservoir of serious security issues. Tošović, Ivana. “Without Documents, Easy Prey for Criminal Attacks,” *Danas*, 21 Dec. 2009. <www.Danas.rs>

379 Davor Rako, the UNHCR mission Representative for Legal Protection, considers that the state should take all necessary measures to resolve this issue. Reasons for “legal invisibility” listed by Rako include the inability to be included in identification registers, destroyed or lost identifications from Kosovo and Metohia, life in informal settlements without an address or residence, but also prolonged legal procedures, marginalization, discrimination, as well as the lack of consciousness about the importance of possessing personal identification documents. Tošović, Ivana. “Financing is Key to Solving Problems,” *Danas*, 10 Nov. 2009. <www.Danas.rs>

“Serbia has documents, laws, strategies and action plans, but it does not have sufficient financial resources to successfully resolve the Roma integration and improve their status,”³⁸⁰

Economic conditions in Southern Serbia and Sandžak are extremely dire. In Preševo, for example, 17,000 of the total 43,000 inhabitants work abroad, and only 3,000 are employed within the municipality. Kosovo’s separation has negatively impacted economic cooperation with the Kosovo-Pomoravlje District and Priština. In Novi Pazar 22,000 people are unemployed, and the economy has collapsed.

These are only some of the problems that exacerbate the minority condition. Minority rights and status are extremely complex issues, and Serbian political elites need to approach them with significantly more care and respect. They need to show more wisdom in governance and stay away from offending minority groups with rash or untactical moves, avoid radicalizing relationships within communities, avert politicizing religious institutions and compromising their relationships with state agencies. Attitudes towards minority rights impact Serbia’s international standing, as was demonstrated by the visit of Turkish Foreign Minister, or in the “case” of the Hungarian President.

380 Ibid.

Conclusions and Recommendations

The following year in politics will be largely marked by the formation of electoral lists on the one hand, and the organization of national council elections on the other hand. This will also show how effectively the state can function in providing citizen services. Electoral lists and unmediated elections are also significant from the viewpoint of political legitimacy and ascertaining the authority of the national councils. Time will show how capable minority communities are of realizing minority self-government, with state assistance.

Given the described circumstances, the Helsinki Committee recommends the following:

- That the state actively work on creating a social climate favorable to minorities; it appears that authorities have yet to fully realize that the world is inter-dependent and that the minority question is a matter of constant concern and monitoring by the international community;
- The adjustment of legislation that regulates rights of vital importance to minorities;
- In the process of rationalization or cut backs in the administration of areas especially relevant to minority groups, authorities should pay special attention to prevent these measures from negatively affecting minority rights implementation;
- Authorities should act constructively in mediating and resolving conflicts within particular minority and/or religious communities.
- The state should act effectively and resolutely against any attempts at aggravating inter-ethnic relations.
- The state should empower minorities to, according to their capacities, actively participate in the processes of euro-integration and promote political, economic and cultural cooperation in the region.

Violations Of LGBT Rights

The cancellation, or rather banning, of the 2009 Pride Parade was the best indication of how seriously the rights of the LGBT population are violated in Serbia. For months in advance of the scheduled parade, ultra-right-wing groups and organizations conducted a continuous anti-pride campaign, in which they were indirectly supported by the State by not punishing their hate speech. Statements by the organizations' leaders were carried by nearly all media outlets without any critical distancing from their hate messages.³⁸¹ What is more, on 15 September 2009, the dailies *Politika* and *Večernje novosti* ran articles explicitly calling for lynching participants in the upcoming event. In addition to carrying messages from Otečastveni pokret Obraz (Fatherland Movement Dignity), Srpski narodni pokret 1389 (Serb National Movement 1389), and Naši (Ours), the dailies also conveyed warnings from anonymous "security services" sources that during the parade in Belgrade on 20 September there would be physical attacks on participants, government institutions, and the police. The same sources were quoted as saying that anarchist organizations would hold a counter-parade and attack the police and participants jointly with right-wing organizations.³⁸² Five days before the Pride Parade it became clear that the State had no intention of protecting the participants.

381 Mladen Obradović from Obraz claimed publicly that there would be violence: "Everybody knows what will happen if they try to hold that shame parade. The organizers will bear sole responsibility for anything that may happen there. If they think they can stick their fingers in the eye of the entire people, they are badly mistaken. We'll be waiting for them." Miša Vacić from Movement 1389 said: "We're definitely going to tear them apart. We've written a letter to the SPC Synod asking them to intercede and prevent bloodshed. If a thousand Serbs take to the streets and come in contact with a procession of queers and politicians, anything may happen. They themselves incite violence by performing their Satanic rites on the streets of the capital." (*Nacional*, No 72, 29 September 2009)

382 Since the Pride Parade was publicly supported by anarchist organizations, this statement of the security services can only be interpreted as an attempt to equate the Left and the Right in order to undermine left-wing anti-fascist arguments.

The Helsinki Committee for Human Rights in Serbia issued a statement in which it criticized the media and the competent authorities for their lack of professional conduct: "Texts of this kind mean not only open support for and media hype of the positions of ultra-rightist organizations and the populist bloc on the part of the power structures, but also an attempt to mobilize as many citizens as possible to rally on that day and brutally interrupt the announced protest...We call on the Serbian MUP [Ministry of Internal Affairs] to react and to most rigorously punish hate speech and open calls for violence on 20 September."

Although the authorities were obliged to act under Article 10 of the Anti-Discrimination Law (which punishes association for the purpose of exercising discrimination) and Article 387 of the Criminal Code (discrimination on racial and other grounds), no proceedings were instituted against any of the leaders of the right-wing organizations in connection with their hate speech and threats. After the Pride Parade was banned, the Ministry of Justice started an initiative for banning these organizations. The republic prosecutor, Slobodan Radovanović, responded by saying that the threats were merely "polemical tones" and that he saw no reason for the Prosecutor's Office to react: "We can't react to articles in the media, we can react if there are consequences from all that."³⁸³

The president of the League of Social Democrats of Vojvodina, Nenad Čanak, offered the following explanation why the Prosecutor's Office, courts and MUP failed to react to these threats: "In Serbia – and not only in Serbia – the police have always maintained such informal groups to do things for the State on false identity papers. During the 1990s there were lots of so-called paramilitary units on the rampage all over Bosnia, Croatia, and Kosovo and also here: people pasting posters were beaten here by unidentified persons. As it turns out later, all of them have service identification cards and are members of the Serbian State Security Service."³⁸⁴

Homophobia is very pronounced in Serbian society. It is spread by leaders of right-wing opposition parties and NGOs by using highly offensive language and, as a rule, is not punished. In an interview with *Večernje*

383 *Blic*, 1 September 2009.

384 B92, 1 September 2009.

novosti, Mayor of Belgrade Dragan Đilas made the following statement which attracted wide publicity: "A person's sexual orientation is a private affair and should, in my opinion, remain within the four walls of the home. I don't see any reason for anybody to display their sexual disposition in that way. Also, I condemn members of extremist organizations who stone and assault those people for the sake of the 'purity of Serbdom'. That always projects a wrong image of the city and of us as being intolerant and uncivilized. I'm afraid that it will be difficult to protect the participants in the parade whatever action the police may take. I think that such manifestations ought to be avoided."³⁸⁵

The statement drew the following reaction from Maja Puača from the Pride Parade Organizing Committee: "The Pride Parade Organizing Committee wishes to remind the mayor that minority sexual orientation is not a private affair considering that people with a different sexual orientation are exposed to violence and discrimination. We welcome the mayor's assurances that the Pride Parade will be adequately protected and recall that last week we made an official request for a meeting with the mayor in connection with the Pride Parade and expect that he will receive us as his fellow citizens."³⁸⁶

The parade was banned on the eve of the event with the explanation that the State was unable to protect the participants from ultra-rightist and neo-Nazi organizations. The organizers did not accept the recommendation of the police to hold the parade at the location called Ušće outside the city centre and the event was called off. The MUP decided to change the venue because, it said, it could not guarantee safety to the participants in the city centre in spite of the fact that, only two days before, the Government had said that state bodies should ensure that people can manifest their equality and diversity freely. The organizers said that the support they received from the State was belated and only declaratory: "The symbolism of this event all over the world is for us to symbolically walk

385 *Večernje novosti*, 2 August 2009.

386 *www.B92.net*, 17 September 2009

through the centre of the city and show that we are equal citizens. We don't want to walk in a field at Ušće, that wouldn't be a Pride Parade."³⁸⁷

The Serbian Orthodox Church (SPC) succeeded in sabotaging the adoption of the Anti-Discrimination Law by having it withdrawn from parliamentary procedure and amended. The SPC also made a statement in response to the announcement of the Pride Parade: "The Church has never, nor does it incite violence today against anybody, not even against those who instead of the road of life choose the road of meaninglessness and death."³⁸⁸ Metropolitan Amfilohije also said that the Church, as guardian of the sanctity of life and love, as well as generator of eternal life and purity and undying love, condemns any violence and has the obligation and duty of unceasingly reminding every man, every human generation, including the one of today, of the need to "differentiate between God and Satan, light and dark, good and evil, truth and lie, naturalness and unnaturalness, sense and nonsensicality". This is why the Church "as such can neither accept nor approve a shame parade as a pride parade, especially when by enforcing it, as in this and all similar cases, one commits violence against those who think differently." Amfilohije called the Pride Parade a "parade of shame, a parade of Sodom and Gomorrah", an event confirming the popular saying that "the one who does not fear God has no shame before people".

The international organization for human rights protection, Civil Right Defenders, wrote a letter to Serbian Prime Minister Mirko Cvetković and Minister of the Interior Ivica Dačić urging Serbia to abide by the international standards to which it is committed. The organization wrote that in view of the brutal attacks on citizens who tried to organize a pride parade in 2001, it expected that this time the Ministry of Internal Affairs would be fully prepared and have enough police officers and other resources ready to protect the participants.³⁸⁹

On 26 February 2009, the assistant director of the Sava Centre, Rade Hinić, forbade the NGO Gay-Straight Alliance (GSA) from holding a

387 Pride Parade Organizing Committee, 19 September 2009.

388 Metropolitan of Montenegro and the Littoral Amfilohije, *Press*, 1 September 2009.

389 Source: RTV B92, 17 September 2009.

conference in the Media Centre at which it intended to present its Annual Report on the rights of LGBT persons in Serbia. Following reaction from Citizens' Protector Saša Janković, who said that the gesture was "simply beyond comprehension",³⁹⁰ and from the Ministry for Human and Minority Rights, Sava Centre Director Dragan Vučićević made an apology. He said that the decision had been taken in order to ensure safety of the conference participants and the audience at the 37th Film Festival.

The Aranđelovac-based organization Naši pasted posters in 15 Serbian towns bearing the photograph Boban Stojanović, president of the Centre for Promoting a Culture of Nonviolence and Equality Queeria. The action was in protest against the decision of the State to grant EUR 3,000 to the organization.

After it was announced that there would a pride parade in 2010, the lesbian human rights organization Labris held a news conference at which it said that the „state authorities must create the necessary preconditions for the start of preparations for the Pride Parade, in keeping with their promise made at the end of September 2009. After the 2009 parade was banned, representatives of the state fell over themselves promising that those responsible for the threats made to the organizers and potential participants in last year's parade would soon be brought to justice, but this hasn't happened to this day.”³⁹¹

The Gay-Lesbian Info Centre (GLIC) asked President Boris Tadić to discuss the position of sexual minorities with representatives of LGBT organizations. GLIC issued a statement in which it recalled that although the well-known transvestite Vjeran Miladinović "Merlinka" was murdered in a Belgrade suburb seven years ago on 22 March, his killer had not been discovered and a suspect had been discharged by the court. GLIC said that the crime was not the only one: in January 2009 a transsexual woman named Minja Kočiš was also murdered.³⁹²

It said that hatred and resentment towards sexual minorities, especially transsexual persons, was exceptionally prominent in Serbia. It said

390 *Kurir*, 20 February 2009.

391 <http://www.labris.org.rs/lokal/lezbejke-ocekuju-povorku-ponosa.html>.

392 www.B92.net 21 March 2010.

that the number of threats and attacks against LGBT persons had increased from the year before.

Attitude of government institutions

The attitude of the state authorities, especially the police, to the gay population remains unchanged and is characterized by homophobia and inadequate action on their part. The public debate on the Anti-Discrimination Law and the atmosphere surrounding it gave rise to several attacks on representatives of the LGBT population. The majority of incidents occurred in connection with the rally the Women in Black and other organizations held on 9 March 2009 to mark Women's Day and protest against the withdrawal of the Anti-Discrimination Law from parliamentary procedure under pressure from religious communities.

Attack on S.T., 20, in Zeleni venac street in Belgrade: GSA reported several attacks on 9 March. *"At about 13.30 that day S.T., aged 20, was returning from his civilian national service work. He was waiting for three of his friends at the bus stop in front of 12 Zeleni venac streets (former Beobanka building). He was talking over the phone with one of the friends he was awaiting when he noticed from the corner of the eye that someone was watching him.*

S.T. thought that he had attracted attention to himself by wearing his Castro-style cap and badges on his bag straps. What he remembers next was that the attacker had punched him from the side on the left cheek. S.T. was brought down to the ground by the force of the blow, with the attacker proceeding to kick him about his body. All he was able to notice was that the attacker was about 20 years old and wore a track suit and a black sweat-shirt with hood.

After the incident, S.T. went straight to the Military Medical Academy (the institution provides health care to persons doing their civilian national service), where it was established that he had suffered a broken cheekbone.

Also, the Military Police took a statement from him, but S.T. has no knowledge whether any action has been taken to apprehend the attacker.”³⁹³

Attempted attack on A.S., 22, and L.P., 28, in Kalemegdan in Belgrade: *at about 15.00, A.S. and L.P. were sitting on a bench on a walk in Belgrade’s Kalemegdan fortress. A.S. noticed a group of youths standing some 10 metres away on their left and looking in their direction. One of them peeled off from the group and approached them in order to have a better look of A.S. and L.P. from the front, after which he rejoined the group and said something to them. In a few moments all of them approached and surrounded us. Two of the youths came to a halt by my right side. One of them was about 17 years old, had black hair, and wore a black jacket adorned with a small white brooch. The oldest of them, who was probably their leader – I would give him between 25 and 32 years, he had no hair and wore a white jacket with black patterns – seized both of us by the shoulder and asked us:*

“Guys, are you by any chance members of the gay population?” L.P. told him we weren’t and I confirmed. It looked as though they believed us and I was sure they were ready to go. At that moment another youth standing on my right noticed the multicoloured shoelaces L.P. wore and asked him in a raised voice: “What do you wear those shoestrings for?” L.P. replied calmly that he had been given them by a girlfriend. At that, the group leader addressed them all: “It’s not them, let’s go”. The others obeyed and left without a word. L.P. and I got up from the bench and headed for Republic Square. L.P. tried to find a policeman, but there was none either in Kalemegdan or anywhere along the whole length of Knez Mihailova street. We dialled 92, were put through to the Stari grad police station and reported the incident to the telephone operator. The Stari grad police station exchange operator told them that a police patrol would be dispatched to check things. The operator asked A.S. and L.P. for no contact information.

Attack on N.A., 30, and S.M., 22, in a night bus: *During the night of 6-7 August 2009, N.A. and S.M. were waiting in Belgrade’s central Republic Square for a night bus to take them home. They entered the bus by the middle doors and took two vacant seats in the middle of the bus. S.M. sat*

³⁹³ Statement by S.T. about the Zeleni venac attack on 9 March 2009, GSA internal records.

by the window and N.A. next to the aisle. Before boarding the bus, they noticed inside a group of more than 10 Red Star supporters, including two girls, displaying visible club insignia. They were very noisy and aggressive. The two of them looked at each other and decided that the right thing to do would be to listen to the music. They each took an earphone of an mp3 player, put it into the ear and started to listen. The conductor was nearby collecting fares. A few moments later, while they were paying their fares, someone ripped the earphones out of their ears. She turned round and saw a fan standing above her head. He addressed them threateningly: "Why do you listen to that queer music, stupid lesbians?! You're going to sing along with us!" N.A. replied: "Sit down child and don't be impudent!" At that everybody in the back of the bus started to yell: "Kill, kill the queers! We're going to fuck you, lesbian sluts! Whores!" They kept yelling similar insults and threats. N.A. addressed the conductor: "Aren't you going to do anything about this?" He replied: "What could I do to them?" N.A. told him: "Why, you could throw them out of the bus!" At that the group turned on N.A. hurling at her insults and threats of the worst kind, and a girl snatched and smashed her sunglasses. Then she threw what remained of them into her face. N.A. stood up to protest.

One of the men struck her on the head, after which she saw several of them getting up from their seats and moving in her direction. It all began in the vicinity of the Serbian Assembly building while the bus was on the move. They started to hit her on the head, stomach and back and to kick her. She fell down after a while and the beating continued. I don't know how long it lasted; I only remember the blows, the yelling and the pain. I looked around for S.M. and saw her by the doors, with two men holding her back. I wanted to get up and give her protection, but I couldn't.

In my next conscious moment the bus was standing at the bus stop near Ada Ciganlija. I was lying on the floor when two police officers entered the bus and dragged me out. I told them that I had been beaten and asked them to protect me. At that, one of them pushed me away from the bus and asked me to produce my identity card. I pointed to those at the back of the bus and said that they had beaten me, but the policemen didn't want to enter the bus with the fans inside. When I said that they should help

S.M. to get out, one of the policemen asked me: "Who's she?" I replied: "She's my girlfriend." He said derisively: "What the hell do you mean, 'girlfriend'? You mean friend?" They didn't call to her to come out and made remarks about my being lesbian. While the bus stood there a guy kept yelling insults from the doorway, so the policemen eventually took him out of the bus. He went on provoking and insulting me in the presence of the police: "Junkie! I'll fucking kick the shit out of you!" and things like that. Then he punched me in the face. Outraged, I moved to hit him back. The police separated us, a patrol car arrived and I was taken inside. I sat in the car while they took a statement from the guy. I called out to a policeman. He opened the door and asked me what I wanted. I asked him why I'd been detained without being asked any questions while the guy hadn't even been asked to produce his identity card. At that the policeman asked to see that person's identity card. A police van arrived and the two of us were taken to the police station in Banovo Brdo. They took a statement from him and put me in a cell despite my bad condition. My head ached, I vomited and felt dizzy. I was in that state when they brought me a piece of paper to sign with that guy's statement. It was a total lie and I refused to sign the paper. After being released from the police station, N.A. went to the Emergency Department, where doctors established multiple injuries on various parts of the body including the head, legs and stomach, haematoma, loss of consciousness, nausea, etc. N.A. also suffered a concussion during the attack.³⁹⁴

CSA complained about the police misconduct to the MUP director of police and reported the incident to its partner NGOs in Serbia and international organizations.

Attempted attack on V.N., 19, near the RTV B92 building: *At about 23.30 on 3 October 2009, V.N., 19, was returning from work and walking along the Zoran Đinđić Boulevard. As he passed the Maxi discount store near the RTV B92 building he heard a group of youths calling out to him: "Have a look at that queer!", "Cunt!", and so on. About 10 men who often gather there in the evening were sitting outside the store. As I continued on to the newspaper and cigarette stand some 20 metres away, I heard them*

394 Report on the incident, 21 July 2009, GSA internal records.

shouting: "Cunt, we're going to beat the shit out of you!" I stood in the queue and, having done the shopping, phoned the friend with whom I live nearby to come and pick me up because the insults continued. It was only then that I saw that some of them were also making phone calls. My friend arrived and we set out for the flat together when we heard a commotion. We realized that they had started running after us (two or three of them). We also heard the screech of car tyres behind us. We broke into a run and managed to enter the building through the car park. We entered the flat and called the police to report the incident. They told us they would send out a patrol car to check the area. My friend went out later to have a look but there were no police around and the attackers were still at the same place near the discount store. He identified among the attackers youths living in the same area and said he was sure one of them is a member of the 1389 Movement but doesn't know his name. V.N. and GSA do not know whether the police took any action to apprehend the attackers.

The gay club Apartman, managed by Boris Milićević, was also the target of attacks during 2009. The club building, at 23 Karađorđeva Street, was attacked on 11 and 21 March 2009. Both incidents were motivated by a sustained atmosphere of homophobia and a campaign against the Anti-Discrimination Law. At that time threats by neo-Nazi and ultra-rightist organizations were becoming increasingly frequent (on their websites and in media carrying statements by their leaders). They were very well informed what and where the club was. The first attack on the club by members of these organization and extreme soccer fans took place on 11 March. The daily *Borba* reported that some 50 persons wearing masks stoned the club and smashed its windows.

The second attack took place during a protest organized through Facebook against the killing of a youth by name Đorđe Zarić by a policeman. The citizens protesting against police brutality were confronted by a much larger number of neo-Nazis (of whom scores were seen giving the Nazi salute) and right-wing soccer fans. The police gave the thugs, numbering several hundred, free rein by first stopping the traffic and then positioning themselves well back from the scene. Frightened people ran away as the crowd rampaged through the city centre stoning cars and smashing glass

at bus stops and restaurants. It was not before the crowd approached the Government building that a police column appeared to protect it. There were no policemen in the vicinity during the stoning of the club although a party had been scheduled there an hour later and members of the gay population could have been attacked. All the windows on the building were broken. Soon after the second attack, the club had to be evacuated from the building.³⁹⁵

Debate on the Anti-Discrimination Law

In spite of the fact that the Anti-Discrimination Law was adopted after a lengthy parliamentary debate, the debate itself was indicative of deputies' attitudes to the LGBT population.

Svetozar Čiplić, Minister for Human and Minority Rights: „The goals wished to be achieved by this law are as follows: to determine a general, integral definition of the notion of discrimination and of affirmative action; to determine discrimination against particular categories of persons and in particular cases; to provide for special forms of protection against discrimination; to provide for a special organ to coordinate actions concerning the prohibition of discrimination and have various powers to prevent discrimination by organs, organizations or physical persons; to lay down a special civil procedure for protection against discrimination; to lay down misdemeanour accountability and provide for and standardize misdemeanours regarding discriminatory conduct.”

Miloš Aligrudić, DSS: „If, let's say, the law says that the right to sexual orientation is protected by the norms of this law, the possible subject of protection or subjects who feel that way being in a way subjects to such protection, it is reasonable to ask why persons suffering from HIV infection are not specially protected by this law other than by general norms, given that on innumerable occasions and in innumerable cases we've had occasion to see that those persons are subject to very serious discrimination in their environment, especially children infected with HIV virus

395 Source: Helsinki Committee for Human Rights.

from HIV parents in primary schools and other institutions? I'm asking this utterly logical question: If we decide to protect one category of persons because we think that that's trendy or ,in', why don't we protect with a special norm another category of persons who are, by their characteristics, substantially different from all other disabled patients in Serbia?

A prohibition is quite sufficient, a prohibition of discrimination in itself is quite sufficient, there's no need to affirm such a position because affirmation of such a position can lead to the conclusion that such persons belong in a sphere of behaviour that can be regarded as normal. That's not what we can assert. That simply isn't normal behaviour. Homosexuality is a form of deviant behaviour, but that doesn't mean that persons..."

Aleksandar Martinović, SRS: „Apartheid cannot happen in Serbia even in theory, we're neither the South African Republic, nor are whites in a minority and blacks in a majority. Therefore, apartheid, as a manifestation of discrimination, which used to characterize the South African Republic, can in no way, either theoretically or practically, happen in the Republic of Serbia. As to the Republic of South Africa, it was abolished in the early 1990s when Nelson Mandela became president of the South African Republic and when an end was put to the policy of apartheid once and for all.

Discrimination, at least to my mind, occurs when, say, I or some other member of the male population speaks a harsh word to a woman and he insults her for being a woman. You are now equating the two and raising it to the level of genocide. Genocide implies the killing of a large number of people because we don't like their national, religious, racial affiliation, etc. Genocide has nothing to do whatever with discrimination.

Homosexuality is not the only aspect of pathology with regard to sexual orientation. Sexual orientation, Mr Minister, also includes paedophilia. Sexual orientation also includes necrophilia. Sexual orientation also includes sodomy. Every civilized human society, not only since Tzar Dušan but for thousands of years before the advent of Jesus Christ, has condemned such manifestations. They realized that that is not normal; they realized that such manifestations are deeply contrary to human nature. Of course, homosexuality belongs in this category.

Do homosexuals have the right to receive medical treatment? The SRS considers that they do. Do they have the right to take employment? They do. Do they have the right to say publicly they are homosexuals? They ought not to have this right.

Why should you lay stress on somebody's sexuality at all? Is it in order that someone could publicly display their sexuality, although you said that that is a private matter? If that is a private matter, if for centuries past the question of someone's sexual orientation has been a private matter, why are you intruding into people's intimate lives? Why should anyone feel the need to say publicly – I am a homosexual?

What will happen, Mr Minister, a thing like this is not to be ruled out altogether, I hope that you've been reading newspapers recently, have you heard of that Austrian monster who raped his own daughter 3,000 times? What will happen if columns of paedophiles, columns of necrophilia's, columns of sodomites should decide to march through the streets of Belgrade and say, 'This is our sexual orientation, and you can't touch us'?

Then, some ministers in the Serbian Government and some smart alecs from nongovernmental organizations – by the way, ladies and gentlemen national deputies, they are all former communists and Bolsheviks, trainees of Broz's [Tito's] schools in Kumrovec [Tito's birthplace]...

This, Mr Minister, is a matter of a very dirty campaign being conducted against traditional churches and religious communities. I'm reminding you of what some of your colleagues have said – that the Church; the religious communities have no business in interfering with the law adoption process, that the Church is separate from the State. That's true, the Constitution says it is, but, Mr Minister, religion is not separate from the people.

There are certain religious, certain moral concepts: you may pass a law a hundred times over, but you can't change a code of morals which exists in a people and which has evolved for centuries. Let me just remind you of something, Mr Minister. Just over a thousand years before the advent of Jesus Christ, before the advent of the Christian Church, that is, the ancient Jews realized that homosexuality is something which is not normal, which runs counter to human nature. This, then, is what is accepted by Jews, Christians, and Muslims alike. Does not the fact that these three large

communities of believers – which are otherwise at loggerheads on many other matters – are agreed on this issue tell you that this is something substantial, something profound that emanates from human nature.

Mr Minister, you can't change this overnight. You can pass a law, you can say that homosexuality, paedophilia, necrophilia, are normal aspects of human behaviour – but they are not. In the writings of the American psychologist, Erich Fromm, there is a brilliant syntagma – the pathology of normalcy. There is, in modern society, a tendency to portray something abnormal, substantially abnormal as normal. This is that pathology of normalcy. It is on that pathology of normalcy that this draft law rests.

It is somebody's intention to fully destroy the moral structure of the Serb people, as well as of other citizens of Serbia who belong to the traditional churches and religious communities, so that one no longer knows what is normal and what is not normal, what is permitted and what is not permitted, what one should be ashamed of and what one should be proud of. Someone is intent on destroying the moral structure of this people. When that happens, we're finished. In that case, neither the State, nor the army, nor the police are of any help. When you kill the moral consciousness of a people, that people is dead. That's the long and short of it.

Let me just remind you, Mr Minister, since this has been much discussed in public – according to the World Health Organization's classification of diseases and disorders, which is valid until 2012, homosexuality is a disorder. World experts in the field of health care and medicine have defined homosexuality as a disorder. Though it is no longer a disease in the classic sense, it is something abnormal.

Why are you giving the right of publicly displaying their sexual orientation to people whom I do not hate at all and to whom I wish no harm, but who are obviously substantially different from other people? They irritate other citizens in this way. Although you may pass this law a hundred times over, most citizens of Serbia will feel irritation if columns of homosexuals, sodomites, necrophilia's, paedophiles, etc start marching through the streets of Belgrade, Novi Sad, Kragujevac, Niš and so on. People simply don't see that as normal and there will be incidents. Instead of preventing such incidents, you are encouraging them [by saying that]

everyone has rights. What if tomorrow someone digs up a corpse from the New Cemetery in Belgrade and says, 'My sexual orientation is such that I want to make love to a dead person'? What are you going to do about that? You are protecting them by this law.

Be careful, Mr Minister, Serbia has suffered for years, for decades from a birth dearth. There are huge parts of Serbia that are deserted, we have no children. Instead of stimulating people in Serbia to have children, you encourage a biologically inappropriate aspect of sexual orientation."

Aleksandra Janković, NS: „Serbia is democratically committed to prohibiting any discrimination by the very fact that it is the only state in the world whose founders were holy men.

The chief argument of the so-called coalition against discrimination, based on the Swedish Helsinki Committee for Human Rights, the Gay-Straight Alliance, the organization for lesbian human rights Labris, the Humanitarian Law Centre, the Fund for an Open Society, the Centre for Promotion and Advancement of LGBT Rights Lambda and others, is that the coalition has existed for already five years and that as far back as March 2005 the UN High Commissioner's Office for Human Rights expressed concern about the delay in passing anti-discrimination legislation.

I wonder whether that same UN High Commissioner's Office even so much as touched on the subject of discrimination against Serbs in KiM [Kosovo and Metohija], especially after the proclamation of the phoney state of Kosovo – and we know that all the rights of our fellow-nationals in the southern Serbian province are endangered, starting with their right to life and free movement. What's even more puzzling is all this hurry to pass this law given that the institution whose introduction is envisaged by this draft, the institution of the Commissioner for the Protection of Equality, can only become operative at the end of 2010 owing to the well-known austerity factor called the world economic crisis.

Thirdly, why does the Anti-Discrimination Law boil down to only to the matter of discrimination against the so-called LGBT population? If our object is really to make a law that abolishes all forms of discrimination, then I can't help noticing that the promoters of this law, along with the named nongovernmental organizations, are actually committing an act

of discrimination in relation to all other vulnerable representatives of the population by reducing the issue of discrimination entirely to discrimination against LGBT persons. To the initiated, LGBT is an abbreviation for lesbian, gay, bisexual and transsexual persons.”

.....

Dragan Todorović, SRS: „So, if all of us were to be guided by the idea that we have the right to express our dispositions, there would be complete chaos and, to be sure, paedophiles, necrophiliacs or whatever they fancy would really start marching through the streets. Further, if they have enough money, they would also obtain evidence that all that is genetically conditioned. My question to the representatives of the gay lobby, who claim that one does not become a homosexual but that a homosexual is born as such, is: How come that some people change their orientation late in life and become homosexuals although they were not genetically predisposed?

Second, what does that mean? We’re here about to enter the domain of predestination. If we really have no power at all to change that which is called our genotype, the way we are when we come into this world, then we are totally powerless to make anything of our own lives.

What then is the point of human life, upbringing, education, socialization? In that case – if all that is true, if everything is really predestined – then we ought not to legally prosecute either rapists, or bullies, or murderers, alcoholics or drug users who have committed criminal offences because they couldn’t help it – their drive was simply stronger than themselves.

With due respect for all gay minorities, we as the majority – because in the census 95 per cent of Serbian citizens declared themselves believers – have the right to the protection of our religion, consciousness and action, that is, to the protection of the universal values of the laws of nature.

If you know of any society throughout history that was based on homosexuality as a universal value, let me know. How come only four European countries – Norway, Sweden, Netherlands, and Spain – have super-liberal legislation on gay rights? It does not exist even the USA [as a whole], only in three states. While whole packages of laws are waiting

to be adopted, all of them allegedly a must for including us on the white Schengen list, it turns out that this law is the condition of conditions for Serbia to enter the EU.

For instance, how come Greece, the Greek army considers homosexuality a mental disorder, so that so-called transgender persons can't be conscripted? Police in Greece are empowered to ask gays to submit to tests for sexually transmissible diseases. Is Greece a member of the EU? It is. Perhaps the motive for passing this law in its present form and without a serious critical debate, while belittling the traditional religious communities and proverbially attacking the Serbian Orthodox Church, is the result of somebody's efforts that we should play the suitable toady to the EU, which, in addition to asking us for Mladić, is now asking us to formally recognize love between young men.

This is, unfortunately, corroborated by your statement, Mr Minister for Human and Minority Rights in the Serbian Government, because, during the presentation of the award for the fight against discrimination on 22 January, you said, 'The Anti-Discrimination Law means that we will be more European, and that not only in relation to other countries in the region'. How wonderful, more European than other countries in the region and Europe itself.

By the way, of all the states created from the former SFRY, Croatia alone passed an anti-discrimination law, which was seriously criticized by the traditional religious communities there too. If we are competing with Croatia in order to become more European than the Croats, let somebody tell us that openly.

If one wants to describe as 'discrimination, reactionism, primitiveness and lack of information' the results of a survey which show that 22.2 per cent of Serbian citizens regard homosexuality as a disorder, 35.2 per cent say that the rights of homosexuals are not endangered, that 28.9 per cent would not permit homosexual gatherings, and 80.5 per cent would not allow gay marriages – then let them.

How would it look if one of the deputies who are of the male sex simply decided that he no longer wished to hide his preference for wearing women's clothes, so he comes here to the Assembly wearing high heels

and stretch pants, or wears seductive clothes while paying visits to his voters during campaigning because he has the right to win political points in that way? There's more.

Would it be really easier for Serbia to enter the EU and become part of the global village if its president, minister of internal affairs or prime minister decided to become a transgender person? If we define transition in terms of the Lambada [sic], as a period of transition from one sex to another, then one could introduce for Serbia in transition the unique term 'trans-Serbia' or 'Serbia-in-trance', and christen its citizens as transwomen and transmen."

Srđan Spasojević: „You have had occasion to hear the brilliant address of Aleksandra Janković, who is a clinical psychologist, who warned the citizens of Serbia against the harmfulness of the Law before us. It is therefore very incorrect, Ms Speaker, not to have transmitted it live but later. That is not the same. A live broadcast is not the same as a delayed broadcast, after the Assembly has adjourned."

Tomislav Nikolić, SNS: „Well, as regards morals, I'm inclined to go on following the morals of traditional churches, to abide by them rather than expect everybody to abide or to force my beliefs on those who prefer not to abide by such morals. Now I'd like to remind those who claim that this is a discriminatory society. Mr Jovanović was the one who led the way. He's partly right in that his views of discrimination at the time he was in power were completely distorted. At the time you came to power as DOS [Democratic Opposition of Serbia], Dragoljub Milanović was beaten up because he was the director of television, loyal to Slobodan Milošević. A primary school pupil had her hair cut off only because she is the daughter a deputy prime minister. Some 60,000 people were dismissed from leadership functions for being members of the old regime.

If this Law is a catharsis for you from DOS, if it represents a purgation, if it means that you will never ever again discriminate against anybody on any ground, and not only on those grounds that the EU requires of you – then I believe that every child in Serbia will live a somewhat happier life than up to now. It's all very well to talk about the need to prohibit discrimination. One treads a very, very narrow line all the time. Can those

who are being fully protected discriminate in any way against those who provide this protection?

There are a number of articles I wish to tell you about, to warn you and tell you that I disagree with them as a man. Of course, I don't need a punitive provision to teach me that I ought not to discriminate against another. I was brought up not to threaten other people, but I admit that I occasionally I respond contrary to my upbringing when those who do not respect me at all go too far and cross all limits.

So, in one of the articles, you provide that people with a different sexual orientation from the majority of Serbian citizens have the right to display their sexual dispositions publicly.

I beg your pardon, you shouldn't have made that provision, you didn't even as much as say – that's prohibited in front of children, in front of juveniles, you didn't so much as say that's not allowed in school, in nurseries. You placed no restrictions on them whatever regarding the expression of their sexual dispositions.

Would you like, Mr Čiplić – I wish you to have children and, I apologize, I don't know whether you're married or not – but would you like, during a walk while holding your child or grandchild by the hand, to come across someone publicly expressing his or her sexual dispositions, even if you personally consider them normal? Or do you think that something's not quite right about that? What are you going to? You're passing a law so that such a person can flourish it.

I do not advocate banning gatherings at which people express their dispositions. After all, people get bolder when they're in a group. But I'm not in favour of permitting marriages between homosexuals because the European Convention on human and fundamental rights provides that man and woman, when they reach marriageable age, have the right to marry according to the national laws governing the exercise of this right.

So, I haven't noticed that you envisage any restrictions for those whom you wish to protect. You only have restrictions for those against whom you wish to protect them.

What are the grounds on which I am discriminated against by the so-called European community or Western civilization? On the principal

ground that – I am a Serb. Being a Serb is reason enough to be discriminated against – while your country is falling apart, you're denied the right to your own state, the state of your own people, those who are strong and powerful enough give you bits and pieces instead and try to convince you that that's what belongs to you; because, when the state in which you live...

So, they burn your house, they force you from your hearth and home to which you can never return because you are a Serb, you can never again see the family cemetery, or the church in which you prayed and got married. Serbs are much discriminated against and this is why we Serbs know how to protect those whom some would like to discriminate. In our discussions – us who have a somewhat conservative outlook on life, love, and sex – you won't find any objections to prohibiting discrimination against members of other nations, minorities, pensioners, elderly people, children, invalids – who would want to do that? But you will find a few objections because you've not fully defined what it means to protect someone against discrimination. Are you not in this way discriminating someone else?

Well, as you say, this law came about in consequence of problems. No – I think that this law is about to create some problems. You can't convince me at all that Serbia is a country which had to be forced to prohibit discrimination by law. You haven't even given us the instances that led you to propose such a law to us. But this law can produce problems.

When a state has problems, it decides how to deal with them. Ancient Rome had the problem of birth dearth. An idea that can be traced back to ancient Rome, to impose a tax on single men, was adopted some ten years ago by a number of parties currently in power. Apparently, since they don't marry they have no children, so the state finds itself in a condition where death-rate exceeds birth-rate. Of course, I don't advocate this, but by encouraging relations between people of the same sex, who can have no offspring, you merely additionally stimulate the birth dearth ravaging Serbia.

While the thought of dealing with the problem of birth dearth did not even occur to you, we are forced to address the problem of fifteen or so or hooligans who harass people expressing their sexual dispositions and who

give Serbia a bad name. Instead, you could have isolated and restricted them, as happened the other day when members of some gay population walked through Belgrade's main streets and not a hair of their heads was harmed, though there were more police present than their number. Let there be ten times more police, let them protect them completely so that we don't acquire a bad reputation for discriminating against such people as well.

I'll say this again – some of you, probably the majority, were lucky to have been born and to consider themselves normal. Some weren't that lucky. Normality is their condition. They are fully convinced that they are normal – I don't want to go into that – but the state must know how they are to behave in that case. You reacted very inadequately to the attacks on the traditional churches and religious communities. Are they now to blame for merely stating their position? How come everybody's entitled to state their position, only the Church isn't? Has the Church no right to say what it thinks about this law? Who gave the Church the right to write to you, you wonder? Of course it has the right; of course it ought to write to you. You who attacked the Church on this score were in the wrong. The Church is part of many of us, perhaps not of all of us; but everybody has a place where they think they belong, someone in a nongovernmental organization of a different kind, someone in a church, so they are keenly interested in the opinions of those they fully belong to."

Nada Kolundžija, DS: „So, regarding the forms of discrimination dealt with by this law, there's a resistance on the part of this society to eliminating them by law. At the moment, people are looking for the best excuses as to why this law should not be adopted. I wish to point out that the fact that over 600 amendments were submitted to the law which has 58 articles shows not a desire to improve the law, but an intention to prevent it from being adopted.

This actually shows the depth of society's conservatism, the depth of society's lack of understanding as to what is the meaning of civil society where man is citizen and bearer of sovereignty, what are his elementary, human and civil rights..."

Aleksandar Martinović, SRS: „As regards homosexuality and as regards sexual orientations, I think that one ought to respect an elementary principle of civic culture. Why don't you let citizens deal with the matter of their sexual orientation as their private affair, why should it not remain in the sphere of privacy? Why should I have to announce my sexual orientation in public and to hear about other people's sexual orientation? This has for centuries been part of one's intimate life. Why should the State interfere with these most intimate aspects of human life? The SRS does not hate homosexuals, we don't want them persecuted. We are not asking that any of their human rights should be denied. But don't raise homosexuality and don't raise any sexual orientation in general to the level of a social norm.”

Gordana Pop-Lazić „To tell you the truth, I think that this law was put on the agenda at this moment only because the large and accumulated social and economic problems are such that you do not dare address them; therefore, the object is to busy ourselves for a while with something that's already regulated by our legislation in force.”

Petar Petrović, JS: „Ladies and gentlemen, do we have to do all this? I think that we don't. I'm afraid that we shall have to amend many laws, above all the Law on Marriage and Family; we may have to punish a civil servant, a registrar employed in an administrative agency, if he refuses to marry two homosexuals because that runs against his religious and moral beliefs; or, at the end of the ceremony, he may have to read out to them what is generally read on that occasion, Duško Radović's well-known text which says: ‚cuddle, look after each other and be jealous of each other'? Is Serbia moving in that direction? As far as JS is concerned, we are going to oppose such a policy consistently.

What I wish to point out in particular is that in many EU member countries, as Mr Minister said, there are no such provisions in legislation prohibiting discrimination. So, do we in Serbia have to be forever among the very first in some things? When we see that two or three countries are adopting something, do we have to do the same as soon as possible?

While on the subject, I've already talked about that, I just want to repeat that we want to protect children, that there should be no discrimination

against children, no discrimination against elderly people, and no discrimination against persons with disabilities. Pick up the JS programme, visit the municipalities where the JS is in power at local level, and you'll see the right way to protect children, to protect elderly people, to protect persons with disabilities.

I wish to tell you this: In Jagodina, every child regardless of its religious, racial and social needs or social status is equal and receives assistance from the local self-government. This is available to every child, every person over five years of age, irrespective of its religion, race or any other affiliation."

Miroslav Markičević: „I think that this gay lobby, which is very powerful abroad and, unfortunately, also in Serbia, has succeeded in pushing this law through in this way. Why do I think so? To begin with, there was a fierce attack on the SPC, which was criticized for exerting undue influence on the Government of the Republic of Serbia regarding the way in which the law was withdrawn that night. We might even accept this and pause to consider why a law was withdrawn in such a way, in order to improve things, reach agreement or comply with the requests of religious communities, but we're forgetting one thing – the way in which this law found its way on the Assembly's agenda. One night, this law arrived. If it is a matter of a sexual orientation, and a member of this same orientation invokes and accuses somebody from another, then he's guilty of a conflict of interests [sic]. I'm telling you this most sincerely, because those people are very vehement.

Further, I want to tell you that I am sure – I've been talking to some people these days – that if you were to submit this law, as it is now, to a secret vote of the gay population itself, with these provisions which concern them, they too would be against it. It wouldn't wash with them at a referendum. What is the intended message of this? What is the intended message to Serbia? You've struck at our honour, dignity, morals, and traditions – is that the Europe you are offering us? I think that's not Europe. Many European countries have demonstrated their morals, their traditions through their laws; they respect their honour by those laws. What do you want to demonstrate to Serbia by this law? This is why I insist that this is

not an ordinary law on the protection of minorities. Would anybody normally oppose protecting any citizen of Serbia, would anybody be against that? What's the problem there? The problem is that in this way you, a minority which can interrupt a movie show, and that's not a violation of human rights and that didn't meet with our condemnation, but the decision not to allow them to hold a press conference did meet with your just condemnation, though, if I were the director, I would have let them...[sic]"

Position of Women

The start of work of the Directorate for Gender Equality,³⁹⁶ set up within the Ministry of Labour and Social Policy in mid-2008, was a major step forward towards recognition of women's rights by the Republic of Serbia.³⁹⁷ Implementing recommendations of the UN Committee on the Elimination of Discrimination against Women is one of the Directorate's priorities.

Over the past 20 years or so women's rights and the promotion of gender equality had been the concern of women's and feminist associations and of individual activists throughout Serbia. They have established a network of organizations operating locally as well as through feminist organization networks at national and international levels. During the last 10-15 years these organizations have been rendering specific social services (such as SOS and other services to women victims of violence) and conducting educational programmes dealing with a wide range of questions related to gender equality (and organized as alternative courses at centres for women's studies and other places across Serbia). Of special importance are studies of specific phenomena which the State has never addressed (media images of women, the use of gender neutrality in language, violence against women, new practices for prevention of cancer in

396 The Department for Gender Equality conducts affairs concerning analysing the state of and proposing measures in the field of promotion of gender equality, drafting laws and other regulations in the field, improving the position of women, and promoting gender equality and the policy of equal opportunities. The Action Plan for the implementation of National Strategy is an important document which could help promote gender equality and the position of women in Serbia in the future.

397 In 2007, the Committee drafted a document comprising concluding commentaries on the initial report of Serbia. It made a number of recommendations stressing, inter alia, that the Convention is a comprehensive, legally binding human rights instrument within the framework of the domestic legal order and that therefore Serbia should base its legislation, policy, plans and programmes for realizing gender equality and improving the position of women on the Convention. Serbia was also asked to undertake clear and specific measures aimed at achieving results in order that the content of the Convention is visible in all activities of state bodies in all fields and at all levels.

women, women in rural areas, women belonging to multiply marginalized groups such as Roma, lesbians, self-supporting mothers and disabled women, women's competitiveness in the labour market, the use of information technologies by women, and many other important questions).³⁹⁸

The Law on Equality of Sexes, passed on 11 December 2009, stipulates that gender equality means equal participation of women and men in all spheres of the public and private sectors, in accordance with the universally accepted rules of international law ratified by international treaties and the Serbian Constitution and laws.

Before that, on 13 February 2009, the Government adopted the National Strategy for Improving the Position of Women and Enhancing Gender Equality for the period 2009-15. The Strategy identifies the following six spheres as priorities: decision-making, economic status of women, health care, education, violence against women, equality in media. A national action plan for implementing the Strategy is being prepared.

UN Security Council Resolution 1325 is another document of importance for the position of women because it calls for increasing the participation of women in decision-making with regard to conflict prevention, post-conflict situations, peace talks and peace operations. The Resolution also calls for taking special measures to protect women and children during armed conflict, as well as to prevent and punish sexual abuse and all other forms of violence against women. A press conference held in Belgrade on 31 March 2010, addressed by president of the Belgrade Fund for Political Excellence Sonja Liht, Minister of Defence Dragan Šutanovac and Marijana Pajvančić, had the object of making recommendations for drawing up a National Action Plan (NAP) as a last step towards the implementation of Resolution 1325. The Ministry of Defence was to prepare the document on the basis of these recommendations and to submit it to the Government for adoption. Serbia could be the first post-communist country to have a NAP for implementing the Resolution adopted on 31 October 2000.³⁹⁹

398 <http://oneworldsee.org/js/node/19976>

399 The Defence Ministry says that Serbia's defence system has 330 women in uniform or 2.6 per cent of its soldiers. The defence system as a whole employs 5,800 women or

The NGO Women in Black, which lobbied for the implementation of Resolution 1325 during 2009, said that „contrary to its assumed obligations, [Serbia] has done nothing in the past period either to implement Resolution 1325 or to protect human rights defenders. On the contrary, it has obstructed their unimpeded action by a series of measures.”

In October 2009, the authorities were requested to do the following:

1. Protect and respect women’s human rights and the security of all women and men citizens, especially of women citizens engaged in the defence of human rights;
2. Preserve the secular character of the state;
3. Repeal the law on assistance to persons indicted by the ICTY and their families, break with the criminal policy, surrender all war crimes suspects;
4. Introduce criminal liability for denying genocide in Srebrenica and democratic civilian control of armed forces and prevent the privatization of armed forces.⁴⁰⁰

In 2020, the NGO Fund for Political Excellence conducted a campaign for the implementation of Resolution 1325 in cooperation with the Ministry of Defence and with support from the OSCE mission in Serbia, the Ministry of Foreign Affairs of the Kingdom of Norway, the UN Development Fund for Women and the Canada Fund. Its requests were formally different from those made by the Women in Black the year before. This time the emphasis was on including more women in all security sectors, albeit without acknowledging the fact that achieving a gender balance in the defence system by itself does not guarantee different values in relation to militarism, conflict resolution, and prevention of violence in war.

One may conclude that, in spite of numerous efforts to change legal norms, Serbia is not doing enough in this regard, especially in view of growing domestic violence and violence in society in general. The problems are largely due to the media, with their emphasis on pornographic content and sexist slogans, and the Church, which is given far too much room by the State for spreading misogyny. In this connection, it is worth

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46.8 per cent of the workforce.

400 The Women in Black first made these same demands on 31 October 2005.

recalling the June 2007 recommendation to Serbia of the UN Committee for the Elimination of Discrimination against Women (CEDAW).⁴⁰¹

“The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in the wider community, which are major causal factors for violence against women and which are reflected in women’s educational choices, their disadvantaged situation in the labour market and their low level of participation in political and public life. (Point 19 of CEDAW Concluding Comments regarding Serbia)⁴⁰²

Violence against women on the rise

Addressing the problem of gender violence remained a priority in the fight for women’s rights as the number of violent incidents grew during 2008 and 2009. There were numerous cases of murder, rape, and abuse in the family.⁴⁰³

401 The 1979 Convention on the Elimination of All Forms of Discrimination against Women was signed by the SFRY in July 1980 and ratified in 1981. It is one of the key documents for the elimination of gender inequality. The Convention requires States parties to condemn discrimination against women, pursue by all appropriate means and without delay a policy of eliminating discrimination against women, take all appropriate measures, including legislation, to ensure the full development and advancement of women in all fields. States parties are required under the Convention to eliminate prejudices and customary and all other practices which are based on the idea of the inferiority of women.

402 *Danas*, 23 March 2010.

403 The following are only a few of the media reports: S.R., aged 47, from Krnjevo was arrested on suspicion of shooting dead his former wife Kosana R., 40, from a revolver that same night. S.R. took out a magnum gun and shot Kosana in the chest from a distance of five metres. (*Danas*, 23 March 2010) Valjevo – The body of Vukosava Jocović, 68, was found in Ub. According to preliminary investigation findings, Jocović, a resident of UB, had her throat cut last night. (12 January 2010) After a brief quarrel, Milan Ašanin, 56, killed his wife Zorica, 44, by firing a pistol in her head, after which he calmly went into the bedroom and shot himself through the head. Jealousy is believed to be the motive for the crime. (*Press*, 11 December 2009) 30-year Toplica

In September 2009, the Minister of Labour and Social policy said at a press conference that in 2008 there had been three times as many cases of domestic violence than in 2004, with 3,276 adults reported in connection with domestic violence in 2008 compared with 1,009 in 2004. Official figures also indicate an increase in the number of adults convicted of domestic violence. The minister said that “every second woman undergoes some form of mental or physical violence in the home, which is perpetrated by men in 90 per cent of cases”.⁴⁰⁴

As regards penal policy, the appalling fact is that in most cases of rape – one of the worst forms of violence against women – the courts impose the lightest sentences. Rape is punishable under the law with imprisonment ranging from 2 to 12 years; if rape is carried out by several persons in a particularly cruel manner, results in serious injury or pregnancy, or the victim is under 18 years old, the punishment is from 3 to 15 years. If the victim is younger than 14 or dies, the perpetrator can be imprisoned from 5 to 18 years.⁴⁰⁵ However, as women analysts note, the law itself is discriminatory because its language and provisions are markedly misogynic: “To begin with, is there a rape that is not cruel? And what is, after all, a ‘particularly’ cruel rape? In ‘grading’ this serious violation of the integrity and dignity of the victim (or, according to some, one of the most serious),

Marković from the village of Krušar near Čuprija was arrested on suspicion of killing Ivana Stojković, 25, and Biljana Obradović, 19, whose bodies were found yesterday in the weekend cottage settlement Ada in Čuprija. He admitted to having killed Ivana Stojković and Biljana Obradović. As a motive, he cited unrequited love from Ivana. (RTS, 5 April 2010) Milomir Nenadović, 35, from Užice was arrested in a rented flat in Beli Potok last night on reasonable suspicion of raping A.G., 42, in a lift in the Belgrade suburb of Konjarnik. During the questioning, the suspect, who had been convicted of violent crimes eight times before, admitted to the rape and said he had been drunk at the time. (*Blic*, 30 December 2009) Saša Mega, 30, from Belgrade was arrested by the police a few days ago on suspicion of raping four women and attempting to rape another. During questioning by the investigating judge, he admitted to sexually abusing two girls near the station. He was remanded in custody for 30 days. Last night’s arrest ended the search for the man from the lift. It was the 19th case of rape solved this year. (*Blic*, 30 December 2009)

404 Beta, 18 September 2009.

405 *Politika*, 21 August 2009.

did the law drafters have in mind any rape that does not involve 'serious' physical (and mental) harm? Can we conclude, based on these provisions, that the law drafters consider that the victim can be 'only slightly raped'? Does the age of the victim matter at all? Can a sterile or careful rapist violating a woman who happens to be using a contraceptive count on a lesser punishment? Is it only in the case of the death of the victim that one considers imposing the maximum punishment, and that of only 18 years? After all, is not every rape actually the same as death? Do the provisions of the law, formulated as they are, not leave latitude for the institute of 'extenuating circumstances'? And, finally, can and may there be any [extenuating circumstances] at all with regard to rape?"⁴⁰⁶

One of the most frequent dilemmas of victims of domestic violence is whether to report the case and to whom. The law is not quite specific in this connection and could even be said to have rendered the identification of the violator and his status more difficult. Under the Serbian Criminal Code, domestic violence falls under Article 194. A number of organizations concerned with the protection and promotion of the human rights of women launched a campaign for amending the law. As a result, on 6 October 2009 the Government adopted a number of amendments to the Criminal Code but not the most important ones. Punishment was increased for offences falling under paragraphs 4 and 5 (violence resulting in death and violation of a protective measure respectively). However, the most important provisions were not amended. The definition of the family as given in Article 25 implies that the spouses must live in a common household. It follows that violence between partners occurring outside the household (especially in cases, which are very frequent, where violence continues after divorce although the former spouses no longer live together) will not be treated as a criminal offence. Since women living in such circumstances are practically denied their right to prescribed protective measures, it was recommended to delete part of the definition of the common household.

It is considered that a special law is needed to regulate this matter. The aim is to adopt a unified law on preventing domestic violence

406 Ibid.

which would comprise family-law and criminal-law provisions and rules on police action in cases of domestic violence. Statistics of a number of organizations seeking to protect women's human rights show the severity and extent of domestic violence against mostly women: the Victimology Society of Serbia says that every fourth woman in the Balkans has experienced domestic violence as part of her relationship with her partner. Data collected by these organizations and based solely on media reports show that 12 women in Serbia were murdered (by husbands, former husbands, partners, and sons) between 4 January and 4 April 2010. The number of victims is believed to be greater.

Position of women in employment

Other than paying men more than women for the same work, it is customary to divide jobs into men's and women's occupations. The dividing line between the two is becoming increasingly blurred. A century after they began to fight for their rights, women are equal with men at least in the choice of occupation.

In Serbia, women are still rarely seen in positions where important decisions are made. Women are underrepresented in managerial posts and are rarely entrusted with executive jobs in private companies. They are least numerous at the head of public corporations and political parties.

On the occasion of 8 March, Women's Day, Infostud employment website carried a survey about the pay of women in Serbia, with emphasis on women having the same level of education or occupying the same positions as men. The survey shows that Serbian women earn 8.5 per cent less than men. Infostud's Branislav Jovanović said that the difference is nevertheless less than in some EU member countries: "If we compare Serbia with the Czech Republic, Slovakia or Hungary, we are a little better off because the differences in pay in these countries stand at 15, 16 and even 21 per cent. As regards differences in pay between women and men, we get different replies depending on whether the respondent is a man or a woman. Men say that women agree to work for less pay simply because

they are not so keen on advancing in their careers or agree to work for less money. They say that the reason lies in their reluctance to change jobs because, for instance, they like them. On the other hand, men say that women lack certain abilities and qualities needed to make them better team leaders and that they are not qualified enough for better paid positions. Jovanović said that the women respondents gave quite different explanations as to why they get less pay for the same work than their male colleagues.⁴⁰⁷

The women said they are less paid only because their environment continues to regard them as the gentler and weaker sex, and that because of this they are given fewer chances of proving their worth in the workplace and to get promoted to better paid positions. Giving the reasons why they are generally less paid than men, the women also stressed that caring about the family or founding a family is regarded as their duty. This is why they often have to take maternity leave (which is low) and are therefore considered less likely to advance in their careers than their male colleagues. There are nevertheless a number of jobs in which women are better paid than men. Women are not only in the majority but are also better paid above all in marketing, financial administration and book-keeping.⁴⁰⁸

407 *www.B92.net*, 8 March 2010.

408 *Ibid.*

Recommendations and conclusions

Following the passage of the Law on Equality of Sexes and the Anti-Discrimination Law (which are yet to be implemented), and especially after the commissioner for equality is elected, it is necessary to:

- Systematically promote the Convention on the Elimination of All Forms of Discrimination against Women and the Law on Equality of Sexes;
- Conduct a campaign for implementing UN Resolution 1325;
- Conduct a continuous campaign against violence against women;
- Give greater recognition to the work of women's organizations (by reason of their experience and competence in particular fields) in promoting gender equality and improving the position and life of women in Serbia;
- Implement relevant binding documents (CEDAW, the Beijing Declaration and Platform for Action which additionally affirm the provisions of the Convention);
- Take account of the Committee's recommendations and commentaries on periodic reports;
- Ensure the full transparency of the entire process.

Child and youth violence:

How to deal with it?

Violent behaviour, which permeates the entire society, is a disturbing feature of everyday life and a growing problem among the younger generations. Psychologists say that the problem is not easy to solve because juvenile violence, especially at school, is due to a variety of factors. They say that the problem is the product of society's extremely aggressive, hostile, and violent environment over the last 20 years. In order to address it, it is important to study its forms. The most widespread form is verbal violence such as ridiculing, name-calling, mocking, insulting, and calling out comments. This is followed by physical violence including striking, pushing, taking away by force and destroying things, with increasing use of knives and firearms in recent years. Psychologists say that mental violence is most often used against children who are seen as being "excluded" or isolated from a typical social context: "A submissive, defensive and introvert child with low self-esteem is a potential victim of violence. Such a child reacts to even the most innocent remark by crying, withdrawing, isolating itself from society. A timid, quiet and withdrawn child is the favourite target of those who like to demonstrate their power, either physical or mental, over others."⁴⁰⁹

In 2009, media reported an ever greater number of violent incidents between youths using knives and firearms:

- Belgrade police identified and deprived of liberty minor V.C. on reasonable suspicion of committing, with two other bullies, the attempted murder of Radoš I., after the latter told them to stop behaving like vandals.⁴¹⁰
- Sixteen-year-old M.G. from Leštane was knifed to death an hour after midnight in a brawl outside the Black and White cafe in 7 jula

409 Ana Milenković, psychologist, *www.stetoskop.info*, 17 June 2009.

410 RTS, 21 March 2009.

Street in the Belgrade suburb of Leštane. The police arrested A.D., 19, his brother I.D., 16, and J.N. on suspicion of attacking M.G.⁴¹¹

- Fifteen-year-old V.M. from Belgrade was arrested yesterday morning on suspicion of the attempted murder of a pupil of the Trade School. The mass brawl in Hilandarska Street on Tuesday night left another four Trade School pupils injured; they were given treatment at the Emergency Department and one was discharged to recuperate at home: "V.M.'s friends I.M., 16, B.R., 17, and L.C., 17, were arrested for brawling. The suspects, none of whom is a pupil of the Trade School, were arrested in their homes. The 15-year-old suspect, an elementary school pupil, was found in possession of the knife he used to injure the Trade School pupils."⁴¹²
- In a fight between two pupils of the Secondary Shipping School, N.K., 18, was stabbed several times and seriously injured by M.Č., his junior by one year: "On admission to the Emergency Department, the injured boy was given first aid and was feeling well. The attacker was arrested soon afterwards outside a building across from the school."⁴¹³ The two youths first had an argument outside the bakery shop in Miloša Pocerca Street, and then the argument deteriorated into a fight. After exchanging several blows amid the cheering of their school friends, M.Č. pulled out a knife and stabbed N.K. three times. The incident was reported to the police by a motorist who happened to be driving past the Shipping School."⁴¹⁴

In campaigning against peer violence, especially in schools, it is important to identify the principal sources. Since the family is, no doubt, the first link in the chain of violence, the family environment is considered the most appropriate for the socialization and resocialization of children and juveniles. The problem arises when the existence of violence is denied: "Unfortunately, the parents of children who commit violence do not always want to look the truth in the eye. They defend themselves by

411 *Blic*, 23 November 2009.

412 *Blic*, 11 February 2010.

413 *Kurir*, 4 December 2009.

414 *Kurir*, 4 December 2009.

offering mostly untrue arguments, saying that the school staffs hate their child, that they were even worse at that age, or that they simply don't know how to control their own child."⁴¹⁵ The second, much more important link is the social context in which socialization continues. In the last 20 years, the culture of dialogue and tolerance of diversity and the other has totally been marginalized. The increase in aggression and hatred is therefore a logical product of such a social climate, especially because such behaviour is not penalized.

Research reveals a high degree of conservatism and patriarchal beliefs among adolescents, especially boys. Of 2,500 secondary school pupils polled in a survey, as many as 60 per cent considered violence against LGBT persons justified and a somewhat smaller percentage approved of violence against girls. As many as 72 per cent agreed that it was up to the man to decide on the timing and frequency of sexual intercourse in a relationship; 46 per cent believed that in some situations a girl deserves to be struck; and 25 per cent considered that the fair sex ought to tolerate violence in order to keep the family together. An alarming number of secondary school pupils (10 per cent) believed that it was right to strike a woman who refuses to have sex.⁴¹⁶ A comparison with a 2008 survey shows that violence in the secondary school population is on the increase. According to a report on children's rights presented to the Committee on the Rights of the Child in early 2008, some 28 per cent of secondary school pupils are "inclined to beat homosexuals", with as many as one-fifth of respondents of both sexes approving of an ethnically pure state.⁴¹⁷

The phenomenon of child violence has been subject to analyses for years, with the State taking a number of measures to put an end to it. Violence against teachers and vice versa is also on the increase. Programmes designed to prevent violence in schools have been implemented since the school year 2005/6. The "School without Violence" programme has been

415 Ibid.

416 Jovana Stojanovski, psychologist and researcher of programme "Inicijativa mladića za sprečavanje rodno zasnovanog nasilja na severozapadnom Balkanu", *Politika*, 24 December 2009.

417 *Politika*, 2 March 2008.

implemented by UNICEF in cooperation with the Ministry of Education, Ministry of Health, Ministry of Labour and Social Policy, Council for the Rights of the Child of the Republic of Serbia, Institute for the Advancement of Education, and, since 2008/9, with the Ministry of Internal Affairs and the Ministry of Youth and Sports. The Belgrade City Secretariat for Education has provided institutional and financial support for the programme.

The results of surveys conducted in 50 schools using a sample of 26,947 pupils and 3,397 adults show that 65 per cent of pupils have been victims of violent behaviour of one kind or another once and 24 per cent more than once within 3 months. The most frequent forms of violent behaviour are: verbal violence, spreading lies and gossiping, and threats and intimidation.

The results of a survey conducted in secondary and elementary schools in Vojvodina were also disturbing: while violence was less frequent in secondary schools (6.1 per cent) compared with elementary schools (13.3 per cent), the fact that 9.5 per cent of secondary school pupils said they had brought weapons to school at some time or other gave rise to alarm. The survey showed that violence between teachers and pupils was much more pronounced than peer violence. About 29 per cent of pupils had experience of mental violence by teachers and even 8.3 per cent of physical violence, with 43.8 per cent saying they witnessed violent acts by other pupils against teachers. The majority of pupils (40 per cent) chose simply to avoid bullies, with 27.5 per cent reciprocating and as many as 10 per cent preferring not to tell anybody about their problems. The survey revealed that national affiliation did not contribute significantly to the frequency of violence, as well as that physical violence was far more frequent between boys than girls.⁴¹⁸

418 <http://www.unicef.rs/novosti/70.html>.

Violence at sports events

Clashes at sports events between fans escalated and assumed increasingly brutal forms during 2009. This was borne out by numerous cases of fans who were either prosecuted or were under investigation. A great many youths are members of supporter groups which regularly clash with each other. The 2009 Pride Parade in Belgrade had to be cancelled owing to threats of violence from sports fans. A group of them attacked and beat a French national named Brice Taton in downtown Belgrade in September, and he later died of injuries. The trial of 15 hooligans charged with participation in the murder was scheduled to start in April 2010 before the Belgrade Higher Court.

The problem of violence at sports events was addressed by RTV B92 in its programme “Insider”, with journalist Brankica Stanković disclosing a wealth of information about sports clubs, fan groups, their masters, the incidents they had caused and their background. After the broadcast, Stanković received several death threats. The authorities issued several statements condemning the threats, arrested a number of persons identified as troublemakers at sports events, and instituted proceedings to ban extremist groups supporting the Partizan, Red Star, and Rad football clubs.

A fan named Igor Vrečić, 21, was wounded at the Red Star stadium during a clash between rival supporting groups. He was shot and seriously wounded during a match between Red Star and OFK Belgrade. At half-time, the attacker had walked out of the stadium and returned with the pistol. Vrečić suffered serious injuries of internal organs. An investigation was in progress to establish how he could have managed to smuggle a firearm into the stadium.⁴¹⁹

On account of growing violence at sports events, the Ministry of Youth and Sports set up a government Council against Violence in Sport chaired by the Prime Minister. The Chamber is made up of representatives of the judiciary, sports associations, and journalists. The Minister of Youth and

419 *Danas*, 15 April 2010.

Sports, Snežana Samardžić-Marković, said that the Ministry's chief concerns were prevention and education while the "instruments of coercion" were mainly in the hands of the Ministry of Internal Affairs: "Certain actions are already being undertaken: the initiative has been launched to ban the sports fan groups known to have incited to the overthrow of the constitutional order and violence. The Constitutional Court of Serbia is dealing with that process. We are also to draw up an action plan envisaging a number of measures against violence. There is also a working group investigating the applicability of the so-called British model in Serbia."⁴²⁰

Family violence against children (the role of the media)

Women and children are the main victims of domestic violence. The number of registered cases of child abuse is growing, a trend which can be attributed to the fact that more attention is being paid to this hitherto taboo topic. More and more cases are reported either through SOS telephone services or by directly contacting specialized organizations. The NGO Incest Trauma Centre published the results of a survey showing that every third girl and every seventh boy aged 9 to 11 experiences some kind of sexual abuse. During 2009 Incest Trauma Centre promoted a documentary-feature film based on the testimony of 8 women victims of sexual violence during their childhood who had been contacting the organization in recent years. To make sure that as many people as possible saw the film, it was screened in several Serbian towns. The film "sends a strong message about the problem of child sexual abuse, its dynamic and consequences, as well as about recovery as testified by women who decided to talk about their experiences in public following years of sexual abuse. We want to improve the situation of children and adults who have experienced

420 Snežana Samardžić-Marković, interview for *Southeast European Times*, 9 November 2009. (<http://www.setimes.com/cocoon/setimes/xhtml/bs/homepage/>).

sexual abuse and to help diminish and eliminate the social distance from survivors.”⁴²¹

Unfortunately, the media are insufficiently sensitive to the topic of domestic violence; but even when they deal with it, they do it inadequately and without the necessary sensitivity. A TV Pink programme, one of the most popular shows on Serbian television, was a striking example of this. Relating her deeply moving life story, the guest in “Trenutak istine” [the moment of truth], Julka Mitrović, said that her father raped her when she was 11 years old and used to tie her hands and feet and beat her. When later she went to the police to report the case, the police refused to believe her.⁴²² The show hostess, Tatjana Vojtehovski, asked her guest, „Did you ever experience an orgasm during a sexual intercourse with your father?” However, this approach to domestic violence was widely and strongly criticized.

Rade Veljanovski, a professor at the School of Political Science and a drafter of the Broadcasting Law, said that the host’s question was in direct contravention of the Broadcasting Law and the Law on Public Information.

“That is an impermissible way to present other people’s misfortunes, even with the consent of the person in question. The RBA [Republic Broadcasting Agency] ought to react because this is a breach of provisions of the Broadcasting Law concerning the psychophysical development of children. Furthermore, that was a promotion of violent behaviour because the controversial question implied that the victim of violence might have enjoyed herself. Violence must be seriously studied rather than explicitly presented without any qualifications. We ought to realize that not everything is for sale.”⁴²³

On 29 October 2009, the RBA issued a caution to TV Pink, filed a request to institute misdemeanour proceedings in connection with the 7 October 2009 broadcast, and ordered that similar programmes be specially monitored. The RBA said it “considers that by broadcasting the programme in question Pink television channel violated Article 68 of the Broadcasting

421 Incest Trauma Centre, statement, 2 July 2009.

422 TV Pink, 7 October 2009.

423 *24 sata*, 8 October 2009.

Law, in which it is pointed out that the broadcaster is obliged to respect specific programme standards.”⁴²⁴

In June 2009, the Citizens’ Protector reacted to an incident in a secondary school in Sremska Mitrovica,⁴²⁵ saying that merely condemning violence was not enough and that specific and comprehensive protective measures were necessary: “It is an open secret that there is a silence about school violence in order to protect a school’s or a school management’s image, as well as because victims of violence or others who point to the problem often suffer the consequences of their acts. This must change: tolerance of violence must be treated as a problem that is at least as serious as the violent acting itself.”⁴²⁶

In view of the large number of cases of violence against children (at home and in school), as well as of the increase in the number of criminal offences committed by ever younger offenders, it is necessary to adopt as soon as possible a National Strategy for Combating Domestic Violence and prepare a plan for a comprehensive strategy of combating school violence.

424 <http://www.nuns.rs/index.jsp>.

425 Sremska Mitrovica: O.M., a first-year pupil of Nikola Tesla school physically attacked his chemistry teacher Marija Mošić while his classroom friends recorded the whole incident with their mobile telephones! The scandal would most probably have been hushed up had the footage not appeared on the Internet. The fact that the teacher was beaten in the last week of her service prior to retirement would also have remained largely unknown.

426 Statement to the public by Citizens’ Protector Saša Janković, 22 June 2009.

Civil Society In Serbia

The role of the civil sector in Serbia is conditioned by the general political climate and consequently by the attitude of the State to a segment of the civil sector, in particular to nongovernmental organizations (NGOs) concerned with human rights and the recent past. While the governing coalition is trying to neutralize the radical attitude of the previous (Koštunica) government to this civil sector segment, conservative opposition parties are openly opposing the civil sector segment which advocates reforms and EU membership. The populist opposition, which relies on all rightist NGOs and the Serbian Orthodox Church (SPC), is taking advantage of the social and economic situation as well as using labour trade unions with the object of bringing down the present regime.⁴²⁷

There is a tendency to marginalize NGOs advocating reforms, which comes from the failure of the State to recognize the bearers of left-liberal commitments as its partner in the democratization of society. The regulation on the establishment of the Office for Cooperation with Civil Society, adopted at the Government's initiative,⁴²⁸ may contribute to greater respect for democratic principles and, especially, respect for those NGOs which insist on equality, respect for human rights guaranteed by the Constitution and international conventions, surrender of ICTY indictees still

427 "Social tensions are on the rise owing to people's increasingly difficult living conditions, dismissals of workers, and life on the edge of existence. This discontent can result in 50,000 to 100,000 people taking to the streets in Belgrade. DOS [Democratic Opposition of Serbia] knows very well that such masses can bring government down," said SNS leader Tomislav Nikolić and added that his party was not going to "channel and use worker discontent in order to gain power". *Danas*, 29 June 2009.

428 The Minister of Public Administration and Local Self-Government, Milan Marković, said that the establishment of the office was an important step, the Government thus having completed its policy regarding the development of civil sector and the creation of a legal framework for its operation: "This is the crown of our two-year work during which we also passed the Law on Associations. By establishing the office we wish to strengthen the capacity of associations and other civil society organizations because we consider that NGOs are an indispensable condition of democratic development of every state and society." 15 April 2010. <http://www.emg.rs/vesti/srbija/119095.html>.

at large, and passing important decisions designed to raise public awareness about extreme nationalism and war crimes. With the Government ignoring these organizations' advocacy of values on which the European Union rests, radically-oriented opposition parties are skilfully manipulating radical NGOs (which often serve as their exponents). The recent inclusion of the right-wing extremist association Naši (Ours) in the New Serbia–Velimir Ilić list at the extraordinary local elections in Arandelovac municipality was a telling instance of this trend.⁴²⁹

On the occasion of the death of the president of YUCOM, Biljana Kovačević Vučo, Naši issued a statement entitled "GOOD NEWS".⁴³⁰ The association gained public notoriety when it threatened to physically attack anyone who would take part in this year's banned Pride Parade and interrupted a B92 panel discussion in Arandelovac in 2007.⁴³¹ Under the Law on Associations,⁴³² the Criminal Code, and the Anti-Discrimination Law, Naši would have to be strictly sanctioned for disseminating racial, religious and national hatred.

Another much publicized NGO, Srpski sabor Dveri (Serb Assembly Doorway), is notorious for its conservative ideology close to the SPC and its cooperation with the SPC organ *Pravoslavlje*. Dveri is the founder of the Serb Network, which rallies a large number of Orthodox organizations as

429 Miroslav Markičević, president of the NS Executive Board and national deputy of the party, confirmed that his party would participate in the elections together with Naši: "We have decided to cooperate with Naši because they are a group of young, nationally awakened people who are highly distinguished in Arandelovac. Depending on the election results, their representatives will be given seats in the local assembly and their members will be included in the New Serbia list." *Danas*, 13 April 2010.

430 <http://www.nasi.org.rs/>.

431 On the occasion of the calling off of the Pešćanik panel discussion, Naši leader Ivan Ivanović said: "To be honest, that launched us into the media space, after which our organization became a significant forum among national organizations in Serbia." On the cancellation of the Pride Parade: "That is a major victory for patriotic organizations because perverts were prevented from parading indecently through Belgrade.", <http://www.nasi.org.rs/>.

432 The RepuBlic of Serbia adopted the Law on Associations on 8 July 2009 (with articles 2 and 73 prohibiting associations acting contrary to the Constitution and statute).

well as those which threatened to break up the Pride Parade in Belgrade and with which they cooperate, the latter including Otečastveni pokret Obraz (Fatherland Movement Dignity, Pokret 1389 (Movement 1389) and Naši.⁴³³ Dveri is a right-wing extremist organization not only on account of its cooperation with the aforementioned pro-fascist organizations, but also on account of its propaganda, which is somewhat more radical than that of the Serbian Radical Party (SRS), the Democratic Party of Serbia (DSS), and New Serbia (NS). Dveri's positions are also close to those of these three parties. Dveri is also known for its Movement for Life campaign, which promotes conservative values that discriminate against women and the LGBT population; for instance, it classes "homosexuality" into a "culture of death", along with "drug addiction", "artificial termination of pregnancy", "modern sexual education and pornography", "cloning", etc. In its vigorous campaign opposing the adoption of the Vojvodina Statute, Dveri said: "The present Serbian regime is the continuator of the Titoist policy of destruction of the Serb state... The New Matica Srpska society, the United Serb Youth, people's tribunes, and modern methods of dealing with the new separatist regime in Novi Sad constitute the only serious policy at this moment."⁴³⁴

Dveri argues for national self-awareness, creating an ever-wider network of "Serb patriotic organizations", and defending and preserving Republika Srpska as "the greatest historical achievement of the Serb people in the last 20 years and the guarantee of biological and other survival and progress of the Serb people on its centuries-old territories in Bosnia and Herzegovina".⁴³⁵

433 <http://www.helsinki.org.rs/serbian/doc/HB-Br52.pdf>.

434 Dveri, statement, 1 December 2009.

435 http://www.srpskamreza.net/Vesti_arhiva.aspx?ID_Dogadjaja=78&ID_Grupe=1

Human rights defenders – lone actors in the process of democratizing society

With their activities and initiatives, NGOs concerned with human rights are at the forefront of the civil sector. The concept of human rights is largely marginalized and regularly undervalued in Serbia. Historian Čedomir Antić explains this as follows: “The defeat of the ‘Other Serbia’ is essentially rooted in its obsolescence and intransigency. What does it want power for, given that it can’t make up its mind whether it’s more disgusted with four-fifths of Serbian citizens or afraid of them?”⁴³⁶ On the other hand, Antić believes that facing the past is indispensable, by which he implies a revision of the Second World War and the normalization of the Chetnik movement. He supports the initiative that the Government set up a commission to find the grave of Draža Mihailović: “A democratic society ought to have a clear and open attitude to the past because its functioning is made more difficult by the existence of a large number of unexplained events which burden it.”⁴³⁷ The circle of “nationally awakened” or “moderately” nationalistic intellectuals has gradually come to believe that these NGOs are close to government and that they regard the Milošević period as “a thing of the past” and “useful only in as much as it keeps them in funds”.⁴³⁸ Stereotypes about the NGO sector are also regularly

436 Čedomir Antić, „Napredni klub”, *Politika*, 4 May 2009.

437 *Politika*, 5 May 2009.

438 „The ‘Other Serbia’ is closer to the present government (...) Full of careerists and weaklings from the political swamp stretching between the snow-covered summits of the two Serbias, these governments have been under the strong influence of the ‘Other Serbia’. This is why Serbia equates the European Union with socialism, experiences privatization as a useful intermediate stage, construes the national programme as nationalism, the national triumph of the war foes as something that only relates to Milošević, the assimilation of Serbs in neighbouring countries as necessary for the functioning of those countries, Kosovo as a boring but conveniently empty mantra... The triumph of nationalism in the Western Balkans, from Slovenia to Kosovo, has not proved that Serbia ought not to have its own national and state programme, but pointed to the fact that that programme, if ever there was one in Milošević’s time, was not good at all.” Ibid.

disseminated by rightist opposition parties and a number of dailies and periodicals including *Pečat*, *Kurir*, *Press*, and *Pravda*.

In April 2009, the Helsinki Committee for Human Rights and the Lawyers Committee for Human Rights filed a criminal complaint against Dobrica Ćosić for incitement of religious, racial and national hatred and intolerance,⁴³⁹ a move triggering a media smear campaign against the organizations' presidents. *Glas javnosti* ran an article entitled "They Defend Shqipetars against 'Insults'", in which the SRS president, Dragan Todorović, brands these NGOs and YUCOM in particular "the moral and human pits".⁴⁴⁰ In the same article, the daily quotes Željko Ivanji, a G17 Plus parliamentary deputy, deputy as saying: "I could never agree with such a negative characterization of an entire people. While individuals can be bad or evil, you cannot attribute things to a people. On the other hand, it is bad form to press charges against a writer for stating an impression. By this reasoning, one could also press charges against Petar Petrović Njegoš for 'genocide' against the Turkish people."⁴⁴¹

At the same time, in an article entitled "Verbal Terror against Patriots", *Pečat* called for violently opposing the complainants: "...if the 'other Serbia' has the will, patience, and resources to wage a legal war against 'patriotic Serbia', one wonders why 'normal' Serbia remains so passive."⁴⁴²

A year after the criminal complaint was filed, the spokesman for the Republic Public Prosecutor's Office, Tomo Zorić, announced the decision of the Belgrade District Public Prosecutor's Office of 14 December 2009 that the writer had not been found guilty of a criminal offence: "It is the position of the Prosecutor's Office that the passage represents the writer's personal perception and description of particular historical events and that

439 The criminal complaint was filed in connection with statements in his book *Vreme zmija, piščevi zapisi '99-2000*. On p. 211, Ćosić wrote this in a reference to the Albanians: "That social, political, and moral scum of tribal, barbarian Balkans, takes up for an ally America and the European Union against the most democratic, most civilized, most enlightened Balkan people – the Serb people."

440 *Glas javnosti*, 2 April 2009.

441 Ibid.

442 *Pečat*, 23 April 2009.

the quotation cannot be taken out of the context of the text of the whole book, in consequence of which District Public Prosecutor's Office decided, back on 14 December 2009, to dismiss the criminal complaint YUCOM and the Helsinki Committee filed against Dobrica Ćosić."⁴⁴³

Media campaigns against human rights defenders sometimes result in physical attacks. The activist of the No Alternative to Europe movement, Simon Simonović, was attacked and brutally beaten in Belgrade on 22 May 2009. Before beating him, the assailants, who were all masked, insulted and threatened him. Several human rights NGOs said that „this incident is not isolated and is part of a series of threats and attacks. Judging by the public appearances of ultra-rightist groups, it is clear that organized physical violence is their method of dealing with those who disagree with them.”

Another incident occurred on 8 January 2010, when unidentified persons entered and ransacked the flat of Marko Karadžić, secretary of state at the Ministry for Human and Minority Rights. The fact that nothing was stolen indicates that the purpose might have been intimidation. Karadžić had been attacked several times before. During 2009, posters with his photographs and pornographic illustrations were pasted at various places in Pančevo and anonymous threats were made against him on several occasions. Although he is a civil servant, he is seen by a segment of the public as being supportive of NGOs and anti-Serb in his public appearances. Karadžić has been particularly active in advocating LGBT rights and calling for adopting a Declaration on Srebrenica.

Incidents of this kind show that media are still used as a powerful mobilizing tool for suppressing dissent and that the boundary between a newspaper article and a street beating is almost non-existent. On the occasion of World Media Freedom Day, 3 May 2009, the US NGO Freedom House published a report in which Serbia was ranked among countries with „partially free media”⁴⁴⁴

443 *Blic*, 19 April 2010.

444 „Nadežda Gaće, president of NUNS [Independent Association of Journalists of Serbia], said yesterday that Serbia was described as a country with partial freedom of the media for an objective reason, adding that in the past year journalists have been exposed to considerable

In 2009, NGOs and activist movements supported a number of initiatives indispensable for the further democratization of society:

- On 9 March, during a women's march, the Women in Black and groups of citizens called on the Serbian authorities to surrender to the ICTY Ratko Mladić, indicted for genocide in Srebrenica, and declare 11 July a Day of Remembrance of Genocide in Srebrenica.

- On 17 September the Coalition against Discrimination issued a statement calling on the prosecuting authorities to react to increasingly violent outbursts of homophobia and neo-Nazi threats in connection with the announced Pride Parade in Belgrade scheduled for 20 September: „The Coalition recalls that Article 387, paragraph 2 of the Criminal Code of 2005 provides for a sentence of imprisonment from 6 months to 5 years for anyone who persecutes organizations or individuals due to their commitment to equality of people. Under the amendments adopted on 31 August 2009, the Article incorporates a paragraph providing for a sentence of imprisonment from 3 months to 3 years for anyone ,who publicly threatens to commit a criminal offence punishable with imprisonment of over 4 years against an individual or a group of individuals on grounds of race, colour, religion, nationality, ethnic origin or some other personal characteristic'. All the threats made in the media so far, graffiti written in Belgrade, and messages appearing in the discussion forums of already identified groups can be subsumed under this criminal offence.”⁴⁴⁵

- Pressure on and appeals to state bodies to protect participants in the Pride Parade. The Coalition against Discrimination said in a statement: „In connection with the increasingly frequent pressure brought to bear on the organizers of the Pride Parade in Belgrade, the Coalition against Discrimination recalls that under Article 3 of the Anti-Discrimination Law, public authority bodies have the duty of providing ,efficient protection against all forms of discrimination'. The Coalition welcomes the statements and assurances made so far by Minister of the Interior Ivica Dačić and calls on him to act preventively against violence by being present in person and,

.....

pressure and threats including from tycoons and local officials.”, *Danas*, 3 May 2009.

at the same time, to support in person all members of the police providing security for the gathering.”⁴⁴⁶

– On 9 November, international day against anti-Semitism, racism, fascism and xenophobia, the anti-fascist movement Antifa in Action organized a „Solidarity March against Fascism” in protest against the banning of the Pride Parade, growing violence by ultra-rightist and neo-Nazi organizations that goes unpunished, attacks on Roma and LGBT persons, and violations of workers’ rights.

– In February 2010, 213 NGOs signed a statement calling on parliamentary deputies to elect human rights legal adviser Goran Miletić as Commissioner for the Protection of Equality. Miletić has years-long experience of protection of human and minority rights and, in particular, protection against discrimination. Miletić was not elected and Nevena Petrušić, dean of the Faculty of Law in Niš, was nominated for the post. Petrušić was nominated by the ruling coalition in the Assembly. Petrušić’s nomination was supported by a number of women’s human rights organizations. Several NGOs objected to her nomination on the grounds that, in September 2008, she made available premises at her Faculty for the promotion of Milivoje Ivanišević’s book *Lična karta Srebrenice* [Srebrenica’s identity card], in which the author denies that genocide took place there.

Human rights defenders in Serbia operate in a society that only slowly opens to European values and the process of genuine democratization. The adoption of the Declaration on Srebrenica is only a first step towards confronting the past. Speaking about the role of civil actors in post-communist countries, Srđan Dvornik gave the following description of civil society: „Rather than operating as exponents of wider social movements, civil actors in these countries have been trying in various ways, often in guerrilla fashion, to undermine the collectivistic monolith having a democratic legitimacy. Even when operating on the margins, they have proved that there is an alternative; by getting the metaphorical ‚foot in a door’

446 <http://www.stopdiskriminaciji.org/arhiva/koalicija-protiv-diskriminacije-prekinuti-sa-zastrasivanjem-organizatora-povorke-ponosa>.

that could not be opened, they have succeeded in preventing it from closing shut."⁴⁴⁷

Civil society in Serbia will become more powerful and influential when legislation of relevance to civil society begins to be implemented and when independent bodies and agencies are given substantial support and working conditions. Initiatives of civil sector organizations are still frustrated by the same legislative obstacles that frustrate initiatives of groups of citizens wishing to address an issue. Milan Marković, Minister of Public Administration and Local Self-Government, said that preparations were under way for drafting amendments to the Law on Referendum and People's Initiative. The 1994 Law on Referendum and People's Initiative, amended in 1998, is still in force. It all but prevents the launching of any people's initiative aimed at passing legislation because it stipulates that 30,000 signatures in support of the initiative must be collected within only seven days.⁴⁴⁸ Further, it is necessary to establish mechanisms for giving effect to such an initiative. This presupposes structural changes in society and freedom of the media; efficient enforcement of the new Law on Public Information; elimination of party interests in any form of formal and informal association of citizens (workers' trade unions, student organizations); adoption of a declaration on human rights defenders.

The attitude of the State to civil society is also reflected in the provision of funds indispensable for the latter's survival. Funds from the budget line 481 earmarked for NGOs are used to finance political parties, religious organizations, and sports associations. Funds from this budget line also go to the Red Cross organization, ethnic communities and minorities,

447 Srđan Dvornik, *Akteri bez društva*, published by Fraktura and Heinrich Böll Foundation, 2009, p. 237.

448 Vladimir Vodinelić, director of the Centre for Advanced Legal Studies, says that giving consideration to citizens' initiatives and their possible adoption would mean that „government is ready to renounce its monopoly on the passing of legislation”: „If it did that, then the principles of democracy and the Constitution of Serbia would be consistently implemented and laws would be to the liking of the people and not only as government thinks they ought to be. Dismissing initiatives is a bad message to the citizens that theirs is not to meddle in legislation but only to turn out for elections and cast their votes.”, *Danas*, 6 April 2010.

chambers of economy, private and alternative secondary schools. Only one-third of the funds reach NGOs. Last year, 70 per cent of some RSD 4 billion registered as grants to NGOs was spent on non-NGOs.⁴⁴⁹

Jasna Filipović, director of the Centre for the Development of the Non-Profit Sector, who has been monitoring the budget line in question since 2005, says that funds made available to NGOs have never exceeded 25 per cent. The Commissioner for Information of Public Importance, Rodoljub Šabić, said that budget transparency is a fundamental prerequisite of government and that lack of transparency regarding the spending of public monies is the precondition of corruption.⁴⁵⁰

449 *Danas*, 21 April 2010.

450 *Ibid.*

VIII

Social And Economic Rights

The Year of Difficult Conditions

After completely ignoring and relativizing the economic crisis, the Government gave an assurance that it prepared the programmes for its overcoming and, moreover, that economic recovery was beginning. However, the population was faced each day with a rise in the prices of basic food-stuffs and energy products, rising inflation and news about a continuous decline in employment throughout the country. In such a situation, it was quite realistic that the whole year was characterized by social tensions and pressures. Although the Government is still faced with political and financial uncertainty, it seems that the risks of large-scale shocks are behind it. This is primarily due to the lack of any potential and energy in society and awareness about the global situation, as well as the lack of choice. Although it cannot be denied that certain economic measures were taken, this is still far from being sufficient to offset the consequences of a further decline in the standard of living. The greatest pressures are directed toward the Ministry of Labour and Social Policy, which is in charge of the issues facing the greatest and most difficult challenges.

In its budget for 2009, the Government earmarked about 12 per cent of funds for social policy, that is, more than 87 billion and 500 million dinars. In addition, the Ministry announced the lowering of its own costs and intervention based on the budgetary reserves and funds to be provided by the budget adjustment, in an attempt to ensure the regular payment of social benefits. Being aware of the depth of the crisis, the Ministry restrained itself from giving any promise and encouraging unrealistic optimism. It only mentioned that, in the course of the year, it might be possible to propose the amendments to the Law on Health Care under which pregnancy allowance would be increased. However, considering the financial possibilities, this was not possible, so that pregnancy allowance remained at the level of 65 per cent of one's salary. The maintaining of the current level of social benefits, coupled with the work on social protection laws and regulations, points to a good evaluation of the actual

possibilities. All capacities were geared to carry on social dialogue and take the measures aimed at mitigating the effects of the economic crisis.

Apart from the objective circumstances, an additional aggravating factor is the country's uneven development. Poverty and general backwardness in southern Serbia as well as in other parts of the country initiated the action entitled "Solidarity". During the whole year, the representatives of the Ministry of Labour and Social Policy and Minister Ljajic himself visited the poorest regions, ruined firms, social institutions and families, distributing emergency assistance to the most needy. Although the effect of political marketing cannot be disregarded, one should not underestimate their efforts and feeling of responsibility, which can rarely be noticed when other ministries are in question, as well as the benefits that are still of significance for the population in these regions.

As is always the case, the status of children was especially difficult and sensitive. In early October, Minister Ljajic gave an estimate that in Serbia there were 155,000 poor children and that as many lived at the poverty line. The surveys and analyses conducted by the Ministry point to a continuing rise in poverty among this population, whereby children up to 3 years old were especially endangered. A great number of them lives with self-supporting mothers, but the exact number of such families is not known. Social statistics still represent a great problem for work, although a great effort was invested in the formation of the relevant database during the past years. As for self-supporting mothers, the last survey was conducted as far back as 1988 and since then nobody has addressed this issue more seriously.

The extent to which an upward trend in poverty among children is serious is also evident by the fact that an international conference devoted to this subject was organized by TAIEX, a department of the European Commission, and the Ministry of Labour and Social Policy, in cooperation with the UNICEF Office and National Assembly of the Republic of Serbia.⁴⁵¹ At this conference there was talk about the consequences of the

451 The Conference on "Children and Poverty: Global Context, EU Experiences, National Priorities and Local Solutions" was held in the Hall of the National Assembly of the Republic of Serbia on 19 October 2009; www.unicef.rs.

economic crisis for children in Serbia, as well as about different modalities and measures being implemented in order to prevent an increase in the number of poor children within the process of European integration. The Serbian Government adopted the National Plan of Action for Children as early as February 2004, but it has not been further elaborated and implemented in practice. Ljiljana Lucic, State Secretary for Social Policy, emphasized that the “National Plan of Action for Children has as much chance of success as the ability of our society, both at the national and local levels, to understand that the policy toward children is a strategic issue of the country’s development”. Unfortunately, child care is regarded as falling within the competence of certain institutions, while occasional actions, which are jointly taken by local authorities, private sector and non-governmental organizations, most often have a short-term aim and the projected marketing benefit in mind.

In early March 2009, the Ministry proposed to the Government a set of social measures for the protection of the most vulnerable and most needy sections of the population, including refugees and internally displaced persons, children, the elderly and other groups affected by the crisis. An increase in the number of poor people was already evident in 2008, which was pointed out by many economists and sociologists. Everyday news on new technological labour surpluses and the appeals of employers and trade unions were not met with a serious response by the government. After the publication of the data that in the first quarter of 2009 another 60,000 people found themselves below the poverty line and when the situation became almost alarming, the Government undertook to find urgent solutions to increase social benefits. The priority groups among the vulnerable population included the unemployed, children, persons older than 65 years, persons with disabilities, Roma, refugees and internally displaced persons, women, rural elderly households and multi-member households. However, numerous non-governmental and humanitarian organizations have been pointing to those groups for years already, since it is known that they survive with great difficulty even without the global economic crisis.

The uneven burden of transition brought them on the brink of survival. For example, poverty among the elderly population (persons older than 65 years) even reached 10 index points, as compared to the average for Serbia – 7.9 index points. Nearly 100,000 elderly people do not have any earnings, while about 150,000 people live on the brink of poverty. They are also the most frequent users of soup kitchens, which were insufficient to meet increased demand during the year. In addition to 30,000 regular users, all soup kitchens had “waiting lists”, while in the large-scale humanitarian action entitled “Food for all” it was estimated that in Serbia there were about 500,000 hungry persons each day.

Otherwise, this action was launched by the B92 media house and it was joined by over 350 companies and widely varied associations. The food collected during this action was worth 930,000 euros and was delivered to soup kitchens, humanitarian centres, shelters for adults, pensioners’ clubs, and associations of self-supporting mothers and centres for social work throughout Serbia. Although it was planned to continue the action after the completion of this campaign, an organized and long-term approach to addressing this great problem was not conceived. It should be noted that the struggle against hunger in many countries forms part of serious strategies and that there are relevant programmes which could also be applied in Serbia. However, they must be developed by the state, coupled with the provision of incentive measures for the participation of the greatest possible number of economic and other social agents.

The new Law on Social Protection, which has not yet been subject to a parliamentary procedure, should ensure support to a larger number of beneficiaries (about 230,000, as opposed to 163,000 at present), but Minister Ljajic pointed out that its implementation could not be expected before 1 January 2011 due to the lack of funds. Considering the situation, it is questionable whether this date is realistic. On the other hand, it is clear that this new law will not cover all those who need support either. The question that also imposes itself is whether hungry people can survive until they are provided with at least the subsistence minimum, or will be taken off the “waiting list” in another way. Moreover, their general health

condition and health-care possibility represent an additional risk to their survival.

A socially responsible state must have efficient programmes for this population group. The same remark refers to the Roma who are always among the most destitute population groups. In May, the Government adopted the urgent measures of assistance to this population group, including the granting of additional scholarships to secondary school pupils from the most destitute families, provision of three billion dinars for the employment of trainees and for public works for which most of them are hired. This set of measures also anticipates one-shot social assistance which will be paid twice a year, as well as the doubling of child allowance, also twice a year. According to the data of the Ministry of Labour and Social Policy, 25 per cent of the Roma population has no elementary education, while 36 per cent completed only some grades. At the meeting of the subcommittee dealing with the Roma issues and the Roma Decade, Minister Rasim Ljajic said that the "international community invested a lot of money in order to improve the status of the Roma population in Serbia and that it was not adequately allocated, so that the greatest benefits were derived only by some individuals".⁴⁵² This is a serious remark as to the functioning of the control mechanisms of the Ministry and the Government as a whole, and the reason for reconsidering these mechanisms of control over the disposal of funds and other forms of assistance.

Due to the low level of production and lack of investments, the Government opted to maintain the current level of employment, emphasizing that it was not realistic to expect the creation of new jobs in 2009. The Minister of Labour and Social Policy also confirmed that the situation was serious: "We will be more than satisfied if we succeed in maintaining the current employment level in Serbia."⁴⁵³ Decades-long problems, which were deepened by transition as well as by the incompetent implementation of economic policy during the past years, brought the labour market into an unenviable situation. Personnel policy based on partisan affiliation and the administrative control of the economy, non-transparent privatization

452 www.minrzs.gov.rs.

453 *Politika*, 4 March 2009.

and influences of various interest groups problematized the labour issues still further.

Apart from the negative ratio between the employed and unemployed, the employee structure is also very unfavourable, pointing to too many employees in the public sector, a high unemployment rate among young people, inadequate qualifications relative to the current needs, unfavourable status of women and members of national minorities, etc. The state failed to alleviate these and many other problems, which were only deepened by the economic crisis, in addition to the already unevenly distributed burden of transition costs. Therefore, the last year was also characterized by ad hoc solutions for crisis situations or, more precisely, the situations threatening to cause social conflicts. Despite the institutionalization of social dialogue, it still does not fulfil its basic purpose, primarily due to the fact that its participants are not sincere and are not committed to their mission. Therefore, the explanations that socio-economic dialogue will be better when the representativeness of trade unions and employers is established are not acceptable, since that is not the gist of the problem.

Apart from intervention measures, which ease social tensions over a short term, the Labour Law was also amended.⁴⁵⁴ The amendments enabled employers to send employees on a paid leave of absence longer than 45 days, paying them 60 per cent of their salary earned during the last three months, whereby the amount must not be lower than the minimum salary stipulated by law. The Minister of Labour explained that it was the question of temporary crisis measures. They are certainly in the service of maintaining the employment level and the interests of employers, who saw the solution to the stagnation and financial problems only in the dismissal of workers. In this way, labour costs were reduced, while some of them once again gained access to subsidies, which was also done by more developed countries. In Serbia, however, they are accessible only to the chosen ones. In addition, state firms were also approved the new buying back of the years of service for the period from 1 January 2004 to 30 June 2009. It was expected that the years of service would be bought back by 100,000 workers. However, the results were much more modest – in Serbia,

454 The Law Amending the Labour Law was adopted on 16 July 2009.

269 economic agents with a total of 44,000 workers applied for the buying back of the years of service and in the AP of Vojvodina 44 firms with a little more than 5,000 workers. Thus, this problem also remains unsolved and will certainly affect the social status of workers, regardless of whether they are employed, or have met the retirement requirements.

In the area of labour relations the Law on the Amicable Settlement of Labour Disputes was amended⁴⁵⁵ and the Draft Law on the Prevention of Work-Related Abuse is in parliamentary procedure. It is expected that the latter law will significantly protect the employed from sexual and other types of work-related abuse, including specifically sustained low workload or excessive workload, physical exclusion, gossiping and the like. In Serbia, according to some data, young people aged 20-30 and older persons aged 40-50 are especially exposed to work-related abuse, while mobbing is most pronounced in the process of identifying redundancies, so that workers themselves are forced to resign.

Nevertheless, the most significant document is still the Law on the Ratification of the Revised European Social Charter⁴⁵⁶ for which the ratification instruments were submitted in September. One month later, the Revised European Social Charter came into effect, whereby Serbia obliged itself to fully implement all standards in the area of economic, social and labour rights. Otherwise, the Revised European Social Charter is the basic document of the Council of Europe in the area of labour and social rights and, as such, it is the most important document of the Council of Europe after the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In January 2009, the Ministry of Labour and Social Policy presented the results of the first, more serious survey in Serbia entitled "Health Status and Health Needs of the Veterans of the 1990s Wars", which was conducted from December 2007 to December 2008.⁴⁵⁷ According to its results,

455 Sluzbeni glasnik RS, No. 104-09, 11 December 2009.

456 Sluzbeni glasnik RS, No. 42-09, 29 May 2009.

457 The survey was conducted by the expert team of the Ministry of Labour and Social Policy, Association of the Veterans of the 1990s Wars and experts of the Faculty of Medicine in Belgrade and Military Medical Academy, based on the representative sample of 2399

the war veterans in Serbia have three diagnoses on the average, while 81 per cent of their individual diagnoses accounts for mental disorders. It was also ascertained that, at the time of this survey, 8.8 per cent of war veterans had PTSD, i.e. the so-called "Vietnam syndrome", while 20 per cent of them already had this syndrome at certain time intervals. As expected, the survey pointed out that wounded and disabled war veterans, those who participated in front-line combat operations and those who spent more time on the battlefield and survived a number of war-induced stresses, get sick more often. The war veterans' group is characterized by risky behaviour, involving cigarette smoking and alcohol consumption, which points out that their health and, thus, social status will deteriorate.

Another social group which is endangered as the result of armed conflicts is the population of refugees and displaced persons. In Serbia, according to the estimates, there are still 97,000 refugees and more than 205,000 internally displaced persons, while 4,500 refugees and internally displaced persons, accommodated in 60 collective centres in central Serbia and Kosovo, are in the most difficult position. The state has assumed an obligation to close all collective centres, but that will be possible only when the remaining occupiers are provided with housing. The Ministry of Labour and Social Policy appealed to the European Commission for a 9 million euro grant for a lasting solution to the problems of refugees and internally displaced persons.

After the adoption of the Law on the Prevention of Discrimination in March 2009,⁴⁵⁸ social protection reforms continued by the adoption of the Law on Professional Rehabilitation and Employment of Persons with Disabilities⁴⁵⁹. The Serbian Parliament also adopted two laws ratifying the Convention on the Rights with Persons with Disabilities and the Optional

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respondents in 40 municipalities, from among the war veterans' population in order to determine the general mental health of the 1990-1999 war veterans, laying special emphasis on the incidence of post-traumatic stress disorder (PTSD).

458 See: Annual Report 2008, "Human Rights, Democracy and – Violence", Helsinki Committee for Human Rights in Serbia, May 2009. The Law on the Prevention of Discrimination was adopted on 26 March 2009 and was published in Sluzbeni glasnik RS, No. 22-09.

459 Sluzbeni glasnik RS, No. 36-09, 13 May 2009.

Protocol to the Convention⁴⁶⁰. The mentioned documents are of utmost importance for further support to such persons and the improvement of their life quality.

The adoption of the Law on the Elements of the System of Education and Upbringing⁴⁶¹ created formal legal conditions for the inclusive education of children and young people. In essence, the basic problem lies in the implementation of the Law and the provision of practical support to families and educators to integrate persons with disabilities into the community. At the moment, the greatest problem of about 500 students with disabilities in Serbia is posed by physically inaccessible faculty buildings and maladjustment of textbooks to their needs. The problem is also posed by insufficient public sensitivity to the problems and needs of persons with disabilities. In this connection, some steps were made, including the adaptation of state-owned buildings to ensure the easy and unhindered movement of persons with disabilities, which should also enhance the responsibility of others and contribute to the raising of awareness about this problem. Despite the difficult year, the Ministry earmarked 20 million dinars for assistance to the associations of persons with disabilities on a monthly basis. This is an important stimulus and encouragement to them, bearing in mind their isolation as well as the fact that only 13 per cent of such persons are employed.

The attitude toward children with developmental disorders is still dissatisfactory. Their parents need greater government assistance, as well as appropriate education. It is also necessary to develop special foster care and make society sensitive to the needs of these children. In April, there was the first festival whose participants were children and young people with developmental disorders. They organized performances, outings, visits to museums and other activities aimed at their further inclusion. The festival entitled "The Flower on the Palm" should certainly be commended, but its content should become part of their daily routine. The same applies to autistic persons, who have been facing problems from the earliest age, that is, from medical diagnosis, through their treatment in the

460 Sluzbeni glasnik RS, No. 42-09, 29 May 2009.

461 Sluzbeni glasnik, No. 72-09, 31 August 2009.

pre-school and school age, to a small number of accessible places and their impossibility to live independently. In Serbia, there is the Republican Association for Assistance to Autistic People, within which there are only ten local associations in larger cities. There are no precise data on the number of autistic persons, but it is estimated that there are over 2,000, including 800 children.

Last year, the Ministry continued to develop the system of foster families, with which 4,200 children were accommodated in October 2009, while the number of children living in institutions was reduced to about 900. According to plan, there should remain only 200 children in institutions over the next four years. The increasing problem of street children, which was also unknown until recently, began to be solved by opening shelters for them. At the moment, these shelters operate in Belgrade, Novi Sad and Nis. The new Law on Social Protection stipulates for the first time that the operation of these shelters should be funded by local self-governments, but the question that imposes itself here is whether this is feasible in practice, since many municipalities will not be able to provide financial support to such facilities. Since this law has not yet been adopted, one should wait to see whether such a solution will remain in it at all.

The crisis and poverty also contributed to a rise in family violence. Only in the first two months 2009, there were six deaths as the result of a family quarrel, while in 2008 there was a total of 22 such deaths. In Belgrade, there are four safe houses and in other cities in Serbia another four. Under the new Law on Social Protection, whose adoption is expected in 2010, safe houses will be included in the social protection system. The Ministry of Labour and Social Policy has prepared the regulations concerning the issuance of a licence for opening such a house. This form of protection of women and children exposed to violence should be temporary in character, which implies that the state must create other mechanisms of assistance that will enable victims of violence to live independently, safely and peacefully. This anticipates various measures, from the provision of health and psychological support to the creation of the existential conditions of life.

It is not clear why the police and judiciary are not more efficient in processing family violence and why the legal provisions providing for the removal of the violator from the house are not applied. Instead, women and children are moved out. This problem still awaits better legal and practical solutions. At present, it can be stated that the first steps in that direction have already been taken: apart from the relevant parliamentary committees and Gender Equality Office within the Ministry of Labour and Social Policy, the first Law on Gender Equality was adopted in December.⁴⁶² However, like in all mentioned cases, it is necessary to invest a great deal of effort and create a different climate in society so as to make the legal solution operable. It is hard to eradicate discrimination, it takes a long time and the action must include all social actors. A good initial step in that direction is the elaboration of the Strategy of Promoting and Developing Corporate Social Responsibility in the Republic of Serbia, whose draft was presented at the end of January 2010.

462 Sluzbeni glasnik RS, No. 104-09, 11 December 2009.

Institutional Social Care and Human Security

New Concept of Human Security

The UNDP Human Development Report 1994 underlines that the concept of human security is being constantly developed at both theoretical and operational levels. The modified security challenges, which in mid-1990s called for a new approach under new historical circumstances, changed the focus from the once state (national) security to individual human beings. Despite the existing differences, the concept is growingly implemented in domestic and foreign policies.

Human security, as a part of the new doctrine, does not dominate yet Serbia's public discourse. However, it gradually takes root in the actions by institutional, corporative and individual actors. Orientation towards Euro-Atlantic integrations unavoidably leads to the change of the deeply rooted though obsolete concept of security, based on protection of a state and its territory. Though still strongly present, the so-called societal security that mostly relates to identities of social groups (national and ethnic in the first place) also heads for a downslide confronted on daily basis with the highest value – human life.

Inappropriate security levels in each of the aforementioned aspects are still characteristic of Serbia. The reasons why things stand as they do are mostly well-known. It should be noted, however, that one security phenomenon often jeopardizes another in the society. Such security conflicts are known in theory and present in practices of many countries. However, one cannot but be troubled with threats to individual security stemming from the state. Namely, though the state should be above all concerned with security of its citizens (in the broadest sense), all researches conducted so far indicate that citizens of Serbia do not feel safe and such feelings are the strongest when it comes to the domains that are – from the angle

of human security – defined as the vital core. The vital core includes political and civil freedoms, as well as economic, social and cultural rights the guarantor of which is the state. It is obvious, therefore, why is it that citizens are distrustful and even anxious. The state's efficiency is so low and inconsistent that it cannot ensure a stable environment for meeting individual interests.

Though the state has put an end to direct violence (to which it resorted in 1990s) it can hardly boast that it has made any major progress in elimination of structural violence, which can also result in human losses and great suffering. The state-generated structural violence jeopardizes human security by the means of non-violent but structured threats: violation or inadequate protection of human rights, inappropriate treatment of one social group by another or unequal living conditions for citizens in different parts of the state. In this context, the domains of education, healthcare and social care are most indicative since they should provide services that secure protection of and respect for the rights and freedoms of most vulnerable groups or individuals.

Social Care as a Priority

Under the circumstances, social care has imposed itself as an issue of highest priority calling for well-thought-out, long-term solution. Scores of socially endangered citizens were faced with an outdated system no longer capable of meeting their needs and guaranteeing them minimal existential security. Therefore, the social care reform was launched in the aftermath of the change of the regime (2000). Some results have been attained but many major decisions still have to be made and many changes of strategic course to be still have to be considered and put into practice.

Institutionalization of various categories of socially endangered persons is certainly the biggest problem of all. The concept of closed protection in institutions that fully cater for beneficiaries was abandoned by developed countries long ago. Serbia has launched the process of transformation only recently. The basic goal is to reduce institutionalized

protection to a minimum and replace it by the so-called open protection. No doubt that such orientation is both necessary and welcome not only because it coincides with the modern approach but also because it provides more guarantees for quality living of every individual and fostering of individual potentials.

The present situation of social care institutions catering for beneficiaries differs from institution to institution, depending on their specificities (number and type of beneficiaries, available staff, spatial and financial capacities, etc.). The common trait of all these institutions, regardless of their mutual differences, stems from system flaws, i.e. the state's incapacity to guarantee human security. Only some major flaws that still make the present situation intolerable from the angle of human rights are quoted below.

Introduction of human rights into public discourse raised the awareness about the significance of the entire social domain. The responsibility in treatment of vulnerable groups and for improvement of the position of social care beneficiaries and personnel was thus also raised. Unfortunately, this progress is not always followed by personnel's interest in professional training, mastering of new knowledge and skills, and practices leading to improvement of the position of social care beneficiaries. Resistance to new trends is notable among the personnel, particularly among professional with longer careers. Many of them manifest no readiness to improve their professional capacities and no understanding for new approaches to beneficiaries. On the other hand, the process of deinstitutionalization has obviously fueled their fears of losing their jobs, the fear that becomes even stronger when combined with the sense of insecurity vis-à-vis new and different professional challenges. Such sense of double threat affects their ability for rational consideration of the overall situation and constructive solutions and thus indirectly produces negative impact on the quality of their work with beneficiaries.

At the same time, managements of institutions have been forced to adopt businesslike approaches for which many are either incapable or incapable to set proper priorities. Namely, while trying their best to ensure salaries for their employees and expand their activities, much

management have placed complete care for beneficiaries in the back seat. Given the vulnerability of the population in need of social protection, the state should start developing a comprehensive, multisectorial approach to the reform of social care institutions. This implies mutually compatible and well-thought-out activities by all sectors of governance – the activities that would relieve the burden of everyday existence from employees and ensure adequate and modern social protection of beneficiaries.

Institutions Catering for Children without Parental Care

The above-mentioned problems notably plague the institutions catering for children and youth without parental care, and young persons with social behavior disorders. Due to huge discrepancies in the work and even total absence of communication between ministries dealing with various aspects of care about children and the youth, the primary objective – continued protection and ensuring best interest of the child – is often neglected and lost in the labyrinth of administrative tasks, unregulated relations, personal and professional grudges, etc. In all that, everyone is blaming the other for all shortcomings – and this only testifies that the state is not ready and capable enough to clearly define responsibilities of all the actors. All governmental agencies and institutions are responsible for taking the best possible care of a child without parental care and/or social behavior disorder, and ensure all necessary conditions for the child's healthy and unimpeded development, and respect for its rights and needs.

The present practice, unfortunately, often blatantly ignores these children's interests. They are not getting appropriate psychosocial and educational treatments, remain deprived of proper education and professional training, face poor prospects for future, whereas the society as a whole supports them just sporadically. Their chances for equal participation in social life are thus very much limited, and even more limited when it comes to social rehabilitation.

Community-based treatment they could get either in foster families or by adoptive parents, or though the system of alternative sanctions in the case of juvenile delinquents is for sure the best solution for this group of social care beneficiaries. However, the state has not yet established an adequately comprehensive, reliable and quality system of fostering, whereas the very process of adoption is challenged by too complicated and demanding procedures that exclude in advance a number of potential foster parents.

The governmental policy of speedy deinstitutionalization – notably in the case of institutions catering for children without parental care – pressed up, in a way, social care centres to find foster families for children at any cost. In such attempts, social care centers often bypass the prescribed procedure – they fail to make sure whether potential foster families are competent enough to take care of children, look into their financial statuses and explore the conditions they could offer for children's development and education. Against the backdrop of economic crisis and unemployment many families opt for fostering as a source of income. This is why foster children are often running away from their foster families just to end up again in institutions. Such endings additionally frustrate and stigmatize them. The situation is even more complex when it comes to juvenile offenders. The Ministry of Justice has adopted the so-called law on juvenile offenders that provides several alternative measures. However, implementation of these measures is rather blocked in everyday practice given that courts of law, social care institutions and schools are still not ready to provide adequate support. Bad socioeconomic conditions in the Serbian society additionally make the entire approach to the problematic not only inefficient but also unsustainable. No doubt, therefore, those children's rights as laid down in UN Convention and other UN documents dealing with juvenile delinquents (Beijing Rules, Riyadh Guidelines, and Tokyo Rules) are being violated.

Institutions catering for children with mental disabilities

The overall situation in the institutions catering for children and adults with mental disabilities, and for adults with mental disorders is far from being any better. A number of these people have been institutionalized because the state failed to ensure an appropriate community-based system of care and protection. Isolated from their natural environments and without prospects for proper schooling, employment and participation in community life, they are actually deprived of fundamental human rights. The treatment they are getting in institutions is also inadequate. Understaffed institutions – with many employees that are not professionally capacitated enough – can hardly provide them proper care, let alone help them develop their abilities and learn skills. Stigmatized the same as beneficiaries they cater for, these institutions either communicate not with the outside world or their communication boils down to occasional contacts only. Beneficiaries themselves are isolated and marginalized, discriminated at all levels and neglected and often exposed to degrading treatment and living conditions and even to ill-treatment by the society and by institutions.

Medical treatment they are getting is notably problematic. They are generally under pharmacotherapies, whereas other forms of therapeutic treatments are either insufficient or non-existent. To make things worse, the entire healthcare system and medical officers treat these beneficiaries in morally and professionally unacceptable way. This is why the domain of social care as such is discriminated, in a way, by other governmental institutions. It goes without saying that other rights, such those related to judiciary, security, education, culture, sports, information, employment are inaccessible to these beneficiaries. All the said systems practically do not recognize the rights of persons with mental disabilities. No doubt that the state is responsible for such situation – by doing nothing it has provided a frame for “structured” violence.

Institutions catering for elderly persons and persons with disabilities

Elderly persons and persons with disabilities institutionalized within the social care system share the same fate. Those among them, who are physically and psychologically capable enough to live independently with some support, do not get it in the outside community. The state's inability to provide them appropriate medical care and support in their own homes and within their communities is being "solved" through institutionalization – which is not only more costly but also not in the best interests of institutionalized beneficiaries. On the other hand, persons who need continued medical care and treatment are not getting them in institutions for the afore-mentioned reasons (institutions are professionally understaffed and short of funds, living conditions in them are inadequate, etc.). The discrepancies manifest at several levels (between institutions located in different parts of the country, between different categories of beneficiaries in one institution, etc.) indicate that the Serbian society is deeply divided and that equal opportunities for all citizens are not in sight in foreseeable future.

Institutionalization as such that removes people from their natural environments is actually a restrictive and inhuman measure that may scar their personal integrity, self-respect and human dignity. Accommodation of persons in institutions distanced from their hometowns stands in the way of their more frequent contacts with their families and friends. On the other hand, old or disabled persons placed in institutions by their own families cannot but feel neglected, sad and depressed. In addition, local communities are mostly disinterested in the fate of elderly persons and persons with disabilities, who are often, overtly or covertly, discriminated and marginalized.

Guarantees for the rights and freedoms of beneficiaries are mostly insufficient. Despite the fact that social care institutions are open, the majority of their beneficiaries cannot really freely choose the lifestyles that suit them best. On the other hand, most regulations and the practice

of institutionalization stem from an obsolete approach to and treatment of social care beneficiaries, whereas the entire system is highly bureaucratized. Inadequate legal system and other major problems challenging reforms in transitional countries such as Serbia are permanent sources of inconsequent practices, legal loops and inappropriate protection mechanisms. The same as in other domains, an appropriate system of supervision and independent control agencies that could more efficiently protect the rights of socially endangered categories of population are not in place in the social care system.

For several years now, the social care system has been undergoing reforms and transformation towards more quality and sustainable models adopted by developed countries. However, if such efforts are to produce desirable results, the state needs to be fully aware that strategies and plans of actions can only be developed and adopted once all the problems have been taken into consideration.

Respective contributions from all segments of the society that – directly or indirectly – influence implementation are the only guarantees of success and more appropriate human security. It goes without saying that the process needs to be guided by modern-day standards laid down in numerous international documents, conventions and recommendations.

This is how UN Secretary General Kofi Annan referred to human security in his annual report for the year 2000: “Human security, in the largest sense, implies by far more than just absence of violent conflicts. It implies human rights, good governance, access to education and health-care, as well as guarantees that each individual has the opportunity and choice to develop his or her potential. Every step in this direction is also a step towards decrease of poverty, attainment of economic growth and prevention of conflicts. Freedom from deprivation, freedom from fear and freedom for future generations to inherit healthy environment – these are interconnected blocks of human and thus national security.” If Serbia wants to become an equal member of global democratic community, it should have no dilemma about its course of action.

For more information about the topic, see www.helsinki.org.rs

IX

Vojvodina, Sandžak, South Serbia

Vojvodina – a Model for Decentralizing Serbia

Adoption of the Vojvodina Statute

The new Statute of the Autonomous Province of Vojvodina (APV) was promulgated by the Vojvodina Assembly on 14 December 2009.⁴⁶³ Considering that Vojvodina's right to a statute had been denied for years, the promulgation was of immense importance for the further debate on the internal organization of Serbia. On 30 November 2009, the Republic Assembly adopted the Law on Establishing the Jurisdictions of Vojvodina and confirmed the new Statute. The law on competences was upheld by 138 and the Statute by 137 deputies out of 163 present and voting. The deputies of Tomislav Nikolić's Serbian Progressive Party (SNS) were absent from both the vote and the Statute promulgation ceremony.

The passage of the "Vojvodina acts" occasioned no public jubilation and drew no reactions worth mentioning, other than the statement that "the thirtieth of November will go down as a great day in the history of this state".⁴⁶⁴ In the words of Tamas Korhecz, the provincial secretary for legislation, administration and national minorities, the low blows, put-downs, unprincipled acts, and incompetence with which the several-months-long campaign abounded⁴⁶⁵ could hardly be forgotten. The arrangements

463 The Statute promulgation ceremony was not attended by any top-ranking Serbian official, although invitations had been sent to President Boris Tadić, Premier Mirko Cvetković, and National Assembly Speaker Slavica Đukić-Dejanović. On that day the president and the premier were on a visit to Sremska Mitrovica in Vojvodina, and the speaker said she had been prevented to attend by the Assembly budget debate.

464 Petar Kuntić, president of the Democratic League of Croats in Vojvodina. "Šanse su nam zajedničke", *Dnevnik*, 7 December 2009.

465 "Beogradske nacionaliste boli dogovor vojvođanskih Srba, Mađara, Hrvata...", *Dnevnik*, 5 December 2009.

adopted pleased neither the autonomists nor their opponents. The first were dissatisfied because they got less than they had asked for and still demanded; the second because, in their view, the autonomists received more than they would ever have given them had the distribution of power in the assembly been different.

As soon as it was adopted, which was after a delay of fourteen months, the Statute was severely criticized and politically criminalized. The efforts of Sandor Egeresi, Vojvodina Assembly speaker, to counter the effects of negative propaganda by promoting the Statute in several Serbian towns jointly with his Republic opposite number, Slavica Đukić-Dejanović, failed to bear fruit because it was in Belgrade, rather than in other parts of Serbia, that opposition to the Statute was strongest.⁴⁶⁶

The resistance to the Statute came as no surprise: the attitude of the political leaders in Belgrade to proposals and initiatives originating in Vojvodina had already been repeatedly characterized as undemocratic and arrogant. It was, however, the debate on the Statute that laid bare Belgrade's fundamental attitude to the decentralization of Serbia. Vladimir Gligorov believes that Belgrade's position on decentralization reflects a resistance to power-sharing: "In Serbia there is a considerable tendency to centralization simply because it gives the central Government, the president, the administration, the police, the Church, everybody, more power... There is a great opposition to any transfer of power to lower levels, especially if such transfer would be permanent and irreversible."⁴⁶⁷

The attitude of Serb nationalist, who see the Vojvodina Statute as a threat to Vojvodina's identity, is characteristic in this regard. The historian and academician Čedomir Popov stresses: "I have never denied

466 Saša Milenić, president of the Kragujevac City Assembly and deputy of the Together for Šumadija coalition, said that the need to decentralize Serbia was currently better appreciated in the interior than in Belgrade. He said that the coalition's support for Vojvodina was in keeping with its principled advocacy of a decentralization and regionalization of Serbia. "Statut je ohrabrenje za ostatak Srbije", *Dnevnik*, 28 November 2009.

467 "This is the essence of that relationship, all the rest is ideology," said Gligorov. "Arogancija Beograda koči statut Vojvodine", *Dnevnik*, 2 September 2009.

that the feeling of belonging to Vojvodina is logical. I myself feel happy because Vojvodina is my homeland. However, it is not natural that this feeling should be in conflict with one's wider national integration on the basis of language and origin. In some segments, this Statute calls this in question."⁴⁶⁸ Popov says that, since Serbia is still far from defining a common national interest acceptable to all, it is necessary to close ranks in the struggle for bare survival as a nation and state. He also expresses concern about Vojvodina's future: "But I fear that as time goes by the Serb national identity in these parts will weaken and wane until, finally, it is reduced to an almost nondescript group speaking a little Serbian and a little English, in keeping with the dictates of globalization. I keep pointing out that even in the most tragic historical circumstances Serbia can survive without Vojvodina, but that Vojvodina cannot survive without Serbia." Serb nationalists also fear that new regroupings at European and international levels can have adverse effects on Vojvodina's integrity. Popov says: "If that happens, all will gravitate towards their respective mother nations. National sentiments, which are dormant in normal circumstances, somehow always erupt in such a situation. We saw this happen during the bloody disintegration of Yugoslavia. If something similar should happen again, in Vojvodina one may expect the Hungarians to raise the issue of northern Bačka, the Croats, invoking their allegedly historical rights, to claim Srem, while the Romanians from the border areas will naturally incline towards their mother country. In such a case, what part of Vojvodina would remain and survive?"⁴⁶⁹

"The battle for Vojvodina"

The debate on the Vojvodina Statute brought together a number of intellectuals, right-wing political parties, the Church, far-right nongovernmental organizations, and numerous analysts. The proclamations of independence by Montenegro and Kosovo were events that caused this bloc to step

468 *www.B92.net*, 14 March 2010.

469 *Ibid.*

up its opposition to the Draft Statute as the Vojvodina Assembly session drew near. For instance, right-wing politicians cited Montenegro's independence as a warning that the Draft Statute meant that Vojvodina was going the way of Montenegro. Miroslav Markičević, president of the Executive Board of the New Serbia (NS) party, said that "although he, who lives in [the central Serbian town of] Čačak, ought not to be telling the Vojvodina Serbs what's good for them, he is nevertheless advising them to think it over" because, in his estimation, "Vojvodina today stands where Montenegro stood five years before it proclaimed independence."⁴⁷⁰ Professor Slobodan Antić alleged the existence of a separatist ideology in Vojvodina and warned that upon adoption of "the cryptofederalist Statute" the constitutional unity of the country would be "destroyed by the creation of an institutional 'corpus separatum'". He also predicted that Vojvodina would become a "(semi-)state with sufficient resources to enable its elites, should they so wish, to go down the road already travelled by the Slovenian and Montenegrin separatists. It will be sufficient for them to adopt the already well-developed secessionist idea and put into operation the media, institutional, and monetary resources at their disposal – and there you have another state on Serbia's territory."⁴⁷¹

In the opinion of Vojislav Koštunica, president of the Democratic Party of Serbia (DSS), the Draft Statute and the law on jurisdictions that was drafted later would "revert Serbia to the status of a paralyzed semi-state. This is a step in the direction of federalization, that is, of deconstructing Serbia according to the model of the 1974 constitutional system."⁴⁷² The present Government, the former premier argued, was endowing Vojvodina with elements of statehood and turning it into a state within a state.⁴⁷³ The

470 "Poslanicima za čitanje 7 dana", *Dnevnik*, 10 November 2009.

471 The Vojvodina secession project is currently espoused only by marginal forces, that is, the LSV, Vojvodina Convention, and other autonomist secessionists. At present, the chief political actors, above all the DS branch in Vojvodina, are promoting only a quasi-federal autonomy concept. Slobodan Antić, "IRA i vojvođanski secesionisti", *www.nspm.rs*.

472 Vojislav Koštunica, "Korak ka federaciji", *Večernje novosti*, 12 November 2009.

473 Ibid.

Novi Sad University professor, Miroslav Alimpić, shared this view: “The autonomists (or their political heirs) have evolved considerably; they no longer demand a mere political, economic, and cultural autonomy, but a complete separation from Serbia, the creation of a separate republic with all the symbols and prerogatives of an independent state.”⁴⁷⁴ What Serbia needs is order, work, peace, discipline, and political stability, Alimpić said and suggested that this could be achieved quickly and satisfactorily by withdrawing from procedure everything which has to do with Vojvodina. The DSS backed the demand to “withdraw the Draft Statute from parliamentary procedure, return it to the provincial parliament, and harmonize it with the Constitution.”⁴⁷⁵

What worried the critics of the Draft Statute, apart from the alleged usurpation of constitutional competences, was the formation of “crypto-state institutions” such as the Vojvodina Academy of Sciences and Arts (VANU).⁴⁷⁶ In this connection, the Holy Synod of the Serbian Orthodox Church (SPC) said in a statement that the “intention behind the unconstitutional establishment of the so-called Vojvodina Academy of Sciences and Arts was to endow the Vojvodina Serbs with a distinct ethnic, that is, national identity.” Having expressed “great concern about the sovereignty and territorial integrity of the Serbian state, which was first severely violated – we hope only temporarily – by the violent seizure and occupation of Kosovo and Metohija, and then by the attempt to turn the Autonomous Province of Vojvodina into a state within a state”, the Holy Synod appealed to the president of the Republic, the premier, and the Assembly speaker to put the statement to the Assembly “in hopes that the deputies

474 Miroslav Alimpić, “Srbija i Vojvodina – narodu se mora reći istina”, *www.nemasale.rs*.

475 “Napišite novi statut, kozmetika nije rešenje”, *Dnevnik*, 12 October 2009.

476 Pointing out the symbolic importance of the provisions on VANU, Antonić said that the “reanimation of VANU must be construed as a symbolic prelude to the creation of a new state and nation”. Because Serbia is too small a country, “the idea of creating regional academies of science is absurd” and could not be justified either scientifically or functionally, he said. Slobodan Antonić, “Bitka za Vojvodinu”, *www.nspm.rs*.

will pay it due attention” and “withhold [from the Statute] their support and approval.”⁴⁷⁷

Autonomy under all-out attack

On the same day that the law on jurisdictions was adopted and the Statute confirmed, Đorđe Vukadinović and Slobodan Antoniće, two analysts associated with New Serbian Political Thought, addressed an open letter to the president of the Republic and the National Assembly deputies in which they warned: “The foundation of a state-like entity with a population of two million north of the Sava and Danube rivers is creating within Serbia a parastatal organism and – an institutional time bomb.” Having expressed their fear that, in favourable international conditions, “the newly-created bureaucratic monster may easily degenerate into some kind of pseudo-nation or pseudo-state”, they appealed to the president of the Republic and the national deputies not to “support such a pernicious concept of ‘decentralizing’ Serbia.”⁴⁷⁸

The Statute and the Law were adopted in spite of these warnings. SNS leader Tomislav Nikolić was among the deputies who argued against the Statute during the Assembly debate:⁴⁷⁹ “How far do you think you can go in developing this ‘autonomy’ without being accused of creating a state within a state? And how come that Vojvodina alone is committed to European values? What are the rest of us? Savages?”⁴⁸⁰ The DSS vice-president, Slobodan Samardžić, said that the structure of Vojvodina’s Statute was quasi-constitutional because it has a preamble, provides for a category called “citizens of Vojvodina” (a category not recognized by the Constitution), and defines the province’s territory, symbols, capital, assets and so

477 <http://pravoslavljje.spc.rs/broj/1006/>

478 “Otvoreno pismo predsedniku Republike i poslanicima Narodne skupštine Srbije”, *www.nspm.rs*.

479 An anonymous call that a bomb had been planted in the Assembly building was received during the debate. The debate was not interrupted and experts established that the threat was false.

480 “Na delu je primena, a ne promena Ustava”, *Dnevnik*, 25 November 2009.

on. Because over one hundred competences were to be transferred from Serbia to Vojvodina, Samardžić argued, Serbia would be split, politically and administratively, into two – the Serbia proper “from the time of the Brioni Yugoslavia” and Vojvodina.⁴⁸¹ Dragan Todorović, the vice-president of the Serbian Radical Party (SRS), said that confirmation of the Statute would be historically one of the Government’s most damaging moves, actually “more damaging than even the occupation of Kosovo. While Kosovo was taken away from us by force, we’re about to give Vojvodina away with our blessings and consent. In this way, Serbia is renouncing Vojvodina and paving the way for a new federal unit.”⁴⁸² “I don’t like this building,” said Gordana Pop Lazić of the SRS, “because all it has seen is the disappearance of states.” The Socialist Party of Serbia (SPS) and United Serbia (JS) summed up their opposition to the Statute in the following statement: “An autonomy – yes; a state within a state – no.”

Before the debate started in the National Assembly, the Socialists succeeded in having the Draft Statute amended.⁴⁸³ The SPS president, Ivica Dačić, said on the occasion: “This is the autonomists’ biggest defeat in two decades. Their conception of Vojvodina as a republic has fallen through. Anyone who thinks he’s got a republic because he’s got the Vojvodina Academy of Sciences and Arts must be seeing himself as a great marketing wizard.”⁴⁸⁴ Another critic of the Statute, Slobodan Antonić, welcomed the amendments: “The Statute is no longer the sinister state document it was prior to the SPS amendments.” He said that the opposition should next concentrate on the Draft Law on the Transfer of Jurisdiction because

481 *Glas javnosti*, 25 November 2009.

482 *Glas javnosti*, 25 November 2009.

483 The draft Statute was amended twice: at a session of the provincial Assembly and at a session of the parliamentary Committee for Regulations. Interestingly, Sandor Egeresi, the Vojvodina Assembly speaker, did not sign the subsequently corrected version of the Statute.

484 “This Statute is far less than what Vojvodina had under the 1974 Constitution. The provision was inserted,” Dačić stressed, “saying that Vojvodina is an inalienable part of Serbia, it has no right to pass laws, enter into international treaties, the Government may challenge decisions by Vojvodina authorities before the Constitutional Court...” “Porazili smo autonomaše”, *Večernje novosti*, 13 November 2009.

it was designed to lay the foundations for institutions in Vojvodina and because the elites controlling them would seek to maximize their power by taking over all the powers they can get. Therefore, he said, it is the task for the opposition, in the interests of the country and the people, to make sure that the autonomist bureaucracy gets as little jurisdiction and money as possible.⁴⁸⁵

Although the character of the Statute was altered significantly by the amendments, the fact remains that its adoption marked the beginning of the process of decentralizing Serbia. It is now up to Vojvodina and its elites to make the Statute fully operational and to exercise all the powers transferred to them properly.

Demands for a constitution

The autonomists were not satisfied with the Statute, as adopted, because its provisions fell far short of their ambitions. "Today we continue to advocate autonomy for Vojvodina which means legislative, executive, and judicial powers," said Istvan Pasztor, president of the Alliance of Vojvodina Hungarians (SVM). Nenad Čanak, president of the League of Social Democrats of Vojvodina (LSV), said that as far as the LSV was concerned "the Statute is more or less unimportant and means no achievement because it makes no mention of any legislative, executive, and judicial powers, nor does it contain any references to the sources of revenue and assets. And this in particular are the League's five basic demands as far as the supreme legal act of the APV is concerned."⁴⁸⁶

485 Slobodan Antić, "Bitka za Vojvodinu", *www.nspm.rs*. Special regard must be had to education, Antić said, because education is the creation of the nation, so this is why Serbia must not leave this important field to the provincial bureaucracy. "It is especially pernicious to place into the hands of minority ethnocrats that area of education which concerns national minorities. That would mean creating veritable educational fiefdoms within the system of state education, a system which is unified in every country."

486 "Ko krši Ustav Srbije", *Dnevnik*, 16 October 2009.

In Vojvodina, the Draft Statute had been dismissed publicly as a “paltry piece of subordinate legislation” and a “legislative showpiece”, a sign that one is willing to accept an inferior status and political humiliation. In the opinion of Radivoj Stepanov, a professor at the University of Novi Sad, there are fundamentally no provisions in the new Statute designed to justify Vojvodina’s existence and its advantages: “It ought to be known that the National Assembly is not only dissatisfied with this Draft Statute, it’s opposed to any draft statute, it doesn’t like the fact that Vojvodina exists and its very name.” Stepanov said that “Vojvodina doesn’t need a statute, it needs a constitution!” This view was shared by Đorđe Subotić, president of the Vojvodina Club: “A constitution is needed to define its statehood, its legislative, executive, and judicial jurisdiction, its right to dispose of its assets, of its direct revenue, natural, and created resources.”⁴⁸⁷ Asked why the politicians in power were not contemplating a constitution for Vojvodina, Stepanov replied: “Because, in common with that of all authoritarian holders of power, their view of the state fits into the following perverted, oversimplified, and pragmatic notion: the state – it means holding on to things and not giving anything away!”⁴⁸⁸

Centralizing decentralization

The Democratic Party (DS) was held chiefly to blame for the public atmosphere surrounding the Vojvodina Draft Statute. The strongest member of the ruling coalition, the DS also had the most responsibility for the processes of social reform. The fact is that the Statute, even such as it is, would not have been possible without the DS, especially without its Vojvodina members to whom most credits is due.

The Statute left the party divided. Asked to comment on Bojan Pajtić’s statement that he had withstood pressure from the party during the

487 Đorđe Subotić, “Unutrašnji kolonijalizam”, www.e-novine.com. Subotić argued that a federal unit status within a Serbian federation would be a true measure of Vojvodina’s autonomy.

488 Radivoje Stepanov, “Koga Milošević ujede i Tadića se plaši”, www.e-novine.com.

drafting of the Statute,⁴⁸⁹ Oliver Dulić said: “I don’t know whether there was any pressure. I know that there was serious debate within the DS because we were engaged in a completely new process called the decentralization and regionalization of Vojvodina. So, doing something for the first time involves serious discussions and all kinds of reconsiderations.”⁴⁹⁰

The parties pressing for a sweeping autonomy for Vojvodina came to believe that they had no partner in Belgrade even among those who were in favour of decentralization, regionalization, and European integrations. Istvan Pasztor said that it had taken all of thirteen months to “settle the matter within the DS, because a great many people in the DS do not differ from the Radicals or Progressives as to how the Republic of Serbia should be organized. They, too, argue for a Serbia as a strictly centralized state in which all decisions would be taken and all resources apportioned by Belgrade.”⁴⁹¹

In the opinion of Žarko Korać, leader of the Social Democratic Union (SDU), the Democrats had for a number of years been reluctant to make a political move which they believe could cost them votes. “Some people believe that by being accommodating to the demands for a higher degree of autonomy for Vojvodina, the DS would lose support in certain parts of Serbia,” Korać said. Because it does not want to lose those votes, he said, the DS holds on to the “politically absurd decision that Vojvodina should be autonomy only on paper.”⁴⁹² Milenko Perović, a professor at the University of Novi Sad, said that DS leader Boris Tadić and his party had shown themselves to be poor political mathematicians: “They know very well that they won the last elections thanks to the Vojvodina electorate, but instead

489 Pajtić said that the process of adjusting positions on the Statute had taken more than a year because the Vojvodina authorities had been successfully resisting substantial amendments despite pressure from both the opposition and part of government, including from within the ruling coalition, and that it was no secret that reaching consensus within the DS itself was not easy. “Pajtić: Ne pada nam na pamet da menjamo statut”, *www.autonomija.info*.

490 “Dačić nije spasio Statut, DS stoji iza njega”, Oliver Dulić interview, *Blic*, 11 November 2009.

491 “Statut na granici trpeljivosti”, *Dnevnik*, 10 November 2009.

492 “I Tadić i Dačić na iskušenju”, Dr Žarko Korać interview, *Dnevnik*, 24 October 2009.

of increasing their chances of future victories through a high degree of autonomy, they are doing quite the opposite: they are undermining their own foundations by courting nationalist political groupings.” Perović said that in the matter of the Statute Tadić and his Democrats were incapable of making two consistent moves in succession; instead, he said, they were going this way and that while praying to God that the Vojvodina affair should somehow end without causing them any harm.⁴⁹³ Miroslav Ilić of the Social Democratic Party of Vojvodina was incomparably more critical of the DS and its president. He accused the party of “lying to the citizens of Vojvodina when it portrayed itself as a progressive, pro-Europe force intent on reversing the disastrous policy from the 1990s” and Boris Tadić personally of having gone further than Slobodan Milošević in the destruction of the political personality of Vojvodina.⁴⁹⁴

Absence of a decentralization concept

Both the Statute debate and the hesitation of the DS indicated that there was no consensus on what decentralization model should be implemented in Serbia. Conceptual differences came to the fore, with one camp pressing for centralization and a monopoly of power and another advocating a sweeping decentralization and demetropolization of Serbia. While the first hid behind a demagogic smokescreen of Serbdom, a strong national pathos, and a “concern” about Serbia’s integrity and sovereignty, the second laid stress on the advantages of an open society, an efficient administration and institutions, and a market economy.

493 “Tadić je samo trubač kruga dvojke”, Milenko Perović interview, *www.autonomija.info*.

494 “Odnos države Srbije prema Vojvodini – Žuta diktatura” (the attitude of the Serbian State to Vojvodina – a yellow dictatorship), media statement, 22 September 2009. Ilić said that the president’s animosity towards Vojvodina’s political being was borne out by a number of laws and actions, such as the discriminatory Law on Political Parties, Serbia’s unconstitutional moves concerning the Vojvodina Statute, the hibernation tactics designed to destroy the integrity of Vojvodina political actors, the colonization of Vojvodina by Milošević’s unillustrated cadres, and so on.

Professor Mijat Damjanović said that because society was divided and had no clear strategy for the development of the state, the autonomists themselves were not quite clear as to what to do. For instance, they were at a loss how to deal with the attacks and the calculated delay to include the Statute in the Assembly agenda. The speaker of the provincial Assembly, Sandor Egeresi, at one point admitted that the provincial authorities had no idea what kind of action to take in case delays continued.⁴⁹⁵ Actually, the following four possibilities were publicly mentioned: appealing to the Constitutional Court of Serbia, calling a provincial referendum, including the issue of the Statute in the process of European integration, and, finally, dissolving the provincial Assembly.⁴⁹⁶ None of these possibilities was used.

The adoption of the Statute does not mean that the “battle for Vojvodina” is over. Vojvodina will not be able to exercise its new powers effectively unless it has the necessary resources at its disposal. Bojan Kostreš argued that Vojvodina’s hands were tied because the legislation on competences had not solved a number of key issues such as assets and finances: “The exercise of the wider powers we have received will be greatly slowed down because the budget remains the same.”⁴⁹⁷ Addressing such matters, which are of key importance for the functioning of the autonomy, will no

495 Egeresi said that although he was against raising tensions, this did not mean that they would remain silent for ever. *Dnevnik*, 23 September 2009.

496 The first three possibilities were mentioned by Tamas Korhecz, the provincial secretary for legislation, administration and national minorities, and the fourth by Goran Ješić, mayor of Indija. Korhecz said that Vojvodina could appeal to the Constitutional Court to prove that the Government and the National Assembly were acting unconstitutionally, call a referendum on deciding what action to take in a constitutional crisis, and, finally, include the issue of the Statute in the process of European integration. The last choice implies neither the internalization of the Vojvodina issue nor outside arbitration. The Statute issue is linked to the commitments undertaken by Serbia in the context of Europeanization, which imply the decentralization of power, Korhecz said. “Do statuta preko Ustavnog suda, referenduma i EU”, *Dnevnik*, 11 September 2009. Goran Ješić said that either the Statute should be adopted or the Assembly dissolved. He said that that was his private view and not that of the DS, adding that the inability of the 120 Vojvodina deputies to represent the citizens adequately was frustrating. “Ili statut ili raspushtanje Skupštine APV”, *Dnevnik*, 16 September 2009.

497 “Bez novca i imovine Vojvodina paralisana”, *Dnevnik*, 6 December 2009.

doubt give rise to further polemics, attacks, and accusations. There are namely many who will be looking on Vojvodina's assets and revenues as a resource base for carrying out a "separatist agenda".⁴⁹⁸

The matter of assets is important not only in the case of Vojvodina, but also with regard to local self-governments. Đorđe Staničić, secretary general of the Standing Conference of Towns and Municipalities, said that sorting out property relations was one of the conditions for Serbia's integration in the EU: "A clear separation between private and state ownership, on the one hand, and that at the various levels of power, on the other, is something Brussels is going to insist upon sooner or later."⁴⁹⁹ Tony Levitas of the Washington Urban Institute said that with European governments trying to help local self-governments to surmount the crisis, Serbia's central government was cutting budgetary allocations and thus placing the local self-governments in an even more difficult situation.⁵⁰⁰

The situation of local self-governments is aptly illustrated by a number of instances. The mayor of Apatin, Živorad Smiljanić, said that the construction of a marketplace in the town had been blocked for two years because the Property Directorate had not yet issued a building permit. Before the Direction can issue a permit, it has to obtain the agreement of five different institutions: the ministries of local self-government, justice, and finance, the Secretariat for Legislation, and the republic public attorney. "As you can well imagine, the investor could have given up on

498 Several media outlets suggested, citing anonymous sources, that the decision to leave the issue of Vojvodina's assets and financing to be regulated by a special law was not a coincidence, the explanation being that in this way Boris Tadić would be able to control Bojan Pajtić more easily and make him dependent on the party leadership in Belgrade. The intention of the DS leadership is, according to the sources, that in 2010 Vojvodina should continue to function as it has so far and that no special law be passed to regulate the matter. "Tadić će budžetom disciplinovati Pajtića", *Danas*, 4 November 2009. There were, however, other explanations, namely that the Statute, the Law on Competences, and the Law on Restitution of Property were being kept apart not because the DS wanted to control Pajtić but because problems concerning the restitution of property to citizens had not been solved.

499 "Dobre volje ima, sve ostalo fali", *Dnevnik*, 9 December 2009.

500 Ibid.

the project five times while waiting for the Direction and the ministries to come to their senses. This is only one of the instances of how a local self-government's inability to dispose of its assets and its land can affect one's life," Smiljanić said.⁵⁰¹

The next two instances are illustrative of problems in the municipality of Paraćin. The municipality found that renting premises in Belgrade and paying a full-time employee to work there was cheaper than meeting the considerable travel expenses of its officials and employees, who had to be frequently dispatched to Belgrade to sort out things with a negligent republic administration.⁵⁰² The mayor of Paraćin, Saša Paunović, said that for seven years the municipality had been trying unsuccessfully to collect on 50 million dinars worth of claims: "Although we won the case, we are unable to collect on the claims owing to the existing Law on Property."⁵⁰³ Paunović said that the transfer resources made available to municipalities by the Republic were inadequate and that there could be no genuine local self-government without property restitution. This view was shared by Jadranka Beljan Balaban, who is in charge of local self-government affairs and inter-municipal cooperation: "We are the only country in the region, as well as in all Europe, which has not solved the matter of the property of local self-governments – I'm talking about a key piece of legislation..."⁵⁰⁴ She pointed out that local self-governments had shouldered a great deal of the burden of the economic crisis and that they could

501 Ibid.

502 This example is given in the book *Standardi jednog života*, YUKOM, Belgrade, 2009, p. 66.

503 "Bez vlasništva nema stvarne lokalne samouprave", *Dnevnik*, 17 December 2009.

504 Early in January the G17 plus parliamentary group submitted to parliamentary procedure a draft law on the puBlic property and other property rights of the RepuBlic of Serbia, autonomous provinces, and local self-government units. Unless this law is enacted, all this talk about decentralization and regionalization will remain a mere political slogan with no economic foundation at all, said Vlado Senić. Incidentally, the G17 Plus draft law incorporates "99 per cent of the draft law version deposited at the Ministry of Finance". The two drafts differ only in a single item dealing with building land.

not become the bearers of development before the matter of property was resolved.

Local self-governments and the provinces lost ownership of property in 1995, when the Law on Resources Owned by the Republic transferred all public property to the State. The passage of the Law was only one of the attempts of the Milošević regime to deprive the opposition of this very important means of administering the towns and municipalities in which they had won local elections. The fact that the Law remains unamended after fifteen years testifies amply to the strength of the conservative political idea in Serbia. The belief that society as a whole is best managed and the country's territorial integrity most successfully defended from a single centre remains as strong as ever, even among political parties portraying themselves as advocates of modernization and accelerated European integration. Therefore, it comes as no surprise that political and civil actors who insist on regionalizing Serbia find it necessary to repeat incessantly that regionalization poses no threat to the state and contributes to democratization, economic development, and stability.

Threats of secession

Successful implementation of decentralization and regionalization necessitates not only the adoption of a law on the restitution of property, but also legislation on regionalization or regions. At the middle of the year the republic Assembly adopted the Law on Regional Development, which was seen as a first step in the decentralization of Serbia.⁵⁰⁵ Before the Law was

505 "We're aware that this is only a first step... Substantial decentralization," said, Vice-Premier Mladen Dinkić, "will be implemented through administrative, that is, political regionalization, when the citizens vote to elect their representatives in the regions." The state secretary for regional development, Dejan Jovanović, said that statistical regionalization was a technical matter of importance regarding EU structural funds and the bridging of differences. The law provides for the division of Serbia into seven statistical regions: Vojvodina, Belgrade, Kosovo and Metohija, eastern, western, central, and southern Serbia. Each region will have a regional council and an agency. The council will lay down regional policy and the agency will implement it.

adopted, questions had been raised publicly about which decentralization model should be used. Would the statistical regions, established under the Law, serve as the basis for the implementation of an administrative, political regionalization? Would the regionalization be enforced from top levels of government, or would the municipalities themselves be allowed to form regions through association? Aleksandar Denda, director of consulting firm BID, said that if regions were to be established through the association of municipalities, they would present quite a different picture; the problems cannot be addressed by someone sitting in Belgrade and drawing boundaries at will; the process of regionalization must proceed from the bottom, and this is why municipalities must have back their competences, above all their property.⁵⁰⁶

Political actors argued that, given that Serbia was already divided up into districts,⁵⁰⁷ its regionalization was unnecessary and might lead to the fragmentation of the country and the creation of mini-states.⁵⁰⁸ The advocates of regionalization stressed that Serbia's stability was jeopardized by the maintenance of the present state of affairs and relations rather than by regionalization, for Serbia was already asymmetrical to such an extent as to be unable to function rationally.⁵⁰⁹ "The attitude of the central

506 "Ne može samo Beograd crtati regione", *Danas*, 26 May 2009.

507 Milorad Mirčić said that the regions would be the nuclei of future autonomies and later of states. "Regioni razdora", *www.novosti.rs*.

508 The warning was voiced by Mile Ilić of the SPS. "Regioni razdora", *www.novosti.rs*. The SRS vice-president, Dragan Todorović, concurred. He believes that Sandžak may become a new region and that a demand for a Preševo region would have good chances of being granted. "The tearing up of Serbia will not stop in Kosmet [Kosovo and Metohija], the end is visible within the boundaries of a Belgrade pashalik." "Popov: Neizvestan ishod decentralizacije", *Dnevnik*, 10 July 2009.

509 This was said at the panel discussion on regionalization organized by the Democratic Political Forum in June. Edvard Jakopin, director of the Republic Development Bureau, said that 50 per cent of all companies, employing over 51 per cent of all employed persons, operated in only two districts – southern Banat and Belgrade. These companies generate 66 per cent of revenues, have a 66 per cent share of total profits, and account for 70 per cent of total capital. The democratic picture is characterized by asymmetry, with only five municipalities with a mixed national structure showing a positive balance and the rest of Serbia becoming empty with unused potentials, said

authorities to the south-east of Serbia is appalling,” said Stanimir Đurić, deputy and official of the Niš Region Movement. Unless the Serbian Government shows a readiness to change this policy, the Niš region will, he said, insist on south-eastern Serbia being granted “the same autonomy as Vojvodina. Failing this, I’m going to press for independence for south-eastern Serbia, that is, for its secession.”⁵¹⁰ “That’s waving a broomstick at a bear,” was the comment of Milan Lapčević, head of the DS parliamentary group in the Niš City Assembly. Like Đurić, Lapčević was critical of the attitude of the central authorities, saying it had degenerated into “insolence and a ridicule of this part of the country and Niš.” According to Lapčević, the main blame for this lies with the DS⁵¹¹ because the president of the state, the premier, the majority of republic Government ministers and the

.....
 Jakopin. “Može li siromašniji da dostigne bogati sever”, *Danas*, 17 June 2009.

510 “Južna autonomija, pre ili kasnije”, *Danas*, 4-5 July 2009.

511 The DS was also criticized by Mladen Jovanović, member of the National Decentralization Council: “The ruling DS has no clear idea about decentralization, there’s no consensus among them on the matter, they’re actually impeding the process...The minister of public administration and local self-government, Milan Marković, admitted publicly that Serbia lacked a clear vision of decentralization and made the reckless statement that local self-governments had no capacity for greater powers. He’s got his wires crossed, first because the centralized state is responsible for this reduction of capacity, and second, because it is precisely Marković’s duty to increase that capacity.” In his statements, President Boris Tadić too is unsure of his ground and has no full understanding of decentralization and regionalization, Jovanović said. For instance, Tadić drew criticism when he said that it would not be natural for Vojvodina alone to be a region with defined rights, because that would make Serbia an asymmetrical state and be a source of constant instability. LSV leader Nenad Čanak said, “A symmetrical system doesn’t exist anywhere...Symmetry would mean obliterating the historically created province of Vojvodina in order to more or less reduce things to the state of affairs found in the rest of Serbia, that is, to set Vojvodina back by thirty years.” (“Simetrična regionalizacija znači potiranje Vojvodine”, *Dnevnik*, 15 June 2009) Other actors also argued that the issues of Vojvodina’s regionalization and autonomy ought not to be confused because they were two separate processes, that the one implied amending the Constitution and the other its observation, and that asymmetry could not be avoided if the regions were to be constituted in harmony with their economic, demographic, cultural, and other characteristics.

Niš City Government all come from its ranks. Nevertheless, Lapčević also blamed the appalling development gap on local officials in Niš, whom he described as sycophants lacking the strength, courage, and competence to protect the interests of the city.⁵¹² The problem was pointed out by other Serbian politicians too. The mayor of Kruševac, Dragan Azdejković, said that, unlike the provincial politicians, who fight for Vojvodina's interests, there was no one to fight for the interests of municipalities and towns in the interior of Serbia. He recalled that Kruševac had three deputies and wondered whether their parties were more important to them than the interests of the citizens.⁵¹³

Budget and maize

In the first quarter of 2009, Vojvodina deputies from the ranks of the SVM conditioned their support for a budget revision on the Republic meeting its constitutional obligation to pay Vojvodina 7 per cent of its budget. At the end of the year, they found it necessary, once again, to insist on observance of the Constitution. "Our only demand is that Vojvodina be given its 7-per-cent share of the republic budget, as guaranteed by the Constitution, and that three-sevenths of that sum be spent on capital investment,"⁵¹⁴ said Balint Pasztor, head of the minorities' parliamentary

512 "Južna autonomija, pre ili kasnije", *Danas*, 4-5 July 2009.

513 A similar view was held by Igor Adnonov, deputy mayor of Vranje: "Our problem is, the south of Serbia, where industry was most developed in the early nineties, was administered by individuals who looked only after their own interests rather than the interests of the environment they came from. Having been left without a lobby in Belgrade is our biggest problem, not because Vojvodina is going to receive so-and-so per cent from the Serbian budget in accordance with the legislation in force." Nevertheless, the insistence of Vojvodina politicians on the fulfilment of constitutional obligations concerning the provincial budget, on the one hand, and cuts in transfers to local self-governments, on the other, have made people more sensitive to regional differences and more likely to believe that the inhabitants of south-eastern Serbia are second-rate citizens compared with those living in Belgrade and Vojvodina.

514 SVM stressed that "The Government has formally complied with the Constitution and made available to Vojvodina 7 per cent [of the budget], that is, about 50 billion dinars.

group in the republic Assembly. He said that the SVM deputies would not vote for the draft budget unless their amendment was adopted.

The SVM's principled attitude – its deputies also boycotted the Vojvodina budget vote – did not find favour with the coalition partners. Serbian President Boris Tadić called the SVM decision a “blow below the belt”; he stressed that no one could blackmail either him or the Government with “certain particular interests” and that the interests of the citizens and the state of Serbia were much more important than any provincial or local interest. “When you receive a blow below the belt,” he said, “you should wait for a while before analysing, with a cool head, the reasons for such a move.”⁵¹⁵ Nada Kolundžija, head of the For European Serbia parliamentary group, said that “in making decisions, one should be neither rash nor hot-headed.” She said that the coalition arrangements with the SVM would be reconsidered at all levels unless the SVM “succeeds in convincing its coalition partners that the affair concerning its support for the 2010 budget was a misunderstanding, that is, a misinterpretation of the Constitution on its part.”⁵¹⁶

A few days later the mayor of Subotica, Saša Vučenić, announced that the local self-government would next year work in a new way. In the future, he said, the most important decisions would be taken by the Assembly⁵¹⁷ instead of, as had been the case so far, by the City Council; indecision, and even blackmailing on the part of coalition partners, would no longer be

The same Article of the Constitution provides that three-sevenths of that sum has to be set aside for capital investment... However, if one looks at the structure of the 2010 Draft Budget, one sees that only 12 billion dinars remains for investments.” Balint Pasztor said that that was a sure way to bankruptcy.

515 <http://www.dnevnik.rs>

516 “SVM da prizna grešku ili da snosi posledice”, *Danas*, 24 December 2009. “That which they asked for was not only not in defence of the Constitution or in keeping with it, it bears no relation to the Serbian budget,” said Nada Kolundžija. “The Constitution states explicitly that the three-sevenths of the infrastructure projects outlay is to be provided from the APV budget. Therefore, any claim they may have had, they ought to have addressed to the provincial budget, not to the *Republika*.”

517 The coalition led in the Assembly by the DS is one seat short from an absolute majority, whereas in the City Council the SVM has half the seats.

tolerated: “There is no more goodwill to translate our readiness for compromise, for dialogue and agreement into an atmosphere where there is actually no agreement at all.”⁵¹⁸ Asked whether the redefinition of coalition relations was a move forced by the decision not to vote for the budget, Vučenić replied in the negative.

For its part, the SVM kept stressing that its decision not to vote for the budget was not calculated at bringing the Government down and that its support for the Government would not be called into question even if the SVM were to be excluded from the local government in Subotica. There is no direct link whatever between the functioning of government in Subotica and the budget vote, said Istvan Pasztor. He said that one should not fetishize the budget and offered assurances that he continued to regard himself as part of the parliamentary majority.⁵¹⁹ Pasztor confirmed that relations within the coalition had been disturbed but denied that the SVM’s decision not to support the budget had anything to do with it; it has been like that, he said, from the very start, with the SVM being forced to introduce amendments all the time, as if it were part of the opposition rather than of the parliamentary majority.⁵²⁰ He said that he was ready to discuss the functioning of the coalition because he was aware that “in a relationship of partnership there are always bigger and smaller partners, but to make one kneel on corn kernels and box him about his ears at the same time – that isn’t done, one can’t accept that.”⁵²¹

Unlike the SVM, the LSV voted for the draft budget. Aleksandra Jerkov said that adopting a provincial law on property should become the priority of all Vojvodina parties. Even if the SVM amendment were to be adopted, she said, that would not be a long-term solution because the same problem would emerge the following year. The LSV deputy president, Bojan Kostreš said: “I must admit that I’m somewhat surprised by the conduct of our SVM friends. First, they asked us through the media to support their amendment without at the same time sending us any official

518 “DS raskida koaliciju sa SVM u Subotici”, *Danas*, 29 December 2009.

519 “Razgovori o krizi u koaliciji posle Nove godine”, *Danas*, 25 December 2009.

520 “Dulić: Nužan razgovor o odnosima u koaliciji”, *Danas*, 22 December 2009.

521 “Ne pristajemo da klečimo na kukuruzu”, *Dnevnik*, 4 January 2010.

invitation for concrete talks on the subject. On the other hand, I must admit that we found it totally unacceptable that, two days after the fall of the 'Schengen Wall' and on the eve of presenting the application for membership of the EU, someone should try to practically bring down the Serbian Government, and that on a matter which would not essentially change much either in Vojvodina or in the quality of life of its citizens."

The SVM's boycott of the budget vote was a clear message that the SVM did not support the cabinet of Mirko Cvetković, LSV president Nenad Čanak said.⁵²² The reactions of the other members of the governing coalition were considerably more restrained. Vlado Senić of G17 Plus said he believed that "there is no fundamental dispute involved which could deprive the Government of SVM support." It is encouraging that the SVM deputies voted for the rest of the agreements and draft laws, so this is yet another argument indicating that this is a misunderstanding that can be ironed out."⁵²³ SPS leader Ivica Dačić said that "the SVM's refusal to back the draft budget should be discussed openly" and that "the view of the DS, the biggest one in the coalition, is now the most important."⁵²⁴

522 "However, in political theory and practice, the budget vote reflects the kind of support a government has. People may have different opinions about all other things, but when it comes to the budget – there can be no disagreement about that, otherwise the government falls," said Čanak. "Tesna većina sačuvala Vladu", *Dnevnik*, 22 December 2009.

523 "Tesna većina sačuvala Vladu", *Dnevnik*, 22 December 2009.

524 "Partneri odluku prepustili demokratama", *Dnevnik*, 27 December 2009. At the end of December, the public was told, citing anonymous sources in the ruling coalition, the reasons for the DS's sharp reaction to the SVM's budget vote boycott: the DS had namely learned that Istvan Pasztor had asked Viktor Orban, the former Hungarian premier and leader of the opposition party Fidesz, during Orban's private visit to Vojvodina, to support the SVM in opposing the Government's draft budget and sharpening its relations with the DS; according to the DS sources, the SVM did not want a long-term marriage with the DS. A *Danas* interviewee said that Boris Tadić was rather taken aback when he learned of Orban's visit and even more so upon being told that Orban had been meddling in relations within the ruling coalition. The sources said that this was the only explanation for the insistence of the DS that the SVM tell its partners the real motives for not supporting the budget. Pasztor denied that the SVM's budget vote decision had been swayed by any political influence from Hungary. Pasztor

The opposition, especially the SNS, was quick to capitalize on the rift within the ruling coalition, with SNS leader Tomislav Nikolić announcing that his party supported the SVM because it too considered the draft budget unconstitutional. He insisted that there had been no agreement of any kind with the SVM to withhold support for the budget and stressed, “There is no longer any political disagreement between the Serbian Progressive Party and the Alliance of Vojvodina Hungarians, so their cooperation after the next elections is a possibility.” Asked whether the Statute and the Law on the Transfer of Jurisdiction would not pose an obstacle to such cooperation, given that the SNS and the SVM were at odds on the matter, Nikolić replied: “We’re never going to alter the achieved level of Vojvodina’s autonomy, so the SVM can rest assured about that.” Nikolić said, however, that there would be disagreement if the SVM were to ask for more than that: “But I don’t believe that they will ask for more. They keep talking about Vojvodina being a part of Serbia, about the Hungarians who live in Serbia that they have made good on their party’s promises of a better life for their people, within the framework of the Constitution, the Statute, and the new law.”⁵²⁵ Pasztor placed Nikolić’s hint of possible cooperation in the context of “circumstances which have arisen within the ruling coalition. But I don’t see this as a reality at present. As to what life will bring in two, three, or eight years – I don’t know.”⁵²⁶

Dušan Janjić, director of the Forum for Ethnic Relations, said that an alliance with the SVM would clear the SNS’s access to Europe and the world as well as improve the party’s image. On the other hand, the SVM’s budget move was a warning to the present partners to change their attitude, that is, to make them realize that “they can no longer consider themselves the exclusive partners of that minority party, considering that at present other parties are vying for its partnership.”⁵²⁷ This “constructive

told *Danas* that during his tour of the towns of Senta and Temerin in mid-December he talked to Orban about the budget “at as much length as I’m talking to you now”. “DS ogorčen zbog uplitanja iz Mađarske”, *Danas*, 25 December 2009.

525 “Savez sa Pastorom posle narednih izbora”, *Blic*, 24 December 2009.

526 “Ne pristajemo da klečimo na kukuruzu”, *Dnevnik*, 4 January 2010.

527 “Toma bolje od Borisa razume poruke SVM”, *Dnevnik*, 26 December 2009.

warning”, as Janjić termed it, was addressed above all to the DS, which, he said, “has very little regard for agreements and is growing into an untrustworthy partner.”⁵²⁸

The controversy surrounding the budget showed that there was consensus within the ruling coalition, with members taking opposing positions on crucial issues. These opposing positions are evidence, *inter alia*; that political tensions, which were manifested in connection with the Vojvodina Statute, have not subsided. “Vojvodina has a seventy per cent Serb population but, as it turns out, the realization of the interests of the Province is a matter...of interest to the SVM alone, because the rest appear to have sacrificed these interests on the altar of power,” said Istvan Pasztor.⁵²⁹ According to Pasztor, it is a tragedy that the Vojvodina issue should somehow have turned into a Hungarian minority affair. He stressed that the SVM would remain true to its policy and would change neither its values nor its attitude to European integrations.

Vojvodina’s road map

The promulgation of the Statute, abolition of visas for Schengen countries, unblocking of the trade agreement with the EU, and presentation of the application for EU membership were creating the prerequisites for Vojvodina’s economic and overall development. Although the “fall of the last iron curtain was not accompanied with euphoria”, its psychological impact on creating a sense of freedom of movement was not negligible, said Milan Simurdić. Apart from this, the visa liberalization means considerable benefits for Vojvodina as a border region, both in facilitating communication between relatives separated by war in the former Yugoslavia and in accelerating regional cooperation. Vojvodina cooperates with regions in 22 countries, above all with those in Hungary, Romania, Austria, and Italy.

528 Ibid.

529 *Dnevnik*, 3 January 2010.

Boris Barjaktarević, provincial secretary for regional and international cooperation, said that the first effects of that cooperation would be visible in a year's time. The liberation of the visa regime will also be of considerable advantage to local self-governments because it will greatly facilitate their association in joint development projects, he said.⁵³⁰ In the opinion of Dragoslav Petrović, head of the For European Serbia parliamentary group in the Vojvodina Assembly, "practice will soon show that we have received instruments which will enable the Serbian economy to link up with the economic system of the EU and adopt its criteria, and the citizens of Vojvodina to exercise their rights more effectively."⁵³¹

The provincial Assembly speaker, Sandor Egeresi, said that the promulgation of the Statute demonstrated a determination to define economic progress, political stability, protection, promotion and advancement of human and minority rights as priorities in the future.⁵³² Bojan Pajtić, president of the provincial Executive Council, said that "centralism, which has brought us no good in the past decade, has long been out of date." He said that people who lived in Vojvodina had been subjected too much suspicion, disparagement, and abuse in connection with the Statute. "They are good people whose only sin is their wish to live better and to create more for their children. They want a service, not power. They want to be in control, not to be controlled. They want to make decisions themselves, not to have decisions made for them. Those who have doubts in them ought not to speak in their name," he said.⁵³³

Law on political parties and citizens' interests

The Law on Political Parties introduces stricter criteria for the re-registration of existing and the registration of new political parties, the aim being to have fewer but larger parties on the political scene, reduce excessive

530 "Nema euforije, a biće vajde", *Dnevnik*, 18 December 2009.

531 "Rezultati važniji od teških reči", *Dnevnik*, 15 December 2009.

532 Ibid.

533 Ibid.

party pluralism, achieve greater transparency in party work, and facilitate supervision of party material transactions.⁵³⁴ The attempt to put the political scene in order drew criticism from several quarters. Radojko Obradović, a DSS deputy, said that the Law would change nothing: "If anyone had wanted to address the issue of politics and political parties seriously, they ought to have defined a law on the financing of political parties, a law on elections, and a law on political parties as a single package, because only these three laws in a package can be of help in sorting out the political scene."⁵³⁵

Žarko Korać, president of the Social Democratic Union, was of the view that re-registration would suppress multi-partyism: "This law is anti-constitutional, because the Constitution provides for the freedom of political organization. There's no such electoral threshold anywhere in Europe; the existence of a large number of political parties in itself doesn't mean anything because the fate of a political party is decided by the voters in an election."⁵³⁶ Korać said that his party would petition the Constitutional Court to rule on the Law. The SDPV leader, Miroslav Ilić, also said he would demand a constitutional review. The SDPV was convinced that the Law was unjust and discriminatory, representing a "third large blow against the political personality of Vojvodina" after the Constitution and the ignominious affair concerning the Statute.⁵³⁷ Živan Berisavljević found the Law "inexcusably centralistic" because, in his view, it was designed to confine all political life to Belgrade. In addition, he argued, it stifles political competition: why should political actors whose ambitions do not transcend municipal or regional boundaries have to collect the same number of votes as parties with ambitions to participate in government at central,

534 Any party wishing to participate in political life must produce 10,000 certified signatures. The threshold for national minority parties is 1,000 certified signatures.

535 "Preregistracija stranaka", *www.rts.rs*.

536 Ibid.

537 "Muče ih pare, centralizam i čija će biti poslednja", *Dnevnik*, 16 May 2009. Živan Berisavljević of the SDPV said that some parties would try to meet the requirement; others, in order to survive, would have to intensify links with their social base and meet trade unions' demands for being politically represented in parliament; and others would have to combine into a large Vojvodina political party.

republic level? Đorđe Subotić said that the Law also discouraged party-political organization on a civil basis and encouraged such organization on an ethnic basis.

Analysts predicted that, owing to the Law on Political Parties, of all parties in the Province incorporating the word Vojvodina in their names, only the LSV and the national minority parties would survive:⁵³⁸ the LSV in so far as its desire to participate in government would not call into question its insistence on Vojvodina's interests, and the national minority parties in so far as they would recognize Vojvodina's autonomy as a framework for realizing their own interests.

Recommendations and conclusions

The inclusion of Serbia in the Schengen white list, the unblocking of the Trade Agreement, and the presentation of the application for membership of the EU gave a strong impetus to the pro-Europe forces in Serbia. In this context, Vojvodina is gaining in importance as an area attractive to investors.

The adoption of the Statute does not mean that the "battle for Vojvodina" is over. Vojvodina will not be able to exercise over 160 competences transferred to it under the Law on the Transfer of Jurisdiction unless it has all the necessary resources and instruments at its disposal.

Therefore, other than insisting on amending the Constitution, it is necessary to do the following:

- pass legislation on the province's assets and financing;
- promote regional linkage and transborder cooperation;
- work to achieve consensus on a desirable decentralization model;
- avoid the danger of party interests prevailing over Vojvodina's interests;
- make sure that the re-registration of parties is not abused to settle with dissentients, especially the champions of Vojvodina's political personality.

538 "Obični Srbi i rokenrol", *Dnevnik*, 8 August 2009.

Sandžak: Constant Tensions

Workers' protests, strikes, clashes between supporters of two Islamic communities, and the "reconciliation" of two leading Bosniak politicians, Sulejman Ugljanin and Rasim Ljajić, were the most important developments in Sandžak in 2009. The parties led by Ugljanin and Ljajić, which insist that Sandžak should be a single region, united in the face of the forthcoming regionalization of Serbia. They were brought together by the adoption of the Law on Balanced Regional Development and of the first version of the Government's Regulation on Statistical Regions, which divides the six Sandžak municipalities between two regions. The demand of the two Bosniak parties was opposed by local Serb parties, with a number of local Serb leaders suspecting separatist tendencies on the part of the former.

Turkey's role in the region, including Sandžak, grew significantly during the year. It was owing to Turkey's mediation that Ugljanin and Ljajić were reconciled, though a similar attempt by Turkey proved unsuccessful in the case of two Islamic community leaders, Muamer Zukorlić and Adem Zilkić. Turkey's engagement, including the announcement of road infrastructure financing, prompted a number of media and opposition parties (DSS, NS, SNS) to issue warnings against an "Ottoman" menace and Ankara's ambitions.

Serbia passed several laws in the field of human rights and intensified efforts to encourage members of ethnic minorities to participate in government institutions. As a result, Ugljanin and Ljajić entered the Government of Mirko Cvetković, and several Bosniaks were elected as secretaries of state, assistant ministers, and so on. Although there had never been so many Bosniaks working in the republic institutions in Belgrade, the situation remained unchanged in Sandžak municipalities.

However, no such progress was registered regarding the employment of Bosniaks in the civil service, especially the police. For all the announcements that more Bosniaks would be employed by the Ministry of Internal Affairs (MUP) and the support such initiatives received, the situation remained unsatisfactory. The police force in Novi Pazar comprised some

50 per cent Bosniaks although their share of the population was as high as 80 per cent. As regards the justice sector, following the judicial re-elections, the Basic Court in Prijepolje had only 1 Bosniak judge out of 8. The situation in Novi Pazar was different: the Basic Court had 12 judges including 8 Bosniaks and the Higher Court 8 judges including 5 Bosniaks.

In December 2009 and again in March 2010, Citizens' Protector Saša Janković warned against the failure to observe legislation which provides that in recruiting employees state bodies and public services must take account of the ethnic population structure and ensure that members of national minorities are adequately represented.

Political situation and inter-party conflicts

The presidential, parliamentary and local elections held in 2008 were of considerable importance for the political situation in Sandžak municipalities during 2009. The presidential elections more than any others reflected the ethnic divisions in Sandžak, with Bosniaks overwhelmingly voting for Boris Tadić, the candidate of the Democratic Party (DS), and Serbs for Tomislav Nikolić, then candidate of the Serbian Radical Party (SRS) and now leader of the Serbian Progressive Party (SNS). At the parliamentary elections, held in May, Tadić's coalition For European Serbia again won thanks to Bosniak votes. But in the aftermath of the local elections, there were some developments that surprised some and did not surprise others. On the ground, the two Bosniak parties – the Party of Democratic Action (SDA) and the Sandžak Democratic Party (SDP) – were more inclined to enter into a coalition with Serbian right-wing parties, even the SRS, than with each other. The Novi Pazar and Priboj cases are the best examples of this. In Novi Pazar, local government was formed by the SDP and the Serbian List including the SRS, with Ugljanin's SDA being in opposition; in Priboj, the SDA backed the government formed by the SRS. It proved most difficult to form a government in Prijepolje, where elections had to be

repeated. In May 2008, the majority of votes in Prijepolje were won by the Together – SRS, DSS, NS coalition, which secured 25 mandates, followed by the Democratic Party of Sandžak of Bahrija Beganović “Lutka” (6), the SDP and the SDA (5 each), and the coalition centred around the SPS (4). The SDP suffered a debacle owing to internal rifts and the departure of the local businessman, Bahrija Beganović. As no government was formed in Prijepolje, a re-run was held in November and won by Ljajić’s SDP, with Nikolić’s SNS in second place. The convincing victory brought the SDP 18 seats, with the SNS winning 10, the DS-SPS-G17 Plus-SPO coalition 9, the Democratic Party of Sandžak 8, and the Together DSS-NS-Bosniak List, the SRS, and the LDP 4 seats each. The government formed with the greatest difficulty by the SDP, SNS, and the DS-centred coalition has not been stabilized as of this writing.

At the beginning of 2009, 3 persons were injured in a brawl and shootout between Ljajić and Ugljanin’s supporters in Novi Pazar. The incident occurred when the SDA supporters, led by Ugljanin himself, tried to enter the premises which they had rented in the Cultural Centre and which the SDP-led municipal authorities had denied them. The premises were occupied by Fevzija Murić, member of the City Council and leader of the Party for Sandžak, the SDP’s coalition partner. The rental agreement had been signed on 17 November 2004 by Mensur Memić, director of the SDA of Sandžak, and Nermin Bejtović, then director of the Cultural Centre and general director of the SDA of Sandžak. The agreement was due to expire on 1 January 2009. However, on 3 July 2008, i.e. four days before the change of government, Memić and Ugljanin, then mayor of Novi Pazar, signed an annex. The annex extended the agreement and set the rent Ugljanin’s coalition was to pay for the premises at EUR 300 a month. Although only 125 square metres of space were rented under the agreement, the coalition occupied the whole floor. After the new Cultural Centre Management Board decided that the premises should be returned and used for the original purpose, the municipal authorities seized them.

After Ljajić and Ugljanin became ministers in the Serbian Government, the conflict between their supporters assumed a deeper significance. Ugljanin said that the clash occurred after “a group of armed people

occupied the premises of the Bosniak List", and his party accused its political opponents of an assassination attempt against the SDA leader. The SDA called for dissolving the municipal Assembly and imposing an emergency administration in Novi Pazar while Ljajić's people demanded the sacking of the local police chief and redefining the relations within the ruling coalition. The SDP went so far as to threaten to leave the republic Government. Both Prime Minister Mirko Cvetković and President Boris Tadić tried to calm the passions. Cvetković talked to both his ministers and expressed concern over the fact that force and firearms had been used and citizens injured, and called on the police to establish the facts and identify the persons guilty of disturbing public order and peace, the Government said in a statement. He said that "It doesn't do to turn something which is essentially a property dispute into a political problem and a cause for instability and unrest."⁵³⁹

The Novi Pazar Public Legal Office filed a criminal complaint against Ugljanin, Minister without Portfolio and SDA President, and against 50 SDA supporters and activists. The criminal complaint was filed in connection with "an attempted murder, [causing] grievous bodily harm, brawling, threats by implements and weapons, compromising security, causing general danger, preventing officers from performing their duties, and violent behaviour. The criminal complaint states that Ugljanin led a group of citizens in the attack on the Cultural Centre building, i.e. the premises guarded by security personnel employed by the "Tigar intergard" agency, as well as on three policemen. The Public Legal Office proposed to the District Prosecutor's Office a number of items of evidence including video footage of the whole incident and testimony by a large number of witnesses."⁵⁴⁰

The issue was resolved thanks to the mediation of President Tadić, who appealed to his two political partners to calm the passions. Tadić's appeal was heeded and the leaders of the two largest Bosniak parties signed the following statement: "We are resolved to forestall incidents in this region in the future." The two ministers said they believed sincerely that "in these

539 *Politika*, 21 January 2009.

540 *Danas*, 22 January 2009.

difficult moments of world economic crisis” their joining forces in order to bring well-being and prosperity to “our people” was what Sandžak needed most. They also said that “in extending our joint support to economic initiatives we hope and believe that every individual in Sandžak will support us in these efforts”.⁵⁴¹

The reconciliation was effected through the mediation of the Turkish Foreign Minister, Ahmet Davutoglu, during a visit to Sandžak, with the two party leaders shaking hands in public. The handshake, Belgrade media reported, marked a symbolic end to the 16-year-long feud between the two Bosniak leaders. Although clashes between Ugljanin’s SDA and Ljajić’s SDP in Novi Pazar left three killed and several wounded during the past decade, Ugljanin insisted that there was no quarrel between him and Ljajić but only “non-cooperation”.

After the reconciliation Ljajić said that his and Ugljanin’s intention was to “ensure political stability and a normal political life and to fight for electors’ votes in a normal political contest”. For his part, Ugljanin stressed: “Our message to the citizens is that we are ready to create a political climate together for cooperation both in our country and between the two countries.” The two leaders’ reconciliation could also be interpreted as a necessary move in the face of serious problems in Sandžak. The two Bosniaks’ entry into the republic Government did not improve matters. Amid a growing social and economic crisis many Bosniaks were openly critical of their political representatives, accusing them of installing themselves and their chief lackeys in comfortable armchairs in Belgrade and of doing nothing for their fellow townspeople and ethnic kin.

Following the 2008 elections, Ljajić’s SDP succeeded in unseating Ugljanin’s SDA in Novi Pazar and Sjenica but not in Tutin. Furthermore, the SDP’s vigorous campaigning won many Bosniak votes for the For European Serbia list. The strengthening of the SDP was accompanied by inter-party strife, which was due mostly to excessive expectations of members in municipal boards and to concessions the party often had to make to its coalition partners. The conflicts within the SDP Novi Pazar branch peaked at the middle of September 2009. The hitherto mayor of Novi Pazar and

541 *Politika*, 23 January 2009.

SDP member, Mirsad Đerlek, was replaced by decision of deputies of Ljajić's coalition For European Novi Pazar and the United Serbian List. He was replaced by Meho Mahmutović, a medical specialist at the Health Centre and a high SDP official. At the same session, Milan Veselinović (SRS) resigned as president of the City Assembly on grounds of having a "heavy schedule" and was succeeded by Borka Jovanović (SPS).

The immediate cause for Đerlek's dismissal lay in disagreement between the city authorities and the Ministry of Economy and Regional Development concerning the future of the textile plant Raška, whose workers had been on a long strike. At the end of April, the strikers' leader, Zoran Bulatović, cut off part of his finger in protest against the appalling economic situation. Although the city authorities allegedly obtained the agreement of their republic opposite numbers to nationalize the plant, it was later announced that it would go into liquidation because there was disagreement as to who would have to cover the plant's debt running into millions. The SDP accused Đerlek of misleading the workers and refusing to discuss a solution with the Ministry of Economy and Regional Development. An investigation was also announced because there were suspicions that he had spent money from the city budget. Đerlek left the SDP and founded the Sandžak People's Party (SNP). The SNP is believed to be close to Mufti Zukorlić and his Islamic Community in Serbia.

In mid-December 2009, Ljajić founded the Social Democratic Party of Serbia (SDPS) in Belgrade. He described the SDPS as a "robust state-building party which will protect the territorial integrity of the country as well as care about the ordinary citizens". The founding congress was attended by representatives of both the ruling coalition and the opposition. Ljajić's potential as a coalition partner was reflected by the fact that welcoming speeches were delivered by President Boris Tadić and the SNS deputy president, Aleksandar Vučić. Ljajić was elected president of the new party, with Rešad Hodžić taking over the SDP.

Islamic community – conflicts continue

The relaxation of political tensions in Sandžak during 2009 failed to bring about an improvement of relations within the Islamic Community (IC). The divisions between the two Islamic communities were ever widening. At the head of the Islamic Community in Serbia is Chief Mufti Muamer Zukorlić, who recognizes Mustafa Cerić, the Reis-ul-Ulema of Bosnia and Herzegovina, as the supreme religious head. The Islamic Community of Serbia is represented by the Jusufspahić family, with Adem Zilkić re-elected as the community's Reis-ul-Ulema in mid-February 2010. In spite of President Tadić's urgings, at a pre-election rally in Novi Pazar in 2008, for a united Islamic community, no dialogue was established with the Islamic Community in Serbia following the inauguration of the new Government later in the year. Judging by a number of moves made by the Ministry of Religion, Belgrade was clearly more favourably inclined to the Islamic Community led by Zilkić. Zukorlić meanwhile criticized Belgrade on a number of occasions. He accused the authorities of having cheated the Bosniaks, of violating Muslims' human rights, and of recruiting sycophants from among their midst. He also repeatedly called on Bogoljub Šiljaković, Minister of Religion, to resign. On account of his sharp criticism of the authorities, Zukorlić was targeted by Belgrade tabloids and accused of trying to provoke unrest in Sandžak.

The divisions between the two Islamic communities from Sandžak spread to other parts of Serbia and there was a clash between their supporters outside the seat of the Islamic Community in Novi Sad in mid-April 2009. The police filed criminal complaints against four persons for violent behaviour. The Islamic Community's mufti for Belgrade and Novi Sad, Rešad Plojović, wrote a letter to Police Director Milorad Veljović alleging that two SDA deputies from Tutin had also taken part in the incident. Plojović claimed that the incidents had been provoked by "gunslingers, deputies and activists of Sulejman Ugljanin, natives of Tutin well known

to the wider public and some of them to you too on account of their criminal activities.” The SDA of Sandžak dismissed the allegations as untrue.⁵⁴²

Visit by Reis-ul-Ulema Mustafa Cerić

The events preceding the two Sandžak leaders’ reconciliation threw the region’s problems into sharp relief. These were the visit by the Muslim leader in Bosnia and Herzegovina, Reis-ul-Ulema Mustafa Cerić, the authorities’ ban of a rally in Tutin at which Cerić was scheduled to speak, and the exchange of bitter accusations between the Ministry of Religion and the Islamic Community in Serbia.

On the occasion of the Cerić visit, the head of the Islamic Community of Serbia, Reis-ul-Ulema Adem Zilkić, who has no large following in Sandžak but enjoys Belgrade’s backing, wrote a letter to the Rijaset of the Islamic Community in Bosnia and Herzegovina in which he condemned most strongly the announcement of Cerić’s visit. He accused Cerić of “having contributed to the deepening of the divisions among the Sandžak Bosniaks”. For this reason, he wrote, Cerić was not welcome in Sandžak because his visit would “not be in the interests of peace among the believers”.⁵⁴³ The Serbian Government followed up the letter with a statement by Minister of Religion Šijaković while the local authorities in Tutin banned the rally.

Before Cerić arrived in Sjenica there was an incident in the town in which Efendi Mustafa Makić, one of Zilkić’s closest associates, was wounded. Makić said he was convinced that the attack had been contracted by Muamer Zukorlić because his men had been making threats to him and trying to bribe him. After the incident, the Rijaset of the Islamic Community of Serbia said it wondered whether Cerić was “aware that during his

542 *Danas*, 22 April 2009.

543 http://www.Danas.rs/vesti/drustvo/mustafa_ceric_nepozeljan_u_sandzaku.55.html?news_id=160856. Zilkić also wanted the authorities to arrest Zukorlić and to prohibit “any rally and address in the open on the occasion of Cerić’s arrival”.

visit to towns in Sandžak he will be confronted by thousands of Bosniaks and that the disturbances might have a bloody outcome”.

At the rally in Sjenica, Cerić said that although “Sarajevo is the spiritual centre of all Bosniaks, it does not understand this; however, we are going to teach it to understand”.⁵⁴⁴ Cerić also said that Muslims’ rights were being violated, an allegation the Ministry of Religion dismissed as “unfounded and presumptuous”. Zukorlić presented some alarming information supporting the allegations that Bosniaks were being discriminated against: for instance, in towns where Bosniaks made up more than 85 per cent of the population, the police forces comprised 80 per cent Serbs. A similar situation obtained in the judiciary and other government institutions.

Declaration on human and religious rights of Bosniaks in Serbia

The Declaration on Human and Religious Rights of Bosniaks in Serbia was adopted on 4 July 2007 on the strength of information about violations of Bosniaks’ rights. The Declaration was not supported by the SDP and the SDA. The Declaration asked the “Bosniak representatives in Parliament and in the Government of the Republic of Serbia not to accept the further administrative partition of the region of Sandžak”. The matter is of exceptional importance for the development of Sandžak because Sandžak is divided into two administrative units belonging to two different regions. The idea was to prevent the Bosniaks from becoming an ethnic majority in Sandžak. The Bosniaks are therefore keenly interested in how the process of regionalization will develop and whether eventually all the 6 towns in the Serbian half of Sandžak will remain together. The President of the Executive Board of the Socialist Party of Serbia (SPS), Branko Ružić, said that there would be no ethnic regions in Serbia: “Those who hope for such things are badly mistaken. All citizens of Serbia have an equal status and

544 *Danas*, 19 May 2009.

therefore no one should expect that they can create an ethnically homogeneous region on account of being a national minority.”

Dejan Jovanović, Secretary of State at the Ministry of Economy and Regional Development, said that the Government would pass a regulation specifying which municipality would belong to which region: “The Statistical Office will draw up a proposal on the basis of criteria set by experts; there are quantitative criteria, which relate to the number of inhabitants, and qualitative criteria, which concern a municipality’s level of development. At any rate, such criteria are also in use in the European Union.”⁵⁴⁵

The UN Special Rapporteur for Freedom of Religion, Asma Jahangir,⁵⁴⁶ said that Serbia must make further efforts to ensure the exercise of the freedom of religion. During her tour of Serbia, she paid visits to several multi-ethnic regions where, she said, she had gained both positive and negative impressions. She said that she was aware of the region’s painful past and of the suffering inflicted on the citizens of Serbia and other people in the region during the conflicts and wars. She also said that she was aware that, unfortunately, religious beliefs had contributed to the conflicts. Fortunately, it appears that Serbia has opted for democratic processes and that, as part of those processes, promotion of the freedom of religion will play a key part, she said.⁵⁴⁷

The Islamologist Darko Tanasković interpreted the allegations about violations of Muslims’ human rights in Serbia as a “calculated fuelling of the campaign about alleged violations of Muslim rights in Serbia”. This, however, “cannot substantially affect the political commitments of Muslim states though it will certainly produce sporadic negative effects,” he said. The local protagonists of the radicalization and internationalization of the “Muslim question” are obviously guided by the well-known maxim “The worse, the better”, but this can hardly be in the true interests of the Muslims living in Serbia.⁵⁴⁸

545 *Večernje novosti*, 16 July 2009.

546 She was in Serbia in April 2009 at the invitation of the Serbian Government.

547 *Borba*, 5 May 2009.

548 <http://www.nspm.rs/crkva-i-Politika/ceric-dijeli-muslimane.html>.

Reactions to Cerić's visit

Commenting on the visit, Zilkić said that Cerić had ambitions to become mufti for all Europe and that Zukorlić, who would help him achieve this, would in turn become mufti for the whole of the Balkans. He said that because the Islamic community in Serbia was not autonomous but a branch of the community in Bosnia and Herzegovina, Albanians, Serbs, and other non-Bosniak Muslims were forced to attach themselves to Sarajevo on ethnic grounds.⁵⁴⁹ The Ministry of Religion added some accusations of its own: it said that since Cerić “supported the secession of Kosovo and Metohija”, the public “are wondering with good reason whether Reis Cerić is not threatening the Republic of Serbia with an armed settling of accounts according to the Bosnia or Kosovo scenario”.⁵⁵⁰

There were also reactions from opposition parties and nationalist circles, notably from Darko Tanasković, the well-known Serb Islamologist and member of the Truth and Reconciliation Commission set up by Vojislav Koštunica while he was president of the Federal Republic of Yugoslavia.

Tanasković said that Mufti Zukorlić needed Cerić's visit so that he could address to Belgrade, as well as to the Muslims in Serbia who do not recognize his leadership, messages which are “eminently political and noticeably less tactically formulated than those of the Reis”.⁵⁵¹ In Tanasković's opinion, Islam is a religion which, unlike Christianity, is not ready to make compromises; therefore a true dialogue between Christians and Muslims is practically impossible because, throughout history, the one side has accepted compromises while the other has adhered to its rigid position.⁵⁵² Tanasković said that the rights of Muslims, i.e. Bosniaks, in Serbia were

549 http://www.novosti.rs/code/navigate.php?id=4&status=jedna&vest=145018&title_add=Novi%20Pazar%20na%20dva%20dela.

550 The Ministry of Religion's position on Mustafa Cerić's statements, 22 May 2009.

551 <http://209.85.135.132/search?q=cache:BshHuF0DK9gJ:www.sandzaknews.com/index.php%3Fakcija%3Dvijesti%26do%3Darhiva%26mm%3D5%26yyyy%3D2009+darko+tanaskovic+sandzak+raska&cd=2&hl=en&ct=clnk>.

552 <http://209.85.135.132/search?q=cache:GCUNcHhSzZ4J:www.mail-archive.com/sim@antic.org/msg13175.html+darko+tanaskovic+sandzak+raska&cd=3&hl=en&ct=clnk>.

not only violated but that “there exists only affirmative action in the sense of implementation of the highest standards of respect for all their minority rights”.⁵⁵³

As to Cerić’s policy, Tanasković said: “It puzzles me that a politically involved operator such as Cerić should have permitted himself to openly support the Wahabis in Bosnia and Herzegovina – and that at a time when he is trying to tie his boat more tightly to the American ship. For instance, what would he have been told by the Jewish and American participants who gathered in Paris recently to preserve the memory of the Holocaust, a gathering at which, as a special guest, he capitalized on the Srebrenica disaster by publicizing it for the umpteenth time?”⁵⁵⁴

The dailies were full of inflammatory rhetoric and headlines such as “The Guest from Bosnia Sets Muslims against Each Other”,⁵⁵⁵ “Tutin Sits on a Powder Keg”,⁵⁵⁶ “The Warmongers”,⁵⁵⁷ “Cerić Disseminates Religious Hatred”,⁵⁵⁸ etc.

On 27 May, the daily *Kurir* published an article headlined “The Powder Keg”, in which it published the following appraisals by security experts and the Security and Information Agency (BIA): “Security experts assess that we are under threat from members of a radical Islamist movement who recruit young Muslims for suicidal actions and who are especially stationed in Sandžak. In presenting the BIA annual report findings, BIA Director Saša Vukadinović noted the close cooperation of Islamist movements in Sandžak”.⁵⁵⁹

The president of the parliamentary Security Committee, Dragan Todorović, said that, based on the BIA report, “one can conclude that they [BIA] are aware of everything that goes on out there. Some incidents, which I suppose will happen, are beyond BIA’s control because we no longer

553 <http://www.nspm.rs/crkva-i-Politika/ceric-dijeli-muslimane.html>.

554 Ibid.

555 *Glas javnosti*, 12 May 2009.

556 *Glas javnosti*, 17 May 2009.

557 *Kurir*, 21 May 2009.

558 *Glas javnosti*, 21 May 2009.

559 *Kurir*, 27 May 2009.

have services concerned with protecting the state. They were completely destroyed after 2001. The Raška region may become the scene of unwelcome developments and I think that that will happen under the direction of the USA and the EU.” The DSS said that the situation in Sandžak might turn radical especially in the wake of Muamer Zukorlić’s statements: “They are obviously more concerned with politics than religion. The State must react resolutely if it perceives a threat of a conflict.”⁵⁶⁰

Disputes and squabbles

Mufti Zukorlić fell out with the Ministry of Religion over religious teaching and the award of scholarships to students of the Islamic Faculty in Novi Pazar. At an extraordinary session in mid-October devoted to Islamic religious education in schools, the Assembly of the Islamic Community in Serbia most strongly condemned the “obstacles to religious teaching, discrimination and violations of the elementary rights of Muslims in Serbia”. It said in a statement that religious teaching was being obstructed by the Ministry of Religion, officers of the Ministry of Education, and head teachers in Prijepolje, Sjenica, Tutin and Novi Sad. Sead Šaćirović, spokesman for the Meshihat of the Islamic Community in Serbia, said that religious teachers in some of these towns had been prevented from teaching and been “replaced by religious teachers who are not graduates in religious studies but only secondary school graduates or artisans. Schools are recruiting religious teachers from Adem Zilkić’s list, they are receiving fictitious requests – unsigned and without a letterhead – to employ them, and although the head teachers don’t know who’s sending them, they regularly comply.”⁵⁶¹

The ministries of religion and education dismissed the allegation and insisted that they had observed the law. Zilkić said that the religious teachers working in schools had been elected in accordance with the law that they were competent for the job, and that Islamic religious teaching was

560 Borko Ilić, *Kurir*, 27 May 2009.

561 *Politika*, 17 October 2009.

proceeding normally except in one school in the village of Leskovo near Tutin.⁵⁶² On 10 November 2009, students of the Faculty of Islamic Studies in Novi Pazar protested over a competition for scholarships announced by the Ministry of Religion because it only named the Divinity College and the Catholic Faculty and not the Islamic faculty. In this way the students are prevented from applying for scholarships because “they are Muslims and they don’t curry favour with the regime in power.”⁵⁶³ The Ministry of Religion admitted that a “technical” omission had been made in the competition announcement and promised to correct it.

At the beginning of July 2009, the Meshihat of the Islamic Community in Serbia held a meeting in Novi Pazar attended by several Bosniak parties, organizations and institutions. The participants adopted a declaration demanding the sacking of Minister of Religion Bogoljub Šijaković, an end to continuous violations of the human and religious rights of Bosniaks-Muslims in Serbia, and an end to the economic discrimination of Bosniaks. The declaration says that, owing to its distinctive features and in keeping with European principles of decentralization and regionalization, Sandžak should be a single region with Novi Pazar as its seat. It was concluded that a procedure should be initiated to amend the Serbian Constitution in keeping with a declaration adopted at a similar gathering of Bosniak political parties in 2006.

Representatives of Ugljanin’s Bosniak List for a European Sandžak were absent. The List’s deputy, Esad Džudžević, said that it was improper for a religious leader to organize a gathering to discuss political matters. The declaration was not signed by Munir Poturak, an SDP deputy, who was present. His explanation was that the declaration might sow confusion and new divisions and make things more difficult for the Bosniak representatives in the highest state bodies. Džemail Suljević, President of the National Movement of Sandžak, also did not sign the declaration because he was in favour of a tougher version.⁵⁶⁴

562 Ibid.

563 Sandžak *Danas*, 13 November 2009.

564 *Večernje novosti*, 6 July 2009.

The meeting was viewed by many in the context of Zukorlić's political ambitions, his continuing criticism of leading Bosniak politicians, and Cerić's visit, during which criticism was levelled at Belgrade. SDP Vice President Munir Poturak said that he considered Zukorlić's position ill-advised: "He made our position more difficult with his attitude. It's well known that in addition to religious, he has political ambitions. However, any problem can be solved through the institutions. We raised every single problem he mentioned a long time ago, but we believe that they can be solved gradually in a normal way in agreement with our partners from the DS. The problem lies in the very fact that the initiative came from the Mufti, in view of his meat-axe approach in calling for the resignation of Minister of Religion Bogoljub Šijaković. Acting as he does, Zukorlić is fanning the discontent of the people in Sandžak."⁵⁶⁵

In the opinion of Esad Džudžević, a deputy of Sulejman Ugljanin's Bosniak List, the issue involved the politicization and abuse of religion: "We hold that the Islamic Community in Serbia has many internal problems and that it should talk to the Islamic Community of Serbia to find a mode of integrated action rather than to concern itself with political issues. Zukorlić is accusing the state of violating the religious rights of Bosniaks, but this is denied in all foreign and domestic reports. As a believer who goes to the mosque every Friday, I assure you that there is no such thing as violation of our religious rights, because many mosques and religious buildings have been built in Sandžak since 2000. Although Zukorlić's University, faculty and secondary school are financed by the Ministry of Religion, he is demanding Minister Šijaković's dismissal."⁵⁶⁶

The Meshihat of the Islamic Community in Serbia set up a Political Council, a move seen by many as a first step in the creation of a political party. Zukorlić denied this: "I've no plans to establish a political party. The Council will be acting in an advisory capacity. It is the result of the aggression against the Meshihat, which has become a political victim. We can't efficiently defend ourselves against such political attacks if we have

⁵⁶⁵ *Glas javnosti*, 6 July 2009.

⁵⁶⁶ *Ibid.*

no political councils.”⁵⁶⁷ In August 2009 Cerić and Zukorlić visited Kosovo and attended a meeting of the Forum of Bosniaks of Kosovo. Belgrade media saw the visit as signifying their support for an independent Kosovo because that is what the Forum itself advocated. On his return, Zukorlić said that the Forum’s chief demand was making it easier for people to travel to Bosnia and Herzegovina.

Zukorlić had lately muscled in as the sharpest critic both of Belgrade’s policy towards Sandžak and the Bosniaks and of Bosniak politicians in the Government. While he and Ugljanin are old enemies, he was formerly on good terms with Ljajić and is believed to have helped him with elections. *Glas islama*, the organ of the Islamic Community in Serbia, writes in the September issue leading article that the “nervousness of the Belgrade regime culminated with the realization that assuming mastery of two political parties and creating an alliance through two ministerial arm-chairs has not killed national resistance in Sandžak”. It is also said that “for more than a year the Belgrade regime worked to bring ministers Rasim Ljajić and Sulejman Ugljanin together, believing that in this way it will assume full mastery over the political space of Sandžak and thus minimize the influence of the Islamic Community.”⁵⁶⁸

Turkish influence on situation in Sandžak and intra-Bosniak relations

In the course of 2009, Turkey established itself as a major player in the region, with the Government of Prime Minister Taip Erdogan paying special attention to the Bosniaks in Bosnia and Herzegovina and Sandžak. Serbia and Turkey signed bilateral agreements on economic cooperation and agreed on a strategic partnership. Other than by Foreign Minister Vuk Jeremić, Turkey was visited by several top Serbian officials including President Boris Tadić and Ministers Mlađan Dinkić, Rasim Ljajić, and Sulejman Ugljanin. Turkish President Abdullah Gül visited Serbia in October. He did

⁵⁶⁷ *Večernje novosti*, 12 August 2009.

⁵⁶⁸ *Glas islama*, September 2009.

not visit Sandžak although a visit had been envisaged. Sandžak was nevertheless one of the topics discussed and Turkey confirmed that it would extend credit for road-building in Sandžak. The project had not been started as of the beginning of 2010 because the Turkish Parliament had not ratified the agreement.

After meeting President Gül, President Tadić proposed that an Islamic centre be built near Belgrade. As was to be expected, the announcement was not followed up. Turkey also established and maintained contacts at a "lower" level. The Turkish ambassador conferred with the presidents and representatives of all municipalities in Sandžak and neighbouring Raška. They went on an organized visit to Turkey and had meetings with Turkish businessmen in Serbia and Turkey. At one of those meetings, in Novi Pazar in June 2009, representatives of the two largest Bosniak parties, Rasim Ljajić's SDP and Sulejman Ugljanin's Bosniak List, found themselves for the first time officially at the same table. Turkey mediated their reconciliation and also tried to bring the religious leaders Adem Zilkić and Muamer Zukorlić together. However, the latter attempt failed. Through its engagement in Sandžak and in other parts of the Balkans inhabited by Bosniaks, Turkey wants above all to affirm its growing political influence as well as to show its citizens of Bosniak origin that it cares about their native country. It is believed that at least four million Turkish citizens originate from the former Yugoslavia, including a substantial number of Sandžak Bosniaks.

The present Turkish ambassador in Belgrade, Suha Umar, was much more active and more present in the media than his predecessors. In mid-March 2009 Umar said that he and Islamic leaders in Serbia had reached agreement on principles of conduct to prevent future incidents within the Islamic Community and contribute to peace and stability in Serbia and the Balkans. He said that the religious heads were agreed that "clashes between believers must be prevented and everything done jointly to establish unity among the Muslims of Serbia". It was also agreed that "all religious places of worship must be open to all believers regardless of their

affiliation” and that “the religious heads will ensure safety and peace in religious places of worship”. Both sides, i.e. Zilkić and Zukorlić, “expressed a readiness to improve relations with each other and with Islamic communities abroad with the object of promoting cooperation among the Muslims of the region”.⁵⁶⁹

Umar stressed that Turkey was “interested in contributing to the establishment of peace and stability within the Muslim community and/or peace and stability in Serbia and the region”.⁵⁷⁰ Umar’s mediation efforts however failed to prevent the clash in Novi Sad, which occurred a few days later. While the Islamic Community led by Zilkić showed receptivity to Umar’s endeavours, Zukorlić levelled some criticisms even at Umar. Some Bosniak circles in Sandžak were convinced that Ugljanin and his “associate” Zilkić had far “better connections” with Ankara. This was attributed to the fact that Ugljanin spent several years in Turkey during the 1990s after being indicted for “hostile activity” and for “compromising the territorial integrity” of the country. During his refuge in Turkey, Ugljanin established good relations with the Sandžak diaspora and politicians.

That the “Zukorlić camp” was dissatisfied with certain moves by Ambassador Umar was shown by the statement of Sead Šaćirović, spokesman for the Meshihat of the Islamic Community in Serbia. He said that while every attempt on the part of the ambassador to bring Zukorlić and Zilkić together “in order to bring about a peaceful solution is praiseworthy, relations within a religious community are not the same as relations between political parties”. “We cannot regard relations within the Islamic Community as relations between Sulejman Ugljanin and Rasim Ljajić. We in the Islamic Community are dealing with renegades, dissidents, with whom we can talk only if they repent and give up their project of a parallel religious community.” Šaćirović dismissed any possibility that Zukorlić and Zilkić could talk with each other as equal religious leaders.⁵⁷¹ *Glas islama* accused the Turkish ambassador of not behaving as a diplomat and of “interfering in internal affairs” of Serbia and the Islamic Community.

⁵⁶⁹ *Danas*, 15 April 2009.

⁵⁷⁰ *Danas*, 15 April 2009.

⁵⁷¹ *Politika*, 21 April 2009.

Turkey regularly denied accusations from other quarters, mostly from opposition parties, of interference in Serbia's internal affairs. Ambassador Umar said: "There's this human contact element that's very important in diplomacy. Occasionally you establish a friendly relationship with someone in the host country and people have confidence in you as a person. In this particular case, it's a question of my personal engagement; I wasn't acting on any instructions from my government, there wasn't any interference on the part of the Turkish state. By the way, I have no right and no wish to interfere in the internal affairs of another country."⁵⁷²

During his visit to Belgrade and Novi Pazar, where the "historic reconciliation" between Ugljanin and Ljajić took place, Turkish Foreign Minister Ahmet Davutoglu expressed the hope that political and religious passions in Sandžak would subside and said that his country wished to help Serbia as a whole: "We're not concerned with whether Orthodox Christians or Muslims are here in Serbia and Sandžak. We're not going to draw any distinctions, nor have we drawn any so far. We're going to be equally accommodating to all. I've seen that religious tolerance is at a high level here and I'm glad for that."⁵⁷³

Sandžak was also a focus of increased attention of a number of Western countries. An informal group called "Friends of Sandžak" was established in January 2009 at the initiative of former US ambassador Cameron Munter. It meets from time to time to discuss matters concerning the south-west of Serbia. The group comprises representatives of about 10 embassies and international organizations, its members including the United States, Turkey, France, Germany, Britain, Japan, Portugal, the Czech Republic, Spain, Austria, the European Commission, and the OSCE.

572 *Politika*, 18 July 2009.

573 *Danas*, 25 July 2009.

Wahabis case

The Wahabis themselves disown the name, say they have nothing to do with terrorism, and insist that they practice real, authentic Islam. A months-long trial of a group of Wahabis arrested in Novi Pazar and the neighbourhood in April 2007 ended at the beginning of July 2009. A member of the group named Ismail Prenić was killed while the principal defendant, Senad Ramović, and a police officer were wounded during the arrest. Twelve Wahabis were tried and sentenced by the Special Department of the Belgrade District Court to more than 60 years in prison for conspiracy for unconstitutional activity, terrorism, and planning to assassinate the chief mufti of the Islamic Community in Serbia, Muamer Zukorlić. Ramović was sentenced to 13 years for conspiracy for unconstitutional activity, terrorism, and illegal possession of weapons and explosives. Jasmin Smailović and Adnan Hot were sentenced to 8 years each. Fuad Hodžić was sentenced to 7 years and 6 months and Mirsan Prentić and Erhan Smailović to 7 years each. Senad Vejselović and Vahid Vejselović were sentenced to 3 years each. Husein Čuljak, Aldin Pulić, and Damir Berbo were sentenced to 2 years and 6 months each, and Bekta Memić to 6 months. Mehmedin Koljšin and Safet Bećirović were acquitted while Nedžad Memic was being tried in a separate proceeding. The group was charged, inter alia, with planning to attack the mosque in Novi Pazar and the local police station. In his reasons for the judgment, Judge Milan Ranić said that it had been proved that the accused had been planning late in 2007 and early in 2008 to carry out terrorist attacks with a large quantity of weapons to cause fear and insecurity among citizens. "The Wahabis' plan was for Ramović, Hot, and Hodžić to open fire at the SUV carrying Mufti Muamer Zukorlić, as well as to attack the police station in Novi Pazar; however, they gave up when a police vehicle appeared," Ranić said.

The accused were also charged with setting up a camp for military and terrorist training on Mountain Ninaja near Sjenica. "Ramović chose inaccessible locations on the slopes of Mountain Ninaja to hide large quantities of weapons, food and medicines," said Ranić. These quantities were sufficient to enable the accused to operate as a platoon trained in special

terrorist, engineering, anti-infantry, and anti-tank operations. The Deputy Special Prosecutor, Jovica Jovanović, said in his closing speech: "The indictment is not against Islam and the Islamic faith but against fifteen men who formed a criminal association with criminal intentions." Jovanović said that, on the basis of the evidence presented at the trial, it had been established beyond doubt that the accused had also tried to persuade others to join their criminal association.

The accused denied all the counts and insisted that they had been "set up" by Mufti Zukorlić, State Security, and CIA... They said they only recognized God's court and not the court trying them. The principal defendant, Senad Ramović, said that the indictment reflected a hatred of Islam and Muslims and read as if it had been written by "[George] Bush or the CIA agent, Mufti Muamer Zukorlić". Ramović said that neither he nor the others were Wahabis, which they themselves considered an abusive term, but rather Orthodox Muslims and followers of Ehli Sunet. He said that a Wahabi movement did not exist. "We are victims of the terror of Mufti Zukorlić, we are not terrorists. We are not against the Islamic Community, we are the Islamic Community," said Ramović.⁵⁷⁴

Another group of Wahabis was sentenced by the Special Court in Belgrade at the beginning of September. Adis Murić and Bajram Aslani, who was at large, were sentenced to 8 years each, Nedžad Bulić, who was also at large, to 7 years, and Enes Mujanović to 4 years in prison. The arrests were made in Novi Pazar in September 2007. In his reasons for judgment, Presiding Judge Milan Ranić said that they had been found guilty of conspiracy for unconstitutional activity and terrorism. Murić was not present when the judgment was pronounced because he had been removed from the courtroom for contempt of and insulting the court. Mujanović left the courtroom as soon as his sentence was pronounced. During the hearing of evidence they said they did not recognize the court trying them but only "God's" court.

Judge Ranić said that the group had been undergoing training to pilot planes and establishing contacts with like-minded persons in Bosnia and Herzegovina, Macedonia, Albania, Georgia and Syria. It was established

574 *Politika*, 9 September 2009.

that they combined in May 2007 with the object of gaining religious and political power, planting explosive in the soccer stadium in Novi Pazar, and terrorizing Serbian citizens in order to create fear. The group had its headquarters in rented premises in Novi Pazar and a meeting place in Kosovska Mitrovica.

They procured large quantities of weapons, ammunition and explosives from abroad and planned to kill policemen providing security at soccer matches in Novi Pazar. The police found in their possession compact disks with footage showing killings of US soldiers in Afghanistan and Iraq and of Soviet soldiers in Chechnya, as well as shots of suicide bombers. There were also materials propagandizing a jihad or holy war and a fight against infidels. Murić said that the fact that 200 rounds of ammunition were found in his possession did not mean that he had links with Osama bin Laden, leader of the terrorist organization Al-Qhaeda.

Wahabis: an occasion to reinforce theories of an Islamic threat

As a result of the Bosnia war and, more recently, the rather strained relations between Islam and the West, Muslims in Sandžak are manifesting their religious affiliation increasingly openly. Although attempts at restoring “traditional values” and faith are generally on the rise in the former Yugoslavia, not all religions are accorded equal treatment. While young Bosniaks’ embrace of Islam is almost automatically characterized as religious fundamentalism, such accusations are not made against their Christian neighbours.

The number of traditionally dressed young Muslims that can be seen in the streets of majority Bosniak municipalities in Sandžak has risen conspicuously in recent years. Muslim girls and women wear mostly headscarves and clothing which covers their arms and legs, but no veils and

other more traditional items of clothing. In the streets of Novi Pazar, very few women can be seen wearing veils. The number of Muslims wearing long beards and short trousers modelled on those worn by Wahabis has somewhat declined compared with three or four years ago. It was at that time that the first group, whose members were sentenced to long terms of imprisonment, was arrested on Mountain Ninaja near Sjenica. The attitude of the Muslim population to these manifestations and customs was of two kinds. While some were openly critical and feared that these groups might grow more influential, others regarded them as nothing unusual or as just a passing fad. The attitude of the Serb population and media, however, sometimes verged on hysteria. Some “analysts” went so far as to almost equate Islam with Wahabis, and Wahabis with terrorists. The confusion was all the greater because Mufti Zukorlić was portrayed at the same time as the person mostly to blame for the growth of “Islamic extremism” and the emergence of Wahabis, and as their chief target. Furthermore, in spite of the fact that no serious ethnically motivated incidents took place in the region, there was constant talk of interethnic tensions and even fears among the Serbs.

The Wahabi cases were at the focus of Serbian media attention. Also, in presenting the BIA annual report to the Serbian Assembly, BIA Director Saša Vukadinović alleged that close cooperation existed between Islamist movements in Sandžak. In this connection, the president of the parliamentary Security Committee, Dragan Todorović predicted that “very probably” the situation in the region was going to become “very serious”. “The Raška region may become the scene of unwelcome developments and I think that that will happen under the direction of the USA and the EU,” he said.⁵⁷⁵ Former DSS vice-president Borko Ilić believed that the situation in Sandžak might radicalize especially in the wake of Muamer Zukorlić’s statements: “They are obviously more concerned with politics than religion. The State must react resolutely if it perceives a threat of conflict.”⁵⁷⁶

Aleksandar Vučić, deputy president of the SNS, hoped that deterioration in the region would be prevented: “We need good neighbourly

⁵⁷⁵ *Kurir*, 27 May 2009.

⁵⁷⁶ *Kurir*, 27 May 2009.

relations between Serb and Muslim neighbours, and I hope that the state will do everything to prevent a straining of relations in Sandžak.”⁵⁷⁷ The Bosniak List deputy, Esad Džudžević, said that Mufti Zukorlić’s statements were always dangerous: “He is an irresponsible religious head whose demonstrations of arrogance and primitiveness we’ve seen on numerous occasions. In this sense I am concerned, but I believe that the danger of a radicalization will grow less once the state begins to attach less significance to him.”⁵⁷⁸ Political analyst Tomislav Kresović said that serious clashes could erupt in Sandžak “already this year”: “It all began with the capture of the Wahabi members, which means that the first stage of a religious-political conflict is in progress. What remains to be seen now is how things will hot up in conditions of a social crisis and pass from a social to an ethnic stage. Sandžak is a powder keg, a more dangerous one than the south of Serbia.”⁵⁷⁹ He predicted time out of number incidents and unrest in Sandžak. On the other hand, the president of the Forum for Security and Democracy, Ninoslav Krstić, said that although Wahabis existed and were active in Sandžak, conflicts were unlikely to happen: “True, we may call them religious fanatics, but I doubt that they will come into conflict with each other. Therefore, I don’t believe that serious conflicts will occur.”⁵⁸⁰

Lieutenant-Colonel Raša Lazović from the Military Intelligence Agency (VOA) of Serbia said that radical Islamism posed a threat in Serbia: “The threat does exist! VOA is monitoring this menace to Serbia’s security. Radical Islamic fundamentalism in Bosnia and Herzegovina is linked with that in Serbia, there are connections.” Although radical Islamism is manifest in Bosnia and Herzegovina, he said, it is not limited to Bosnia alone but exists in other countries in the region including Serbia. He said that Islamic extremism had belonged in a category of asymmetrical threats in the region since as long ago as the 1990s. “VOA is definitively monitoring this kind of threats in the region in the context in which they compromise the security of Serbia. It is a trans-national threat, that is, one can’t draw

577 Ibid.

578 Ibid.

579 Ibid.

580 Ibid.

a boundary there. This is why cooperation in the region is exceptionally important.”⁵⁸¹

The former director of the Military Intelligence Service, Momir Stojanović, who was relieved of duty after raising the issue of Islamic fundamentalism during the life of the State Union of Serbia and Montenegro, said that there was clearly a security threat from radical Islamists, especially in the Raška-Lim region: “It came to this because we had no clearly defined policy towards the Raška-Polimlje region. At one time certain political options played now the Sulejman Ugljanin card, now the Muamer Zukorlić card, as they are doing today, and all that made the already complex situation in the region even more difficult. While there is a threat from Radical Islamists, there have been many indications lately of a growing link between Zukorlić and the Islamic Community headquartered in Sarajevo. Serbia ought to define a policy towards the Raška-Polimlje region, there ought to be a clear consensus of opinion about what we want in that region. Let’s determine what poses a threat to the interests of this country, what constitutes a danger to Serbia, and what is normal according to the law. It doesn’t do to flirt with this, that or the other Islamic leader.”⁵⁸²

While agreeing that there is a threat from extremist Islamists, military analyst Aleksandar Radić said that there was no room for panic: “There is quite clearly a connection between radical Islamists in Serbia and Bosnia and Herzegovina, but preventive action is all that is needed at this stage. Things are by no means as advanced as they are in countries in Western Europe. This is a unique opportunity for the security structures to show readiness and ability to act preventively.”⁵⁸³

Minister of the Interior Ivica Dačić claimed that the security situation in that part of the country was stable: “Despite small incidents, the political and security situation in this part of Serbia is stable and the intercommunal relations are good. However, this part of Serbia is certainly going to be interesting to many who do not want a Serbia without visas and in the

581 *Kurir*, 13 October 2009.

582 *Kurir*, 13 October 2009.

583 *Ibid.*

EU. Here, in this mixed environment, they may try to sow the seeds of conflict. It is up to us to prevent that." What is very important for the future of Serbia, he said, is that the citizens, regardless of their national affiliation, should be involved in all the structures of the State and should consider Serbia their country. "The MUP and police door is wide open for members of all national minorities. We know of no good or bad peoples or minorities, only of good and bad people," he said.⁵⁸⁴

Bosniaks' reactions to centralization of the Sandžak question

Zukorlić openly criticized the two leading figures in Sandžak, Ugljanin and Ljajić, and said that it was quite clear that "the project for the destruction of Sandžak included giving positions in Belgrade to leading Bosniak political actors." He said that both politicians had risen to prominence during the 1990s while promoting a project to make Sandžak autonomous and to protect the rights of the Bosniaks. He said that they had completely given up these objectives as a price to pay for their jobs in Belgrade. Zukorlić said that Ljajić and Ugljanin were partly to blame for the fact that "the question of the Bosniaks in Serbia has not begun to be addressed; it has not been put on the table at all."⁵⁸⁵

Zukorlić, who leads the Islamic Community in Serbia, said that "there is no dilemma at all that the situation in Sandžak will turn radical."⁵⁸⁶ *Glas islama* too wrote about the existence of a "special war" with the Ministry of Religion and that "national resistance" was necessary in Sandžak. The Meshihat of the Islamic Community in Serbia said: "In a situation where the official authorities do not observe the Constitution of their own State which guarantees our equality and do not observe the Law on Churches and Religious Communities or implement it only partially; at a time

584 *Večernje novosti*, 24 October 2009.

585 http://www.islamskazajednica.org/index.php?option=com_ezine&task=read&page=2&category=11&article=3435

586 *Politika*, 25 May 2009.

when thousands of young Bosniak men and women are seeking work at employment offices, with those guilty of the crimes at Štrpce and Sjeverin still going unpunished; when under the pretence of so-called statistical regionalization the Sandžak region is about to be torn once again and the present Bosniak politicians do not care about that – a logical, if not life-saving, solution is suggesting itself in the shape of the formation of a Political Council of the Chief Mufti, which would assist – above all in a consultative capacity, in matters of logistics and lobbying, as well as in concrete and practical terms – in the struggle against the discrimination of Bosniaks as well as in the internationalization of this question.”⁵⁸⁷ The decision to set up a political council was criticized by many as a move betraying the mufti’s political ambitions and intentions to provoke conflict. The decision was not put into practice.

Another institution was established in response to the behaviour of the Sandžak leaders attached to Belgrade. The Bosniak Cultural Community (BKZ) was established in Novi Pazar on 26 January 2010. A statement released on the occasion said that the institution was a “true herald of a cultural revolution of this people”.⁵⁸⁸ According to *Glas islama*, the BKZ had in only two months established itself “as a leading social force on the road to national and cultural emancipation and affirmation of the Bosniak people.” The BKZ was said to have accomplished its first mission by foiling, through a widespread campaign, an arrangement reached by Belgrade and the SDA and SDP to enter a small number of Bosniaks in a separate electoral roll in order to prevent direct elections to the Bosniak National Council. In this way, the BKZ was said to have prevented another fraud calculated at leaving the Bosniak body in the hands of Serb ministers with Bosniak names. Only 11,000 Bosniaks were entered in the roll from 9 November 2009 to 9 January 2010. As a result of the BKZ campaign,

587 http://www.islamskazajednica.org/index.php?option=com_ezine&task=read&page=2&category=13&article=2844 .

588 http://www.islamskazajednica.org/index.php?option=com_ezine&task=read&page=2&category=12&article=3409

over 60,000 Bosniak voters were registered from 9 January to 9 March 2010.⁵⁸⁹

The president of the BKZ Executive Board, Samir Tandir, said that the forthcoming elections to the National Council would see a division into two blocs: "A pro-Bosniak one, that is the people who have remained with their people, and a pro-Belgrade one, those who wish to trade the interests of our people for the sake of their political interests. I am certain that our people will recognize this." Tandir said he believed that "the elections to the National Council will be a referendum between the pro-Bosniak and the pro-Belgrade options existing among ourselves".⁵⁹⁰

Regionalization unites Sandžak parties

In consequence of the First Balkan War of 1912, Sandžak, hitherto a part of the Ottoman Empire, was incorporated in the independent monarchies of Serbia and Montenegro. Serbia got six Sandžak municipalities (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje, and Nova Varoš) and Montenegro five (Bijelo Polje, Rožaje, Plav, Pljevlja, and Berane). The region has never had a special status including any form of autonomy since, not even in the former Yugoslavia. During the Second World War, a body established on 20 November 1943 and called the State Anti-Fascist Council for the People's Liberation of Sandžak (ZAVNOS) operated in Sandžak. ZAVNOS was dissolved in 1945 and its president Sreten Vukosavljević walked out of the last session because he did not agree with the decision of the Communist Party of Yugoslavia to again divide the region between Serbia and Montenegro. In his view, "Sandžak ought not to have been torn; it is after all a whole. It is a region, a concept with specific, both political and economic, characteristics. This is historically correct. This is how the people see it. I therefore

589 http://www.glas-islama.info/index.php?option=com_content&view=article&id=722:izm-eu-sandaka-i-beograda&catid=97:nase-vie&Itemid=97

590 Ibid.

propose, on the basis of what I have said, a solution whereby Sandžak as a whole would be attached either to Serbia or to Montenegro.”⁵⁹¹

The question of Sandžak’s status was not raised by Bosniak parties later, with the exception of the 1991 referendum. At the referendum, organized by the SDA of Sandžak, an overwhelming majority of Bosniaks allegedly opted for autonomy. The referendum results were doubted by many because there was no objective mechanism for controlling the vote. Belgrade dismissed the referendum as an act of separatism. Although the SDA later adopted a Memorandum calling for a special status, no one is mentioning either it or the referendum any more. While the leading Bosniak parties, the SDA and the SDP, do not call for autonomy at all, the issue of the status of Bosniaks and Sandžak is raised by smaller Bosniak parties only occasionally. However, their appeals are hardly noticed by anybody.

The Bosniak National Council (BNV), comprised mostly of SDA personnel, adopted a Declaration in the summer calling for respect for minority rights rather than raising the issue of status. The Declaration calls for translating the names of all streets and institutions into Bosnian and for a compulsory subject called “Bosnian language and literature” to be taught in all primary and secondary schools in Novi Pazar, Tutin, Sjenica, Nova Varoš, Prijepolje, and Priboj. The BNV Executive Board president and republic deputy of Ugljanin’s Bosniak List, Esad Džudžević, said that the purpose of the Declaration was to draw attention to the fact that nine years after democratic changes the Bosniaks could not exercise their rights guaranteed by statute.⁵⁹² The SDA and Ugljanin himself claim that Belgrade respects the rights of ethnic and religious minorities. While Ljajić’s SDP as a whole did not comment the Declaration, some of its deputies said that there was no need to raise the issue of language. Poturak said: “Everything written down in the BNV Declaration is in keeping with the law, but one wonders whether it is really feasible at the moment. It is a question whether we have enough qualified personnel to teach the Bosnian language properly. I live out there, my children go to school, but they attend civics classes. Why? Because I know that they can’t learn the language

591 Community of Sandžak Diaspora, 20 November 2009.

592 *Press*, 1 July 2009.

properly out there, so I don't want my children to get confused. When that becomes something quite normal and they can learn it properly, they will learn it. When I say 'normal', I'm referring to the atmosphere, status, standards..." He said that the SDP was of the opinion that owing to the economic crisis the Bosniaks must proceed "step by step" in the realization of their rights and that "Serbia has given the Bosniaks everything".⁵⁹³

In 2009, Serbia passed the Law on Regional Development which would divide the Republic into seven statistical regions. Before voting on the Law, the six SDA and SDP deputies, as well as the parties' leaders Ugljanin and Ljajić, asked the ruling coalition that all six Sandžak municipalities remain in one region. They allegedly received a promise to that end and voted for the Law. When, at the end of December 2009, the Government met to discuss a Regulation laying down the boundaries of the statistical regions, Novi Pazar and Tutin found themselves in one region and Sjenica, Prijepolje, Priboj, and Nova Varoš in another. The Government adopted the Regulation unanimously, Ugljanin and Ljajić also voting in favour.

Incidentally, the Statistical Office which drafted the Regulation is headed by Miladin Kovačević, a member of Ljajić's SDPS. The two Bosniak ministers said they had voted for the regulation because they had confidence in their coalition partners and immediately demanded that the regulation be amended. The regulation had been officially sponsored by Mlađan Dinkić's Ministry of Economy and Regional Development. Other than demanding that all Sandžak municipalities should be in a single region, the BNV also wanted them in a sub-region with headquarters in Novi Pazar. Ljajić's SDP did not support this demand.

The possibility of amending the Regulation and the Law in order to keep the six Sandžak municipalities in one region drew official reactions from a number of municipal assemblies. The municipal Assembly in Nova Varoš, which is ruled by the DS-led coalition, unanimously adopted a declaration opposing a division into five regions. The declaration says, *inter alia*: "We demand that the Government of Serbia not vary the existing boundaries of the Zlatibor and Raška districts and not amend the existing Regulation on dividing the Republic into seven statistical regions, for

593 *Press*, 2 July 2009.

that could sow the seeds of discord and destabilize the State. The possible establishment of a Bosniak-Muslim Sandžak entity (a possible sub-region) with six municipalities would open the possibility of separatist aspirations on the part of individuals and of a disintegration of our country.”⁵⁹⁴

The municipal Assembly meeting, which was not attended by the SDP deputy, said that the residents of Nova Varoš were ready to fight for their demand by staging mass protests and putting the matter to a referendum. In February 2010, the Ministry of Economy and Regional Development proposed amending the Law on Regional Development so that Serbia would have five instead of seven regions. If the Law is amended, eastern and southern Serbia will constitute one region, Šumadija and western Serbia another, while all the Sandžak municipalities, i.e. Novi Pazar, Sjenica, Tutin, Prijepolje, Priboj, and Nova Varoš, will find themselves in one region. The arrangement, which is to be put to a vote by the summer of 2010, was opposed by a number of Serb parties.

Conclusions and recommendations

Bitter denunciations among political and religious leaders and intentional neglect of the region by the government in power have brought about the internationalization of the Bosniak question in Sandžak; The presence and the interests of numerous international organizations (OSCE, Council of Europe, EU, international and local nongovernmental organizations, and embassies) are a clear indication that the international community is aware of the possibility of an escalation of violence and of a further radicalization;

The entry of minority leaders into the government alone cannot solve Sandžak's problems; one must also take steps to make life easier for the population in general; More and more people in Sandžak live at subsistence levels and there is hardly any foreign investment in the region; For the moment there are only promises from Turkey, Greece, Western countries...In such circumstances, young Bosniaks in particular are susceptible

594 Sandžak *Danas*, 12 February 2010.

to the influence of extremist Wahabis, an influence which can be countered by strengthening the official Islamic Community and improving living standards and education;

The abolition of visas for Serbian citizens has made it possible for people living in Sandžak to travel to Western countries again; unofficially, since Serbia was put on the “white” Schengen list on 19 December 2009, over 10,000 residents of Novi Pazar have visited EU member countries; officially they are visiting relatives already living in Western European countries while unofficially they are trying to stay there; economic development is the only way to prevent the emigration wave;

Besides being a multiethnic environment, Sandžak is also distinguished by its location as a border region. Serbia must pay more attention to Sandžak on account of its geostrategic position;

The Ministry of Religion should desist from favouring one of the two contending Islamic communities;

The State should not neglect the interests of the local Serbs either. Every problem in Sandžak takes on an ethnic dimension although strikes and social unrest indicate that Bosniaks and Serbs are equally affected by poverty;

The Law on National Councils of National Minorities should help to strengthen the position of national councils. The Ministry for Human and Minority Rights scheduled elections to national minority councils for 6 June 2010. The fact that elections to these institutions, which have competence in the fields of culture and education, will be direct is of great importance for the Bosniaks. The outcome of the elections, provided they are fair, will reflect the present balance of power because nearly all Bosniak parties are going to take part;

In the present deeply interrelated and deeply divided world, religion plays a very important part; therefore its communicative dimension should include a readiness for dialogue. Such dialogue would be based on universal human rights, respect for the human dignity of each individual, tolerance and respect for diversity, sympathy and human solidarity – of all which are important messages deeply rooted in every religion. While such

dialogue is not particularly well advanced in other countries in the region, it has not even started in Serbia.

South Serbia and Albanian Question

South Serbia has been a neuralgic point ever since the opening of the Kosovo status issue and after NATO intervention /1999/ stability in three South municipalities – Presevo, Bujanovac and Medvedja – has been directly connected to the status issue. Both sides – Serb and Albanian – hoped for partition, which would place the three municipalities in quite a different context. In early August 2009, American congressman Dan Rohrabacker concretized the “partition idea” – according to him, Serbia and Kosovo should switch territories with each other: Serbia would have North Kosovo with Mitrovica and Kosovo South Serbia with the three above-mentioned municipalities.⁵⁹⁵ Given that entire the region is of strategic importance for the Serb side ensuring it the control over the Vardar Valley the “offer” is unacceptable to Belgrade. For the same strategic reasons expulsion of Albanians from the three municipalities was Belgrade’s priority in the aftermath of the intervention. In this, it succeeded only partially (in Medvedja). In response, local Albanians rebelled in 2001.

However, in tandem with UNMIK, KFOR and other international actors, the then central government (Premier Zoran Đinđić and Vice-Premier Nebojsa Covic, who was in charge of the operation) put an end to the armed rebellion. The signing of the Konculj peace agreement halted the fighting and provided amnesty for members of the Liberation Army of Presevo, Bujanovac and Medvedja /OVPBM/. However, no substantive progress has been made since in economic and social situation of the three “Southern” municipalities.

Among other things, the peace agreement resulted in the establishment of local ethnically mixed police forces. However, according to Sima Gazikalovic, vice-president of the Coordination Centre, gendarmerie “competes” with local police forces in the security sector and the government’s Coordination Centre is inoperative. “The state of Serbia has not

⁵⁹⁵ *Danas*, August 3, 2009

solved a single system problem in South Serbia...and repeats the mistakes it used to make in Kosovo...in other words; it is of no avail in the field.”⁵⁹⁶ To illustrate his point, Gazikalovic states that not a single Albanian has been granted a loan from Serbia’s Fund for Development or given a chance to partake in the privatization process.⁵⁹⁷

For the official Belgrade, destabilization of South Serbia and Sandzak proves the thesis about Islamic fundamentalism that was allegedly a crucial factor of ex-Yugoslavia’s disintegration and nowadays threatens the integrity of Serbia itself. This explains intensified actions by secret services both in Sandzak and in the South. However, back in 1992 the United States made it clear to Milošević (“the Christmas warning” by President Bush and, later, President Clinton) that Kosovo and Macedonia were the West’s spheres of interest and that US would react accordingly. This also explains prompt reactions by US and NATO to conflicts in Macedonia and South Serbia in 2001.

Incidents: Destabilization Attempt

Incidents in South of Serbia – the attack at the gendarmerie patrol vehicle (July 9), a bomb explosion in front of the building housing families of army and police officers, as well as the action the gendarmerie took in response – reminded of the complexity and fragility of the situation in South Serbia. Tension grew back in late 2008 when the so-called Gnjlane group was arrested – its members have been kept in custody ever since. The arrest of the group in front of TV cameras was aimed at radicalizing Albanians both in Kosovo and South Serbia. The region’s destabilization, therefore, cannot be perceived out of the context of ongoing developments in Serbia and the historical background in the past 15 years.

The intensified international engagement in the Western Balkans in the past months indicates the resolve to have this region completely stabilized. Apart from the economic crisis that considerably restricts Serbia’s

⁵⁹⁶ *Borba*, July 25-26, 2009

⁵⁹⁷ *Ibid.*

policies, this also explains Belgrade's more cooperative attitude towards EULEX in Kosovo. Such "new" attitude angers the opposition (Vojislav Koštunica's Democratic Party of Serbia in the first place), which also operates via the Serbs in Northern Mitrovica trying to prevent establishment of a different climate in the area. In a condensed form, all those factors are mirrored in Presevo, Bujanovac and Medvedja.

Initial reactions in Belgrade were meant to fuel the tension through revived stereotypes about "Shiptar terrorists in action again," accompanied by detailed, terrorist "road map" from Presevo, through Guca to Belgrade. Indicatively, however, more rational rhetoric soon replaced reactions of that type. The change was also evident in the interviews with Albanian officials and politicians the media carried – and those interviews underpinned numerous problems plaguing the municipalities bordering on Kosovo.

All this leads to the conclusion that international actors are operating behind the scenes. The Belgrade regime, therefore, promptly manifested that growing tensions in South suited it not. Minister of the Interior Ivica Dačić met with mayors of three South municipalities – – and, according to Albanian politicians, the demands for withdrawal of the gendarmes from Serbia's South dominated those talks.⁵⁹⁸ On the same day, Mayor of Bujanovac Saip Kamberi paid visits to several embassies in Belgrade, which he addressed earlier by letters warning of "continued repression against Albanians in the region."⁵⁹⁹ Albanians were obviously prepared for another attempt at provocation by Belgrade.

Tensions at the border with Serbia do not suit Prishtina as well – because the authorities in Prishtina have been trying hard to release the wave of recognition of Kosovo's independence that has been "frozen" for considerable period of time.

598 *Danas*, July 25-26, 2009

599 *Borba*, July 25-26, 2009

Who Could Benefit from Conflicts in South Serbia?

In the aftermath of the first incident (on July 9 when two policemen were injured by a hand granade thrown at their patrol vehicle in the village of Lucani) the Belgrade media run headlines that clearly accused “Albanian terrorists” of the attack. For instance, *Press* carried a news story under the headline “Assault by Albanian Terrorists,”⁶⁰⁰ despite the fact that the story itself quoted that “investigation is underway.”

After visiting the wounded police officers, Minister Dačić told the press it was “obviously an act by a terrorist group and an attack at Serbia’s territorial integrity.”⁶⁰¹ He added, however, that the search for perpetrators was underway and was the more so difficult since it was conducted in the land security zone that was also “politically most quaky.”⁶⁰²

Indicatively, most commentators of those incidents were former members of secret services, who were spinning the thesis about Albanian terrorism in a rather well-orchestrated manner.

Invoking his experience in the field, retired General Ninoslav Krstic (ex-commander of the Associated Security Forces operating in the area in 2001) claimed that the attack was ordered from Prishtina (“They do nothing without Prishtina’s approval) and carried out by former troopers of the KLA.⁶⁰³

Krstic also takes that groups of criminals were behind the attack – those groups, as he put it, enjoy the support from political parties in South Serbia the membership of which is composed of once members of the Liberation Army of Presevo, Bujanovac and Medvedja (OVPBM)⁶⁰⁴ Indicatively, however, Krstic holds that Serbia cannot solve the problem on its own. “The entire Balkans should join Euro-Atlantic integrations because our

600 *Press*, July 10, 2009

601 *Ibid.*

602 *Ibid.*

603 *Ibid.*

604 *Borba*, July 10, 2009

police, in that case, would be obtaining more information from UNMIK police, EULEX and other services monitoring movements of those groups in Kosovo.”⁶⁰⁵

In a story titled “Shiptars’ Blackmail” *Kurir* (the most active tabloid in all anti-European campaigns) quotes anonymous “security sources” and claims that the assault has to do with the demand by Albanian leaders from Bujanovac and Presevo for the establishment of a special region that would, apart from three South municipalities, include the municipalities of Trgoviste and Bosilegrad.⁶⁰⁶ In the meantime, the Assembly of Albanian Deputies, composed of municipal representatives from Presevo, Bujanovac and Medvedja, requested the establishment of a separate region – the Presevo Valley. The Assembly adopted a declaration renouncing any violence leading to destabilization of the Presevo Valley, as well as opposing “spectacular” actions by the special police and the threats of arrests of former members of OVPMB aimed at “intimidation of Albanian civilians.” The Declaration underpins that the latest actions taken by the special police made part of continued attempts at criminalizing Albanians as a collectivity.

All Albanian politicians from the South strongly condemned both indicants (in the second incident in a row, on July 14, when the bomb exploded outside a condo in Presevo, a woman and a child were injured – and they were both Albanians) but were by far more cautious about potential perpetrators. Mayor of Presevo Skender Destani warns that “peace in the South suits someone not.”⁶⁰⁷ Explaining he knew not whether that “someone” was Serb or Albanian, he says, “But it’s obviously a work of a professional.”⁶⁰⁸

Riza Halimi, local politician of longstanding experience and the sole Albanian MP, underlines that incidents do happen “despite massive presence of the gendarmerie.” “Judging by the number of gendarmes, this

605 Ibid.

606 *Kurir*, July 11, 2009

607 *Kurir*, July 15, 2009

608 Ibid.

can only be explained as an unofficial state of emergency imposed on the municipalities in the South inhabited by majority Albanian population.”⁶⁰⁹

In an interview with *Politika*, Redza Aslani, villager of Lucani where the first incident took place, says, “Not a single person who has been fighting for Kosovo remained in the village: one half of them are in prison and the other half moved abroad.” He takes that there would be no terrorist attacks should the gendarmerie withdraw from the region for a year or two.⁶¹⁰

According to Miroslav Filipovic, military analyst, peace in Kosovo or in South Serbia suits not Belgrade at this point. “Unless it obtains considerable funds from abroad, the government will be faced with difficulties to pay out pensions, salaries to teachers and doctors, and the like. But if someone continues maltreating Serbs in Kosovo or in Sandzak and, moreover, focuses on South Serbia all the way to Nis, hungry citizens could refrain from the expected protests,” says Filipovic.⁶¹¹

Everything indicates that parts of the opposition (Koštunica’s Democratic Party of Serbia in the first place) and some segments of security services acting beyond governmental control have been masterminding renewed tensions in South Serbia.

Alleged Danger of “Exported” Terrorism

Despite the fact that Albanians have not “exported terrorism” to Serbia during the Kosovo crisis – or before or after it – speculations about “danger of terrorism” followed every new rise in tension in Serbia’s South. In any case, the first to comment the latest developments were politicians, notably those from the Democratic Party of Serbia.

Some military analysts, however, commented the situation in South Serbia in a similar manner. Zoran Dragisic, professor at the Faculty of Security, warns of possible escalation of the conflict, claiming it is all about

609 Ibid.

610 *Politika*, July 16, 2009

611 www.helsinki.org.rs

“a serious attempt at destabilizing Serbia.”⁶¹² For the ex-director of the Military-Security Agency /VBA/, Momir Stojanovic, an attack was a possibility if “foreign elements” were involved in it. “If involvement of foreign elements is proved, all the highest ranking state officials need to make an in-depth analysis of the situation because no one is safe over here.”⁶¹³ Under the headline “Terrorists Prey on Serb Capital” *Glas Javnosti* carries a statement by Tomislav Krestovic, analyst of the Anti-Terrorism Centre, holding that “the capital will be endangered” unless Albanians’ demands are met.⁶¹⁴

Pravda treats the alleged danger more dramatically than any other paper. In the issue of July 22, the daily publicized a map of Serbia showing assumed targets – from Presevo in the South to Palic in the North, including Nis, Guca and Belgrade.⁶¹⁵ According to Nikola Sandulovic whom the paper presents as an expert in security issues, Belgrade will be the first target of terrorists from Kosovo – Nis, Leskovac, Vranje and all bigger towns in Serbia’s south will come later.⁶¹⁶ He also pinpoints Guca as a potential target at the time of the traditional trumpet festival.⁶¹⁷ The former head of the Belgrade Police Department, Marko Nicovic, holds that “Albanian terrorists are ready to engage professionals from Afghanistan, Moldova or some third country to carry out terrorist attacks throughout Serbia, including Belgrade, Nis, Leskovac, Vranje, etc.”⁶¹⁸

Albanians’ Angle

The demand by local authorities of Presevo and Bujanovac for withdrawal of the gendarmerie from the territory of the three South municipalities and for the control over citizens’ security by local, ethnically mixed

612 *Press*, July 15, 2009

613 *Kurir*, July 16, 2009

614 *Glas Javnosti*, July 16, 2009

615 *Pravda*, July 22, 2009

616 *Ibid.*

617 *Ibid.*

618 *Ibid.*

(Serb and Albanian) police forces threw light on the other, more objective side of the problems plaguing the area. Firstly, the demand for withdrawal of the gendarmerie came immediately after “the search for perpetrators” during which special police forces were searching homes, “acting brutally and maltreating even children.”⁶¹⁹ Mayor of Presevo Ragmi Mustafa said, “Should the brutal action by the gendarmerie continue, every yard and house in Presevo and neighboring villages would be open to them, because we do not want to have our gates, doors and windows smashed. Everything will be available and open to them.”⁶²⁰ Reminding of similar developments in Kosovo in the past decade, he wonders, “Is this the way for Serbia to push the Presevo Valley too towards Kosovo?”⁶²¹

Local Albanian representatives from Presevo and Bujanovac also circulated a letter to some embassies in Belgrade (US, French, German, etc.) and to the OSCE Mission. The hue and cry in the media seemed to calm down once international actors have been addressed. And several relevant newspapers such as *Vecernje Novosti*, *Danas*, *Borba* and even *Politika* carried articles with more complex analyses of the South Serbia problematic. All those stories notably insisted on good neighborly relations between local Albanians and Serbs, as well as on the fact that the two ethnic communities share the same problems, particularly when it comes of underdevelopment.

619 Ibid.

620 *Politika*, July 19, 2009

621 Ibid.

Real-Life Problems of Three Municipalities

Though the tensions seem to calm down in South Serbia, the region's problems remain and have a destabilizing effect on it in the long run. Access to university education of young Albanians is problematic given that there is no faculty in the entire region. Young Albanians, therefore, go to Prishtina to study. Now there are announcements that branches of Nis-seated faculties of law and economics will be opened in South Serbia this fall. Serb authorities would not recognize diplomas issued by the Prishtina University – a decision made at the time of Koštunica's cabinet. All this additionally complicates access to proper jobs for educated Albanians, who are thus forced to leave the country – and actually, this was the reason for which the said decision was made. For, in the long run Albanian community will disappear due to brain drain.

This is how Mayor of Presevo Fahmi Mustafa sums up the situation: "Serbian government does not communicate with us, our elementary school students do not have textbooks in their mother tongue, diplomas of our intellectuals who have graduated from the Prishtina University are not recognized, the gendarmerie brutally searches the cars and homes of our citizens, and our citizens cannot move freely."⁶²²

According to Belgzimi Kamberi, president of the Committee for Human Rights in Presevo, "Albanian leaders and Belgrade alike are trying to instrumentalize the developments in Presevo." "Albanians are accusing the state of repression, and the state is accusing Albanians of terrorism, which contributes to destabilization of the region and serves as a pretext to their inability to solve real-life problems," says Kamberi."⁶²³

622 Vecernje Novosti, July 23, 2009

623 Ibid.

Conclusions and recommendations

Destabilization of three municipalities in the South – in two of which Albanians make the majority population – may trigger off regional instability. In addition, the whole area borders on Macedonia and Kosovo, and is among major smuggling corridors (arm, drugs, human trafficking), which only multiplies the risks. The situation should also be analyzed in the context of open questions – Serbia's denial to "put an end" to the state issue and stop aspiring to Kosovo's partition.

Against such backdrop the international actors' intensified engagement – which Belgrade accepts for the time being – is most important. During the brief "crisis" in Presevo, Serbia's relevant ministers, Ivica Dačić and Dragan Šutanovac were in contact not only with NATO but also with EULEX and UNMIK. This was usually justified by the international institutions' responsibility towards regional security. On the other hand, regional security indicates the need for rapprochement.

Belgrade is presently faced with the same calls for decentralization Kosovo Serbs were granted under Ahtisaari plan. Given that decentralization is a mainstream international standard and trend, Belgrade should better show more understanding for such demands if it wants to avoid further radicalization of the situation.

Only substantive integration of the Albanian community in wider political and economic society could put an end to its isolation and segregation. Only substantive decentralization could encourage Albanians to actively partake in local self-governments but also in republican policies. The region's multiethnic character calls for intensified engagement in confidence building between Serbs and Albanians.

X

Economy

The Problem of an Unfavourable Economic Structure

Serbia finished 2009, the year of a deep global financial and recession crisis, with a 3 per cent decline in its GDP, thus faring a little better than most Western Balkan countries and countries in transition. This relatively small decline was achieved thanks to the funds withdrawn from the International Monetary Fund (out of the total agreed amount of 2.94 billion dollars, about 1.2 billion euros were activated until the end of the year), political and financial support by the European Bank (400 million euros) and World Bank credits for large infrastructure projects and support to the national budget (300 million dollars).

Namely, the mentioned international institutions played, above all else, an active and probably decisive role in encouraging foreign commercial banks to retain the previous year's "exposure level"⁶²⁴ in Serbia, defined under the Vienna Agreement of 27 March 2009. In addition to three IMF arrangements signed with Serbia in late 2008, the Vienna Agreement, which was more or less effectively realized, had a decisive influence on the mentioned 3 per cent decline in Serbia's GDP in 2009, despite a severe recession crisis, according to the data of the Republican Statistical Bureau of Serbia.⁶²⁵ However, when one looks at the absolute level of GDP of 31.5 billion euros in the country with about 8 million actual citizens, it can be easily observed that this relative success does not mean much.

Since Serbia still ranks among the poorest and economically least successful countries both in the region and among countries in transition, it hardly endured even this relatively favourable decline in GDP, under conditions of a deep global crisis, although the earnings of its population were not reduced in 2009; instead, salaries increased by 0.2 per cent in real terms (or by 8.8 per cent in nominal terms), while pensions were higher even by 3.3 per cent in real terms (which means that they increased

624 Level of credits.

625 According to Dnevnik daily, 1 April 2010.

by even 12 per cent in nominal terms). One should also bear in mind that the living standards of the employed were fairly well preserved on account of a decrease in employment, so that the number of employed declined by 133,000 (minus 6.7 per cent). This increased the unemployment rate to about 17.5 per cent, so that this basic problem of the Serbian economy was further enhanced.

Otherwise, the inflation rate in 2009 was 6.6 per cent and, although it is still four times higher than in the EU member countries (where the inflation rate was 1.4 per cent), it must be noted that it was the lowest in Serbia in the last decade.⁶²⁶ The avoidance of an increase in the increased crisis-related taxation of the population (with the low average net monthly earnings of 31,733 dinars, or a little higher than 300 euros) had a rather unusual result (for a crisis) – a very high increase in household savings, by 26 per cent, which cannot be fully explained by the restraint of consumption due to the fear of tomorrow, or by some positive exchange differentials (because the lion's share of savings is denominated in foreign currency).

At the same time, foreign exchange reserves rose by 29 per cent, which also indicated that the banking sector preserved its credibility and that foreign support funds were not squandered. In other words, the foreign exchange reserves of the National Bank of Serbia rose by 2,411 million euros in 2009, thus amounting to 10,601 million euros at the end of the year. At the end of 2009, Serbia's total foreign exchange reserves amounted to 12,026 million euros (during 2009, they rose by 2,916 million euros).⁶²⁷

However, despite these relatively "pink data" considering such a massive global economic crisis, one can observe something very disturbing – the current recession and foreign trade paralysis revealed Serbia's very unfavourable economic structure. Namely, the creation of GDP relies primarily on the trade, services and finance sectors, while the share of domestically-produced tradable goods in the GDP structure is declining, which is reflected in the country's very high export dependence and weak export

626 The data presented by Prime Minister Cvetković at the Kopaonik Business Forum (8-11 March 2010). See: NIN weekly magazine, 11 March 2010.

627 MAT, No. 183, January 2010.

sectors. One part of this unfavourable picture can be easily observed on the basis of many other macroeconomic data on Serbia's economic trends in 2009.

A Dramatic Decline in Industrial Output

In that sense, the data presented in the monthly bulletin MAT, which is published by the Economics Institute in Belgrade,⁶²⁸ show a dramatic decline in industrial output in 2009 by 12.1 per cent. Out of 29 industries, a rise in output was recorded only in 4. The construction industry was hit especially hard – its output declined by one third. Retail trade is also one of the biggest losers. In 2009, after a decade of steady growth, its turnover declined by 5.4 per cent (in constant prices this decline was 12.3 per cent).

All this (coupled with a decline in oil prices on the world market) resulted in a very large decline in Serbia's foreign trade in 2009. Exports of goods and services amounted to only 5,962 million euros, thus decreasing by 19.7 per cent compared to 2008. Imports decreased by 28 per cent and amounted to 11,157 million euros. For these reasons, the trade deficit declined by 35.6 per cent (it amounted to 5,196 million euros), which certainly cannot be counted as success. In the final analysis, this failure of foreign trade had seemingly "positive" consequences for movements in Serbia's balance of payments deficit which, in 2009, declined by 71.2 per cent and amounted to 1,743 million euros (as contrasted to the deficit amounting to 6,055 million euros in 2008) – which again was not the result of the genuine revival of Serbia's export orientation, but of the failure of its foreign trade.

To put it simply, recession reduced Serbia's already low level of inclusion in the international division of labour and faced both the government and the public with the fact that the Serbian industry has no sufficient internal market and foreign market competitiveness (competitiveness on the world market declined significantly). Naturally, the question that imposes itself here is how the Serbian Government should react to

628 Ibid.

post-crisis economic prospects, which should be considered in terms of the changed environment in a global sense.

Throughout 2009, there was a debate (which became heated at the end) about the monetary and foreign exchange policy of the National Bank of Serbia, headed at that time by Governor Radovan Jelasic, due to the fact that, after several years of stability, the dinar began to slide downward relative to foreign currencies. This decline hit especially hard the enriched yet heavily indebted class of entrepreneurs because, as stated by Milos Bugarin, President of the Serbian Chamber of Commerce, in an attempt to illustrate the problem, whenever the euro increases in value by one dinar, it theoretically imposes the cost of 20 billion dinars on the economy (since its debt amounts to nearly 20 billion euros).⁶²⁹ On the other hand, experts argued that the policy of an appreciated dinar led to the formation of an unfavourable economic structure, which is dominated by services and import sectors (Vladimir Gligorov, Pavle Petrovic and others).

In 2009, the dinar virtually devalued against the currency basket by about 8.2 per cent and from October 2008 to early November 2009 it devalued against the euro by even 18 per cent. This percentage is not low, but could have been even lower. The polemic over a change in the foreign exchange policy and its power to influence the creation of a new development policy culminated in early 2010 and resulted in Governor Jelasic's resignation on 23 March.

Anti-Crisis Moves

Considering the movement of the GDP growth rate in 2009, one might conclude at first glance that the Serbian Government managed to find relatively efficient incentive measures for the revival of economic activity. Namely, in the first quarter of 2009, a decline in GDP was 4.1 per cent, in the second 4.2 per cent, in the third 2.3 per cent and in the fourth only 1.6 per cent. However, it was the question of a statistical "optical illusion", since the rate of a decline in GDP was decreasing mostly due to the fact

⁶²⁹ *Danas*, 17 December 2009.

that recession in Serbia actually appeared in mid-2008, so that at the end of that year the “comparison base” already dropped, which also lowered the rates of a decline in GDP at the end of 2009. Nevertheless, this does not mean that the anti-crisis measures of the Serbian Government cannot be positively evaluated.

On 29 January 2009, the Cabinet of Serbian Prime Minister Mirko Cvetković presented to the public its programme of measures for neutralizing the negative effects of the global economic crisis in Serbia. It must be said right away that it was a creative and well-conceived plan, devised to channel only 8 billion dinars from the budgetary funds into the economy and private consumption, thus activating about 122 billion dinars, including mostly foreign and banking resources.⁶³⁰

In this attempt to mitigate shocks of the global financial crisis, the Serbian Government proceeded from the idea to “grease” foreign credit inflow in a roundabout way – by using revenues from somewhat new fiscal burdens, which do not generate much effect on the poorest sections of the population (and were primarily paid by fuel consumers and smokers), based on interest cost subsidy. The Government’s plan was actually based on the thesis that Serbian banks had unemployed money, thus being able to borrow more money abroad. It was only necessary to “motivate” them to invest more boldly (including government endorsement, that is, subsidy of the interest portion of credit). It was also held that at the time when the interest payable on loans in the European countries was drastically cut down to the reference margin of 0.50-1 per cent, Serbian banks could obtain cheap money and borrow it to domestic consumers and economic agents under much more favourable terms than hitherto, but still being very profitable (after the subsidy – 6 per cent annual interest, for the money bought at 1 or 2 per cent interest). One part of the risk (guarantee), coupled with the interest subsidies of about 20 million dinars – was borne by the government. This programme had such an influence that in 2009 commercial banks in Serbia increased their dinar investments by 278 billion dinars (nearly 300 million euros), which amounted to 1,330 billion dinars (nearly 1,330 million euros) at the end of the year.

630 Vreme, 5 February 2009.

In this first anti-crisis package, modelled after those in Germany, the United States and some other countries, the Government also supported the domestic automobile industry by providing reliefs on their purchases based on the "new for old" system. Thus, the owners of old cars, which are worth less than 1,000 euros on the market, could obtain a seven-year loan under very favourable terms, at the interest of 4.5 per cent, for the purchase of Punto cars produced in Kragujevac for less than 6,000 euros. While introducing this system, Minister of Economy Mladjan Dinikic emphasized that in this way old cars would be removed from Serbian roads and the sale of about 15,000 Fiat Punto cars assembled in Serbia in 2009 would be ensured. The solution was witty in the sense that it actually concealed the abolition of VAT charged on the sale of "domestic-made cars". This certainly did not suit competitors and big exporting countries, which constantly complain about the avalanche of protectionist measures in crisis-hit underdeveloped countries.

Although the Government's anti-crisis measures were mostly implemented, they failed to significantly ease the pressure of the crisis. Therefore, it was expected that the Government would strengthen its "anti-crisis policy", should it get approval to change the economic policy propositions for 2009, which were agreed under the stand-by arrangement with the IMF. In that sense, the arrival of an IMF mission in Belgrade for the second revision of its arrangement with Serbia in the summer of 2009 was the main economic and political topic.

Such an economic policy shift toward a more radical pro-growth policy was explained by Serbian Prime Minister Mirko Cvetković (in his interview with Reuters) on 20 February 2009. He admitted that a large decline in fiscal revenues at the beginning of the year (by 20 per cent) clearly pointed out that the forecasts about (only) a decelerated growth rate of GDP down to about 3-3.5 per cent (as opposed to a 5.5 per cent increase in 2008) were not sufficiently realistic, so that the recession wave recorded in Serbia in the last quarter of 2008 was intensified. In that sense, Prime Minister Cvetković made the revised assessment of an increase in GDP in 2009

– somewhere “between 0.5 and 1 per cent”, emphasizing that the Government did not expect a “negative rate” or, more precisely, a more serious recession. This was another failure of the Serbian Prime Minister in assessing the effects of the crisis because, as we have already indicated, the year would end “relatively successfully”, with a 3 per cent decline in GDP.

The Serbian Government then presented to the public its platform for new negotiations with an IMF mission, where the latter was asked to approve a higher budget deficit than the one previously agreed – 1.5 per cent of GDP. As stated by Deputy Prime Minister Mladjan Dinkic, the budget deficit should be increased to about 2.5-3 per cent of BDP in order to prevent a decrease in salaries and pensions.⁶³¹ Dinkic also expected that the IMF would accept this revision because Romania, for example, was approved the budget deficit of 7 per cent. He also pointed to the practice of many more developed European countries which, at that time, counted on the budget deficit of about 3 per cent of GDP.

Experts also supported the significant revision of the Arrangement with the IMF. In the opinion of Pavle Petrovic, for example, Serbia’s entire monetary and foreign exchange policy should be reviewed together with foreign experts.⁶³² He 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 the ebbing of foreign capital inflow and the flight of 926 million euros from foreign currency savings and 113 million euros from company deposits kept with commercial banks (at the end of 2008) – the National Bank of Serbia “dried up” demand (that is, it reduced total money supply) to such an extent that it could not be compensated by the government which, by spending its deposits on the fulfilment of the pre-election promises, was favouring economic activity. Simply put, Petrovic implicitly suggested that it would be desirable to discuss the monetary policy and factual policy of “targeted exchange rate” pursued by the National Bank of Serbia with the IMF, since it was observed that its reference interest rate was ineffective, despite

631 *Blic*, 21 February 2009.

632 *Vreme*, 19 March 2009.

a grotesque level (at that time it was 19 per cent, while by the end of the year it dropped to 9.5 per cent).

On 25 March, after rather long negotiations, the Serbian Government and IMF mission reached an agreement on an increase in the level of financial support to Serbia from about 2 to about 3 billion euros; the government budget deficit of 3 per cent of GDP was also approved, provided that the budget would be revised downwards by about 100 billion dinars (a 13 per cent decline relative to the previously adopted one) and additional fiscal adjustment.

A rather broad debate was initiated in the professional community just because of “fiscal adjustment” from different viewpoints. Some of them held that one should not be deceived and that a 6 per cent tax on salaries and pensions, which was previously agreed with the IMF, was not sufficiently generous in the given circumstances and that any modification of the model would affect the government’s credibility (this view is held by Danica Popovic).⁶³³ Others, and they are more numerous, tried to find some mixed model in which the “targetted group ” of taxes on earnings would be narrowed either by raising the non-taxable threshold (up to the average salary level, for example), or by reducing the number of taxpayers to those employed in the “classical” administrative and judicial apparatus (this group could include Jurij Bajec and Miladin Kovacevic). Miroljub Labus was the only one who dared to mention the possible decrease in government investments. He even stated that over the past years government investments “have been of little avail, except that the government has been scoring political points”.⁶³⁴ Finally, it turned out that the government did not build anything in 2009 and that total investments in Serbia declined by 20 per cent.

633 Vreme, 2 April 2009.

634 Politika, 31 March 2009.

Workers' Protests and Strikes

The measures promised by the Serbian Government to the IMF mission in March were not fully implemented, while those which were undertaken did not produce the expected results, so that the economic situation was really disturbing at the end of the first half-year of 2009.

Namely, Serbia's budget deficit at the end of the first half-year reached 52.4 billion dinars, while under the March arrangement with the IMF, the budget deficit of 70 billion dinars was envisaged for the whole 2009 year (coupled with the fiscal adjustment of 90 billion dinars). Since control over the execution of the mentioned Arrangement was scheduled for the end of August, the debate in the Serbian Government concerning the question as to what should be done was reopened. Public tension was especially caused by the assessment of Finance Minister Diana Dragutinovic, presented at the press conference (24 July), that the national budget deficit could increase to 110-115 billion dinars by the end of the year. At that moment, real government revenues were falling three times faster than government expenditures (about minus 15 versus minus 5). At the mentioned press conference, Minister Dragutinovic tried something impossible – to combine the soothing statement (that “nobody should worry, since the money for government expenditures has been secured”) with the bitter facts about a steady decline in government revenues and the announcement of a new wage tax, which should fill the gap in the treasury to some degree.

Minister Dragutinovic bore in mind that it was also agreed with the IMF that the government should borrow from the National Bank of Serbia on account of the loan provided under the stand-by arrangement, and based on the promise of the European Commission that it would donate 100 million euros to support Serbia's national budget, out of which 50 million euros would already be paid in the autumn. Nevertheless, she also said that she had contemplated introducing some kind of double taxation

of salaries in the business sector – and the limit would be the monthly salary of 40,000 dinars. For those who earn less than 40,000 dinars monthly (550,000 of them or, more precisely, about one half of the employed in the economy) the tax would be somewhat lower, while for those who earn more (545,000 employees in the economy) it would be somewhat higher, so that about 12 billion dinars could be obtained from this source. She even mentioned that for those with low salaries the tax rate would be 10 per cent (salaries above 9,000 dinars) and for others 20 per cent (at present, the tax rate is uniform, 12 per cent, on salaries above 5,000 dinars).

The political situation in Serbia, where there are workers' strikes and massive protests in some poor regions, did not allow the Serbian Government to get up the courage to take this direction in problem solving. Even the otherwise conflict-prone employers and representatives of the Employers' Union of Serbia, Confederation of Autonomous Trade Unions of Serbia and United Branch Union "Independence" sent a letter (on 30 July) to Prime Minister Mirko Cvetković rejecting both an increase in VAT and an increase in the wage tax. They emphasized that the "economy cannot sustain a heavier burden, since one million and one hundred fifty thousand employees in the economy are currently financing 700,000 welfare recipients and 1.6 million pensioners, filling the budget from which salaries are paid to another 690,000 employees in the government administration, public sector and loss-making public enterprises".⁶³⁵ (This is really fantastic – out of 590 Serbian public enterprises, 580 operate at a loss – which is a result of the partisan management of these firms.)

The crisis and difficult social conditions turned the anger of the broadest sections of workers against the entire hitherto process of privatization and, in particular, new owners, who failed to start production in the firms they had bought and even pay the remaining workers. According to a widespread theory, the "entrepreneurship crisis" in Serbia is due to the fact that the global crisis "broke" the mechanism of reselling (naturally, with a very high margin) purchased firms to foreigners, that is, solvent foreign entrepreneurs, so that "heavily indebted" buyers of socially-owned firms found themselves at variance. Namely, the obligations towards the

635 Dnevnik, 30 July 2009.

loans by means of which (according to the law) they had bought enterprises in five instalments for further sale or “renaming” business facilities into building land (and then the selling flats) – became due, so that such investors felt stretched and paralyzed, since they did not manage to resell the acquired firms and their inventories, because “secondary privatization” was at a standstill. Namely, by taking out a mortgage on their own and newly acquired property, they already obtained new loans for their old firms and for new villas and yachts, while foreign investors, who should really revive their enterprises, are not at sight.

Referring to such cases, Serbian Deputy Prime Minister and Minister of Science Bozidar Đelić stated⁶³⁶ that “it is necessary to check the privatization contracts of the buyers who failed to fulfil their obligations” and that there were cases that “a well-to-do person buys twenty firms in Serbia and makes a big profit, on one side, and lays off the workers, on the other”. In this connection, Dr Zoran Zec voiced his opinion that the possibility of purchasing socially-owned enterprises in five instalments (at the price that could be even 20 per cent of the book value) opened the gate to the club of “new capitalists” for the people who know nothing about business and who finally ruined these firms.

Unfortunately, the privatization process in Serbia is really slow and did not live up to the exaggerated expectations. Seven years after the introduction of the “system of selling” socially-owned firms,⁶³⁷ there are still 287 unsold socially-owned enterprises, 108 state-owned enterprises and 332 enterprises subject to winding-up proceedings. Otherwise, from 2001 to 2009, about 1,828 firms were sold through tender and auction privatization, while 420 sales contracts had to be cancelled, since new owners failed to execute them. Consequently, it can be said that every fourth privatization was cancelled and that nobody knows what happened with buyers. It is not known whether they lost their property in those failed transactions, or managed to transfer the assets of the purchased enterprises to their firms before the cancellation of the privatization contract.

⁶³⁶ *Blic*, 8 August 2009.

⁶³⁷ *Politika*, 6 June 2009.

In such circumstances, when the economic situation was difficult and the internal political one was becoming radically tougher, a beneficial contribution to the stabilization of the overall situation in 2009 was made by agriculture, thanks to favourable weather conditions. According to the official data obtained from the experts of Zitovojvodina in Novi Sad, the crops harvested in Serbia in 2009 included as follows: about 1.2 million tons of wheat (3.9 tons per hectare), about 4 million tons of corn (5.9 tons per hectare), 2.7 million tons of sugar beet (45.6 tons per hectare), 350,000 tons of sunflower (2.4 tons per hectare) and 320,000 tons of soybean (2.4 tons per hectare).⁶³⁸

Blic, January 5, 2010.

In fact, output was even larger, especially in the case of wheat and corn (in central Serbia, in particular), but the exact figures are not known, since goods usually flow into the grey market. Nevertheless, it can be estimated that, compared to 2008, agricultural output rose by about 4-5 per cent. This does not mean, however, that peasants fared well; the government did. At least there were some goods that could be sold on the world market – despite the crisis.

The new negotiations of the Serbian Government with an IMF mission in Belgrade in October – which were mostly oriented towards the formulation of economic policy for 2010 – were largely burdened by Serbia's insufficiently good economic results in 2009. After much tension, the second (which remained open) and third revision of the Arrangement with the IMF were finalized only in early November 2009. It was agreed as follows: in 2010, pensions and salaries in the public sector should be frozen; surplus administrative personnel at the republican and local levels should be laid off (15,000 people); the budget deficit of 4 per cent of GDP was approved; it was also approved to begin with pension reform, including the setting of more stringent criteria for early retirement and a narrowed right to reduced service years for retirement; the extension of the pensionable age limit for women from 60 to 63 was given up; the beginning of health and education reforms was determined and, what currently carries

638 Vreme, 31 December 2009.

the greatest political weight, the VAT rate would not be increased.⁶³⁹ A rather ambitious national budget for 2010 was adopted, with the projected revenues of 655.9 billion dinars and estimated expenditures of 762.9 billion dinars (consequently, with the approved deficit of 107 billion dinars).⁶⁴⁰

It is interesting to note that, in December 2009, the Serbian Assembly first adopted the 2010 budget (with a one-month delay in relation to the law on the budget) and then the budget for the current year (2009) was revised for the second time. Finally, it was determined that in 2009 government revenues amounted to 698.7 billion dinars and that 719.8 billion dinars were spent or, in other words, the budget deficit of 104.8 billion dinars was incurred.

The basic figures in the Serbian budget for 2010 point to the conclusion that the government will eliminate the consequences of the 2009 crisis very slowly, although the crisis was seemingly overcome relatively well. It is also possible that some problems will emerge and that they will generate a high increase in foreign borrowing during the crisis which, all things considered, orients Serbia towards a more resolute continuation of pro-European reforms, so that it can join an economically more secure community as soon as possible.

639 *Blic*, 4 November 2009.

640 *Politika*, 2 December 2009.

XI

The Media

Media Easy Prey

An insufficiently regulated market, different forms of control, different property relations and further tabloidization of the press (and, thus, its low professional level) which, with nuanced differences, have been characterizing Serbia's media space for years, were also present in 2009. A certain difference lied in the fact that the year 2009 was very difficult from an economic viewpoint due to the global economic crisis and dramatic decline in advertising and publicity, especially in the print media.

The impoverished media make easy prey for the executive authority and economic power centres which, despite the lack of formal controls, exert a strong influence on shaping the print media and radio and TV programming through extra-institutional channels. Property relations in the Serbian media sector are still varied. Media ownership ranges from state ownership to ownership based on "vague" or dubious capital. Privatization is carried out slowly and with many unknowns, although a set of regulations governing the media sector was adopted several years ago with a view to speeding up the process of media transformation.

The announced elaboration of the *Media Strategy*, which should contribute to setting the media aims and priorities, as well as the principles and values that should be protected, did not progress beyond the announcement, so that – when its elaboration is in question – there is a reasonable doubt about the sincerity of the government's intentions to reform the media scene in a systematic way, thus enabling both the development of the media sector and further democratization of society.⁶⁴¹

However, one must not disregard the contribution of the media themselves to their status – many of them agree to serve partisan or business interests by themselves; resistance to various pressures is mild or non-existent, while journalists are still divided between two rivalling associations. All this resulted in the low professional level of the media, proverbial distrust of the public, further practicing of so-called patriotic journalism, semi-tabloidization of the serious media (an increased number of

641 Fourth Report on Legal Monitoring of the Serbian Media Scene, September 2009.

pages devoted to entertainment at the expense of serious contents) and, only occasionally, the proper attitude towards topical issues, which are mostly dealt with on RTV B92, in the daily newspaper *Danas* or weekly magazine *Vreme* and, as of recently, in *NIN*.

So, the media yield to the taste of the public which, oversaturated with politics and politicians, mostly regards them as a means of entertainment, rest and relaxation. According to the survey conducted by the Centre for Free Elections and Democracy (CeSID) in May 2009, only every tenth citizen most often watches political content on television; political articles in the print media are read by only 9 per cent, while only 7 per cent of citizens are interested in political topics on radio.

According to this survey, citizens mostly expect various types of entertainment content from the media. As for the print media, 22 per cent of citizens mostly read entertainment articles; over 50 per cent of citizens listen to music on radio, while every fourth citizen mostly watches films and series on television. Naturally, this does not mean that citizens do not like any other, more serious content; rather, it is the question of the quality of such content and the lack of confidence in political institutions and politicians due to a lot of negative publicity in most media.

The flagrant violation of the principles of journalism ethics occurs in the Serbian media almost on a daily basis. This especially refers to tabloids, which virtually print wanted circulars for people on the public scene without any consequences, or the content falling below the professional standards. So, for example, the daily newspaper *Kurir* most directly called the under-age son of a well-known journalist a drug addict, giving his initials, while at the same time providing the data that unmistakably pointed to his identity. This daily newspaper is also known for its headlines meant to attract more readers: "Oh, how I felt aroused, I really felt aroused!", "Shiptars' hoax",⁶⁴² or "Kusta kicked Croatian Radio Television".⁶⁴³

In the country which is, according to many analysts, ruled by the par-tocracy, it is not very difficult to find out what political option the media

642 <http://www.kurir-info.rs/clanak/stars/kurir-13-06-2009/al-sam-se-napalila-bas-sam-se-napalila>.

643 *Kurir*, 6 November 2009.

belong to, or who they support, or with what media citizens most often identify themselves in partisan terms. The CeSID survey shows that about 40 per cent of the readers of the most popular daily newspaper *Blic* identify themselves with the Democratic Party (DS). *Kurir* is most often read by citizens who are closer to the Serbian Progressive Party (SNS). In the composition of the readers of *Vecernje novosti* and *Press*, the proportions of those inclined to the DS and SNS are almost equal, while nearly every fifth reader of *Politika* shows affinity for the Democratic Party of Serbia (DSS).⁶⁴⁴

According to the same survey, the composition of the viewers of RTS and *Pink*, in particular, is dominated by SNS supporters (10 per cent above the average), while in the composition of the viewers of *B92* and *FOX* there is a high share of those identified with the DS. This especially refers to *B92*, since 45 per cent of its patricianly committed viewers are DS supporters. In general, the share of the viewers being closer to the rightist or centre-right parties is significantly higher in the composition of the viewers of RTS and *Pink*, while the share of those being closer to the leftist or centre-left parties is higher in the composition of the viewers of *B92*. The same applies to the composition of the viewers of *FOX*, but the share is somewhat lower.

In 2009, it was demonstrated on several occasions that the media in Serbia could still be regarded as the “seventh force”. By raising public awareness through their criticism, they discouraged the deputies in the Serbian Parliament from securing various benefits and privileges for themselves, including early retirement. The media also closed their ranks after the murder of French football fan Brice Taton and when threats made to RTV *B92* journalist Brankica Stankovic, thus forcing the authorities to deal more harshly with extremist fan groups.

In 2009, a positive and important development in the media sphere was the formation of the *Press Council*, the first self-regulatory body on the Serbian media scene. It was formed after more than two years of negotiations and adjustments between the journalists’ associations and business associations of the press. The founders of the Council, a specific media jury that will monitor the observance of the Journalists’ Code of Serbia, are the *Independent Journalists’ Association of Serbia* (NUNS) and *Journalists’*

644 <http://www.nuns.rs/dosije/29/09.jsp>.

Association of Serbia (UNS), on behalf of the journalists' associations, and the *Media Association* and *Local Press*, on behalf of business associations.

The Press Council will monitor the observance of the Journalists' Code of Serbia in the print media and act on complaints from individuals and institutions about concrete print media contents. In addition, it will mediate among the injured individuals, institutions and editorial offices and will issue public reprimands for violations of the ethical standards set by the Journalists' Code of Serbia.

The amendments to the Criminal Code (which came into force on 11 September 2009) are also important. Under these amendments, journalists obtained the status of persons performing the activity of public importance, so that the punishments for threats, assaults or their assassination became more severe. At the end of the year, there began the registration of the public media in accordance with the changed Public Information Law.

Information Law

The amendments to the Information Law (August 2009) were preceded by a debate, which lasted several months and during which a greater part of the public, most media and one of the two journalists' associations (UNS) objected to their adoption. The adoption of these amendments raised tensions in the Parliament, where strengths were measured not only by the ruling and opposition political parties, but also within the ruling bloc. The adopted amendments, proposed by the opposition Liberal Democratic Party (LDP) of Cedomir Jovanovic and previously harmonized with the NUNS and OSCE Mission to Serbia, calmed down the agitated public only to some extent, while the Law, at the proposal of the Republican Ombudsman, ended in the court for the assessment of its constitutionality.

The amendments to the Information Law were drafted at the initiative of Minister Mladjan Dinkic and his G17 Plus, so that many claimed that this was Dinkic's showdown with the daily newspapers *Kurir* and *Glas*

javnosti due to negative articles about him which appeared a number of times. At various public forums the editors of most media came out against the proposed amendments, while in mid-July 2009 the editorial staff of *Borba* daily called on Serbian journalists to raise their voice against the amendments, stating that the media should not be edited by politicians.

The main remarks of the professional public and media themselves referred to the fact that the amendments to the Information Law were submitted to the Parliament for a shortened adoption procedure, without a public debate, as well as to the provisions stipulating draconian penalties and a ban on the transfer of media founders' rights. Under the amendments to the Public Information Law, the penal policy concerning the violation of the professional standards was considerably tightened, stipulating a number of economic offences that might lead to a ban on newspaper publishing. The Council of Europe expressed its concern because the public was excluded from the process of proposing the amendments to the Law; the OSCE pointed out that the urgency of amending media legislation would endanger media reform, while the International Federation of Journalists called for the withdrawal of the Law from the procedure, stating that its modification would violate the European principles of freedom of the press.⁶⁴⁵

The authorities found themselves in a paradoxical situation that the Law was opposed by the Socialist Party of Serbia (SPS), which was known for curtailing the freedom of the media (and the media themselves) during the 1990s, and by the Serbian Progressive Party (SNS), whose Vice-President Aleksandar Vucic, a former Radical, is remembered as the worst Minister of Information in the country's recent history. The professional public was unanimous that it would be necessary to put an end to the dictatorship of the "black press" and to civilize and discipline some media (*Kurir, Glas javnosti*), which contaminated the public sphere by printing various claims and falsehoods concerning certain persons without any evidence or consequences for years.

However, they were also unanimous that this could have been done more simply, by implementing the existing Criminal Code and not by

645 <http://www.nuns.org.yu/dosije/30/14.jsp>.

amending the Law which would create circulation and advertising problems due to draconian penalties and, thus, contribute to shutting down certain media and to self-censorship. After the adoption of the Law, the media were flooded with legal complaints from “controversial businessmen” and persons directly linked to the criminal underground, while the yellow press and tabloids were only scratched. This was stated at the forum of journalists from the Pcinja District, which was devoted to the amendments to the Information Law.⁶⁴⁶ Nevertheless, it was said that serious and professional journalists should not be afraid of anything if they observed the ethical standards of their profession.

Patriotic Journalism

The journalism harnessed to serve the so-called national interest, without any reservation or critical distance, has not vanished from the Serbian media. Whenever the occasion arises, it seems that there begins patriotic competition, which is reflected in the continuous repetition of some events according to the nationalist matrix (during 2009), whether it was the question of the 10th anniversary of the NATO bombing of Serbia or the proposed resolution on Srebrenica.

In the first case, the NATO bombing of Serbia in 1999 was presented in most media as an act of aggression, without reminding the listeners and readers what had preceded it. As for the proposal that the Serbian Parliament should adopt a resolution on Srebrenica, the word “genocide” was said through clenched teeth, when quoting the (rare) politicians who mentioned it in that context. One of the exceptions when Srebrenica is in question was *Vreme* weekly which, in early February 2010, published the photograph of Ratko Mladić on its front page with the caption “Srebrenica Case, an Unpunished Criminal”, while in the text⁶⁴⁷ it was said: “It seems that all of them have become entrenched in the views which they

646 *Politika*, 26 October 2009.

647 <http://www.vreme.com/cms/view.php?id=911165>.

defended five years ago, coupled with individual evolution towards the opinion that we will take a new approach once we see the full text..."⁶⁴⁸

Kosovo is practically a taboo topic, although it is dealt with in the media on a daily basis. However, this topic is presented solely in terms of the official political discourse, coupled with continuous mantra chanting that Serbia will never recognize Kosovo and that Kosovo is part of Serbia. In numerous interviews devoted to the Kosovo issue, politicians are allowed to continuously repeat this mantra, without being asked the genuine journalistic questions concerning Serbia's actual control over Kosovo and realistic prospects for retaining Kosovo within its borders.

Rade Veljanovski, Professor at the Faculty of Political Sciences in Belgrade, said for Radio Free Europe that he "learned from certain sources that at one of its meetings, a little more than a year ago, the Management Board of the Public Service Broadcaster RTS adopted some kind of resolution that patriotism should be reflected to a greater extent in the work of its journalists. And this can be observed in many cases, not only on this television, but also in other media. Truly, Milošević's striking fists are not in the mainstream media any more. However, they can be found in some other media segments – engaging in non-fiction writing or in journalism. On one television channel in Subotica, I have recently watched a programme which was prepared by a typical warmonger from that period. I froze when I realized that and he announced that there would be five more episodes in the same style".⁶⁴⁹

Pressures on the Media and Threats to Journalists

In Serbia there is no formal control over the media, but the executive authority and economic power centres exert a strong pressure on shaping the print and electronic media. Unlike the pressures on the media during the 1990s, which were direct and rough, and coupled with draconian penalties, after the democratic changes in 2000 they became more

648 *Vreme*, 4 February 2010.

649 http://www.slobodnaevropa.org/content/most_mediji/1563367.html.

sophisticated (giving instructions or “suggestions” to editors-in-chief). These pressures now seem to be milder but, according to their consequences, they are more severe.

The already impoverished media are faced with the combination of political and economic pressures, as well as the shutdown of advertising and publicity channels under the dictate of economic power centres, which are in collusion with the authorities. Velimir Curguz Kazimir, Director of Ebart Consulting/Media Documentation, says: “At this moment, there are no media in Serbia which are free from the influence of advertisers or, better said, the political elite behind them, unless they have been created exclusively for esoteric purposes. This influence can sometimes be observed on the front page already, while in some cases it is necessary to read the newspaper more carefully”.⁶⁵⁰

As stated in the Sixth (November) Report on Legal Monitoring of the Serbian Media Scene, the freedom of expression in Serbia is still violated or endangered in different ways, while an increase in threats and pressures by some powerful groups and individuals on investigative journalists is especially evident. Since May 2009, monitoring has been carried out by the team of Zivkovic & Samardzic Law Office, in cooperation with the Association of Independent Electronic Media (ANEM).

The daily newspaper *Borba*, which disclosed that the government gave one million dollars in compensation to the family of Bryan Steinhauer who was beaten by Miladin Kovacevic in the United States (the latter fled the United States with the help of the Serbian Consulate, thus escaping its justice), had trouble with the police, since this government decision was declared a state secret. The *Borba* managers claimed that after this event, which placed the government in an unpleasant situation, all advertising sources dried up, so that the newspaper soon ceased to be printed and remained available only online. Later, it was shut down. However, in early November 2009, the NUNS called on those responsible in *Borba* daily to explain urgently to their employees and the public why the newspaper ceased to be published. It also stated that the employees were not paid for a few months and that the compulsory contributions assessed on

650 NUNS, *Mediji i etika*, August 2009 – January 2010.

their salaries were not paid since January. The NUNS also called on the relevant government bodies to check whether the privatization conditions were observed, as well as on the Labour Inspectorate to check whether the employer was fulfilling his obligations towards the employees.

In October 2009, unknown vandals stole the memorial plaque from the building where journalist Slavko Curuvija lived and was murdered 11 years ago. His murder has not been solved to the present day. Between 3 and 4 October 2009, a hand grenade was thrown at the main entrance of TV *Pink* from a moving motorcycle. The main entrance was completely destroyed, but there were no casualties. This incident created an additional sense of insecurity among the media.

The case of the tabloids *Kurir* and *Glas javnosti*, the way in which their documentation was taken away and the arrest of journalist Slavoljub Kacarevic, the former editor-in-chief of *Glas javnosti*, provoked reactions from journalists and raised concerns over the behaviour of the relevant government bodies in this case. Although these newspapers (like their owner Radisav Rodic, who was arrested for tax evasion) do not have a good professional reputation, journalists reacted to the arrest of Slavoljub Kacarevic on suspicion of abuse of office. The petition of the Journalists' Association of Serbia urging Kacarevic's release and remaining free while on trial was signed by 542 journalists and editors-in-chief from almost all media in the country. *Kurir* and *Glas javnosti* were reporting for weeks that their work was hindered by the tax and police authorities. On 27 September 2009, they reported that the Tax Administration representatives, accompanied by a few dozen policemen, took away the business documentation from the building in 8 Vojkovic Street. In this connection, in the September Report on Legal Monitoring of the Serbian Media Scene it was stated that under the Public Information Law nobody should restrict the freedom of public information, not even indirectly, which refers specifically to the abuse of government authority.

Journalists outside Belgrade are especially exposed to pressures and open threats, while local power holders often "edit" the media, or at least

wish to do that in order to shape their editorial policy according to their own interests and promotion needs. The decision of the Novi Pazar in October 2009, whereby H.L. and F.L. were sentenced to 30 days imprisonment because of their violent behaviour and threats towards the team of journalists of TV *Jedinstvo* in June 2008, is encouraging to some extent. Namely, H.L. and F.L. threatened Ivana Milic and cameraman Edis Klimentita with death while filming the story about illegal construction.⁶⁵¹

The culmination of threats and danger of serious physical harm to journalists took place after the announcement and then broadcasting of the TV series entitled "Impotence of the State" within the *B92* TV investigative series called "Insider". Brankica Stankovic, the author of this series which, inter alia, dealt with the leaders of extremist fan groups, was exposed to the most direct, most serious and most vulgar threats for days, so that she was given police protection.

Fans and Sports Journalism

Threats received by Brankica Stankovic (the double recipient of the prestigious Jug Grizelj Award) were only the external manifestation of the profound problem of society which began much earlier, with the support of the Milošević regime, and was also covered up or tolerated in the subsequent years. The organized groups of football fans were a significant instrument for pursuing the political aims during the war years of the 1990s. However, in the context of the national ideology, their role was also not neglectable in the later period. Violence provoked by them either at the stadiums or outside of them evidently had its political sponsors.

So-called football fans led the attacks on foreign embassies and the demolition of Belgrade after the proclamation of Kosovo's independence (all this was done with the support of the then government and Prime Minister Vojislav Koštunica). They were also the perpetrators of the murder of the French football fan Brice Taton in the centre of Belgrade. This murder (in which some members of the Partizan fans' group "Alcatraz"

651 <http://novipazar.wordpress.com/2009/10/21/zatvor-zbog-pretnje-novinarima/>.

participated) and the subsequent threats to Brankica Stankovic finally mobilized the media to write about such football fans in a proper way and call them by their proper names – hooligans and criminals.

Referring to the police sources, *Blic* daily reported that over a thousand criminals were hiding among the groups of Zvezda, Partizan and Rad supporters. This was known to prosecutors, judges and the politicians sitting on the board of these football clubs for years. However, the whole country raised its voice against violence only after the murder of the French football fan Brice Taton. Nevertheless, they all shift responsibility onto each other.⁶⁵² Until then, the media most often hushed up or relativized violence and the spread of hate at sporting events. The majority of sports journalists, who are often linked to sports clubs, report only what they see on the sports ground (and, at times, not even that if the event exceeds the bounds of sport); chanting, vulgarities, surges of hate and threats are most often hushed up.

As for the boards of these sports clubs, the situation is similar. They stood up against extremist supporters only after being repeatedly called to do that by the media, while the authorities reacted more resolutely – with arrests – only when the behaviour of extremist fan groups exceeded all bounds. After the presentation of the survey entitled “Media, Sports, Violence”, which was conducted by the Ministry of Sports and Youth in cooperation with the Sports Journalists’ Association, Minister Snezana Samardzic-Markovic stated: “The media are not responsible for the escalation of fan violence, but they cannot avoid their part of responsibility, especially when the public condemnation of violence is in question.”⁶⁵³

According to this survey, which contains an analysis of journalist texts in 2009, the responsibility of journalists lies primarily in their weak condemnation of violence (33 per cent) and passive attitude towards it. It is also interesting to note that the greatest number of texts dealing with violence is by anonymous authors, that is, they are signed with NN. In this survey it was also stated that journalists were pressured to report in a partial or untruthful way, for account of a certain sports club, federation or

652 *Blic*, 3 October 2009.

653 <http://www.nuns.org.yu/dosije/30/04.jsp>.

individual, by being threatened with legal action, or being denied access to event information or venue.

The case of Nebojsa Viskovic, one of the best sports commentators is indicative. According to him,⁶⁵⁴ he left RTS because the father and uncle of the best Serbian tennis player Novak Djokovic conditioned the broadcasting of the Serbia Open tournament by not allowing Viskovic to comment it. Since RTS agreed to their request, Viskovic decided to leave the public broadcaster.

The Economic Situation and Privatization

In Serbia it is impossible to obtain the data on the economic situation in the media, average journalist salary, status of journalists and advertising funds in one place. There are no separate statistical data on the media sector, while the data from the media themselves are not quite reliable, especially when journalist salaries and circulation are in question. Nevertheless, it is known that for years already journalists have been working under insecure conditions, with very low pay (in some editorial offices, journalists are paid about 200 euros) and frequently on a part-time basis for years, which means that they have no health and old-age pension insurance.

The share of print media advertising has been reduced by about 30-40 per cent due to the economic crisis. Advertisers are more interested in the electronic media, so that they account for about 60 per cent of advertising funds according some estimates. Irrespective of the world and domestic economic crisis, the print media are also endangered by the Internet, that is, by hooking free newspaper content onto the web, which has also affected some of the world's leading newspapers. The media must adjust to modern technologies at a faster pace and, in order to charge for the content on their websites, they must improve and become more attractive to readers. In addition, they must ensure an attractive link between print versions and on-line platforms.

⁶⁵⁴ *Press*, 8 May 2009.

In 2009, some 2,000 media workers were laid off. What is probably Serbia's specific feature is that many of them remained to work, because they have no other place to go and hope that the economic situation will improve and that they will return to their job position.⁶⁵⁵ The brunt was borne by part-time permanent employees, while the already low journalist salaries fell below average. A long time ago, apart from doing their regular journalism job, journalists in the province were also given the task to secure advertisements; some electronic media observe the "three-in-one" principle – one journalist, one cameraman and one film editor.

On 10 September 2009, the Journalists' Association of Serbia (UNS) stated that the management of the public enterprise Radio Stara Pazova brought the decision obliging the editors and journalists of this radio station to monthly secure the advertisements worth 50,000 dinars (for editors) and 20,000 dinars (for journalists). The UNS also stated that the merger of marketing and journalist duties "represents a direct threat to objective reporting".⁶⁵⁶

Another problem of the media scene is the existence of too many media relative to the number of inhabitants. For many of them it is not known why they exist and how they are financed. Until early February 2010, 805 public media were registered with the Serbian Business Registers Agency: 479 newspapers, 19 news agency services, 19 radio and 90 television stations and 49 public media available online. The registration started on 13 October 2009, after the coming into force of the Rules on the Management of the Public Media Register. The Law stipulates the shut-down of all media that have not been entered into the Register as well as high fines.⁶⁵⁷

One reason for a bad situation in the media sphere in general is the media ownership structure. Property relations in the media sector are varied – media ownership ranges from state ownership to ownership based on "vague" or dubious capital. Privatization is carried out slowly and with

655 *Danas*, Forum, January/February 2010.

656 ANEM, Fourth Report on Legal Monitoring of the Serbian Media Scene, September 2009.

657 *Vecernje novosti*, 9 February 2010.

many unknowns, despite the fact that a few years ago the present government adopted a set of regulations governing the media sphere with the aim to speed up the process of media transformation. More than seven years after the adoption of the Broadcasting Law, Serbia still has some 50 local and regional electronic media in state ownership, which are mostly financed from public sources. Their management is directly appointed by local authorities in accordance with the Law on Public Enterprises and Activities of General Interest. Their editorial policy is still directly influenced by local power holders, while editors and journalists have no systemic mechanisms of protection against this influence. In other words, they must fight against it by themselves.⁶⁵⁸

One of the oldest media in Serbia, *Politika* daily, is still 50 per cent owned by the state (which has a direct influence on the election of the editor-in-chief); *Vecernje novosti* is about 30 per cent owned by the state, while the holder of the remaining share of this newspaper is not known. Local media are directly influenced by municipal authorities. The owners of many media are not known. It is also not known what interest they have in financing the media with a very poor circulation, or poor viewing and listening figures. Due to the non-existence of the register of media ownership in Serbia until the end of 2009, media owners managed to hide their ownership. Thus, the share of the richest persons in Serbia in media ownership is still unknown.

It can only be assumed that some of the new rich have their capital in the media, but this has not been registered anywhere. Truly, one can guess who exerts influence on each medium from its content and context, but nothing can be proved. The continuation of the privatization process is an imperative, so that it is good that the Privatization Agency scheduled new auctions after a long delay. However, the fears of the further obstruction of privatization are not unfounded.

Among the rare successful media privatizations in 2009, mention should be made of the weekly magazine *NIN*, which was bought by the Swiss publishing company *Ringier*. So, *NIN* became part of this successful

658 <http://www.anem.org.yu/sr/aktivnostiAnema/monitoring/story/10901/>.

media company which, in Serbia, also owns the daily newspaper *Blic* and two daily tabloids under the same roof – *Alo* and *24 sata*.

Republican Broadcasting Agency

The unsuccessful election of the member of the Council of the Republican Broadcasting Agency (RRA) from among the candidates nominated by the media and journalists' associations, was just another illustration of the attitude of the government and Parliament towards the media and the confirmation of the prevailing opinion that the RRA has been politically coloured, following government orders since its formation seven years ago. During the voting in the Serbian Parliament (26 October 2009), neither Gordana Susa, the candidate nominated by the NUNS and Independent Journalists' Society of Vojvodina (NDNV) on the joint list supported by the ANEM and Association of Professional Broadcasters of Serbia (APRES), nor UNS candidate Milan Becejic won a necessary majority (126 votes) to be appointed to the RRA Council. Gordana Susa won 120 votes and Milan Becejic one.

Four journalists' associations, NUNS, NDNV, ANEM and APRES, accused the government of not observing the procedure and stated that the failure to elect the RRA member "shows the extent of the government's distrust towards the media sector". In the joint statement it was also pointed out that the fact that none of the two candidates won a necessary majority also "shows its unwillingness to respect the will of these associations".⁶⁵⁹

According to NUNS President Nadezda Gace, it is insulting that the member of the RRA Council was not elected and that, considering the behaviour of parliamentary deputies, it can be concluded that it suits someone that this body does not operate in its full composition: "After the recent adoption of the Law Amending the Broadcasting Law and the Public Information Law, which was severely criticized by the media associations, the failure to respect the will of the media representatives threatens

⁶⁵⁹ <http://www.nuns.rs/dosije/31/11.jsp>.

to deepen the gap between the government and the media still further”.⁶⁶⁰ The whole selection procedure was repeated and, in mid-November, Gordana Susa was once again nominated by the same associations, while the UNS proposed journalist Branko Zujovic from Subotica, whose candidacy was not supported by the Committee on Culture and Information, which has such a right according to the changed Broadcasting Law. The other candidate is Bozidar Zecevic, a film critic, screenwriter, director and educator, who was nominated by the associations of film and dramatic artists and composers’ associations.

In the meantime (from February 2009 already), the RRA has seven members, instead of nine, since the mandates of its two members expired. The authorized proposers – the media associations and non-governmental sector – nominated three candidates for two RRA Council members, instead of two. Thus, their election was postponed, while the Broadcasting Law was changed (again) in May, disregarding the public. The media associations protested because of the lack of change transparency, but without any result.

More than seven years have now passed since the adoption of the Broadcasting Law and since then the Parliament has changed this Law five times – just the provisions relating to RRA Council members and the election procedure.⁶⁶¹ The Law was changed for the first time in 2004, whereby it was more precisely defined who should be authorized to propose RRA Council members, since that was not sufficiently clear. The election procedure was also defined. The Law was then changed in 2005, whereby the mandates of Council members were extended to six, five and four years. It was changed twice in 2006 and finally in May 2009, when the election of the new Council members reached an impasse and the problem was solved by changing the Law.

According to the original version of the Law (2002), the Council of the Broadcasting Agency should have nine members, who should be elected from among renowned experts in the field of importance for the work of this agency, such as: media experts, advertising experts, lawyers,

⁶⁶⁰ Ibid.

⁶⁶¹ <http://www.nuns.rs/dosije/31/11.jsp>.

economists and engineers. They should be elected by the Serbian Parliament from the lists with two candidates nominated by the authorized proposers. According to the procedure, each authorized proposer should submit a list with two candidates for the Council member, with the exception of the competent Parliamentary committee, which should propose a list with six candidates. Just these lists posed a serious problem later, because neither the media associations nor non-governmental organizations could agree on two candidates.

Two Associations

The existence of two journalists' associations and their open rivalry only make the Serbian media scene more complex. For years already, the UNS and NUNS have been involved in a legal dispute over the inheritance of journalist property in Belgrade. In 2009, they also disagreed on other issues, such as the Information Law and the idea of prosecuting the journalists whose reporting contributed to the perpetration of war crimes.

The UNS, which was called the state association during the 1990s (the epithet that is sometimes given to the NUNS, the journalists' association formed to protect the professional values), came forward with various initiatives and actions, especially after the election of Ljiljana Smajlovic (the former editor-in-chief of *Politika* daily) for the president of this association. Her election (May 2009) was accompanied by a rift within the association, because the veteran journalists, who nominated their candidate (Djuro Bilbija), and the Journalists' Society of Vojvodina left the elective assembly and then claimed that the election procedure was not legitimate. Later, there were some tensions over Ljiljana Smajlovic's entry in the register of authorized persons, on which occasion she stated that she "hopes that this does not mean that the Ministry of the Interior interferes with the election of UNS President".⁶⁶² Soon after her election, Ljiljana Smajlovic launched the initiative for "defending the profession", attacking the amendments to the Information Law and calling on the relevant

662 *Kurir*, 3 October 2009.

international institutions to react. Some of them did react, giving a negative opinion on that Law.

On the other hand, the view of the NUNS was not quite consistent during the adoption of the amendments to the Law: it alternately accepted and criticized the proposed amendments. Finally, it reconciled its view on the amendments with that of the proposer, the Liberal Democratic Party (LDP), while after the adoption of the amendments it called for the expert opinion on the Law by international institutions. All this resulted in different interpretations of the view of this association on the amendments to the Law, due to which NUNS President Nadezda Gace offered her resignation, but it was rejected by the Executive Board. The NUNS used this occasion to clarify its view on the Information Law, pointing out that it was not satisfied with the adopted amendments, because they “bring into question not only the freedom of expression, but also the survival of the media, especially at the local level.”⁶⁶³

The NUNS and UNS also had the diametrically opposite views on the investigation into the responsibility of the media and journalists for instigating war crimes in the early 1990s, which was initiated by the War Crimes Prosecutor’s Office of Serbia in June 2009. The NUNS supported this investigation and announced that it would cooperate in it, while the UNS severely opposed it. The investigation grew out of testimony heard during the Belgrade trials for the massacre of 200 Croats at the Ovcarica farm near Vukovar in 1991 and the murder of 25 Bosniaks in Zvornik in 1992. Bruno Vekarić, spokesman for the Prosecutor’s Office, told Radio Free Europe that some of the accused said that certain reports from electronic media incited them to commit the crimes. Vekarić also pointed out that it would be very difficult to prove that, because “in some way it would be necessary to find a cause and, factually, an effect.”⁶⁶⁴

Ljiljana Smajlović resolutely objected to the persecution of journalists stating that “the Prosecutor’s Office does not have enough evidence that the journalists committed war crimes. In the opposite, it would not start the witch hunt before issuing indictments and ask ordinary citizens to

663 *Gradjanski list*, 15 September.

664 http://www.slobodnaevropa.org/content/novinari_huskaci/1750551.html.

collect branches for building a fire".⁶⁶⁵ However, on 8 July 2009, the NUNS filed a criminal complaint with the War Crimes Prosecutor's Office against unknown journalists and persons who worked for RTV Belgrade, RTV Novi Sad, daily newspapers *Politika*, *Vecernje novosti* and others for the criminal act of organizing and instigating the commitment of genocide and war crimes, in accordance with Article 145 of the Criminal Code of the Federal Republic of Yugoslavia. To support its criminal complaint, the NUNS submitted newspaper articles, sociological analyses and transcripts of television programmes.

In its criminal complaint the NUNS states: "We hold that before the outbreak of armed conflict in the territory of the former Yugoslavia, there were political and propaganda preparations for it in the media in that same territory, using hate language and spreading false information in order to convince the public in the justifiability of armed conflict and, in that context, a gross violation of the norms of international humanitarian law. We also hold that those forms of propaganda were legally impermissible and, thus, represented criminal acts".⁶⁶⁶

The President of the Journalists' Association of Serbia, Ljiljana Smajlovic, regarded the criminal complaint filed by the NUNS as "support to the War Crimes Prosecutor's Office, so that its investigation into the war propaganda in the Serbian media during the 1990s, which started last month, could obtain legitimacy". "It is hard for me to believe that the NUNS has noticed just now that the Serbian and other media in the territory of the former Yugoslavia contributed to an increase in inter-ethnic intolerance and hate on the eve of the country's disintegration and during the war, just as it is also hard for me to believe that the War Crimes Prosecutor's Office discovered all that only one month ago".⁶⁶⁷ In her opinion, it is strange that the Prosecutor's Office has no professional assistance

665 Ibid.

666 Ibid.

667 <http://www.naslovi.net/2009-07-08/vecernje-novosti/udruzenje-novinara-protiv-novinara/1229289>.

from editors and journalists in its investigation intended to “bring Serbian journalists before the war crimes tribunal”.⁶⁶⁸

While reporting on the beginning of this investigation, most media also carried the agency news (9 July 2009) that journalist Milijana Bal-etic, who was synonym for warmongering journalism during the 1990s, was returned to her job position in RTV Vojvodina by the court decision. The articles about the alleged baby massacre in Vukovar, which was first reported and then denied by Reuters News Agency, were also retrieved from the archives.

Recommendations and Conclusions

The adoption of a *media development strategy*, which has been delayed too long, is one of the most important prerequisites for creating a positive climate in which the public will be objectively and timely informed, while the media will operate according to the democratic and market principles. The Serbian Ministry of Culture and Information announced the adoption of media strategy in 2010, but it is indicative that, after the formation of the working group (made up of the representatives of the NUNS, UNS, Media Associations and ANEM) in September with a view to defining the development aims and important activities on the media scene, nothing else has been done to the present day. This is another reason to doubt that the government sincerely wishes to continue with media transformation, thus enabling the development of the media sector and further democratization of society.

The Press Council should win a reputation among the print media and citizens at the very beginning, by working impartially and resolutely in accordance with the word and spirit of the Journalists' Code. As a mediator among individuals, institutions and editorial offices, the Press Council must impose itself as an independent body, which makes decisions and, at the same time, bears in mind the strengthening of the media

668 <http://www.naslovi.net/2009-07-08/vecernje-novosti/udruzenje-novinara-protiv-novinara/1229289>.

reputation and interests of any injured citizens. Public reprimands for violating the ethic standards set by the Journalists' Code of Serbia should be given regardless of what media are in question, while unfounded charges should be rejected regardless of where they come from. This would also contribute to further dialogue in the field of journalism ethics, better interpretation of the professional standards and media independence and civilizing.

The process of media privatization should be continued at a faster pace and more consistently, while the number of media should be rationalized from the viewpoint of their consumers and the economic status of the media themselves. The status of journalists must be much better than hitherto, because the journalist who has to defend his or her job position, instead of focusing on the profession, or is forced to work for humiliating pay, cannot do his or her job properly and makes an easy target for different types of pressure. Under such circumstances, it is impossible to have investigative journalism, while anti-corruption fight, one of Serbia's most important tasks on its road to the EU, will remain without real media support. Instead, it will be confined to reporting on arrests and making the photographs of the kitsch gates and luxury villas of the new rich.

XII

Serbia and The World

No Turning Point Yet

At the very end of 2009, Serbia took the most significant step yet towards its European future by submitting its application for membership of the European Union (EU). The year 2009 could be described as the most successful on the foreign-policy level in the past decade owing to the fact that at its end the EU put Serbia on the white Schengen list and unblocked the Interim Trade Agreement.

The submission of the membership application marks the country's key strategic commitment, and not only symbolically. The application is expected to eliminate once for all the dilemma of whether or not Serbia wants Euro-Atlantic integration. The dominant political and intellectual elites with anti-Western and anti-European leanings are not yet decided on the answer to this question. Using its considerable influence on the public and the support it receives from a significant section of the media, the conservative option insists that Serbia adopt a geo-strategic orientation without the position that "there is no alternative to the European Union".

Less than a month after submitting the country's application in Stockholm, President of the Republic Boris Tadić himself found it necessary to warn that Serbia's pro-European commitment was at risk and that Serbia's road to Europe was not irreversible: "Serbia has not yet passed the critical point indicating the irreversibility of the process of democratization, institutionalization, and modernization..."⁶⁶⁹ On the same occasion (Tadić was addressing a conference on Serbia's European perspective organized by the Konrad Adenauer Foundation), he warned against the danger of "Serbia going back" before reaching that point.⁶⁷⁰

On the foreign-policy level, Serbia's priorities in 2009 included efforts to block the further recognition of Kosovo's independence. Kosovo has been recognized by 65 countries so far. Serbia's attitude to Kosovo as an independent state disrupted relations with neighbours considerably,

⁶⁶⁹ ¹ *Danas*, 27 January 2010.

⁶⁷⁰ *Ibid.*

particularly with Croatia and Montenegro. The relationship with Bosnia and Herzegovina, i.e. Sarajevo, is permanently marked by Belgrade's aspirations for Republika Srpska, which are manifested, inter alia, by its pronounced closeness with the Bosnia-Herzegovina entity's leader Milorad Dodik.

In considering Serbia's foreign-policy orientation and the international activities of its diplomacy in 2009, one should bear in mind several key factors. One of them is, certainly, the global economic and financial crisis threatening the country's fragile economy with bankruptcy. Also, the new US administration has returned the Balkan region among its foreign policy priorities, resulting in Vice-President Joseph Biden's visits to Sarajevo, Belgrade, and Priština in May. The second Irish referendum vote on the Lisbon Agreement (in October) cleared obstructions from the functioning of the European Union, where there is a growing realization that the stability of the Western Balkans represents an important element of the continent's stability.

Although obstructing Kosovo's recognition was among Serbia's foreign policy priorities throughout 2009, the country's overall diplomatic activity was considerably more diverse compared with 2008. In an effort to prevent an economic and social collapse of the country, Serbian diplomacy knocked on many a door, including Washington, Moscow, and Beijing. With the exception of a USD 3 billion credit arrangement with the IMF to support the Serbian budget, the results of these efforts appear to have fallen short of expectations. There was also a vague promise of a Russian credit worth USD 1 billion. An identical sum, expected from business arrangements with Beijing, was finalized in the form of a non-transparent agreement on the construction of a bridge in Belgrade, which only partially fulfils the great expectations of Chinese investments in the domestic economy.

Turkey's more active involvement in the Balkans was a new important development on the foreign policy stage. Serbia was visited in 2009 by Turkish President Abdullah Gül and Foreign Minister Ahmet Davutoglu

(who also paid a visit to Sandžak). In the latter half of the year, tripartite meetings of the foreign ministers of Turkey, Serbia, and Bosnia and Herzegovina were intensified (there were six such meetings from September 2009 to February 2010), indicating Turkey's intention to take a more active part in dealing with potential crises in the Balkans. Being focused on Bosnia and Herzegovina and Sandžak in particular, these efforts will contribute to the stabilization of the region.

The relations between the United States and Serbia were improved especially as the result of the Biden visit. Military cooperation is the most successful aspect of these relations. Although the two sides are agreed that they "disagree" about Kosovo, Kosovo is likely to be the main stumbling block in the two countries' relations for a long time to come.

In spite of Russian President Dmitri Medvedev's visit to Serbia (on 20 October), Serbia's relations with Russia do not reflect the closeness achieved while Vojislav Koštunica served as Prime Minister. The world crisis has seriously affected Russia, which realizes its geostrategic interests in Europe through Serbia, and speeded up the consolidation of Serbia's relations with the United States and the European Union. Serbia's relationship with NATO will no doubt be of crucial importance for Serbian-Russian relations. Moscow has made clear, through its permanent representative at NATO Dmitry Rogozin, that it would recognize Kosovo's independence in the event of Serbia joining NATO.⁶⁷¹

Kosovo remains the key determinant of the foreign-policy and diplomatic activity of Serbia. The hearings before the International Court of Justice (ICJ) in The Hague (November 2009) on the legality of the declaration of Kosovo's independence are one in a series of diplomatic actions by which Serbia seeks to block the recognition of Priština and obtain a renewal of talks on Kosovo's status. The decision of the ICJ to put off its decision on Kosovo until the end of the year spoiled Serbia's plans to use the autumn 2010 session of the UN General Assembly to obtain a resolution on status talks. This strategy is basically aimed at offering, at new negotiations, an option of dividing Kosovo based on the argument that "it is not possible for one side to get everything and for the other to lose everything".

671 *Blic*, 6 February 2010.

There are important obstacles to the faster advancement of relations between Belgrade and Brussels, particularly concerning Serbia's membership application. Handing over ICTY inductee Ratko Mladić, who is charged with genocide in Srebrenica, is one of them. By all accounts, Belgrade kept promising to comply with the request in 2009 like it did before. The debate on the Srebrenica declaration in the republic Assembly was practically banalized by an offensive of the "patriotic forces". The Declaration, which invokes the ICJ judgment without including the word "genocide", was nevertheless accepted by the EU and the US as it is. The main obstacle lies in regional relations, which are the main prerequisite and criterion for all countries in the Western Balkans on their road to the EU.

Kosovo will be the main test of the level of relations between Belgrade and Brussels. Although the EU does not formally back the plan of International Civilian Representative in Kosovo Pieter Feith and the International Steering Group for integrating northern Kosovo in Priština's legal system, this segment of Martti Ahtisaari's plan is clearly supported by all European countries. This is borne out by the intensification of the Western European diplomatic offensive against Belgrade, which is requested to find a way to communicate with Priština in order to resolve the economic and social problems of both Albanians and Serbs in Kosovo.

The arrogant and aggressive attitude of Foreign Minister Vuk Jeremić is becoming an increasingly heavy burden for Serbia's diplomatic efforts. Although his stance is said to have made him almost as highly popular as the president of the Republic,⁶⁷² and although he enjoys the undeniable support of the nationalist-conservative bloc and its political representatives (above all the Democratic Party of Serbia of Vojislav Koštunica, during whose government he first became foreign minister), his attitude is becoming an obstacle to relevant international contacts more and more frequently. Croatian Prime Minister Ivo Sanader said he would visit Belgrade on condition that Jeremić be absent from the official Serbian delegation, and US Vice-President Biden made the same request. Following a scandal concerning the cost of renting the luxury apartment in Paris of

672 Ljiljana Smajlović, president of the Association of Journalists of Serbia, in "Utišak nedelje" show, RTV B92, 7 March 2010.

Serbia's ambassador to UNESCO, Zorica Tomić (whom Jeremić described as "perhaps the best of all Serbian ambassadors"), he provoked further irritation at home by his statement in Budapest that, if Serbia had to choose between Kosovo and Europe, it would choose Kosovo.⁶⁷³

Jeremić said this less than a month following demarches from several major international actors – the United States, Britain, Germany, France, and Italy – that he "cool his rhetoric about Kosovo" in the months to come.⁶⁷⁴ The possibility of his replacement has been the subject of speculation for some time given that Jeremić's equally arrogant and high-handed running of the Ministry of Foreign Affairs has given rise to tensions. This, however, will depend mostly on the balance of power on the internal political scene.

673 *Politika*, 4 March 2010.

674 <http://waz.euobserver.com/887/29432?print 1>.

EU Candidacy – A Historic Breakthrough

After three decades of wandering, the defeat of the Greater Serbia project and all the attempts to keep it alive, the Serb elite was divided over a crucial issue: accession to EU. During his two-year premiership (2001-2003) Zoran Đinđić defined Serbia as a European country. Contrary to all expectations, his assassination put this option to death. Extradition of Slobodan Milošević to the tribunal in The Hague was among Zoran Đinđić's legacy. And that was a watershed in Serbia's policy in the years that followed.

Citizens of Serbia casting a ballot for a pro-European coalition in 2008, whereby they practically defeated their elites, were those who decided the country's course. Tadić's signature under the Stabilization and Association Agreement with EU – Vojislav Koštunica had turned down only several months before – secured him a razor thin victory over Tomislav Nikolic, leader of the Serb Radical Party.

Over the past year, Serbia's pro-European cabinet made a major turn towards EU by taking appropriate measures and adopting Europe-oriented legislature. The Liberal Democratic Party /LDP/ helped it to secure a thin majority in the parliament at every critical point – by giving its vote to pro-European laws LDP contributed to maintenance of the country's course towards EU.

In the meantime the Serb Radical Party split up and the Serb Progressive Party /SNS/ emerged with Tomislav Nikolic at helm. This changed Serbia's political climate. Pro-European discourse became a common denominator though perceptions of European course practically had little in common.

The global crisis was a key factor in reviewing Serbia's pro-European course, notably after the 2008 World Economic Forum in Davos. Since Russia – a partner a considerable part of Serbia's elite perceived as crucial for

the country's "neutral" positioning – was badly affected by the financial crisis, EU remained the only serious alternative.

After Russia's invasion of Georgia and subsequent recognition of South Ossetia and Abkhazia, Russia's and the West's spheres of interest became more clearly defined. US Vice-president Joseph Biden's tour of the Balkans was decisive in this context – it passed on the message that US was interested in the regional stabilization. US' new administration helped to speed up the Western Balkans movement towards Euro-Atlantic integrations. Promised a faster accession to EU under the condition of being a constructive partner in the revision of the Dayton Peace Agreement, Serbia is a key link in this process.

In all these circumstances, the pro-European coalition not only managed to secure support for the changes preconditioning "a white Schengen regime" and to activate the SAA but also to submit an application for EU candidacy.

Irrevocable European Course

Serbia applied for EU candidacy on December 22, 2009. It can be said that it was a historical act whereby the country strategically charted its future. After almost two decades of disorientation and wandering, the ruling political elite made a crucial decision – to transform Serbia into a modern, democratic society in keeping with European standards.

By the end of 2009 the process of accession accelerated – EU Council of Ministers decided to unfreeze SAA signed back in April 2008 and the European Parliament annulled the visa regime with signatory states of the Schengen Agreement on December 19, 2009. Several major factors were decisive in all this.

First, President Barack Obama's administration decided to get more engaged in the Western Balkans, still a potentially instable region (a newly emerged state of Kosovo, a dysfunctional state of Bosnia-Herzegovina and Serbia blocked by its own territorial aspirations). Vice-President

Joseph Biden's visit of May 2009 was decisive when it came to US's new role in the Balkans.

Second, after a repeated referendum in Ireland and adoption of the Lisbon Treaty the European Union managed to overcome the crisis standing in its way for over a year. At the same time this made it possible for EU to take a more active stance towards potential member-states and to contribute to stabilization in the Balkans together with US.

Third, it could be said that the economic-financial crisis shaking the world in 2009 sobered up Serbia. Faced with the economy on the edge of collapse, high rate of unemployment and huge social problems, Serbia's political elite was seeking financial assistance from all sides, from Beijing to Moscow, but received substantive support from EU only. Some member-states such as Germany, Italy, Austria, Greece, Norway, etc. backed it individually as well. These states had invested in Serbia's structural reforms (state administration, judiciary, healthcare, education, etc.) in the past decade too. As of 2000 nine billion Euros have been invested in Serbia mostly by these countries⁶⁷⁵, whereas its governmental and public intuitions received two million Euros of irrevocably assistance from EU funds⁶⁷⁶.

Last but not least, the incumbent government formed after the early elections in May 2008 thanks to a thin majority of pro-European parties winning parliamentary seats was "duty-bound" by the electoral outcome to follow a European agenda.

The breakthrough in Serbia's pro-European course – made by the incumbent cabinet and President Boris Tadić – dealt a serious blow to the conservative, anti-European bloc predominating the Serbian society ever since the ouster of Slobodan Milošević (2000). Though not marked by overt opposition, the very act of application for EU candidacy was gave rise to critical tones all of which are well-known and could signal serious obstruction.

The application for EU candidacy is a big test of readiness for radical reforms for the entire Serbian society. Despite the fact that almost all public opinion polls showed that the majority of citizens supported "EU

675 PRESS, October 21 2009.

676 *Blic*, October 24 2009.

option" (60-70 percent of respondents), Serbia is challenged with serious tasks on its path to Europe. Many of these tasks relate to all citizens, notably when it comes to adoption of a new value system and European standards and criteria. The application also implies that Serbia rounds off its cooperation with the ICTY and arrests the remaining two fugitives from the Hague justice, Ratko Mladić and Goran Hadzic.

Further movement towards EU integration implies adjustment of tons of legislation and regulations to EU standards and, moreover, their implementation. Though enacted, some "European" laws have hardly been implemented so far. For instance, the Anti-Discrimination Act (passed despite many obstacles and overt opposition by the Serb Orthodox Church) did not make it possible to finally stage a pride parade in Serbia in September 2009. In addition, establishment of the rule of law, fight against corruption and organized crime, professionalization of the army and a number of other reforms will be the challenges Serbia will have to come to grips with in quite a different way in the years to come.

Relations with neighboring countries, including Kosovo, will be among key tests of Serbia's readiness for "Europeanization." Belgrade is responsible for keeping relations with all neighbors – actually with all the states emerging from ex-Yugoslavia and in 2008 – permanently tense.

Application for EU Candidacy: Submittal

On December 19, 2009 the actual cabinet decided to submit Serbia's application for EU candidacy. Serbian President Boris Tadić – who attended the governmental meeting and, three days later, officially handed over the application to Swedish Prime Minister Frederick Reinfeldt – labeled the act a watershed. Serbia is facing "a difficult period of radical and often

painful reforms,” he said, adding, “It will be hard but more advantage for every citizen of Serbia and the society as a whole is waiting at the end of the road.”⁶⁷⁷

Tadić emphasized that Serbia looked forward to becoming a full-fledged member in the next ten years. “Today, we are paying tribute to Zoran Đinđić and his vision of a European Serbia. He kept this vision alive through a dark age of dictatorship and the day has come when his ideas became a reality,” said Tadić.⁶⁷⁸

A historical breakthrough – as Sweden Prime Minister Reinfeldt put it – was preceded by dynamic diplomatic actions in several European capitals. Over the past months, President Tadić – more active at the international scene than ever before – met with major European leaders from Nicola Sarkozy and Angela Merkel to Silvio Berlusconi. All these meetings resulted in encouraging messages to Serbia – though none of them made it clear whether the application for candidacy should be submitted as soon as possible or put it on ice for some time.

No doubt that European Commission’s affirmatively intoned report on Serbia’s progress towards EU (publicized in October 2009) and ICTY Prosecutor Serge Bramertz’s report to the UN Security Council in November – “more affirmative than ever before” as interpreted domestically – contributed to the climate propitious to application. Probably under the pressure from other EU member-states, the Netherlands became more flexible about Serbia. Not only did it give a green light to unfreezing of SAA but also its Foreign Minister Max Ferhagen decided to pay a visit to Belgrade in mid-December and thus signal a major change in his country’s unbending position. (Arrest of Ratko Mladić has been the Netherlands’s arch precondition for Serbia’s movement towards EU.)

“Serbia is returning to a runaway of its once prosperity – to foreign partnerships, respect for international balance of powers and respect for people’s will,” wrote columnist Momcilo Pantelic. Reminding of the strong

⁶⁷⁷ *Politika*, December 20, 2009.

⁶⁷⁸ *Politika*, December 23, 2009.

support Serbia's is getting for its application for EU candidacy from both abroad and domestic scene, Pantelic singles out EU, US and Russia.⁶⁷⁹

The right moment for submitting the application was the subject of many domestic debates. Views differed not only within the ruling coalition but also among cabinet members. Foreign Minister Vuk Jeremić was among the most agile advocates of prompt application, while, say, Bozidar Đelić, vice-premier in charge of European integrations, was among those cautious.⁶⁸⁰ After much polemic, President Boris Tadić asked all actors to stop "the bidding" on the date for submittal of the application.

Goran Svilanovic, Serbia's ex-foreign minister was among those calling for a prompt reaction. "There will always be people hurrying you up and those discouraging you," he said. However, for him an application for EU candidacy was an act of pressure on EU. "This act of pressure is a necessary supplement to everything Serbia has been doing to meet European standards," he said.⁶⁸¹ Though the application was labelled "timely" after the ceremony in Stockholm and the great majority of 27 member-states sided with Serbia's decision⁶⁸², some influential countries and figures seemed less enthusiastic. Less than a week before Serbia submitted its application, British Ambassador in Belgrade Stephen Woodsword said it should wait for the support from all the 27 countries. According to him, by the "step by step" logic, Serbia should wait until June (2010), i.e. until EU ministers decided to start the process of SAA ratification.⁶⁸³

Jelko Kacin, EU rapporteur for Serbia, was also sceptical about the right time for Serbia's application. Application, as he put it, is "a big deal" rather than "a poker game." "That's a game with clear-cut rules that win you the trust of all the 27 member-states," said Kacin.⁶⁸⁴

679 *Politika*, December 25, 2009.

680 *Danas*, September 19-20, 2009.

681 *Blic*, December 13, 2009.

682 Boris Tadić while in the visit to Novi Sad, RTS prime-time newscast, December 23, 2009.

683 *Blic*, December 15, 2009.

684 *Blic*, November 22, 2009.

Positive Echoes

The news that Sweden, at the end of its EU presidency, accepted Serbia's application was not exactly met with euphoria in Serbia. But that does not mean that the overall atmosphere failed to emanate (unexpected) optimism. No political party

– including those from the extreme right – opposes Serbia's accession to EU, at least not declaratively, though some raise the question of "the price" Serbia will have to pay.

For Premier Mirko Cvetković, Serbia's decision to submit the application for EU candidacy charted its future course and proved that it shared the aspirations of European countries. "That's a joint success of the government and all factors in the society," said the Premier.⁶⁸⁵

Zoran Zivkovic, ex-premier, called the day on which the application was submitted "a big day for the country" that should "mark the beginning of a new, better and more prosperous era in Serbia's history."⁶⁸⁶

Politicians from the parties making the ruling coalition seemed quite pleased while commenting on "Europe's gift" from Stockholm. Referring to the accepted candidacy as a "happy event," the chairwoman of the Serbian parliament (of the Socialist Party of Serbia), Slavica Đukić-Dejanović, said, "This testifies that Serbia has made much progress."⁶⁸⁷ For the leader of the Democratic Party's parliamentary caucus, Nada Kolundzija, that was "a proof that Serbia has taken a one-way street to EU."⁶⁸⁸

The leader of the parliamentary caucus of G17 Plus (a party that, along with LDP, most openly advocates European integration), Suzana Grubjesic, says the application for EU candidacy is yet another proof of Serbia's strategic orientation towards EU. For 79 percent of citizens opting for Euro-integrations this motion testifies that "we are pursuing European course," she says, adding, "Candidacy additionally motivates all those working on Euro-integration for start-up of reforms and rounding ongoing ones off.

685 PRESS, December 21, 2009.

686 *Danas*, December 22, 2009.

687 PRAVDA, December 21, 2009.

688 Ibid.

Citizens are those who will benefit the most from a reformed society.”⁶⁸⁹ Once Serbia becomes a candidate for EU membership citizens may look forward to economic progress, she explains.⁶⁹⁰

According to Serbia’s ex-Ambassador to France and actual professor at the Faculty of Political Sciences, Predrag Simic, timing was most important in the case of Serbia – for Serbia has seized the favorable opportunity to apply as soon as the Lisbon Treaty was ratified. “The fact is that we were ready when we saw a chance...Even those submitting the application in person seemed surprised at the successful outcome.”⁶⁹¹

For Dragoljub Zarkovic, columnist for the Blic daily, the application for EU candidacy is “a vaccine of sorts against social and bureaucratic apathy and can favorably affect political relations in Serbia.” “And if it at least speeds up access to pre-membership funds from which Europe assists even candidates for candidates, the benefit will be more than obvious,” writes Zarkovic.⁶⁹²

Critics and Skeptics

Before leaving for Stockholm, President Boris Tadić reminded that everybody had not favored European integration in near past and those opponents of the process were still there. “Some even threatened with force or eternal punishment. It’s good that some of them have changed their mind,” he said.⁶⁹³ Regardless of whether or not the people the President referred to have truly changed their mind in the meantime, the fact remains that no one held out against the motion. However, the populist bloc (Democratic Party of Serbia and New Serbia) criticizes the government for applying “too soon” since, as they put it, “EU member-states and the European Parliament have not ratified SAA yet” (Slobodan Samard-

689 *Politika*, December 23, 2009.

690 *Ibrd*.

691 *Politika*, December 24, 2009.

692 *Blic*, December 21, 2009.

693 *Politika*, December 20, 2009.

zic) or for “political marketing” because “Serbia is not ready yet for EU accession.” (Velimir Ilic)⁶⁹⁴

Claiming that they also stand for Serbia’s accession to EU, the leader of the Radicals’ parliamentary caucus, Dragan Todorovic, insists that accession must include the entire country, “meaning Serbia with Kosovo and Metohija.” Given that EU is a leading power snatching Kosovo away from Serbia, “this is something we cannot accept.”⁶⁹⁵ Further, he points out that EU will continue its policy of conditioning, including the condition that “Serbia enables citizens of Vojvodina to vote in a referendum, envisaged under the provincial statute, and thus decide whether or not to stay in Serbia.”⁶⁹⁶

The editor-in-chief of the New Serbian Political Thought magazine, Đorđe Vukadinović, also takes that no one should be allowed to counterpoise a single step towards EU – from “white Schengen regime,” through unfreezing of SAA to a possible end of some chapter of negotiations with EU – to “the protection of national sovereignty and territorial integrity, and not only when it comes to Kosovo and Metohija.” “There is a reasonable doubt that Serbian train has been moved from a dead stop at a simply indecent, and un-European cost,” says Vukadinovic. According to him, annulment of the visa regime for citizens of Serbia and adoption of Vojvodina’s Statute were not a mere coincidence.⁶⁹⁷

Serbia’s conservative block must have been shocked by the speed at which the application was submitted. For the time being, this is illustrated by rather mild criticism of the country’s movement towards EU. However, there is no doubt that with joined forces the bloc will do its utmost to slow down inasmuch as possible Serbia’s anyway long journey to Europe. For this purpose, the bloc will be trying to overthrow the government and thus provoke early parliamentary elections.

This was what it tried to accomplish in late summer 2009 when the Public Information Law was at the parliamentary agenda. Adoption of the

694 PRAVDA, December 21, 2009.

695 *Politika*, December 23, 2009.

696 Ibid.

697 Column “Happy New Year 2009,” *Politika*, December 22, 2009.

republican budget for 2010 in late December 2009 was another “critical point.” The Alliance of Vojvodina Hungarians, the member-party of the ruling coalition, sided with the opposition and voted against the budget (the Alliance has good relations with Tomislav Nikolic’s Serb Progressive Party).

Leader of the Serb Progressive Party Tomislav Nikolic – having taken up pro-European rhetoric in the mentim – avoids to back pro-European efforts of the actual cabinet. He has been strongly criticizing it in the parliament – for the statute of Vojvodina, the proposed budget, election of judges and prosecutors, etc.

The anti-European block “tightened its ranks” at the round table discussion on the role of the Serb Orthodox Church, organized by the Slobodan Jovanovic Fund. President of DSS Vojislav Koštunica, DSS Vice-president Slobodan Samardzic and academician Matija Beckovic were among the panelists, too. Metropolitan Amfilohije said on the occasion, “Europe’s spiritual crisis is much deeper than we – hurrying towards it somewhat thoughtlessly – could imagine.” Claiming that Serbia has always been a part of Europe, he said he felt “ashamed” of the fact that “Europe showed mercy to give us visas so that we can wander from one European pub to another.”⁶⁹⁸

698 Beta News Agency, December 23, 2009.

Conclusions and Recommendations

Application for EU candidacy is a major breakthrough that finally gets Serbia on the same track with other countries in the region. This fact will considerably speed up integration processes in the Balkans, the more so since regional cooperation is among key preconditions for EU membership.

Despite the fact that the majority of Serbia's citizens support the country's orientation towards Europe, it is to be expected that the conservative bloc will be counterattacking under the pretext of objective difficulties imminent to integration process. Therefore, what Serbia needs in period to come are fresh support by all liberal segments of the society, as well as EU's support to these segments of the society?

Only the society itself can effectuate a radical change – but do to that the society needs permanent support from EU, which should particularly focus on the part of civil society advocating European values, small and medium-sized enterprises, regions and all areas in Serbia manifesting readiness for transformation.

Apart from undertaking necessary reforms, Serbia can hold its orientation towards Europe only if it makes some economic progress to avoid social turmoil – a turmoil that would only play into the hands of anti-European forces trying to overthrow the government.

European orientation also necessitates support from the media as major opinion-makers. For this purpose, the Public Information Act needs to be revised and reporters themselves capacitated to better inform the public both about the advantages and the obligations stemming from EU-oriented policy.

Campaigning for Serbia's movement towards EU needs to be non-stop so as to mobilize all citizens for the project.

Serbia and United States

Improve Relations

Because the United States continues to play the main part in the stabilization of the Balkans, US Vice-President Joseph Biden's visit was a landmark in the continuity of US Balkans policy over the last 20 years. The new US Administration has the Balkans high on the list of its priorities, above all in the context of Kosovo and Bosnia and Herzegovina (BiH) as two ongoing processes crucial for the stability of the region. In the course of 2009, Biden's messages to Sarajevo, Belgrade, and Priština were translated into concrete actions by US diplomacy. The visit no doubt contributed to an improvement of relations between Serbia and the United States in spite of Serbian elites' reserves due to the US side's clear position that there can be no division of either Bosnia or Kosovo.

The conservative bloc, who strongly opposes US mediation in the Balkans, was highly critical of the results of Biden's visit. Even before the visit, Đorđe Vukadinović, editor of the journal *New Serbian Political Thought*, said that the visit was taking place at a bad moment and that "apart from a few courtesy smiles and diplomatic phrases about 'improving relations', Biden has nothing to offer us at this moment – and this goes for us as well. So, everybody is going to be unhappy in the end. For innumerable reasons, Biden's hosts aren't going to be pliable, that is, as 'cooperative' as America would like them to be; they are also not going to accord the high guest a welcome that could even remotely be compared with what he will be accorded in Priština and Sarajevo. And yet, whatever they do, a large segment of Serbian public opinion will regard the very fact of the visit as yet another act of capitulation of the State and of national humiliation."⁶⁹⁹

The commentator of the daily *Politika*, Miroslav Lazanski, stressed that "the most significant aspect of Vice-President Biden's visit to Serbia is that he came at all." By his lightning tour, Lazanski writes, Biden offered "Sarajevo, Belgrade, and Priština three different visions: regionalization

⁶⁹⁹ Đorđe Vukadinović, *Politika*, 11 May 2009.

for some, separatism ending in sovereignty for others, and a 'soft' unitarization for yet others." Since Biden, he writes, failed to "put together a regional triptych, in the wake of the visit everybody is going to interpret things as they like. If America wants permanent stability in this region, the American Vice-President ought to have offered a major deal."⁷⁰⁰

In an article on Biden's visit, *Novi reporter* cites Ljiljana Smajlović, former editor-in-chief of *Politika*, as saying that the "Americans and Europeans have a plan to use a stricter conditionality policy than so far in order to effect a change of the BiH Constitution with a view to centralizing BiH (...) Their aim is to compress Bosnia chiefly around Sarajevo rather than to strengthen it in Banjaluka. Smajlović also considers that 'the American emphasis on constitutional changes in BiH is motivated by the conviction of the present Administration in Washington that BiH represents an American foreign-policy success from as far back as the time of the previous democratic administration. The new-old administration now intends to confirm that success, that is, to head off anything which people in this administration may regard as a failure in BiH'. In the end, she concludes that 'this doesn't mean that the political objectives conceived in Washington and Brussels will be achieved in BiH' because, she stresses, should there be any attempt to that end, 'intra-Bosnian conflicts will burst into the open and the schedule will be upset as soon as it begins to be implemented on the ground'."⁷⁰¹

In a signed article published in *NIN* weekly, Smajlović writes that "the Balkans is the only place on earth where the Americans have won the confidence – any degree of confidence, loyalty, and love – of a county with a majority Muslim population. Bosnia and Kosovo might not exist as states at all had the Americans not backed their creation with powerful military and political support and had they not exerted their full influence to make the Europeans fall into line."⁷⁰²

700 Miroslav Lazanski, "Bajden, bez sredenog kraja", *Politika*, 23 May 2009.

701 Slobodan Durmanović, "Sudbina dejtonske BiH i Republike Srpske BiH posle Džozefa Bajdena", *Novi reporter*, 19 May 2009.

702 Ljiljana Smajlović, "Evropski kec u američkom rukavu", *NIN*, 21 May 2009.

The Prime Minister of Republika Srpska (RS), Milorad Dodik, who was a centre of attention during Biden's visit, sought to assure the public that the attitude to RS had not changed and that "Vice-President Biden has clearly demonstrated his commitment to the Dayton balance established under the Dayton peace accords. This means full support for Republika Srpska within the framework of its position under Dayton".⁷⁰³

Belgrade and Banjaluka interpreted the visit in their own way and addressed "constructive" messages to the Bosniaks and Americans. BiH Vice-President Nebojša Radmanović visited Belgrade within days of the Biden visit. The highlight of the visit was the statement of Serbian President Boris Tadić that "the special relationship Serbia has with Republika Srpska in no way poses a threat to the integrity of BiH" and that the Belgrade authorities are "interested in establishing special parallel ties with the BiH Federation".⁷⁰⁴ What Tadić's statements boil down to is that Belgrade treats the BiH entities as separate states, betraying yet another attempt to keep afloat the idea of partitioning BiH irrespective of the Biden visit. The references to the possibility of a third (Croat) entity are part of this scenario. At the time, Dobrica Ćosić was denying the very multi-ethnicity Biden was emphasizing in his addresses in Bosnia and Kosovo. Ćosić maintains that "the Balkans cannot be Europeanized until it is defined in ethnic and state terms". He considers that "American and modern European philosophy about multiethnic states and societies in the Balkans, as regard the areas of Bosnia and Kosovo, represents violence and a new aspect of colonization".

The US Vice-President's visit laid bare the fact that the Serb elites are unwilling to give up what they have almost achieved in Bosnia, that they find it unacceptable to miss the unique historical chance to finally "liberate Bosnia" and complete the Serb ethnic space, even at the cost of the destruction of Serbia itself.

The radicalization of the situation in BiH during 2009 and the collapse of the Butmir talks throw light on Belgrade's permanent backstage influence on the conduct of leaders in RS.

703 Milorad Dodik, "Amerika razumije poziciju i postojanje Srpske", *Glas Srpske*, 21 May 2009.

704 "Poštovanje Dejtona preduslov stabilnosti", *Nezavisne*, 25 May 2009.

The policy of the new US Administration has largely influenced the attitude of the EU to the Western Balkans and to Serbia in particular. As a result, the Netherlands stopped insisting on handing over Ratko Mladić as a precondition for unfreezing the Interim Trade Agreement, which took place in December 2009. The United States also resumed its traditional financial assistance to Serbia (amounting to USD 50 million).

The United States and Serbia have intensified military and, since recently, also police cooperation. The Serbian Ministry of Internal Affairs cooperates with relevant US services, especially in the field of organized crime (e.g. the Šarić case).

Russia: Belgrade's and Moscow's Aspirations at Odds

Medvedev in Belgrade, Where Is Serbia

Russian President Dmitry Medvedev visited Belgrade on 20 October 2009, thus confirming special significance attached to Serbian-Russian relations and their continuous upward trend.

During the Government of Prime Minister Vojislav Koštunica, the relations between Serbia and Russia were rehabilitated and characterized by exclusiveness, based on Slavism and the distinctly romanticized closeness of the Russian and Serbian peoples, as well as on the mutual stirring of feelings that Serbia and Russia are the victims of the same "injustice" of the new world order – the change of their borders caused by the disintegration of the Soviet Union and Yugoslavia.

The electoral defeat of Koštunica's "populist" coalition resulted in the formation of the new, "pro-European" government comprising the Democratic Party (DS) and its political allies (2008). However, handing over the helm to another political party and the "Europeanism" of the newly formed Government of Mirko Cvetković did not affect the continuity of Koštunica's "Russian course". On the contrary, under the new government, cooperation between Serbia and Russia was also characterized by strong political and emotional accents and crowned with the conclusion of significant deals, specifically energy ones, as well as with the agreement on the reciprocal abolition of visas for the citizens of the two countries. In February 2009, although more than half a year later, this concession was overshadowed by

the much more popular visa liberalization for Serbian citizens travelling to the EU countries, with the effect as of June of the same year.

The stability of Belgrade's commitment to close relations between Serbia and Russia, regardless of which government is in power, was confirmed by Foreign Minister Vuk Jeremić after the change of Koštunica's Government. He underlined that Serbia's relations with Moscow were the first priority of its foreign policy: "Regardless of who comes to power in Serbia, there will always be continuity when two priorities are in question – one is Kosovo and the other is Russia".⁷⁰⁵

This is a characteristic official government statement in view of the fact that – on the basis of these priorities, one internal and the other external, which are of equal importance ("Kosovo and Russia") – it is easy to perceive the causal link between the internal and external elements of the new government's unchanged policy. This policy reflects Serbia's entrenchment in disputing Kosovo's independence, although it was recognized by almost all Western countries and most EU member countries; it also points to Belgrade's reliance on Moscow in the absence of any other similarly influential ally in the defence of its cause. Understandably, this fact predetermines the political closeness between Serbia and Russia to a significant extent.

The link so established is useful to Russia (it affirms itself as a "fighter for justice" in every selected forum) and is delicate to Serbia – because it pits Serbia against the broadest front of the so-called international community. Its alliance with Moscow – "We are stronger than yesterday", as was the title of Vuk Jeremić's interview to *Vecernje novosti* after Medvedev's visit!⁷⁰⁶ – encourages the Serbian elite which, without giving much thought to the consequences of similar Milošević's policy, continues pursuing the policy which pushed Serbia into isolation and created an "independent Kosovo".

On the contrary! There remains a wide scope for encouraging Russian and Serbian nationalist forces. They cooperate and proclaim – further defiance. In January, the Imperial Culture Writers' Union in Moscow

705 RTS, 22 December.

706 *Vecernje novosti*, 22 October 2009.

awarded Ratko Mladić and Radovan Karadzic “for brotherhood, loyalty, masculinity, strength and service to the unity of Orthodox Slavic peoples”. On behalf of Karadzic, the award was received by the brother of the Hague inductee, Luka Karadzic, who delivered a “short speech”, after which they had a “long talk about the Republic of Srpska”.⁷⁰⁷

At a forum organized by the Srpski Sabor Dveri Association, Natalia Alekseyevna Narochnitskaya from the Russian Institute for Democracy and Cooperation in Paris said: “The Russians will never leave the Serbian people in the lurch, or allow the formation of the state of Kosovo and the dissolution of the Republic of Srpska... A stronger Russia implies a more secure Serbia”.⁷⁰⁸

On 8 August 2009, the Serbian National Movement 1389 (SNP 1389) marked the “anniversary of Georgia’s and NATO’s aggression against South Ossetia” in front of the Russian Embassy in Belgrade, in Deligradska Street. Candles were lit and a letter was handed to the Russian Ambassador. In the statement of SNP 1389 members, apart from saying that “the aggression against South Ossetia is marked in coordination with Russian youth patriotic associations” and that similar events will also be organized in Russia, Ukraine and Belarus, it was also pointed out that: “Georgia committed genocide against the South Ossetian people. According to military experts, the South Ossetian scenario had to be the same as ‘Operation Tempest’ in the Republic of Serb Krajina when Croatia expelled the entire Serb population from that region, with NATO’s assistance”.⁷⁰⁹

Russia’s Attitude Toward the Wars of the 1990s

After 2000, the Serbian government and its elite (populist and democratic) devoted special attention to developing collective amnesia, planting a distorted picture of the causes and effects of the events taking place in the

707 “Russians awarded Radovan and Ratko” (Rusi nagradili Radovana i Ratka), *Pravda*, 22 January 2009.

708 *Pecat* 70/2009.

709 *Pravda*, 7 August 2009.

previous decade. The main aim of such a policy was to mix victims and culprits in the memory of the downfall and the beginning and the end of a consciously pursued policy. For this "oblivion" it was looked for external allies.

Such an ally could become Putin's Russia, embittered by the loss of dominance over the area of the former Soviet Union and Eastern Europe. The "lawyer's services" to a voluntary small client provided Moscow with an opportunity to "regain Russia's influence in the Balkans", the traditional zone of its interest (as is constantly repeated in Moscow). Russia promised that it would at least try to aggravate the process of recognition of Kosovo's independence, if not to prevent it by its vote in the Security Council and diplomatic activities within the United Nations – provided that Serbia retains its resolute stance towards Kosovo.

The Russian Ambassador in Belgrade, Aleksandr Konuzin, holds that Belgrade will not do that: "Only the Serbian Government can set the conditions under which Serbia will be ready to accede to the EU. Judging by the statements of the Serbian leadership, including President Tadić, if the renunciation of Kosovo is a precondition for EU accession, Serbia will not be ready to pay that price".⁷¹⁰

Official Moscow and Belgrade are investing great diplomatic efforts to prevent Kosovo's access to international institutions, primarily its membership in the United Nations. The two sides requested the observance of UN Security Council Resolution 1244. At the same time, Serbia appealed to the International Court of Justice seeking its opinion on the secession of the province. Serbia and Russia insist on the return of the process of independence to the phase of negotiations about the degree of autonomy of the province within Serbia.

Konstantin Kosachev, Chairman of the Duma Foreign Affairs Committee, stated that Kosovo's status should be based only on agreement reached by Belgrade and Pristina, commenting the statement by American Vice-President Joseph Biden that Kosovo's independence was "irreversible".

710 A.V. Konuzin's interview, *Danas*, 28 January 2009.

Kosachev also said that it was a “cardinal mistake inherited by Obama from the Bush Administration”.⁷¹¹

Russian Foreign Minister Sergei Lavrov said that “in 2009, Serbia and Russia will jointly appear in all international organizations and all international debates on Kosovo and Metohija”. Praising close cooperation between the Serbian and Russian delegations to the UN, CSCE, Council of Europe and elsewhere, Lavrov expressed gratitude to Serbia “for its interest in the Russian initiative for the preparation of a new agreement on European security”.⁷¹²

As for the “defence of Kosovo”, the two allies went a step further, understanding each other very well with respect to the Russian idea about a new European security system. According to the head of Serbian diplomacy, Vuk Jeremić, the current security structure of the Euro-Atlantic area is the residue of the Cold War “which luckily does not exist in the 21st century any more” or, in other words, it became obsolete. “Russia advocates dialogue that should result in the creation of a security system in which all countries lying in the northern hemisphere would be included. Serbia wishes to be part of that dialogue. I hope that in the end it will bring the solutions that will be acceptable to all and will ensure that in the 21st century there are no conflicts and tensions in the Euro-Atlantic idea like in the 20th century.”⁷¹³

The Grounds for “Challenging” America

Russia's intercession in favour of Serbs – by blocking Kosovo's membership in the United Nations in the case of Serbia and by encouraging Banja Luka to persist in its resistance to the “revision of Dayton”, that is, to a more functional organization of a unified Bosnia and Herzegovina in the

711 *Politika*, 23 May 2009.

712 “Lavrov: Thaci can't interpret Russian politics” (Lavrov: Ne može Tači da tumači politiku Rusije), *Politika*, 21 February 2009.

713 “We are stronger than yesterday” (Jači smo nego juče), *Vecernje novosti*, 22 October 2009.

case of the Republic of Srpska⁷¹⁴ – provided Moscow with an opportunity to organize an active political boycott of the solutions supported by the United States in the territory of Serbia and Bosnia and Herzegovina.

During 2009, in an attempt to somehow resume its rivalry with the United States, at least by using the means disproportionate to the Russian power during the Cold War period, Moscow also maintained a loud political and propagandistic confrontation with America, assuming the role of the “protector of international law” against the aggressive world hegemony. Washington was accused of fuelling anti-Russian sentiment through NATO, its helping hand extended towards some ex-Soviet republics, in an attempt to come closer to the Russian border with its troops and weapons”.⁷¹⁵

Putin’s policy is based on the assessment that, after the invasion of Iraq and being currently at war with Al-Qaeda in Afghanistan, the United States is faced with unprecedented military and political difficulties. Moscow also holds that it is increasingly difficult to reach agreement among the NATO allies on some important issues (say, on the enlargement of the Alliance through Georgia’s and Ukraine’s accession, or the European military contribution to Afghanistan...). Thus, it will be very useful to Russia to push America into the situation that it bleeds as much as possible, boycotting and sabotaging it everywhere, in the Balkans, in Iran and so on.

Former Serbian Foreign Minister during Milošević’s era, Vladislav Jovanovic, stated that “Russia holds that the so-called battle for influence in the Balkans has not been finished by proclaiming the whole peninsula its zone of influence, which was done by the West” because, as he put it, “a new and strengthened Russia has retained its old ambition to come back in the regions from which it had been pushed out due to the concurrence of circumstances – the Balkans, Iran...” When speaking about the importance of Medvedev’s visit for Serbia, Jovanovic stated that “our reliance on the West since 5 October has shown its ugly face, because the West, personified in America, has done everything in its power to harm our country

714 “Is Russia a partner to the EU in Bosnia?”, Tomas Valasek, Centre for European Reform, March 2009.

715 “8 Obstacles to Better NATO Ties”, *The Moscow Times*, 23 September 2009.

and national interest in relation to the problem of Kosovo and Metohija", and that "America is nervous about the strengthening of our bilateral relations with Russia, because it was confident that it had us in its pocket and that we would not be able to come out..."⁷¹⁶

Consequently, the Western Balkan region appeared to Russia as a very convenient ground for action, considering the fact that the unsolved questions and delayed incorporation of its fragments into the EU and NATO structures preserved the destabilizing potential. Insistence on further negotiations would subject the unity of the European Union to a new test "which seems to be Putin's vital aim", as assessed by competent analysts fearing opening Pandora's box in the triangle comprising Serbia, Kosovo (Macedonia) and Bosnia and Herzegovina. In addition, Russian support encourages the revival and strengthening of Serbian nationalist forces, which raise the question of the territorial division.⁷¹⁷

President Medvedev's Visit to Belgrade

The main Russian-Serbian event – the visit of the Russian President to Belgrade in 2009 – also took place in such an atmosphere.

Dmitry Medvedev was the first Russian President who visited Serbia after it gained its state independence (2007). Thus, his visit was treated as the main political event of the year. Considering the insufficient rehabilitation of Serbian-American relations, the visit of American Vice-President Joseph Biden at the beginning of the year contributed even more to the attractiveness of the Russian-Serbian summit.

Washington and Moscow are Serbia's two diametrically different partners. As for its political relations with Washington, Belgrade was called upon – in the name of better cooperation between Serbia and the United States, in particular, in the interest of Serbia's future position in the Balkans and Europe – to avoid the topics on which there are still disagreements,

716 "Moscow and Belgrade will not raise new questions" (Moskva i Beograd neće otvarati nova pitanja), *Politika*, 20 October 2009.

717 "Putin's Balkan Mischief", Morton Abramowitz, *The Moscow Times*, 30 January 2008.

including specifically Kosovo's independence. However, insofar as its relations with Moscow are concerned, Belgrade was encouraged not to recognize Kosovo's independence, but to persist in its rejection and attempt to return the dispute before the United Nations (with Russia's support). Russian Ambassador A.V. Konuzin said: "... The Serbian leadership is awaiting the decision of the International Court of Justice on the legality of the unilateral proclamation of Kosovo's independence. In this respect, the Russian Federation cooperates closely with Serbia and intends to submit a statement of its opinion on Kosovo's independence to the International Court of Justice. We will state that the proclamation was illegal. We expect that the Court will reach a fair decision and that the negotiations on the status of the province can be reopened".⁷¹⁸

However, regardless of waiting for the Court's decision, there was also encouragement for something else in his tone. This is evidenced by the statement of Dmitry Rogozin, Russian Permanent Representative to NATO in Brussels: "The coil of Serbian resistance is now very tight, but the time will come when the tight coil will relax and that will have a negative impact on the situation in southern Europe. In my opinion, NATO's error lies in the fact that, for the sake of its particular interests, it planted a delayed-action bomb in Europe which will explode sooner or later".⁷¹⁹

American Vice-President Biden offered Serbia "strong, new relations" with the United States, along with help in its EU membership bid. The United States do not expect Serbia to recognize Kosovo's independence, they do not think that it is a precondition for good relations between Serbia and the United States, "they want to, like to deepen (mutual) relations". They see Serbia in Europe, "as a strong, successful democratic state, playing a constructive role in the still-volatile region". In return, America expects "Serbia to cooperate with the European Union and other key international actors" in Kosovo, and look for pragmatic solutions "that would

718 "Moscow's statement for the International Court of Justice" (Izveštaj Moskve za Međunarodni sud pravde), *Danas*, 28 January 2009.

719 "Dmitry Rogozin: NATO is slowly abandoning Kosovo" (Dmitrij Rogozin: NATO polako napušta Kosovo), *Grom.rs*, 1 October 2009.

improve the lives of all the people in Kosovo, both Serbs and Albanians, and avoid making them the victims of political disagreement".⁷²⁰

Serbia did not accept the American offer. The requested cooperativeness of Belgrade in looking for "pragmatic solutions" for Kosovo was not manifested. All regional meetings were avoided, or the non-participation of Kosovo representatives was requested. In that sense, something in which Belgrade was supported by Russia remained closer to the declared priorities – resistance to the factual solutions for Kosovo. The offer of "European perspective" did not disturb the sequence of those priorities, which were precisely repeated in statements by Minister Vuk Jeremić: "The defence of the constitutional system, speeding up the European integration process and establishment of harmonious relations in the region".⁷²¹

The mentioned sequence was already established during Vojislav Koštunica's coalition government (DSS-DS), while the new government comprising the so-called pro-European forces headed by the DS had no will, or did not feel strong enough to change it. Thus, Biden's offer remained in the background, as a peripheral one in relation to Serbia's aim supported by Russia – to turn back the history of Kosovo.

Analyst Dusan Janjic emphasizes that "neither Boris Tadić nor the government took this message seriously nor did they try to find common ground with Washington." Milošević's Foreign Minister Zivadin Jovanovic, President of the Belgrade Forum for a World of Equals, pointed out that the United States "still treat Serbia as their stooge in the Balkans", so that, for example, they "request concessions with respect to northern Kosovo and Metohija, the Dayton Accords and the constitutional position of the Republic of Srpska," adding that "it is not advisable to hurry to fall into the American arms".⁷²²

There is also some amount of irrationality in the interpretations of Serbia's relations with Russia and the United States, so that the sufficient illustration of confusion can be also the conclusion that "the strategic

720 "U.S. Vice-President Biden offers Serbia 'new' relations", *SINA.com*, 21 May.

721 *NIN*, 18 December 2008.

722 "Serbia still an unreliable US partner" (Srbija i dalje nepouzdan partner SAD), Marija Kojčić, *Danas*,

influences of the great powers have been defined on the geopolitical map of the Balkans, according to which America 'surrendered' Serbia to Russians, because they (Americans) have already achieved their aims with the self-proclamation of Kosovo's independence".⁷²³

However, the battle for Kosovo "by peaceful and diplomatic means", as Belgrade put it, creates increasingly greater complications concerning the achievement of two politically declared aims – Serbia's better relations with the United States and Serbia's integration into the European Union. Such an impossible mission does not contribute to a better understanding by Brussels. This is especially so if one considers the activities of Minister Jeremić, who did not bypass even the least significant capital city in an attempt to create the broadest possible front of the world's political resistance to the Kosovo solution.

By avoiding these facts, Belgrade attempted to develop the theory of national "reliance on a number of pillars of a multi-polar world". The state visits of Vice-President Biden and President Medvedev, as well as Tadić's trip to China in August, at almost the same time (in the span of only a few months), turned attention to the multitude of such "pillars" in Serbia's relations with the rest of the world, which seem to have been built in the government's attempt to balance between the great powers, while at the same time taking care not to make any commitment that could affect the "defence of Kosovo" as a priority issue.

During 2009, the number of Serbia's "pillars" increased from three to four. In this connection, President Boris Tadić emphasized that "there are three pillars of Serbia's foreign policy: the European Union, Russia and the United States, so that without deepening our relations (with each of them) we cannot realize our vital national interests".⁷²⁴

The media commented these changes in Serbia's foreign policy, advancing the thesis that Serbian President Tadić was forced to keep a distance vis-à-vis the EU and be one step closer to Russia. "...Nikolic and the

723 "Russians support Toma and Boris" (Rusi podržavaju Tomu i Borisa), *Grom.rs*, 1 October 2009.

724 "Instructions to Serbian Ambassadors" (Instrukcije srpskim ambasadorima), B92, FoNet, Beta, Tanjug, 12 January 2009.

DS have already held out their hand to each other. After scoring victory with Europe on his lips at the beginning of the year, Tadić already stopped looking towards Brussels in the autumn and began looking towards Moscow, leaving both his coalition partners and opponents to wonder whether this should be tactics or strategy, or an attempt to derive as many benefits as possible from both the East and the West like Josip Broz, known as Tito, as was commented in the print media.⁷²⁵

The leader of the Serb Progressive Party, Tomislav Nikolic, offered a more precise explanation (in his interview for *Politika*). Namely, he said that the Serbian authorities did not adequately balance their priorities after October 2000 due to which “Boris Tadić has a split personality. He should join us in providing full support to cooperation with Russia, but for him there are no two paths. There is only one path – either the EU or Russia”. Nikolic believes that life will teach Tadić to turn more toward Russia and emphasizes that one can already “observe Tadić’s public evolution”.

Nikolic interprets Tadić’s evolution by the fact that Tadić has already progressed from the slogan “Europe has no alternative” to Vuk Jeremić’s appearance, which is often criticized by Western diplomats. “That is Tadić’s evolution from a man who accepts everything for the sake of Serbia’s accession to the EU, from a man who used to say: “The independence of Kosovo and Metohija is unacceptable for me, but I don’t want to lie to you, I am not an optimist, it is more likely that it will be independent than be a part of Serbia,” to a man who (now) says that there can be no talk of the independence of Kosovo and Metohija. Tadić’s European orientation is indisputable. However, being aware of the fact that we from the Serb Progressive Party have taken over a large part of political space, Tadić does not wish to miss institutional cooperation with the Russian Federation, since only such cooperation is available to him. (...) But, the issue of Kosovo and Metohija has become his trump card that must not be disregarded if he wishes to win elections, because we, the Progressives, have appeared.”⁷²⁶

725 “Test flight” (Probni let), Dragan Bujošević, *Politika*, 31 December, 1 and 2 January 2009.

726 “Nikolic: To turn both toward Russia and Europe” (Nikolić: Okrenuti se i Rusiji i Evropi), interview for *Politika*, 17 December 2008.

To the question “whether Serbia can successfully keep the balance between Brussels, the United States and Russia (*Politika*),” Minister Vuk Jeremić answered that “Russia supports our efforts and our wish to become a member of the EU, as well as all other national priorities – especially, the diplomatic battle for Kosovo and Metohija (...) Without its support our diplomatic efforts would not stand a great chance of success. These are very difficult times, we are faced with great challenges and the fact that Moscow provides us with reliable support and is our proven friend is of most importance”.⁷²⁷ Jeremić also points to a difference between “the pillars”: “We do not have any open question in the relations with Russia and it supports all of our priorities. As for the relations with the United States, we unfortunately have the open question of Kosovo’s future status, which must not be underestimated”.⁷²⁸

In the meantime (during the January-August period), the list of Serbia’s pillars of reliance was enlarged by the fourth pillar – China. During his visit to China, Tadić stated that “over the past years, Serbia’s foreign policy has rested on three pillars – Brussels, Washington and Moscow. I am now especially pleased to confirm that Serbia has the fourth pillar of reliance – Beijing”.⁷²⁹

Tadić explained the “four-pillar” strategy by Serbia’s resoluteness to observe the interests of the great powers in the Balkans without attaching priority to any of them, that is, to treat them equally. He also stated that “if the United States have a normal and legitimate interest in the Balkans, that means that the European Union also has its interest in the Balkans, that means that Russia has its interest in the Balkans, that means that China has its interest in the Balkans”. Truly, he is “confident” that “Serbia’s future lies with the West”.⁷³⁰

727 “Moscow Serbia’s reliable friend” (Moskva pouzdan prijatelj Srbije), an interview for *Politika*, 20 October 2009.

728 *Vecernje novosti*, 22 October 2009.

729 “Beijing the fourth pillar of our foreign policy” (Peking četvrti oslonac naše spoljne politike), Tanjug, 20 August 2009.

730 “Tadić Confident Serbia’s Future Lies with the West”, RFE/RL, 23 June 2009.

The view on having the same attitude towards the great powers resembles Tito's policy of non-alignment. However, in changed historical and international contexts, the whole Balkan region sees itself in the unique Euro-Atlantic circle of the EU and NATO. The strategy based on a "four-pillar (Serbian) foreign policy" confirms the inability of Belgrade to strike a balance between the "struggle for Kosovo" and the decision on EU accession, as well as an attempt to keep Serbia as long as possible at the intersection of the influences of the powers, until the time and events possibly help it to solve this dilemma.

However, the efforts at "balancing" or "non-alignment" also have their price, which has also been observed in the public. Some analysts also mention the price of balancing with Russia: "The European countries like Germany as well as the United States view Serbia as a disturbing factor in Europe in all respects... Over the past years, Russia has strongly supported Serbia before international institutions, thus clearly demonstrating to other big actors on the political scene that Serbia is its friendly country"⁷³¹.

Energy Dependence on Russia

The energy crisis in several European countries (January 2009), which depend on Russian oil supply (due to the Ukrainian manipulation of the transit, as explained in Moscow), raised the question of Serbian energy security once again, despite the concluded (2008) "energy deal".

The Russians stated that there are some ill-intentioned people in the Serbian Government when Russian-Serbian friendship is in question. Namely, Ambassador Konuzin said that "... in the Serbian political establishment there is a very small group of people who are a priori against cooperation with Russia" and "they use every opportunity and motive to show that they are against cooperation and friendly relations between

731 "Brotherly love for brotherly love, but cheese for money" (Ljubav za ljubav, a sir za pare), *Tabloid*, 9 July 2009.

Russia and Serbia. But, their opinion in no way reflects the general opinion of most Serbs".⁷³²

So, Viktor Hilstun writes in Belgrade's (obscure) magazine *Tabloid* that the person in question is Minister Mladjan Dinkic "paid by the European Union and the United States to work for another energy lobby". Apart from accusing the Serbian Minister, Hilstun also suggests that Serbia should make a choice from among the "pillars" of its foreign policy, mentioned by Tadić. And he also says: "Serbia should make a choice", because "it cannot be with Russia and the European Union at the same time". He stresses that it is not logical to Russia that "Serbia fully cooperates with Russia and is fully integrated into the European Union"; also, one must not forget that "many European countries are working on Serbia's accession to the European Union, but like a small child, like an infantile state without the right to vote".⁷³³

Suspicious over "Dinkic's disfavour" among Russians were also reflected in other media. Thus, *Glas javnosti* (close to the Progressives) carries an article entitled "Medvedev brings one billion dollars" in which it is said that this money will be used for "filling budget gaps", the underground and the bypass road around Belgrade. However, next day *Glas javnosti* emphasized that the "Russians set a special precondition for Serbia concerning the announced loan: 'Keep money away from the Minister!'"⁷³⁴

It is disclosed that it is the question of Mladjan Dinkic who "directly aroused the anger of the Russians on the eve of the ratification of the gas-energy deal", because he and his team left the working group which negotiated this deal. And "the mentioned precondition has already become known to all those who should know about it."⁷³⁵

Ambassador Konuzin also expressed his discontent with the changed names of some streets in Belgrade. At the gathering entitled "Serbian people remembers the heroes", which was held in the Russian Cultural Centre in Belgrade at the initiative of the Forum on the Protection of Economic,

732 Interview of A.V. Konuzin for *Danas*, 28 January 2009.

733 "Serbia must make a choice" (Neka se Srbija opredeli), *Tabloid*, 5 February 2009.

734 *Glas javnosti*, 6 October 2009.

735 *Kurir*, 7 October 2009.

Social and Cultural Rights and was sponsored by the Karic Foundation, Konuzin mentioned the streets Generala Zdanova, Marsala Tolbuhina, Bulevar Crvene armije and Lenjinov bulevar, whose names were changed after 2000. He warned that by this act "a historical injustice was done" and that he received many letters from citizens in this respect. As emphasized by *Blic*, he talked about the return of old names with the authorities in Belgrade.⁷³⁶ On this occasion, *Vecernje novosti* carried an article entitled "Return the Soviets to Belgrade".⁷³⁷

However, in one part of the public this was understood as interference into the country's internal affairs by the representative of a foreign country. So, *Vreme* weekly writes: "In the journalist circles in Belgrade and beyond the Ambassador Konuzin has already obtained the reputation of a man who, especially in informal contacts, makes inappropriate assessments and evaluations, and does not desist from making silent threats and showing almost imperial arrogance, which imposes the impression that this is how he understood the stories that this is also done by the ambassadors of other big countries in Belgrade... It seems that his indirect calls for 'differentiation' in the Serbian Government have some echo, but this is now our problem, not his".⁷³⁸

However, the Russians set some other conditions for Serbia such as, for example, the warning that Serbia's NATO accession would jeopardize its relations with Russia.

So, Konstantin Nikiforov, Director of the Institute of Slavic Studies of the Russian Academy of Sciences, emphasizes that "the only obstacle (to good relations) could be Serbia's wish to accede to NATO, but he thinks that this is "highly unlikely considering Serbia's painful experience with the Alliance". He holds that after the gas arrangement it would be important to diversify cooperation between Serbia and Russia so as not to be reduced to oil and gas. Cooperation is possible in various industries, ranging from nuclear energy and computer technology to military industry.⁷³⁹

⁷³⁶ *Blic*, 25 September 2009.

⁷³⁷ *Vecernje novosti*, 25 September 2009.

⁷³⁸ "Brotherly business" (Bratski biznis), *Vreme*, 2 July 2009.

⁷³⁹ "Moscow's support to Serbia's path to the EU" (Podrška Moskve na putu Srbije ka EU),

During the year, Moscow's request was repeated increasingly resolutely. Moreover, accidentally or not, a large group of nationalist-oriented intellectuals requested a referendum on NATO accession without any topical motive just at that time.

Dmitry Rogozin, Russian Permanent Representative to NATO, said that if Serbia persisted in its wish to join NATO, it would have to renounce Kosovo. Thereafter, Russia would have to question its stance towards Kosovo, adding that "we cannot be bigger Serbs than the Serbs themselves". As for Moscow's stance towards the debate on NATO integration in Serbia, Rogozin said that he could not understand those members of the Serbian political and military elites who want Serbia to join NATO. "It is hard (for him) to understand" how Belgrade can speak of NATO accession when there are still traces of NATO-led bombing ten years ago. In addition, most NATO member countries have recognized Kosovo's independence, while the Serbian people have been demonized. "The flagrant anti-Serb double standard of the West towards the participants in the wars of (the former) Yugoslavia... Has that been forgotten? Russia simply would not understand Serbia's decision in favour of NATO".⁷⁴⁰ Russian Ambassador to NATO believes that the issue of NATO membership should be decided at a referendum. He suggests that the Serbian public should devote maximum attention to that idea.⁷⁴¹

There were more warnings of this kind. They were also repeated by Konstantin Kosachev, Chairman of the Duma Foreign Affairs Committee, who stated that Serbia's NATO accession would jeopardize its good relations with Russia, which was published by *Beta* and *Vecernje novosti*.

In the Russian-Serbian "defence of Kosovo" the price charged for the services rendered to Serbia as also surfaced. A prerequisite for further cooperation with Russia was that Belgrade should remain in the gravitational field of Russian politics. Europe – yes, because cooperation between Russia and the European Union forms part of that politics; NATO – no,

Blic, 7 August 2009.

740 "We'll have to recognize Kosovo if you join NATO" (Moraćemo da priznamo Kosovo ako uđete u NATO), *Blic*, 6 February 2010.

741 Ibid.

because the Alliance is viewed as the “extended arm” of the United States. The affirmative stance of Moscow toward the EU helped the Serbian diplomacy to maintain the link between its two priorities: the EU and Russia. On the eve of Medvedev’s visit, Minister Jeremić repeated that the strategic aim of his Ministry and the Government was EU membership and that the closest relations between Belgrade and Moscow (in this context) could even represent an advantage: “This friendship can be solely to our advantage. There are countries which want to have such close relations with Moscow. When Serbia becomes part of the EU, the very fact that it is an EU member with good relations with Moscow, will carry specific weight in the region and beyond”.⁷⁴²

Between Russia and the United States

The rivalry between Russia and the United States (West) found suitable ground in Serbia and deepened the already existing internal division into “Slavophiles” and “Westernizers”, thus affecting the possibility of having the public objectively understand a delicate national situation. Before Medvedev’s visit, media texts abounded in high expectations, especially with respect to “life-saving Russian money” – the loan which President Tadić asked Moscow to provide.

From among the titles appearing in the media, one can single out the following: “Money is coming!”, “The President of the Russian Federation is bringing a \$1 billion loan to Serbia”, “Konuzin: Russian President Medvedev approved one billion euros for Serbia!”, “Russian loan to stabilize the state budget”, “Medvedev brings the answer concerning a \$1 billion loan” ... etc.⁷⁴³

Medvedev’s visit provided the two countries with an opportunity to consider their relations on a broad front, whereby (apart from a sensation involving money), economic cooperation between Serbia and Russia was

742 “Moscow’s support to Serbia’s path to the EU” (Podrška Moskve na putu Srbije ka EU), *Blic*, 7 August 2009.

743 *Pres, Blic, Danas*, 5 and 7 August 2009, *Kurir*, 6 October 2009.

also on their agenda. In early April 2009, the two countries signed a protocol to the Free Trade Agreement; however, 95 per cent of the products covered by the liberal import regime do not include Fiat cars produced in Kragujevac. Russian Emergencies Minister Sergey Shoygu explained that Russia "cannot allow foreign car manufacturers to build a corridor through Serbia for their duty-free exports to Russia".⁷⁴⁴

Vice Prime Minister Ivica Dačić attended the Second Meeting of the Russian-Serbian Business Dialogue in Moscow on which occasion he stated that "political relations between Serbia and Russia are at a very high level and the government will do whatever it can to raise economic relations to the same level".⁷⁴⁵ In his interview entitled "Russia will help Serbia", Russian Ambassador Konuzin emphasized that the Southern Stream natural gas pipeline would be finished by the end of 2015, while "the construction of oil-fired power plants is currently being considered. This is a new generation of projects whose realization lasts 10-15 years".⁷⁴⁶

Konuzin further emphasizes that, regardless of the crisis, "Russia will remain Serbia's major trade partner". However, his main concern is related to the operations of companies in Serbia with Russian capital (Ikarbus, Jastrebac in Nis and copper pipe production in Majdanpek), because those factories do not have enough orders and the Serbian Government does not offer assistance. In his appeal to Serbian President and Prime Minister, Konuzin asked that, when purchasing buses, priority should be given to domestic companies.⁷⁴⁷ According to Konuzin, Medvedev's visit should be viewed as a "shift in the relations" and used for summing up the results of hitherto cooperation, as well as for the conclusion of new deals, primarily in the field of energy and investment. "Russia's total investments from 2000 to the end of this year will amount to over one billion dollars".⁷⁴⁸

744 "Kragujevac Fiat can't go to Russia" (Kragujevacski Fiat ne može u Rusiju), *Politika*, 4 April 2009.

745 *Politika*, 27 June 2009.

746 *Glas javnosti*, 7 August 2009.

747 "Significant progress in the economic sphere" (Značajan napredak u ekonomskoj sferi), *Borba*, 5 August 2009.

748 "Investments of the Russian Federation will amount to one billion dollars (Ulaganja RF

Medvedev's Visit

Dmitry Medvedev arrived in Belgrade on 20 October and stayed a little longer than 12 hours, insisting on the formal reason for his visit – marking the 65th anniversary of the liberalization of the capital of Serbia (and Yugoslavia at that time) through the joint efforts of the Red Army and Tito's Partisans in the most pronounced way. He visited the monuments, the cemetery and laid wreaths. His second important "stop" was the Parliament where he spoke about the Russian concept of security architecture in Europe. Both topics were pedantically announced throughout 2009 – that was the message to all post-communist countries forging history. The East European countries anger Moscow because of their equation of Nazism and communism.

Within the EU, these countries questioned the interpretation of 9 May as the Day of Victory over Fascism, which was based on the thesis that it represents the day of another occupation – by the Soviet army.

Russia responded by taking a resolute stance and used Belgrade (on 20 October) to remind them of the Red Army's liberation mission. On that occasion, Ambassador Konuzin wrote: "The heads were raised by those who used to shoot into the backs".⁷⁴⁹ Russian Emergencies Minister Sergey Shoygu most often discussed this issue: "The aim of Russophobia in the former Soviet republics is to create an artificial identity and return to fascism."⁷⁵⁰ "The presidents of some countries in the post-Soviet area who deny the outcome of the Great Homeland War and the merits and achievements of the whole Soviet people cannot visit Russia in the future and then go unpunished".⁷⁵¹

The sudden topic of his guest got the host into trouble in view of the fact that the law on the equation of Partisans and Chetniks was adopted at the time of Prime Minister Koštunica. It was necessary to swallow that

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dostići će milijardu dolara), *Politika*, 7 August 2009.

749 Aleksandar Konuzin, an article in *Danas*, 8 May 2009.

750 *Pečat*, 55/2009.

751 "Prisons for denying the victory over fascism" (Zatvore za negiranje pobjede nad fasizmom), *Glas javnosti*, 26 February 2009.

lump in the throat and identify the forces that were the Red Army allies at least on certain occasions.

Konuzin insisted that the Serbian and Russian media “should play a positive role in the whole story” and should turn attention to the fact that “Russia and Yugoslavia had the greatest number of victims in that war”.⁷⁵² After all praises to cooperation between Russia and Serbia concerning the Kosovo issue, Minister Jeremić adopted the same tone. He emphasized the historical character of the event, saying that this was the question of the liberation anniversary “which symbolizes the unity of our two peoples in the struggle against fascism”. He did not miss to mention that “Moscow supports all of our national priorities, especially our battle for Kosovo”.⁷⁵³

The euphoria of the political elite, encouraged by the visit of Russian President to Belgrade, dwindled relatively fast. A little less than one month later, the joy over the abolition of European visas and trade liberalization overshadowed the effect of Medvedev’s visit. The former was evidently closer to Serbian citizens.

In the meantime, the promised “life-saving billion” from Russia did not come (not even in 2010), because Serbia has not yet prepared investment projects for which this money would be used. Two hundred million euros for the budget turned into two hundred million dollars – at the interest securing the “donor” against heavily indebted Serbia.

The result of this visit turned out a little different than it was expected: the guest’s agenda took precedence over the host’s wishes. Dmitry Medvedev did not allow anyone in Serbia to lay claim on his visit, nor did he bother with the financial problems of his host. The mainstay of the Russian “agenda for Serbia” was the very visit of President Medvedev to a politically close country in the heart of the Balkans. Using this occasion, he sent the message that NATO’s monopoly over security was non-acceptable.

To a lesser extent the visit has shown what Russia aspires for in the Balkans and to a greater extent where Serbia is and where it is heading.

752 “Allies and partners” (Saveznici i partneri), *Pravda*, 7 August.

753 *Pres*, 6 August 2009.

Turkey: A Factor of Regional Stability

Over the past year Turkey has emerged as a major factor in the Balkans. Turkish diplomacy mediated not only between some countries – between Serbia and Bosnia-Herzegovina in the first place – but also in sensitive, internal disputes. Serbia has been in the focus of Turkey's activities as a potential generator of regional instability. This primarily refers to Serbia's attitude towards Republika Srpska, but also towards Bosnia-Herzegovina as a whole, and its bad relations with neighboring countries. Serbia has been obstructing the process of Kosovo's international recognition, while the international community has been constantly concerned with its political and religious tensions in its Sandzak region.

Turkey's regional activity is focused on Belgrade in the first place. Hence, intensive mutual communication at high and highest levels. Serbian President Boris Tadić said the relations between the two countries "have never been better before." Turkey's mediation contributed to fresh advances in Serbia's relations with Bosnia. Not long ago, Belgrade approved the newly appointed ambassador of Bosnia-Herzegovina after three years of obstructing the appointment. Turkish Foreign Minister Ahmet Davutoglu made two political leaders of Sandzak, Rasim Ljajic and Sulejman Ugljanin, shake hands at long last. Together with their Spanish counterparts, Turkish diplomats are trying to secure representation of all countries in the region at the upcoming EU meeting in Sarajevo, Prime Minister Erdogan's cabinet announces attractive investments in the region, etc.

No doubt that major international factors – US in the first place – back Turkey's "diplomatic offensive" in the Balkans. Turkey itself has been aspiring to EU membership for decades but all EU member-states do not support its course. However, with its economic and political power and influence, Turkey gradually emerges as a warrant of stability in the Balkans the hallmark of which is still "an instable peace." Ivan Vejvoda, executive director of the Balkan Trust for Democracy, says, "Turkey belongs to

the region historically and geographically. Its ongoing activities are along the lines of the policy of Prime Minister Redjep Tajip and Foreign Minister Davutoglu, labelled 'zero problem in the region and neighborhood.'⁷⁵⁴

However, Turkey's activity in the region and Belgrade's readiness to partake in it constructively face strong resistance in Serbia and in Republika Srpska. This resistance was more than evident after the trilateral summit meeting in Istanbul on April 24, 2010. Serbia's and Turkey's presidents, Boris Tadić and Abdulah Gul, and the president of the Presidency of Bosnia-Herzegovina, Haris Silajdzic, adopted a declaration whereby they expressed their readiness to work towards "peace, prosperity and stability in the Balkans."

Serbian elite's deep-rooted prejudice about Turkey is mirrored in the general public as well. Such attitude has been cherished by the same elite that in late 20th century practically realized the "traditional hostility deriving from the 500-year of slavery under Turks." At that time, these elite were mostly propagating the thesis about the threat of "Islamic fundamentalism" along the "Green Transversal" connecting Bosnia-Herzegovina with Turkey through Sandzak. The same thesis was used to "justify" the war against Bosnia-Herzegovina and the terror against Bosniaks in Sandzak.

In the present-day context, the "danger" of Turkey's diplomatic engagement is identified with weakening of the position of the Serb entity in Bosnia-Herzegovina on the one hand, and assistance to Prishtina in the promotion of Kosovo's independence on the other. Turkey came second in recognizing Kosovo in February 2008. According to the Serb elite, this recognition was "to the detriment of Serb national interests." Tomislav Nikolic, leader of Serb Progressive Party /SNS/, says, "I cannot understand the President of Serbia getting so close to Turkey in the attempt to settle the problem of Bosnia-Herzegovina...I am afraid that such decisions would turn the developments in Bosnia-Herzegovina to the detriment of Serb people and Republika Srpska. Hence, I am troubled with the President's behavior and the meetings he attends in Bosnia-Herzegovina and Turkey."⁷⁵⁵

754 NIN, April 29, 2010.

755 Pečat, 30. April 2010.

Istanbul declaration

The trilateral meeting in Istanbul this April can be seen as a logical follow-up of the intensive cooperation between Serbia and Turkey in the past year. That was the fifth high-level meeting in a row. Turkish President Abdullah Gul visited Belgrade in October 2009 and, in the meantime, the troika of foreign ministers of Serbia, Bosnia-Herzegovina and Turkey met three times. According to some sources, foreign ministers Vuk Jeremić and Ahmet Davatoglu have met eleven times so far.⁷⁵⁶

The Istanbul summit was called “a fresh start” in the relations between three countries sharing the same objective – membership of EU. Apart from emphasizing the three countries’ readiness to work towards peace and prosperity in the region, the joint declaration states that regional policy must be based on the safeguard of security, continued political dialogue and preservation of multiethnic, multicultural and multireligious characteristics. The summit also resulted in the agreement that all the three members of Presidency of Bosnia-Herzegovina (Silajdzic, Komsic and Radmanovic) should pay a visit to Belgrade in near future and that Turkey’s Prime Minister Redjep Erdogan and Serbia’s President Boris Tadić should go to Srebrenica for the ceremony marking the 15th anniversary of the Srebrenica genocide. The President of Serbia also suggested Belgrade as a venue for the next summit meeting.

Addressing the press, Tadić emphasized that Serbia was committed to preservation of integrity of Bosnia-Herzegovina and would take not a single step towards destabilization of the country or question its borders. “Serbia supports Bosnia-Herzegovina on its course towards EU and congratulates it on obtaining the Action Plan for NATO membership,” said Tadić.⁷⁵⁷

Turkish President Abdullah Gul underlined that trilateral meetings and close and friendly relations between the three countries were of major significance for future, peace, prosperity and common EU-oriented vision

⁷⁵⁶ NIN, April 30, 2010.

⁷⁵⁷ *Politika*, April 25, 2010.

of the Balkans. "Our cooperation and strategic partnership testify that Turks and Serbs have always wanted to be close friends, which is a breakthrough in the history of the Balkans," he said.⁷⁵⁸

Haris Silajdzic expressed his pleasure with Boris Tadić's statement that Serbia would never take a step against integrity and sovereignty of Bosnia-Herzegovina. "That brings hope and peace to our hearts," he said.⁷⁵⁹

Resentment in Republika Srpska

The Istanbul summit contributed to worsening of the relations between Belgrade and Banjaluka. Banjaluka bitterly criticized the trilateral meeting. Some called Belgrade's act "a stab in the back of Republika Srpska." Serb member of the Bosnia-Herzegovina Presidency, Nebojsa Radmanovic, was the loudest of all. He announced that Republika Srpska would oppose the Istanbul declaration, which, as he put it, did not contribute to the stability in Bosnia-Herzegovina. "Once it reaches the Presidency of Bosnia-Herzegovina, this illegally adopted document from Istanbul will be turned down," he said.⁷⁶⁰ Namely, according to Radmanovic, by adopting the declaration Silajdzic violated the constitution, which places Bosnia-Herzegovina as a whole in "a difficult situation." Serb officials are also bothered with the fact that the declaration complimented the Peace Implementation Council /PIC/. "There is no unique assessment of the quality of PIC work in Bosnia-Herzegovina," he said.⁷⁶¹

Like the Declaration on Srebrenica before it, the Istanbul Declaration raised the question of the relations between Serbia and Republika Srpska in Banjaluka. Vice-President of Serb Democratic Party Ognjen Tadić reminded that his party had duly called upon Belgrade and Banjaluka

758 Ibid.

759 Ibid.

760 *Danas*, April 28, 2010.

761 Ibid.

to “settle mutual misunderstandings.” “That never took place as Sarajevo policy obviously came between,” claims Tadić.⁷⁶²

Republika Srpska Premier Milorad Dodik – whose incendiary statements and threats in the past month contributed to destabilization of Bosnia-Herzegovina – was somewhat more reticent this time. And yet, he said that Haris Silajdzic had not been authorized to take unilateral steps in Istanbul – for, “it must be clear who the one to represent Bosnia-Herzegovina is” when it comes to Serbia’s and Turkey’s attitude towards it. “We shall continue developing good relations with Serbia, but shall also continue clarifying our position and advocating Republika Srpska interests,” he said.⁷⁶³

Aleksandar Popov, director of the Center for Regionalism, says Belgrade has made a good and constructive U-turn in its regional policy. According to him, by putting his signature under the Istanbul declaration Boris Tadić “took upon himself to indirectly, if possible, pacify Dodik.”⁷⁶⁴ Popov reminded that Belgrade has not reacted at Dodik’s statements that were contrary to the Dayton Accords.

Belgrade’s reactions

In Belgrade, too, many strongly protested against Boris Tadić’s “radical turn” in the relations with neighboring countries. The nationalist, anti-European bloc expressed its doubts about the Serbian President’s reliance on Turkey in the process.

The Serbian parliament denied hospitality to Turkish President Abdullah Gul during his visit to Belgrade (October 2009) though the plan of visit included his address to parliamentarians. He never delivered his address since the opposition’s hue and cry over it might have resulted in incidental situations.

⁷⁶² *Politika*, April 28, 2010.

⁷⁶³ *Ibid.*

⁷⁶⁴ *Isto.*

Denial of Turkey as a possible partner in stabilization of the region and its faster movement towards EU results from the conviction that all Ankara cares for is "protection" of Muslim population in Balkan states. Its support to constitutional reform in Bosnia-Herzegovina and recognition of Kosovo's independence are perceived from the same angle.

The *Pecat* weekly was (once again) the fieriest critic of Boris Tadić. According to the paper's editor-in-chief, Milorad Vucelic, "Belgrade autocrats" no longer even mention Republika Srpska and "do all in their power to destroy it." "The Istanbul Declaration clearly manifest how far we have gone in such policy...Only the resolve of Serb people on the other bank of the Drina River, the international law and Russians are defending Republika Srpska," writes Vucelic.⁷⁶⁵

These circles interpret Turkey's new dynamics in regional affairs as renewed ambitions of the once Ottoman Empire. MPs from Serb Radical Party cynically asked Bozidar Đelić, vice-premier for European integrations, from the parliamentary rostrum, "Where the government plans to take Serbia: to Europe or to the Ottoman Union?"⁷⁶⁶

The *Pecat* weekly calls this supposed future community Ottoman Commonwealth. Referring to Turkey's protracted and uncertain admission to EU, *Pecat* claims that is no reason for Serbia to "tie its aspirations to Turkey's problematic chances...let alone become hostage to some future rearrangement of the continent and establishment of third-rate Balkan and Central Asian integrations."⁷⁶⁷

Vladislav Jovanovic, former foreign minister in FR of Yugoslavia, ascribes Turkey's engagement in the Balkans and active cooperation with Belgrade regime to pressure from US. America wants Serbia's support in "breaking Republika Srpska's resistance," says Jovanovic, adding, "The fact that Serbia, as a neutral country, supports integration of Bosnia-Herzegovina into NATO is politically sly." "I understand that we cannot confront a superior trend but we need not embrace it and lend it a helping hand. This only harms our long-term interests – the safeguard of cultural, spiritual

765 Pečat, 30. april 2010.

766 TV B92, April 29, 2010.

767 Pecat, April 30, 2010.

and national unity of Serb people in the entire territory of the Balkans,” says Jovanovic.⁷⁶⁸

By accepting Turkey for its key regional partner, Serbia has made a U-turn in its regional policy. Against the background of economic and financial crisis, as well as recession in almost all countries of the Balkans, regional cooperation needs to be continued, notably with Turkey, a country with huge political and economic potential.

Turkey's role in stabilization of the Balkans is of major importance for rounding off the region's security architecture. Its role in relaxation of the relations with Muslim population in almost all Balkan countries – exposed to radical nationalisms for two past decades – is also most significant.

Serbia needs to place its attitude towards the Ottoman era into a realistic context and develop its relations with Islamic countries, including Turkey, on mutual understanding and common cultural heritage. The new dynamics in the relationship between Serbia and Turkey provides Serbia an opportunity to normalize its relations with Muslims/Bosniaks in Serbia proper and in the entire Balkans.

The media and educational institutions cherishing negative stereotypes about Turks and Muslims in general by tradition could greatly contribute towards achieving the above goal. The stereotypes in question are the same radical nationalism has been feeding on for hundreds of years and need to be decomposed.

768 *Politika*, April 28, 2010.

XIII

Serbia and Its Neighbors

The Start of a Thaw

Throughout 2009, Serbia adhered to its avowed position that it will not participate at meetings at which “its” southern province is presented as independent Kosovo. By insisting on this, Serbia has further upset the already fragile relations in the region and closed the door on itself to, or at least slowed down, the process of EU integration. Serbia did not send a delegation to the meeting of Balkan countries organized by Slovenia near Kranj. President Boris Tadić did not attend the inauguration of the Croatian president, also because the Kosovo president had been invited. Following two years of boycotting such gatherings, Serbia is increasingly likely to attend a regional conference in Sarajevo under EU auspices in June 2010.

International and internal circumstances are gradually forcing Serbia to normalize relations with both neighbours and the EU and to accept the reality it has been refusing to acknowledge for so long. The new pragmatic approach of the Serbian Government holds promise of more rational and prudent behaviour at regional level and beyond.

Montenegro: Regime in Podgorica Constantly Criminalized

Relations between Serbia and Montenegro aggravated after Montenegro's recognition of Kosovo (October 2008) to which Belgrade responded by expelling the Montenegrin Ambassador. When Podgorica and Prishtina established diplomatic relations (November 2009) Belgrade withdrew its ambassador to Montenegro. Montenegrin President Filip Vujanovic paid an official Belgrade to Serbia in May 2009, but the visit itself did not contribute to full normalization of bilateral relations. Besides, Montenegro definitely opted for Euro-Atlantic integrations and applied for EU candidacy, NATO endorsed a plan of action for Montenegro's membership (December 2009) and, most importantly, the Montenegrin parliament already adopted a declaration condemning the Srebrenica genocide.

Serbia still aspires to play an arbiter in some exclusively internal affairs of its neighbor. Such tendency is notably mirrored in Belgrade's "concern" for Serbs in Montenegro and their status. Actually, it tries to "order" a kind of status local Serbs should be accorded. With an approach as such, Serbia overtly supports the pro-Serb opposition in Montenegro, which has been playing on the thesis about allegedly jeopardized Serb people, Serbhood and Serb language.

For its part, Serbia constantly plays on the story about Montenegrin Premier Milo Đukanović's alleged involvement in cigarette trafficking and "the criminogenic nature" of the incumbent regime in Podgorica. This was particularly evident after Montenegrin parliamentary elections in March 2009, when the ruling coalition won an absolute majority of vote. To justify the last in the series of its electoral defeats, Montenegrin opposition claims they were rigged, whereas electoral campaigns ensuring Đukanović victory are funded through criminal activities. According to the pro-Serb opposition, the outcome of the independence referendum in 2006 was due

to the hookup between the regime and organized crime. Such and similar claims and assaults at the ruling coalition, notably at Đukanović, find a strong echo in Serbian media.

The Serb Orthodox Church /SPC/ recognizes neither the Montenegrin state nor the Montenegrin nation. SPC would neither recognize the Montenegrin Orthodox Church, which attracts more and more believers and adherents. SPC openly interferes into political processes in Montenegro despite Montenegro's constitutional, secular character. Pro-Serb parties in Montenegro have not only been created by SPC but also, like many other organizations, operate under its influence. So, an Assembly of Serbs in Montenegro has been established in the Moraca monastery. Main promoter of SPC activities in Montenegro is Metropolitan Amfilohije Radovic.

The newly elected SPC patriarch, Irinej, did not miss the opportunity to underline that Montenegrins and Serbs were the same people. "Separation of Serbia and Montenegro is senseless and irrational, given that we are the same people with same roots,"⁷⁶⁹ he said and called the Montenegrin church "a mock community unfortunately supported by the state."⁷⁷⁰

The media in Serbia are constantly campaigning against Montenegrin tourism: they play on the thesis about high prices, bad conditions and primitive service. Their list of the reasons why one should not vacation at Montenegrin coast goes as far as including Montenegro's recognition of Kosovo independence. The year 2008, as the year of Montenegro's high tourism, will be remembered by "high expectations falling short," they gloated.

Serbia's diplomatic claims

Serbia strongly responded to Montenegro's decision to establish diplomatic relations with Prishtina once it recognized the new state. It promptly messaged the Montenegrin government that opening of a Montenegrin embassy in Prishtina further aggravated bilateral relations. Zoran Lutovac,

769 Kurir, January 27, 2010.

770 Blic, January 27, 2010.

Serbia's ambassador to Montenegro, demanded postponement of diplomatic relations with Kosovo until the ruling of the International Court of Justice.

Serbia requested to open three consulates in Montenegro – in Herceg Novi, Niksic and Bar. Serbian Foreign Minister Vuk Jeremić explained that Serbia was duty-bound to protect its nationals in Montenegro. The Montenegrin government turned down the request as excessive – Montenegro is a country too small to host three consulates, one is quite enough, said the government. Then Belgrade warned Podgorica to think twice before sending an ambassador to Serbia, coming from the political structure that had won the March parliamentary elections. Premier Milo Đukanović responded by saying that was “a continued tendency to govern Montenegro outside Montenegro.” When the Montenegrin government appointed Igor Jovovic ambassador to Serbia, the Serbian media begun running the stories about him being suspected for cigarette, booze and food smuggling in his capacity as Montenegrin ambassador to Ethiopia. The Blic daily run a story headlined “Podgorica Sends a Smuggler for Ambassador to Serbia.”⁷⁷¹

Serbia seizes every opportunity to belittle Montenegro's independence. So, without any official announcement and arrangements, Foreign Minister Vuk Jeremić went to Bijelo Polje to attend a ceremony marking St. Sava Day. “Throughout history, Serbia and Montenegro were walking side by side and never quarrelled...Togetherness between peoples of Serbia and Montenegro – togetherness in religion, customs and spiritual heritage – is indestructible,” said Jeremić addressing the audience.⁷⁷²

Serbs in Montenegro

The pro-Serb opposition claims special rights for the Serbs in Montenegro. However, it is divided over the issue. A smaller portion of that opposition, actually the Serb Radical Party, advocates a national minority status

⁷⁷¹ *Blic*, September 4, 2009.

⁷⁷² *Vecernje Novosti*, January 28, 2010.

for Serbs. With Belgrade's support, the rest – the biggest portion – would not proceed with such demand. On several occasions, Serbian President Boris Tadić emphasized that Serbs could not be a national minority in Montenegro. At the summit conference of South East European states in Cetinje, he said, "Serb roots in Montenegro are deep and that's a scholarly fact...Therefore, we cannot accept that Serbs in Montenegro are treated as a national minority."⁷⁷³ It was neither acceptable to him, he said, that the Serb language and culture in Montenegro are in the minority. "Montenegrians in Serbia are autochthonous people, the same as Serbs in Montenegro," said President Tadić, adding, "Nobody has the right to question Montenegrin identity in Serbia, the same as no one could possibly question Serbian identity in Montenegro." He messaged that Serbia's policy was not hegemonic, but Belgrade was only duty-bound to safeguard Serbian cultural heritage in all the countries in the region.⁷⁷⁴

The leader of the parliamentary party – New Serb Democracy, Andrija Mandić, sided with Tadić. According to him, it was with the funds from the ruling Democratic Party of Socialists that the Serb Radical Party imposed the thesis about the status of a national minority for Serbs. His party supports the Serbian government's plan for the establishment of a regional assembly of diaspora and Serbs, which would be invested with authority in certain fields under a relevant law, he added.⁷⁷⁵

Miodrag Jaksic, state secretary of the Ministry for Diaspora, claimed, "Serbs in Montenegro do not enjoy even minimal constitutional rights in the domains of culture, information, education and religion." In response, the official Podgorica underlined that Montenegro was a civil state the constitution of which guarantees expression of all differences and that Belgrade's claims were ungrounded.⁷⁷⁶

The media in Serbia also constantly speculate the size of Serb population in Montenegro. According to the correspondent for the *Politika* daily, only 13,000 Serbs work for Montenegro's educational institutions:

⁷⁷³ Kurir, June 5, 2009.

⁷⁷⁴ Ibid.

⁷⁷⁵ Vecernje Novosti, June 1, 2009.

⁷⁷⁶ Borba, August 19, 2009.

a negligible percentage of them is engaged in 21 kindergartens, 161 elementary schools and 49 secondary schools, whereas they keep low profile at the University to “avoid repressive actions.”⁷⁷⁷

Montenegro's attitude towards Kosovo

Montenegro's decision to establish diplomatic relations with Kosovo angered Belgrade. Such an act, said Foreign Minister Jeremić, “undermines regional stability and hinders the establishment of the best possible relations among neighbors.” “Podgorica's decision to establish diplomatic relations with the illegal, secessionist authorities in Prishtina cannot go unpunished,” he threatened.⁷⁷⁸ In the attempt to soothe Jeremić's threatening statement, Dragoljub Micunovic, president of DS Political Council, said Serbia should not raise hell over diplomatic relations between Montenegro and Kosovo. However, he added, “We must make no bones about their motion. It's thoughtless and made while the process in The Hague is still on. It cannot be considered well-intentioned.”⁷⁷⁹

Serbian language

The well-known nationalist thesis that Montenegro has throughout history been a state of the Serb people impacts on the question of the Montenegrin language, with the pro-Serb opposition insisting that it was invented in order to “banish the Serbian language”. The promotion of the new Montenegrin orthography was accorded much attention by the Belgrade press. In connection with the promotion, pro-Serb political parties urged the citizens to ignore the Montenegrin language as a farce, insisting that “in Montenegro the Serbian language represents a linguistic, cultural and historical constant which cannot be thrown out of use.”⁷⁸⁰

⁷⁷⁷ *Politika*, January 6-7, 2009.

⁷⁷⁸ *Tanjug*, January 16, 2010.

⁷⁷⁹ *Ibid.*

⁷⁸⁰ *Politika*, 13 July 2009.

In response to an announcement that textbooks would be printed in the Montenegrin language, Vice-President of the Serb National Council Vojin Grubač said that “Serb children do not have to learn from those textbooks”. The Serb National Council demands the division of school classes on a language basis. He recommended the Montenegrin Ministry of Education to allow Serb historians and Serbian language professors proposed by the Council to participate in the preparation of textbooks for Serbs. Serb literature, history, and geography textbooks must deal with the literature properly while according equal treatment of the territories covered by Montenegro, Serbia, and Republika Srpska.⁷⁸¹

Serbian media argue that, according to the 2003 census, the Montenegrin language is used by just over 20 per cent of the population. The language issue is linked to the “political project of a Montenegrin state and nation”. It is argued that, with the object of constructing a Montenegrin identity with no links with the Serbs and Serbia whatever, there are plans to legalize a “Montenegrin language” and create a schismatic “Montenegrin Orthodox Church” and a quasi-scientific “Doclean Academy of Sciences”.⁷⁸²

The Šarić case

When two tons of cocaine was confiscated at yacht “Maui” sailing under British flag in Santiago Vasquez, Uruguay, and the police apprehended a Serb and his accountant, and Uruguayan, intent to load cocaine onto an ocean liner. While the investigation into the background and masterminds of this obviously well-organized mafia operation is still on, a media war against Montenegro is in full swing in Serbia. Darko Saric, the central figure of the case for the time being, is suspected of having laundered the cocaine money in Serbia mostly where he was buying real estate (in Vojvodina, in the first place), business premises, companies, hotels, lands,

781 *Politika*, 6-7 June 2009.

782 *Pečat*, No. 52/2009.

etc. The fact that not a single institution has suspected the source of these funds indicates that Saric must have had powerful mentors in Serbia, too.

"The Saric case" opened a new chapter in the struggle against organized crime in Serbia and in the region. Even President Tadić commented it by saying, "Today, Serbia is under the attack of organized crime, which cannot be identified as Serb only. There is no doubt that this criminal group was closely connected with same groups in South East Europe, as well as in the European Union and Latin America."⁷⁸³

However, Slobodan Homen, state secretary of the Ministry of Justice, said he doubted Montenegrin authorities' readiness to cooperate with Serbia in the investigation against Darko Saric's gang. "The very fact that Serbia's wishes were not met – i.e. that its request for postponed submission of evidence (against two suspects in the criminal enterprise) was turned down – make us suspicious," said Homen.⁷⁸⁴ According to him, Saric's gang has operated for ten-odd years, no one has ever said a word about it, its members had not been arrested in the Saber operation and the media have never run stories about it. As he put it, it is necessary to investigate into the extent of the gang's undisputable connections within the Ministry of the interior, politics, political parties and the media. "It is in criminals' interest to finance opposition and the regime alike. By financing everyone you are protected. When this government was formed the chain must have broken at some point...One cannot claim that no one in this government was involved given that it is still on the investigation to ascertain that," said Homen.⁷⁸⁵

Regional cooperation in the struggle against organized crime figures as one of EU preconditions for the region's integration – and, as such, calls for coordinated actions. However, Serbia used the Saric case for further criminalization of Montenegro that is anyway discussed in the media on daily basis.

783 Vreme, February 25, 2010.

784 Tanjug, February 11, 2010.

785 Isto.

Conclusions and Recommendations

By overtly promoting Nebojsa Medojević, leader of the Movement for Changes, the Belgrade elite and the media actually work towards the attainment of his goal: ouster of Montenegrin Premier Milo Đukanović. The publicity given to it in Serbia creates the impression that Đukanović's downfall is only a matter of time and that US sides with Medojević. This leads to the conclusion that, for Belgrade, Đukanović's departure equals the end of Montenegro's independence.

Serbia relinquishes its paternalistic attitude towards Montenegro slowly and painfully. Serbia still nourishes territorial aspirations towards Montenegro, notably in the context of access to Adriatic Sea (the plans for the purchase of the Bar Port). An attitude as such aims at slowing down Montenegro's accession to EU and NATO.

Serbia needs to improve relations with Montenegro by respecting its specific national interests, the same as the fact that it is on Montenegro, as an independent state, to decide on these interests.

Distrust in Montenegrin authorities' readiness and capacity to perform their duties, including the fight against organized crime, is systematically promoted.

Serbia and Croatia: Past Still in the Way

Almost two decades after the end of the war and fourteen years after the establishment of diplomatic relations, Serbia and Croatia still move from one crisis to another – each reviving traditional and carefully cherished mutual animosities. Belgrade is responsible for such oscillations in the first place: not only when it comes to Croatia but also for the entire region. Official Belgrade recognizes regional realities with leaden step unwilling to acknowledge “new” borders.

The predominant political and intellectual elites in Serbia are not ready yet to distance themselves from the legacy of Milošević’s era and Milošević’s warring policies. This hampers objective analysis of the chronology and context of the developments of 1990s on the one hand, and generates misunderstanding and tensions weighting Belgrade-Zagreb relations on the other. Many burning problems (the borderline issue, return of refugees, property rights, etc.) are being shelved therefore.

Serbia’s and Croatia’s position in the region and their responsibility for regional stability make their mutual relations even more complex. Above all, the two countries share responsibility for Bosnia-Herzegovina. Unlike official Zagreb that clearly distances itself from any paternalism over Bosnian Croats, official Belgrade openly supports Republika Srpska as an autonomous and statelike entity. Serb strategists maintain status quo as they expect territorial aspirations – on the account of which the war in 1990s was waged in the first place – to come true sometime in future.

Serbia specifically reproaches Croatia for recognizing Kosovo and establishing diplomatic relations with Prishtina at ambassadorial level. According to some analysts, recognition of Kosovo’s independence placed Belgrade-Zagreb relations at the lowest point ever since 1996 when the two established diplomatic relations. Belgrade’s officials and the media were

most angered at the fact that Croatia was the only ex-Yugoslav republic (and the only neighboring country besides Bulgaria) to advocate Kosovo's right to independence before the International Court of Justice.

By applying for EU candidacy in December 2009, Serbia officially joined the club with Croatia that had reached a political consensus on its European future much earlier and is now practically at the threshold of Brussels. EU rules of conduct in bilateral relations – Zagreb is duty-bound to obey for some time and Belgrade by its application for candidacy – will considerably determine the dynamics of this regionally crucial relation. Such a new frame opens up prospects for the entire region. Despite the fact that each of the two countries aspires to regional leadership, new circumstances may invest their rivalry with a new, positive dimension.

What may lead to such a conclusion? Both sides were by far more reserved than expected when commenting the latest developments dealing with Croatia's charge against Serbia and Serbia's counter-charge. Serbia's Foreign Minister Vuk Jeremić described them as "a pure symmetry." It was on December 31, 2009 that Serbia filed a counter-charge against Croatia for genocide of Serbs before the International Court of Justice in The Hague.

A chance paradox

In 1999 Croatia filed a charge against Serbia (FRY at the time) for aggression and genocide before the International Court of Justice. As the ICJ had to decide first whether or not it was authorized to rule in the case, the charge has been shelved for years. When in 2008 the ICJ affirmed its competence the atmosphere in both countries became heated. Serbia immediately announced a counter-charge that had been prepared for over a year.

Serbia's media and officials differently reacted to the announced counter-charge. President Boris Tadić was reserved when commenting the breaking news that the counter-charge was ready and waiting to be sent, the media run in late December 2009. He said the counter-charge "should wait for a while" before being sent to The Hague. However, only a couple

of days later (on December 31, 2009) Tadić said that after consulting Premier Mirko Cvetković he decided to have the counter-charge forwarded to the ICJ.

For his part, the then presidential candidate, Ivo Josipovic, also gave two mutually contradictory statements in the period of couple of days only. Josipovic first underlined he was among co-authors of the Croatian charge and claimed its withdrawal was out of the question. However, when commenting Serbia's counter-charge for Belgrade-seated media, he said, "Croatia filed its charge at the time Serbia had a different policy... Things have changed in the meantime and the charge serves its original purpose no more."⁷⁸⁶

Indicatively, legal experts and analysts from both countries warn that the outcome of proceedings before the highest international court will not satisfy either side. Most of them take that ICJ judges will hardly qualify destruction and crimes Serb forces (under the auspices of YPA) committed in Croatia in 1991 or the crimes by Croatian forces during liberation of the country in 1995 as genocide.

The argumentation and the rhetoric of Serbia's counter-charge rather associates it with the atmosphere in the eve of 1990s wars and the policy of Milošević's regime. Commenting this resemblance and Vojislav Koštunica's application for FRY's membership of UN in 2000, professor of international law Vojin Dimitrijevic says the act itself should have manifested "discontinuity with Slobodan Milošević." "Now we are defending everything he has done. So, why did we oust him in the first place?" says Dimitrijevic.⁷⁸⁷

Reactions by politicians and public figures

Unlike rightist-nationalistic parties, advocates for EU course in Serbia and Croatia alike take that the ICJ is not the right place for settling mutual disputes. Leader of the Liberal Democratic Party /LDP/ Cedomir Jovanovic says that the Serbian government's policy towards most countries in the

⁷⁸⁶ Kurir, January 5, 2010.

⁷⁸⁷ *Politika*, January 5, 2010.

region is still wrong and harms the relations with those with which Serbia should cooperate best. Serbia should lead a wise foreign policy, the one that “responds not to a mistake by making another mistake,” says Jovanovic.⁷⁸⁸

Damir Kajin, vice-president of the Istrian Democratic Alliance, responds in about the same way. In Croatia, nobody can deny that Croatia was a victim of aggression the same as nobody can hush up the crimes committed by the Croatian side, says Kajin, adding, “Instead of preoccupying ourselves and others with charges we should better try to solve the problems of return, war crimes, reconstruction of states, etc.”⁷⁸⁹

However, “right-wing” oppositionists hold the counter-charge not only justified but, moreover, late – i.e. Serbia should have filed a charge against Croatia first. This is the opinion voiced by the vice-president of the Serb Progressive Party, Aleksandar Vucic⁷⁹⁰ and strongly shared by Milošević’s ex-foreign minister, Vladislav Jovanovic. According to Jovanovic, the counter-charge should have been filed ten years ago. “We should have spoken the same language they used while speaking to us, the more so since they are heavily burdened by historical experience we don’t have: a real genocide of Serbs in WWII,” says Jovanovic.⁷⁹¹

Đorđe Vukadinović, chief editor of the New Serb Political Thought, complains that no one seems happy with Serbia’s counter-charge: neither the opposition nor leaders of Serbs in Croatia, whereas “some from the regime seem ashamed at having to deal with these ‘remnants of the past.’” For Vukadinovic, filing of the counter-charge is welcome no matter how late. He adds, however, “No charge whatsoever will be of any avail to us unless Serbia changes its attitude towards national interests and state issues.”⁷⁹²

788 Kurir, January 5, 2010.

789 Ibid.

790 *Danas*, January 6-7, 2010.

791 *Politika*, January 5, 2010.

792 *Politika*, 5. januar 2010.

For Croatian politicologist Zarko Puhovski, motives behind the change and the counter-charge are political rather than legal.⁷⁹³ Vuk Draskovic, leader of the Serb Renewal Movement, was among the few in Serbia criticizing Serbia's counter-charge. He pleaded against the use of the counter-charge for "inciting anti-Croatian sentiments in Serbia."⁷⁹⁴

Croatia's Serbs

Every growing tension between Belgrade and Zagreb disadvantages the Serb community in Croatia. Their leaders constantly warn about this fact and appeal to both sides to think rationally and try to solve problems without resentment and strong emotions. This refers to the present charge and counter-charge too. We must do our best to make the odds for withdrawal of the charges realistic, said Milorad Pupovac. "It's time to sober up and open a new chapter of relations through dialogue on crucial issues. Withdrawal of all charges could provide a foundation for an agreement leading both Croatia and Serbia towards EU," he said.⁷⁹⁵

Vojislav Stanimirovic of Pupovac's party shows more understanding for Serbia's motion because Croatia's Serbs' lobbying for withdrawal of the charge by Zagreb was in vain. For him, the counter-charge is "the only way to prove what really happened."⁷⁹⁶

Refugee associations in Serbia persistent in their grudge against Croatia are the loudest in their support to Serbia's government counter-charge. These are the same organizations that come handy to official Belgrade whenever it needs to raise tensions with Croatia.

793 Izjava za Fonet, prema Politici, 5. januar 2010.

794 Pravda, 5. januar 2010.

795 Blic, 5. januar 2010.

796 Glas javnosti, 5. januar 2010.

What is the point of counter-charge?

Apart from being “a pure symmetry,” Belgrade’s counter-charge is meant to force Croatia to give up its charge. The pressure on Croatia from Belgrade has been behind the scenes for long but filing of the counter-charge practically revealed this endeavor. According to a news story run in the *Blic* daily, Belgrade dispatched “a truck loaded with documents and evidence” to the ICJ – a piece of information meant to make the whole motion more convincing.

The greatest part of the documentation sent to The Hague are “documents and evidence material” related to the crimes committed in WWII. This leads to the conclusion that the Serb side tries to “legitimize” the war and war crimes of early 1990s. Moreover, professor of international law Radoslav Stojanovic said that the /sent/ documentation was “a historical introduction interpreting and throwing light on the developments in 1991.”⁷⁹⁷

Such interpretation marking Serbia’s public discourse on the eve and during the 1990s wars actually hampers the possibility for an out-of-court settlement of the basic dispute between Croatia and Serbia. As of lately, top officials from both sides no longer rule out the possibility for such a settlement.

For instance, Boris Tadić says, “We wish to believe that Croat and Serb institutions would sit around a table in the future and try their best to reach an out-of-court settlement that would be fair and satisfy justice.”⁷⁹⁸ Ivo Josipovic denies not that in the past years Serbia has made progress when it comes to returning of Croatian piece of arts, war crimes trials and tracking down missing persons and appeals, hence, to continuation of such efforts, which, as he puts it, may lead to an agreement. However, “defining the causes of the war” needs to be an outcome of such efforts, he says.⁷⁹⁹

Miroslav Lazanski, outstanding columnist of the *Politika* daily, also points out to such a possibility. “Tadić and Josipovic should meet as soon

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798 Pravda, January 5, 2010.

799 Kurir, January 5, 2010.

as possible, like De Gaulle and Adenauer did, so as to have inasmuch as possible booty returned and all war criminals put on trial. And both sides should finally stop revising history," says Lazanski.⁸⁰⁰

Croatia always seen as a scapegoat

The charge issue is not the only reason behind the latest growing tension between Belgrade and Zagreb. Belgrade strongly responded to President Stjepan Mesic's visit to Kosovo. Firstly scheduled for January 7, the Eastern Orthodox Christmas, and then postponed for a day, the visit was, as President Mesic put it, "in the function of strengthening bilateral relations, primarily at state level."⁸⁰¹ Official Belgrade, however, interpreted it as a provocation.

It is because of Kosovo in the first place that Belgrade-Zagreb relations are at the lowest point since the two countries established diplomatic relations. Not only has Croatia recognized Kosovo but its representatives have also argued for Kosovo's right to independence before ICJ invoking the 1974 Constitution. For its part, Serbia also invoked the 1974 Constitution at the time it annulled Kosovo's and Vojvodina's autonomies, and used the same argumentation: the status of Kosovo was federal, which was at Serbia's detriment.

The outgoing president, Stjepan Mesic, chose Prishtina for his last official visit (January 8, 2010). By making this gesture he wanted to manifest once again his longstanding political endeavor for recognition of a new regional reality or, as he put it, a new architecture. Addressing Kosovo MPs he emphasized the need for everyone to accept new realities as soon as possible and appealed to the countries that have not recognized Kosovo yet to do it.

Serbia needs not join this club, he said, but should find a *modus vivendi* with Prishtina in foreseeable future. He appealed to the Serb

800 *Politika*, January 9, 2010.

801 *Kurir*, January 8, 2010.

community in Kosovo to partake in the country's political life and thus contribute to the solution of the problems of its everyday existence.

Serbian media have criticized Croatian President's plan to visit Kosovo for days before the visit actually took place. They usually placed the visit in the context of Mesic's "well-known malevolence for Serbia." On the other hand, they hardly missed a chance to stress that Mesic was an outgoing president. In an interview with TV B92, Foreign Minister Vuk Jeremić said Mesic had "small specific gravity."⁸⁰²

On the same day Mesic was in Prishtina, President Boris Tadić was the only official in Serbia to issue a release saying that Mesic's decision to visit Kosovo was "among the decisions that efficiently mar relations with Serbia." However, his release gave more room to and was by far more critical about the fact that only a day earlier Stipe Mesic amnestied Sinisa Rimac, convicted to eight-year imprisonment for the crimes against Serb civilians in Pakracka Poljana in late 1991.

Serbia's opposition parties, particularly the Serb Progressive Party / SNP/ and the Serb Radical Party /SRS/ strongly responded to both decisions (visit to Kosovo and amnesty for Rimac). The Serbian Renewal Movement /SPO/ called them irresponsible, whereas SRS said, "The visit to the so-called state of Kosovo and amnesty for a Croatian ex-policeman testify that Croatia sticks to its plan for Serbia's disintegration." Referring to the amnesty for policeman Rimac, Aleksandar Vucic, SNS vice-president, said, "It illustrates the attitude of the Croat state and Croat leadership towards Serb people." As for Oliver Ivanovic, state secretary for Kosovo and Metohija, he said, "Mesic should have better asked to visit Belgrade as that would have been a message for future Serb-Croat relations and for the entire region too."⁸⁰³

Serbia's relations with the countries emerging from ex-Yugoslavia, with Croatia in the first place, cannot truly normalize as long as Serbia denies new realities in the region and its responsibility for aggression against Slovenia, Croatia, Bosnia-Herzegovina and Kosovo.

802 B 92, December 8, 2009.

803 www.b92.net, January 9, 2010

The plan for normalizing regional relations through “balanced responsibilities” turned ineffective since all neighboring countries perceive the events in 1990s from their specific angles. Regional relations can be normalized only within an objective context providing objective chronology.

Up to now, regional cooperation – notably at political level – has been EU’s precondition to all countries aspiring at its membership. However, Serbia has skilfully used its “potential for blackmail,” no matter how much reduced, in its relations with EU and countries in the region alike.

Notwithstanding many hurdles, regional relations have reached a certain level but cannot move any further unless Serbia takes a constructive attitude towards its neighbors. For official Belgrade Croatia has always been the biggest challenge – in both positive and negative sense. Positive, because it implies competitive spirit that can be a driving force in terms of cooperation. Negative, because Croatia is always seen as a scapegoat when it comes to ex-Yugoslavia’s disintegration.

Besides, the strategic goal of Serbia’s still strong anti-European bloc is to obstruct Croatia’s course towards EU. Therefore, in arguing against Croatia this bloc constantly refers to the WWII to justify the developments in 1990s. Refugees from Croatia and the issue of return are strongly instrumentalized in this context. In fact, official Belgrade has done all in its power to prevent them from returning to their homes while presenting the refugee problem to the international community as an argument against Croatia’s accession to EU.

Serbia’s counter-charge strategically aims at forcing Croatia to drop its charges. As it seems, the charge-counter-charge issue will be the hallmark of a new stage in the relations between the two countries. However, even in the event of an out-of-court settlement Serbia should officially distance itself from Milošević’s policy and acknowledge its responsibility for destruction of Croatian town and expulsion of non-Serb population from 30 percent of Croatia’s territory in early 1990s.

Belgrade and Banjaluka: Together for Partition of Bosnia

Regional stabilization depends on consolidation of Bosnia-Herzegovina. As the basis for Bosnia's political arrangement the Dayton Accords have proved insufficient since and need to be upgraded so that the country can function normally. The international community has been aware of that for some time now and treating the Dayton Accords as an unfinished process.

Early 2009 when the Balkans – above all Bosnia-Herzegovina – was placed high at the international agenda mark the beginning of the international community's more active engagement in the region. The initiative itself was inspired by the new American administration. However, joint efforts by the European Union and the United States to turn Bosnia into a functional state through a revision of the Dayton Accords ended in a fiasco in the first, "Butmir" round.

Two rounds of negotiations between Bosnia-Herzegovina's political leaders with Carl Bildt /EU/ and James Steinberg /US/ in the Butmir military base on October 19-20 failed even to make a symbolic progress towards a consensus by local leaders on constitutional reforms. They turned the "Butmir paper" down. Though the paper itself has never been fully publicized, it is common knowledge that it was primarily meant to strengthen the central governance by replacing the Ministerial Council with a proper government and investing more power in the office of the President.

Sharp divides between the two entities, three national communities and the (non)functional central governance grew deeper. The Dayton Accords had enthroned two differently arranged entities. Republika Srpska is notably centralized, whereas Federation of Bosnia-Herzegovina decentralized by ethnic principle, which kept obstructing its functioning as well.

After the Butmir fiasco, Premier of Republika Srpska Milorad Dodik tried to convene local leaders in Banjaluka on October 30 to find a way out of crisis without international mediation. However, no local leader accepted his invitation.

The official Belgrade's role and influence on the developments in Bosnia-Herzegovina are not quite clear at this point. Highest officials – President Boris Tadić and Foreign Minister Vuk Jeremić in the first place – say with one voice that Serbia “supports the Dayton Accords” and would readily “back everything the three peoples agree on.” Such wording, particularly the later phrase, questions Serbia's sincerity about basic disputes generating crisis in the neighboring state. It has to be recalled that on the eve of the Bosnian war Serbia was also supporting “everything three peoples of Bosnia-Herzegovina would agree on.”

Together with Croatia, Serbia (Federal Republic of Yugoslavia at the time) is a guarantor of implementation of the Dayton Accords on the grounds of which – and particularly since premiership of Vojislav Koštunica (2004-2008) – it has been developing very close, “special relations” with Republika Srpska.

Belgrade's Position

Milorad Dodik's threats that he will call a referendum on independence of Republika Srpska, boycott governmental bodies in Sarajevo and his criticism of UN high representatives in Bosnia-Herzegovina put Belgrade, as “Dayton guarantor,” in the position that will significantly determine its standing with the international factors and aspirations about EU membership.

Serbia's political and intellectual elites not only see Republika Srpska as a (legitimate) booty in Bosnia-Herzegovina but also count on the possibility for regional recomposition in the long run. They are also using Republika Srpska as a key argument in the process of settlement “the national issue” of Balkan ethnic communities. Serbia hopes to get

Republika Srpska as compensation for independent Kosovo (without the part north of the Ibar River). This coincides with its warring goals in the territory of ex-Yugoslavia in 1990s. Belgrade's successful strategy for maintaining status quo in Bosnia in the past nine years raised hopes for the country's partition. With its "special treatment" for Republika Srpska and its present leader Dodik (who seems to be in Belgrade all the time) the official Belgrade actually works on permanent instability of its neighbor on the West.

Under the pressure of financial crisis Serbia had to somewhat reset its foreign policy. Relations with the European Union were restored high among its priorities: now it tries to become a candidate for EU membership as soon as possible. And for all this Serbia has to modify its stands about Bosnia and The Hague tribunal.

True, Serbia has modified its stances but not clearly enough when it comes to Republika Srpska. "Serbia strongly and sincerely supports integrity of Bosnia-Herzegovina as in this way it defends its own integrity. Serbia is not after any destabilization of the region whatsoever, because regional destabilization would catastrophically affect economic and security situation of our country," said President Boris Tadić. Tadić insists on the Dayton Accords as foundations for Bosnia-Herzegovina and adds, "It is important that we develop a new spirit of mutual understanding in the region of South East Europe, in ex-Yugoslav republics in the first place, to prove that we are capable of settling even disputes – that normally occur between countries – in a constructive way and to manifest that we have regional responsibility and a clear-cut goal: membership of the European Union. Only in this way we can attain our separate, national objectives."⁸⁰⁴

International Actors

The dysfunctional state of Bosnia-Herzegovina remains a lasting threat to stability in the Balkans. That is why major international actors – US, EU and Turkey in the first place – made comeback to the region. Though

Western Balkans is not among the Barack Obama administration's priorities, US Vice-president Joseph Biden made a tour of the Balkans in the spring of 2009. The three capitals he visited – Sarajevo, Belgrade and Prishtina – make a triangle that is crucial for regional stability.

The visit of President Abdullah Gul to Serbia testified of Turkey's more active role in the region. Underlying the significance of Serb-Turkish summit meeting, President Tadić said the relations between the two countries were "better than ever in history."⁸⁰⁵

Turkish Foreign Minister Ahmet Davutoglu had visited Serbia before his president, in July 2009. The program of his visit included Sandzak where, together with his host Vuk Jeremić, he reconciled the leaders of two biggest local parties, Rasim Ljajic and Sulejman Ugljanin. In Sarajevo, Minister Davutoglu said Turkey was a "guarantor of territorial integrity of Bosnia-Herzegovina."

Intensified engagement of Turkey, the most powerful country in the region and NATO member-state, its traditional interest in the Balkans and readiness to fund some projects (construction of roads in Sandzak and of Islamic centre in Serbia) can also contribute to regional stabilization.

The circles in the opposition favoring Russia's stronger presence in the region did not welcome the visit by President Gul.

According to the plan of the visit, President Gul was supposed to address the Serbian Parliament. This had to be cancelled since most opposition parties had threatened to boycott his speech. And the planned visit to Sandzak was replaced by the visit to Novi Sad.

In his extensive interview with *Danas* daily, President Gul said Turkey attached importance to the fact that "Bosnia-Herzegovina maintains its territorial integrity, multiculturalism and multiethnicity, and its sovereignty."⁸⁰⁶ "No ethnic group can profit from the attempts to undermine the central governance," he added. Like EU and US, Turkey, said President Gul, wants to see integration in Bosnia rather than fragmentation.⁸⁰⁷

805 *Politika*, October 27, 2009.

806 *Danas*, October 24-25, 2009.

807 *Ibid.*

Russia's Position

As a member of the Contact Group Russia has been involved in the settlement of the Bosnian issue from the very beginning. Until Vladimir Putin came to power Russia's stand did not much differ that of other member-countries in the Group. Russia's position over past years has not been exactly clear and seems to be more in the function of its competing with US. At the same time, Russia's revived presence in the region has been realized through economic deals. In Republika Srpska, it is focused on power supply capacities (such as Oil Refinery in Bosanski Brod) the same as it is in Serbia.

President Medvedev's brief visit (October) was interpreted by Belgrade as Serbia's stronger position in the upcoming negotiations on constitutional reforms in Bosnia. At the ceremony to mark the Day of Liberation of Belgrade in WWII (October 20) Premier of Republika Srpska Milorad Dodik was sitting next to President Boris Tadić. The ceremony was broadcast live – and judging by TV features, Russian President did not even shake hands with Dodik. Only Itartas and Srna news agencies reported “a brief meeting” between Medvedev and Dodik. There was no telling from other sources whether or when the meeting took place at all. “Russia advocates the concept of stronger central institutions along with strong entity institutions,” said Russian Ambassador to Bosnia-Herzegovina Bochan Harchenko.⁸⁰⁸

Russian Foreign Minister Sergey Lavrov's visit to Bosnia (November 5th) confirmed Russia's well-known stance about supporting everything the three peoples might agree on. This actually backs Belgrade's official stand. As an active member of the Peace Implementation Council, Russia wants to see the Office of High Representative transformed into an office of EU representative cooperating with Bosnia-Herzegovina through consultation and coordination rather than imposed decisions and interference into its domestic affairs, underlined Lavrov. He also said Russia was

808 Vecernje Novosti, November 1, 2009.

against “Bonn authority” to dismiss elected representatives and impose legislation.

Jeremić in Action

For more than a month, Serbia’s Foreign Minister Vuk Jeremić has rather concentrated his exceptional diplomatic agility on Bosnia-Herzegovina. Jeremić paid a sudden visit to Banjaluka before the first round of “Butmir negotiations.” According to some news sources (*Danas*), the main objective of Jeremić’s visit was to dissuade Dodik from further radicalization of his relations with the Office of High Representative. “Vuk Jeremić went there to calm down Dodik,” said the paper’s unnamed source.⁸⁰⁹

During the first part of Butmir negotiations (October 9) Vuk Jeremić was away in Istanbul attending the Ministerial Meeting of South East European Cooperation Process (SEECP). Agencies reported that he had separate meetings with his Turkish and Bosnian counterparts, Ahmet Davutoglu and Sven Alkalaj.⁸¹⁰

On the eve of the second round of Butmir negotiations, Serbian President Boris Tadić received a delegation of representatives of seven parliamentary parties from Republika Srpska. According to news stories, he told the parliamentarians that Serbia would not interfere into negotiations between political leaders of Bosnia-Herzegovina on the one hand and US and EU representatives on the other but underlined, nevertheless, that a compromise reached through “Butmir negotiations” would be most welcome. Even more ambiguous was his following message to the parliamentarians: “Serbia is my political responsibility and you are my moral responsibility.”⁸¹¹

Though he told the press after the meeting that he had not seen the full text of the paper under discussion in Butmir, Tadić stressed that “entity

809 *Danas*, October 2, 2009.

810 *Beta*, October 9, 2009.

811 *Danas*, BETA News Agency, October 17-18, 2009.

vote cannot be questioned.”⁸¹² Maintenance of the so-called entity vote enabling entities to veto decisions by the central governance is among the staunchest positions of Republika Srpska.

After the fiasco of Butmir negotiations Vuk Jeremić paid another visit to Bosnia-Herzegovina – this time to Sarajevo. He met with his host, Foreign Minister Sven Alkalaj, and for the first time ever with Haris Silajdzic, leader of the Party for Bosnia-Herzegovina and a member of the tripartite BiH Presidency. Over the meetings Jeremić said Bosnia-Herzegovina was “Serbia’s closest and the most important neighbor” and that Serbia was ready to “help Bosnia-Herzegovina to stabilize domestic situation so as to be able to move speedier towards EU.”⁸¹³ After meeting Dodik in Banjaluka, he told the press that situation in Bosnia-Herzegovina was not ideal but also that “no conflicts whatsoever can take place anywhere in the Balkans.”⁸¹⁴

What Is Expected from Serbia Now

Many regional and international observers take Milorad Dodik most responsible for soaring tensions in Bosnia-Herzegovina. He is often in Belgrade as if to justify his statements such as “I don’t love Bosnia-Herzegovina.” He begun developing good relations with Belgrade in Milošević’s era made them stronger during Koštunica’s premiership and has been always in the company of Boris Tadić in the past two years.

On the other hand, a part of Serbia’s opposition and pro-Russian media (Pecat) accuse both Dodik and Tadić of “constructive imposition of international decisions for Bosnia-Herzegovina.” Dodik is especially held responsible for having supported BiH candidacy for NATO membership. “Bearing in mind the future, I think it is most important to continue

812 *Politika*, October 17, 2009.

813 *Danas*, October 23, 2009.

814 *Ibid.*

moving towards NATO, which would give us what many would rather ignore – a guarantee for stability,” he is often quoted saying.⁸¹⁵

Given its overall situation, one can hardly say for sure whether Serbia fully backs Dodik or twists his arm. Serbia itself is torn between its “national dream” of unification of all Serbs under the same roof and consciousness about the threat of bankruptcy of the state in its present, “reduced” borders. No doubt that it is also under the pressure from some international actors on the account of aggravated relations within Bosnia-Herzegovina. Washington’s discreet warning sent via Daniel Serwer of the US Institute of Peace is most indicative. Serbia does not undermine Bosnia’s stability as much as in the past, because Belgrade is also growingly aware that instability of Bosnia-Herzegovina impairs Serbia’s prospects for EU membership, notes Serwer. However, he said, what is still not coming from Belgrade are “clear and unambiguous signals that it would not allow Republika Srpska’s adventurism to jeopardize its EU membership interests.”⁸¹⁶

Western ambassadors to Serbia also expect Belgrade to start playing a more constructive role. Speaking on behalf of the country presiding EU, Swedish Ambassador Krister Bringeus said he hoped “Serbia would actively participate in resolution of all the problems in Bosnia-Herzegovina.”⁸¹⁷

815 Pecat, October 30, 2009.

816 „Revision of Dayton Begins,” *Politika*, October 16, 2009.

817 *Danas*, October 16, 2009.

Conclusions and Recommendations

The Butmir process should be resumed and result in prompt decisions on constitutional arrangements in Bosnia-Herzegovina. This is the more so necessary since consolidation of Bosnia-Herzegovina puts an end to Belgrade's aspirations and reduces Serbia's potential for "blackmailing" the region and the international community.

The package of measures to be taken should include reorganization of the entire Bosnia-Herzegovina by the principle of regional wholes meeting historical, economic and social criteria.

This opens the door to Serbia's constructive activities for regional reintegration, which can considerably lessen frustrations of its pro-European and reformist political elite. Stronger pro-European course could trigger off the region to overcome the decades-long blockade.

By eliminating ethnic criterion from processes of resolution of multi-ethnic conflicts, EU restores its fundamental values that guarantee a strong and stable Europe.

By ending the Balkan crisis properly, EU strengthens its position and credibility for settlement of crises. On the other hand, roles of NATO and US as guarantors of regional security become more important. With its constructive activities Turkey proves to be EU's major partner in the region, as well as relativizes the deeply rooted stereotype about Islamic countries being only factors of radicalism and disturbance at the global scene.

Macedonia Recognizes Kosovo Independence

Macedonia recognized Kosovo simultaneously with Montenegro (2008). Serbia saw both acts as hostile and promptly activated its Action Plan for Kosovo the details of which emerge only in some concrete situations. To begin with, Belgrade withdrew its ambassadors from all neighboring countries and expelled Macedonian and Croatian ambassadors.

Macedonia and Montenegro explained their decisions to recognize Kosovo by saying, "Bearing in mind the fact that Kosovo institutions are obliged to fully implement the principles and provisions of the plan of the special representative of the UN Secretary General for the settlement of the status of Kosovo, the two countries support the establishment of democratic institutions in Kosovo to serve development of a multiethnic society that would guarantee the rights of all ethnic communities to cultural, religions and linguistic identity."⁸¹⁸

Belgrade's response to Macedonia was followed by strong diplomatic pressure from US. American Secretary of Defense Robert Gates said, "Washington would highly appreciate Macedonia's soon recognition of independent Kosovo."⁸¹⁹

Two major Albanian parties in Macedonia, Menhud Thachi's Democratic Party of Albanians and Ali Ahmeti's Democratic Integrative Union crucially influenced Macedonia's decision to recognize Kosovo. The recognition itself also contributed to the country's stability. A document released by the two Albanian parties quotes, "Kosovo status has been for long a key problem generating serious political problems in the region, instability and armed conflicts...Recognition of Kosovo's independence is a realistic solution to regional crises." Commenting the initiative by the

818 *www.b92.net* October 9, 2008.

819 *www.B92.net*, October 9, 2008.

Albanian parties, Menhud Thachi said, "An independent Kosovo is not an Albanian project only but an initiative coming from US, EU and NATO."⁸²⁰

Inauguration of President Ivanov

Even the inauguration of Macedonian President Djordje Ivanov was not spared from Serbia's and Greece's blackmail. Presidents of Albania, Montenegro, Croatia and Serbia – Bamir Topi, Filip Vujanovic, Stipe Mesic and Boris Tadić – attended the inaugural ceremony. President of Kosovo Fatmir Sejdiu was not invited because of the pressure from Serbia, whereas Bulgarian President Georgi Prvanov and President of Greece Karolos Papoulias turned down the invitation.

Tadić said in his message of congratulations, "I sincerely congratulate you on winning presidential election. I feel confident that we would work together on strengthening neighborly and friendly relations to the benefit of citizens of Serbia and Macedonia."⁸²¹ In addition to Macedonia's recognition of Kosovo, added Tadić, the relations between the two countries are burdened by the church issue.

The media in Macedonia criticized Ivanov's decision against inviting Sejdiu. "Satisfying one-off whims of someone's friends, Tadić of Đelić, whatever, must not substitute for management of interethnic relations," said some."⁸²²

Between Kosovo and Serbia

To make amends to the President of Kosovo, official Skopje decided to invite Sejdiu as the first foreign politician in visit to Macedonia since Ivanov's inauguration. But Sejdiu called the visit off because the Macedonian President would not have met him with adequate protocol. Belgrade was also dictating the protocol for Sejdiu's visit. According to Kosovo

820 Ibid.

821 Beta, May 12, 2009.

822 Ibid.

analysts, Sejdiu did the right thing without negatively affecting relations between the two countries.

“Like Kosovo, Macedonia is a country with many problems. It has a problem with neighboring Greece over the country’s name. On the other hand, Macedonia has had hard time with Serbia for months because it had recognized Kosovo. Indeed, they do not need additional problems in their relations with Kosovo,” said analyst Millazim Krasniqi.⁸²³

“Macedonia and Kosovo have affirmed their dedication to regional and European integrations. In this sense, I don’t think this is an isolated case. The Macedonian President and the Macedonian government need to read this message with utmost care so as to pursue good relationship, though by some standards of mutual respect,” said Krasniqi.⁸²⁴

Macedonia and ICJ advisory opinion about Kosovo

Under the pressure from Belgrade, Macedonia decided not to argue the legality of Kosovo’s independence before the International Court of Justice /ICJ/ or submit any relevant documentation. It decided to remain neutral after the media in Serbia criticized it for not siding up with Serbia in the case before ICJ.

Relations between SPC and MPC

Though not canonically recognized yet, the Macedonian Orthodox Church /MPC/ – Ohrid Archbishopric (MPC – OA) or just MPC is an official Eastern Orthodox Church in the Republic of Macedonia. MCP proclaimed autocephaly – i.e. independence from the Serb Orthodox Church /SPC/ – in 1967 in Ohrid. It has been in dispute with SPC ever since. By denying recognizing MPC, SPC actually denies Macedonia’s statehood. The Patriarch of Constantinople refused to recognize it because of the name “Macedonian”

823 <http://www.dw-world.de/dw/article/0,,4287747,00.html>

824 Ibid.

and so did the Greek and other Eastern Orthodox churches. MPC considers itself a successor of the Ohrid Archbishopric. SPC recognizes only the newly established Orthodox Ohrid Archbishopric with Archbishop Jovan Vranisevski at its head.

In 2003, SPC suggested an autonomous status of MPC within SPC (the so-called Nis agreement). Should that be the case, believers and clergy of an autonomous Ohrid-Prilep Archbishopric would be duty-bound to invoke the name of the Serb Patriarch in all liturgies. Only Bishop Jovan Vraniskovski seconded the proposal.

For their part, Greeks negate the Macedonian nation and the name Macedonia for a state, as they take the term itself denotes their historic kingdom (Alexander the Great). Therefore, Greece (but EU as well) recognizes Macedonia under the name Former Yugoslav Republic of Macedonia. The name for Macedonia has been negotiated for two decades already. As of lately, there is a mention of a solution supposed to satisfy both sides (*Northern Macedonia* or *Slavic Macedonia*)

New SPC Patriarch Irinej touched on the problem in his first official address. "We have a common history, we have a common culture and we understand each other's language. Things that have happened so far are not normal. We've done our best to overcome the problem, they have not taken it seriously /at first/ but they do now," he said. "Now we are faced with a new problem because there is a new official church recognized by all nations (Ohrid Archbishopric)...They will need to exert efforts to solve this problem among them. Our door is open to them and I wish we should find a solution. We'll do everything in our power – I, in my capacity as the Patriarch and the whole church – to have the problem solved," added Irinej.⁸²⁵

As disclosed by Bishop of Backa Irinej, the two churches were negotiating in secret throughout 2009. "We had some contacts and discussions but made no tangible progress," he told the press in Skopje.⁸²⁶ He said that both SPC and MPC were willing to engage in a dialogue to overcome the

825 *Blic*, January 27, 2010.

826 *Politika*, July 31, 2009.

status quo. According to sources from MPC, SPC softened its stands once it realized that the project involving Jovan Vraniskovski was a failure.

The Macedonian church seeks autocephaly, whereas SPC insists on the term “autonomy,” which is less than independence for MPC. The Macedonian church is fully aware that the road to a higher position within Eastern Orthodoxy goes through “clerical” Belgrade. However, it is hard to expect SPC, which has good relations with the Greek Church, to allow autocephaly for MPC while Skopje and Athens are disputing over the name for Macedonia.

MPC Synod renamed MPC the Macedonian Orthodox Church – Ohrid Archbishopric (MPC-OA). According to the professor at the Faculty of Theology in Skopje, Dimitri Belcovski (who worked on the amendment of MPC constitution), and the MPC Synod decided to rename the church back in 2005.

Serbia’s response to establishment of diplomatic relations with Kosovo

Relations between Serbia and Macedonia have been tense ever since Macedonia recognized Kosovo. President Tadić says in principle, “Serbia remains committed to regional cooperation and supports Macedonia when it comes to the membership of EU. We are moving together towards EU countries’ decision on visa liberation regime, which is extremely important to our citizens.”⁸²⁷ Since Serbia takes that the Western Balkans should join EU in package, such statement, as well as Serbia’s overall attitude towards its neighbors testify of its strategy for obstructing Macedonia’s, Montenegro’s and Bosnia-Herzegovina’s course to EU.

Serbia keeps reminding Macedonia that Kosovo is the main point of discord. But, as President Tadić puts it, the upcoming advisory opinion on the legality of Kosovo’s independence by the International Court of Justice might bring about changes in this domain as well. Tadić said, “Serbia will never recognize the independence of Kosovo and Metohija. Once the

827 Tanjug, July 22, 2009.

International Court of Justice decides on the matter, Serbia will readily open a new dialogue leading to a compromise.”⁸²⁸

At the meeting with his Greek counterpart, Foreign Minister Dimitris Drucas, Serbian Foreign Minister Vuk Jeremić said Athens could count on “Belgrade’s undivided political, moral and any other support in the settlement of the problem of the name for Macedonia.”⁸²⁹ “Greece proved to be a genuine friend and a driving force of the process of integration of the entire Western Balkans into EU. In this context, we fully understand its considerations and shall continue to support the Greek government’s endeavor to have all the issues of importance for the Western Balkans solved, including the delicate question of the name for the state with Skopje as its capital.”⁸³⁰

On March 15, 2010 Macedonia opened its embassy in Prishtina as a natural follow-up of the establishment of diplomatic relations. Antonio Milososki, foreign minister of Macedonia, said on the occasion, “Macedonia and Kosovo are committed to regional peace, friendship and economic cooperation. For us, opening of the embassy is a state occasion and a fresh impetus for bilateral relations.” Macedonia supports Kosovo’s territorial integrity and will help it in the process of visa liberalization, he added.⁸³¹

828 Ibid.

829 *Blic*, November 19, 2009.

830 Transcript puBlicized at the website of the Greek Foreign Ministry

831 Tanjug, March 15, 2010.

Demarcation

Border demarcation between all ex-Yugoslav republics is among prerequisites for their faster movement towards EU. This is about a bilateral problem all countries need to solve before joining EU. "It is most important for every country intent to join EU to leave behind it all bilateral problems in parallel with preparing itself for European integrations," says EU Enlargement Commissioner Stefan Fuele.⁸³²

Referring to the problem, Aleksandar Popov, director of the Centre for Regionalism, says, "Macedonia has already defined its border with Kosovo and once Montenegro does the same we shall have a double problem. Demarcation will be a stumbling bloc in Serbia's way to EU."⁸³³ "If forced to recognize Kosovo, Serbia will have to define its borders with it. However, when one takes into account the constitutional provision and official policy, this will surely not happen soon," he adds.⁸³⁴

Not long ago, the parliaments of Macedonia and Kosovo ratified an agreement on border demarcation between the two states – an act inciting strong response from Serbian officials. Martin Martinovski, Macedonian governmental spokesman, takes that "the issue of demarcation between Macedonia and Serbia was solved back in 2001" and that the agreement signed with Kosovo is not problematic. Montenegro also messages that "the alleged problem of borders can be politicized, though nothing is in fact disputable from the angle of international law."⁸³⁵

Foreign Minister Vuk Jeremić called Macedonia's decision on border demarcation with Kosovo "a heavy blow to the relations between Belgrade and Skopje," which would "certainly leave consequences." For him, such decision is "regrettable" and negotiating borders with Serbia with anyone else except with the Serbian government "makes no sense."⁸³⁶

⁸³² *Danas*, March 25, 2010.

⁸³³ *Danas*, March 25, 2010.

⁸³⁴ *Ibid.*

⁸³⁵ *Ibid.*

⁸³⁶ *Tanjug*, 18. March 2010.

Conclusions and Recommendations

In order to speed up its own movement towards EU Serbia needs to change its attitude towards open issues in the region. Open border issues with neighboring countries provide Belgrade room for manipulation and blackmail whenever it sees it as convenient.

Open border issues make it possible for influential conservative circles in Serbia to deny borders and treat them as historical temporality. This is most important in the context of the problems stemming from 1990s wars, notably the problems of interpretation of and responsibility for the wars.

Though it managed to avoid the war, Macedonia has been paying the cost of it for years because of the pressure from its neighbors. Putting an end to border disputes and territorial claims is the only way to establish new relations in the region.

Consolidation of Kosovo State and Belgrade's Response

After independence declaration Kosovo entered the phase of state consolidation. While trying to prevent it at any cost, official Belgrade channelled all its diplomatic energy into lobbying against Kosovo's international recognition. Its turning to the International Court of Justice for an advisory opinion about the legality of Kosovo's independence was meant for the same purpose.

What Belgrade really wanted to achieve is a fresh round of negotiations with Prishtina, which would hopefully result in Kosovo's partition: the Northern Kosovo would go to Serbia. Therefore, Serbian media have been more and more playing on the thesis about the Greater Albania. They are invoking the findings of a Gallup poll showing that the great majority of Kosovo Albanians (70 percent) take that Kosovo and Albania should unite, whereas 47.3 percent of interviewees in Kosovo and 39.5 percent in Albania believe this would become true in foreseeable future. Historian Cedomir Antic holds it only logical when it comes to Albanians.⁸³⁷ In fact, by showing understanding for Albanians' aspirations Belgrade wants to strengthen its argumentation for Serbs' demands: partition of Kosovo (as well as for similar feelings when it comes to Republika Srpska).

This is about a decades-long strategic goal. However, after 1999 Belgrade shifted the focus to Northern Kosovo and prevention of its integration. This shift is evident in a number of writings of the so-called Serb national strategists. So, Dobrica Ćosić acknowledges that Kosovo and Metohija "are lost" and claims that the Serbian National Assembly "loses, without a word of protest, the 46-kilometre ethnic territory of Serbia bordering on the Ibar River and the biggest Serbian mountain, Mt. Kopaonik." At some locations Albanians are annexing the Serb ethnic territory till the border between Serbia and Turkey valid till the Berlin Congress in

837 <http://www.Blic.rs/Vesti/Tema-Dana/38648/Kosovo-paravan-za-pljacku-drzave>

1878, while “Serbs say nothing and dream of Europe without frontiers,” says Ćosić.⁸³⁸

One of Svetozar Stojanovic article, a key national strategist, is most illustrative in this context. Stojanovic confirms the plan for Kosovo’s partition, emphasizing, “To all intends and purposes, further integration of the densely Serb populated part of Kosmet into Serbia as Serbs’ motherland is the most important task of all.” “That means not,” continues Stojanovic, “that we should stop insisting on integration of the entire Kosovo and Metohija into Serbia, on safety for our population in enclaves surrounded by Albanians, on the search for our missing compatriots, return of internally displaced persons and refugees, safeguard of churches, monasteries and cultural monuments and on restitution of our usurped property or at least on compensation for it.” “This should be called the policy for division of control over Kosovo rather than for Kosovo’s territorial partition. It would be worthwhile to give thought to an amendment to Serbia’s Constitution, whereby the densely Serb populated part would be directly integrated into Serbia, whereas the by far bigger part of Kosovo and Metohija would be treated as ‘essentially autonomous,’” writes Stojanovic.⁸³⁹

As it turned out, Belgrade managed to convince the West that Serb nationalists were undermining the government through the Kosovo issue. The West has never asked Serbia to recognize Kosovo and has turned a blind eye to many of its in consequence. In fact, the international community – US and EU in the first place – has tolerated Serbia’s foreign policy as it believed that Serbia’s Foreign Minister was shielding President Boris Tadić from Serb nationalists with his Kosovo rhetoric. That’s mostly why the international community swallowed Serbia’s initiative before UN for an advisory opinion on Kosovo’s independence from the International Court of Justice – it assumed that the motion as such implied that the question of Kosovo would be taken off the political agenda.⁸⁴⁰

However, Albanians in South Serbia responded to Belgrade’s anger at Kosovo strategy on north integration. President of Kosovo Assembly

838 Pecat, February 5, 2010.

839 Svetozar Stojanovic, *www.nspm.rs* January 24, 2010.

840 *waz.euobserver.com*.

Jakup Krasniqi said, "Serbs from Northern Kosovo who are after secession should know that Albanians from Bujanovac and Presevo are also ready to integrate into Kosovo." According to him, the exchange of territories "should be agreed on and carried out not only in cooperation with local Serbs but also in tandem with Belgrade politicians."⁸⁴¹ This indicates that Belgrade – keeping South Serbia under permanent control – will be facing new challenges from the territory it has always considered strategically significant. Milorad Ekmecic, historian and strategist of the Bosnian war, says that whoever controls the Presevo Valley controls Macedonia and has hegemony over the Balkans.

Status of Kosovo

Serbia has not recognized Kosovo's independence as a new reality in the region. Its strategy for maintaining the status quo was meant to impose partition as a result of the reality in the field. Ever since Kosovo's independence declaration, Serbia's persistent diplomatic action has had a single goal – to impel partition of Kosovo. Vojislav Koštunica's plan to win the early elections (May 2008) by playing on the card of Kosovo's independence failed. However, some international circles, including the United Nations, backed the Serbian government's decision to transfer the Kosovo issue to legal terrain – i.e. to the International Court of Justice and its advisory opinion about the legality of Kosovo independence.

The proceedings before the International Court of Justice /ICJ/ in The Hague (December 1-10, 2009) were not seen in Serbia as a triumphant campaign in the name of international justice one would expect after all those stories in the media and statements by officials. Argumentation and composition of Serbia's delegation, the media coverage of the event and the messages publicized in parallel with it were somewhat inconsistent with a year-long enthusiasm for Serbia's diplomatic motion in the UN (February 2008) to file for an advisory opinion about the legality of Kosovo's self-proclaimed independence.

841 *www.B92.net*, February 10, 2010.

Dusan Batakovic, historian and incumbent ambassador to France, was at the head of Serbia's delegation. Contrary to all expectations, Serbian media have not been exactly preoccupied with the event. Hardly any media outlet sent a special reporter to The Hague. Unlike in Kosovo, the proceedings were not broadcast live in Serbia. The event was not a challenge even for the public broadcasting service, RTS, let alone for some other television.

At the beginning of "historical proceedings" in The Hague, Foreign Minister Vuk Jeremić said he expected the advisory opinion to strengthen "our interpretation as a predominant one at the international arena."⁸⁴² This statement signalled ensuing actions by Serbia's diplomatic service.

It is no secret that Belgrade works towards Kosovo's partition. This strategy was evident even in the discussion in ICJ. And all this leads to the conclusion that the official Belgrade will do its best to present the Court's advisory opinion – at home and abroad – as a suggestion for renewal of negotiations of sorts between Belgrade and Prishtina in which Belgrade will place the partition option on the agenda.

President of the ICJ Hisashi Owada also announced the possibility for different interpretation of the advisory opinion. On the eve of the discussion he said the opinion would be comprehensive but not given in the form of a uniform answer.

Because of the argumentation in favor of Kosovo's independence presented by Croatia's and Bulgaria's representatives over the proceedings before the ICJ, Serbia aggravated anew its relations with its closest neighbors.

Pros and cons

More than twenty countries presented their arguments on Kosovo's independence during the ten-day public proceedings before the International Court of Justice. Kosovo's independence declaration practically divided the world over pros and cons. The pro countries argued that Kosovo had been

⁸⁴² *Politika*, December 1, 2009.

a part of the dysfunctional state of Serbia for years and under its repression culminating in political violence and massive use of force, notably in the period 1998-99. The countries opposing Kosovo's independence argued that territorial sovereignty should be respected and that fragmentation of states could be a global precedent leading to chaos and instability.

The very fact that about the same number of countries presented their pros (14) and cons (12) also testifies of the international legal controversy over "the right to a state."

Serbia's and Kosovo's representatives opened the debate. The Serbian delegation argued that Kosovo institutions ("provisional" as it named them) had not been entitled to adopt "an independence act" and that the act itself had "undermined the foundations of the international law."⁸⁴³ For their part, representatives of Kosovo claimed that independence was irrevocable as it was only "a natural course of events following on years-long repression against Kosovo Albanians by Belgrade authorities."⁸⁴⁴

Head of the Serbian delegation Dusan Batakovic reminded that Serbia peacefully responded to independence declaration. However, this meant not that it was "irresolute to defend its sovereignty and territorial integrity," he said. According to Batakovic, the case of Kosovo is a challenge for the international law since the ICJ advisory opinion will be of major significance for UN and "provide guidelines for functioning of the world organization's bodies."⁸⁴⁵

British lawyer Michael Wood, who led the Prishtina team, argued that the case of Kosovo was unique and, therefore, called for unique response. The Independence Declaration did not come all of a sudden, he said, but was "a natural outcome of the political process the Security Council launched in 2005 and which ended in 2007."⁸⁴⁶

All the pros and cons presented by representatives of the countries taking part in the debate were mostly along the lines of the two confronting views. The countries that have not recognized Kosovo so far (Greece,

843 *Politika*, December 2, 2009.

844 *Ibid.*

845 *Ibid.*

846 *Ibid.*

Argentina, Venezuela, Vietnam, etc.) sided up with Serbia, whereas those recognizing it (Great Britain, Jordan, France, etc.) stood up for Kosovo Albanians' right to independence. Generally speaking, countries' attitudes towards independence of Kosovo were rather conditioned by their domestic situations and potential secessionist aspirations at national level. As a country that might be faced with such challenge, China for the first time ever took part in proceedings of this type. Its representative Xhie Handxi underlined, "Sovereign states have the right to prevent unilateral secession and protect their integrity."⁸⁴⁷

Though it actually used "the Kosovo precedent" by recognizing secessionist Georgian republics of Abkhazia and South Ossetia (2008), Russia defended Serbia's position before the ICJ. According to its representative, Kiril Gregorian, UN Resolution 1244 is still in force and, therefore, no institution whatsoever is authorized to declare independence. This is why UN Special Representative Martti Ahtisaari was not authorized to end Belgrade-Prishtina negotiations and recommend independence as the only viable solution, he argued. Russia takes that unilateral proclamation of independence was prohibited "outside the colonial context."⁸⁴⁸

US representative Harold Hongju Koh presented his argumentation on the same day as his Russian counterpart. He was the only one to invoke a verdict by the International Criminal Court for Former Yugoslavia /ICTY/ – the verdict passed to Milan Milutinovic and "the group of five" incorporating evidence of the crimes committed under the auspices of a state. Arguing that only states are obliged to respect the principle of territorial integrity but not entities within them, Koh said US perceived independence declaration as the final stage of ex-Yugoslavia's disintegration. Kosovo's independence reinforced regional stability and "opened the door to European future" to all states, he concluded.⁸⁴⁹

Argumentation in favor of the right of Kosovo Albanians to self-determination presented by Sir Michael Wood, member of the UN Commission for International Law, was among the strongest. Claiming that universal

847 Beta News Agency, *Politika*, December 8, 2009.

848 *Politika*, December 9, 2009.

849 *Politika*, December 9, 2009.

international law comprises no rules on legality of secession, he elaborated the history of Serbia's repression against Albanians in Kosovo: from 1912, through Aleksandar Rankovic to Slobodan Milošević in 1999.⁸⁵⁰

While the proceedings were on in ICJ some Belgrade-seated media carried hints about an upcoming official offer for partition of Kosovo. Addressing the annual meeting of the Serbian Academy of Arts and Science⁸⁵¹ /SANU/ a couple of days before the proceedings began, President Boris Tadić said that what Serbia needed was innovativeness in negotiating Kosovo status, the same as in its foreign affairs and other areas. "One who did not learn a simple lesson that a rigid and excessively traditional approach failing to produce any result should not be used any more, loses the right and legitimacy to perform any duty in present times," said Tadić.⁸⁵²

In the article titled "Neither White nor Black" *Politika* and *Danas* carried on the same day, retired ambassador Radoman Jovic wrote that ICJ advisory opinion would be blurred and incomplete ("neither black nor white"). Jovic does not offer any concrete proposal but claims that all earlier "mantras" the incumbent government has taken over for its predecessor ("we shall never recognize Kosovo") "lead nowhere." Referring to President Tadić's statement about "the necessity of a more flexible attitude towards Kosovo," he says he hopes there is a vision "that would result in a new strategy for finding a viable solution acceptable to the two peoples."⁸⁵³

No matter how rationally argued, all the published articles actually indicated that partition would be the most rational solution of all. In this context, *Politika* carried an article by Stephen Mayer, professor of national security and political science at the Washington National University of Defense. Under the headline "What Does Victory Look Like in Kosovo" Prof. Mayer argues that the advisory opinion – no matter to whose

850 *Blic*, December 13, 2009.

851 Outstanding members of SANU such as Dobrica Ćosić or Aleksandar Despic have been advocating „a historical agreement between Serbs and Albanians” – actually partition of Kosovo.

852 *Politika*, December 13, 2009.

853 *Politika*, *Danas*, December 2, 2009.

advantage it might be – will make no difference. The Kosovo issue, he says, can only be solved justly in a political process “in which both sides are ready for compromise and sacrifice.” “Belgrade must acknowledge that it cannot get back the entire Kosovo – not even should it offer it an extended autonomy. And Prishtina must acknowledge that it shall never be capable of moving forward unless ready to hand over the area North of the Ibar River to Serbia and create special conditions for other territories with majority Serb population,” writes Mayer.⁸⁵⁴

Serbia's Foreign Minister Vuk Jeremić was the first to hint at Kosovo's partition though he has wasted enormous energy in blocking its recognition for almost two years now and considerably contributed to the success of Serbia's motion in UN last year. He never said it explicitly but two of his interviews published on the eve of ICJ proceedings were most indicative. In his interview with *Politika*, Jeremić reminded that previous negotiations failed because both parties had definitely defined “outcome coordinates” in advance. Presently, we are focused on renewal of the negotiations, he said. And should there be another round of negotiations, “we should all manifest our readiness for a compromise that would secure stability of the region in the long run and speed up the process of EU accession for the entire Western Balkans,” he said.⁸⁵⁵ In his interview with *Blic* several days later, he said, “We must not repeat the same mistake if we want to reach a compromise solution.” The said “mistake” he referred to was that “both sides in negotiations were stating in advance the outcome of the process.”⁸⁵⁶

Ivan Vejvoda, director of the Balkan Trust for Democracy, stresses that all actors in the Balkans are resolute to move towards EU integration – and this indicates that there might be “some space for negotiations.” If there is a common ground for settlement of the issues of everyday life, there will be preconditions for “something more complex, which we call the status issue.”⁸⁵⁷

854 *Politika*, December 9, 2009.

855 *Politika*, December 1, 2009.

856 *Blic*, December 7, 2009.

857 *Politika*, December 13, 2009.

Inappropriate attitude towards neighbors

Except for Rumania, all neighboring countries have recognized Kosovo's independence. Bulgaria and Croatia applied for the debate before the International Court of Justice. According to the professor at the Faculty of Political Sciences, Predrag Simic, Croatia's appearance before ICJ is a heavy blow not only to bilateral relations but also to regional stability. Bulgaria's argumentation additionally complicates the situation, he adds.⁸⁵⁸

The head of Serbian delegation, Dusan Batakovic, nervously and inappropriately responded to the argumentation in favor of Kosovo's independence presented by a Bulgarian representative. He called it "a stab in Serbia's back."⁸⁵⁹ His reaction to the presentation by the Croatian representative, Andreja Metelko Zgombic, was even stronger. Namely, Ms. Zgombic had argued for legality of Kosovo's independence on the grounds of its status in ex-Yugoslavia under the 1974 Constitution. (Under the 1974 Constitution both Kosovo and Vojvodina were constituent part of the federation and Serbia's autonomous provinces at the same time.). Belgrade called her presentation "a fierce blow" to which Serbia would have to find "a proper and well-thought-out answer." Quoting well-informed diplomatic sources in Belgrade, *Blic* writes that Belgrade understood her presentation as an allusion to Vojvodina.⁸⁶⁰

Sasa Obradovic, deputy head of the Serbian delegation, was even more explicit by saying that any mention of an autonomous province was not a mere coincidence. "Croats know too well the ongoing political skirmishes over the adoption of statute of Vojvodina," he said, adding, "We see it as a hostile act to which we are not going to respond offhandedly." He also called the presentation by the Croatian delegation "a renewal of the mentality of Tudjman's era."⁸⁶¹

In the talk show "Interview with Viewers" hosted by Yugoslav Ćosić on TV B92, Foreign Minister Vuk Jeremić also said that the Croatian

858 *Politika*, December 8, 2009.

859 *RTV B92*, December 8, 2009.

860 *Blic*, December 8, 2009.

861 *Blic*, December 9, 2009.

representative's argumentation in The Hague "directly raises the question of Vojvodina."⁸⁶² However, no concrete actions (diplomatic notes, withdrawal or expulsion of ambassadors, etc.) have been taken so far to additionally weight Serbia's bad relations with almost all neighboring countries.

Some of the arguments allegedly used by the Croatian representative had been used by Serbia's elites in early 1980s in the debate on the amendments to the 1974 Constitution, which resulted in annulment of Vojvodina's and Kosovo's autonomy.

Northern Kosovo and parallel institutions

Parallel institutions established in North Kosovo have been the biggest challenge to the consolidation of Kosovo's statehood. They have been notably strengthened at the time of Vojislav Koštunica's premiership in 2004-08. Koštunica's cabinet abundantly subsidized these parallel structures and these subsidies were never subjected to inspection. The "Kosovo budget" was classified as top secret till 2010 and, as such, sourced corruption. The funds set aside for Kosovo were spent at will.⁸⁶³ The Serbian

862 RTV B92, „Interview with Viewers.“

863 For decades Kosovo has been used as a pretext for robbing Serbia's citizens. Fictitious projects and investments have been used for robbing the state budget. For instance, the fictitious project for cleaning the Gracanka River basin cost Serbia 11,7 million RSD and there is no telling where the moneys went. Actually, someone simply copied the project already elaborated by the Kosovo government, added the term 'restoration' just in case, and submitted it for the consideration of the Serbian government. In early 2007 the Serbian government approved the project and paid out the funds for its implementation. With the same moneys individuals were then buying themselves apartments and other property in Serbia, financed partisan activities, etc. According to Goran Arsic, head of Kosovo district, reconstruction of the 5-kilometer road between Laplje Selo and Gracanica was charged 63.7 million RSD despite the fact that the same road had been 'reconstructed' several times. In the Kosovo Polje municipality, 12.5 million RSD were charged for several hundred meters of sewers in the village of Kuzmin, and 12.302 million for 2-kilometer sewers in the village of Batuse (one meter of sewers costs 30 Euros at most). <http://www.Blic.rs/Vesti/Tema-Dana/38648/Kosovo-paravan-za-pljacku-drzave>.

government's decision in 2010 to additionally cut the budget for Kosovo (some 40 million Euros were set aside this year) testifies that Serbia is incapable of financing its Kosovo policy: in other words, it cannot subsidize parallel institutions and have the individuals working towards Kosovo's partition on its payroll.

Parallel institutions in North Kosovo survived independence declaration in February 2008. Apart from Northern Mitrovica – that has been and still is a strategic point for Kosovo partition – Serbia made considerable investment in some enclaves south of the Ibar River, particularly those in the Strpci municipality, including the Brezovica sky centre. For ten years now Northern Mitrovica has not been no man's land – neither Serbia's nor Kosovo's laws are respected over there. With uncontrolled border between Northern Mitrovica and Serbia on the one hand, and dysfunctional judiciary and the police on the other, Northern Mitrovica became a major centre of corruption and organized crime in the Balkans.

Pro-European government and Kosovo

Serbia's incumbent pro-European government (formed in May 2008) visibly changed the Kosovo policy. Though Kosovo still ranks high at its foreign policy agenda, Serbia has made several strategic and technical steps vis-à-vis Kosovo. First of all, it developed a sort of exit strategy by transferring the status issue to the International Court of Justice. Further, in 2009 President Tadić and the government (with Socialist Party of Serbia as a coalition partner) signed a crucial document – the agreement between the Ministry of the Interior /MUP/ and EULEX. The agreement de facto recognized the (international) border with Kosovo given that it provided customs and security control.

Serbia's application for EU candidacy gives everything a different perspective. For, once it becomes a formal candidate Serbia will probably move further towards accepting the realities. The MUP-EULEX agreement fundamentally changes the balance of power given that it obliges Serbia to make concessions.

The parallel structures are still in place. However, local elections held on November 15 throughout Kosovo except in Northern Mitrovica was a success because the turnout of the Serb community was considerable despite all obstructions. And a turnout as such additionally questioned the anyway inoperative parallel institutions. So it happened that after ten years of parallel governance in the Srpci municipality a new local leadership came to power rather smoothly. The local self-government was formed by Independent Liberal Party and Hashim Thachi's Democratic Party of Kosovo. Serb Branislav Nikolic was elected mayor of Strpci (the municipality in which Serbs make 70 percent out of total population). Only a day before, Goran Bogdanovic, member of the Serbian cabinet, was forced to leave the territory of Kosovo because of disrespect for the prescribed procedure and political engagement.

Official Belgrade's reaction to Serbs' turnout in the local elections was rather mild. Only some opposition leaders commented the U-turn in the Srpci municipality, whereas officials of the ruling coalition hardly said anything despite the fact that the municipality had been treated as most significant for its economic potential. In response to Minister Bogdanovic's expulsion from Kosovo on the grounds of illegal entry the Serbian Premier just invited some ambassadors to a consultive meeting and handed them a formal demarche.

Strategy for North Kosovo integration

The international community formulated a plan for North Kosovo's integration into Kosovo institutions. The document titled "Strategy for Northern Kosovo" quotes, among other things, that the establishment of a separate municipality Northern Kosovska Mitrovica is the most important measure in Prishtina's endeavor to take control over the North. The document focuses the advantages of decentralization for Serbs in the North – "advantages in everyday life" that may help to overcome the biggest problem: "the feeling that the establishment of a new municipality of Northern Mitrovica implies recognition of Kosovo independence." The

document also suggests that Prishtina should “strongly support the Serbs ready to cooperate” and financially assist “moderate political factors in North Kosovo.”

According to the Kosovo government's plan, the municipality of Northern Kosovska Mitrovica will become operative after municipal elections scheduled for May 2010.

The document envisages prompt preparations for formation of the municipality: International Civilian Office /ICO/ shall appoint a preparatory team and open its office in the Bosnjacka Mahala settlement of Northern Mitrovica, populated by Serbs and Albanians alike; the same premises shall house an office for communities of the Kosovo government and work towards empowerment of these bodies.

The Strategy also plans the Kosovo police's stronger presence in the North, setting up of courts and taking over the control over two borders crossings with Serbia. Following a successful integration of the Northern Kosovska Mitrovica municipality into Kosovo system, another three municipalities in the North with majority Serb population – Zvecani, Leposavic and Zubin Potok – will be integrated by a similar mechanism, say authors of the documents.

Official Belgrade that “supports parallel institutions and exerts pressure on Kosovo Serbs to refrain them from partaking in Kosovo system” is the biggest stumbling bloc in the way of the strategy's implementation, quotes the document. According to its authors, economic crisis in Serbia plays into the hands of the integration plan given that it forced the Serbian government to cut down the budget for Kosovo Serbs. Serb “parallel” institutions that do not recognize the government in Prishtina need to be marginalized, UNMIK offices closed down, while EU presence strengthened through EULEX, they say. Further, EULEX should open offices in the North and engage more interpreters, drivers and other staff from the ranks of Kosovo Serbs so as to improve its communication with the Serb community.

Belgrade's reaction to the Strategy

Official Belgrade's strong opposition to the Strategy indicates that it has not given up yet the plan for Northern Kosovo's integration into Serbia. State Secretary for Kosovo and Metohija Oliver Ivanovic said, "The international community should be more careful when taking measures for the North given that Mitrovica is not the same as Gracanica and Strpci."⁸⁶⁴ For his part, Minister for Kosovo and Metohija Goran Bogdanovic said the announced strategy for integration of the Serb community was unacceptable to it and led to destabilization of the North.⁸⁶⁵

Indicatively, Defense Minister Dragan Šutanovac commented, "Any strategy that implies not the cooperation with non-Albanian population and imposes solutions on the municipalities where Serbs are in the majority is unwelcome." However, he emphasized, "We are closely following the situation, as well as other developments in the North. I believe the problem would be overcome solely by diplomatic means."⁸⁶⁶ Minister Šutanovac's statement testifies of official Belgrade's caution and hints at the possibility of its cooperativeness in the case of Northern Kosovo.

The meeting the Assembly of Serbs from Kosovo convened in tandem with the Serb Orthodox Church on February 4, 2010 in Kosovska Mitrovica strongly rejected Peter Feith and Hashim Thaci's plan for "integration of Northern part of Kosovo and Metohija. Participants in the meeting said they expected Belgrade to defend Serb national interests in Kosovo and strengthen the parallel institutions defying the international community's plans."⁸⁶⁷ They demanded the Serbian parliament to adopt a resolution on Kosovo as an integral part of Serbia. Marko Jaksic, vice-president of the Assembly of Municipal Communities in Kosovo and Metohija, said, "Kosovo cannot be independent without Belgrade's assistance." Bishop Artemije strongly criticized official Belgrade for "dividing Serbs in Kosovo." Representatives of Democratic Party of Serbia /DSS/, New Serbia /NS/ and Serb

864 www.b92.net.

865 <http://www.e-novine.com/region/region-kosovo/34271-Odbacena-strategija-sever.html>.

866 www.Blic.rs

867 www.e-novine.com.

Radical Party /SRS/, Milos Aligrudic, Velimir Ilic and Dragan Todorovic, participated in the meeting. They actually represented Serbia's conservative bloc that uses the integration strategy for mobilizing Serbs against the government and coercing early parliamentary elections.

Kosovo government's and ICO's intensive preparation for Serbs integration

The International Steering Group for Kosovo (encompassing the countries that have recognized Kosovo) backed the plan for integration of Northern Kosovo into Prishtina institutions that have been put forward by the International Civil Office. At its meeting in Vienna on February 8, 2010, ISC urged all sides, including Serbia, to „play a constructive role in this important process so as to ensure better living conditions in Northern Kosovo.“ The meeting also concluded that „a considerable progress“ has been made in the implementation of Ahtisaari's plan for Kosovo and that Kosovo's territorial integrity was „closely connected with regional stability.“⁸⁶⁸

Serbian officials, however, rejected the plan for integration and called it dangerous for regional stability. Deputy Prime Minister Bozidar Đelić said that Serbia did not recognize the International Steering Group and considered it illegal and its conclusions meaningless.⁸⁶⁹ Commenting the Vienna meeting, State Secretary Oliver Ivanovic said that Peter Feith was „rigging“ the results attained in Kosovo and trying to present himself as a more successful man than he actually was. According to him, unilateral decisions by individuals or groups of countries would not make UNMIK withdraw from Kosovo as the UN Resolution 1244 was still in force. „Such a decision cannot be made in the UN Security Council and, in my view, Peter Feith should start thinking about getting himself another job.“⁸⁷⁰

Dusan Janjic of the Forum for Interethnic Relations, commenting the strategy, called Peter Feith “a lobbyist” for Prishtina's bigger influence on

868 *www.B92.net*, February 8, 2010.

869 *Ibid.*

870 *Politika*, February 9, 2010.

the entire territory of Kosovo. "Belgrade should not be concerned with Feith and raise his ratings as it had raised James Lyon's but finally start a dialogue on Kosovo and Metohija with Brussels. Serbia should do its best to have the European Commission dealing with Kosovo rather than Feith, who threatens with preconditioning Serbia's membership of EU with recognition of Kosovo," said Janjic.⁸⁷¹ "Feith is by far more dangerous in Brussels than in Kosovo and Metohija. He gives voice to what the majority in EU thinks: that Belgrade's policy is in crisis. This, due to the crisis of EU's policy for Kosovo, opens the door to Brussels for imposing on Belgrade a choice between EU and Kosovo. One should expect some member-states to soon precondition Belgrade's membership with recognition of Kosovo. And Belgrade should respond with a counterthesis: no doubt that we are joining the Union but by the Cyprian model. It seems that this is what Foreign Minister Vuk Jeremić is trying to accomplish," explains Janjic.⁸⁷²

Peter Feith has already appointed 14 members of the Preparatory Team for Northern Mitrovica to explore resources, means and administrative structure necessary for smooth functioning of the new municipality. He also announced the establishment of a TV channel to broadcast in minority languages, as well as a special TV in Serbian. Article 3, Annex 2, of the Ahtisaari plan provides, "Kosovo shall take all measures necessary to secure an international frequency plan to allow Kosovo Serb community access to a licensed Kosovo-wide independent Serbian language television channel."

According to the plan, Kosovo security forces /KSF/ should be responsible for the protection of religious and cultural monuments, including Eastern Orthodox monasteries, churches and other historical monuments. Quoting sources from NATO, the Prishtina-based daily in Albanian "Koha Ditore" claims the Gazimestan monument would be on KSF priority list. Since 1999 when NATO forces came to Kosovo all major monuments of Serbian culture and history have been under the protection of KFOR.

Kosovo Serbs, however, say that KSF is still not capacitated for protecting Serb monasteries the more so since "security conditions" are not the

871 Press, January 26, 2010.

872 *Danas*, February 3, 2010.

same at all locations. Some monasteries such as, say, Gracanica, are in the places where their believers, Serbs, live, they underline.

The Kosovo government granted 2.1 million Euros to several major projects in the municipalities of Strpci and Gracanica. The government is more and more trying to answer the needs of displaced Serbs. Among other things, it organizes their visits to Eastern Orthodox graveyards. Serbs' return to Kosovo is also organized smoothly. So, for instance, seventeen returnee families from Serbia have been given keys to new apartments in Laplje Selo. Under the project another 36 families internally displaced within Kosovo will be housed. According to UNHCR, some 20,000 displaced persons and refugees have returned to Kosovo up to now.

International actors and consolidation of Kosovo state

Serbia's strategy for Kosovo had considerably relied on Russia and its support, notably after it placed the Kosovo issue on the UN agenda. However, there is obviously another dimension to Russian support, which Serbia hardly takes into account: Russia may easily stop supporting Serbia as it searches for a *modus vivendi* with US and EU. Russia actually changes the mode of its support to Serbia according to circumstances. So Russian Standing Representative with NATO Dmitry Rogozin said Serbia would have to give up Kosovo should it want to join NATO – and then, he added, Russia would also have to reconsider its attitude towards Kosovo as they / Russians/ “cannot be bigger Serbs than Serbs themselves.”

Rogozin also said, “All NATO member-states have not recognized Kosovo. This refers to Spain, Greece, Rumania and Slovakia. However, under international law and NATO statute such a situation does not hinder Serbia's membership of NATO. Given that the majority NATO states will not change their stances, Alliance can accept Serbia into its ranks but only within Serbia's ‘new’ borders – without Kosovo.” Belgrade will have

to formally recognize sovereignty of Prishtina, which will subsequently change Madrid's and Moscow's stances, he stressed.⁸⁷³

Kosovo Elections: A Test of Maturity

Local elections in Kosovo of November 15, 2009 – the first elections organized by Kosovo authorities after independence declaration – resulted in a new, major quality in the overall situation. Despite the pressure from Belgrade, a part of the Serb community in Central Kosovo – considerable beyond all expectations – participated in the elections and won authority over some of the municipalities in which Serbs are in majority.

By casting a ballot the Serbs in Central Kosovo manifested political maturity. They also showed that they were aware of the necessity to take upon themselves the responsibility for their own future. And for the first time ever they sent a clear signal to Belgrade authorities – saying they would no longer be hostage of manipulative, political-diplomatic games Belgrade has been playing ever since Kosovo's independence declaration. Regardless of all the difficulties of its socioeconomic situation, the Serb community has thus confirmed its readiness to sustain and remain in Kosovo and, as a politically legitimate factor, work towards establishment of a multiethnic, democratic and prosperous society in partnership with Albanians.

The fact that the Serbs in Northern Mitrovica boycotted the elections testified of Serbia's interest to keep insisting on Kosovo's partition. In this context, the Serb community in Kosovo has been divided through the criminalized group eager to maintain status quo – the only status that secures it profit, notably at border crossings. Notwithstanding all, readiness to partake in the elections has been present even among Serbs in Northern Kosovo. However, they have been under stronger pressure from Belgrade and groups in Kosovska Mitrovica than their compatriots south of the Ibar River.

873 *Blic*, February 4, 2010.

Generally speaking, these elections mark the beginning of a new phase in the establishment of Kosovo's full independence. There were no incidents at polls and the electoral procedure was strictly respected. Only the topics dealing with everyday life dominated the election campaign. Discourse of all the candidates was up to the task. Citizens voted for local self-governments and mayors. The 45 percent turnout was nevertheless higher than in 2007. Representatives of 36 municipalities were voted for – and everyone got something, including Serbs. The elections placed the Ahtisaari plan in a new context for all the communities in Kosovo and opened major prospects for all. Since the World Bank and the International Monetary Fund have admitted Kosovo in their membership in the meantime, considerable financial assistance will surely augment those prospects.

Though it manifested a high level of political maturity in these elections, the Serb community has not become fully independent from Belgrade yet. Had Belgrade sent a positive signal, Serbs' turnout would have been by far higher. These elections verified the true relations between Albanian and Serb communities that have been in place for rather long time.

Belgrade's Position

In the attempt to dissuade as many Serbs as possible from participating in local elections Belgrade has resorted to its usual channels. And yet, it refrained from staging an aggressive counter-campaign in the media. Representatives of Kosovo Serbs were given equal opportunity to voice their pros or cons. Minister for Kosovo and Metohija Goran Bogdanovic and his State Secretary Oliver Ivanovic were agitating against Serbs' participation in the elections.

Belgrade's more rational behavior reflects the overall more pragmatic attitude Serbia's leadership, government and the President had to take under the pressure of financial and economic difficulties and consequently restore Serbia's movement towards EU as a priority of their public discourse. The agreement signed between Serbian Ministry of the Interior

and EULEX (September 2009) was an indicator of the gradual change in the tough attitude towards Kosovo, marking the former cabinet of Vojislav Koštunica. Besides, over the past year Belgrade has cut down its financial support to parallel institutions, made personnel rearrangements (mostly replaced the officials from the Serb Radical Party and the Democratic Party of Serbia), closed down the RTS desk in Northern Mitrovica and dismissed 200 employees of this media house. The fact is that the said parallel institutions were more fictitious than real – actually, only those dislocated to Nis, Kraljevo and Krusevac were functional. This segment of Kosovo (Serb) administration lives on the documents it issues to Kosovo Albanians at unreasonable costs.

For all those reasons it seemed only logical that this time Belgrade would give its support to Kosovo Serbs' participation in the elections. After all, this was what influential community leaders (such as Rada Trajkovic for instance) have expected from it. As it seems, Belgrade has given some thought to such a course at the beginning.⁸⁷⁴ However, in early summer of 2009, President Tadić stated, "There are no conditions for Serbs' participation in the elections in Kosovo." The Serbian government and the Synod of the Serb Orthodox Church reiterated his stand, without expanding it any further. Whenever asked about the issue, other officials were providing more or less same answer till the Election Day.

Though negational in its tone, the wording is actually rather ambivalent. No "tough" allegations were used against Kosovo Serbs willing to go to the polls. They were not accused of, say, "recognizing the false state of Kosovo" or undermining Belgrade's prospects before the International Court of Justice. The Belgrade-seated media were not campaigning for the boycott of Kosovo elections and actually reported on the topic sporadically and in a rather balanced way when it came to pros and cons.

874 „Kosovo Serbs and Belgrade officials were discussing conditions for participation in the elections until June when Belgrade changed its mind all of a sudden and, without consulting Kosovo Serbs, decided there were no conditions for their participation in the elections," Dusan Janjic, coordinator of the Forum for Ethnic Relations, told *Politika*; *Politika*, November 11, 2009.

It was only on the eve of the elections that Belgrade's rhetoric became notably stronger. But just two "relevant" public servants – Minister Goran Bogdanovic and State Secretary in the Ministry for Kosovo and Metohija Oliver Ivanovic – were active in this brief election counter-campaign. Their main arguments boiled down to the statements such as "Serbs cannot have to employers, Belgrade and Prishtina," (Goran Bogdanovic), "Participation in the elections will sharply divide the Serb community," "invest 'illegal' Kosovo authorities with legitimacy" and "jeopardize the process Serbia has initiated before the International Court of Justice." Oliver Ivanovic was stressing, "Establishment of new municipalities has been imposed on Ahtisaari's plan, which preconditions decentralization within an unacceptable political frame: supervised independence of Kosovo." "And this has been turn down with one voice and is not negotiable any more," he added.⁸⁷⁵ As for Goran Bogdanovic, he said, "The democratic right to free choice should not be exercised to the detriment of national and state interests."⁸⁷⁶ At some point he even overtly threatened by saying, "All those working under the auspices of Kosovo institutions will be taken off Serbia's payroll."⁸⁷⁷ To be more precise, he added that "some 80,000 people were being paid from the budget of the state of Serbia."⁸⁷⁸

These statements, however, did not exactly found much echo. As a rule, they were backed just by a handful of tabloids (*Kurir*, *Glas Javnosti*, and *Pravda*) also mostly preoccupied with possible disputes among Serbs themselves. Under a dramatic headline "Serbs in Fear of Mutual Conflicts" *Glas Javnosti* quotes an anonymous source saying, "Tensions among local Serbs are growing...many of them are in fear of possible conflicts between those 'for' and those 'against' the elections."⁸⁷⁹

However, the dilemma whether Bogdanovic's and Ivanovic's threats had the support from the Serbian government or they "acted solo" remained. Namely, a day before the elections Goran Bogdanovic

875 *Danas*, October 31 – November 1, 2009.

876 *Danas*, November 14-15, 2009.

877 *Vecernje Novosti*, November 12, 2009.

878 *Ibid.*

879 *Glas javnosti*, November 12, 2009.

considerably smoothed his earlier threats and promised that “no acts of revenge or demonization will be taken against those participating in the elections.”⁸⁸⁰ According to him, the electoral counter-campaigning was deliberately not marked by “tough” patriotic rhetoric because that was what representatives of the international community had expected to use as “a pretext for any violent and illegal action.”⁸⁸¹

One of Oliver Ivanovic’s statements indicates that while appealing for boycott he felt himself rather isolated from the state leadership. “It is most important that top officials take a clearer stand towards elections because ordinary citizens whose fates are at stake do not always understand diplomatic jargon.”⁸⁸²

Kosovo Serbs

Kosovo Serbs’ turnout in the elections would have been by far higher had the government taken a clear-cut stand on the issue. Actually, some Kosovo Serb leaders have looked forward to such a signal from Belgrade. Notwithstanding all, other influential community leaders have advocated the need for Serbs to participate in the elections by using convincing arguments. Stating that she expected neither the government nor the President to give their explicit support to Serbs’ participation in the elections, Rada Trajkovic, president of the Executive Council of the Serb National Council of Kosovo, said that, in her opinion, casting a ballot was “not contrary to the position of Serbia’s government.” “It is through decentralization that we work for Serbs’ survival. The government tries to restore sovereignty, but of what avail is sovereignty without Serbs?”⁸⁸³

Momcilo Trajkovic was pointing out that Serbs in Central Kosovo only logically resorted to Kosovo institutions – courts or registries – had Kosovo IDs, paid their electricity bills and taxes to Albanian institutions and – for

880 *Danas*, November 14-15, 2009.

881 *Ibid.*

882 *Danas*, October 31 – November 1, 2009.

883 *Politika*, August 11, 2009.

all that – travelled to Prishtina. Decentralization and participation in the elections provide them with the opportunity to get these institutions as “their own” and have them “at home.” On the eve of the elections, he said, “If Serbs boycott the elections, people without experience, knowledge or good intentions will come to power.”⁸⁸⁴

A couple of days before the election day representatives of the Helsinki Committee visited Serb communities in Central Kosovo and saw for themselves how hard it was for enclave people to cope with the dilemma the Serb governance has faced them with. Most of them were under strain and, as they put it, “between the hammer and the anvil.” Solidarity with Belgrade had a price tag – a modest pay from Serbia’s budget. That was the main reason why some of them decided to abstain from the elections despite that fact that they all acknowledged the benefits they would get otherwise – concrete mechanisms for decision-making to meet their everyday needs in living conditions, education, healthcare, etc. At the meeting with the representatives of the Helsinki Committee a resident of the Grace village said with a heavy heart, “I have to denounce my civil right to vote or else I will lose those 150 Euros I am getting as a salary from Serbia.”⁸⁸⁵

Campaign by the Helsinki Committee for Human Rights in Serbia

For two years now the Helsinki Committee has been in permanent contact with the Serb community in Kosovo⁸⁸⁶ and in the position to observe its changes of heart since Kosovo’s independence declaration. Namely, once the Serbs in South decided not to leave their homesteads they started to gradually accept realities in Kosovo (they applied for Kosovo IDs, turned to Kosovo institutions to solve whatever problems they had, etc.). With this in mind, the Helsinki Committee decided to join the campaign for Kosovo

884 *Blic*, November 2009.

885 Meeting in Grace, November 9, 2009.

886 Forgotten World: Kosovo Enclaves (www.helsinki.org.rs)

Serbs' participation in the local elections. It publicly appealed to Serbs not to miss the opportunity they were given. One hundred public figures from Serbia put their signature under the *Appeal to the Kosovo Serb Community*, the first of the sort in many years. The Committee was campaigning in the media and on the terrain some ten days before the Election Day. It publicized the Appeal in three high-circulation newspapers (Vecernje Novosti, Kurir and Blic) that have readership in Kosovo. All the media in Kosovo – Serb and Albanian alike – reported on the press conference it held in Caglavica (Kosovo). TV stations daily hosted people on the team. All in all, both Serb and Albanian community welcomed the campaign.

Albanians' Attitude

Albanians were aware of the significance of Serbs' participation in these elections. Practically all their leaders – including the President and the Premier – appealed to Serbs to register their vote, promising them equality, opportunities for return and normal living, and a partnership relation. In fact, they knew that Serbs' participation in the election would legitimize all the efforts they were making to advance Kosovo's independence. Twenty-one election lists submitted by Serb received equal treatment in the media and no one tried to undermine any of election campaign meetings.

Advantages of Elections

Above all, the local elections were significant for the opportunity they offered to Serbs to truly influence the decisions vital to their everyday life. Since the elections were closely connected with decentralization – implying decision-making at the level of local self-governance – the Serb community was given a unique chance to improve its overall position by having its representatives elected in municipal assemblies, mayors included. This was the more so important since decentralization resulted in three new municipalities in Central Kosovo, where Serbs are in majority – Gracanica,

Klokot and Ranilug, and since three Serb villages were included in the Novo Brdo municipality.

Decentralization in Kosovo is implemented in accordance with Martii Ahtisaari plan providing political organization and much concerned with protection of minority communities, particularly the Serb. In addition to territorial arrangement, decentralization is significant as it implies reform of local self-government and emphasizes accountability, transparency and strengthening of capacities of public affairs.

Namely, the process of transfer of authority enables municipalities to manage their own budgets and sources of incomes, as well as to establish mutually beneficial partnership relations with other municipalities. Municipalities are invested with scores of new competences such as control over elementary and secondary education, planning of local economic development and management of primary healthcare. "Most Kosovo Serbs' municipalities would be invested with more responsibilities, including authority over hospitals and protection and development in the domains of culture and religion, among other things."⁸⁸⁷

Electoral Results and Belgrade's Response

Serbs won the elections in the three newly formed municipalities – and that is surely a new, major quality in the political life of Kosovo. Voter turnout in these municipalities was higher than expected and even two times higher than in 2007. More precisely, the turnout in Gracanica was 23.62 percent, in Ranilug 13.89 and in Klokot 25.32 percent. As for Novo Brdo and Srpci, Serbs who are in majority lost the elections as their turnout was insufficient when compared with total voter turnout in these two municipalities. However, in the second round they stand the chance of winning the office of the Mayor.

Boycott was fully successful in North Kosovo predominated by the Serbs whose financial interests rest on Belgrade and who still believe in

887 Publikacija USAID „Kosovski mozaik, javne usluge i lokalne vlasti u fokusu“, avgust 2009.

the possibility of Kosovo's partition. The differences in Serbs' attitude towards the local elections made it possible for Belgrade-seated media to present them according to their editorial policies and (un)patriotic angles. Whereas *Blic* headlined its election brief with the name of a new mayor, *Vecernje Novosti* opted for the headline "Poor Voter Turnout of Serbs" and *Kurir* for "Serbs Ignored Elections." *Pravda* singled out a statement by American Ambassador Christopher Dahl and headlined its brief with "Kosovo Is as Sovereign as Serbia."

Analysts are unanimous about division within the Serb community. Serbs (south of the Ibar River) made the first step towards recognition of realities and sent a clear signal to Belgrade that their expectation that Serbia and its elites could help them to solve their everyday problems was melting away. State Secretary in the Ministry for Kosovo and Metohija Oliver Ivanovic was openly disappointed with the failure of boycott in Central Kosovo. He said that the Serbs in Central Kosovo had more ear for "someone else's suggestions," which created a gap between the Serbs (in Kosovo) and Belgrade authorities. "This means that we are no longer a sufficient authority for them," he concluded.⁸⁸⁸

The official Belgrade refrained from commenting electoral results and the media featured them only briefly. The media were mostly preoccupied with the status of Vojvodina. Commenting the elections, Oliver Ivanovic said he saw Serbs participation as "a personal failure." He announced that results would be subsequently analyzed and added, "They need to know that certain measures will follow."⁸⁸⁹ Minister Goran Bogdanovic, however, made no bones about the actual outcome – "The time of Belgrade's directives is gone," he said.⁸⁹⁰ Having placed Kosovo realities in a new context, Major Elect of Gracanica Bojan Stojanovic (Liberal Party) said, "Anyone hoping Serbs would boycott the elections and lose yet another mechanism for the protection of their interests could not be a serious person, be he an analyst or a politician."⁸⁹¹

888 Radio B92, November 16, 2009; *Glas Javnosti*, November 17, 2009.

889 Ibid

890 *Politika*, November 18, 2009.

891 *Danas*, November 17, 2009.

Conclusions and Recommendations

Formal recognition of Kosovo is not on the table yet. However, cooperation with Kosovo, through regional cooperation, is gradually imposed on Serbia as a precondition. If it wants to obtain the status of EU candidate, Serbia will have to manifest more flexibility about Kosovo: it will have to provide support to the functioning of Kosovo institutions.

The international community's attitude towards President Tadić and the ruling coalition in Serbia can be summed up as follows, "Such dynamics should be created to enable Belgrade to reach a face-saving solution, whereby the support to parallel structures would be reduced and ultimately ended on the one hand, and (Serbia's) movement towards EU accelerated on the other."⁸⁹²

The international community has speeded up its activities for Kosovo's stabilization and consolidation. This is a new challenge for the Serbian government. The government should not miss the opportunity for demonstrating its cooperativeness given that the time of Belgrade's blackmail and manipulation is running out.

Belgrade has underestimated the international community's resolve to settle the status of Kosovo and, therefore, inadequately acted in the 2007 negotiations. Ever since the beginning of the Kosovo crisis Belgrade has had an eye on the partition scenario and taken it as the only acceptable solution. In 2004, the book "Kosovo" by Dobrica Ćosić was being promoted in all

By participating in the elections Serbs legitimized themselves as political factors in Kosovo – and Belgrade will have to recognize this fact. New municipalities and Serbs in power at local level open new prospects. The success in these elections will encourage Serbs to go to the polls in three newly formed elections next spring.

Kosovo Albanians got a major political partner they needed as a corrective in the democratization process. As a political factor, Serbs invest

892 http://www.rtv.rs/sr_lat/Politika/sever-kosova:-obustaviti-podrsku--sacuvati-obraz_170079.html

Kosovo political scene with full legitimacy. Actual implementation of Ahtisaari plan will depend of the potential of all communities in Kosovo and the EU resolve.

The outcome of the elections calls upon the international community to get more involved notably in creating preconditions for economic development and thus make it possible for all to start coping with basic, everyday problems.

Implementation of the agreement on cooperation between EULEX and Serbian Ministry of the Interior should neutralize criminalized groups in North, particularly arms and drugs smuggling, human trafficking, etc. As a result the influence of these groups on the Serb community in North Kosovo would thus considerably decrease.

Since the Serb community has been outside the system for almost ten years and bearing in mind capacities of newly elected deputies, only political education could make them qualified for coping with accumulated problems.

EU strategy for consolidation of Kosovo statehood has been productive but also slow. Serbia's further movement towards Euro-Atlantic integrations will be surely conditioned with its acceptance of Kosovo realities.

In the final stage of closing the Balkan question the international community needs to be fully aware that any reopening of the issue of borders is a Pandora's Box and disintegrates the security structure built over two decades. A unique and functional Bosnia-Herzegovina is a key to stability in the Balkans. As for Serbia, closing of the issue of borders opens new avenues for necessary changes in the country itself.

XIV
The Helsinki Committee
For Human Rights
in Serbia

What We Accomplished in 2009

In 2009, the same as in previous years, we endeavored to analyze the situation of human rights in Serbia against the overall socio-political and economic backdrop. Therefore, we observed it in the context of the system as a whole and its functioning, reformist legislation and its implementation, performance of executive, legislative and judicial branches, and the consequences of their actions, and the predominant climate in the domains of culture, media and education, but also from the angle of facing the past, regional policies and relations with neighboring countries, and the attitude towards European standards and Euro-Atlantic integrations. It goes without saying, therefore, that we were focused on the system solutions and situations that either foster or impede the implementation of the rights – guaranteed under domestic legislation and international conventions – of vulnerable groups of population, usually termed as minorities. This was the strategic orientation that marked our cooperation with donor organizations and thematic project on which we worked in 2009.

So what were these “thematic project” we were working on in 2009? To start with – logically, though not chronologically – we issued our annual report for the year 2008 with the assistance of the *Swedish Helsinki Committee*. We titled the report **“Serbia in 2008: Human Rights, Democracy and – Violence.”** Later, throughout 2009, we could only comment with regret that the term violence in the very title practically anticipated even bigger and more tragic waves of violence. Explaining why we called 2008 the year of violence, we said among other things, “The fact that Serbia has waged the wars it ‘did not wage’ considerably and to this very day explains a high degree of violence in all spheres of life. The absence of adequate measures to treat traumas and frustration, especially among the young, also resulted in violence. And 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 value system. 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.” Referring to the year 2008, the report reminds that whereas Serbia’s citizens clearly demonstrated that they saw their future in European integration, the political elite was wavering between neutrality with reliance on Russia and much-expected solidarity and assistance from the EU. It persisted on territorial claims, notably when it came to Republika Srpska and notably after Kosovo’s independence declaration. We reminded that most significant for the societies such as the Serbian, marked by high tensions and integrative incapacity – in ethnic and in much larger sense – are decreasing conflict-generating potentials and favorable conditions for social development and stability. For the Serbian society, we stressed, Euro-Atlantic prospects are most likely cohesive factors for mobilizing people’s energy for a modern vision – and this was testified by the SAA signed with the EU in April 2008, which practically secured the victory to the pro-European bloc.

At the very beginning of 2009 and with the assistance of the *Delegation of the European Commission, i.e. now the Delegation of the European Union to Serbia* we started working on the 18-month project **“Grassroots Dialogues in Sandzak: Helping to Bridge Divides and Articulate the Region’s True Interests”** The project focuses grassroots dialogues seeking to bridge, as indicated in the very title, the region’s divides and articulate its true interests. The project, therefore, addresses political divides, religious tensions, gender equality (against the backdrop of traditional and conservative perception of the role of women) and entrepreneurship (spiralling down after the economic boom in 1990s). The project’s target groups are: local parliamentarians, including those of the two major Bosniak opposing parties; representatives of religious communities; women involved in the region’s social, economic and political life; local entrepreneurs; representatives of local CSOs; and members of Sandzak’s intelligentsia. By initiating dialogues in the deeply divided society of Sandzak and bringing together under the same roof the stakeholders that best reflect these

divides, the project seeks to contribute to democratic political participation and representation, as well as to peaceful conciliation of group interests, to combat discrimination on gender and ethnic grounds and to build up the region's energy for positive change. All the four workshops planned under the project were realized in 2009 at detailed at our website. In 2010 we still have to organize a whole-day conference and publish an edition that rounds off this segment of our activity in the region of Sandzak.

In 2009 we finalized yet another 18-month project launched in February 2008. With the support from *the Open Society Institute* and *the Royal Netherlands Embassy in Belgrade* we implemented the complex program titled **"Social Care Institutions in Serbia: Support to the Reform-Oriented Strategy,"** under which our expert teams paid fact-finding missions and analyzed vital aspects of functioning of 15 social care institutions in Serbia catering for 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 were planned as civil sector advocacy both against institutional bias and non-compliance with internationally recognized standards for institutionalization. The project findings were published in three well-argued, comparative reports with detailed guidelines for domestic authorities and relevant institutions. These analyses/reports – available at our website – were brought before the public eye at three press conferences.

With the assistance of the *Balkan Trust for Democracy* we realized yet another "youth-oriented" project titled **"Capacitating Future Decision Makers: A Follow-up Regional Program."** Some sixty young people participated in the program. Like earlier programs in this category, this one testified that young people in the territory of ex-Yugoslavia, regardless of citizenship and ethnic origin, share the same expectations about the future. Moreover, what strongly linked this project with the previous one was a common denominator: support to the emergence of new, reformist regional elites that would harness their energy for their countries' Europeanization, EU accession and both regional and Euro-Atlantic integration. A regional dimension additionally fostered the major mission of the

project we realized is 2009. We hope that by organizing four 3-day seminars – two in Novi Sad and two in Srebrenica, Bosnia-Herzegovina, and assembling young people from Vojvodina and Srebrenica each – we managed to create another four nucleuses of reformist decision-makers who will harness their energy towards changes for the better in their respective communities on the one hand, and regional normalization, a model for post-war reconciliation, on the other.

We also completed a large-scale publishing project under the umbrella title **“Serbia: Resistance to European Option.”** We published seven editions, as planned under the project, thanks to the assistance and understanding of the *Federal Ministry for Foreign Affairs of the Federal Republic of Germany via the Embassy of the FR of Germany in Belgrade*. What we had in mind in setting the project’s long-term goal was that critical reconsideration and debate on the root causes of Serbia’s policies over the last two decades preconditioned a new and modern way of thinking about the country’s future. This publishing project resulted in the editions that were largely distributed and presented at public discussions in Serbia and the region, and are all available at our website. Copies of some editions are still available in our offices. All in all, the project produced the following books: *“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, *“Serbia: How Good or How Big the State?”* by Olga Popovic-Obradovic, *“The War in Figures”* prepared and edited by Ewa Tabeau, *“The Seselj Trial: the Greater Serbia Project Laid Bare”* prepared and edited by Sonja Biserko and *“Regime, Opposition and Alternative”* by Ivan Djuric, prepared and edited by Latinka Perovic. We hope these seven editions would be further used as valuable sources of historic information and insights by scholars and analysts of the domestic scene, younger generations of citizens of Serbia and policymakers supposed to take the country towards EU.

Intent to build on our considerable publishing activity – over 160 so far and the Helsinki Charter magazine – and on eleven documentaries we have produced in the “A Look into the Past” series to provide at least an initial framework for a region wide enterprise of identifying the causes

of ex-Yugoslav wars and the means for overcoming them, all of which would speed up Europeanization, EU accession and Euro-Atlantic integration of the entire region of ex-Yugoslavia, we realized the project titled **“A Look into the Recent Past.”** The project, supported by the *Heinrich Boell Foundation*, included three panel discussions in Zagreb (Croatia), Sarajevo (Bosnia-Herzegovina) and Prishtina (Kosovo), all of which attracting considerable audience and media coverage. Over these debates we particularly referred to some of our editions, whereas presenting copies of all of them to public libraries in Kosovo, Bosnia-Herzegovina and Croatia.

In keeping with our longstanding focus on the Serb community in Kosovo, particularly the Serb population south of the Ibar River, worked on the project **“Enclave People: Subject Rather than Objects”** with the support of *the Academy for Educational Development* in Prishtina. The purpose of this 12-month endeavor was to encourage social integration of the Serb population in Kosovo enclaves, notably by indicating the avenues for advancement of the overall position of most agile but also most vulnerable among them – the young and women – and for communication with their Albanian counterparts and neighbors on the one hand, and to sensitize the general public in Kosovo, local authorities, UNMIK and EULEX about the problems plaguing the enclave people in the most pungent way on the other. Over six months of the project’s duration, we organized eight excursions “to the outside world” for over 400 participants from tens and tens Serb enclaves. At the same time activists of our youth groups paid three visits to Kosovo where they socialized with their peers in enclaves and organized for them small-scale, informal seminars on human rights.

We were also active in Kosovo in November 2009 while working on the project **“Campaigning for Kosovo Serbs’ Participation in Local Elections.”** Assisted by the *Kosovo Fund for an Open Society*, we wished to sensitize the population of as many as possible Serb communities in Kosovo of the need to meet their real-life interests and solve numerous everyday problems by taking the responsibility for their lives in their own hands – which presupposes political representation. With this in mind we publicized in Belgrade-seated dailies the announcement titled “Appeal to the Serb Community in Kosovo.” In two days only some hundred public

figures put their signatures under the appeal. Almost all broadcasters and papers in Kosovo rerun the appeal. On the eve of the November 15, 2009 local elections our representatives appeared as guests at ten-odd radio and TV talk shows in Kosovo and gave interviews to the reporters from almost all papers.

In July 2009, we begun working on the eight-month project **“Promoting Serbia’s Europeanization and Euro-Atlantic Integration”** with the support from the *National Endowment for Democracy*. The project was realized in the form of a public awareness-raising, affirmative campaign focusing the stakeholders crucial to the country’s Euro-Atlantic integration, and sensitizing general public and other stakeholders in Serbia and abroad of the need for the country’s Europeanization, accession to the EU and Euro-Atlantic orientation. The purpose of the campaign was to promote the strategy for stabilizing Serbia and the region, based on accession and integration, and last but not least, to augment the civil society’s pressure on Serbia’s incumbent policymakers to keep up with the promises on which they won the last election. In this context, by March 2010 we wrote 18 briefs that were distributed as electronic magazines, in Serbian and in English, to some 300,000 email addresses at home and abroad. One analysis was published in the *Borba* daily and another three in *Danas*, and all of them are available at our website.

Yet another project – **“Human Security in Serbia and Euro-Atlantic Integrations”** – realized in 2009 was meant to promote the civil sector’s constructive partnership with the regime in strategic decision-making that affects citizens’ everyday life. The *Fund for an Open Society* helped us to indicate the extent to which international context and the country’s standing determine the overall situation of human security that is undermined by the policies leading to isolation or confrontation with neighboring states and European integration processes. In six months of the project duration – actually by March 2010 – we wrote 12 analytical brief that were also distributed as electronic magazines, in Serbian and in English, to some 300,000 email addresses at home and abroad, as well as placed at our website.

Throughout 2009 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, our 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 2009 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 2009 alone, we organized 4 ten-day “schools” in Becej and Palic with the participation of some 80 young people from all over Serbia.

In late 2009 we started preparations for the 12-month project **“Promoting Anti-Discriminatory Attitudes and Practices,”** the project standing chances to continue and expand in the years to come and realized with the assistance of the *Fund for an Open Society*. The purpose of the project is twofold: to “heal” and to “prevent” discrimination. Therefore, the project proceeds “from the bottom to the top” and establishes direct communication between the “bottom” and the “top.” We shall be focused on two areas – one in which discrimination is directly or indirectly embedded by the system itself and needs to be “healed,” and the other in which discriminatory attitudes are inherited, conditioned or encouraged but can be “prevented.” The first area of concern includes institutional personnel catering for social care beneficiaries, whereas the second encompasses secondary school teachers and students, i.e. student parliaments. Though methodologically different, the work in these two areas is complementary by its effects, i.e. the benefits for two of the most vulnerable and marginalized groups of population: persons with special needs (and persons catering for them, actually in the same position as they are) and the young.

Last but not least, a word or two about our traditional magazine, **The Helsinki Charter**. Had it not been for the understanding of the Federal Ministry of Foreign Affairs of the Federal Republic of Germany our

conventional and online readers would be deprived of their “alternative” reading matter in 2009. Namely, the Ministry assisted us to publish two double issue of the Charter: No. **131-132** (September-October 2009) and No. **133-134** (November-December 2009). The first of the two coincided with the 20th anniversary of the fall of the Berlin Wall and was, therefore, mostly focused on this major event, whereas the second, headlined “The Year of Regained Consciousness” generally dealt with the historic breakthrough Serbia made by applying for EU candidacy. Both double issues of *The Helsinki Charter* are integrally available in PDF format at our website, along with selected writings in English.