



**ANNUAL REPORT: SERBIA IN 2010**

**HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA**

**HUMAN RIGHTS**

**REFLECT**

**INSTITUTIONAL**

**IMPOTENCE**





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Annual Report : Serbia in 2010

# Human Rights Reflect Institutional Impotence

BELGRADE, 2011

Annual Report : Serbia in 2010

## HUMAN RIGHTS REFLECT INSTITUTIONAL IMPOTENCE

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### PRINTED BY

Zagorac, Beograd

### CIRCULATION

500 copies



This edition was published with the support of *Civil Rights Defenders*

ISBN 978-86-7208-180-0

COBISS.SR-ID 184136972

CIP – Katalogizacija u publikaciji Narodna biblioteka Srbije, Beograd  
061.2"2010"; 316.4(497.11)"2010"; 323(497.11)"2010"

HUMAN Rights Reflect Institutional Impotence : Annual Report : Serbia in 2010 / [prepared by] Helsinki Committee for Human Rights in Serbia ; [translators Dragan Novaković ... [et al.]]. – Belgrade : Helsinki Committee for Human Rights in Serbia, 2011 (Beograd : Zagorac). – 670 str. ; 23 cm

Izv. stv. nasl.: Odras institucionalne nemoći. – Tiraž 500. – Napomene i bibliografske reference uz tekst.

1. Helsinki odbor za ljudska prava u Srbiji (Beograd) a) Helsinki odbor za ljudska prava u Srbiji (Beograd) – 2010 b) Srbija – Društvene prilike – 2010 c) Srbija – Političke prilike – 2010

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# I – INTRODUCTION



## Conclusions and recommendations

The unexpectedly long economic crisis has exposed all the weaknesses – political, economic and social – of the present system, which has not yet made a fundamental break with the legacy of the Milošević regime. The blind alley in which Serbia has found itself again gives rise to serious concern because its democratic achievements, albeit minimal, and its progress towards EU membership are both in question. At 58%, popular support for EU integration is lowest so far. This is largely due to the fact that citizens' concrete interests are excluded from the authorities' communication with the public concerning the accession process, as well as to the fact that the process itself has been reduced to a vague state- bureaucratic procedure taking place beyond the reach of the citizens and not taking account of their interests.

The process of European integration has been systematically reduced to formal questions concerning legislation, procedure and bureaucratic conditionality. The process is presented to the public in such a way as to show no connection with individuals' concrete interests.

Social tensions, strikes and drastic instances of individual frustration resulting from poverty are convulsing society daily. The citizens have completely lost their trust in the government institutions and political parties because of their inability to deal with the accumulated problems.

After nearly two decades of continuous destruction (except for the brief period under the Đinđić government), hope and optimism have disappeared from nearly all strata of society.

The drastic consequences of the decades-long degradation of academic institutions, scientific institutes, universities, experts and liberal intellectuals are fully in evidence. There is hardly any market for ideas, and people who have to offer concrete proposals for overcoming the socio-economic crisis are constantly obstructed and marginalised publicly and institutionally. The middle class, which should be the bearer of social change, has all but disappeared. The majority of experts live in poverty

unless they occupy high positions in government institutions or are members of company management boards.

On the other hand, by its populist demagoguery the conservative anti-Europe bloc manipulates the discontent of the pauperised citizens robbed of all hope. This bloc, which offers no solutions, is still exceptionally powerful and continues to obstruct Serbia's more rapid rapprochement with the EU and, particularly, its break with the Milošević legacy.

At its rallies the opposition has shown that it has nothing to offer and that it lacks the energy necessary to bring about an about-turn.

The country is in the grip of a balance of powerlessness conducive to the flourishing of retrograde manifestations and groups. This is why the present paralysis calls for a new mobilisation and a new approach to the problems by all actors on the political and social scene.

Such progress as Serbia has made is mostly due to the efforts of the EU and its conditionality policy. The intensification of political communication in the region has not been followed up in the economic field in spite of the obvious need for the region to embark on genuine cooperation. The establishment of economic cooperation in the region is necessary for two important reasons: to help economic recovery and speed up EU integration.

The implementation of standards and new value systems is a matter of political will, responsibility, culture, tolerance and pluralism. However, two decades of pernicious policy have destroyed democratic potential in the region. For this reason one needs a bolder, more imaginative and more elaborate EU strategy to replace the strategy of cooperating strictly with governments while neglecting the huge economic and social needs of societies that need to be addressed as a matter of priority.

The Serbian citizens need a new hope necessary for substantial change and the revival of liberally-oriented elites at all levels of society (technical and social intelligentsia, small entrepreneurs, youth). Acceptance of Serbia as candidate for EU membership could revive such hopes on condition that the pre-accession funds are used in a transparent manner rather than as a new source of enrichment of the corrupt elites.

## Recommendations to the Serbian government

- Remove the main obstacle to Serbia's candidacy for EU membership as soon as possible by arresting Ratko Mladić and Goran Hadžić;
- Work to substantially improve cooperation with all the countries in the region not only because that is a condition of candidacy for EU membership but because the region needs normalisation;
- Fight corruption more vigorously. This is the quickest way to encourage the citizens to participate in reforms and elections, because they are aware that corruption is one of the key problems;
- Within the framework of the minorities policy, prioritise the implementation of strategies to improve the situation of the Roma and clear the obstacles to the formation of the National Council of Bosniaks;
- Take action to calm the situation in Sandžak and make sure that the state does not interfere in relations between the two Islamic communities;
- Provide adequate funding to the republic Protector of Citizens (ombudsman) and other independent regulatory bodies to enable them to operate freely as a National Preventive Mechanism (NPM);
- Carry out the recommendations of regulatory bodies and support the Commissioner for the Protection of Equality in his work in particular;
- Speed up educational reforms. At the same time, help the young generations, through alternative education, to familiarise themselves with values necessary for their more successful integration in the process of Europeanisation;
- Establish a mechanism to consider the recommendations of the UN Human Rights Committee regarding individual complaints and appropriate measures which need to be adopted and carried out. Also give consideration of the recommendations of the Council of Europe and the European Commission. Continue to work

towards ensuring women's greater representation in state offices, including key substantive offices with real competences;

- Further, ensure the equal treatment of men and women including equal pay for similar duties;
- Improve the situation of Roma women in society as the most vulnerable group. Place special emphasis on overcoming stereotypes about woman's role in society;
- Continue to fight against domestic violence and set up centres for providing victims with necessary medical, psychological and legal assistance, as well as safe houses for victims of violence including children;
- Make sure that all victims of human rights violations are adequately compensated;
- Make sure that there is in place an efficient system for supervising police custody and provide adequate conditions in police detention facilities;
- Help the Council for Press to become functional as soon as possible with a view to promoting respect for the principle of journalist ethic and professional standards in media work;
- Address the transformation of the media in the most coherent way and adopt a media strategy as soon as possible;
- Take further steps to improve the treatment of prisoners and prison conditions in line with the Covenant and the UN Standard minimum rules for the treatment of prisoners. Consider applying alternative punishment more widely in place of custodial punishment;
- Ensure strict respect for the independence of the judiciary. Give the holders of judicial office not reappointed in 2009 access to a legal procedure for thoroughly revising their non-reappointment. Consider undertaking further legal and other reforms to enhance the efficiency of the judiciary and the judicial process;
- Review the system of legal assistance to make free legal aid available in every case when the interests of justice so require;

- Enable all citizens of Serbia to obtain identity papers, in particular those who have never been registered or issued them. This applies above all to the Roma population;
- Ensure equal access to adequate housing, social welfare benefits and other services to all victims of recent conflicts including Roma;
- Ensure equal treatment of all churches and religious communities in Serbia;
- Give freedom to and protect the media and civil society independent organisations including non-governmental organisations and media. Identify and adequately criminally prosecute and punish perpetrators of criminal offences against media and civil society activists;
- Intensify the efforts to eliminate stereotypes about and violence against Roma, including awareness raising campaigns and promotion of tolerance and respect for diversity. Adopt measures to facilitate Roma's access to various services and facilities at all levels including, where necessary, appropriate special measures of a temporary nature;
- Pursue the efforts aiming to ensure full protection and equal treatment of members of national minorities. Ensure better representation of national minorities in national and local bodies;
- Speed up the processes of decentralisation and regionalisation as a precondition for the democratisation of society. This is in the interests of Vojvodina and Serbia as a whole;
- Provide training for police officers about the Anti-Discrimination Law, in particular in respect of the LGTB population which is subjected to daily discrimination and harassment;
- Promote cooperation with all governments in the region to ensure the free movement of people and the exchange of ideas and goods. With this object in mind, continue the dialogue with Kosovo with a view to solving citizens' practical problems. Any demand for a division of Kosovo or a revision of the Dayton Accords would be contrary to this objective.

## **Recommendations to civil society**

The Serbian parliament has adopted a set of laws completing a legal framework regarding human rights. There are neither political will nor resources for implementing this legislation.

Campaign actively for the adoption of a new system of values. This is a complex process which calls for making citizens familiar with the essence of the new value framework. Educate the various segments of society because the government institutions are unable to do this on their own;

Cooperate actively with parliament in establishing civilian control of the security structures;

Take a more active part in the dialogue between Belgrade and Priština and in the efforts to establish links between Kosovo and Serbia in order to create a sound basis for the normalisation of relations and cooperation. The civil sector has already played an important part and has well-developed relations in this regard;

Strive for greater presence in the media, particularly in programmes of the public service broadcasting organisation, to raise public awareness of civil society;

Take an active part in social dialogue with the state. Support the trade unions in the fight for essential social reforms.

## **Recommendations to the international community**

In order to halt the negative trends and to frustrate the aspirations of individual nationalistic circles, all the countries in the region should be granted EU membership candidate status as soon as possible, with conditionality aimed chiefly against those who obstruct reforms at home and at regional level;

The granting of candidate status to all the Western Balkan countries would not only make pre-accession funds available to them, it would also encourage the citizens to take responsibility for dealing with their subsistence problems. Only this can prevent a new wave of social radicalism;

The EU should strive to bring home European ideas and concept to every citizen in a more creative manner. This must be done if the citizens are to genuinely participate in the Europeanisation of the region;

Greater cooperation with the civil sector is necessary to enable society's genuine European forces to create a new climate for the promotion of European ideas.



## Balance of Impotence and Absence of Vision

Several major events that marked the year 2010 affected Serbia's movement towards the European Union /EU/. The International Court of Justice's advisory opinion on Kosovo independence was crystal-clear and as such surprised Serbian elite hoping for a formulation that would be open to more than one interpretation. The advisory opinion eventually led to the joint Serbia-EU draft resolution in the UN General Assembly, the act that improved Serbia's international standing at the time as it left everyone under the impression that it would complicate the issue no more. And this led to yet another major event: Brussels admitted Serbia's application for EU candidacy. Consequently, in late December 2010 the European Commission presented Belgrade with a massive EU accession questionnaire, a road map of the criteria Serbia has to meet to receive official candidacy for EU membership towards the end of 2011.

For Serbia, which has not yet reached a political consensus on EU membership, this was almost a historical breakthrough in paving the road to EU. Serbia's elites began debating pros and cons of NATO membership in the *Politika* daily. Serbia's regional policy was active at the political level but not exactly such at other levels. The Serbian Parliament adopted a declaration on Srebrenica and President Tadić paid his first visit to Vukovar where he apologized for the crimes committed in the Ovčara concentration camp. The Darko Šarić case opened the question of crime and corruption – however the measures that ensued were halfway.

In 2010 Serbia once again demonstrated inability to eliminate nationalism from the search for solutions to its problems, in the region in particular. Though Montenegro walked out of the common state five years ago and, in the meantime, Kosovo declared independence as well, Serbia has not found its place in the region yet: as it refuses to accept new realities it builds its priorities on a defeated policy and unrealistic goals. The public

debate is saturated with unproductive disputes over Kosovo and ambivalent attitude towards Bosnia-Herzegovina but towards Croatia as well.

Foreign policy mirrors the disorientated domestic affairs: enormous energy and resources are wasted on lost battles. The dichotomy about Euro-Atlantic integrations and Russia is striking: not a new phenomenon but striking since ex-Yugoslavia's disintegration. In its unrealistic regional ambitions Serbia has counted on Russia from the very beginning of the Yugoslav crisis. This was obviously a childish and poor strategy the masterminds of which were oblivious of a changed international context. Persistence of such a policy shows that Serbia's policymakers have failed to thoroughly analyze international and regional realities, and consequently develop a vision for the future. Absence of this vision considerably affects the identity of the Serbian society, which is fluid, poorly determined and changeable: as it depends on elites' suggestions it varies from European affiliation, through some blurred neutrality to belonging to Euro-Asian political space and self-isolation as the reflection of inability to accept new realities worldwide and in the region.

The above context determines the situation of human rights and the place they really have on the list of the state's and social priorities. Human rights are Achilles' heel of transition countries such as Serbia: they reflect the conflict between the proclaimed universality of civil rights (belonging to all citizens without exception) and the state's inability to implement them properly, but also individuals' incapability for their exercise. This is what differs "citizens de iure" from "citizens de facto." Citizens obviously lack ability and mechanisms for adequate exercise of their rights in given social, political and economic circumstances.

The Parliament failed to pass all the laws that are crucial for advanced human rights legislation. This primarily refers to a penal code and laws on litigation, execution of sanctions and notary public. The already adopted laws are not being promoted publicly to inform citizens about their rights and the ways to realize them. The state is less and less capable of and less and less willing to secure economic safety to its citizens. The actual power of regulatory agencies supposed to control governmental bodies is still limited, notably in provinces.

The situation of human rights in Serbia above all reflects the overall political and social climate but also the adverse socio-economic circumstances. The predominant ideology of nationalism and almost unimpeded of extreme right-wing groupings fuel negative stereotypes about minorities, particularly about the Roma and some neighbors (Bosniaks, Croats and Albanians). This, in return, generates minorities' distrust but also their perceptions of their own security. Serbia has adopted a number of measures and action plans for improvement of the position of some vulnerable groups of population (the Roma, persons with disabilities, children, etc.) but their actual implementation calls for a more responsive society as a whole and necessitates adequate funds.

Generally speaking, the laws regulating the area of human rights are either not implemented or implemented selectively. Systemic recommendations by independent agencies (ombudspersons, for instance) that are taken into consideration are few. The public prosecution rarely reacts at human rights violations. Police investigations are usually dragging and unproductive. Legal proceedings are also unreasonably tarrying. The state and its bodies are changing their attitude towards discrimination at snail's pace and usually under the pressure from the international community and local groups. However, thanks to constant monitoring of the situation of human rights by domestic and international organizations human rights legislation was rounded off and general attitude towards the issue began to change gradually. The society and its elites deny the presence of discrimination, notably when it derives from the stands and actions by extreme right-wing groups. Discrimination and radicalization of public discourse are discussed solely by parts of the civil sector.

The judicial reform has not yet resulted in efficient legal proceedings, which continue to challenge and waste time and money of citizens seeking justice. The great majority of citizens' complaints to independent agencies and human rights organizations have to do with this problem. A social climate based on tolerance and justice needs professional and free media. Unfortunately, the media are usually in the service of politics and big business. Impunity for war crimes committed in 1990s and omnipres-

ent corruption still create the atmosphere propitious to arbitrariness and inadequate attitude towards vulnerable social groups.

International organizations and some individual governments scrutinize the situation of human rights in the region, in Serbia in particular.

The European Commission takes that a legal frame for the protection of human rights has been more or less established and emphasizes the fact that Serbia had ratified all major international instruments in the domain of human rights. While noting progress in all areas, the Commission underlines the need for further adjustment of legislation to European standards. It encourages education in international standards of human rights and their implementation. The Commission's report also calls for the government's actions against all forms of violence.<sup>1</sup>

Having discussed Serbia's second periodic report (March 2010) UN Human Rights Committee<sup>2</sup> recommended, among other things, a bigger budget for ombudspersons to secure adequate protection of human rights of citizens, independent judiciary, bigger women's participation in governance, better minority protection, particularly the Roma, etc.

In its section about Serbia, the State Department's /USA/ annual report on human rights worldwide emphasizes police torture in detention, inefficient and protracted trials, intimidation of journalists, human rights defenders and others who criticize the government, restricted freedoms of expression and religion, corruption in executive, judicial and legislative branches, incomplete cooperation with the tribunal in The Hague (Hadžić and Mladić), family violence, child abuse, discrimination of minorities, particularly of the Roma and LGBT population and human trafficking.<sup>3</sup> On the other hand, the report commends the authorities and the police for the success of the first Pride Parade.

1 Serbia 2010 Progress Report.

2 A body established by the International Covenant on Civil and Political Rights /ICCPR/.

3 <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154449.htm>.

## Slow transition and state consolidation

Serbia is torn between two parallel processes: state consolidation and transition into multiparty system and market economy. Both processes proceed at snail's pace. The multiparty system has been formally instituted but everyday life reflects authoritarianism. Accomplishments of the former Yugoslavia have been annulled or are denied in the name of some new values. Anti-communism screens archaic, national ideologies. A new value system, pluralization and market economy are strongly opposed.

Devastation of morals and economic sphere gave birth to today's crisis. Greedy individuals and groups that have privatized all public resources thanks to their close relations with the regime and institutional devastation over the three past decades generated economic catastrophe and demoralized the society. In such economic circumstances democracy cannot be sustainable.

Economic stratification has not yet crystallized new actors and social strata that would dominate the society in the future. Disintegration of Serbia's entire socioeconomic being (and regional as well) made progress impossible. Social re-traditionalization and re-feudalization are in action after twenty years of post-socialism. Present developments cannot be properly understood unless one takes these phenomena into account.

Partocracy dominates the political sphere. Political parties have closed themselves off to the public and are active only at the time of election campaigns. Serbia's multiparty system, Police Minister Ivica Dačić concisely defines as "late puberty," is dysfunctional and ideologically almost uniform.<sup>4</sup> Political decisions are not made in the parliament but in privatized parties. Hence, the parliament's political power is rather small. Absence of a genuine opposition sucks dynamism out of political life.

Serbia still keeps the issue of state borders open. Such persistence stands in the way of its consolidation as a state. And too many obstructions hinder the process of transition and reforms. Serbia's elites are still far from acknowledging new regional realities. Kosovo is used just as a tool for attaining the goals that are internationally unattainable. The issue

4 TV B92, April 17, 2011.

is being reworded almost on daily basis but the point is always the same: partition. Even officials now openly claim that a scenario whereby Serbia would recognize Kosovo's unilaterally proclaimed independence could not possibly settle the Serb-Albanian historical conflict. "A historical agreement between Albanians and Serbs must be legalized by Albanians and Serbs alike," they say. They take it is still too early to go public with a concrete solution. However, this very formulation advocates Kosovo's partition along the lines of Dobrica Cosic's theses about Serbs and Albanians right to unification.

### **Political context: retrograde trends**

Serbia's political sphere has not yet offered clear-cut concepts to citizens. All the parties do have some programs but hardly any realizes its own. The stumbling blocs in the way towards EU are either belittled or dealt with off-handedly.

Parties such as Democratic Party of Serbia /DSS/ and Serb Progressive Party /SPS/ fundamentally oppose European integration as it stands in the way of national goals. Serb nation, says historian Čedomir Antić, is neither integrated towards nor mobilized for its national goals inasmuch as its neighbors are.<sup>5</sup> Publicly, SNS advocates European option but builds its image on social dissatisfaction. SNS also has no program. But when SNS abandoned the space of the extreme right wing, new pretenders emerged. They appeared in the form of non-governmental organizations propagating clericalism and nationalism such as Dveri and Nasi. Now, as new political parties they enter into DSS and SRS orbit and enjoy considerably support from like-minded groupings from Russia.

Progressists in power are considered as a more or less certain outcome. Critics from both sides of the dogmatic specter actually provoke such outcome as they did in the case of Slobodan Milošević. Some openly advocate for it, while the others do the same by saying, "We'll come to our senses only once we touch the bottom."

5 Politika, April 4, 2011.

Tomislav Nikolić, SNS leader, cannot offer a serious answer to a single question on which he builds his popularity. His party has no human resources for radical reforms he propagates. Coming to power is his only program. Elections won on social radicalism associate fascization. Conservative circles from all parties – from Democratic Party to Socialist Party of Serbia – make his potential coalition. Reliance on Russia is their “trade-mark” and their potential lies in all rightist forces in the country. Serbia would be dangerously divided as it was on October 10, 2010, when the waves of uninhibited violence flooded Belgrade on the occasion of the first Pride Parade ever. That was also the first open test of strength ever. The state fought back because it was itself endangered.

SNS and DSS belong to the same ideological bloc but SNS attracts more voters with its populism. DSS leader, Vojislav Koštunica is the main ideologist of the bloc and many consider him Dobrica Cosic’s heir. The way in which he is treated within the bloc – but above all in Cosic’s circle – is most indicative of these speculations. SNS is actually a project Cosic developed to secure a bigger electorate to Vojislav Koštunica. DSS is better equipped in term of human resources and has a party program, especially economic. The two parties share the same affinity for Russia they consider Serbia’s key partner, and both oppose NATO membership.

Nikolić’s policy for the ruling coalition is the same as Koštunica’s. Vojislav Koštunica claims that the incumbent regime is fatal for Serbia, institutions are shaky, territorial integrity breached, Vojvodina’s statute created “a state within a state” and the proposed regionalization program disintegrates Serbia. His plan for inducing early parliamentary elections though mass rallies failed. He ended his hunger strike aimed at destabilizing when the Russian Ambassador intervened. The rally SNS staged on April 16, 2011 only laid bare all his weak points and his inability to estimate the situation and citizens’ disposition.

## Legal system

An adequate judicial reform is crucial for the respect of human rights. On the other hand, a judicial reform is a delicate and long process that considerably influences the outcome of Serbia's negotiations with EU on candidacy.

Officially launched in May 2006 with the adoption of the *National Strategy for Judicial Reform*, rather than rounded off the reform became one of the biggest obstacles in the country's movement towards EU. Election of judges and prosecutors, and discrepancy between domestic regulations and EU standards are the most serious problems. The long-awaited reorganization of courts of law was finally completed. However, with smaller staff courts became even less efficient, whereas redistribution of cases resulted in protracted trials and general confusion.

Many international bodies, particularly the Council of Europe and the European Commission, monitored the judicial reform. In its expert report the European Commission reaffirmed that the re-election process manifested major shortcomings in the composition and independence of the High Judiciary Council and State Council of Prosecutors, application of objective criteria, transparency and overall reliability. The Council of Europe was included in all the phases of the reform and was regularly reporting on the progress. According to Nadia Cuk, deputy head of the CoE office in Belgrade, says that the organization did not base its report on "criticism but on short-term and long-term recommendations, bearing in mind the progress made since the adoption of the National Strategy for Judicial Reform."<sup>6</sup>

## Parliament: a small step forward

Adopted in late February 2010, the Law on the People's Assembly provides, for the first time in the history of Serbia's parliamentarianism, financial independence of the parliament and the legislation's supervisory role. A new protocol for MPs further improved the overall propriety,

<sup>6</sup> [http://www.coe.org.rs/eng/news\\_sr\\_eng/?conid=1921](http://www.coe.org.rs/eng/news_sr_eng/?conid=1921).

already made more decent by the bylaw providing cutting speakers off and high fines. And, yet, the level of citizens' confidence in the parliament is still low. Findings of an opinion survey showed that only some 15 percent of citizens think highly of the parliament – the percentages related to the European Union, the army, the Church and even the Serbian government and the tribunal in The Hague are higher.<sup>7</sup>

In the past three years the Serbian parliament adopted a number of laws and regulations adjusted to European legislation. Implementation of these laws and regulations, however, needs to be more carefully monitored through better communication between law drafters and the parliament.

The so-called blank resignations have been undermining credibility of MPs and the parliament itself for years. Because of them MPs cannot act independently and conscientiously. The parliament should also pay more heed to the recommendations by independent regulatory agencies and discuss the questions raised by them.

## **The army and the police**

The reforms in the army and the entire defense system have exceeded those in other segments of the society. No wonder, therefore, that findings of the survey conducted by the Balkan Monitor agency in 2010 shows that as many as 73 percent of citizens have confidence in the army. However, despite the reforms the process of establishing democratic control over the Army and security and intelligence services is still slow-paced. In saying this one should bear in mind still uninvestigated murders of privates and the army's and the Ministry of Defense's involvement and responsibility for the death of RTS technicians and other staffers in NATO bombardment. Full democratic and civil control of the army and security services, including radical changes in personnel, precondition changes in Serbia proper.

The legislation dealing with the police and Ministry of the Interior was rounded off in 2009. The Ministry of the Interior adopted several strategic documents for its functioning in the period to come. Citizens' opinion of

7 [http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=06&nav\\_category=206&nav\\_id=422515](http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=06&nav_category=206&nav_id=422515).

police efficiency considerably improved due to efficient campaigns against crime and for public law and order. On several occasions (such as the Pride Parade or the visit by US Secretary of State Hillary Clinton) the police demonstrated high level of professionalism. However, they have not been yet sufficiently sensitized of human rights standards, notably when it comes to some groups of population (LGBT).

## **Economic and social situation**

The stand-by arrangement /SBA/ approved by the International Monetary Fund determined the government's macroeconomic policy. IMF delegation visited Serbia twice in 2010 to discuss the use of the credit. The measures provided under the arrangement were partly realized in 2009 and, with some corrections, in 2010. However, the government failed to see the planned and comprehensive structural reforms through that would have revived the economy and secured a sustainable growth.<sup>8</sup>

Guided by pragmatism, politicians begun the year 2010 with excessively optimistic statements. But the government's disregard for the realities and more than poor political will for radical reforms discredited it in the public eye and generated citizens' distrust in political elites. This led to general dissatisfaction, high social tensions and the situation that seems hopeless.

The social situation only logically leads to citizens' pessimism and political abstention. The social and economic policies are the more so problematic since not a single political option seriously deals with them. No one pays attention to the consequences of the economic crisis and the economy mostly devastated by catastrophic privatizations. Corruption is still among the biggest obstacles to the country's overall development.<sup>9</sup>

8 European Commission, Serbia 2010 Progress Report.

9 Vladimir Goati, president of "Transparency Serbia," says that the reason why high-level political corruption has not been prosecuted is that the political nomenclature is still strong enough to prevent the functioning of anti-corruption bodies. <http://www.dw-world.de/dw/article/0,,6398614,00.html>.

Independent regulatory agencies such as the Anti-Corruption Council and the Anti-Corruption Agency are usually working under political pressure.

## **Facing the past**

Despite the fact that not only ICTY but also other special courts have been processing mass crimes of 1990s, Serb elites did nothing for the society's moral revival. Now, almost twenty years later Serbia still suffers from such lack of responsibility. Usually elite circles are those that are in the forefront of facing up the past. But Serbia's elites are obviously unwilling to intellectually and in practice shape the culture of memory through critical reconsideration of the recent past. And their unwillingness actually hinders the emergence of a modern Serb nation. Serbia's post-war intellectual discourse is still focused on unification and "liberation" of all Serbs, which blurs the country's future prospects and stands in the way of regional normalization.

On March 30, 2010 the Serbian Parliament adopted a declaration on Srebrenica. The Parliament thereby "strongly condemns the crime committed against the Bosniak population in Srebrenica in July 1995 in the manner determined in the ruling by the International Court of Justice, as well as all social and political processes and events have made anyone believe that one's own national goals could be attained through deployment of armed forces and physical violence against people from other nations and religions, and, therefore, expresses its condolences to the families of victims and apologized for the failure to prevent this tragedy."<sup>10</sup> But the declaration as such was not enough to curb the ongoing denial of the Srebrenica crime, particularly by academic circles: moreover, these circles have been strategically gelatinizing the crime by decreasing the number of victims and qualifying it as a war crime rather than genocide according to the ruling of the International Court of Justice. State institutions do nothing against this tendency nor do they prosecute organizations and persons denying the Srebrenica massacre.

10 [http://www.parlament.gov.rs/content/cir/akta/akta\\_detalji.asp?id=477&t=0](http://www.parlament.gov.rs/content/cir/akta/akta_detalji.asp?id=477&t=0).

Serbia postpones its obligations towards the tribunal in The Hague, mostly by delaying to arrest Ratko Mladić and Goran Hadžić. Judging by the attitude of relevant institutions only two scenarios are plausible: the government knows or could learn about Mladić's whereabouts but would not arrest him or – it has no idea about his whereabouts. If later is the case, Serbia is in bigger trouble for the incompetence it has been demonstrating for ten years. Information about Mladić's hideouts is usually publicized post festum. So the crucial question is, "Will Mladić be arrested only once his arrest becomes a definite precondition for Serbia's EU candidacy or is the failure to arrest him planned to put an end to Serbia's movement towards EU?" Or, will Serb political elite, once it realizes it has no alternative, arrest Mladić like it has arrested Radovan Karadžić?

The trial of Radovan Karadžić, the most important case in ICTY so far, attracted the media attention in the first year only. Karadžić wasted an entire year of the trial on proving that he had a special agreement with Richard Holbrooke, which, he claimed, provided his impunity from ICTY prosecution. When all his attempts failed the media turned disinterested boiling down their coverage of the trial to selective news stories telling nothing about what actually goes on in the courtroom and the counts of the indictment against Karadžić.

The media paid much more attention to the trial of Vojislav Seselj because, above all, it provided the opportunity for proving ICTY futility. Seselj's speaking acrobatics in the courtroom created the impression that he had professionally outrun the tribunal. Seselj was twice put on trial for contempt of court (February 22, 2011). He was charged for having violated protective measures the ICTY issued after a book authored by him disclosed information about eleven protected witnesses, their names, professions and addresses. On May 19, 2010 the Appeal Chamber confirmed the 15-month jail term the Trial Chamber ruled to him for disclosing having disclosed the names and other personal information about protected witnesses in another book.

The international court takes the integrity of witnesses and confidential information crucial to the rule of law. It charged several defendants who had tried to interfere with the administration of justice by disclosing

confidential information. On July 5, 2010 the ITCY turned down Seselj's request for funding his defense because he "had failed to provide information needed to establish his financial status" and was defending himself.

The other trials in ICTY were hardly registered at all, including those to Momcilo Perisic or Jovica Stanisic. All this indicates that ICTY influence on citizens' attitude towards the 1990s wars was rather limited if any at all. As a rule, the media were paying by far more attention to the trials of other nationals such Croats and Albanians. The sentence ruled to Ante Gotovina was festively applauded. For the first time ever ICTY was called unbiased.

## **Revision of the history of the WWII**

Judicial rehabilitation of Dragoslav Mihailović is the most telling example of the ongoing revision of the World War II and Serbia's attitude towards fascism. This is not only about political reexamination of the Tchetnik movement – which was collaborative – but also the support to the Greater Serbia ideology that movement had advocated. Besides, Mihailovic's has much to do with the present-day context and the developments of 1990s. The crimes committed in Bosnia-Herzegovina and Croatia at the time were committed along the lines of the Greater Serbia project. His rehabilitation threatens with complicating regional relations because it symbolizes the survival of the Greater Serbia project. Domestically, it may produce repercussions in Sandzak where Tchetnik committed mass crimes against Bosniaks in WWII.

Rehabilitation of the Tchetnik leader testifies that Serbia has not adopted a value system that would undoubtedly promote it as an anti-fascist country. Serbia excluded itself from the anti-fascist coalition at the time of Vojislav Koštunica's premiership. The role of partisans was planingly marginalized, whereas the role of Tchetniks glorified. The Tchetnik movement is presented in textbooks as a "right-wing" anti-fascist movement. The tepid response to such a historical fraud by the general public also testify of social mindset, especially that of social elites.

## **Serbia and its neighbors**

Last year's dynamic communication at political level also indicates Serbia's ambivalent attitude towards its neighbors. Regardless of enviable intensity of high-level meetings the overall result is inopportune because the unsettled problems from the past heavily burden normalization.

The opinion that "borders in the region are not definite yet" still predominates. Particularly aimed for is Bosnia-Herzegovina where official Belgrade encourages and supports status quo: actually its planned partition.

Regardless of some progress, cooperation between war crimes prosecution offices in the region has not yet established foundations for mutual trust and respect. The cases of Ganić, Purda, Divjak and "yellow house" indicate that Belgrade has moved its rounding off of the "truth" about the 1990s wars to the legal terrain and now tries to prove that it was all about a civil war that broke out when Bosnians and Croats attacked YPA. All these cases are meant to relativize the responsibility for the wars. However, Belgrade's strategy has failed. As it turned out, either confessions had been exhorted (Purda) or conflicts resulted from tensions created by YPA and Serb forces (Dobrovoljačka Street and Tuzla column).

The upcoming census in the region laid bare some ambitions such as the one to have Montenegro treated as a provisional creation. In response to the census the Ministry for Diaspora adopted the Strategy for the Safeguard and Strengthening the Relations between the Motherland and Diaspora. The strategy raised hue and cry in the region: Serbia's neighbors rightfully understood it as interference in sovereign states.

## **Minorities mirror democracy**

The elections for the national councils of national minorities provided the opportunity for a democratic solution to the problem of councils' legitimacy. Officials saw them as the opportunity for further integration of minorities and, above all, for emphasizing Serbia's standing as a regional pioneer of minority rights. However, minority representatives and officials

did not see eye to eye in the aftermath of the elections. Officials boasted about “impeccable election process” and spoke about minorities’ “political wisdom” proved through their participation in the elections” and Serbia’s time-tested multiculturalism.<sup>11</sup> As for minority representatives, they said the elections were poorly organized and left “a bitter taste in one’s mouth.”

Serbia’s minority policy was a fiasco in Sandzak. Not only mufti Moamer Zukorlić speaks about violation of Bosniak rights but also his opponents. The disregard for the mufti’s offer of dialogue impairs the government credibility and the authority of the President of the Republic who, said the mufti, “failed to meet all the promises he made to Bosniaks.” As it seems Serbia is incapable of constituting itself as a stable community guided by the rule of law that guarantees equal right to all its citizens and ethnic minorities.

Expecting that all the accumulated problems could be solved overnight would be quite unrealistic. To have them solved Serbia needs to establish a large front for social changes. Politicians are not yet up to the task of determining the society’s strategic goals though dialogue and agreement. Profiting from their incapability informal centers of power devour the society and institutions.

Serbia should definitely opt for EU membership through association process and by meeting the preconditions of the candidacy. One cannot tell how long the process would take as it is rather dependable on political decisions and a political consensus that would replace the strategy that had inspired Serbia to start the wars in ex-Yugoslav territory.

11 [www.dw-world.de/dw/article](http://www.dw-world.de/dw/article).



## II – NATIONALISM VS. EUROPEANIZATION



## Nationalist Orientation in Continuity

The dilemma about the size and nature of the Serbian state dominated Serb political thought from the beginning of the 19th to the end of the 20th century. In the early 1980s, the Serb national question was put on the agenda in response to the progressive confederalisation of Yugoslavia in the new conditions. Because Serbia strove towards re-centralisation, which was not an option, the Serbs were again in a position to choose between the following two historical alternatives: whether to regard the Serb question as a cultural and civilisational issue or a state issue.<sup>12</sup> The second option, which comprehended expanding the homeland to include all imagined ethnic territories, won the day. The approach to the dilemma concerning the nature and the size of the Serbian state has not fundamentally changed since the overthrow of Milošević in 2000. The same programme continues to be pursued by different means.

In the meantime, the rhetoric has somewhat changed though the ambitions remain the same. The modified strategy pertains to the north of Kosovo, Republika Srpska and Montenegro, whose independence is regarded as a temporary arrangement. Top Serbian officials have been increasingly and publicly suggesting arrangements involving the partition of Kosovo and Bosnia. For instance, in a 2009 interview with *The Washington Times*, Serbian Foreign Minister Vuk Jeremić said regarding Bosnia, '... let's (then) stop pretending that this is a country'.<sup>13</sup>

Owing to the existence of such territorial claims, the Serbian state is not yet consolidated and has not reached political consensus regarding Euro-Atlantic integration. In order to keep the anti-Western orientation alive, certain circles are continuously floating conspiracy theories and blaming a

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12 Olga Popović-Obradović, 'Srbija pred izborom: Kakva ili koliko država', Helsinki Committee for Human Rights in Serbia, Belgrade 2008.

13 *The Washington Times*, 24 April 2009.

foreign political factor for dictating unconditional terms to the Serb people. The European market and the European Union itself are perceived as permanent enemies of the state project because the forces of globalisation allegedly destroy national frameworks. The advisory opinion of the International Court of Justice about Kosovo's independence, Serbia's agreement to submit a resolution to the UN General Assembly jointly with the EU, and the refusal of a London court to extradite Ejub Ganić to Serbia are all signs that the Serb national programme has come up against the determination of the EU and the US to prevent a redrawing of borders in the Balkans. For instance, the German Foreign Minister, Guido Westerwelle, made clear during a visit to Belgrade that the 'map of the Western Balkans is finished'.<sup>14</sup>

For this reason Serbia's pro-European government and others who support the European option are constantly criticised and undermined by the bloc seeking rapprochement with Russia (at the expense of European integration). However, even the ruling coalition is somewhat schizophrenic on this matter. This is best illustrated by the Serbian government's strategy concerning the Serbs living in diaspora and the region, a document provoking sharp reactions in the region. Russia's ties with certain conservative circles influence the behaviour of the Right in Serbia considerably. Although the influential champions of the great-state ideology (pursued by both the Right and the so-called Left) are to be found in several close groupings, they can nevertheless be distinguished by a number of features.

The most hard-line current is coalesced around the former highest echelons of power (Vojislav Koštunica and his Democratic Party of Serbia-DSS) and the opposition Serbian Radical Party (SRS) and the populist bloc comprising the DSS and New Serbia (NS). This current is close to the Serbian Academy of Sciences and Arts and the Serbian Orthodox Church (particularly to Bishop Artemije, who leads a deeply conservative faction strongly opposed to ecumenical dialogue and allied with the Russian Orthodox Church). Their chief media and mouthpieces include the

14 The Helsinki Committee for Human Rights bulletin, *Zaokret u spoljnoj politici, neuspela instrumentalizacija Kosova*, source: <http://www.helsinki.org.rs/serbian/doc/HB-Br68.pdf>

newspapers *Večernje novosti*, *Svedok*, *Tabloid* and *Pečat* and the website of the magazine *Nova srpska politička misao* (New Serbian Political Thought).

The second current is just as influential. Although it seeks to project itself as a legitimate negotiator with European officials and as an option working towards European integration, its real policy is quite the opposite, which is amply testified by its members' earlier utterances. This applies above all to the Serbian Progressive Party (SNS), segments of the security services responsible for locating the remaining ICTY indictees and Serbia's relationship with Republika Srpska (as evidenced by the continuing publicity given to Milorad Dodik and Vuk Jeremić's statement about Bosnia). This current is also close to Russia and its chief mouthpieces in 2010 were *Pravda*, *Nova srpska politička misao* and *NIN*. The line separating this current and its far-right opposite number with Koštunica at its head is very permeable and not altogether impermeable to the more conservative wing of the Democratic Party (DS).

The common denominator of these right-wing options (which publicly present an almost united front) is their ideological closeness to and one-time open collaboration with extreme right organisations such as the *Obraz*, the *Pokret Naši-1389* and the *Srpski sabor Dveri*.

Since the media continue to be used as a chief mechanism for shaping public opinion, this option continues to be perceived as a Serb national interest. The media are under increasing and ever more effective control of the power centres,<sup>15</sup> which denies opportunities to other alternatives. In the 2010 press freedom index of the organisation Reporters Without Borders, Serbia was ranked 85th out of 178 countries. Serbia had fallen 23 places compared with 2009, when it ranked 62nd.<sup>16</sup>

15 The Belgrade Centre for Human Rights news conference, 30 March 2011, (<http://www.mc.rs/ljudska-prava-u-srbiji-2010.4.html?eventId=7920>).

16 The Belgrade Centre for Human Rights, 'Ljudska prava u Srbiji', 2010 annual report.

## Promotion of nationalism – principal features and protagonists

Nationalism has been classified as being fundamentally of two kinds: 'Eastern' and 'Western'. 'Western' nationalism is rational and civic (Britain, France, the United States, the Netherlands, Switzerland) while 'Eastern' nationalism is irrational and orGanić (Germany, Eastern European countries, Russia and Asian countries). These differences are the outcome of the social structures of their respective national movements. Western nationalism was shaped by the national interests of the third estate concerning economics and politics. Because such consciousness was not developed in the East, the intelligentsia there focused its attention mainly on interests in the fields of culture and cultural traditions.<sup>17</sup>

Or, to put it simply, there are civil and right-wing conceptions of the nation based on different traditions. An anti-communist vision of the past has been increasingly revived in Serbia in recent years (the state commission tasked with finding out the truth about the death of Dragoljub 'Draža' Mihailović could be said to represent an extreme instance of this approach).

The following statements by political party leaders, analysts, journalists, intellectuals and other public figures (made in the last few years) are quoted to show similarities and differences between the rightist orientations of the political centre and the opposition (this division being only tentative). The statements demonstrate the continuity of the right-wing ideologies of the principal actors.

The main characteristics of these ideologies include anti-Westernism, ethnically-motivated hate speech directed against the minorities in the country (as well as against the Albanian, Bosniak and Croat neighbours), orientation towards 'Russia', denial of crimes and glorification of the ravages of war (in particular in reference to Srebrenica and the speech about Ratko Mladić). Support for the positions of the Serbian Orthodox

17 Đ. Jovanović (2007), 'Zašto je Srbija sama?', part of the project entitled 'Kultura mira, identiteti i međuetnički odnosi u Srbiji i na Balkanu u procesu evrointegracije', the Faculty of Philosophy in Niš.

Church (SPC) has been a constant, particularly regarding Bishop Amfilohije's speech delivered on the eve of the Gay Pride parade in Belgrade (the event posing the greatest challenge in 2010 to the state's determination to fight for human rights).<sup>18</sup>

The anti-Western attitudes were most pronounced among the hard-line right-wingers. They strive to popularise a vision of an immoral West and its allies from the ranks of the 'other-Serbia Europeans', as well as criticising the Serbian government. The object of this criticism, which was especially prominent during the Gay Pride Parade in Belgrade, is to portray the government as pandering to the interests of the West.<sup>19</sup>

Further, there is the tendency to present Serbs as eternal victims. There is a revival of old theses about a 'West' that is 'always more favourably disposed towards the Roman Catholic Croats than towards the Orthodox Serbs' and about Serbia being the 'fall guy in the Balkans'; 'The West has already presented us with a "Kosovo or the EU" ultimatum, so I am convinced that the Kosovo issue will turn out even tougher than the Hague one. We can go to the EU, but only complete.' (Vojislav Koštunica)<sup>20</sup>

The ideology of anti-Westernism goes hand in hand with a critique of morals in reference to cultural and national characteristics (which are described as being 'naturally' peculiar to an entire nation but not to all the citizens of a state). Morals are construed as a component of the 'genetic code' or 'heredity' which can be transmitted biologically and is therefore immutable (*Pečat*, 26 March 2010).

18 The following are the headlines in only one issue of *Pečat* (11 June 2010): 'Vojvodina – Abolition of Serb symbols'; '[Minority] National Councils – Against Serbia'; Muamer Zukorlić – Extremist or a European Mufti'; 'KLA – All the Crimes of the Australian Surgeon'; 'Hungary – Budapest Demands Border Revision'; 'Republika Srpska – Banjaluka Ever Farther away from Belgrade'.

19 On its website Nova srpska politička misao published the proclamations of the right-wing organisation Srpski sabor Dveri: 'Hoćemo Srbiju po meri njenih građana i naroda, a ne po meri bezimenih briselskih činovnika EU i SAD' and 'Jedino srpske integracije nemaju alternativu' (<http://www.nspm.rs/politicki-zivot/pokret-za-zivot-srbije.html>).

20 *Novi Standard*, 26 February 2010.

While moral criticism is legitimate (both the Left and the liberal option also use it), the Right always considers it as a natural given that is in accordance with organicist theories. Thus the 'spirituality' of the East is contrasted with the 'pragmatism' (i.e. immorality) of the West. On the occasion of the adoption of the Declaration on Srebrenica by the Serbian parliament, the following commentary was offered: 'Incidentally, this act of the Assembly of Serbia is indeed deeply immoral – not only because its text, and even more context, makes little of the numerous Serb victims, but also on account of its instrumentalised treatment of the Srebrenica [Muslim victims] – both on the part of the Westerners who issued the order for such a Declaration to be adopted and those here who carried out the order. In a word, this affair is and never has been a matter of morals!'<sup>21</sup>

Ethnic rivalry is a standard feature of moral criticism practised by the Right: 'And how come (and when did it happen?) that the Croats, the Bosnia-Herzegovina Muslims and the Shqipetars [Albanians] should have qualified, in contrast to ourselves, as part of a civilized West?'<sup>22</sup>

The assertions that the Serb nation is in jeopardy are often accompanied by warnings about a 'birth dearth' ('the question of the biological survival of the Serb people is a top priority') or about the destruction of the nation's 'genetic code'. The well-worn argument that the whole world is against the Serbs continues to be used in support of the claim that the nation is in danger: 'The appeals to the US to take over in Bosnia were made by the everlasting Paddy Ashdown and Richard Holbrooke, as well as by all sorts of "think-tankers", all of whom are impatient to bring back the glorious days of Clinton's anti-Serb strong-army policy backed by force, and all of whom share this same belief: The Serbs – whether those in Belgrade, in Republika Srpska or those who remain in Kosovo – have not yet learned the lesson and ought to be taught again.'<sup>23</sup>

The newspaper *Pečat* continuously publishes articles brimming with hate speech and discrimination against minority groups, in particular eth-

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21 *Pečat*, 9 April 2010.

22 Časlav D. Koprivica, *Pečat*, 9 April 2010.

23 *Pečat*, 'Islam, Zapad i Pravoslavlje', 29 March 2010.

nic groups. In 2010, as well as during 2009, the focus was on Sandžak, the SPC and the status of Republika Srpska.

A 2002 media survey in South East Europe shows that the reporting pattern has not fundamentally changed: 'In the vast majority of the texts, nearly 90% of them, ethnic themes and actors are presented "politically". This means that ethnic differences are interpreted by the media mostly as if they were a potential source of political differences and conflicts. Criminal affairs attract great media attention whereas all others – cultural, sports, professional, everyday life – very little. Ethnic themes are most often launched within political segments. In more stable and more democratic conditions reporting on minorities is more varied and the forms of discrimination less visible, so sports columns or crime columns are more significant for research purposes than the front page or the political pages... The fact that texts with discriminative headlines are three and a half times more numerous than those with general content indicates that journalists and editors obviously make deliberate decisions to give prominence to insult or intolerance in a headline.'<sup>24</sup>

Islamophobia is a standard feature of the ideology of the Right. It figures either as a reaction to a perceived global threat, a perception shared with both the European and US Right – 'Both Islam and the modern West are actually empires striving for global hegemony' – or as an opposition to the country's Muslims and Bosniaks – 'The National Councils were set up at a time of the most ferocious campaigning by Hungary for the unification of all Hungarians and a revision of borders, at a time of Turkey's political, economic and cultural offensive in the Balkans.'<sup>25</sup>

The 'global threat' argument is also used to boost the image of the Serb people as spiritually superior: 'The Orthodox peoples of East Europe, who have preserved the characteristics of integral societies based on a common language, ethnicity, territory and religion, remain one of the few authentic conservative forces on the world scene. Simply but truthfully put, the Orthodox East has once more found itself boxed in between

24 Survey 'Etničke manjine u Jugoistocnoj Evropi: Isticanje razlika', *Vreme*, 1 August 2002.

25 *Pečat*, 11 June 2010.

two aggressive imperialist ideologies, which would be happy to pulverise the Balkan civilisation.<sup>26</sup>

The Kosovo issue is a constant in the ideology of the Right, whose standard feature is chauvinism towards the Albanian population: 'Albanian terror whose ideology is Albanism and whose form is terrorism has been in evidence in Kosmet [Kosovo and Metohija] for already half a century. This is intrinsically motivated terrorism; it is of the most dangerous kind because it lasts until its objectives are achieved or until its roots are pulled out...' 'America wants to leave to Europe a highly neuralgic region which will be very difficult to control and which can be activated at any time. The Americans know very well that the terrorists in Kosmet will not content themselves with an autonomous Kosovo and Metohija. They will continue to pursue expansion and militarism and make claims against territories of other countries. They are already referring to western Macedonia as eastern Kosovo, and to the south-east of Serbia as northern Kosovo or Dardanija, and they also have claims against Montenegro. My prediction is that in a first phase they will try to create a 'great Kosovo' including the above-mentioned territories, and that in a second phase they are likely to seek a federal arrangement with Albania.'<sup>27</sup> 'Thaqi's independent Kosovo loves America, you're not going to see there any other flags except American, Albanian and Kosovan.'<sup>28</sup> The historian and SNS official, Radoš Ljušić, said, 'The Serbs have forgotten that states are created and disappear in wars, just as state territories do.... [The argument] that we're going to recover KiM [Kosovo and Metohija] by peaceful means is mere farce. While I don't argue for a new war, I feel it my duty to tell my people that this is how things were and will continue to be. It were not so, the US would not have built bases in Kosovo.'<sup>29</sup>

26 Ibid.

27 Statement for *Geopolitika* by Professor Radoslav Gaćinović, senior researcher at the Institute for Geopolitical Studies in Belgrade, *Glas javnosti*, 27 June 2007.

28 <http://www.nspm.rs/kosovo-i-metohija/da-li-imamo-razloga-da-se-radujemo-izvestaju-dika-martija.html>

29 *Press*, 23 August 2010.

The Albanians are also criminalised all the time, as in the following typical passage: ‘Talking about Shqipetars, they are to be found in Trogir [Croatia], they have jewellery shops, bakeries, pastry shops....They cheat, lie, smuggle, traffic, shoot, settle scores in their own way. They are anything but honest, industrious and good.’<sup>30</sup>

Following the declaration of Kosovo’s independence, the nationalist rhetoric grew in intensity along the same lines.<sup>31</sup> Dick Marty’s report on organ trafficking was seized upon to again criminalise the entire Albanian people. It was alleged that ‘Owing to the Albanian mafia, the Balkans has become a unique testing ground in Europe where politics, organised crime and terrorism have the same task – creating a second Albanian state in Serbia. Having entered into a league with criminal structures, the terrorist

30 *Pravda*, 26 January 2011.

31 Vuk Jeremić said in 2008, ‘Our government is going to pursue a consistent policy regarding Kosovo and Metohija; it will never give up the fight for the preservation of the sovereignty and territorial integrity of the country....in Serbia there is no substantial disagreement because such a policy is supported absolutely by all parties, both in government and opposition’. In 2011, he said, ‘Kosovo is our Jerusalem’ and that the past three years had shown that ‘there is no alternative to a compromise solution, which can only be arrived at through negotiations’. 27 March 2001, <http://www.nspm.rs/kosovo-i-metohija/vuk-jeremic-kosovo-je-nas-jerusalim.html>.

Borislav Pelević, the SNS member, said in 2008, ‘No Serb in his sane mind can agree to this Kosovo division thing. This is because in that case all Serbs south of the Ibar, that is, south of the northern part of Kosovska Mitrovica, would be isolated and at the mercy of the Shqipetars [Albanians]. What are to do about our cultural monuments and holy shrines like the Patriarchate of Peć, Dečani, Gračanica.... In that case they would remain in the so-called Shqipetar creation of the Republic of Kosovo.... I think that Tadić is priming the public for a public recognition of EULEX and for a division of KiM [Kosovo and Metohija].’ (*Danas*, 19 October 2008).

During the 2008 protest, SNS Secretary-General Aleksandar Vučić said that ‘many media and politicians’ who advocate an independent Kosovo were responsible for the rioting in Belgrade because they had been ‘provoking the citizens daily’. ‘It’s a good thing there are no dead and seriously wounded. This is a lesson to those who provoked people in Serbia on a daily basis and still do. They are as much to blame as those who have taken part in any disturbances.’ (Beta, 21 February 2008)

Tomislav Nikolić, then an official of the SRS, said, ‘I promise in the name of all citizens of Serbia that I will not rest until Kosovo and Metohija are under Serbia’s control. Since even Hitler could not take it away, those out there now are not going to take it away either. We owe this to ourselves and to our children.’ (Beta, 21 February 2008)

leaders have reinforced their political position which they use to bring pressure to bear on the entire Albanian population as well as on the political entities.<sup>32</sup> It is alleged that there is hard evidence that Hashim Thaqi participated directly in numerous liquidations.<sup>33</sup> Worse still, normalisation of relations between Albanians and Serbs is made more difficult by statements such as, 'Of course, building a life together and promoting European values cannot normally be done on such foundations and ethnic cleansing'<sup>34</sup>. Dick Marty's report was used to spread the belief that a life together of Albanians and Serbs is not possible and that therefore a partition of Kosovo is inevitable.

However, a number of experts denied the possibility that the 'Yellow House' referred to in Marty's report could have been used for organ transplantation. The Minister of Health, Zoran Stanković, said, 'The Yellow House, as far as I was able to see, did not have the facilities needed by someone who does transplantations; it is, however, highly probable that the building was used as a prison for keeping prisoners. For a successful organ transplantation one needs a sterile working environment, equipment and highly trained doctors. Before the intervention itself it is necessary to carry out organ typing.'<sup>35</sup>

### Confronting the past

The refusal to accept the new reality, i.e. the new states in the region, is closely linked to, inter alia, the interpretation of the recent past. This is why a country's cooperation with the ICTY is an important indicator of the country's attitude to and confrontation with the past. In addition, cooperation with the ICTY is a main condition for being accepted as a candidate for EU membership. The conditions for obtaining the status of candidate for EU membership were explicitly explained by ICTY Prosecutor Serge Brammertz in October 2010, who said that it was not for him, but for

32 Marko Lopusina, *Večernje novosti*, 27 December 2010.

33 <http://in4s.net/index.php/politika/srbija-cg-srpska/4435-taijeve-ruke-krvave-do-ramena>

34 Ibid.

35 *Večernje novosti*, 15 September 2010.

politicians to choose the means of exerting pressure. He said that setting conditions to Serbia had been used so far and proved effective and added that it was not for him to give advice.<sup>36</sup> At the same time, the campaign in support of both Ratko Mladić and Vojislav Šešelj continued without interruption in the country. Speaking about Radovan Karadžić, Milorad Dodik said, 'We're not in communication with each other, so I'm speaking as a matter of principle. So, we are at his disposal in every way and in accordance with the law of Republika Srpska.'<sup>37</sup>

Even when they adopt a different rhetoric, the representatives of the anti-European option do not change their attitude to the prospect of Ratko Mladić being arrested. In this connection, Tomislav Nikolić said, addressing the convention of his SNS party in Belgrade's Arena sports hall, that things could not improve in Serbia as long as the DS and G17 Plus leaders, Boris Tadić and Mlađan Dinkić, were in power; he also accused the government of 'earmarking more money to pay for information about the Hague fugitive Ratko Mladić than for aid to Kraljevo, which was hit by earthquake last week.'<sup>38</sup> A few days later Nikolić said, 'Yes, I would honour obligations! But whether I can arrest him, I don't know. Tadić too would arrest Mladić without further ado, but he's not arresting him. Perhaps because he isn't here.'<sup>39</sup> The statement clearly testifies to Nikolić's highly ambivalent position on Mladić's arrest.

Only a few years before, the SNS leader spoke quite differently. He said that 'Mladić and Karadžić must not be arrested' (June 2005); that, if Mladić wanted to hear his advice, 'he must continue to hide' (also June 2005); that he 'would extradite no more Serbs to The Hague' (April 2008). In December 2008 he said that he was 'proud of being equated by CNN with Mladić'.<sup>40</sup> In spite of the constant assurances that he would be more cooperative than Boris Tadić and would certainly surrender Mladić at once, he can hardly be expected to change his fundamental position. As

36 *Večernje novosti*, 6 October 2010.

37 Source: <http://www.slobodna-bosna.ba/vijesti.aspx?ID=19272>, 27 March 2010.

38 *Politika*, 'Nećemo u EU bez ponosa', 8 November 2010.

39 *Kurir*, 11 November 2010.

40 *Ibid.*

the most powerful opposition party, the SNS is no doubt in a position to exert strong pressure on the ruling coalition to arrest Mladić. But it has never done this.

## The Srebrenica Resolution

The adoption by the Serbian parliament of the Declaration Condemning the Crime in Srebrenica provoked a particularly stormy reaction. 'The adoption of the Declaration on Srebrenica is deeply immoral – not only because it makes light of the numerous Serb victims but also on account of its instrumentalised treatment of the Srebrenica [Muslim victims]. The Srebrenica myth is constructed around the figure of some "8,000 innocents killed"; but when you point out that there weren't 8,000 of them, nor that most of them were shot, because most of them were killed in combat, then a refuge is sought in feigned shock, which actually is a screen for a love of privilege, a lack of conscience and the appalling ignorance and unenlightenment of the Serb political elite and of the social "elite" close to it.'<sup>41</sup> Further, 'If, from a point of view of principle and morals, there is no distinction between "ours" and "theirs", and if all victims are the same – moral usage says it is so and the "moral" West keeps paying lip service to it – than there is no obligation such as this either in theory or in practice.'<sup>42</sup>

Slobodan Samardžić (DSS) said, 'This declaration will further lower Serbia's self-respect on the road to the EU and is intended for external use. It was timed to appear ahead of the Madrid conference on the Dayton Accords and is leading towards the extinction of RS [Republika Srpska]'.<sup>43</sup> In an interview with *Press*, SNS leader Tomislav Nikolić said that the party had decided not to vote either for the Srebrenica declaration or against it because the DS had rejected its proposals. He said he hoped that he would not be criticised for this decision either by the EU or by the citizens of Serbia. 'I've found myself in a deep quandary: If I do it, I'll regret it; if I don't, I'll also regret it! If we vote for the declaration that's been thrust on us by

41 Časlav D. Koprivica, *Pečat*, 9 April 2010.

42 Ibid.

43 *Danas*, 31 March 2010.

others, someone in the EU might say to us, Bravo, we're not going to make any problems for you now, you're going to be treated the same as the DS in some respects on the road to the EU. But what would the citizens say to that? They would say, Whom do you serve if nothing that you propose gets accepted? If we vote against, many citizens will tell us, Bravo!; but then someone in the EU might say, What kind of a party are you if you don't want to condemn a crime?!'<sup>44</sup>

Following the announcement that the Serbian parliament was considering a resolution to condemn the crimes committed in Srebrenica, the right-wing organisations began to publicly campaign against it.

The Srpski sabor Dveri addressed an appeal to the Serb public and the MPs under the title 'Serb victims are no less important'. Within only 24 hours the appeal was signed by 71 intellectuals (including Milan Ivanović, Marko Jakšić, Radoš Ljušić, Zorica Kuburović, Mirjana Bulatović, Miloš Knežević, Nebojša Bakarec, Velibor Džomić and Srđa Trifković) and 52 non-governmental organisations from Serbia, Republika Srpska, Montenegro and diaspora. The organisation's argument was that such a resolution would be a humiliation for the Serb victims and for Serb national dignity. The theatre producer, Ljubiša Ristić, said that the sole objective of such a resolution would be to foil any search for the truth about what happened in Srebrenica.<sup>45</sup>

The organisation Naši warned that if such a resolution were adopted the Serbs would be declared a genocidal nation and that all Serbs would be accused of genocide although the Srebrenica incident had not been fully clarified. Naši argued that a big genocide did take place during the war in Bosnia-Herzegovina but that its victims were Serbs. The organisation insisted that Serbs committed no mass murders of Muslims.<sup>46</sup> It also claimed that the evidence about Srebrenica was forged and exaggerated and that instead of committing genocide the Serbs were the victims.<sup>47</sup>

44 *Press*, 31 March 2001.

45 *Pravda*, 23-24 January 2010.

46 *Pravda*, 25 February 2010.

47 *Pečat*, No. 111, 2010.

The Srpski narodni pokret 1389 distributed to the MPs brochures with the title 'Resolution Condemning the Most Heinous Crime Committed by the Serbs on 13-15 August 1806 at Mišar' [Battle of Mišar between Serb rebels and Ottomans]. The organisation's intention was to demonstrate that by playing on words one can misrepresent even a struggle for liberation as a crime. The organisation said that the purpose of the drive was to show the absurdity of denouncing crimes alleged to have been committed by Serbs.<sup>48</sup> Such a confusion of issues is calculated at denying Serb crimes. On the eve of the adoption of the declaration, the organisation handed out the brochures outside public toilets in several towns to show that the 'text has the value of toilet paper'. It claimed that the victims buried at Potočari near Srebrenica were war criminals, rapists, cutthroats...<sup>49</sup>

The SRS general secretary, Elena Božić-Talijan, said that the Srebrenica Resolution had saddled Serbia with responsibility and blame for a genocide that had not been committed. This Resolution is a drastic instance of the falsification of Serbia's recent history, she said. What was committed in Srebrenica was a crime and not genocide because no woman and no child was killed; on the other hand, 3,000 Serbs including 2,500 civilians were killed on orders of Naser Orić, she said.<sup>50</sup> Such statements by people who are supposed to represent the citizens are particularly dangerous because they refuse to acknowledge the facts and shift all the blame on the other side.

At the same time, right-wing organisations started an initiative seeking acknowledgment and condemnation of the genocide of the Armenian people. The idea was hatched by Milorad Dodik and supported by Stefan Karganović, the president of the Netherlands non-governmental organisation Srebrenica Historical Project. In an article published in *Pečat*, Karganović claims that 'acknowledging the catastrophe suffered by the Armenian people during the First World War in the eastern wilderness of the Ottoman Empire is a moral obligation of their brothers in suffering – the

48 *Pravda*, 10 March 2001.

49 *Pravda*, 31 March 2001.

50 *Kurir*, 1 April 2010.

Serbs.' The appeal coincided with the intensification of Turkey's presence in the Balkans.

The continual postponement of the arrests of Ratko Mladić and Goran Hadžić is to the advantage of the forces opposing Euro-Atlantic integration because it slows down Serbia on its road to EU candidacy. These forces are aware that candidacy for EU accession will put a stop to Serbia's territorial claims.

### **The Attitude to the LGBT population: a clear indication**

Serb right-wing ideology, which was characterised by ethnic chauvinism, militarism, anti-communism and clericalism in the 1990s, is adapting to modern European right-wing trends: its hatred is directed (in the form of overt or covert racism) against immigrants, blacks, Roma and the LGBT population.<sup>51</sup>

At the forefront of those wanting to ostracise the LGBT community was the SPC supported by politicians who did not want to distance themselves from its stance both in 2010 and 2009. For instance, Tomislav Nikolić said, 'My church differentiates between the sexually normal and abnormal.'<sup>52</sup>

Before the decision was taken to allow the 2010 Pride Parade to take place, the Gay Straight Alliance and the Centre for Free Elections and Democracy (CeSID) conducted a poll showing that 56% of respondents

51 'Contemporary modern ideological jargon (the general invocation of the state of law, the separation of powers and democracy) as often as not successfully clouds the deeper aims of political movements and makes it difficult to recognise the principal objective. Right-wing extremism also successfully adapts to the political rhetoric of the day and manifests itself in different, often covert ways, and almost as a rule denies all connection with unpopular fascism. The ideological rhetoric of the new extreme Right is modernised; in contrast to the situation existing between the two world wars, when right-wing extremism coincided with the powerful imperialistic reactions of nationally homogeneous big capital, today it is held at bay by the globalisation trends actuated by the interests of multinational capital. 'Prevladavanje prošlosti', Helsinki Committee for Human Rights, p. 124, 2002.

52 Statement made in early 2009 during the debate on the Anti-Discrimination Law.

consider homosexuality a threat to society, 5% are ready to use violence against homosexuals and 20% would approve of or at least find excuse for violence against LGBT persons.<sup>53</sup> Shortly before the Pride Parade, CeSID conducted another survey with appalling results, according to which 10% of the population approves of violence against homosexuals and as many as 70% consider homosexuality an illness. Half the respondents consider that the state ought to suppress homosexuality.<sup>54</sup>

The preparations for the parade were launched with a petition in its support. The forum Stormfront published on its website the names of all the signatories to the petition, thus triggering calls for their lynching. LGBT activists said that while such threats did not frighten them because they enjoyed the support of the state leadership, the struggle for LGBT rights continued to be fraught with danger and risk.<sup>55</sup> The Pride Parade was supported by the parliamentary Committee for Defence and Security. A number of MPs of the ruling coalition said they would attend the parade because one must not let certain minority extremist groups score a victory again.<sup>56</sup>

Ministers Dačić and Čiplič were among those who publicly supported the parade. President Boris Tadić also supported the parade. While most politicians insist that they are against discrimination and support the rights of all citizens, their attitude to the LGBT community is generally negative.<sup>57</sup> Dragan 'Palma' Marković was against the parade; he said that he regards homosexuality as an illness, that homosexuality is a crying shame for the country and that children ought to be spared the sight of two men kissing each other in public. He said that the state should stand behind people who protest for a reason (poor pay, lack of work) but not behind sexually deviant people, as well as that the state must not spend huge amounts of money on providing security at such events.

53 *Danas*, 3-4 July 2010.

54 *Politika*, 9 September 2010.

55 *Danas*, 23 July 2010.

56 *Danas*, 22 July 2010.

57 *Kurir*, 10 April 2010.

In contrast to the politicians from the ruling coalition, who verbally supported the parade, the SPC declined comment, saying it had presented its views on the matter several times before. Thus, in 2009, the SPC announced that it opposed the right to publicly manifest one's sexual orientation or any other personal preference, especially if it infringes the right of citizens to privacy and family life. The Patriarchate in Belgrade confirmed that the statement was still in effect.<sup>58</sup> The SPC announced that it was resolutely against a gay parade but warned that any violence would be considered impermissible. A number of church dignitaries referred to gay parade participants as sinners.<sup>59</sup>

Within days after the announcement of the date of the Pride Parade, the organisers began to receive threats on websites and threatening graffiti appeared at various places in Belgrade. The organisation *Obraz* issued the same message as in 2009 – 'We'll be waiting for you'. *Obraz* leader Mladen Obradović said that the organisation would fight with might and main to again prevent 'that monstrous event'. Posters and graffiti with threatening messages for Pride Parade participants appeared at the stadium of the football club OFK Beograd.<sup>60</sup>

In connection with these threats, the Gay Lesbian Info Centre (GLIC) demanded that Mladen Obradović should be arrested for repeatedly announcing attacks on Pride Parade participants. Obradović also said that the 'organisers of the Pride Parade will bear responsibility for anything that may happen'. In this way he tried to shift the blame from the bullies to the organisers. Obradović already spent a month in prison in 2009 for incitement of violence. GLIC also called on the authorities to react to Dragan Marković's discriminatory statements insulting the dignity of LGBT persons and encouraging violation of their human rights.<sup>61</sup>

A group posted calls for violence on Facebook under the message 'Blood will flow in Serbia, but there will be no gay parade'. The group be-

58 *Politika*, 9 September 2010.

59 *Press*, 9 October 2010.

60 *Kurir*, 2 October 2010; *Press*, 7 September 2010; *Danas*, 10 September 2010.

61 *Politika*, 11 September 2010.

hind the message, numbering about 14,000, openly called for preventing the parade.<sup>62</sup>

An Organizing Committee for the Pride Parade was established to prepare the event and deal with possible threats. It included the Ministry of Internal Affairs (MUP), the Ministry of Justice, the Ombudsman, the City of Belgrade and the Ministry for Human and Minority Rights. In spite of all the security precautions taken, the organisers advised the participants to arrive on time and display no Parade emblems. They said that all the approaches to the park in which the participants were to gather would be blocked after 11.00 and advised participant to keep to the main streets.<sup>63</sup>

In spite of the numerous threats and calls for violence against the Parade participants, Lazar Pavlović, the president of the Gay Straight Alliance, said that the number of threats was incomparably lower than the year before.<sup>64</sup>

Bishop Amfilohije Radović appealed to Parade participants to desist from aggressive propaganda in order not to provoke violence on the part of others. He said he did not think that their rights were in jeopardy. He also said that gay street parades in Belgrade and elsewhere constituted violence and were therefore impermissible.<sup>65</sup> The appeal leaves no doubt that the right-wing organisations and the SPC have the same rhetoric and hold that the victims of violence rather than they themselves are to blame.

With police permission, the Srpski sabor Dveri organised on 9 October a protest by family people against the regime's decision to permit the Pride Parade to take place. The protesters said that the authorities should call off the ignominious and unnecessary gay parade because the trivial problems of that minority groups were getting more attention than the country's real problems. They called the LGBT community an 'aggressive minority group'.<sup>66</sup> The 'Family Parade' organised by the Srpski sabor Dveri brought together some 2,000 people who called out insults about the gay

62 *Kurir*, 25 September 2010.

63 *Večernje novosti*, 1 January 2010.

64 *Politika*, 5 October 2010.

65 *Press*, 8 October 2010.

66 *Danas*, 1 October 2010; *Press*, 8 October 2010.

population. They called on the security forces to protect the sovereignty and territorial integrity of the country rather than providing security for a gay parade.<sup>67</sup>

Mladen Obradović of the *Obraz* said that he, as an upholder of family values, would do his best to prevent the 'Shame Parade'. He said that the organisation would first try to explain that such parades in Serbia were not welcome; however, if there is any attempt to spread immorality by force, he said, there will be consequences that no one can control.<sup>68</sup>

Many intellectuals, university professors and magazine editors have the same attitude to the LGBT community. *Pečat*, *Nova srpska politička misao* and many magazines of rightist non-governmental organisations and well as numerous right-wing portals, websites, forums and blogs all manifest this same attitude.

The detained *Obraz* members were defended by the academician Kosta Čavoški, who demanded that they should be released and allowed to be 'properly defended'. 'The so-called gay parade was neither a sports event nor a public gathering which, in principle, may be attended by anyone without an invitation. That parade was a private gathering.... The suspects can be charged with other offences such as disturbing public order and peace, which entails a much lighter penalty, but by no means with violent behaviour at a public assembly that never was,' he said.<sup>69</sup>

The case of the neo-Nazi organisation the *Nacionalni Stroj* has been pending before the Constitutional Court for several years. To make matters worse, many such organisations are gradually entering the sphere of legal political life through re-registration as political parties and standing at local elections (the case of the *Srpski sabor Dveri* and the participation of the *Naši* movement at elections in Arandjelovac on the list of the New Serbia party). Also, the radical right-wing *Srpski sabor Dveri*, i.e. its certain projects, are financed from the state budget (source: *Insajder*, 'Nasilje uz blagoslov', 11 November 2010).

67 *Blic*, 10 October 2010.

68 *Kurir*, 10 October 2010.

69 <http://www.nspm.rs/hronika/kosta-cavoski-clanove-obraza-pustiti-da-se-brane-sa-slobode.html>

## The drive to rehabilitate Draža Mihailović

The orientation of right-wing ideologies in Serbia is increasingly towards the relativisation of fascism and has anti-communist elements. As a result, the left-wing liberal civil sector which insists on confronting the past is unjustly branded as a relic of communist ideology.<sup>70</sup>

At the same time publicity is accorded to the Ravna Gora Chetnik Movement and to the inmates of the Goli otok island prison (the 1948 Cominform supporters). This is in effect a negation of Tito's Yugoslavia, especially of the federal state governed by the 1974 Constitution.

The state commission tasked with establishing the truth about Draža Mihailović is being used to further such aims. A member of the commission, Čedomir Antić, described the role of the commission as encouraging a 'confrontation with the past'. 'A more logical procedure would be for the state to appoint a committee of experts to establish whether the legal system was indeed legal; and if it was not, to rehabilitate all who were liquidated by that regime, rather than rehabilitate only those whose rehabilitation is sought from the court by an interested person, either a relative or someone else,' he said.<sup>71</sup> The aim, it is said, is to 'discover the truth' during 2011 in order to bring about a 'historic reconciliation of the Serbs and the rehabilitation of those who were executed'.<sup>72</sup>

Slobodan Homen, the Secretary of State at the Ministry of Justice, announced at the beginning of 2011 that a Rehabilitation Law would be passed. 'The date as of which the law will apply to the victims is the key issue. If 6 April 1941, the date on which war started in Yugoslavia, is chosen,

70 In an interview with *Novi standard* on 26 February 2010, Vojislav Koštunica was asked, 'What's your reaction to the attacks made all these years by the representatives of the so-called other Serbia, who regard you as a kind of political umbrella for the murderers of Zoran Đinđić?'

- He replied, 'I can't have a serious attitude to something that is untrue. The difference between me and the "other Serbians" is that I don't deny their right to a different opinion. That shows their attitude to democracy as well as that the mental disposition such as existed under communism survives.'

71 *Borba*, 5 May 2009.

72 *Ibid.*

that would mean that Serbia would have to pay compensation also for crimes committed by the occupying forces. If, however, application starts from May 1945 when the country was liberated, the law would not apply to the thousands of people shot soon after the liberation of Belgrade, in October 1944. This is why a compromise wording that “the law takes effect as of the liberation” will probably be adopted, so that each court can take as the starting date the date on which the place in question was liberated. This law will also apply to the Goli otok prison inmates and all others whose human rights were denied before 2001,’ he said.<sup>73</sup>

The anti-fascist organisations maintain that the rehabilitation of Draža Mihailović would be an unacceptable gesture because the state would thus indirectly acknowledge its participation in his crimes. His rehabilitation would justify his collaboration with the occupying forces, his crimes against his people and his fight against the liberation movement. It has been alleged that Mihailović was sentenced to execution by firing squad on the basis of his own admission.<sup>74</sup> All the same, the rehabilitation applicants expect that the 1946 verdict will be quashed and that Mihailović will be rehabilitated and all his civil rights restored. They alleged that he was shot without a final judgment at the end of a show trial. They also maintain that he was not a war criminal and a collaborationist but a freedom fighter and the leader of an anti-fascist movement.<sup>75</sup> This is in line with the continuing tendency to portray the Chetniks as heroes and anti-fascists.<sup>76</sup>

The rehabilitation process is one-sided because there is no participation by both parties. The court is yet to decide whether to accept as a party a member of the Army of National Liberation who claims to have first-hand evidence about activities personally ordered by Mihailović. The rehabilitation applicants oppose this on the grounds that the purpose of the proceedings is not to establish criminal responsibility but to rehabil-

73 *Večernje novosti*, 18 January 2011.

74 *Pravda*, 10 September 2010.

75 *Pravda*, 16 September 2010; *Blic*, 16 September 2010.

76 *Kurir*, 1 July 2010.

itate victims of political and ideological trials.<sup>77</sup> On the other hand, the applicants had no objection to a US pilot appearing in the court to testify for Mihailović. The pilot and some 500 of his fellow-fighters were sheltered by Mihailović's movement until they were transferred to Italy.<sup>78</sup> The judge accepted the pilot as a witness and he said that he owed his life to Mihailović. The pilot said that he and his colleagues had offered to give evidence at the original 1946 trial but were refused on the excuse that the 'crimes [Mihailović] committed during the war were so serious that no evidence in his favour could make any change'. The judge said that he would also examine the partisan veteran who is against Mihailović's rehabilitation at the next hearing so as to be able to decide whether to accept him as an 'opposing party'.<sup>79</sup>

History is being revised and fascist ideology rehabilitated by anathemising the second Yugoslavia as a totalitarian and anti-democratic state. This is creating room for the promotion and 'normalisation' of radical right-wing ideologies, parties and groups. The anti-communist rhetoric has prevented an objective critical appraisal of the second Yugoslavia and been used as a smokescreen for promoting the Right. There has been no critical appraisal of the Right's 'new' and 'democratic' ideologies either. This has prevented serious dialogue within the society on the legacies of the first and second Yugoslavias as well as on the legacy of the Milošević regime. Because the Milošević regime is treated as a communist regime, the new government has been cleared from blame for the war and the war crimes. Such a construction of the past and memory of the 1990s is adversely affecting the process of dealing with the past within Serbia.

77 *Politika*, 17 September 2010.

78 *Blic*, 29 September 2010.

79 *Politika*, 30 October 2010.

## The Pride Parade as a Paradigm

Having been announced for a long time, Belgrade's first Pride Parade was finally held on October 10<sup>th</sup>, 2010, followed by varying assessments and comments. The attempt to hold the parade one year ago had failed due to obstructions from right-wing groups and the Internal Affairs Minister's unwillingness to give security guarantees. The Parade was also identified as a high-risk event; however, this time the police had got up the courage to accept responsibility for securing the event. Around 5000 police officers were guarding all important institutions throughout the city, including foreign embassies (especially the US Embassy) and parts of the city where participants of the Parade were gathering.

However, this event served as an excuse for protesting against the Government's pro-European orientation, its foreign policy U-turn and Serbia's European perspective. The organized dispersion of violence on the streets of Belgrade was well prepared in advance. The fact that 80 persons out of the 100 injured in the event were police officers, as well as the fact that the offices of the Democratic Party and the Socialist Party of Serbia were targeted is testimony that this was also an attack on the establishment, and above all, on the Government's European orientation.

It is evident that the violence was thoroughly prepared in advance. Police reports point to the fact that 60% of perpetrators came from inner Serbia and that they acted in coordinated teams with the aim of attacking specific institutions and symbols. As always, young people were instrumentalized, sports fans above all others, who took advantage of the outbreak of violence not only for destruction but also for theft. The same masterminds are in the background of both the torching of foreign embassies following Kosovo's proclamation of independence and behind the violence which erupted in Belgrade on October 10<sup>th</sup>.

Apart from a fragment of the Serbian Orthodox Church which is seriously threatening to divide the Church, the background hides many others – various right-wing groups, political and other figures. The interview

given by Metropolitan Amfilohije Radović prior to the Pride Parade is indicative of this. Not only does he qualify homosexuality as a mortal sin, but he also claims that 'organizing the so called Pride Parade in the region faced with the impending Euro-American civilization represents a sign of its demise'<sup>80</sup>.

The Serbian society is homophobic, whereas a different sexual orientation is socially unacceptable and treated like an illness. This is but one of the attitudes and values Europe is expecting Serbia to change. However, the violence has exposed a much deeper level of intolerance. It has demonstrated that Serbian society still hasn't broached the topics of the wars of the 1990s, nor the radical nationalism which still seriously threatens Serbia's normalization. This 'violence culture' was the social setting for the upbringing of numerous generations.

In the current political context, this degree of vandalism, under any excuse, is a permanent attempt at destabilizing the state's political authorities. The Government had not responded promptly to the preparations of violence, especially given that a large portion of the protesters were brought from inner Serbia.

The State Informational Agency (BIA) bears responsibility for a deficient analysis of the situation, which also raises the question of the Agency's internal structure and the balance of power within this institution.

The essential question is why haven't the 'hooligans' who have continuously led such riots been arrested in order to prevent future violence on the streets of Belgrade. In 2009 their impunity was the topic of the B92 television show *The Insider*, produced and presented by Brankica Stanković. Instead of an adequate response by the judiciary, Brankica Stanković was exposed to numerous threats, resulting in continuous police protection.<sup>81</sup>

80 *Pečat*, October 7, 2010

81 The trial for the murder of Brice Taton is another indicator of the atmosphere of the Pride Parade. This trial is being unjustifiably stalled. Testimonies from all witnesses still haven't been taken since April 2010, whereas the hearings are postponed because the witnesses failed to appear (failure of the witnesses to appear provides for a fine of 100.000 RSD and can be grounds for apprehension). Out of seven witnesses, six haven't shown up at the hearing scheduled for September 2, 2010. Only the medical technician who was in Obilićev venac at the crime scene had made

The nationalist opposition, led by former Prime Minister Vojislav Koštunica, observing the violence in the streets, had only words of support to the perpetrators. However, it is concerning that young people coming of age after the regime change in 2000 haven't contributed to easing of tensions. On the contrary, the 'second-generation thesis', according to which participants of war are succeeded by an even more radical generation, has been confirmed once again. Mladen Obradović, the leader of *Obraz*, stresses that 'the state's bodies can reach decisions to erase us from the registry of citizens associations, but they will gain nothing simply because *Obraz* operates in a much more complex way. *Obraz* surpasses scope of legal regulations at the current regime's disposal. Merely erasing our organization from the registry will not suppress it, it will continue to exist.'<sup>82</sup>

### The 'Parade' Defended by the State

The Pride Parade, apart from being the first successful parade in Serbia, was also a manifestation of homophobia in the Serbian society, whereas deeply entrenched patriarchy and conservatism, typical of the entire region, were visible in most of the citizens' reactions. The state has clearly announced that it will provide security for this year's protest, which was done successfully, as the rally was guarded by 5600 police officers. Statements given by the state's representatives were in line with this decision, as there was a lot of pressure from the EU and the US for the Parade to be held.<sup>83</sup>

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 an appearance. According to Mirjana Ilić, President of the Court Chamber, before hearing his testimony the chamber should have heard the testimony of Mirjana Čubrić, the emergency doctor at the scene, who had failed to appear before the court because she was on vacation. Three French citizens, Brice Taton's friends, have also failed to appear because they haven't been served a subpoena. The witness Žarko Milekić wasn't served as well because his address is not known to the court. The witness A2 under witness protection also hasn't made an appearance, and the court was informed that he was contacted, but said that he was doing temporary work in Montenegro and that he was returning to Belgrade in early November.

82 *Pečat*, September 17, 2010.

83 As support, the Pride Parade was attended by: Minister Svetozar Čiplić, Čedomir Jovanović (LDP), Head of the EU's Delegation to Serbia Vincent Degert, Head

On October 10, the march itself proceeded without incidents. Around 800 participants had marched down Belgrade's streets to the Students Cultural Center (SKC), where the manifestation came to an end.

The police have been attempting to control the attacks by hooligans and right-wing groups for hours. It is estimated that there were roughly 6000 perpetrators. Apart from police forces who were under attack, the headquarters of the Democratic Party were torched, the headquarters of the Socialist Party of Serbia were demolished, the offices of the Liberal Democratic Party were stoned, windows on the building of the Serbian Broadcasting Corporation (RTS) were smashed, as were windows on stores, busses and parked vehicles. During the riots in Belgrade, the perpetrators have torched a makeshift shack in the Roma settlement near Belville in the district of Novi Beograd. Total damages are estimated at around one million euros. There were over 120 injured persons, out of which 80 police officers and two participants in the parade. On the same day, the police apprehended 249 people, out of which 54 were minors. 131 persons, out of the adults apprehended, remained in custody. These events have cast a shadow on the Parade.

Before the beginning of the march, the entrances of the Manjež park (in central Belgrade) were under strict control. At the very beginning of the event, around 10 am, it was clear that the police didn't have control over all main streets (which was expected given that the first larger groups of sports fans and fascists started gathering throughout the city from Autokomanda to Terazije). As a result, many haven't been able to reach the Manjež park, which was closing at 11 am, as part of the planned security measures. This has cut off some of the participants leaving them outside the park, as the gendarmerie would not allow them to join the Parade. One Swiss citizen suffered a concussion and one participant of the

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of OSCE Mission to Serbia Dimitrios Kypreos, Council of Europe's Permanent Representative to Serbia chief Constantinos Gerokostopoulos, Member of the European Parliament Mariah Kornelise, as well as representatives of several political parties. The LGBT rally was strongly supported by the Minister of Internal Affairs Ivica Dačić, stating in June 2010: 'As a politician supporting European values and democracy, I support the Pride Parade, whereas it is my duty as the Minister of Internal Affairs to ensure the safety of its participants' (RTS, July 10, 2010).

Parade suffered minor injuries. The media reported that the Swiss citizen was targeted because he had 'publicly declared his homosexuality at a restaurant'.<sup>84</sup> Namely, the attack took place at the restaurant 'Majdan' in Belgrade's district of Zvezdara, when two attackers entered the restaurant, assaulted the group and beat up two participants of the Parade. The attackers appeared only one minute after the group had left the police vehicle used to drive participants from the Parade and when the participants came into the restaurant for shelter.<sup>85</sup>

Before the Parade, the State had arrested leaders of right-wing groups in order to prevent their activity. Mladen Obradović, the leader of the clero-fascist organization *Obraz* was arrested on Sunday, before the Parade started. The other suspects are Miloš Popović (22), Marko Lazarević (27), Dušan Ilić (36) and Dobrica Radonjić (18). The investigation also includes Skinheads leaders Igor Marinković (33), Nikola Vidović (32) i Srđan Savović (33). All except Obradović are charged for throwing stones at police officers and are facing a possible prison sentence of up to 12 years. According to the prosecution, Mladen Obradović had used two cell phones for calls and text messages to organize the attacks in coordination with the other suspects. Obradović was found to have a list of members of *Obraz* and their leaders in cities in Serbia (mostly Vojvodina), who were supposed to be in charge of organizing the attacks in Belgrade.

A source from the Ministry of Internal Affairs states that: 'Obradović was the main field operative, whose goal was to usher as many of his followers throughout Serbia to the streets of Belgrade. It is clear, however,

84 *Blic*, «Zasuli su nas kišom kamenica i cigli», We were pelted with stones and bricks October 13, 2010

85 After the Parade had ended, a party was announced in the Student Cultural Center, however, a conflict eruption was feared and the Center was quickly evacuated. The plan was for the participants of the Parade to be driven by police vehicles to safe locations in the city – for security reasons, these were to be police stations in different parts of the city. However, most of the participants were not taken to police stations but only as far as certain destinations in the city. This information was disseminated by the media throughout the day. Of course, this increased the risk of attacks, considering that the police were still trying to control the hooligan attacks while members of the parade were being driven to safe locations.

that he is not at the top of the pyramid for running this operation as well as other right-wing operations, and that they are under the control of other persons, organizations and institutions operating from the shadows'<sup>86</sup>.

The question is why haven't the police and security agencies responded earlier to these preparations for violence, especially given the statements by leaders of *Obraz* and the SNP movement *NAŠI 1389* that 'events will lead to consequences which could not be controlled', and the distribution of posters stating: 'We are waiting for you' and 'Belgrade's streets will be flooded with blood, there will be no gay parade.'

The State did not hold accountable the members of the Serbian People's Movement 1389, *Obraz*, *Naši* and other right-wing organizations for calls for a lynching of the LGBT population during the preparations for the Pride 2009. The same individuals who were marked as the 'ring leaders' were not called upon for making death threats in 2010. At the same time, the Constitutional Court, which is to discuss outlawing these organizations still has not reached a decision (since September 2009, when the request for outlawing these organizations was filed).

## Organizing the Violence

The hooligans in Belgrade's streets acted like one, they moved in an organized manner, their attacks on the police were directed by precise commands. They carried bricks, gas masks, and 'the injured sought treatment in private infirmaries so that they would not be reported to the police'<sup>87</sup>. Within the group, it was evident who the leaders were and who was in charge of gathering information and keeping in touch with the 'collaborators' dispersed throughout the city.

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86 According to the latest information, the High Court in Belgrade has prolonged custody for Mladen Obradović for another month. He is facing criminal charges for violent behavior in a public meeting. 124 persons were apprehended to the High Court in Belgrade on charges of causing riots before and during the Pride Parade. The detention period of one month was set for 118 persons.

87 *Blic*, October 11, 2010

An outstanding level of logistics and coordination of the hooligans and right-wing groups whose intention was to break up the gay Parade on October 10 speaks in favour of the political background of the event. Čedomir Jovanović, leader of the LDP, openly accused right-wing political parties (SNS and DSS) for being responsible for the riots: 'The police are well aware of the organizers of yesterday's events in Belgrade... the movement Naši, 1389, Obraz and others are supported by parts of security structures, the anti-Hague lobby and certain parliamentary parties'<sup>88</sup>. On account of this statement, Jovanović was accused by Aleksandar Vučić of being the regime's spokesperson and servant.<sup>89</sup>

The Minister of Justice Snežana Malović stated that the hooligan rampage on Belgrade's streets was well organized and synchronized: 'The slogans that they yelled out and the attacks on headquarters of political parties indicate that the violence was politically inspired. We cannot tolerate statements given by certain representatives of the Orthodox Church, some politicians as well as the reporting of certain media which increased tensions on the eve of the manifestation'<sup>90</sup>.

Security services and the Government presented their interpretations of the logistics of the attack. The Security Information Agency (BIA) stated that the Agency had informed the Chief of Police Milorad Veljović about the number of attackers and the junctions which will be attacked during the Pride Parade on October 10. This estimate, according to this source, was so precise it's as if it were written on October 11: 'The information from beforehand contained over 90 per cent of events which occurred'. The Chief of Police responded that they were familiar with these assessments

88 *Blic*, October 12, 2010

89 *Kurir*, October 13, 2010

90 A scene: 'As TV Studio B reports, the police cordon had let a group of fifty 'Pride Parade opponents' led by a priest pass through Takovska street and had escorted them to an intersection of Resavska street and Bulevar Kralja Aleksandra. There, they were joined by a larger group of young men from the park Tašmajdan, many of which wore hooded sweatshirts and scarves wrapped around their faces. Then they pelted stones at members of the gendarmerie who were passing opposite from them. The gendarmerie did not respond at first, but then it had set up a cordon in front of the Ministry of Economy in the Bulevar' (*Vreme*, October 14, 2010)

and that they responded accordingly by placing police forces on these locations.<sup>91</sup> However, the Minister of Defense Dragan Šutanovac gave a statement a week later saying that he ‘doubts that the State knew that the headquarters of the Democratic Party would be attacked on October 10, when President Boris Tadić, Serbia’s Government and the country’s European path’ were targeted’. Šutanovac commented on the police not being too harsh on the hooligans adding that ‘Serbia has enough police forces but it didn’t have authorization to react with repression, but rather only in case of conflicts, which lead to police officers being injured’<sup>92</sup>.

Zoran Dragišić, a docent at the Faculty of Security Studies, gave an assessment that these were by no means spontaneous outbursts of rage: ‘All the values which our society rests upon and which are guaranteed by the Constitution were under attack. The question who is behind this and why is this happening should be addressed to the Security Information Agency, and you can draw your own conclusions on how they do their jobs’<sup>93</sup>.

According to criminologist Dobrivoje Radovanović, the right-wing groups’ leaders are well known and there is no excuse for the behavior of authorities: ‘The leaders have been identified, these are individuals with criminal records and this problem needs to be addressed. Things are very simple. The State knows this as well, but why nothing is being done – I do not know. We can only assume that there would be many scores to be settled.’

## **Responses by State officials and the International Community to the Violence**

The Parade hosted some government officials and some representatives of the international community in Belgrade (the EU, OSCE, the Council of Europe), as well as representatives of Non-Governmental Organizations, who addressed the audience. The head of the EU’s Delegation to Serbia Vincent Degert stated that this was a very important

91 *Blic*, October 14, 2010

92 *B92, TANJUG*, October 21, 2010

93 *Blic*, October 17, 2010

manifestation and reminded that Serbia has good legislature regarding human rights, including religious freedom and freedom of sexual orientation. Svetozar Čiplić, Minister of Human and Minority Rights, emphasized: 'We are here to show that there isn't a single problem which would prevent any citizen of Serbia to be free and to express his/her freedom'. Organizations fighting for the rights of the LGBT population asked the Government to define and implement a 'National Strategy for Fighting Against Homophobia, violence and discrimination of LGBT persons'<sup>94</sup> Ma-jda Puača (Queer Belgrade) emphasized that clero-fascists led by a priest of the Serbian Orthodox Church dispersed the first Pride in 2001, and no one was held accountable. Marko Karadžić, former State Secretary at the Ministry of Human and Minority Rights, stated that this is a sad day after all, because it shows that citizens of a different sexual orientation can only exercise their rights if guarded by 5000 police officers.<sup>95</sup>

In his response to the riots, Serbian President Boris Tadić stated that 'the State is fully prepared to deal with vandals and hooligans who are threatening the safety of Serbian citizens. We will ensure that human rights are exercised regardless of differences between people and attempts to violently deprive them of their freedom will not be tolerated'<sup>96</sup>. The Serbian Government announced that freedom of expression is being defended in Serbia and that violence cannot go unpunished.

The State Secretary at the Ministry of Justice Slobodan Homen reminded that the punishment for committed crimes was eight years in prison: 'The State's response to riots and attacks on the police and property

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94 A group of Non-Governmental Organizations for the protection of Human Rights posed some of these questions to Serbia's Government. Their press release states: why weren't Human Rights Defenders protected before the Pride Parade and how were the break into the offices of the Women in Black as well as the attacks on their activists possible; why was Mladen Obradović from *Obraz* arrested as late as the very day the Pride Parade; why were the police not defending themselves from the hooligans during the first hours of the Parade, does the Government approve of the statements given by parts of the political elite which blame the participants and organizers of the Parade for the large number of injured police officers and the enormous material damages?'

95 *B92*, October 10, 2010

96 *Blic*, October 11, 2010

will be fierce. There are cameras throughout the city. Some of the perpetrators have already been apprehended, but we will not stop until justice is served... According to our information people who were at the DS headquarters at the time of the riots were under gunfire'<sup>97</sup> The State's Prosecutor's Office announced that the 'legal system, public order, peace and security will be preserved' adding that all key events have been filmed and that surveillance videos will serve as evidence in the upcoming criminal proceedings'<sup>98</sup>.

Differing opinions coming from the Government and the opposition about the background of the riots could be heard on the same day. Aleksandar Tijanić, Director General of the Serbian Broadcasting Corporation stated: 'My only fear is that this could be a dress rehearsal for something more serious'<sup>99</sup>. Reflecting on the riots, the Mayor of Belgrade Dragan Đilas said that Belgrade was demolished and destroyed and the police could not have done more because the groups who were smashing the city were so well organized. At the same time, he added that nothing good will come out of the Parade for those who organized it: 'in spite of their rights, they should not organize events with such consequences'<sup>100</sup>.

World media (Western media in particular) had been announcing Belgrade's Pride Parade as a test of Serbia's readiness to become an open and modern society, as well as a test for the Government to make more decisive steps towards EU membership. The BBC Television Service had highlighted that 'homosexuality is still largely a taboo in Serbia' and that this year's parade represents a test of how far the country has come from 'the intolerant and violent 1990s'<sup>101</sup>.

97 Ibid.

98 Tomo Zorić, spokesperson for the Serbian Prosecutor's Office (*B92*, October 10, 2010)

99 *RTS*, October 11, 2010

100 *Blic*, «Đilas: Parada neće doneti ništa dobro organizatorima» (elektronsko izdanje, 10. oktobar 2010). (Đilas: The Parade Will Not Do the Organizers Any Good', electronic edition, October 10, 2010)

101 The British *Independent* pointed out that Belgrade's Parade has shown that 'it is only when Europe is vigilant that official attitudes even start to shift in the right direction' (<http://www.independent.co.uk> October 11, 2010)

The spokesperson for Catherine Ashton, the EU High Representative for Foreign Affairs and Security Policy, stated that Serbian authorities supported the Pride Parade in Belgrade and ‘have taken all necessary measures to protect it’, which the EU sees as anti-discriminatory and as a ‘confirmation of the freedom of expression’<sup>102</sup>.

Jelko Kacin, the European Parliament’s Rapporteur for *Serbia*, has strongly condemned the violence during the Pride Parade, stating that a very bad message was sent from Belgrade out to the world, which could have a negative impact on Holland’s decision on Serbia’s further progress towards the EU: ‘The message that is being sent out from Belgrade today may only have a negative impact on the decision of the Dutch government and parliament on Serbia’s further steps in the process of European integrations’<sup>103</sup>.

## Violence in the Stadium in Genoa

Only two days following the Pride Parade, a similar scenario was organized by Serbian sports fans in Genoa at the football match between two national teams from Italy and Serbia. This violence is, above all, a reflection of the situation in the Football Association of Serbia, but it also doubled as a message to the Government and the world. The message being sent to the Government was that it should not attempt to control groups capable of ‘exporting’ skilfully organized violence across borders.

The football match – a European Football Championship qualifying game between Italy and Serbia was immediately interrupted. Serbian fans have attacked the goalkeeper Vladimir Stojković before the game started. As RTV B92 reports, the fans had travelled together from Belgrade, reaching the national football team’s bus as the team was about to enter the

102 The United States Embassy in Belgrade welcomed the professionalism and restraint shown by the Serbian Interior Ministry and the police on October 10: ‘The participants of the Pride Parade have the same rights of expression, and freedom from any form of discrimination, like all other citizens of Serbia, and we are encouraged by the fact that they were enabled to exercise these rights’

103 *RTS*, October 11, 2010

stadium. 30 fans approached the bus and 5-6 of them entered the bus, propelled a torch and attacked the goalkeeper. They were stopped by the remaining fans. Following the conflict with the Italian police forces in Genoa's streets, the fans continued the rampage inside the stadium. They were armed with saws and metal poles, holding a placard stating 'Kosovo is Serbia'. The match was delayed and then cut short 7 minutes into the game.

The incident at the Genoa Stadium was caused by a group of fans led by Ivan Bogdanov, who is the suspected leader of the riots. However, whether Bogdanov, who was displaying Nazi symbols (symbols on his clothing, displaying skull imagery, tattooed number 28 – a symbol of the neo-Nazi group 'Blood and Honour', Nazi salutations) is only the group's leader or whether he is also an organizer remains unclear.

Bogdanov is also one of the leaders of the 'Ultras Boys' fan group, an extreme fan group of the Crvena Zvezda Football Club. The State Prosecutor Slobodan Radovanović had singled out subgroups of Crvena Zvezda, Partizan and Rad, registered with the Ministry of Internal Affairs, and filed for their prohibition to the Constitutional Court. He identified the Ultras Boys, Belgrade Boys, Alkatraz, Anti-Roma, Padinska Skela Lunatics as the subgroups which have committed criminal acts, estimating that there are several dozen of them. Radovanović emphasized that all State bodies were resolute in confronting the violence in the most efficient way, whereas prohibiting subgroups and restricting their most extreme members from attending sports matches is the first step. The proceedings before the Constitutional Court are still under way.

Following the riots, on the same night, the Italian police apprehended 19 extreme fans, including Ivan Bogdanov.<sup>104</sup> Serbia's Ministry of Internal Affairs offered their assistance to Italy's National Police Force and the Ministry announced that the police are awaiting fan groups at border

104 A hearing before the court in Genoa was held for Ivan Bogdanov, leader of Serbia's extreme sports fans, who gave a statement that the riots in the stadium were directed against the Football Association of Serbia which, according to him, does not allow for players of Crvena Zvezda to be in the national football's team. He has apologized to Italy once again for the riots, explaining that he had arrived in Genoa one day before the game and that he had lost control over the situation (*TANJUG*).

crossings and checking whether there are riot participants amongst them. Ivica Dačić, Serbia's Minister of Internal Affairs announced that the police, in cooperation with the competent prosecutor's office, was investigating the background of events in Genoa, as well as the details of funding of hooligans.<sup>105</sup>

As daily *Politika* reports, 'according to the police' the majority of fans had travelled to the game individually, except for several groups from Kragujevac, Valjevo and Niš. Information about these groups was 'duly conveyed to the Italian police', and the Ministry of Internal Affairs stated that they haven't been contacted by their Italian counterparts regarding the organized arrivals of fans, although it would have been common practice.<sup>106</sup>

The Minister himself had given similar statements regarding responsibility of the Italian police: 'Serbia's Minister of Internal Affairs Ivica Dačić has confirmed that the Italian police has made a significant omission by not having prevented neither the assault on the visiting national football team in Genoa, nor the riots at the match'<sup>107</sup>.

According to sources close to the government, *Politika* claims that the funds used for organizing the violence belong to a 'suspect for smuggling cocaine and money laundering', whereas the investigation points to the leader of a 'criminal clan'. According to this version, 'over 200.000 euros were paid out to over 60 hooligans for organizing the trip, attaining paraphernalia and causing the riots'. Another version, also presented in *Politika*, interprets the riots as the outcome of the state of affairs in the Football Association of Serbia.<sup>108</sup>

105 According to information as of November 6, the Genoa court has dismissed the motion for the release of 4 out of 8 Serbian fans who were arrested following the riots during the match. The motion for their release was filed last week, and the 4 above mentioned fans are charged with resisting an officer.

106 *Politika*, October 14, 2010

107 'The intervention of the Italian police could have been much better. Entry to the stadium with all sorts of paraphernalia should not have been allowed.' (*Politika*, October 14, 2010)

108 *Politika*, October 16, 2010

Boris Tadić asserted that ‘we must never forget that organized crime utilizes extreme fan groups for destabilizing the State which puts mafia bosses to jail. Without a doubt, Serbia will prevail in this struggle.’<sup>109</sup>

Analyst Zoran Dragišić assessed that these extreme groups are being directed by someone: ‘Connections between the state’s security services and groups of extreme fans have existed since the middle of the last century.’<sup>110</sup> He said that the violence during the Pride Parade and the riots in Genoa had taken place so that the ‘parapolitical underground’ could send a message to the authorities and he added that the groups’ sources of finance should be investigated. However, he doesn’t think that the trail leads to Darko Šarić, one of the leaders of a criminal clan.

On the other hand, Verica Barać, President of the Anti-corruption Council maintains Homen’s claim to be partially true – the links between tycoons, political parties and criminals are preventing state institutions from forming: These riots demonstrate that domestic institutions are problematic and that they operate under pressure and not according to the law; hence, two decades after the democratic changes these institutions cannot be expected to be stable and reputable. The abolishment of the Anti-Monopoly Commission is proof of my assertions’<sup>111</sup>.

The strongest criticism of the links between politics and football came from Milan Krkobabić, Deputy Mayor of Belgrade: ‘Politicians, before saying anything about violence and hooligans, leave the boards of the clubs! Deprive them of your protection! The hypocritical lamenting of political

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109 *Press*, October 17, 2010

110 “Dragišić: Parapolitičko podzemlje poslalo poruku vlastima”, 18. oktobar 2010 (<http://www.vesti-online.com>) ‘Dragišić: The Parapolitical Underground Sent a Message to the Authorities’ October 18, 2010 (<http://www.vesti-online.com>)

111 Barać feels that the new composition of the Anti-Monopoly Commission wasn’t elected in the National Assembly, rather it was selected under pressure from tycoons: ‘The Commission’s newest is a Law Faculty professor, who had authored a study claiming that Mišković’s company was not a monopolist at the same time when the Commission had ascertained that Delta was in fact a monopolist after having taken over the ‘C Market store chain’. (“Tajkuni i kriminalci vladaju Srbijom”, 19. oktobar 2010, <http://www.vesti-online.com>). (Serbia is Run by Tycoons and Criminals’, October 19, 2010 <http://www.vesti-online.com>)

parties over Belgrade and hooligans, while the frontmen of these same parties sit on boards of sports clubs directly blocking changes in laws, would be funny if weren't offensive.'

Serbia's Minister of Internal Affairs Ivica Dačić announced that the Serbian Government will confront with the groups on the far right which are trying to jeopardize the country's government, and that they are not strong enough to endanger the establishment. In an interview for the Associated Press, Dačić has said that those who have protested against the gay parade in Belgrade and the sports fans who interrupted the football match with Italy in Genoa belong to the same extremist groups.

## The Political Background

There have been many statements regarding the political background of the preparations to subvert the gay parade. The ideological support of the Serbian Orthodox Church, political parties DSS, SNS, SRS, NS, the papers *Pečat*, the electronic edition of the *New Serbian Political Thought*, certain tabloids and analysts close to the opposition is beyond doubt.<sup>112</sup> The same scenario led to the torching of the US Embassy in Belgrade in 2008, and to Brice Taton's death in 2009. Answers to the questions as to why Ratko Mladić is not being arrested and in whose interest it is to slow down

112 The *New Serbian Political Thought* and the daily *Pečat* often convey the same articles. For the most part, they are filled with untruths, obsolete theories and calls to violence. We are conveying a citation: 'From the standpoint of survival of man as a species, and thus human society in general, as well as the commitments we have as moral beings, the world in which all or most of us would be homosexual, regardless of how this world would come about, is unacceptable. The rights of other minorities are not just minority rights, but also human rights; whereas the right of homosexuals to such sexual orientation is a minority and not a human right, because it cannot be justified from the point of view of the human race. It is justified and can be tolerated only as long as it is the orientation of a minority; the moment when the gay movement begins to promote homosexuality as a principally unproblematic attitude, such claims must be contested, and in the event that homosexuality becomes socially predominant, it must be suppressed' (NSPM, Homosexuality and the Pride Parade – a look from the left (I)).

Serbia's European integration and subvert institutions should be sought in the background of these incidents.<sup>113</sup>

The attitude of the entire public towards the Parade, as well as the culmination of on the eve of and during the Parade, point to the conclusion typical of similar situations world-wide – that gay parades serve the purpose of uniting right-wing groups (in their respective country). Their main theses for the causes of violence are: to ascribe responsibility for violence to the Parade's organizers, the government is to blame; these are children and young people, not clero-fascists.

The largest opposition parties had placed blame on the authorities for the violence because of the mere fact that they allowed for the Parade to take place. There was also mention of the authorities acting as the EU's sycophants and of the abuse of the citizens' will. The Serbian Progressive Party (SNS) has condemned the violence, but has pointed out that the authorities carry responsibility for the incidents because these have led to a substantial number of dissatisfied people in Serbia. The NS agrees about the authorities being responsible and fears that these events could be misused as an alibi for a confrontation with opponents. At a press conference in Belgrade, Aleksandar Vučić stated that 'these young people' demand change in this country because they do not have any prospects for the future.

113 The murders of soldiers at the military barracks in Topčider and Leskovac (2004-2005) are indicative: 'In the barracks in Leskovac, three soldiers have allegedly committed suicide in the period between 2004 and 2005. The CEAS has reported about these cases in detail in its report. In all three processes in the Leskovac case, it is clear that the claims of suicide are far-fetched. The experts who conducted the autopsies and exhumations never testified... The late soldier Ivanović used to brag about driving Mladić and Mladen Čirović, the incumbent Deputy Chief of the Serbian Army's Headquarters. This was never denied nor investigated, nor has a statement been taken from Ivanović's father who persists with his claims. No one has ever taken statements from Srđan's army friends, and worse yet – no one has ever been held accountable neither for Topčider nor for these murders. Not even for the undoubtable technical omissions. The state has not even attempted to deal with this, which indicates that it has some sort of a deal with these structures. This is defeating'. (Jelena Milić, CEAS, *Monitor online*, 'Training for a Coup', October 22, 2010) (Jelena Milić, CEAS, *Monitor online* «Treniranje puča», 22. oktobar 2010)

Emphasis on youth dissatisfaction for lack of a better future is an attempt of deflection. This is an infantilization of serious political conflicts with the aim of abolishing the masterminds behind the violence by placing blame exclusively on perpetrators who are mostly minors.

On the night of October 28, 2010, the members of the SNP Naši 1389 have desecrated the synagogue in Šabac, in Vlada Jovanović street. All Jewish symbols were removed from the facade, including the memorial plaque serving as remembrance of the Jewish community in Šabac. The building was covered with graffiti stating 'SNP 1389' and 'Leave Serbia to the Serbs'.

## Reactions from the Right

The nationalist block stood to the defense of the perpetrators and their rampage in Belgrade's streets. Its media have commented on the Government's responsibility for violence, justifying the violence by the level of dissatisfaction in the country etc. Slobodan Antonić, a regular commentator for the weekly *Pečat* attacked the Government and President Boris Tadić for his 'capitulation before Ashton'. This capitulation, he added, had turned Serbia into a vassal state. He accused 'Tadić and his 'company' of turning into bullies, who are running this country against the people's will. They have ceased being accountable to us and transferred their loyalties onto someone else.'<sup>114</sup>

The editors of *Pečat* blame those who wanted to organize the gay parade forcefully, against the will of the majority of people for the riots: 'This accelerated the humiliation and dissolution of Serbia, and someone must be held accountable for this. And this would be, without a doubt, the current regime!'<sup>115</sup>

On *Facebook*, a social network, numerous hate groups have mushroomed (many of them now count over 10.000 members), calling for a lynching of the Parade's participants. Branko Stamenković, head of the High-Tech Crime Department within the Higher Public Prosecution in

114 *Pečat*, October 13, 2010

115 *Ibid.*

Belgrade, states the Ministry of Internal Affairs is investigating various internet presentations. He explains that they have so far 'received several reports from the police, which discuss the perpetrators and criminal acts in question. The last item to enter the procedure was the identification of the accused Andrej Hadži Milić, who had threatened to attack police officers and state institutions on October 10. He has given a statement at the hearing and he was sentenced to detention.

Registered clero-fascist organizations, *Obraz*, *NAŠI* and *SNP 1389* (now united as '*SNP NAŠI 1389*') persistently called for the dissolution of the gay parade. Threats on the movement's website were being published from the day the event was announced until it took place. At the same time, the movement *NAŠI 1389* was active on Belgrade's streets and throughout Serbia. The Ministry of Internal Affairs announced that all threats will be sanctioned in due time. The movement's leaders, who were publicly known, cited in the media and accessible to the State's competent bodies, were arrested prior to the Parade.

### **Support of the Serbian Orthodox Church to Right-Wing Groups**

The role of the Serbian Orthodox Church (SPC) was more than just ideological. Mirko Đorđević, a sociologist of religion, stated that the SPC bears responsibility for the violence in the streets, because the Church hasn't clearly distanced itself from the extreme organizations: 'Representatives of the Church could be seen among the hooligans. Dragan Davidović, formerly monk Antonije from Crna Reka, stood out the most. Although not a monk anymore, he still wears a cassock, and he is part of the fraction supporting the ousted bishop Artemije. There are several fractions in the Church and there is a lot of resistance to their patriarchal attitudes.'<sup>116</sup>

The speech of Metropolitan Radović before the event undoubtedly served as support and impetus for the Christian Orthodox believers who were protesting on the streets the day before the Parade. The statement

given by the leader of Obraz in the TV B92 show *Insider*, (episode 'Violence with a Blessing') is testimony about the direct link between the SPC and the clero-fascist organization Obraz. He declared that this organization's activities are not carried out without the support from the SPC.<sup>117</sup>

Other sources present a more precise depiction of the clergy in the riots: '*St. Marko's Church* had opened its doors to the rioters who were running from the gendarmerie and entering the church when they needed to. It is my personal impression that *St. Marko's Church* served as some sort of headquarters yesterday.'<sup>118</sup>

Jovan Byford, a social psychologist at the Open University, United Kingdom, claims that Obraz 'was formed within the Orthodox missionary school during the 1990s, adding that representatives of the Democratic Party of Serbia (DSS) occasionally cooperated with members of Obraz'<sup>119</sup>

A debate about the funding of these organizations has started in the media. 'Our sources do not exclude the possibility of Obraz receiving support from kindred extreme organizations from Russia.'<sup>120</sup>

## The Role of Russian Right-Wing Groups

The connections between right-wing groups in Russia and Serbia are an important part of the background of every violent event in Serbia. Evidence about the cooperation between pro-fascist organizations in Serbia and Russia comes from these very organizations. In late 2009, the Helsinki Committee for Human Rights has published the following: 'The members of the clero-fascist organization Obraz, which has been operating unhindered since 1992, and the Serbian People's Movement 1389 have been

117 *B92, Insajder*, November 15, 2010 *B92 Insider*, November 15, 2010

118 *Radio Slobodna Evropa*, 11. oktobar 2010 ([http://www.slobodnaevropa.org/content/Dan\\_posle\\_ulicnog\\_rata\\_Flert\\_sa\\_ekstremnom\\_desnicom\\_/2187475.html](http://www.slobodnaevropa.org/content/Dan_posle_ulicnog_rata_Flert_sa_ekstremnom_desnicom_/2187475.html)). (*Radio Free Europe*, October 11, 2010 [http://www.slobodnaevropa.org/content/Dan\\_posle\\_ulicnog\\_rata\\_Flert\\_sa\\_ekstremnom\\_desnicom\\_/2187475.html](http://www.slobodnaevropa.org/content/Dan_posle_ulicnog_rata_Flert_sa_ekstremnom_desnicom_/2187475.html))

119 *B92, Insajder*, 15. novembar 2010. *B92 Insider*, November 15, 2010

120 According to current findings of the Prosecution, Obraz and Obradović haven't received significant sums of money before. However, as of lately, prior to the riots, there has been a significant inflow of funds to the organization.

maintaining close contacts with Russian fascist organizations like the Russian *Obraz* and the Russian National *Front*. *Both organizations are frequently qualified as 'patriotic.'*<sup>121</sup> *It is not a secret that Russia's Ambassador to Serbia Aleksandar Konuzin supports Obraz and is present at events organized by this group.*

So far, Russia has prohibited over 160 different gay manifestations, and Moscow's Mayor Jurij Luskov has prevented a parade from being organized in Moscow. He was supported by extreme nationalist organizations (some of Russian right-wing organizations: Great Russia, Movement Against Illegal Immigration, Northern Brotherhood, National Bolshevik Party). The dissolution of this year's gay protest by the police and the arrests of over 20 activists are indicative of the rise of nationalism, as well as the congruence with some retrograde stances of the Russian government.

The daily *Blic* published the information that Serbia's Prosecution will soon initiate an investigation about the funding of *Obraz* and similar organizations: 'All of Serbia is plastered in posters, which is expensive. During the riots on Sunday, they hired motor bikers to film the police; they also utilized other methods which require money, or rather, financial support. All of this is quite expensive and the origins of the money will be looked into because the detainees include minors and young adults without permanent income – the Prosecution says.'<sup>122</sup>

Gregor Meyer, a researcher of neo-Nazi movements and activities in countries of Southern and Eastern Europe, including Serbia, emphasizes: 'In many cases, the extreme right is successful because no one stands up to it. For, if the majority in the society is apathetic, then everyone will be outvoted by idiots, and 'normal' people will start to follow the idiots. However, we should also bear in mind that the extreme right has the most success when the governing political caste loses credibility, when it becomes corrupt and cynical. At that moment, the right-wing extremists find it very easy to convince people that their politics represent the right 'solution''.<sup>123</sup>

121 <http://www.helsinki.org.rs/serbian/doc/HB-Br52.pdf>

122 *Blic*, October 14, 2010

123 <http://globus.jutarnji.hr/hrvatska/hrvatski-neonacisti-su-tigrovi-od-papira?onpage=1>.

The economic crisis provides the social background for these movements. *Stratfor*, the US agency for strategic research, estimates that there is a risk that political authorities will resort to compromise instead of strengthening institutions: 'The economy is facing collapse. The average salary is now lower than in neighbouring Albania, which, in the eyes of Serbia, represents the collapse of civilization. This makes fertile ground for extremism. The greatest danger for Serbia is not the collapse of the state, but the possibility that some political factors in the country will decide firmly that it is simpler to compromise with the extremists than to continue the painstaking path towards strengthening the state in spite of international and domestic obstacles.'<sup>124</sup>

### **Criminal Code Changes**

One of the Government's first moves was to amend the law. In December 2009, Slobodan Homen stated that the fight against violence and hooligans is the Government's absolute priority and that amendments to the Law on Prevention of Violence in Sports events, the Law on Misdemeanors and the Criminal Code, which provide for more strict penal policy and more efficient court proceedings, have been adopted. According to these amendments to the Criminal Code, the punishment provided for criminal acts committed in a group is 2 to 8 years in prison, whereas the ringleader faces between 3 and 12 years in prison. In addition, the sports clubs will be obliged to pay for and install video cameras in stadiums, which will be at the police's and the prosecution's disposal at all times.

The latest amendments to the Criminal Code, which include amendments given by the LDP, have been adopted by urgent procedure. They provide that the maximum period of detention in summary proceeding be increased to 30 instead of 8 days. 130 Members of Parliament voted in favour of the amendments.

The Minister of Justice Snežana Malović announced that the State will not tolerate any form of violence, adding that it will respond decidedly and continue the efficient fight against violence in all public meetings and

124 *Blic*, 17. oktobar 2010.

sports matches. Malović said that amendments to the Law were made by urgent procedure in order to prevent further negative consequences for the country's security, functioning of state bodies and the actualization of citizens rights.

During the parliamentary debate on these changes the President of the League of Social Democrats Nenad Čanak expressed his opinion that the state should not preoccupy itself with the perpetrators, or rather hooligans, but with uncovering the masterminds, ideologues and financiers.<sup>125</sup> The spokesperson for the Democratic Party Jelena Trivan stated that the amendments to the Law on Criminal Procedure can contribute to the fight against organized crime, as well as to the fight against violence in stadiums and in sports events. According to Trivan, the prosecution and the police should be given a longer time period for investigation, especially given that these are cases of organized groups and not individuals, therefore they must be treated as a group in order to uncover the financiers and masterminds behind the operation.<sup>126</sup> Aleksandar Martinović, a Member of Parliament representing the Radical Party finds the suggested changes in the Code rigorous because the problem with hooligans, extreme groups and certain NGOs cannot be resolved by increasing state repression: 'In the European Commission's Progress Report on Serbia for 2010, you will not find that sports fans and hooligans are the state's crucial problem, nor is it the fact that the Restitution law has not been adopted, nor is the apprehension of the two remaining men accused of war crimes wanted by the Hague Serbia's main obstacle regarding its European integrations; rather it is a high degree of corruption'<sup>127</sup>.

Velimir Ilić, head of the parliamentary group of New Serbia (NS), suggested during the debate that representatives of parliamentary parties visit the detainees of riots on October 10: 'The Minister of Justice Snežana Malović adopted our suggestion to visit the young people apprehended on

125 "Skupština Srbije o izmenama Krivičnog zakonika", 20. oktobar 2010, ('Serbia's National Assembly on Amendments to the Criminal Code', October 20, 2010)

126 Ibid.

127 Ibid.

October 10 in prison and to determine their condition and how they are being treated'.<sup>128</sup>

Amendments to the law came into force the same day when the Red Star – Partizan Derby took place. The Derby was regarded as a high-risk event. Safety measures were at the highest possible level, engaging 5.000 police officers. The match passed without incident. There was no disturbance of public order, as the police found several containers filled with stones prior to the game, and detained 34 suspects in *Belgrade's* Central *Police* Station. Minister of Internal Affairs Ivica Dačić expressed his satisfaction that the Derby passed without incident adding that it was the right decision not to postpone the match as was originally announced.<sup>129</sup>

### **Conclusions and Recommendations:**

The violence culture has been a characteristic of the social and public sphere for the past several decades and it is the result of the politics of wars during the 1990s, impunity and unwillingness of authorities to distance themselves from these policies.

Violence towards opponents and reform forces in society was prevalent as long as the political arena was dominated by political forces epitomised in Vojislav Koštunica, followed by parties on the right and informal structures and institutions with key roles in formulating the Serbian national interest.

The State, or rather the incumbent government suffered an attack when it made a U-turn in its foreign and internal politics. This dramatic shift is epitomised in Serbia's application for Membership of the EU, as well as in the joint Resolution on Kosovo which was presented at the UN General Assembly. The advisory opinion of the International Court of Justice on Kosovo's independence was a key event which directed Serbia towards the EU.

With great support of the Russian right-wing forces, Serbia's right is continuously targeting the fragile consensus on Serbia's pro-European

128 *Blic*, October 22, 2010 (electronic edition)

129 *Blic*, October 24, 2010

orientation. This calls for providing necessary support to the government's proclivity towards both the EU and other international organizations. The international community should also support the authentic pro-European orientation within the (civil) society in order to strengthen its impact on Serbia and support it on its European course.

The frequent manifestations of violence in Serbia represent a serious warning to the Government, the society at large, as well as to the international community, that social frustration is vast and that the messages being sent from such events are radical and anti-European. This calls for serious deliberation of the value system of the society, a radical reform of the education system and active participation of the media in promoting the new value system.

## The 'Hunt' for Mladić

The 'Mladić case' is the paradigm of Serbia's social reality – of its attitude towards the past, towards reforms (of the security sector), towards justice and, finally, towards its neighbours. The alleged drama surrounding his arrest is a spectacle everyone is a part of. One of the key reasons for Serbia's delayed progress towards joining the EU lies in the fact that Ratko Mladić has not yet been arrested and extradited to The Hague. His arrest remains one of the main conditions Serbia needs to fulfill in order to receive EU candidate status. This is why the case of Ratko Mladić always comes to the foreground in the context of Serbia's cooperation with The Hague Tribunal. The strategy of this cooperation, with regards to Belgrade, is carefully thought out and it boils down to the atoning of the international community on the one hand, and not exposing the responsibility of the state of Serbia for the wars and war crimes, especially in Bosnia and Herzegovina, on the other.

The quality of the cooperation is inevitably impacted by this approach. Belgrade has, for example, always extradited individuals like Slobodan Milošević or Radovan Karadžić in the past, but it did not make available the documents which would be relevant for their respective trials. When Karadžić is concerned, he has served as some sort of scapegoat, because he does not symbolize the Serbian state. The aim was to contain responsibility from spreading to Belgrade, and to restrict it to Karadžić, that is to Republika Srpska, instead.

The Mladić case exposes Belgrade's strategy towards The Hague Tribunal which has been carried out quite successfully, primarily in terms of minimizing Belgrade's responsibility. Croatia practically hasn't faced a real indictment, whereas, with regards to Bosnia, the responsibility, including that for the genocide against Bosniaks, has been shifted onto Bosnian Serbs. In the closing arguments, Belgrade has managed to impose crimes done by other parties as the main topic and to marginalize the essence of the brutal war fought on the territory of former Yugoslavia. This was also

successful partly due to Belgrade's central geographical position in the Balkans, which caused the EU to relativize its attitude towards the events from the 1990s in its strategy towards the Western Balkans.

Ratko Mladić is a symbol of the most gruesome crime and, at the same time, that of Belgrade's resourcefulness in additionally discrediting The Hague Tribunal as an institution whose aim is, among other things, to establish moral standards in the region. As a matter of fact, The Hague Tribunal has not significantly impacted the installing of new values in Serbia to date. In the Serbian public at large, the Milošević trial has been interpreted as a farce in which he surfaced as the winner, which eventually led to his murder in The Hague, as was reported by Serbian media. The trial of Seselj, with the help of Belgrade, has led to absurdity, whereas the trial of Karadžić did not attract much media attention. The trials of Momcilo Perisic, Frenki Simatović and Jovica Stanisic hardly got a mention in Serbian media. The only ones informed about these trials are those assisting in them, as well as several independent journalists and Non-Governmental Organizations. Not even global media have shown much interest in the Tribunal's work.

At one point, a thesis, in which Mladić's family played a key role, was put forward, stating that he was not alive. They have engaged the family lawyer in requesting for Mladić to be legally declared dead because they, allegedly, haven't had contact with him for some time. However, according to prosecutor Vladimir Vukcević, such a claim has no grounds. Vukcević stresses that the decision to increase the reward for the information leading to the location and the arrest of Ratko Mladić and Goran Hadžić shows 'how much we care about respecting the dignity of victims of war crimes and [shows] our dedication to preventing the war crimes from going unpunished'<sup>130</sup> (during 2010, the reward for Mladić was increased from one to ten million euros, and it was increased to five million euros for Hadžić).

General Ninoslav Krstic was probably the closest to the truth when saying that Mladić's arrest will be similar to that of Karadžić in that it will remain unknown by whom the arrest was made. Namely, transparency would open the question of the political background and of the entire

130 Danas, October 29, 2010

network hiding him for all these years. According to General Krstic, Mladić poses more of a problem in light of reforming security structures than he is a problem himself. The key problem is the lack of determination for carrying out these reforms, which enables the co-existence of parallel centers of power. Krstic maintains that 'one group of persons in intelligence and security knew where Karadžić was hiding. He was arrested only after a large part of the evidence he possessed had been destroyed'. Krstic thinks that 'a similar scenario is happening with Mladić. Everything is being done for the potential evidence about some people involved in crimes to be destroyed.'<sup>131</sup> These are 'members of security services. It is uncertain whether they are in power today', he adds. Up until 2002, our service knew exactly where he was located. Could you believe that the service loses sight of a man? Not even Karadžić has been lost sight of. A suitable situation in the country is awaited in order for Mladić to be arrested'<sup>132</sup>.

This attitude towards The Hague Tribunal is favorable for Belgrade because The Hague seems to be paying less attention to the past. Out of the total 46 Hague indictees, Serbia has thus far extradited 44 to the Tribunal. The public did not react in either one of these cases nor have the arrests been obstructed, apart from obstructions by a few people from their immediate surroundings. Their trials did not have a significant influence on the perception of the Serbian society with regards to the Tribunal.

The Chief Prosecutor Serge Brammertz has announced that his upcoming June report on Serbia's cooperation with the Tribunal will be negative unless the cooperation is improved. His tolerance for the postponing of Mladić's arrest is running out. Brammertz has also expressed his dissatisfaction in his address to the European Parliament Committee on Foreign Policy in early 2011. According to unofficial sources, Brammertz had listed a number of specific objections with regards to Serbian agencies. His ensuing report will play a key role in the EU granting Serbia candidate status.

The Mladić case displays, among other things, the existing balance of power between different centers of power. The intelligence community is not entirely under the state's control. As long as this is the case, the arrest

131 Pravda, November 16, 2010

132 Ibid.

of Mladić will continue to be a reflection of this balance of power, or rather the lack of power on behalf of the state which is needed to initiate the security system reform in Serbia.

### **Brammertz: Mladić Still Problematic**

Reports by Serge Brammertz are crucial for Serbia in its efforts to receive EU candidate status. During 2010, Brammertz was benevolent in his reports on Serbia in order for the process of ratification of the Stabilization and Association Agreement (SAA) to proceed. This approach was backed by the US, Britain and Germany. The Netherlands remains a strong opponent, though the US pressured it into allowing the Serbian Government and Boris Tadić to proceed with the SAA, without the Agreement being contingent on the arrests of Mladić and Hadžić. The Netherlands was under pressure again when Serbia was to file its EU candidacy.

Brammertz's visit on the eve of the discussion on Serbia's EU membership application and ahead of Brammertz submitting his report to the UN Security Council on December 6, 2010, had a different tone. Namely, Brammertz stated that cooperation with Serbia has been dwindling in the past six months and that the problem of Mladić's arrest remains. He stressed that it was not up to him but rather 'up to the politicians to choose the methods of pressure. Up until now, the policy of conditionality on Serbia has yielded positive results, but politicians can draw their own conclusions'<sup>133</sup>. Brammertz added that the 'main working hypothesis' was that Ratko Mladić and Goran Hadžić were hiding in Serbia, although operative activities are not limited to Serbia. He emphasized that: 'if Mladić was successful in hiding so far, there must be reasons for this. He is a professional, he knows how to hide and take counter-measures. Clearly, he is not alone and he is supported by others and this is the focus of our investigation.'<sup>134</sup> According to some sources, Brammertz is distancing himself from the Mladić case in light of his expectations of a transfer to the

133 Vecernje novosti, October 6, 2010

134 Press, November 15, 2010

International Criminal Court and the fact that he aims to maintain a level of professionalism and independence in his assessments of the case.

Brammertz indirectly expressed his dissatisfaction with Belgrade's conduct, because expectations following Karadžić's arrest were much higher. He stressed that 'it is difficult to sum up the evolution of the cooperation and its quality in one syntagm such as full cooperation. This was a process with many shortcomings in the past and some recent advancements. We have two new areas, such as full cooperation on a daily basis, but there is also the issue of the arrest. Following Karadžić's arrest, we were optimistic, but new arrests have not taken place'<sup>135</sup>. Brammertz added that there still are unresolved issues in the search for Mladić, stating that this is a 'grey zone'. More precisely, nothing is black and white and the issue is highly complex because Mladić is hiding very well<sup>136</sup>.

Belgrade has put in an effort into meeting Brammertz's expectations, especially during the past months, on the eve of the Security Council session, but only in terms of verbal statements. Prosecutor Vladimir Vukčević expected a positive report in New York because, according to him, the Prosecution is notably cooperating with The Hague Tribunal on certain war crime cases. In addition, representatives of the Prosecution from The Hague are present at meetings of the Action Team, with full access to each operative step. Also, according to Vukčević, Belgrade abides by Brammertz's recommendations which refer to 'increasing the resources and multidisciplinary in the search for Mladić'.

## **Mladić's Diaries**

Relations between Belgrade and The Hague in 2010 were marked by Mladić's diaries, which served to produce a positive setting depicting Belgrade's willingness to extradite Mladić. Mladić's diaries received so much publicity in Serbian media for the same reason. These diaries, whose often irrelevant contents were subject to fervent speculation, are revealing after all: Serbia is neither willing nor able to extradite Mladić to The Hague in

135 Ibid.

136 Vecernje novosti

the near future. The fact that Belgrade has never before published documents which are sent to The Hague is indicative of this. Belgrade has even made deals with the Prosecution to 'black out' certain documents (such as the transcriptions of meetings of the Supreme Defense Council) for the purpose of 'protecting national interests', as is known.

The great commotion surrounding Mladić's diaries, even before they were admitted into evidence, was created by Belgrade. Such political marketing was to demonstrate Serbia's willingness to cooperate with The Hague, and it proved successful – the chief Prosecutor Brammertz submitted a positive report to the Security Council on Serbia's cooperation.

The published fragments from Mladić's diary could hardly serve as relevant for any legal case, let alone for the revision of Bosnia and Herzegovina's lawsuit against Serbia before the International Court of Justice.

At the time of the fall of Srebrenica (in July 1995), Mladić makes no note which could incriminate him personally, nor Serbia, for that matter. The published fragments refer mostly to Croatia's aspiration to divide Bosnia (which has been largely documented thus far), the six strategic goals (on which the Prosecution possesses evidence that was used in a number of cases), as well as to Karadžić and Milošević and their role in planning and executing the crime.

The fragment which can be considered the most incriminating (from June 1995) refers to Jovica Stanisic – head of the State Security Service (DB) and one of Milošević's closest allies - who 'promises to bring over more men from Sid' in one meeting. The phrase 'men from Sid' refers to the *Scorpions*, a group which was tried in Belgrade. The verdict does not contain even a hint of their ties with Serbia's Ministry of Internal Affairs (MUP), and in it they are treated as a group which has ties with Republika Srpska.

The most contentious issue regarding Mladić's diaries is the way in which they were discovered. The official statement revealed that roughly 3500 pages of Mladić's notes from around 18 working notebooks, originating between 1991 and 1996, were seized during the apartment search of his wife Bosiljka in Belgrade, at the end of February 2010. What is peculiar is the fact that, in spite of such a great number of searches of Mladić's

house, these diaries and video materials happened to be found after such a long time had passed, in the very house which has been under constant surveillance.

The National Council for Cooperation with The Hague Tribunal is participating in the farse surrounding Mladić's arrest, announcing continuously that the search for Mladić will continue. At one point, Rasim Ljajić, the Council's President, has announced his resignation if Mladić is not arrested and extradited by the end of 2009 (he did, in fact, turn in his resignation)<sup>137</sup>. The War Crimes Prosecutor Vladimir Vukcević made similar statements at one point, such as the following: 'I am a responsible man, and if Mladić and the rest [of the indictees] are not in The Hague in due time, I will certainly withdraw from the position of the Action Team Coordinator.'<sup>138</sup>

The case of Mladić's diaries was well staged, and it was upheld by some journalists and certain Non-Governmental Organizations, claiming that the diaries were authentic. Dobrica Cosic, the 'opinion maker' on Serbia's political and intellectual scene, announced that 'the struggle for the truth about the past is a struggle for the truth about the Bosnian war, it is resistance to the 'Markalization' and 'Srebrenicization' of the Bosnian war and the realization of the truth which was covered up by big powers and those Islamic factors. I think that RS [Republika Srpska] is the last line of defense of the Serbian truth, Serbian democracy and the Serbian right to survival.'<sup>139</sup> This statement, certainly, reflects the attitude of this group of people towards the arrest of Ratko Mladić who is directly linked with the genocide in Bosnia and Herzegovina.

137 Blic, September 24, 2009

138 Vecernje novosti, September 2, 2010

139 Ibid.

## EU Support to Serbia's Government

The European Commission has advocated Serbia's case among the EU member states, whereas Stefan Füle pushed for the Dutch parliament to support forwarding Serbia's application to the European Commission. He has emphasized, however, that a positive opinion on the application is contingent on cooperation with the Tribunal and that Serbia must fulfill all criteria before initiating negotiations: 'Our goals are clear, the European Commission is committed to demanding full cooperation with the ICTY as part of Serbia's European integration. But right now we need to combine our requirements with a sense of politics.'<sup>140</sup> Füle feels that 'this has encouraged Serbia to take the remaining steps and complete its cooperation with the Tribunal. Ten years have passed since Serbia had turned a page in history. Each country wanting to join the EU has to fulfill the same conditions, but each also has its baggage.' Füle reminded that Belgrade has made an important leap forward by adopting a joint resolution with all 27 EU states at the UN.<sup>141</sup>

The EU Council of Ministers has unanimously decided to refer Serbia's EU membership application to the European Commission and has reached the conclusion that full cooperation with The Hague Tribunal remains the main condition for membership. Each further step Serbia makes toward joining the EU must be preceded by a unanimous decision of the EU ministers with regards to full cooperation with the Tribunal.

Dorris Pack, MEP, is more explicit in her messages to Serbia, as usual. She stresses that failure to arrest and extradite Ratko Mladić and Goran Hadžić could temporarily freeze Serbia's integration process in the near future. 'I am convinced that Belgrade and the European Union should start negotiations on Serbia's European integration. This process, alongside the Instrument for Pre-accession Assistance programme (IPA) will facilitate reforms in Serbia.'<sup>142</sup>

140 Politika, October 7, 2010

141 Danas, October 26, 2010

142 TANJUG, November 21, 2010

British expert Jonathan Eyal asserted that leading European countries increasingly believe in the necessity of Serbia's EU integration, whereas the issue of finding The Hague fugitive Ratko Mladić isn't as big of an obstacle it once was: I am not sure that today Mladić represents such a significant instrument in stopping Serbia on its path toward Europe. Primarily because of the fact that there is a growing confidence in the most important European capitals that Serbia's European integration is a necessity.<sup>143</sup>

Eyal emphasized that many western capitals strongly believe that President Boris Tadić and the Belgrade government were determined to capture and extradite war crime indictees, and that, on the other hand, European countries had put in great efforts to normalize relations with Serbia and assist its integration into the European club: 'That's why I don't believe that there are any doubts in Europe that the current government is really involved in hiding and helping Mladić and in that sense I believe that a much more balanced Brammertz's (Hague Tribunal Chief Prosecutor Serge) report can be expected.'<sup>143</sup>

Eyal points out that the time when Serbia posed a danger and threat to the region has passed and that the general political direction that the country is taking now and will be taking in the future is clear and predictable. He assesses that the European integration of the region 'represents the most convincing strategy which will lead to its stabilization' and 'the only way to prevent these countries from remaining permanently fragile and vulnerable'<sup>144</sup>.

## **Belgrade's Response**

President Tadić has become actively involved in the campaign for Ratko Mladić's arrest, claiming that his apprehension has been the state's top priority only as of 2008, when the current Government of the Republic of Serbia was formed: 'As is known, Mladić is not an ordinary fugitive, rather he is a soldier with substantial war experience. According to the information that we possess, those people who had participated in hiding

143 Ibid.

144 Ibid.

Ratko Mladić earlier are former and retired officers who also have plenty of experience in intelligence and security structures. And all those proven to have helped in hiding Mladić will suffer harsh punishments. We are coordinating activities regarding the location of Mladić and the uncovering of his ally network with our European partners. Through cooperation, we are trying to provide an answer about the hiding techniques used by Mladić<sup>145</sup>.

Tadić stressed that, following a successful completion of the cooperation with The Hague Tribunal, the government would deal with the political background of the causes of Mladić's non-arrest throughout the years and it would deal with uncovering those responsible. He stated that, regrettably, during the past 15 years, the political will to arrest him had not always existed. Up until 2000, he was not even hiding, and it was not until 2002 that the Law on Cooperation with The Hague Tribunal was adopted. Unfortunately, previous governments have not given this issue adequate importance.<sup>146</sup>

The Prosecutor for War Crimes Vladimir Vukcević notes that the arrest of the remaining fugitives is a priority, but not because of pressures, but for our own sake: 'This is our number one task, no matter what. We concur with Brammertz that their hiding network is extremely strong, and interesting as well.'<sup>147</sup>

Chief of the National Council for Cooperation with The Hague Tribunal Rasim Ljajić maintains that any further policy of pressures is essentially counterproductive and that it may have made sense at the beginning of the cooperation, or when the cooperation was at a halt. Ljajić commented on Brammertz's findings that the fugitives were within the reach of Serbian authorities: 'I do not understand the syntagm 'within reach of Serbian authorities'. Does this mean that the Prosecutor thinks that we know where they are, or that they are in Serbia but we do not know how

145 Blic, October 20, 2010

146 Ibid.

147 Blic, October 7, 2010

to arrest them?' Ljajić feels that, by making such a statement, Brammertz has stepped into the political arena<sup>148</sup>.

Rasim Ljajić stressed that he had resigned from his post as coordinator of the Action Team for 'moral reasons', because Ratko Mladić had not been arrested<sup>149</sup>. He stated that 'the public's attitude has remained largely unchanged during the past years', and that 'it is wrong to bid on dates' when the arrest of Mladić is concerned, adding that he had expected 'the enormous effort that we have put in during the past year to have yielded results'. Ljajić noted that 'a little luck is also needed in the Mladić case', and that 'Mladić's team is now severely downsized; a very small number of people participate in his hiding and know his whereabouts'. Ljajić stated that these are persons who 'are there for their beliefs and not for personal gain. Given his psychological profile, and the way he has been hiding so far, according to our reconstruction, it is clear that his hiding does not require large financial assets. Larger amounts of money were needed earlier, when he was surrounded by 47 people; however, this number has now been reduced to the minimum.'<sup>150</sup>

The incumbent government places the blame on the previous government for Mladić and Hadžić being out of reach. The Government's War Crimes Prosecutor Vladimir Vukcević has confirmed that in 2006 – that is before the Action Team for ending cooperation with The Hague Tribunal was formed – Rade Bulatović, as Director of the *Security and Information Agency* (BIA) offered to negotiate the surrender of Ratko Mladić to the War Crimes Prosecution. The Prosecution had responded positively, however the negotiations have fallen through after Bulatović has had a meeting with Koštunica.<sup>151</sup>

The information on Mladić's whereabouts received from The Hague Tribunal by Bulatović was not used in order to enable the arrest. The annual report of The Hague Tribunal, presented at the United Nations General Assembly in New York by ICTY President Patrick Robinson in-

148 Ibid.

149 Ibid.

150 Blic, October 17, 2010

151 Ibid.

cludes, among other things, parts of the Prosecution's assessment of its cooperation with Serbia. This report communicates that Serbia's National Security Council and Serbia's Action Team in charge of tracking fugitives have conducted complex and extensive searches for the two indictees. It is also stated in the report that the 'Government's services are currently analyzing the gathered information in detail, including information that was available previously, but which has not been acted upon'<sup>152</sup>.

The Government's services in charge of the search for and arrest of Mladić during Vojislav Koštunica's mandate as Prime Minister clearly have not acted on the information provided by the Tribunal, which was also discussed in Karla Del Ponte's book 'The Hunt'. Her book reveals details of her conversation with Vojislav Koštunica during her visit to Belgrade following the arrest of Zdravko Tolimir on May 31, 2007: 'Koštunica told me that it will be more difficult for Serbia to arrest Mladić than it was for Croatia to arrest general Ante Gotovina, because the Serbian authorities do not know him. We do not know Mladić. We have never seen him. He is from Bosnia. His whereabouts are unknown.'<sup>153</sup> According to Del Ponte, Koštunica assured The Hague delegation that the final phase of the cooperation with the Tribunal, following the arrest of general Tolimir, would be easier.

Vukević stresses that much has changed since Bulatović stepped down as the Director of the *Security and Information Agency* (BIA). He notes that, as of Bulatović's departure, the Action team includes Dejan Mihov, Head of the ICTY office in Belgrade, and an investigator from The Hague: 'They have been cooperating with us ever since and are informed about all actions on a daily basis. In addition, the Action team has direct communication with Brammertz via video link. They are witnesses to a great number of raids, searches for financiers, as well as validations whether the information gathered while Rade Bulatović was in charge was adequately used'<sup>154</sup>.

152 Ibid.

153 Ibid.

154 Vesti online, November 27, 2010

## The Serbian Progressive Party and the Cooperation with The Hague Tribunal

Tomislav Nikolić joined the campaign for Mladić's arrest in order to present himself as the acceptable opposition on the one hand, but also to discredit the government, on the other. Nikolić has never seriously altered his political attitude regarding The Hague Tribunal and he constitutes the 'political background' which is preventing Mladić's arrest, alongside DSS. Bozidar Delic, one of his party's high officials, was a defense witness in the Milošević case. There are serious leads that he should be in The Hague himself, given that there is evidence for this, including video materials depicting Delic as he entered an Albanian village on an army tank. He was also the chief of command in Priština during the NATO intervention. His diary notes have been admitted as evidence in the Milošević case. He says that he would 'never extradite Mladić to The Hague, even if he were Serbia's Defense Minister himself, because this is a political court where no Serb can be proven innocent. Also, as far as the statement given by Nikolić in which he claims that he would extradite the general is concerned, that is his personal opinion to which he is entitled to'<sup>155</sup>.

Nikolić states cynically that he would fulfill the obligations towards The Hague Tribunal if he were in power, though he adds: 'But whether I could arrest him, I do not know. Tadić would gladly arrest Mladić as well, and yet he doesn't. Perhaps because he is not here.'<sup>156</sup> Nikolić uses every opportunity to criticize Serbia's Government, so he stresses that 'Serbia has set aside more money for any information about The Hague fugitive Ratko Mladić than it has allocated to help Kraljevo, which was hit by an earthquake last week.'<sup>157</sup>

His attitude towards The Hague Tribunal is well known. He has repeatedly proclaimed that he believes that 'Mladić and Karadžić must not be arrested' (June 2005); also saying that if Mladić sought his advice 'he must continue to hide' (also June 2005) and that 'he would not extradite

155 Kurir, November 11, 2010

156 Politika, November 8, 2010

157 Beta, October 27, 2010

another Serb to The Hague' (April 2008). In December of 2008, Nikolić stated that he 'was proud to be equated with Mladić on CNN'.

An interesting turn of events was the signing of a cooperation agreement between the Serbian Progressive Party and United Russia, Russia's ruling party. The agreement states that 'the two parties will consult each other and exchange information about the current situation in Russia and Serbia, about bilateral and international relations; based on their experience, [they will] inform each other about party organization, control and revision, as well as personnel education and training'<sup>158</sup>. There is an emphasis on the 'closeness of the parties which is rooted in their common understanding of the importance of full-fledged integration of the Russian and Serbian peoples into the European cultural, social, legal and economic space'<sup>159</sup>. Russia's attitude towards The Hague Tribunal should be considered in this context as well.

Russia had called for the Tribunal to be adjourned during Serge Brammertz's first visit to Moscow (Karla Del Ponte was never received in Moscow for her previous engagement against the Russian mafia).<sup>160</sup> Zivadin Jovanović, former Foreign Affairs Minister of the Federal Republic of Yugoslavia, stressed that Russia had officially called for The Hague Tribunal to be shut down, because its starting position was not that of a legal institution, rather it was a political institution, based on the politics of pressuring and blackmailing Serbia.<sup>161</sup>

The DSS and the radicals continue to stick to their positions. Milos Aligrudic, vice president of the DSS, notes that The Hague is 'a political court, not a court of law. Ever since Vojislav Koštunica's Government, we have been cooperating with this court as far as our international obligations went and in a manner which does not insult the dignity of the defendants.'<sup>162</sup> The Serbian Radical Party, during its meeting of support for

158 Ibid.

159 Politika, November 14, 2010

160 Ibid.

161 Ibid.

162 Blic, November 12, 2010

its leader Vojislav Seselj proclaimed that 'Serbia isn't Boris Tadić, Serbia is Ratko Mladić'<sup>163</sup>.

## The Increase of the Reward

Acting upon the Action Team's suggestion, Serbia's Government increased the reward for the information leading to the arrest of Hague indictees. This decision was meant to encourage citizens to act out of 'patriotic reasons' and point to potential clues which would lead to the uncovering of Mladić's hideout. The raise of the reward from one to ten million euros was clearly signalling to the world that as a state, Serbia was prepared to close the Mladić case. It was also a message to Mladić's allies, who could potentially be encouraged by the larger sum to turn him in; and it also served as a message to Prosecutor Serge Brammertz.

Such a high reward could attract 'head hunters' as well. They have already operated in Serbia, which was uncovered after the disappearance of Goran Hadžić. The Prosecution of The Hague Tribunal has published secretly filmed photographs of the former President of Republika Srpska Krajina as he was carelessly exiting his family home in Novi Sad. Karla Del Ponte's spokesperson at the time Florence Hartmann confirmed that the Prosecution had hired special forces which were searching for indictees throughout Serbia. Florence Hartmann explained that these were mostly persons from west European countries who specialized in intelligence services. The disappearance of Hadžić served as 'crucial evidence of Serbia's non-cooperation with The Hague' because it was ascertained that someone from the state bodies tipped Hadžić off about his impending arrest. Following a detailed investigation, it was established that someone from the Foreign Affairs Ministry at the time served as Hadžić's 'mole'. The person is a member of the SPO.

The Security and Information Agency (BIA) introduced a special phone line with the number 9191, so that anyone could report the information. Previously, Serbian authorities have been receiving information about the hiding and whereabouts of Ratko Mladić from The Hague Tribunal, which

relied on the hired special forces for gathering the information. The Tribunal has also been receiving information from individuals in Serbia; however these pieces of information turned out to be incorrect.

The Tribunal also frequently accused Serbian authorities of not verifying the information about the indictees' hiding. As a result, Zoran Zivković has, admittedly, called members of the Central Intelligence Agency (CIA) to witness the actions undertaken by security services. According to Zivković's statement for the daily *Politika*, the CIA agents were in Belgrade in December 2005 and they monitored one of the police searches for Radovan Karadžić which was carried out in *Bezanijska kosa*, a suburb of Belgrade. It later turned out that the tip about Karadžić's hiding place was false and that it was passed on to Serbian authorities only to convince CIA operatives that our country is doing everything to arrest the indictees.

### **'Blackwaters' Chasing Mladić!**

The agents of the largest US private security firm 'Xe Services LLC', also known as 'Blackwater' have, allegedly, joined the chase after Ratko Mladić after the reward of ten million euros was offered. The security firm 'Blackwater' was founded in 1997 and is currently one of the three largest private companies contracted by the US State Department. Roughly 90% of the firm's assignments are related to government services worldwide. Blackwater ran State Department's operations in Iraq; however the company's licence was revoked by the Iraqi Government because reports demonstrated the involvement of their agents in as many as 14 incidents. Ten civilians lost their lives in these incidents, and seven were wounded. 'Blackwater' was renamed 'Xe' in 2007 in order to 'distance the company's name from its engagement in Iraq'<sup>164</sup>.

Local security experts stress that allowing 'Blackwaters' to participate in the chase for Mladić could easily turn Serbia into the Wild West, which could endanger the security of citizens. Boža Spasić, a private investigator and former official of the State Security Service (DB) says that a high reward will attract an even greater number of 'head hunters', whereas, based

164 Ibid.

on the information that he possesses, some of them already began operating.<sup>165</sup>

Military analyst Veljko Kadrijević says that it is absurd to allow foreigners to 'wave their weapons on our territory chasing a man who is our citizen, after all'. He emphasizes that there is always the possibility of a conflict eruption when someone shows up with a weapon. 'Blackwaters are a serious military which has operated in Iraq, where they have had problems because of civilian casualties and corruption, resulting in the change of name. This country possesses sufficient security services and defence forces capable of solving the problem it defines as its priority. I do not see the need for issuing such a high reward. Does that imply that [the search] yielded no results only because the reward was not raised to ten million?'<sup>166</sup>

Marko Nicović, President of the International Narcotics Enforcement Officers Association (INEOA) says that 'Blackwater is a special unit of the CIA, which is registered as private in order to clear the US government in case of a scandal. They are also privately contracted by other governments, if it pays well. They have not stepped in solely because of our Government's reward; it is suspected that they were paid by the Saudis to capture our *big fish*'<sup>167</sup>.

Zoran Dragišić, Professor at the Security Faculty, also notes that there is no legal framework for the operations of private security companies: 'This is the result of an ill-considered decision to issue a reward of ten million euros in order to score some cheap points, so as to underestimate Serge Brammertz's intelligence. The Americans are offering five million dollars for Mladić, but they have an entirely different legal system. The 'Blackwaters' do not have legal grounds for action. If they should appear, the police would need to arrest them. The problem is that they are a large American company, and I don't know who is going to tell them this.

165 Ibid.

166 Ibid.

167 Ibid.

We have a government which is avoiding to deal with football fans, how would it stand up to a serious American firm?'<sup>168</sup>

### **The Army is not Hiding Ratko Mladić**

Svetko Kovac, Head of the Military Security Agency (VBA) claims that neither Ratko Mladić nor Goran Hadžić are hiding in objects under the control of the Defense Ministry and the Military, and that no member of the Ministry or the Military is in any way participating in their hiding. He emphasizes the engagement of VBA members on locating and arresting The Hague fugitives as one of the Agency's priorities.

Kovac says that the VBA's primary goal was to check whether the fugitives were hiding in military objects and whether they were given any kind of support by members of the Military and the Defense Ministry. There were examples of the Military being accused of hiding The Hague indictees. 'I can state that Mladić had left military objects on July 1, 2002 and that we have not since had any clues that he has resided in military objects or in the apartments of members of the Military or the Ministry.'

Kovac maintains that the decision to increase the reward for the information leading to Mladić's capture will have positive effects: 'This decision is aimed at demonstrating that the state is doing everything in its power to find this Hague indictee. I must emphasize that this effort is not being obstructed. All measures taken in the search for Hague indictees are coordinated, just the same as the fact that all actions that are undertaken have their goals and specific effects, regardless of how some might interpret them.'<sup>169</sup>

168 Danas, November 11, 2010

169 Press, November 3, 2010

## Past Searches for Mladić

Based on the warrant issued by the War Crimes Prosecution, special police forces have conducted search actions for Ratko Mladić. Minister of Internal Affairs Ivica Dačić says that the search for Ratko Mladić's allies constitutes our regular activities as part of the cooperation with The Hague. Regarding the raid on 'Bajka' restaurant in Arandjelovac, Dačić stated that 'the search was conducted on several locations, and one person was detained for questioning. Therefore, these are part of regular, and not some sort of extraordinary activities which could be assumed to have resulted from a phone tip off after the issuing of the reward.'<sup>170</sup>

Ljubodrag Stojadinović, a commentator for the daily Politika says that 'the police have so far always searched for Mladić in places where he was not located'.<sup>171</sup> Zoran Dragišić assessed that vast media presence indicated that no one seriously believed Mladić will be located in the action in Arandjelovac: 'After these ten million, we now have this action as well. It comes down to what kind of report Brammertz will write, and I think this is more of a spectacle for the media than an actual clue leading to Mladić.'

- 170 Searches for Mladić to date:
  - May 2007: Military police searched the military object in Deligradska street in Belgrade.
  - October 2007: Military barracks in Bela Crkva were searched
  - November 2008: Search of the home and factory 'Vujic Valjevo', property of Vujic brothers who are cooperating with the 'Impact' company, property of Darko Mladić
  - December 2008: The police searched Darko Mladić's family home in Blagoja Parovica street 119; Mladić was chased in Kolonija, a neighbourhood in Arandjelovac
  - February 2009: In East Sarajevo, the police raided the homes of Mladić's sister Milica Avram and sister in law Radinka Mladić
  - May 2009: In Bijeljina, EUFOR raided the apartment of Rajko Banduk, former Military colleague of Mladić
  - September 2009: A search action for Mladić was carried out by the Serbian police in the outskirts of Novi Sad
  - November 2009: Apartments of close colleagues of Ratko Mladić and Goran Hadžić were raided, a substantial amount of documents, tapes and CDs was confiscated
  - February 2010: In Mladić's home, the police found his diaries handwritten in over 100 notebooks as well as hundreds of tapes Mladić used to record phone calls
  - April 2010: EUFOR search for Mladić in Han Pijesak

171 Ibid.

Former Chief of the Serbian Military Security Agency (VBA) General Aco Tomic is under police investigation for assisting in the hiding of Hague fugitive Ratko Mladić. He has been summoned for hearings several times because of claims that he had personally guarded Mladić. Tomic asserts that he has not been hiding general Mladić and that he has never participated in that. He adds: 'If the authorities want me to bring them Mladić on a platter, they will not live to see that day! Even if I knew where he was, I would never tell them!'<sup>172</sup>

Military analyst Ljubodrag Stojadinović explains that Mladić could not have been hiding in military objects without the knowledge of the Military Headquarters and the Military Security Agency: 'Surely someone has been hiding him for all these years, this is beyond any doubt. They have been hiding him up until late 2006! The question is only whether it was the Military or some of its fragments which felt that he should not be arrested. I do not have any specific information about who has been hiding him, but if he was in fact hiding in military objects, he definitely could not have resided there without the knowledge of the Army Chief of Staff and the chief of military intelligence. And for this very reason I think that conducting an investigation and finding out who protected Mladić is a good thing.'<sup>173</sup>

The search for Mladić has re-opened the topic of the murders of two soldiers in the military barrack in Topčider, who were believed to have seen Ratko Mladić in this military object in 2003. At least five soldiers have died under very suspicious circumstances in Serbia's military barracks in the period between 2004 and 2005, and Mladić has always been linked to their deaths. Apart from Dragan Jakovljević and Dražen Milovanović, the two guardsmen murdered in Topčider on October 5, 2004; soldiers Dragan Kostić (died on August 27, 2004) and Srđan Ivanović (died on August 3, 2005) have both lost their lives under unresolved circumstances in the same period; whereas Radoman Zarković died on June 30, 2005 in the Ground Security Zone (also in the Leskovac area). All of these soldiers lost their lives during regular military service. Jelena Milić, CEAS, has rightfully raised the question of these murders and has stressed the need for

172 Press, November 11, 2010

173 Ibid.

conducting a more intensified investigation about the links with Mladić; especially given that Mladić's allies and omissions in the investigations are being increasingly discussed.

## **Conclusions and Recommendations**

Prosecutor Serge Brammertz's impatience with Serbia is growing, given that there is a huge gap between verbal proclamations and what is actually being done. Serbia is not abiding by Brammertz's recommendations, although representatives of the War Crimes Prosecution keep claiming that the opposite is true. Not enough effort is being put in, nor are a sufficient number of personnel engaged to promptly respond to any incoming information on Ratko Mladić's potential hideout. Measures taken against allies and other accomplices are either too soft or non-existent.

Such inconsistent behavior with regards to Serbia's obligations to The Hague Tribunal, as well as wrong political assessments on this matter, could stop Serbia once more on its path toward the EU. This situation suits those who want to slow down the process of Serbia's European integrations.



## III – SERBIAN JUDICIAL REFORM



## The Biggest Obstacle on the Road to the EU

Serbian judicial reform, formally launched in May 2006 by adopting a *National Strategy for Judicial Reform*, is not only still incomplete but remains one of the biggest obstacles on Serbia's road to EU membership. In 2010, the authorities' resort to legal and political jugglery and manoeuvring in addressing the controversy concerning the re-election of judges and prosecutors and the incompatibility of domestic judiciary legislation with EU standards drew sharp criticism and warnings from headquarters or officials of relevant international bodies. For all the promises of the Serbian authorities and the Ministry of Justice to comply with the suggestions of the European Commission, the judicial controversy is blocking the required reforms, with domestic judges and prosecutors continuing to exchange correspondence with European officials and with both sides voicing objections to new amendments to the relevant legislation with which, it appears, no one is completely satisfied. Although the long-awaited reorganisation of the courts is complete, owing to the reduction of the number of holders of judicial office their work is much slower than before; furthermore, the redistribution of cases is resulting in long waits for verdicts as well as giving rise to a general confusion.

Thus, the extradition of the remaining war criminals to the Hague Tribunal, the fight against corruption and thorough reform of the judiciary are the biggest problem and challenge for Serbia (along with the Kosovo issue, which, however, is a purely political one) on its road to European integration. Obviously, however, the extradition of the ICTY indictees and the establishment of an anti-corruption 'echelon' depend largely on a well-organised justice system that has been lustrated and is resistant to political influence. Experientially aware of the importance of a fundamentally strong 'third pillar' of power, international officials, delegates from the EU, are closely monitoring the development and results of judicial

reforms as well as problems besetting their implementation. In 2010 the Serbian government as well as dissatisfied judges and prosecutors received a number of letters and official requests for expedition concerning the adaptation of the domestic judicial system to European norms.

## **Objections of the European Commission**

In its annual progress report on Serbia's EU accession, published on 9 November 2010, the European Commission offered a harsh assessment of the country's judicial reform. The Commission clearly recalled the need to finish this process as one of the basic conditions within the framework of the Copenhagen criteria which every country wishing to join the EU must fulfil. It was found that the deficiencies and lack of insight into the process of electing judges and prosecutors called into question the independence of the judicial system and that this may expose it to political influence. This is why the Serbian authorities were requested to outline, in the Questionnaire of the European Commission, the steps they propose to take for correcting the mistakes made during the procedure for the re-election of judges and prosecutors and their appointment. In the Questionnaire, on the basis of which the European Commission will express its opinion on Serbia's candidacy for EU membership, the majority of questions relating to political criteria for EU accession concerned the justice system – a total of 28. The authorities were requested to supply, inter alia, information on the re-election of judges and prosecutors including the procedure, the criteria, the bodies involved and the legal remedies available.

The EU Commissioner for Enlargement, Štefan Füle, presented the European Commission questionnaire to the Belgrade authorities on 24 November 2010, informing them that their answers were expected before February 2011. It will be recalled that at the beginning of July 2010 the Society of Judges of Serbia and the Association of Prosecutors and Deputy Prosecutors received the European Commission's position on the issue they had raised before the European Parliament concerning the re-election of judges and prosecutors in Serbia, the Commission informing them that the Serbian side had been informed of the necessity of fully

revising the procedure. Commissioner Füle said at the time that the Commission would closely watch developments and that its conclusions would be taken into account when assessing Serbia's candidacy for EU accession. Füle said that the Commission would be keenly watching the process of judicial reforms in Serbia, which is a key priority for the European Partnership, as well as events related to the re-election of judges and prosecutors.<sup>174</sup> He recalled that representatives of the Commission, together with experts from EU member states, had paid a visit to Belgrade in February to find out how the re-election procedure had been implemented.

Füle said that the conclusions of the Expert Mission confirmed that the re-election process showed significant deficiencies regarding the composition and independence of the High Judicial Council and the State Prosecutorial Council, the application of objective criteria and the transparency and reliability of the entire process.<sup>175</sup> He called the attention of the Serbian side to these judicial reform deficiencies and said that it was necessary to carry out a complete review of the proceedings. Füle also said that the Commission would fully support such a course of action and would carefully monitor future developments. The monitoring will have a bearing on the annual progress report as well as on any appraisal of Serbia's candidacy for EU accession, stressed Füle in his reply to the European Parliament that was cited by the Serbian Society of Judges and the Association of Prosecutors and Deputy Prosecutors.<sup>176</sup>

The European Commission report also states that, in common with other Western Balkans countries, Serbia has made poor progress on judicial reform and fighting corruption. In the section on corruption, the Commission notes that, although Serbia has achieved some progress, corruption is still widespread in many fields and therefore poses a serious problem. Because judicial reform and the fight against corruption are key areas in the EU accession process for all Western Balkan countries, these topics will in the future be the starting point for all applicants entering into talks on EU membership. In conclusion, the European Commission

174 Fonet, 3 June 2010. 'File zap reviziju reizbora sudija'

175 Ibid.

176 Ibid.

report says on the state of the judiciary in Serbia that the Serbian judicial system only partially fulfils its priorities and that there are serious concerns about the way recent reforms were conducted, especially the re-election of judges and prosecutors. The large backlog of pending cases is also a cause for concern, the report says, in particular as recent reforms impacted negatively on the overall efficiency of the judicial system. As a result of the re-election of judges and prosecutors conducted under the lead of the Ministry of Justice in the second half of 2009, which took effect in January 2010, the number of judges and prosecutors has been reduced by 20 to 25 per cent, the Commission says, adding that, out of a total of about 3,000 judges, more than 800 were not re-elected.<sup>177</sup>

The European Commission notes that major aspects of [recent judicial] reforms are a matter of serious concern. The re-election procedure for judges and prosecutors was carried out in a non-transparent way, it is said, putting at risk the principle of the independence of the judiciary. 'The bodies responsible for this exercise, the High Judicial Council and the State Prosecutorial Council, acted in a transitory composition, which neglected adequate representation of the profession and created a high risk of political influence,' the report says. The Commission notes that during the 're-election' procedure objective criteria, which had been developed in close co-operation with the Council of Europe's Venice Commission, were not applied, and that judges and prosecutors were not heard during the procedure and did not receive adequate explanations for the decisions made. Further, the right to appeal for non re-elected judges was limited to recourse to the Constitutional Court, which does not have the capacity to fully review the decisions. The report says that the High Judicial Council and the State Prosecutorial Council are still not elected in their permanent composition and new court presidents not appointed although the respective legal deadlines had expired in July and March 2010.<sup>178</sup>

The head of the EU delegation to Serbia, Vincent Degert, said in November 2010 that in the course of the next year Serbia must make progress in several areas to meet the challenges set out in the Commission's annual

177 *www.B92.www*, 9 November 2010. European Commission Serbia Progress Report.

178 *Ibid.*

report and pointed out that the key questions concerned good governance, solving problems related to the existing electoral system, blank resignations and the lack of legislation on the financing of political parties, as well as the role of parliament in monitoring the implementation of laws it passes. He said that it was important to achieve the rule of law, provide an independent judicial system, combat corruption, solve the issue of public procurement, ensure respect for human rights, achieve macroeconomic stability, open the market, create a 'climate for investment' and adopt and properly implement legislation. It is also important for Serbia, he said, to promote regional co-operation and co-operation with the ICTY, that is, to continue the search for the remaining two ICTY indictees. He said it was important for Serbia to draw lessons from the fact that the European Commission has recommended candidate status for Montenegro and find out what must be done when it comes to implementing reforms.<sup>179</sup>

The European Commission President, Jose Manuel Barroso, said regarding the re-election of judges and prosecutors in Serbia that the conclusions of the expert mission had established major deficiencies in the re-election procedure regarding the composition and independence of the High Judicial Council and the State Prosecutorial Council. The European Commission is cognizant of the process of judicial reform in Serbia as a key European Partnership priority, as well as of developments connected with the re-election of judges and prosecutors, Barroso wrote in a letter to the Society of Judges of Serbia. The European Association of Judges and Prosecutors was notified of the letter. In a letter to the Serbian government regarding the re-election of judges, Barroso writes that he, Viviane Reding, Vice President of the European Commission responsible for judiciary, fundamental rights and citizenship and Štefan Füle, Commissioner responsible for enlargement and European Neighbourhood Policy, have already raised the issue of these deficiencies with their Serbian interlocutors in an unambiguous way and asked them to review the procedure. He says that the Commission will fully support this process and carefully monitor the development of future events. He also says that the authorities in Belgrade were formally requested to reconsider the choice of holders of judiciary

179 *Blic*, 19 November 2010. 'Neophodan napredak u više oblasti'.

office because their election was not conducted in an independent, transparent and reliable manner.<sup>180</sup>

### **The political-judicial controversy continues**

Commenting on the Barroso letter, Serbian Justice Minister Snežana Malović said that the letter had actually been written in reply to a letter from professional associations sent at the beginning of February. Malović pointed out that 'In the meantime, both the High Judicial Council and the State Prosecutorial Council have adopted a set of measures in accordance with the objections of the European Commission and the expert groups. As regards the criticism that the procedure for the general election of judges was not open to the public, in spite of the fact that there is no legal obligation to that effect, the High Judicial Council decided to submit explanations to non-elected judges during proceedings before the Constitutional Court. These then were Europe's primary objections.'<sup>181</sup>

The office of the Serbian President, Boris Tadić, said in this connection that 'the President is informed about the letter delivered by the EU Enlargement Commissioner, Štefan Füle, in Belgrade two weeks ago' and that 'the competent state bodies have informed the President that they are in constant communication with representatives of the European Commission'. Following the completion of the procedure for the reappointment of judges, several meetings were held with EU representatives concerning judicial reform and associated problems. Despite earlier suggestions of the European Commission, it was agreed, *inter alia*, that the election of judges and prosecutors would not be cancelled and repeated; instead, judges would be allowed to appeal to the Constitutional Court and challenge the grounds for their non-election. The President of the Society of Judges of Serbia, Dragana Boljević, said regarding this arrangement that unless the Constitutional Court adopted an interim measure to delay the decision terminating the judicial functions of those who have appealed, it is unlikely that any of the non-elected judges would obtain protection

180 *Press*, 1 May 2010. 'Barozovo pismo povodom reizbora sudija.'

181 *Press*, 1 May 2010. 'Barozovo pismo povodom reizbora sudija.'

within a reasonable time. Boljević said that 'in this case we have grounds to appeal to the European Court in Strasbourg before the end of the proceedings before the Constitutional Court'.<sup>182</sup>

However, the Constitutional Court's attempt to rectify the situation by determining the appeals ended in a fiasco. By the end of 2010 the Court had issued only two decisions reinstating judges in their former offices. In February, non-elected judges filed to the Constitutional Court 837 appeals concerning the election procedure. The spokesman for the Constitutional Court, Dejan Milić, said that appeals had been submitted by almost all non-elected judges and that the Court would deal with each appeal separately: 'This is the first time we are faced with appeals of this kind. In order to come up with the best solutions, each of them will be dealt with separately. We shall also try to deliver the rulings within a reasonable time.'<sup>183</sup>

Under the procedure a reporting judge had to be appointed for each of these cases in order to present it, together with a statement of reasons, to the other judges of the Constitutional Court. Dragana Boljević, President of the Society of Judges of Serbia, said, however, that the Society had been given different information, that is, that all the appeals had been submitted to one judge, and that 'his name is being kept secret without justification'. She pointed out that the Society had been contacted by dozens of judges claiming they had tried to obtain a reply from the High Judicial Council concerning their demands to inspect their personal records including the reasons for their dismissal but had 'got no further than the reception desk'. She said that the High Judicial Council had issued its first statement only on the intervention of European judicial organisations, and that that was followed by a spate of personal accusations. The President of the High Judicial Council made a number of accusations against certain judges of misconduct, but the far greater problem was the source of such information.

The Protector of Citizens said that records of the Security Intelligence Agency (BIA) had not been used and that he did not doubt the credibility of the documents he had seen. 'While not going into what he [Protector

182 *Blic*, 30 April 2010. 'Greške u izboru sudija ispravlja Ustavni sud'.

183 *Danas*, 10 February 2010. 'Neizabrani podneli 800 žalbi'.

of Citizens] is or isn't allowed to do, we don't see where such confidential information could have come from unless it was from the BIA,' Boljević said.<sup>184</sup> Many judges failed to be re-elected on the strength of information alleging their 'unworthiness', such information allegedly having been obtained, inter alia, by unauthorised eavesdropping and misuse of data concerning the private lives of holders of judicial office.

According to 'leaked' information, judges of the Constitutional Court were sharply divided on the issue of appeals by 837 non-elected judges and were unable to form the majority necessary for dealing with two appeals that had been put on the agenda. In spite of the fact that two reporting judges of the Constitutional Court who had prepared a draft decision on the two appeals were of the opinion that the appeals should be granted, no decision was taken because the necessary majority was lacking. Unofficially, the Constitutional Court judges were said to be divided into two groups. One group was in favour of granting the appeals of the 837 non-elected judges by a single decision. The second group, which was closer to having a majority, believed that the Constitutional Court must decide on each appeal separately.<sup>185</sup>

Incidentally, in their appeals to the Constitutional Court, all the judges cited, as their chief allegation, that the law had been broken in that the High Judicial Council was constituted illegally. This is just one of a number of crucial legal issues that Constitutional Court judges must take into consideration in deciding whether to accept or reject an appeal. The members of the High Judicial Council were also unsure, when they first met on 6 April last year, whether their body had been constituted legally. According to the minutes of that meeting, Nata Mesarović, who chaired the meeting, was the first to ask whether it was legally correct to constitute the High Judicial Council on that day. Having recalled that three Council members had not been elected, she pointed out that Articles 54 and 5 of the Law on the High Judicial Council 'stipulate very clearly' that they too must be elected before the body can be constituted. Vesna Rakić-Vodinelić, legal expert, professor at Union University and dean of the Faculty of Law,

184 *Danas*, 10 February 2010. 'Neizabrani podneli 800 žalbi'.

185 *Blic*, 21 May 2010. 'Ustavni sud podeljen oko žalbi na reizbor sudija'.

said at the time that she supported Mesarović's arguments. Later, however, she wondered why Mesarović was defending the decisions taken by the incomplete body. The fact that the incomplete High Judicial Council is still able to operate is the fault of the National Assembly and is contrary to the Constitution and the law. Since all its decisions are characterised by substantive violations of procedure, the Constitutional Court is to decide whether these violations are serious enough to call into question the decisions made by the incomplete High Judicial Council.<sup>186</sup>

At the end of July 2010, the Society of Judges of Serbia called on all non-elected colleagues to appeal to the International Court of Human Rights in Strasbourg. According to the Society's President, Dragana Boljević, the High Judicial Council decision was taken after 'the High Judicial Council and the Constitutional Court began engaging in a special kind of legal acrobatics'. In a statement published on its website, the Society of Judges of Serbia criticises the Constitutional Court for solving only one out of more than 1,500 appeals, in spite of officially announcing that the matter would be treated as a priority. On 25 December 2010, the High Judicial Council started sending circular rulings to the addresses of non-elected judges; following objections to these rulings from both the Constitutional Court and international institutions, it substituted them, as of mid-June, with individual rulings including reasons for non-election. All the same, the Society of Judges recommended its members to appeal to the Constitutional Court against the new rulings as well and to file their appeals within the time limit set by the Constitutional Court.

By the end of 2010 the Constitutional Court had rendered only two final decisions granting the appeals of non-elected judges. Since the Constitutional Court is required, by legal custom, to deal with identical cases in the same way, it was rightly expected that all other identical appeals would be granted. Meanwhile, however, the proposed justice legislation was adopted under an urgent procedure: having been submitted to the parliamentary groups on 21 December 2010, it was debated by parliament the very next day and adopted on the eve of the New Year.<sup>187</sup>

186 *Blic*, 21 May 2010. 'Ustavni sud podeljen oko žalbi na reizbor sudija'.

187 *Večernje novosti*, 23 July 2010. 'Sudije spremne za Strazbur'.

## Controversial amendments to justice legislation

On 29 December 2010, the Assembly adopted amendments to the Law on Judges under which the High Judicial Council would take over from the Constitutional Court the appeals of the non-elected judges; under the amendments the judges' constitutional appeals will be treated as objections addressed to the High Judicial Council. The amendments to the justice legislation were designed to dispel suspicions about the general election of judges and the European Commission's criticism of justice reforms set out in its Serbia progress report. The Serbian authorities said that the amendments were in line with the positions and recommendations of the Venice and European Commissions. The statutory provisions pertaining to the review of the decisions concerning the non-elected judges were criticised by most opposition parties.

Explaining the set of justice laws to the MPs, Minister of Justice Snežana Malović said that the competent authorities were ready to correct any possible irregularity in the justice reform process, especially regarding the procedure for the general election of judges and prosecutors: 'The first step towards that objective is to create a normative framework making it possible to review this process and eliminate the shortcomings concerning the transparency of the procedure and legal protection, as well as to dispel any doubts about political influence having been exerted.' Malović explained the amendments to the Law on Judges, Law on Public Prosecutor's Office, Law on Organisation of Courts, Law on Enforcement of Prison Sentences for Organised Crime Offences and Law on Criminal Procedure. She stressed that the laws in question had been 'discussed with members of the Venice Commission of the Council of Europe, who agreed that the proposed amendments were the best way to carry out in a legal manner a review of the decisions made in the course of the general election procedure, while fully respecting the constitutional order of Serbia and the rule of law'. She added that this reflected Serbia's wish to meet all the requirements for being granted EU candidate status. The prospect of the High Judicial Council reviewing the decisions concerning the non-elected judges in its permanent composition instead of the Constitutional Court, and of

the constitutional appeals of the non-elected judges being treated as objections to the High Judicial Council, did not please the parliamentary opposition.

The meeting at which representatives of the Venice Commission, the European Commission and the Serbian Ministry of Justice discussed the amendments to the judiciary laws took place on 16 December 2010. Malović said after the meeting that the amendments had been approved by the Venice Commission and the European Commission. She said that the establishment of the High Judicial Council and the State Prosecutorial Council were prerequisites for carrying out a review of the decisions made by the first composition of the High Judicial Council. The proposed legislative amendments, she said, will make it possible for a larger number of candidates to run for elective members of the High Judicial Council and the State Prosecutorial Council. She pointed out that 'provision has been made for candidate status to be acquired also by holders of judicial office who are backed by at least twenty judges or by fifteen public prosecutors and deputy public prosecutors, thereby creating the possibility of more appropriate representation of holders of judicial office in these bodies'.<sup>188</sup> In order to remove suspicions about election being made under political influence, she said, there is provision that only a candidate who polls the most votes of his or her colleagues can be proposed to parliament. Where there are two or more candidates with an equal number of votes, the candidate who has served longest as judge or public prosecutor will be put forward.<sup>189</sup>

An innovation introduced by the amendments to the Law on Judges concerns the right of judges to file objections to decisions on termination of judicial office to the High Judicial Council. Importantly, the permanent composition of the High Judicial Council, which will be constituted after its members are elected from the ranks of judges, will review the decisions of the first (that is, previous) composition of the High Judicial Council which terminated the offices of former judges who were not re-elected under the general re-election procedure. Malović said that 'in the course

188 Beta, 29 December 2010. 'Srbija pokušava da otkloni nedostatke u reformi pravosuđa.'

189 Ibid.

of a review procedure, a judge is entitled to inform himself or herself with the case and records, as well as to present his or her arguments orally.<sup>190</sup> The High Judicial Council in its (new) permanent composition will review the decisions of the previous composition where there are grounds to doubt the competence, qualifications and worthiness of a judge elected in a general selection procedure or where there are grounds to suspect a breach of procedure in electing a judge. If an irregularity is found during a review procedure, the High Judicial Council will ex officio initiate a dismissal procedure to make it possible to assess the work and decisions of its first composition and to finally eliminate any doubt regarding the general election procedure. The legislative amendments will allow full insight into the work of the previous High Judicial Council composition and the State Prosecutorial Council and make it possible to conduct the review of decisions in such a manner as to ensure insight into the whole procedure.<sup>191</sup> Retracting from the previous arrangements and arguing for the new ones, Malović said: 'We're faced with the great inefficiency of the Constitutional Court, which has issued only one decision on an appeal by a non-re-elected judge.'<sup>192</sup>

Dissatisfied with the new (amended) statutory provisions, the Society of Judges of Serbia and the Association of Public Prosecutors at the end of December 2010 sent another communication to European officials complaining that the Ministry of Justice had ignored its suggestions. They recalled that they had submitted proposals for amending the set of justice laws with a view to a credible review of the election of judges and prosecutors. They alleged that the relevant ministry had not consulted the High Judicial Council either, an indication that major reform moves are made without a social dialogue and that decisions are taken by narrow circles. In their letter to European officials, they stress that the proposed statutory provisions are questionable not only because they are incompatible with the legal order, but also because they may prove harmful regard-

190 *Blic*, 7 December 2010. 'Najavljene izmene pravosudnih zakona.'

191 *Ibid.*

192 *Ibid.*

ing the credibility of the High Judicial Council and the review of the 2009 re-election procedure.

The letter says: 'For the third time in a row the authorities have undertaken the most important judicial measures at the time of Christmas holidays: thus the amendments to the judiciary legislation were submitted to the Assembly under an urgent procedure in the afternoon of 21 December and delivered to the deputies at ten o'clock in the evening, which prevented them from familiarising themselves with the legislative amendments and stating their opinions thereon.'<sup>193</sup> The letter criticises the position that the re-election procedure shortcomings can be eliminated and the cases returned to the High Judicial Council for correcting the mistakes only if the Constitutional Court is 'stripped' of its authority, if the appeals already filed are 'converted' into objections to be dealt with by the High Judicial Council and if the law is made to operate retroactively. The judges and prosecutors warned that 'such an unconstitutional arrangement violates the right to an effective remedy by regarding the High Judicial Council's decision on the termination of judicial office as final before subjecting it to judicial review, as well as by converting a remedy provided by the Constitution, that is, an appeal, into an extraordinary legal remedy. The legislative amendments, they pointed out, do not include criteria for the conduct of re-election; what is more, clear criteria which must be observed by the High Judicial Council during re-election procedures as well as criteria relating to fair procedures and the right of appeal must be laid down by law.'<sup>194</sup>

The Society of Judges of Serbia recommended the Constitutional Court to initiate proceedings for a constitutional review of the adopted judicial amendments and asked it to continue to deal with the appeals of non-elected judges. The Society of Judges of Serbia said, 'The jurisdiction of the Constitutional Court, based on the remedies prescribed by the Constitu-

193 *www.B92.net* 30 December 2010. 'Pismo društva sudija i tužilaca EU'.

194 B92, 30 December 2010. 'Pismo društva sudija i tužilaca EU'.

tion, cannot be amended by a law, which is an act of lesser legal force than the Constitution and which must be in agreement with the Constitution.’<sup>195</sup>

If the Constitutional Court transmits the appeals already filed by non-elected judges to the High Judicial Council, it will have violated the Constitution’s provisions regarding the rule of law, the right to a fair trial, the right to equal protection of the law and the right to a legal remedy. The judges recalled that the right to a fair trial, the right to equal protection of the law and the right to a legal remedy are part of the corpus of human rights guaranteed by the Constitution. ‘The Constitution lays down a number of strict requirements in cases where the exercise or restriction of these rights is prescribed by law, and these requirements were not met in this particular case,’ they said.<sup>196</sup>

Almost at the same time, Minister of Justice Snežana Malović said that a High Judicial Council might be elected in mid-February 2011, that is, before the statutory time limit, and that it should start dealing with the objections of judges not elected in the general election procedure. Malović said that the decisions on the election of judges would be reviewed following the adoption of the *Rules on Criteria and Standards* and that interviews with all non-elected judges who have filed objections might be conducted by June. She also said that ‘non-elected judges will be summoned before the High Judicial Council and given an opportunity to state their views on the allegations contained in the individual reasons already delivered to them and, if they are not satisfied with the decision, they will also have the recourse of appealing to the Constitutional Court’<sup>197</sup>

She said that the Rules on Criteria and Standards would be prepared with the assistance of a European expert who was expected in Belgrade in mid-January and that an action plan for implementation of the justice laws adopted at the end of December would be drawn up with the agreement of the European Commission. Malović ruled out the possibility that criticism of the adopted amendments to the justice laws on the part of a

195 Society of Judges of Serbia statement, 8 January 2011.

196 Ibid.

197 Beta, 4 January 2011. ‘Malović: U martu razmatranje prigovora sudija’.

segment of the public and professional associations could slow down or call into question the further course of justice reforms. She said that in dealing with the objections the High Judicial Council would abide by the principles the Constitutional Court indicated in the judges' appeals it had granted and expressed the hope that hearings of objections before the High Judicial Council would have much more publicity than when the appeals were dealt with by the Constitutional Court. She stressed that the issue of non-elected judges must be solved and concluded, adding that this was only one aspect of judicial reforms; what is yet to be done, she said, is to amend procedural legislation, enhance the organisation and work of courts and prosecutor's offices and change the awareness of the citizens of the country as it transits from one social system to another level.<sup>198</sup>

### **Experts criticise judiciary reform shortcomings**

The set of justice laws<sup>199</sup> was criticised by numerous other experts. Jelisaveta Vasilčić, a member of the Anti-Corruption Council, warned that the 'set of justice laws violates the constitutional principle of permanency of judicial office which is the foundation of an independent judiciary'. She said that the general election of judges had been conducted by an incomplete High Judicial Council in a temporary composition and that 'in the aftermath of the amendments to the justice laws we learned what we could have guessed: that this inexperienced, aggressive and unworthy government will do everything to prevent judicial control of decisions of the High Judicial Council'.

With this object in view, she said, the authorities have decided to strip the Constitutional Court of its constitutional competencies, to deprive the judges of their right to appeal and to control decisions of the High Judicial Council and to use a 'magic wand' in the form of a law in order to transform judges' appeals into objections so that would be dealt with by the High Judicial Council, that is, to return things to where it all started. The

198 Beta, 4 January 2011. 'Malović: U martu razmatranje prigovora sudija.'

199 Law on Amendments to the Law on Judges, Law on the High Judicial Council, Law on Public Prosecutor's Office, Law on the State Prosecutorial Council

professional community knows that a law cannot strip a court of its competencies granted by the Constitution, that no one can deny a judge the right to exercise judicial control of an act affecting one of his or her rights and, of course, that the Constitutional Court will not, on the strength of the amended legislation, declare itself without jurisdiction to deal with appeals and that it will transmit the appeals to the High Judicial Council without being asked to do so by, or without the consent of, the judges who filed the appeal.

She said that the present state of affairs could not be blamed solely on the MPs, who adopt legislation unthinkingly and are accountable to their voters; the government alone is not to blame either because it is the product of the political parties, MPs and voters such as they are. 'I can put the blame on the judges members of the High Judicial Council. They are to blame for agreeing to make decisions as members of a temporary and incomplete body; for agreeing to become corrupt or, rather, rewarded, because in return for their vote they were given the right to be exempt from participating in these elections and to be promoted to a higher court after the elections. They are to blame because they determined the total number of needed judges inexpertly, going by guesswork, obediently pandering to the will of the ministers and other politicians rather than relying on exact criteria. They are to blame for denying their colleagues publicity of procedure, accessibility of information on which the decisions were based and the same chance to argue their case. The judges members of the High Judicial Council have demonstrated their incompetence in exercising their calling as judges, because judges who do not know that all proceedings are public unless otherwise provided by law, as well as that all persons have the right of access to evidence and the right to argue their case, cannot be competent judges,' she said.<sup>200</sup> In conclusion, she said, 'If the judges members of the High Judicial Council were aware of such things as the publicity of proceedings, the right of access to evidence and the right to argue one's case, but violated those rights intentionally or under

200 *Politika*, 10 January 2011. 'Da li će i kada neko odgovarati zbog reforme pravosuđa'

pressure from politicians, then those judges are not only incompetent but unworthy to exercise judicial functions.<sup>201</sup>

Other legal experts also criticised the adoption of the amendments to the set of justice laws. In January 2011, 30 experts (from widely different political and professional backgrounds) signed an appeal calling the public's attention to a number of omissions made in justice reform. The appeal was addressed to the National Assembly, the parliamentary parties and presidents of the Republic of Serbia, Constitutional Court, High Judicial Council and State Prosecutorial Council. The signatories included prominent experts, lawyers and law professors as well as a great many constitutional law professors, state and law theorists and two academicians.

While the signatories commended the authorities for their efforts to eliminate a number of major justice reform omissions, they warned that there were also a number of impermissible shortcomings in the recently adopted amendments from a legal point of view. The signatories said, *inter alia*, that 'The legislator has chosen to convert the statements of will, incorporating a legal remedy submitted to the Constitutional Court, of hundreds of persons into another, hitherto non-existent legal remedy and to address it to the highest judicial administrative authority. This is contrary to any concepts of law, elementary legal security and the separation of powers. This means the suppression of the lawful will of individuals by the retroactive unconstitutional collective will of the legislator. The omnipotence, that is, the arbitrariness of the legislator stands in the way of constituting Serbia as a modern state of law. This is negation of fundamental individual rights, including the right to an effective legal remedy, and disregard for fundamental principles, including the prohibition of retroaction which undermines legal security.'

Dr Jasminka Hasanbegović, the professor at the Belgrade Faculty of Law who initiated the appeal, said that major interventions in the judiciary sphere, such as the above-mentioned amendments to judicial legislation, were made in a hurry, without a debate and under an urgent procedure; those made in both 2008 and 2009 were also pushed through on the eve of the New Year and Christmas holidays. What is more, she

201 *Ibid.*

said, the amendments entered into force – contrary to the Constitution – the next day after their publication. She said that the amendments were depriving the non-elected judges (over 800) and prosecutors (about 200) of their right to vote and be elected and that no final decision had yet been made regarding their status to stand for election to the High Judicial Council and the State Prosecutorial Council. Further, the deadlines for the election of members of the High Judicial Council and the State Prosecutorial Council are unreasonably tight and the proposed methods of election cannot impart legitimacy on the two bodies whose reputation has been shaken to its foundations. The appeal says that there is a legal way to eliminate these and other major omissions in Serbia's judiciary reforms: the Constitutional Court must rule on the December 2009 proposals by the authorised proposers regarding the constitutional validity of the Constitutional Law which discontinues the permanency of judicial office; the High Judicial Council and the State Prosecutorial Council must deploy judges and prosecutors according to the new reformed network of courts and prosecutor's offices; unworthy, incompetent and unqualified individuals must be dismissed on the basis of a reasoned decision.<sup>202</sup>

### **Tardy judgments and increased costs**

Although the reorganisation of courts was motivated by economic reasons in order to lighten their workload and make them more efficient, many criminal and civil cases last for months and even years. Quite absurdly, one has to wait long for judgments and decisions even in cases designated as urgent, such as employment disputes. Employment disputes have been among the most numerous as the result of numerous legal and illegal privatisations of Serbian companies and factories. It turned out that the number of available judges is far too low to deal with the number of cases allocated to them. In September 2010, Minister of Justice Snežana Malović said that basic justice reform objectives had been achieved: the efficiency of courts had been raised and the very good performance of economic courts would result in an increase of investment. At the same

202 *Politika*, 13 January 2011. 'Apel stručnjaka zbog propusta u reformi pravosuđa'

time, the President of the High Judicial Council, Nata Mesarović, said that most shortcomings in judicial reform to date had been manifested by the basic courts, especially the First Basic Court in Belgrade which will require the assistance and intervention of the High Judicial Council. Presenting a report on the performance of courts during a six-month period, Mesarović urged presidents of basic courts to look for personnel who can contribute to the greater efficiency of courts and help the citizens to exercise their rights. She nevertheless said that she was pleased with judicial reform results, adding that the 'predictions of some individuals that the judiciary will become paralysed' had been proven incorrect. She also said that detailed analyses of the work of each court between January and August 2010, based on the number of decided cases, showed that Serbian judges were not overworked. Cases as old as a decade and a half cannot all be decided in six months, she said. The High Judicial Council found, she said, that the judiciary in Vojvodina was more efficient than the rest because it was better prepared for reform, whereas the Belgrade Appellate Court, which has the largest number of competent judges, did not come up to scratch. The Administrative Court, which is also well staffed with able judges, did not satisfy either; on the other hand, economic courts cleared 91 per cent of their workload. The biggest problems were found in the basic courts, notably the First Basic Court in Belgrade.

The daily *Blic* writes (citing court sources) that Belgrade courts are the biggest in Serbia and the Balkans because they cover the territories of the former First, Second, Third, Fourth and Fifth Municipal Courts. Their chief burden consists of cases dating back to the 1980s. Although there are 1.5 million such cases on paper, the Infostan public housing and communal services enterprises has withdrawn 900,000 enforcement claims after collecting principal from as many households and writing off interest. Although the 900,000 abandonments have been entered in electronic form, they have not yet been filed away as cases because moving the courts, staff and records from five to three buildings has taken on average 20 hours a day since 4 January 2011.<sup>203</sup>

203 *Blic*, 4 September 2010. 'Najviše predmeta rešeno u Vojvodini!'

On the other hand, Dragana Boljević, President of the Society of Judges of Serbia, counted among the achievements of judicial reform legislation on independent institutions and confiscation of assets derived through crime. In the present stage of reform the judiciary is less accessible to the citizens and less efficient as well as more expensive and slower. This is the outcome of three disastrous moves that have silenced and unequally overburdened judges. The first is the reduction in the number of judges in spite of the fact that the number of cases has been growing for a decade. The second is the determination to preserve the bad results of the arrogantly conducted re-election procedure. The third is the ill-conceived, non-functional and expensive network of courts. Boljević stressed that the High Judicial Council and the Ministry of Justice had failed to report the fact that expenditure on the courts had increased in the aftermath of reform. She said that 'serious disruptions due to excessive court workloads' was the outcome of arbitrary decision-making on the part of the High Judicial Council regarding the number of re-elected judges. She said that judges are made to work too hard and to deal with more cases than before, and that the present court network is inefficient and has not proved better in terms of quality and speed than the network existing before reform.<sup>204</sup>

### **Execution of final judgments**

Executing final judgments is one of the greatest problems of the Serbian judiciary. There are no precise data yet on how long it takes to obtain justice in Serbia. It is common knowledge that even when a final judgment is rendered, one has to wait for an interminably long time for its execution. Slobodan Homen, Secretary of State at the Ministry of Justice, says that the average time span between the rendition of a final judgment and its execution in Serbia is 650 days, compared with 60 days in developed countries. Judgment executions account for over three quarters of all proceedings in Serbia. In Belgrade, where data are entered in the court computer system, there are a total of 1.9 million pending cases including nearly 1.6 million cases concerning judgment execution proceedings.

204 B92, 22 September 2010. 'Troškovi veći, sudovi preopterećeni.'

Belgrade accounts for more than 75 per cent of all cases in Serbia.<sup>205</sup> The failure to execute judgments of economic courts was a big problem, he said, because it made it impossible to guarantee expedition in the placement of foreign investments, Execution delays used to be abused by large numbers of legal persons who were pushing companies into bankruptcy knowing that claims could not be collected while one waited for the execution of the judgment. It has been estimated that this practice has resulted in a tenfold reduction of the total amount of claims subject to litigation. The adoption of a new, more effective law is an obligation also because the World Bank wants that done in order that the banking system in Serbia could operate normally.<sup>206</sup> Homen said that the small number of court enforcement officers posed an additional problem (there are 40 of them in Belgrade and 1.6 million pending cases). Corruption is also a problem, with enforcement officers occasionally being bribed to put off execution. It has been found that engaging civil enforcement officers would be a better solution than expanding the government administration. Civil enforcement officers are employed in 80 per cent of European countries. The requirement to employ one enforcement officer per 30,000 population in Serbia will be provided by law. Enforcement officers will have to be Faculty of Law graduates and will be required to pass a special examination.<sup>207</sup>

The reorganisation of courts is aimed at having fewer larger courts to cover territories previously served by more smaller ones. This has made it necessary for judges to travel from one place to another, with some of them having to cover over 100 kilometres daily. Aggregate data on these additional travel, accommodation and subsistence allowances paid to the 200 or so judges and prosecutors are also non-existent. For instance, judges from Aranđelovac and Topola must travel to Kragujevac every day, some of them having to cover up to 130 km, with the cost of their transport from home to work and back running into hundreds of thousands of dinars. Five deputy appellate prosecutors from Vršac, Pančevo and Subotica working in Novi Sad first had to travel to Novi Sad and then to rent

205 *Blic*, 23 August 2010. 'Na izvršenje čeka 1,6 miliona presuda'.

206 *Ibid.*

207 *Ibid.*

accommodation in the Vojvodina capital. The state is providing their accommodation allowance coming to €250 a month as well as a subsistence allowance in the same amount. This comes to €2,500 a month for the Appellate Prosecutor's Office in Novi Sad alone. This does not include monthly travel allowances for judges and prosecutors with appellate courts and appellate prosecutor's offices who are renting flats in Belgrade, Niš, Kragujevac and Novi Sad and are entitled to regular weekend visits to their homes and families at the expense of the state.

The Ministry of Justice says that judicial organs, in accordance with the Budget Law and a decision on the allocation of funds, submit to the Ministry applications for the transfer of necessary funds. The Ministry of Justice has no data about how many judges and prosecutors are receiving subsistence and accommodation allowances because the item 'employee allowances' contained in the claims for the transfer of funds it receives from judicial organs covers not only subsistence and accommodation allowances but also travel allowances for all employed holders of judicial office. The Ministry claims that since the establishment of the new network of judicial organs expenditure on employees and wages has been reduced by 150 million dinars a month compared with 2009, with other current expenditure being reduced by 26 million dinars. In the Ministry's estimation the saving is due to the reduction in the number of judges and staff, with many who must travel using official chauffeured cars and others own cars or regular intercity services.<sup>208</sup>

Justice reform in Serbia, which is yet to come under final scrutiny of the international community, can only be successful if it ensures to judicial organs independence, autonomy and security in rendering judgments as well as freedom from worry about non-re-election or dismissal on chiefly political grounds.

208 *Politika*, 9 June 2010. 'Ne zna se koliko koštaju putujući sudije i tužioc!'.

## The new Law on Criminal Procedure

The Law on Criminal Procedure (ZKP) merits special attention, above all because of the radical changes it introduces in this area. Rather than incorporating amendments, that is, representing a codification of the existing ZKP, this is a new piece of legislation which will radically change legal procedure pertaining to investigation, rules of procedure in court, strict separation of the roles of prosecution, defence and court, (police) custody and the status of co-operating witnesses. In terms of creating a legal framework, the new ZKP is no doubt of the greatest importance for the commenced but still incomplete judicial reform. Finally, since it has not been adopted yet, there is still time to make observations and suggestions with a view to bringing the ZKP into line with domestic legal traditions and harmonising it with international standards. If adopted by parliament, the new ZKP will begin to be applied on 1 February 2012 except with regard to organised crime and war crime cases, in which case the start of application is much earlier, that is, six months following adoption.

In short, the norms proposed in the draft ZKP are similar to those used in investigation and trial proceedings in case law countries (as well as by the Hague tribunal) and designed to improve and expedite trials. The court will no longer be required to produce evidence *ex officio* and the whole burden of proof will fall on the prosecution. An important novelty is that the court will play a significant part in the indictment confirmation hearing. During the main public hearing or trial the accused person or persons will be sit in the dock, the witnesses will be proposed and examined by the prosecution and defence, and the court will control the examination of witnesses and the presentation of evidence. Many time limits will be shortened and provisions made to prevent repeated examinations of accused and witnesses. Higher courts will no longer be able to reverse judgments and return cases for retrial indefinitely; in the future, they will have to deliver judgment already during the second hearing of an appeal against a judgment of first instance.<sup>209</sup>

209 *Politika*, 29 September 2010. 'Kreće rasprava o nacrtu novog zakona o krivičnom postupku.'

Dr Slobodan Beljanski, a lawyer and member of the working group for drafting the Criminal Procedure Code, says that the criminal justice process is based on an accusatorial-inquisitorial principle. The ZKP aims to reinforce the accusatorial principle (providing for a strict separation of the roles of prosecutor, defence and court, with the court acting as arbitrator in a 'dispute' between equal parties), while not dispensing with qualified and fragmentary interventions on the part of the court. There is no reason to shy away from common law procedures with their marked contest-like features which are no obstacle to the administration of justice. On the other hand, one should not discount the influence of tradition, custom and culture. By all means the most important change in the new ZKP relates to the new type of investigation. One cannot help noticing the significant shift towards a purely contradictory procedure (greater initiative by the parties, less procedural intervention by the court) following the bringing of the indictment and towards reinforcing the principles of adversariness and immediacy especially during the course of interrogating accused persons and examining witnesses and expert witnesses.<sup>210</sup>

According to these rules, the prosecutor will conduct pre-trial proceedings as before but, unlike at present, will also initiate and conduct investigations. This does not mean that the role of the court in this stage of criminal proceedings will be extinguished. Significant parts will be played by the preliminary proceedings judge and the judicial panel. In Beljanski's opinion, although this type of investigation is the logical outcome of the accusatorial principle, one must not neglect systemic and practical arguments that can be used to challenge such transformation. Our culture is characterised by affectivity and partiality, he says. Unfortunately, even the so-called legal culture is not immune from these weaknesses. The prosecutor as an implicitly interested party can hardly be expected to transform quickly into an impartial investigator of facts and collector of evidence. Considering that a great many investigative judges have not been consistently neutral, it is even harder so imagine such a quality among prosecutors in their future work.

210 *NIN*, 9 October 2010. 'Uterivanje anglosaksonske pravde'.

The abolition of judicial inquiry, that is, of the institution of the investigative judge and transferring these powers to the public prosecutor has long been considered as a possibility by the professional community. Meanwhile, one could have monitored the effects of such changes in a number of countries in the neighbourhood. Milan Antonijević, executive director of the Lawyers Committee for Human Rights, draws attention to the fact that most human rights violations occur precisely during the investigation stage of the whole process. In the future, responsibility for all shortcomings in this stage in the proceedings will be shifted onto the prosecution. Given the practice of prosecutor's offices of not making statements, and of not giving reasons for rejecting and dismissing criminal complaints or terminating investigations when they do break their silence, the domestic lethargic prosecutorial system will no doubt will have to be shaken up and subjected to a thorough transformation.<sup>211</sup>

The draft also provides for preparatory hearings similar to the ICTY status conferences. The purpose of these hearings is to confirm or reject the indictment, and the aim and intention to reject, in as early a stage of the proceedings as possible, unfounded indictments so that the main trial does not have to be held. Similar to ICTY status conferences, the parties will be requested by the court to attend a preparatory hearing to state what course of action they intend to pursue at the main hearing. Things that are found beyond dispute will not have to be proved later, a very economic solution from the point of view of duration of proceedings.

In connection with preliminary proceedings, the judge will be empowered to make decisions which have significant impact on freedoms and rights. This includes decisions on detention, bail, prohibition to leave current residence and home, search, clandestine surveillance and interception, surveillance of communications, use of undercover investigators, publication of suspects' photographs and so on. In a number of situations, the judge will play a controlling part in relation to the public prosecutor. For example, the judge will be authorised to instruct the prosecutor to undertake certain evidentiary actions proposed by the defence. If the prosecutor refuses to comply, the preliminary proceedings judge can undertake

211 *NIN*, 9 October 2010. 'Uterivanje anglosaksonske pravde'.

the action on his or her own. Finally, the main hearing or trial will take the form of a contest between the parties before the court based on the principles used in common law countries. Antonijević says that similarities with cases conducted, for example, in the United States and before the ICTY would be visible above all during the main hearing. Witnesses will be put forward and examined by the public prosecutor and the defence, with the court controlling adherence to the rules of examination and evidence presentation; the fact that the court will no longer have to investigate more than is called for in the indictment and later in the appeals will contribute towards expediting proceedings.

The provisions regulating the manner of serving summonses on accused persons who are released pending trial has created quite a few public dilemmas. This relates above all to the provision stating that an accused person will be deemed to have been summoned if the summons is published on the court's website or delivered by e-mail or to a neighbour, the president of the tenants' committee or a colleague at work. The provision has raised many a doubt in view of the social milieu and environment as well as people's lack of skill in operating computers and handling electronic mail. Nevertheless, the accused has only three obligations, two of which are complying with summonses and notifying change of address and current residence to the proper authorities. It is only if the accused breaches this obligation and cannot be found at the known address that the alternative will be used, namely displaying the summons on the court noticeboard or website in addition to leaving notification of the summons at the address supplied by the accused. The objects of this method of service are expedition, prevention of abuse and maintenance of procedural discipline. However, where a decision is made to deprive an accused person of liberty, these methods of service cannot be applied; instead, the court must appoint counsel for the accused if the accused has none.

The time left before the new ZKP enters force in 2012 should be used to review, amend or modify its controversial and vague provisions so that they are adapted to reality. Noting that none of the proposed solutions had been arrived at unanimously, Beljanski said that in his opinion some of them could be amended: 'I'm certainly not an advocate of grouping

an anachronous offence susceptible to political manipulation, such as the criminal offence of abuse of office, among criminal offences which call for special evidentiary actions such as interception and clandestine surveillance. Also, it seems to me that one shouldn't rule out the possibility of arbitrariness regarding the rule permitting the lawyer and the accused to communicate while the latter is in detention; that the probative value of the so-called accidental discovery is set too wide; that extending the surveillance of communications up to one year is excessive; that the criteria entitling the prosecutor to seek information from banks and other financial organisations about accounts and suspicious transactions are set too low. Of course, these are not all new but mostly old provisions taken over from the last amendments to the ZKP,' he said.<sup>212</sup>

Commenting on the apparent intention behind the Draft Criminal Procedure Code to speed up proceedings, Milan Antonijević expressed the concern that this may lead to increased possibility of human rights violations and to mistakes committed in haste, given that the domestic judiciary is used to working at a leisurely pace. Efficiency must on no account come at the expense of justice, there must be no concessions to the courts to help them out of difficulties they are not able to cope with. One should certainly take account of the ability of prosecutor's offices to undertake new investigative responsibilities.

As regards detention of suspects prior to their appearance before the investigative judge, under the Draft ZKP the police will no longer be able to impose 'police detention' up to 48 hours but will have to obtain the consent of the prosecutor. With a view to shortening proceedings, higher courts will be required to adjudicate finally following the second hearing of an appeal. It will be possible to hold summary proceedings even for criminal offences punishable with eight years in prison. Under the proposed legislation, the term *co-operating witness* will be replaced with *co-operating accused* as a more apt term. Beljanski says that 'It isn't logical to call a witness someone who remains accused and on whom a sentence is imposed. One should differentiate between that person's procedural status and the probative character of his or her testimony. Before the giving

212 *NIN*, 9 October 2010. 'Uterivanje anglosaksonske pravde'.

of testimony the prosecutor and the accused will be required to enter into an agreement. It will be up to the court to determine whether the parties' agreement regarding punishment, measure or indemnity is in agreement with the criminal code<sup>213</sup>

Because the Serbian justice system is still undergoing transition, it is difficult to make any in-depth assessment of ongoing reform, especially because the judiciary has only just begun to operate according to the new organisation and procedure. The international community expects this 'third pillar' of power to become independent and stable as soon as possible in order to quicken the EU accession process irrespective of possible political changes in the future. The Serbian judiciary cannot at present be said to be independent and autonomous because there has been no lustration of judges and prosecutors to speak of, both among re-elected and non-re-elected holders of judicial office.

# Confiscation of Illegal Property

## Law on Confiscation of Proceeds of Crime

The Law on Confiscation of Proceeds of Crime, which entered into force on 1 March 2009, was enforced on several occasions in 2010, resulting in the confiscation of immovables and money in the possession of members or leaders of organised criminal groups. Significantly, investigations were initiated under this Law also against persons who had enriched themselves by committing war crimes and engaging in war profiteering.

At a round table under the title 'First year of implementation of the Law on Confiscation of Proceeds of Crime – achievements and challenges', organised by the OSCE Mission and the US embassy in Serbia, Minister of Justice Snežana Malović said that property estimated at some EUR 100 million had been confiscated to date. She said that property whose origin could not be proved legally had been permanently confiscated in two cases by the end of March 2010 on the basis of final judgments.

Malović said that '15 houses, 27 flats, 8 business premises and a large number of cars have been temporarily confiscated in a year'<sup>214</sup> and that some EUR 700,000 and about RSD 2 million had been paid into the account of the Directorate for the Management of Confiscated Property. She said that the effects of the implementation of the Law on Confiscation of Proceeds of Crime had been very good so far and added that under a statutory provision of the Law a portion of confiscated assets must be used to bolster the fight against crime. Malović said that fighting organised crime by property confiscation was important because it prevented perpetrators to 'launder' proceeds through legal transactions and use them to bribe state officials, buy media outlets and control financial institutions. So far,

214 <sup>1</sup>Round table 'First year of implementation of the Law on Confiscation of Proceeds of Crime – achievements and challenges', 30 March 2010, <http://www.mpravde.gov.rs/lt/news/vesti/okrugli-sto>.

practice has borne out the particular importance of financial investigations, she said, given that large portions of illegal assets are not formally owned by the accused but transferred to family members, relatives and friends.

Minister of the Interior Ivica Dačić said that the Financial Investigation Unit had found and collected evidence concerning some 300 flats, houses, business premises and garages, about 100 vehicles, EUR 9 million and RSD 4 million for whose origin there was no legal proof. He said that confiscation of such property was a basic objective of the fight against organised crime because acquiring property illegally and putting it back into legal flows was the main reason for setting up organised crime groups and their principal activity. Dačić said, 'I believe that confiscation of illegal property which is out of proportion with legal income will discourage all potential perpetrators of criminal offences.'<sup>215</sup>

At the end of June, Minister Malović said that the Directorate for the Management of Confiscated Property, a body operating as part of the Ministry of Justice, had confiscated property in two cases. Upon completion of judicial proceedings, the Directorate permanently confiscated a building lot spreading on more than 20 ares in Šilerova street in Zemun (which used to belong to the leaders of the notorious 'Zemun gang'), as well as part of the house of Milorad Ulemek, who was finally sentenced to long prison terms for a number of criminal offences including the assassination of Serbian Prime Minister Zoran Đinđić. The Directorate also keeps possession of temporarily confiscated property of persons charged with organised crime pending final decisions or final judgments of courts. At the time, the Directorate was looking after about 20 houses, 35 flats, 10 business premises, 2 hotels (Putnik and Vojvodina in Novi Sad), the majority block of shares in the trade union holiday resort at Rovinj, the majority block of shares in the company Jedinstvo, a number of restaurants and scores of cars. Malović said that the Directorate had in its account EUR

215 Ibid.

750,000 and about RSD 2 million in temporarily confiscated assets, adding that the sums varied from day to day.<sup>216</sup>

In June 2010 alone, the Directorate collected some EUR 15,000 from renting temporarily confiscated immovables, Malović said and added that such proceeds were used to assist socially deprived population groups by funding soup kitchens and supplying other needs of Serbia's poorest citizens.

The main purpose of the Law is to use money confiscated from criminals and the mafia to both help socially deprived citizens and boost the state's capacity to fight organised crime, she said. She said that property derived from crime may be confiscated permanently or temporarily. Although illegal property may not be permanently confiscated before the final conclusion of criminal proceedings, it may be temporarily confiscated at any stage of the proceedings. An accused person's property is temporarily confiscated if it is believed that its confiscation may be more difficult or impossible at a later date. Property is temporarily confiscated until the conclusion of the proceedings and the end of the financial investigation, after which it may be permanently confiscated by a decision to that effect. People close to an accused person to whom illegal property has been transferred are also subject to confiscation.

Consequently, a number of buildings have been temporarily confiscated by court decisions from persons connected with Darko Šarić, who was charged with smuggling cocaine from South America to West Europe. They include his common-law wife, brother, mother, sister and nephew. Several houses, flats and business premises have also been temporarily confiscated from the daughters, sons-in-law and grandchildren of the former director of the Elektrodistribucija Beograd power company, Branislav Uskoković. The auction opening price for the movable property confiscated from Šarić's houses and premises was set at some RSD 4.5 million. However, the sums offered by the bidders exceeded the opening price several times, with the 100 or so items sold out of the 250 offered fetching

216 *Nezavisne novine*, 26 June 2010, 'Snežana Malović: Poštovaćemo odluku o izručenju Ganića'.

some RSD 10 million. The opening prices were 20% to 40% below the market prices depending on the item.<sup>217</sup>

At the July 2010 press conference concerning confiscation of material gain acquired through crime, Minister of the Interior Ivica Dačić said that the Financial Investigation Unit had in the past year carried out 35 investigations against 323 persons suspected of and charged with criminal offences punishable under the Law on Confiscation of Proceeds of Crime. He said that the investigations encompassed 434 houses, flats, business premises and other premises, 345 cars, motorcycles and goods vehicles and more than EUR 9 million and RSD 20 million.<sup>218</sup>

He said that the European Union and the Council of Europe had decided to help Serbia in its fight against organised crime. The head of the European Commission delegation in Serbia, Vincent Degert, said that the project, worth about EUR 2 million and including equipment worth an additional EUR 500,000, would help to develop the capacity of the Directorate for the Management of Confiscated Property as well as investigation, identification and confiscation of property derived from crime. He also congratulated the relevant ministers on the results achieved in the field so far.<sup>219</sup>

In September, the value of temporarily and permanently confiscated property derived from crime was estimated at some EUR 200 million, with some 20 houses and flats confiscated in the previous month alone, said Minister of Justice Malović.<sup>220</sup> She said that since entering into force a year and a half ago, the Law on Confiscation of Proceeds of Crime had shown itself to be an effective tool in the fight against organised crime. Its greatest achievement, she said, is the fact that companies bought with illegal money have also been confiscated in the last six months.

Malović said, 'On this day when we are summing up the results so far, it is exceptionally important that I can announce that the Special Unit of the Higher Court in Belgrade has decided to temporarily confiscate the

217 Ibid.

218 Vesti RS, 7 July 2010, 'Vrednost zaplenjene imovine 150 miliona evra'.

219 B92, 7 July 2010, 'Na udaru i imovina ratnih zločinaca'.

220 Kurir, 2 September 2010, 'Kriminalcima oduzeto 220 miliona eura'.

Belgrade company Municipum which has shares in many other companies. Municipum was the core company the Darko Šarić criminal clan used for buying immovables and business entities throughout Serbia.<sup>221</sup> She said that Šarić had used Municipum to buy firms through third parties including one of the accused, Nebojša Jestrović.

The plot in Šilerova street which belonged to the leaders of the Zemun gang and the house of Milorad 'Legija' Ulemek in the Belgrade suburb of Cerak were permanently confiscated by court decisions, pursuant to the Law. In September 2010, EUR 726,234 and RSD 1,780,534 ended up in the account of the Directorate for the Management of Confiscated Property with the National Bank of Serbia. The bulk of the confiscated foreign exchange had been in the possession of Dragan Labudović, a member of the Darko Šarić clan (EUR 544,430), members of Šarić's family (EUR 110,000) and Dejan Jezdović of Požarevac (EUR 15,000).<sup>222</sup> By that time the authorities had confiscated a total of 90 cars: 72 belonging to the so-called SMS mafia and the remaining 18, mostly luxury SUVs and saloons, belonging to other large criminal groups, notably those controlled by Darko Šarić and Darko Elez.

The roadworthy vehicles were placed at the disposal of the Financial Investigation Unit of the Serbian Ministry of Internal Affairs (MUP) and to other state bodies. The housing facilities were only formally in the possession of the Directorate because they were still occupied by family members pending final court decisions.<sup>223</sup>

In December 2010, Minister Dačić announced that assets worth some EUR 250 million had been confiscated since the Law entered into force on 1 March 2009. He said that the Financial Investigation Unit had carried out 35 financial investigations encompassing 323 persons and confiscated movable and immovable property consisting of 443 houses, flats, business premises, cars, motor vehicles and luxury furniture, as well as a

221 Ibid.

222 Ibid.

223 Ibid.

large quantity of illegal money. The state is earning EUR 15,000 a month by renting property derived from crime.<sup>224</sup>

### **Confiscation of property derived from war crimes**

In mid-2010, media announced that the state would confiscate property derived from crime from war criminals as well. RTV B92 announced that the 'attention of the public as well as of the investigative authorities in the past year and a half has focused on organised criminal groups. However, war criminals can no longer look forward to enjoying illegal gain once they are released from prison either.' The media stressed that members of the 'Škorpioni' (Scorpions) and of the 'Gnjilane group' would be the first to be investigated. War Crimes Prosecutor Vladimir Vukčević was unable to confirm this but said that a number of persons sentenced to long terms in prison had objected more strongly to the prospect of being deprived of property than to the prison sentences themselves.<sup>225</sup>

Seven members of the paramilitary unit 'Šakali' (Jackals) suspected of murdering Albanian civilians in Kosovo, as well as their relatives, were the first of among war crimes indictees to be affected by the Law on Confiscation of Proceeds of Crime. They are suspected of stealing about 100 vehicles, furniture, electrical appliances, money and jewellery from their Albanian victims. They used the money to buy immovables and business premises and often installed the furniture and electrical appliances in their homes. The suspects will have to prove the origin of the property and will lose everything for which there is no such proof. For instance, the late Nebojša Minić, the 'Jackals' field commander nicknamed 'Commander Death', fitted out his wife's Belgrade flat with furniture stolen from an Albanian family from the village of Breženik. He was suspected of murdering a number of that family's members. The suspects registered the stolen vehicles in Montenegro and then sold them in Serbia. They kept the

224 *Pravda u tranziciji*, December 2010, 'Imovina stečena ratnim zločinima pod finansijskom istragom'.

225 B92, 7 July 2010, 'Na udaru i imovina ratnih zločinaca'.

best vehicles for themselves and their relatives and friends, according to a source of the daily *Blic* close to the investigation.<sup>226</sup>

Bruno Vekarić, the Deputy War Crimes Prosecutor, announced in December 2010 that War Crimes Prosecutor Vladimir Vukčević had ordered financial investigations against 56 persons under the Law on Confiscation of Proceeds of War Crimes. During August and September 2010, the Office of the War Crimes Prosecutor was given 47 instructions to proceed against suspects in connection with war crimes committed in Podujevo, Lovas, Ovčara, Zvornik, Čuška and Trnovo. The prosecutor next ordered financial investigations against five other persons accused of war crimes against civilian population of Roma nationality in the villages of Skočić, Malešić, Petkovci and Drinjača in the municipality of Zvornik. The Office of the War Crimes Prosecutor has charged Simo Bogdanović and four other members of paramilitary units with murdering 23 Roma civilians including a heavily pregnant woman. The accused searched the victims' homes looking for money, valuables and weapons. The indictment states that several of the women, of whom some were raped, were asked to hand over their gold jewellery, money and other valuables.<sup>227</sup>

According to the Office of the War Crimes Prosecutor, plunder and enrichment were the chief motive for going to war of as many as 90% of those who have been processed. As far as this Law is concerned, the Office of the War Crimes Prosecutor is chiefly interested in persons who, according to witnesses, engaged in 'business' during and shortly after the war. They are also said to have been members of networks illegally trading in oil and construction materials. Many of them built houses or bought flats shortly after the operations in which they had taken part.

Persons against whom financial investigations have been instituted have already been given final or first-instance sentences for deporting, holding captive, treating inhumanely and murdering at least 700 Muslim civilians in Zvornik in 1992 and for murdering at least 200 Croatian prisoners at the Ovčara farm near Vukovar on 20-21 November 1991. The

226 *Blic*, 16 March 2010, 'Oduzimanje imovine i ratnim zločincima.'

227 *Pravda u tranziciji*, December 2010, 'Imovina stečena ratnim zločinima pod finansijskom istragom.'

information giving rise to the financial investigation in the case of Čuška was obtained from witnesses who gave evidence during the investigation: a victim said she had been forced to hand over her gold and valuables worth between 4,000 and 5,000 German marks, that the victims had to place all they had on a blanket in front of the 'Jackals', that they had been robbed of money and jewellery, Mercedes and BMW cars, tractors and lorries, and that their documents were torn up.<sup>228</sup>

As regards the Ovčara war crime, the Office of the War Crimes Prosecutor proceeded from the suspicion that the sentenced members of the Territorial Defence of Vukovar and paramilitary units had plundered goods estimated at tens of millions of euro. The financial investigation will establish whether they acquired their capital by taking jewellery and money from the people they later shot and threw into a pit. Crimes of this kind also took place in Zvornik, with individual 'patriots' also stealing property from Serb houses. It is believed that the property obtained in this way was later multiplied as some of the perpetrators joined organised crime chains and acquired scores of houses, business premises, cars and petrol stations.

In the case of Lovas, 14 persons are on trial before the War Crimes Department of the Higher Court in Belgrade. As members of the Yugoslav People's Army (JNA), local territorial bodies and the paramilitary formation 'Dušan Silni', they killed 70 people by indiscriminately opening fire at and throwing hand grenades into yards, houses, cellars and other rooms, killing Croat civilians there and elsewhere and forcing them to walk through minefields. The accused robbed their civilian captives of money, jewellery and other valuables. According to the Office of the War Crimes Prosecutor, plunder and enrichment were the chief motive for going to war of as many as 90% of those who have been processed. As far as this Law is concerned, the Office of the War Crimes Prosecutor is chiefly interested in persons who, according to witnesses, engaged in 'business' during and shortly after the war.<sup>229</sup>

228 Ibid.

229 Ibid.

## The 'Jackals' and their plunder in Čuška village

The accused manifested particular cruelty while committing crimes in the Kosovo village of Čuška. They searched and set fire to Albanian houses and took everything of value including cash, gold jewellery, watches and other valuables. They also took a Peugeot car as well as a 10-tonne lorry offered by a victim as a bribe in return for his son's life. The accused later emptied two houses of furniture and loaded it onto the lorry. They took 300 German marks and gold earrings and rings from one victim, 200 marks from another and 850 marks from a third. One of the accused carved the Serb emblem consisting of four tinder-box steels on a victim's chest with a knife and took 100,000 marks from him to spare the life of his son. The victim was then marched into an outdoor privy where he received bursts from two automatic rifles in his back and died of his wounds later. All the houses in the village, numbering more than 30, were set on fire. Following their 'engagement', the accused handed over the items, money, jewellery, cars and the lorry to the late Nebojša Minić. He kept some of the booty and distributed the rest among members of his unit.<sup>230</sup>

230 Ibid.



# War Crimes

## New Indictments and Trials in Serbia

In early January 2011, it was written on the website of the Serbian War Crimes Prosecutor's Office that the total number of prosecuted persons in Serbia for crimes committed in the territory of the former Yugoslavia was 383, that the total number of defendants was 133 and that the number of "registered" victims was 2,590. In addition, 61 persons were convicted (which means that the final and first-instance judgments were passed) and 13 persons were acquitted. The persons convicted by final judgment were sentenced to a total of 433 years in prison.

Underway are the trials or main hearings for crimes committed in Zvornik against three defendants (charged with killing and torturing at least 13 victims), for crimes committed in Lovas against 14 defendants (charged with killing more than 70 victims) and for crimes committed in Orahovac against a paramilitary group (charged with killing eight persons). Stanko Vujanović, who was already convicted of crimes at the Ovčara farm, is also tried for killing another four persons. Underway are the court proceedings for war crimes committed in Licki Osik against four defendants (charged with the execution of five persons) and for war crimes committed in Beli Manastir against four defendants (charged with killing at least six Croatian civilians). For serious crimes committed in the village of Cuska in Kosovo underway are the proceedings against nine defendants, charged with the execution, torturing and molestation of the civilian population. As for regional legal assistance in gathering testimonial evidence for the war crimes trial, it was stated that cooperation with Croatia was carried out in 30 cases and with Bosnia and Herzegovina in seven.<sup>231</sup>

In September 2010, the Court of Appeal confirmed the first-instance judgment of the District Court's War Crimes Chamber for the defendants

231 Website of the War Crimes Prosecutor's Office: [www.tuzilastvorz.org.rs\\_](http://www.tuzilastvorz.org.rs_) January 2011.

charged with the war crime committed at the Ovčara farm in November 1991 when, after the surrender of the Vukovar Hospital, more than 200 prisoners of war were killed. Under the first-instance judgment, which was confirmed by the War Crimes Council of the Court of Appeal, defendants Miroljub Vujović, Stanko Vujanović, Predrag Milojević, Đorđe Šošić, Miroslav Đanković and Saša Radak were sentenced to 20 years in prison each. A 15-year prison sentence was confirmed for defendant Milan Vojnović, 13-year prison sentence for Jovica Perić, 6-year prison sentence for Milan Lančuzanin, and 5-year prison sentence each for Predrag Dragović and Goran Mugoša. The War Crimes Chamber changed the first-instance judgment for defendant Nada Kalaba by imposing a more severe judgment or, more precisely, by sentencing her to 11 years in prison (she was originally sentenced to 5 years in prison), while the sentence originally imposed on defendant Ivan Anastasijević was reduced to 15 years. Pursuant to the same judgment, the appeal filed by the War Crimes Prosecutor's Office was rejected and the acquitting verdicts were confirmed for defendants Marko Ljuboje, Slobodan Katić, Predrag Madzarac, Vuja Zlatar and Milorad Pejić. According to the finding of the Court of Appeal, the appeals filed by the defence lawyers and defendants whose sentences had been confirmed or increased, were rejected as unfounded, since the first-instance court correctly determined that in their case it was the question of prisoners of war in Vukovar and at the Ovčara farm. "The fact that the prisoner of war status does not arise in an internal armed conflict, such as the one that occurred in the territory of Vukovar, is not relevant for taking a different legal stand, since the first-instance court determined in a reliable way that both parties to the conflict agreed to ensure such a status for captured persons."<sup>232</sup>

In late April 2010, the War Crimes Prosecutor's Office filed new indictments for crimes committed near Zvornik (Zvornik 5 Case) against Sima Bogdanović, Damir Bogdanović, Zorana Stojanović, Tomislav Gavrić and Đorđe Šević. They were charged with killing at least 23 civilians, and raping and molesting Roma women. The crime against Roma in Skocic near Zvornik was committed on 11 July 1992. In early November 2009, five

232 *www.e-novine.net*, 14 September 2010. "Nove presude ratnim zločincima sa „Ovčare“.

persons were arrested on charges of committing a war crime against civilians of Roma nationality in the villages of Skocic, Malesic, Petkovci and Drinjaca, in the Zvornik municipality.<sup>233</sup> Otherwise, this is the first trial for crimes committed against Roma.

In April 2010, the Serbian Prosecutor's Office filed an indictment against Darko Janković a.k.a Pufta from Kraljevo for a war crime against the civilian population in the territory of the Zvornik municipality in May and June 1992. Janković was accused that, as a member of the Pivarski unit of the Zvornik Territorial Defence, committed war crimes at the Celopek Cultural Centre, Ekonomija farm and Ciglana brickworks where he killed at least 13 Muslim civilians, after torturing them both psychically and physically, inflicting bodily harm on them, molesting them and treating them in an inhumane way. Among other things, the indictment states that war crimes committed at the Celopek Cultural Centre on 10 and 11 June 1992, the day before Bayram started, were especially degrading and humiliating. Three members of the Zute ose (Yellow Wasps) and Pivarski units were sentenced to a total of 31 years in prison for war crimes committed in Zvornik, while proceedings against four defendants are underway.<sup>234</sup>

In June 2010, Serbia's War Crimes Prosecutor's Office filed an indictment against four former members of the police of the so-called Serbian Autonomous Region (SAO) Krajina for the murder of the five-member Rakic family in Lički Osik, in Croatia, in October 1991. Defendants Ceda Budisavljević, Mirko Malinović, Milan Bogunović and Bogdan Grujicic are charged with killing Mane Rakic, his sons Dragan and Milovan, daughter Radmila and wife Lucija. Suspecting that they have a radio transmitter and cooperate with the Croatian armed forces, the defendants arrested Mane Rakic and his three children, tied their hands, closed their mouths with adhesive tape, put them in a TAM van and drove them to the Golubnjaca karst pit where they were shot. Their bodies were then thrown into the pit. Defendants Budisavljević, Malinović and Bogunović also shot Lucija Rakic and burned her body, which was found in the burnt-out remains of her cottage in the village of Siroka Kula. The Prosecutor's Office proposed the

233 Website of the War Crimes Prosecutor's Office [www.tuzilastvorz.org.rs](http://www.tuzilastvorz.org.rs).

234 *Radio Free Europe*, 27 April 2010. "Podignuta optužnica za zločin u Zvorniku".

extention of the defendants' detention. The defendants have been in detention since their arrest. The request for an investigation into this crime encompassed six suspects. However, an investigation against two of them had to be suspended, since they are not accessible to judicial bodies.<sup>235</sup>

In June 2010, the Serbian War Crimes Prosecutor's Office also filed an indictment against four former members of the Beli Manastir police for a war crime against the civilian population in the Beli Manastir municipality (Croatia) in the second half of 1991. In the statement issued by the Prosecutor's Office it is written that Zoran Vuksic, Slobodan Strigic, Branko Hrnjak and Velimir Bertic are charged with killing at least six civilians of non-Serb nationality, illegal arrests, violation of bodily integrity, threatening, terror, torture and inhumane treatment of civilians. At that time, they were members of the Unit for Special Operations within the police armed forces of the Serbian Autonomous Region of Eastern Slavonia, Baranja and Western Srem, and all of them are the citizens of the Republic of Serbia. In 2008, the State Attorney's Office of the Republic of Croatia ceded to the War Crimes Prosecutor's Office of the Republic of Serbia the criminal case of the Osijek District Court under the Agreement on Cooperation and Prosecution of Perpetrators of War Crimes, Crimes Against Humanity and Genocide, concluded in October 2006.<sup>236</sup>

On 10 September, the War Crimes Prosecutor's Office filed indictments for crimes in the Kosovo village of Cuska against nine members of the Šakali (Jackals) unit for a war crime against the civilian population, killing at least 43 Albanian civilians on 14 May 1999. The indictment charges Toplica Miladinović, Srećko Popović, Slavisa Kastratović, Boban Bogicević, Zvonimir Cvetković, Radoslav Brnović, Vidoje Koricanin, Veljko Koricanin and Abdulah Sokic with armed assaults and individual acts of violence. They are also charged with threatening with the use of violence, killing, destruction of civilian property, plundering and seizure of personal property for material gain, with the main aim being to spread fear among Albanian civilians, thus forcing them to leave places of residence and move to Albania. They are also charged with participating in rapings and seizure of

235 *www.e-novine.com* 28 June, "Podignuta optužnica za zločine u Ličkom Osiku".

236 *Danas*, 24 June 2010, "Podignuta optužnica za zločine u Belom Manastiru".

personal property – gold jewelry, money and other valuables, and burning family houses. The indictment states that in committing their acts the Jackals showed immense cruelty, brutality, insensitiveness and ruthlessness. The Prosecutor's Office also states that the defendants were taking little children from the rounded-up population, putting a knife to their throats, shooting directly in front of the feet of the civilian population and beating some men in the presence of their wives and children. They are charged with killings in an especially cruel and perfidious way, since they often shot their victims in the back, firing a large number of rounds. They later burned most of the bodies in order to prevent their identification. Under the command of the late Nebojša Minić, they also killed Hasan Ceku, father of Agim Ceku, and several members of his family in the village of Čuška. In the statement of the Prosecutor's Office it is also written that the Interpol wanted list was also issued for another 17 persons suspected of this crime, who are still at large. It is added that this case is part of a comprehensive operation launched by the Prosecutor's Office in connection with the killing of more than 200 Albanian civilians in Kosovo and Metohija. Complete criminal proceedings are the result of an investigation carried out by the Prosecutor's Office of the Republic of Serbia in cooperation with EULEX.<sup>237</sup>

In August 2010, an indictment was also filed against Veljko Maric from Grubisno Polje, who was suspected of a war crime against the civilian population in the village of Rastovac in the region of the Grubisno Polje municipality, in Croatia, in 1991. On 31 October 1991, Maric, a former member of the Croatian Armed Forces, 77th Independent Battalion – Grubisno Polje, broke into the house of the Slijepcević family, in military uniform and armed, and killed Petar Slijepcević in the presence of his wife Ana, firing a number of bullets from his automatic rifle. "During the armed conflict in the region of Grubisno Polje between the Croatian armed forces and members of the Grubisno Polje Territorial Defence in September and October 1991, during the operation known as "Otkos" (Swath), members of the Croatian armed forces launched a series of organized attacks that left more than 30 houses looted and burned". Maric,

237 *Politika*, 11 September, "Podignuta optužnica za ratne zločine u selu Čuška".

who is a Croatian citizen, was arrested at the request of the Prosecutor's Office in Dimitrovgrad, at the border with Bulgaria.<sup>238</sup>

In early 2011, the War Crimes Prosecutor's Office initiated the pretrial proceedings for the execution of 1,800 Bosniaks in July 1995 near Srebrenica. Deputy War Crimes Prosecutor Bruno Vekarić said that in this case it was also planned to carry out a financial investigation: "It is too early to mention the names of suspects, but the role of all those who could be responsible for the crime is investigated". He added that "multidisciplinary proceedings" would be carried out. Apart from a criminal investigation, a financial investigation would also be carried out in accordance with the Law on the Seizure of Property Acquired Through Crime once the legal conditions are created.<sup>239</sup>

The members of the 10th Commando Detachment of the Army of the Republic of Srpska, which was under the direct command of the Hague fugitive Ratko Mladić as the Commander of the Main Staff of the Army of the Republic of Srpska, are suspected of executing 1,800 Bosniaks in July 1995. The members of this Commando Detachment and another 20 army commanders are suspected of being responsible for the mass murder, while the Prosecutor's Office also investigates the role of Ratko Mladić in this crime. The Hague Tribunal has indicted Mladić on charges involving genocide, crime against humanity and violations of the laws and customs of warfare, as well as the plundering of property. Mladić was also an active military officer in the Federal Republic of Yugoslavia until he went into retirement by the decree of the President of the Federal Republic of Yugoslavia, Vojislav Koštunica, on 28 February 2001.<sup>240</sup>

238 *Večernje novosti*, 12 September 2010, "Podignuta optužnica protiv Veljka Marića".

239 *www.B92.net*, 23 February 2011, "1 finansijska istraga o Srebrenici".

240 *www.B92.net*, 23 February 2011, "1 finansijska istraga o Srebrenici".

## The Discovery of a New Mass Grave

A mass grave with the remains of the bodies of some 250 Kosovo Albanians killed during the period 1998-1999 was found in the vicinity of Raska. War Crimes Prosecutor Vladimir Vukčević stated that “the Serbian War Crimes Prosecutor’s Office and representatives of EULEX have jointly discovered a mass grave with the remains of some 250 bodies, most likely belonging to Albanians”.<sup>241</sup> The grave was found near a fish pond not far from Raska, ten or so kilometres from the Kosovo border. The number of bodies in this grave was estimated on the basis of testimony and an analysis of aerial photos. Vukčević said that “this is more proof that Serbia does not shy away from its dark past and is ready to bring to justice all those who have committed crimes irrespective of their nationality or function”.<sup>242</sup>

Deputy War Crimes Prosecutor Bruno Vekarić stated that “this grave was sought after some two years ago, but was not found. We think that we now have the correct location and will do our best to carry out technical realization, exhume bodies and, after the regular procedure, hand them over to their families”.<sup>243</sup> He also says that this discovery in Raska is not related to the recent joint operation of Belgrade and Priština involving an investigation into a possible mass grave in Medvedja: “Since we have a really good communication with EULEX, we will certainly check whatever our colleagues find on the basis of their information. This is something that is supported by the War Crimes Prosecutor’s Office”.<sup>244</sup> He explained that “it is in our interest that these crimes are disclosed, because from a procedural law aspect it is much easier for us in many cases to have the bodies of the victims than to assume how many people were killed.” According to him, this is just another proof that Serbia really wishes to in-

241 *Blic*, 10 May 2010, “Vukčević: Kod Raške otkrivena masovna grobnica”.

242 *Ibid.*

243 *Ibid.*

244 *Ibid.*

investigate all crimes using its democratic potentialities, irrespective of who is the perpetrator and who is the victim.<sup>245</sup>

The mass grave in Raska was found only ten days or so after the visit of the representatives of the Kosovo and Serbian commissions on missing persons, together with local government representatives, to a site in Medvedja, a municipality bordering on Kosovo, which was identified by Albanians as the possible mass grave of Kosovo Albanians. On 30 April 2010, Prenk Gjetaj, Head of the Kosovo Government's Commission on Missing Persons, stated that the Kosovo side had information about the existence of another three mass graves in the territory of Serbia where Kosovo Albanians were buried. He said: "We have been informed that there are three mass graves in Serbia where Albanians were buried during the sanitation of the terrain at the time of the Kosovo war in 1999. One of them is near the village of Tupale, in the Medvedja municipality. The second is in the village of Rudnica near Raska and the third is in Lake Perucac."<sup>246</sup> According to the Red Cross data, 1,862 persons are considered missing.

Deputy War Crimes Persecutor's Office Bruno Vekaric said that the grave in Raska was the sixth mass grave found in the territory of Serbia. He reminded that the mass graves were found in Batajnica near Belgrade, Petrovo Selo, Perucac, Volujak and Gornje Malisevo (in Kosovo), adding that according to the number of victims the newly discovered mass grave was probably the second largest mass grave after the one in Batajnica, which was found in 2001. According to the Prosecutor's Office, there were three primary graves at three sites in Kosovo – at Streliste near Prizren, in Janjevo and in the compound of the Transport Company in Priština, where bodies were buried first. According to the information possessed by the Prosecutor's Office, the victims were exhumed and transferred to the then abandoned quarry in Rudnica, where the Kosmet Put plant is now located.<sup>247</sup>

245 Ibid.

246 Ibid.

247 *Večernje novosti*, 10 May 2010. "Grobница ispod zgrade"?

## The Yellow House Case and Trade in Human Organs

In January 2010, the Serbian and Kosovo media informed that Council of Europe Special Rapporteur Dick Marty was staying in Kosovo as part of an investigation into the possible crimes of the Kosovo Liberation Army (KLA) in northern Albania and would meet with the senior officials of the EULEX mission. The visit of an EC official, writes the Priština daily *Ekspres*, is shrouded in secrecy and its agenda is not known. Marty should investigate the alleged crimes and trafficking in the organs of Kosovo Serbs during 1999, which were mentioned in a book by Carla del Ponte, the former Hague chief prosecutor. Bakim Kelani, spokesman for the Kosovo Police Service, said to journalists that the protection unit would be responsible for Marty's security. The media previously informed that Marty asked to be protected by twenty or so policemen from other countries during his stay in Kosovo. Before coming to Priština, the EC Special Rapporteur stayed in Belgrade for two months, where he talked with Serbian officials about the suspicions over trade in the organs of disappeared and kidnapped Serbs.<sup>248</sup>

In his report, Dick Marty accused the leaders of the KLA of organizing the kidnappings of the people whose organs were removed in Albania in 1999. Marty also states that there is a lot of evidence which confirms that Serbs and Albanians were held in secret prisons in northern Albania under the control of the KLA, and that the international forces in Kosovo did nothing to solve the case despite possessing evidence. Dick Marty also writes that the organs were removed from some prisoners at a clinic in northern Albania near Fushe-Kruje, shipped abroad via Tirana airport and then transplanted into rich clients. Marty claims that concrete evidence of organ trafficking already existed at the beginning of the decade, around 2000, and that the relevant international authorities did not find it necessary to investigate the circumstances in more detail, or investigated them just superficially and unprofessionally.<sup>249</sup>

The weekly *Vreme* published the article of the British daily newspaper *Guardian* that in Dick Marty's report Kosovo Prime Minister Hashim Thaci

248 *Blic*, 19 January 2010, "Dik Marti u tajnosti na Kosovu".

249 *Vreme*, 14. December 2010, "Odgovornost OVK za trgovinu organima."

was identified as the head of the Albanian mafia responsible for trafficking in arms, drugs and human organs in Eastern Europe. Marty also notes that in the aftermath of the Kosovo war Thaci's forces carried out retributions against Serbs, Roma and ethnic Albanians accused of collaboration with the enemy for almost a year. The report was written after a two-year investigation and also contains the data provided by the FBI and other intelligence agencies. In Marty's report, Thaci and four members of the Drenica group are consistently identified as the "key players" in the reports of the intelligence agencies tracking criminal activities in this area. The report also states that Thaci's Drenica group bears great responsibility for the existence of secret prisons and holding people captive in them, including the prisoners transferred to makeshift prisons in northern Albania, where they were killed before their kidneys were removed. "As soon as the transplant surgeons confirmed that they were ready to operate, prisoners were brought from "safe houses". The KLA members killed them one by one or in group and their bodies were automatically taken to the operating 'theatre'".<sup>250</sup>

Dick Marty further writes that there are numerous and serious links between crime and the highest government institutions in Kosovo, which cannot be ignored. He adds that "the basic right of Kosovo citizens is to know the truth, the whole truth, which is also a vital prerequisite for reconciliation in this region and the future of the country". The document directly points to the leaders of the KLA and states that all this took place in the aftermath of the armed conflict in June 1999, before the international forces were able to introduce control into the region and establish the rule of law. According to the report, this criminal activity emerged under chaotic post-war conditions and, at the initiative of some KLA leaders, it is still practised, albeit in different forms, which is shown by the ongoing EULEX investigation into the Medicus clinic. According to the documents of the Serbian War Crimes Prosecutor's Office, to which Vreme had access, the KLA training centres, which also served as secret prisons for captivated soldiers and non-Albanian civilians, existed in the border area of Albania in Tropoja, Kukes, Bairam Tsurri and the Deva Mine, whose corridors lead to

250 Vreme, 14 December 2010, "Odgovornost OVK za trgovinu organima".

Kosovo. In these prisons, according to the War Crimes Prosecutor's Office, "captivated civilians were subjected to torture and cruel treatment, and then to an illegal operation". The clients from Canada, Germany, Poland and Israel used to pay even up to 90,000 euros for one kidney.<sup>251</sup>

In early November 2008, three physicians from the private Medicus clinic were arrested. The clinic officially had a licence to do cardiovascular and urological checkups, while the Kosovo police officials claimed for two years already that there was enough evidence that it was the question of an international chain of criminals using private clinics in Kosovo for the transplantation of organs". Trafficking in the organs of non-Albanians in Kosovo was also the topic of the TV B92 serial "The Secret of the Yellow House". According to the documents obtained by TV B92's Reaction team, prisoners were kept in the military camps, prison hospital and basement of the house known as the "Yellow House" in the village of Riba. "The report by Dick Marty is largely based on the facts provided by the Serbian War Crimes Prosecutor's Office and submitted to Marty", said Bruno Vekarić, Deputy War Crimes Prosecutor. Vekarić expressed his expectation that the Parliamentary Assembly of the Council of Europe would adopt the resolution that would oblige the Albanian judiciary and Kosovo and Metohija authorities to carry out a detailed investigation against Thaci and other persons mentioned in Marty's report.<sup>252</sup>

However, the Special Rapporteur denied such indications. During the preparation of the report he did not use the Serbian and Russian sources. Marty stated: "I can absolutely guarantee that I did not use any Serbian or Russian source in my report". He added that he was surprised that the media laid emphasis on organ trafficking and not other facts from his report: "Insofar as organ trafficking is concerned, I was very clear. I find it a little strange that all attention is devoted to organ trafficking. For me it is important to say that before organ trafficking those people were kidnapped and killed".<sup>253</sup>

251 Ibid.

252 *Vreme*, 14 December 2010, "Martijev izveštaj zasnovan na srpskim podacima".

253 Beta News Agency, 29 January 2011, "U izveštaju nisam koristio srpske ni ruske izvore".

In mid-December 2010, the Committee on Legal Affairs of the Council of Europe Parliamentary Assembly unanimously adopted the draft resolution based on the report of Special Rapporteur Dick Marty. In the text, he describes in detail the findings of his two-year investigation and states that Hashim Thaci was the boss of a criminal network which was engaged, inter alia, in the sale of human organs. The Committee holds that there are concrete and logical indications that Kosovo Serbs and Albanians were held prisoners at secret places in northern Albania and that, before parishing, they were continuously subjected to inhuman and humiliating treatment. In the continuation of the statement issued by the Committee after the closed-door session it is stated: "Numerous indications seem to confirm that in the period immediately after the Kosovo war the organs of some prisoners were removed at a clinic in Albanian territory, near Fushe-Kruje, in order to be sent abroad for transplatation"<sup>254</sup>

Marty's report provoked severe reactions in Kosovo. According to Prime Minister Hashim Thaci, it is "a political pamphlet, prepared in Serbia with the blessing of Russia". In an interview for the Priština daily newspaper *Koha Ditore*, Thaci emphasizes that he has "the arguments, facts and witnesses with respect to the incriminated motives and the way in which Dick Marty's report was made" and that "the report is levelled against Kosovo and that he will present this evidence to the court. Dick Marty knows that. I know that he tries to defend himself by referring to immunity, but his immunity will not last forever". Thaci also said: "I am 40 years old. I'll wait until he loses immunity and then he will face justice. Just as I was patient to endure all insults during these 15 years, I will be patient now and I will wait for Mr Marty to lose immunity"<sup>255</sup>

A few days later, the Rapporteur of the Council of Europe for Kosovo denied mentioning in his report that Kosovo Prime Minister Hashim Thaci was directly involved in organ trafficking. However, the persons from his close circle were involved in organ trafficking, so that is very unlikely that he did not know what was going on: "If you carefully read my report, you will see that I never say that Mr Thaci was directly involved in organ

254 *Deutsche Welle*, 16. December 2010, "Usvojen izveštaj Dika Martija".

255 *Politika*, 24 December 2010, "Tači: Izveštaj Dika Martija pripremljen u Srbiji".

trafficking, but only that the persons from his very close circle were involved. It is hard to imagine that he never heard anything about that.”<sup>256</sup>

Marty also said: “I repeat that, although all of them are focused on the removal of organs, the truth is that there are hundreds of persons whose traces have been lost and that the indications confirmed by EULEX point out that they have disappeared in the direction of Albania, They include not only Serbs, but also Kosovo Albanians. I am not saying that it is the question of hundreds of illegal transplantations, but only of a handful of cases.”<sup>257</sup> Marty emphasized that justice should be equal for all and that both sides should carry out an investigation and added that “the report is very harsh towards Serbs” and that there is no least understanding for crimes committed by Serbs. He also emphasized that “the preparation of this report was not simple because the key witnesses had to be guaranteed an absolute discretion. Those witnesses are afraid. There were witnesses who were threatened and killed. As long as the problem with witnesses is not solved, it will be impossible to apply the law against powerful figures. The judiciary is strong when small fish is in question, but is very weak when big fish is in question and this happens not only in Kosovo.”<sup>258</sup>

In Strasbourg on 25 January 2011, the Council of Europe Parliamentary Assembly adopted the Resolution of Rapporteur Dick Marty in which the international community and the Belgrade, Priština and Tirana authorities were called upon to take measures to elucidate trade in human organs and other crimes committed during and after the Kosovo conflict. The Resolution was adopted by a vote of 169 to 8. Marty proposed adding a section to the Draft Resolution which would elucidate the competences of EULEX and/or some other international judicial body having the authority to carry out investigations, so that their territorial and temporal jurisdiction would be recognized for all crimes related to the Kosovo conflict.<sup>259</sup>

256 *Blic*, 19 January 2011, “Marti: Nisam rekao da je Tači direktno umešan”.

257 *Blic*, 19 January 2011, “Marti: Nisam rekao da je Tači direktno umešan”.

258 *Blic*, 19 January 2011, “Svedoci prestravljeni”.

259 Radio Free Europe, 25 January, “Parlamentarna skupština SE usvojila Martijevu rezoluciju”.

Two days after the adoption of Dick Marty's report on trafficking in human organs in Kosovo, it was still not known whether an investigation would be launched and who would be judicially in charge of this case. Such a decision was not adopted until the end of February 2011 either. Marty himself holds that EULEX is not capable of carrying out an investigation into the facts presented in his report and that this should be decided by Washington and a new ad hoc court. In an interview for *Frankfurtske vesti*, Marty said that, considering the way it worked now, EULEX would not be able to investigate the allegations of organ trafficking in Kosovo and Albania. Namely, he holds that the national and international judiciaries in the region are incapable of protecting witnesses who are brutally murdered. The evidence has been presented, but it is still not known who will go to court with them. For Dick Marty there is no dilemma – an ad hoc judicial institution should carry out an investigation because, as he put it, EULEX cannot handle the case with impartiality<sup>260</sup>

The organization for the protection of human rights, Human Rights Watch (HRW), asked for a credible and independent investigation of the allegations of trafficking in human organs in Kosovo, which should be handled by a special team of experts on crime and corruption. "We ask for an investigation that will be free from political influences, which has a functional programme of protecting witnesses and all those who supply information for the investigation. This team should be led by high-ranking investigators who have the authority and power to obtain necessary information", said Amanda McRae from Human Rights Watch.<sup>261</sup>

Dick Marty's report on organ trafficking stirred emotions both in Serbia and in Kosovo. The media campaign surpassed the regional framework, so that this issue also stirred emotions throughout the World. The report inflicted considerable damage on the Kosovo state and will certainly have an impact on the further process of its recognition, despite the fact that so far no valid evidence has been produced.

The presentation of this report prior to the expected dialogue between Belgrade and Priština was used by the Belgrade print media to raise

260 RTV B92, 27 January 2011, "Ko će istraživati izveštaj Martija".

261 [www.e-novine.com](http://www.e-novine.com), 8 February 2011, "Sprovesti nezavisnu istragu o trgovini organima".

the question of Kosovo's status once again. The whole tone of the media campaign left an impression that Serbia received an unexpected support, which gives it a certain advantage on the eve of the dialogue.

In his report Marty did not explicitly attack Kosovo's legitimacy, but it is known that he strongly opposed Kosovo's independence and the opinion of the International Court of Justice. The complete report is based on the allegations that are not substantiated by evidence and witnesses. The Serbian public, especially the legal one, received his report as the confirmation of all allegations which had previously been presented by the War Crimes Court in Belgrade, for example.

### **Serbian Politics, Politicians and the Condemnation of Crimes**

There is no doubt that the debate on the Declaration on the Condemnation of War Crimes in Srebrenica and its subsequent adoption, on 30 March, were significant for Serbia's political life in 2010 and its attitude towards war crimes. This also applies to the expressed partisan viewpoints preceding the placing of this important document on the agenda of the parliamentary session. Consequently, the deputies in the Serbian Assembly adopted the mentioned Declaration after 13 hours of heated debate, so that out of 149 deputies who remained in the hall 127 voted for the Declaration, 21 were against it and one deputy did not declare himself. The deputies of the list "For a European Serbia" (ZES), G17 Plus, Socialist Party of Serbia (SPS), United Serbia (JS), Party of United Pensioners of Serbia (PUPS) and the club of national minority deputies voted for the Declaration; the Democratic Party of Serbia (DSS) and New Serbia (NS) voted against the document, while the members of the Serbian Progressive Party (SNS), Serbian Radical Party (SRS) and Liberal Democratic party (LDP) did not vote. During the evening session of the parliamentary debate there was a lot of polemic between the opposition deputies and deputies of the ruling coalition, as well as among the opposition parties themselves. Thus, it was also heard from the Radicals that "Ratko Mladić is a hero".

On the other hand, Serbian Progressive Party leader Tomislav Nikolić stated that the aim of the Declaration was to condemn one's own people for everything that had happened and as the only one that had committed crimes. "People do not commit crimes, individuals do", said Nikolić, adding that "Serbia cannot accede to the EU because of its non-adoption of this or similar resolution, but because its factories do not work, the Government is spending unlimited money, officials are corrupted, smuggling flourishes..." DSS deputy Slobodan Samardžić brought into question the number of victims in Serbia, adding that Serbia found itself on the column of shame. Finally, Nada Kolundžija, Head of the Parliamentary Group For European Serbia, stated that the ruling majority wanted to say that the crime was committed, that it was committed by individuals and that any suspicion over the people and the state would be eliminated by determining individual responsibility.<sup>262</sup>

As a "counterweight" to the adoption of the Declaration on Srebrenica or, more exactly, as the condition for its adoption, the Assembly adopted the Declaration on the Condemnation of Crimes Against the Members of the Serb People and Serbian Citizens. The Declaration most severely condemns crimes committed during the armed conflicts in the former Yugoslavia during the 1990s and expresses its regret and solidarity with the victims of NATO bombing; 133 deputies of ZES, SPS-JS, G17 plus, PUPS, SVM and LDP voted for it, while the SRS, DSS, NS and SNS were against it. There was also heated debate over this document, especially over the question – why NATO bombing was not called "crime" in the text, like the suffering of Serbs in Croatia, Bosnia and Herzegovina and Kosovo. The authorities defended themselves that victims should not be segregated, but most opposition deputies stuck to the opinion that by this Resolution NATO was amnestied, while victims were divided into important and unimportant.<sup>263</sup> Serbian Parliament Speaker Slavica Đukić Dejanović stated that by adopting the Declaration on the Condemnation of Crimes Committed Against the Members of the Serb People and Serbian Citizens the Parliament reminded that all victims were equal and also sent a message to the parliaments of the countries in the region to think about that.<sup>264</sup>

262 *Press*, 31 March 2010, "Usvojena Deklaracija o osudi zločina u Srebrenici"!

263 *Večernje novosti*, 14 October 2010, "Usvojena Deklaracija o zločinima nad Srbima".

264 *Blic*, 15 October 2010, "Usvajanjem deklaracije poslata poruka parlamentima regiona".

## Organised Crime in Serbia: Legal Framework, Individual Cases, Agreements, Trials and Judgments

The Special Unit for Organised Crime at the Higher Court (formerly District Court) was set up in 2003 to deal with organised crime which had mushroomed during the previous decade. Such a unit became a necessity because it had been realised that organised crime had deeply penetrated the structures of the state, culminating in the assassination of Prime Minister Zoran Đinđić in March that year. The normative framework for the (joint) hunting down and extradition of members of mafia groups and criminal gangs by the former Yugoslav republics was completed during 2010. It is in these countries that they most often seek refuge as monopatrides thanks to their dual or multiple citizenships. Serbia and Croatia as well as Serbia and Montenegro signed bilateral agreements for the extradition of criminals hiding from justice. These agreements provide for specific forms of cooperation aimed at suppressing and prosecuting organised crime regardless of where the criminals are hiding or are given shelter.

On 20 June 2010, the justice ministers of Serbia and Croatia, Snežana Malović and Ivan Šimonović, signed in Belgrade an agreement on the extradition of own citizens charged with organised crime and corruption.

Implementation of the agreement began from the moment it was signed. As a result, any person suspected of organised crime or corruption staying in Serbia, Croatia or Montenegro, regardless of citizenship, can be extradited to the country where the crime was committed or which seeks his or her extradition.

'This is a clear signal that Serbia and Croatia are sending: there are no more safe houses for Mafiosi in our states,' said Malović after signing the extradition agreement with Croatia. Šimonović said that the agreement

was of historic importance because it reflected the determination of the two states to oppose organised crime and corruption.<sup>265</sup>

Serbia and Montenegro signed the extradition agreement on 30 October 2010. The agreement, signed by Minister Malović and the Montenegrin ambassador in Belgrade, Igor Jovičić, provides for the mutual extradition of citizens suspected of serious criminal offences. This agreement too entered into force on being signed. The criminal offences it covers include organised crime, corruption, crimes against humanity and other goods protected by international law, money laundering and other serious criminal offences, including war crimes, which are punishable by five or more years in prison. Malović said that the 'agreement was signed before the appointed date in view of the ongoing operational investigations which have already resulted in arrests. I expect that we shall have results soon and that the first extraditions on this basis will follow shortly afterwards.'<sup>266</sup> 'The signing of this agreement has removed the obstacles which have encumbered the relations of the two states in the field of legal cooperation in the past year. A big step has been made. [By signing the agreement] Montenegro has shown clearly that it has a political will to come to grips with organised crime,' she said.<sup>267</sup>

Finally, the State Secretary at the Ministry of Justice, Slobodan Homen, said he expected that Serbia and Bosnia and Herzegovina (BiH) would soon sign an agreement on the mutual extradition of citizens, that is, as soon as BiH amends its Constitution. 'As far as BiH is concerned, last year we signed all the agreements except the agreement on mutual extradition of nationals. This agreement is extremely important because many people have both Serbian and BiH citizenship. As far as I know, the main problem concerns the BiH Constitution,' Homen told reporters.<sup>268</sup>

265 Tanjug, 29 June 2010, 'Srbija i Hrvatska potpisale ugovor o izručenju'.

266 Blic online, 30. October 2010, 'Srbija i Crna Gora potpisale ugovor o izručenju'.

267 Ibid.

268 Srna, 22 June 2010, 'Homen: Sporazum o izručenju čim BiH izmjeni Ustav'.

## Extraditions and judicial processes

The notorious member of the 'Zemun gang' Sretko Kalinić was the first Croatian citizen to be extradited to Serbia after the signing of the interstate extradition agreement. A member of the mafia underworld, he had been sentenced in Serbia in his absence to 30 years in prison in connection with the assassination of Prime Minister Zoran Đinđić, as well as to 40 years for his role in 19 killings, three abductions and two terrorist attacks. His name is associated with the liquidation of Cvetko 'Preletač' Simić, whose mangled body was found near a lake in the Zagreb picnic area of Jarun. After more than seven years on the run Kalinić was apprehended in Zagreb on 8 June 2010 after being severely wounded in a shoot-out with another fugitive member of the gang, Miloš Simović. Simović was arrested several days later while attempting to slip across the Croatian-Serbian border. Kalinić was wounded in the stomach and chest in the Zagreb suburb of Rakitje. Following his identification, Serbia requested his extradition on 11 June 2010. The Croatian Minister of Justice signed the extradition ruling on 17 August 2010.<sup>269</sup> Kalinić was sentenced in Zagreb for forging a passport to a year and a half in prison and then extradited to Serbia.

The professor at the Belgrade Faculty of Law, Goran Ilić, said that 'after being acquainted with the content of the judgements, Kalinić may, within six months from the time he became accessible to domestic judicial organs, apply to the Special Court for Organised Crime of first-instance and request a retrial given that he had previously been sentenced in absentia'.<sup>270</sup> Kalinić was briefly suspected in connection with the murder of Croatian journalist and owner of the weekly *Nacional* Ivo Pukanić, but the charges were dropped on the ground that 'it was clear from the very start that assassination by detonating an explosive device is not his style'.<sup>271</sup>

The trial for the murder of Ivo Pukanić and his associate Niko Franić before the Belgrade court for organised crime was keenly watched by

269 Agencies, 25 August 2010, 'Sretko Kalinić izručen Srbiji'.

270 *Blic*, 25 August 2010, 'Kalinić može da traži nova suđenja u roku od šest meseci'.

271 *Tanjug*, 25 August 2010, 'Kalinić izručen Srbiji'.

domestic and foreign media (mostly Serbian and Croatian). After the signing of the agreement between Serbia and Croatia, Serbian Justice Minister Snežana Malović confirmed that the trial of the first accused for this crime, Sreten Jocić, aka Joca Amsterdam, would be completed in Serbia. She dismissed the possibility of his being extradited to Croatia during the main trial. She said that the rest of the accused in connection with the Pukanić murder who are being tried separately in Serbia and Croatia would end up in the states which brought the indictments. Specifically, Jocić is charged with organising the criminal group which murdered Pukanić and Franić on 23 October 2008. The contract, worth EUR 1.5 million, is said to have been concluded by Jocić with a 'still unidentified person'. The Belgrade portion of his gang went on trial before the Belgrade Special Court in late April. The trial is still in progress as of this writing.

Croatian Minister of Justice Ivo Šimonović said that the extradition agreement provides for various procedural arrangements regarding the conduct of criminal proceedings. While in principle a trial commenced in one country should also end in that country, he said, an accused may be subject to an extradition request in connection with another criminal offence.<sup>272</sup>

A panel of the Zagreb County Court has already rendered a judgment against the accomplices and accused for the murder of Ivo Pukanić and Niko Franić in the centre of Zagreb on 23 October 2008. Robert Matanić, Luka Matanić, Amir Mafalani, Željko Milovanović, Bojan Gudurić and Slobodan Đurović were found guilty and sentenced to a total of 150 years in prison. The maximum term of imprisonment of 40 years was imposed on Željko Milovanović, who was tried in his absence. Milovanović, a former member of the Red Berets, is also being tried in Belgrade in connection with the Pukanić murder.

The prosecution claims that besides Jocić, Željko Milovanović and Aleksandar Kuzmanović were also members of the criminal group. Milovanović stands accused of placing the explosive device beside Pukanić's car and Kuzmanović of being tasked with providing the members of the Zagreb

272 RTV Vojvodine, 29 June 2010, 'Srbija i Hrvatska potpisale Ugovor o izručenju'.

portion of Jocić's group with passports to enable them to flee the country after the murder.

Robert Matanić as organiser of the group was given a single 33-year sentence while his brother Luka Matanić and Amir Mafalani were sentenced to 16 years each for assisting in the murder. Gudurić, who was to shoot Pukanić in case the explosive device failed, was given 30 years and Đurović, as go-between between the contractor and the executor received 15 years. The Zagreb trial ended on 3 November 2010.

According to the Serbian indictment, Pukanić was murdered for feeding information to Croatian and Serbian media about the activities of several criminal groups in Serbia and neighbouring countries. Since his arrest in Belgrade on 27 April 2009, Jocić has been in detention at the Belgrade District Court.<sup>273</sup>

## The Šarić case

The name of Darko Šarić, suspected of smuggling of tonnes of cocaine, came to be known during the police operation Balkan Warrior back in October 2009. He and 19 others were indicted in April 2010 on suspicion of smuggling in 2.5 tonnes of cocaine from South America. Special Prosecutor Miljko Radisavljević said that the Šarić gang was the best-organised criminal group ever to be investigated and prosecuted in Serbia.<sup>274</sup> Darko Šarić and Goran Skoković from Montenegro and Željko Vujaković of Kragujevac were charged with organising a group of criminals for the purpose of smuggling narcotics from South America to Europe on two occasions. According to the indictment, the first cocaine consignment weighing nearly 2.5 tonnes was discovered by Uruguayan police in October 2008 and the second, weighing about 235 kg, was discovered near Pisa in Italy in January 2009.

Radisavljević said that 'according to the indictment this group planned and carried out its illegal activities in the territories, above all, of the Republic of Serbia, several countries of the former Yugoslavia, Western

273 *Press*, 29 November 2010, 'Nastavak beogradskog suđenja za ubistvo Pukanića'.

274 *www.B92.net* 13 April 2010, 'Podignuta optužnica protiv Šarića'.

Europe and South America. During the course of last year alone it procured cocaine for illicit distribution in the amount of 2,410 kilograms'. The prosecution requested that the accused be tried in a single trial and that Darko Šarić and six others who are at large be tried in absentia.<sup>275</sup> Radisavljević said that there had never been a better organised criminal group in Serbia and that because of this, as well as in view of the large amount of information available and the large number of accused, the investigation had been split into two: one for cocaine smuggling and another for money laundering.

The latter investigation, he said, concerns the 'placement of illicit income in legal flows, that is, the criminal offence of money laundering, since there are grounds for suspicion that some members of this group had the specific task of legalising illicit income through various financial transactions and investments'. He said that 'because of this, twelve other persons are under investigation, with seven of them in detention, the total number of accused in this criminal proceeding having reached thirty-two'.<sup>276</sup> Radisavljević said that the investigative procedures were still under way regarding both the narcotics smuggling and money laundering. He reiterated that the Šarić group must have had support from inside the institutions and that one should wait for the end of the investigation to see who will find themselves in the dock.<sup>277</sup> Nevertheless, Šarić, who is a Serbian citizen, had no problem in obtaining from the Serbian Ministry of Internal Affairs (MUP) state guarantees which he submitted with his application for release from Serbian citizenship. The Police Department also reacted too late: it was only after the issuance of the wanted notice for Šarić that his business premises in Pljevlja were searched during what many saw as a 'let's-put-on-a-show exercise'. As was to be expected, Šarić was not arrested. The pointlessness of sending out police to the premises was confirmed by none other than the Police Department director, Veselin Veljović, who said that at that time the police were in possession of

275 Ibid.

276 B92, 13 April 2010, 'Podignuta optužnica protiv Šarića'.

277 Ibid.

information that Šarić was hiding in a European country after leaving Montenegro some 10 days before.<sup>278</sup>

More than 3,500 residents of Pljevlja signed a petition in support of their fellow citizen in spite of the fact that Interpol had issued a wanted notice for him for masterminding the operation of smuggling in more than two tonnes of cocaine from South America. As it turned out, instead of being stigmatised for the grave crime attributed to him, he was honoured as a hero and a meritorious citizen by his fellow residents because he had invested much in the area.<sup>279</sup>

In his home town he enjoys the reputation of a capable businessman who has invested large amounts of money locally. 'I will give up my life, but I will not give up Darko!', 'All for Darko, Darko for all!', 'Darko has been and remains the only king', 'Pljevlja is with you!', were some of the numerous slogans and greetings addressed to Šarić by his fellow residents registered on the Facebook. The petition signatories insisted that Šarić was the victim of a media smearing campaign.<sup>280</sup> In February 2010, the Serbian Ministry of Justice said that the 'state is ready, even at the cost of the survival of the government, to investigate everybody who has helped the Šarić brothers to legalise the money'. State Secretary Slobodan Homen said, 'If the Special Prosecutor's Office manages to get hold of specific names of politicians, they will be arrested and tried; and if the fall of the government is the price to pay for Serbia's victory over crime, I think that that's a small price to pay.'<sup>281</sup> He said that no one was obstructing the investigation and that if there were any connections between Šarić and the police, media and political parties, the most important thing would be to find out how high up they reached. Minister of Internal Affairs Ivica Dačić said that Šarić's criminal gang 'could not have smuggled in tonnes of narcotics and legalised huge assets derived through crime without the support of the authorities, political parties, prosecutor's offices and the

278 Radio Slobodna Evropa, 3 February 2010, 'Narko bos se slavi kao heroj'.

279 Ibid.

280 Radio Slobodna Evropa, 3 February 2010, 'Narko bos se slavi kao heroj'.

281 *Press*, 6 February 2010, 'Rešićemo aferu "Šarić", makar pala Vlada!'

police'.<sup>282</sup> At the same time, crime experts warned that the gang had at least a hundred insiders in the state apparatus. The decision to temporarily confiscate part of the immovables and money in the possession of Darko Šarić and his close relatives is all that has been done in connection of the affair so far. Unofficially, the property registered in his name is said to be worth several million euro. Numerous houses and flats registered in the name of his brother, mother, sister and former wife, as well as his two children, will also be temporarily confiscated. The confiscation also applies to bank accounts opened in the name of Šarić's children. Information is also being collected abroad because there are suspicions that Šarić also owned companies outside Serbia. His property in Montenegro is also subject to investigation.<sup>283</sup>

At the very beginning of the affair, the Montenegrin police arrested in Pljevlja Goran Skoković, 38, against whom Serbia had issued a wanted notice on suspicion of directly organising and participating, together with the Šarić brothers, in the smuggling of cocaine from South America to Europe. Skoković was the first suspect arrested by the Montenegrin police since the start of operation Balkan Warrior. He is a Montenegrin citizen and owns two firms trading in food and footwear.<sup>284</sup>

The daily *Politika* wrote that the Special Court in Belgrade had received a letter said to have been written by Darko Šarić. The court's spokeswoman, Maja Kovačević-Tomić, said that the letter was addressed to Siniša Petrović, president of the judicial panel, as well as to the public and that it contained no threats or any delicate information. She declined to say where the letter had been posted.<sup>285</sup>

Darko Šarić's lawyer Zdenko Tomanović was quoted in the same article as saying that the letter was posted in a 'Euroasian country'. He too declined to elaborate. Tomanović said that neither he nor anyone else working in his office had ever seen or heard Šarić. There was no investigation, including graphological analysis, to establish whether the letter

282 Ibid.

283 Ibid.

284 *Press*, 6 February 2010, 'Uhapšen Šarićev ortak Goran Soković'.

285 *Politika*, 2 July 2010, 'Specijalni sud dobio pismo Darka Šarića'.

had actually been written by Šarić. To recapitulate, on 12 April 2010 the Prosecutor's Office for Organized Crime brought the indictment against Darko Šarić and 19 others on suspicion of cocaine smuggling in Serbia, West Europe and South America in the course of 2009. Of the 20 accused in Serbia, seven are at large. Proceedings against three persons suspected of belonging to the group have been separated and are still in an investigation stage, and several persons are under investigation in Argentina.<sup>286</sup>

Šarić had not been arrested by the end of January 2011 and his whereabouts remain unknown or at least undisclosed. Judging by the result of the investigation so far, the indictment and the establishment of the links, there is no doubt that the chain of Šarić's collaborators and accomplices spreads across the territories of Serbia, Montenegro and BiH. The name of a 'controversial businessman' from Croatia suspected of being involved in the narcotics smuggling and money laundering has also been mentioned. According to operational information, the businessman in question, Dražen Golemović, 36, is closely connected with Šarić and his business activities. The Croatian Bureau for Combating Corruption and Organised Crime (USKOK) has issued an international wanted notice for Golemović in connection with a large number of serious criminal offences in the field of economic crime.<sup>287</sup>

### **Criminal connections: Stanko Subotić and Darko Šarić**

How well 'controversial businessmen' charged with serious crimes are connected behind the scenes – but no doubt with the knowledge of some highly-placed politicians at all levels of power – is borne out by the fact that they are able to cross international borders and engage in business freely.

Many experts in this field believe that Šarić was able to establish himself as a top businessman in Montenegro thanks to his direct links with

286 Ibid.

287 *Nezavisne novine*, 19 June 2010, 'Priveden Šarićev poslovni partner zbog Dačića'.

Stanko 'Cane' Subotić, the Serbian businessman wanted by Interpol. His friendship is said to have begun in Serbia. In spite of the fact that Šarić was born in Pljevlja, it was Subotić who helped him to take control of the Montenegrin market. After encountering problems in Serbia which could have led to confiscation of his property, Subotić began to sell off part of his possessions and let Šarić take over. One of the most notorious cases of shady deals concerns the company Futura plus and is still shrouded in mystery. Šarić's business acumen earned Subotić's unlimited confidence. Certain Montenegrin opposition leaders claim that the two were seen in Pljevlja together on several occasions, and that long after the Interpol issued an international wanted notice for Subotić. Police who searched one of Šarić's houses in the Novi Sad suburb of Tatarsko brdo discovered several expensive Harley Davidson motorcycles. They established that one of them belonged to Subotić on the basis of a vehicle registration document issued in his name.<sup>288</sup>

Nebojša 'Joksa' Joksović, a witness and former close associate of Šarić, told the Special Court for Organised Crime that Šarić had been financing Subotić with money earned from selling drugs. Joksović explained in detail how the cocaine was sold and the money laundered. Other than mentioning Subotić, who has been charged in Serbia with cigarette smuggling and is on the run, Joksović spoke about the criminal activities of the Šarić group and identified a number of persons involved in cocaine smuggling and other activities of Darko Šarić.<sup>289</sup>

In 2007, the Special Prosecutor's Office for Organized Crime brought an indictment against Subotić for cigarette smuggling. Charges were also brought against 14 other persons. According to the indictment, the group had obtained material benefit to the amount of DEM 56 million and nearly USD 8 million during the 1990s. The former director of the Federal Customs Administration, Mihalj Kertes, is one of the accused. 'This indictment demonstrates clearly the operation of financial organised crime and

288 *Revija D on line*, 10 February 2010, 'Pošto ga je Srbija spriječila da dobije crnogorsko državljanstvo, pljevaljski biznismen pobjegao u Ženevu.'

289 *www.Inedx.hr*, 10 January 2010, 'Svjedok: Darko Šarić finansirao Stanka Subotića novcem od šverca kokaina.'

its connections with the structures of the state – the then Federal Customs Administration and the then Ministry of Internal Affairs,’ said spokesman for the special prosecutor’s office Tomo Zorić.<sup>290</sup> The trial of the Subotić group started in May 2008 and Subotić himself was arrested in Moscow in April the same year. The Moscow prosecutor announced that the Serbian Ministry of Justice’s request for Subotić’s extradition had been rejected because, under Russian law, his prosecution was time-barred. Subotić was released. According to Serbian investigative authorities, Subotić and Šarić have been in touch with each other in the last two years and especially over the past year. The authorities say that the two met several times in Montenegro, Switzerland and France. Subotić was tracked down during investigating the laundering of money earned from the sale of cocaine. The two met most frequently in Montenegro – in Subotić’s villa ‘Montenegro’ on Sveti Stefan island and in the Hotel Splendid in Bečići. Their cooperation was intensified after Šarić began to launder drug money in Vojvodina.<sup>291</sup>

Subotić said that he had been introduced to the Šarić brothers by Marko Mišković, son of the Serbian tycoon Miroslav Mišković, and that the brothers had visited him in Geneva on a number of occasions. He said that Marko Mišković was the brothers’ ‘close mate and friend’ and admitted that he himself had had business deals with Darko Šarić.

At the end of 2011 it was announced that the Italian judiciary had granted the request of the Montenegrin judicial organs to refer to it the case against Darko’s younger brother, Duško, who had been accused of cocaine smuggling. The Podgorica daily *Dan* wrote that Italy would transmit the case file to the Montenegrin state prosecutor’s office so that it could bring an indictment against Šarić. The daily wrote that Italy had granted the Montenegrin authorities’ request in order to prevent delays in dealing with the case because, as a citizen of Montenegro, Duško Šarić could not be

290 *www.B92.net*, 5 December 2007. ‘Optužnica protiv Stanka Subotića.’

291 *Blic*, 20 December 2010, ‘Cane se sastajao sa Šarićem na Svetom Stefanu i u Švajcarskoj.’

extradited to Italy. Duško Šarić was arrested in Pljevlja in November 2010 on the basis of an Italian wanted notice and has been in detention since.<sup>292</sup>

### **The case of Brankica Stanković**

Brankica Stanković, a journalist with TV B92 and author of the TV serial *Insajder* (The Insider), has been receiving life threats for several years for blowing the whistle on a criminal milieu involving politicians and tycoons from various political, economic and sports segments of the Serbian state and society. Other than violating the freedom of speech and information, the attacks on Brankica Stanković testify to the disorientation of the judiciary and its impotence to protect constitutionally guaranteed values and whistleblowers who point to violations of the Constitution and the law. Although the trials in connection with the serious threats made to the journalist are not taking place before the court for organised crime, there is no denying that the suspects are not 'free agents' but rather persons enjoying the support of the underworld and/or certain state structures or government officials connected with the underworld.

A chronology of the threats made to Stanković and their judicial epilogues is a good illustration of the state of the Serbian judiciary. While in some cases brutes who make threats to persons acting in an official capacity (in this case a journalist) are seen off from a court with apologies (from First Municipal Court judge Jelena Milinović), in other courts they are given prison sentences.

On 22 April 2010 the First Basic Court in Belgrade dismissed the charges against six supporters of the football club Partizan and found them not guilty of endangering the safety of Brankica Stanković by chanting threats against her during the Partizan-Shakhtar Donetsk match on 16 December 2009. The fans were released from the detention facility in which they had been kept since the match, during which they chanted 'You're dangerous like a snake, you'll end up like Ćuruvija' (Slavko Ćuruvija, Serbian journalist and newspaper publisher who was brutally murdered in Belgrade in 1999). The fans also tossed about and punctured an inflatable rubber

292 B92, 31 January 2011, 'Italija ustupa slučaj Duška Šarica'.

effigy of Stanković. The judicial panel presided over by judge Milinović concluded that the chanting ‘contains no qualified and serious threat which might endanger the security of Stanković’. The judge also said that the accused ‘ought not to have been placed in detention in the first place’ because the criminal offence in question amounted to an ‘insult [made] at a public gathering’. At the end of the trial Stanković was given ‘legal advice’ to bring a private criminal action for insult.

Lawyer Srđa Popović observed that ‘half of Serbia applauds judgments setting free hooligans. There is fear among the judges because the state is sending them clear signals that it cannot protect them.’<sup>293</sup> Vesna Rakić Vodinelić, a professor at Union University, agreed that ‘there is no evidence that judgments like these will have an ameliorating effect, that is, that they will pacify the maniacs. There is no cause for optimism regarding the security of journalists, passers-by, society in general.’<sup>294</sup>

On the following day after the match, at which the threats to Stanković were witnessed by the whole stadium as well as by the TV audience, the arrests were made of Goran Klještan, 33, leader of the Shadows fan subgroup, Aleksandar Perišić, 28, and Milan Gudović, 23. This was followed by the arrests of Nemanja Bogdanović, 22, Nemanja Odalović, 19, and Army of Serbia lieutenant Dragan Đurđević, 27, leader of the Brain Damage fan subgroup. The republic Prosecutor’s Office demanded that both subgroups be banned. Tomo Zorić, spokesman for the Republic Public Prosecutor’s Office, said the court’s decision had come as a great surprise. ‘We’re certainly going to lodge an appeal. We’ll wait and see what the court decides later. We expect that the [original] decision will be reversed. We’re firm in our position that the matter concerns endangerment of the security of journalist Brankica Stanković. That was the first indictment treating an attack on a journalist as an attack on an official person and a sign that the state wants to protect journalists.’<sup>295</sup> Zorić said that a person threatening to attack a person carrying out duties of public importance in the field of information was liable to prison from one to eight years and that in his

293 Ibid.

294 E-novine, 28 April 2010, ‘Pola Srbije aplaudira oslobađanju huligana.’

295 Blic on line, 24 April 2010, ‘Razrešiti sudiju koja oslobađa huligane.’

opinion what took place at the stadium constituted endangering the security of the author of the serial.<sup>296</sup>

Stanković did not accept the court's advice to bring a private criminal action. 'I've no intention of bringing an action against hooligans for insult because I consider the chanting of "you'll end up like Ćuruvija" a threat. After all, since they are a big problem for this society and state rather than my personal problem, I don't see any point in waging a private war of my own. It is the state which should and must deal with all those who endanger a person's security in any way,' she said.<sup>297</sup> Stanković added that dealing with the legal side and actions would be entrusted to the channel's lawyers. As a result of the many threats she had received, she was given police escort. She said that she was not concerned for her safety following the release of the accused. 'Responsibility for anything that may happen not only to me but to other journalists doing their jobs will be borne entirely by the competent institutions in this state. Let the representatives of these institutions think about what they are a party to and what kind of atmosphere they are creating in a state in which there have been so many murders,' she said.<sup>298</sup>

The Belgrade Appellate Court reversed the ruling of the First Basic Court dismissing the charges against the six Partizan supporters. It established violations of criminal procedure provisions and found the operative part of the first-instance ruling incomprehensible and contrary to the reasons cited in the explanation. The First Basic Court then sentenced Miloš 'Kimi' Radisavljević, a Partizan supporter, to 16 months in prison for endangering the security of Brankica Stanković.

In September the Appellate Court confirmed the 15-month prison sentence against another supporter, Stefan Hadži Antić, who had been charged with the same offence. Hadži Antić was found guilty for having made threats, in a state of full responsibility, against the life and limb of Brankica Stanković by sending messages to this effect on the Facebook so-

296 Ibid.

297 Ibid.

298 *Blic* on line, 24 April 2010, 'Razrešiti sudiju koja oslobađa huligane'.

cial networking website on 5 December 2009.<sup>299</sup> On 26 April 2010, the Basic Court in Novi Sad sentenced Vladimir Sardžić to three months in prison for making death threats to Stanković on Facebook.

## The case of Brice Taton

Sports fan groups in Serbia, as events have shown, are mostly linked to various forms of (organised) crime and are the perpetrators of numerous criminal offences. The brutal murder of the French citizen Brice Taton, 28, in Belgrade on 17 September 2009 ranks among the worst outrages committed by these hooligans. On 25 January 2011, the Higher Court in Belgrade found 15 attackers belonging to the Partizan football fan group guilty and sentenced them to a total of 240 years in prison. The organisers of the attack, Đorđe Prelić and Dejan Puzigaća, were sentenced to 35 and 32 years respectively, and Ljubomir Marković and Ivan Grković to 30 years each. Eight others were given sentences ranging from 12 to 14 years while another, Vladimir Bošković, accused of aiding the perpetrators, was given a two-year suspended sentence.

The indictment brought by the Belgrade Higher Prosecutor's Office on 18 January states that Taton, who had come to Belgrade to cheer his side Toulouse, was thrown from the top of a staircase near a public garage in the centre of Belgrade. The attack on Taton and other Toulouse fans, the indictment states, was organised by Ivan Grković, 29, leader of the sports fan group Iriducibili, Đorđe Prelić, 26, and Ljubomir Marković, 30, both leaders of the group Alkatraz and a still unidentified leader of the group Rebels. They instructed the other accused by mobile phone to gather in the central Terazije park. Puzigaća, 28, handed out torches and bats and Vladan Suvajac, 22, surgical masks. Prelić, Marković, Grković and Puzigaća proceeded to coordinate the attack on the French fans by mobile telephones and directed everybody towards the Irish Pub cafe on Obilićev Venac street. The attackers first began to smash furniture in the cafe and then chased and caught up with Taton, whom they beat with fists, feet, bats, flaming torches, chairs, ashtrays... In the end they threw him from

<sup>299</sup> *Blic*, 16 September 2010, 'Potvrđena presuda za pretnje Brankici Stanković'.

the top of the staircase on to the concrete 50 metres below. He suffered massive injuries and died of them on 29 September. French fans Philip Maury and Raymond Cazedevand, and Aleksandar Jakovljević, an Irish Pub waiter, were slightly injured.<sup>300</sup>

In its reasons for the judgement, the court says, after analysing the evidence and deciding to exercise judicial discretion, that it does not accept the allegation of the prosecution that the accused perpetrated the crime with premeditated intent; it also says that while accepting the consequences of their action they had not planned to commit murder. The Republic Prosecutor's Office spokesman, Tomo Zorić, said that the prosecution was satisfied with the judgment and that it served as proof that justice is attainable. He said that the judgment was proof of the efficiency of the Serbian judiciary, which had demonstrated that it is possible to complete proceedings and render a judgment of first instance in a highly complex case in only seven months. He also said that the judgment served as a 'warning that something like that must never happen again'. The lawyer for the Taton family, Slobodan Ružić, said that 'there are too many people who are a bit afraid'. Although the parents can hardly be said to be satisfied, he said, they consider the judgment 'adequate' and will ask the Serbian state to pay EUR 200,000 in non-material damages for not having provided foreign nationals with adequate protection.<sup>301</sup>

Đorđe Prelić, who was sentenced to 35 years, is mentioned in the 2009 request of the Republic Public Prosecutor's Office to the Constitutional Court to ban extreme fan groups. The request to ban 15 fan groups and subgroups, mainly supporters of the Red Star and Partizan clubs, was made on 16 October by the then republic prosecutor, Slobodan Radovanović, with the explanation that their activities were aimed at the violent overthrow of the constitutional order. In early December the Constitutional Court delayed a decision on the request and there have been practically no developments since. Prelić and Ljubomir Marković, who was sentenced to 30 years, are the leaders of the Partizan fan subgroup Alkatraz while

300 *Blic*, 25 January 2011, 'Četvorici prvooptuženih od 30 do 35 godina zatvora za ubistvo Brisa Tatona'.

301 *Večernje novosti*, 25 January 2011, 'Ubicama Tatona 240 godina zatvora'.

Ivan Grković, also sentenced to 30 years, is at the head of the subgroup Iridučibili. In the last eight years, the police have filed some 40 criminal complaints against Prelić for various offences including violent behaviour, illegal possession, manufacture and trafficking of weapons and explosive devices, illegal production and trafficking of narcotics and grand larceny. He was sentenced only once, in 2003, to six months for selling narcotics.<sup>302</sup>

In early February 2011, Minister of Justice Snežana Malović confirmed that she and the Belgrade Higher Court judge Mirjana Ilić had been receiving threats in connection with the Taton judgment. Malović requested that judge Ilić be given full protection at once. 'I am used to receiving threats. However, every holder of judicial office who has demonstrated competence and courage to convict those who have tried to destroy society's fundamental values must be protected,' she said. Malović has also been given police protection. Asked why there had been no ban on extreme fan groups so far, Malović replied that 'one gets the impression that the Constitutional Court shies away from "sensitive cases"'. She added that she expected the Constitutional Court to become much more efficient once its new president was elected and that cases which had been pending for years would soon get an epilogue.<sup>303</sup>

302 Ibid.

303 *Blic*, 4 February 2011, 'Snežana Malović: Dobijam pretnje zbog presude za ubistvo Brisa Tatona'.



## **IV – THE MECHANISMS OF STATE REPRESSION**



## Army Professionalization: the Greatest Achievement

Only a year and a half ago the chief planners of reforms of the Army of Serbia (VS), as well as of the defence system as a whole, were highly sceptical about the possibility that professionalization, a key army reform process, can be carried out before the end of 2011. However, the results have exceeded expectations: the last draft of young recruits was dispatched to serve their six-month military service in December 2010.

Explaining a number of legislative proposals including a draft decision on suspending compulsory military service, Minister of Defence Dragan Šutanovac told the National Assembly on 30 November 2010 that the ‘professionalization of the Army of Serbia has been one of the most comprehensive reforms in the past period’. As part of this process, he said, ‘the strategic framework has been rounded off, military education and health care have been improved, women have for the first time been admitted to the ranks of professional soldiers, a Defence University is expected to be set up, legislation on the security and intelligence military agencies has been adopted, intensive international cooperation has been established.’<sup>304</sup>

For this accomplishment Šutanovac was proclaimed ‘reformer of the year’ by the National Alliance for Local Economic Development (NALED).<sup>305</sup> In its explanation for the award, NALED cited inter alia that the ‘professionalization of the Army of Serbia has been one of the largest and speediest reforms in 2010’; ‘the defence industry has been promoted’; ‘the conclusion of international contracts worth USD 1.2 billion has opened possibilities for new investments, with Serbia becoming the largest exporter in the field of defence industry in South East Europe. All this has

304 Radenko Mutavdžić, ‘U vojsku samo dobrovoljno’, magazine *Odbrana* No 126, 15 December 2010, pp. 6 – 8.

305 A. Petrović, ‘Za bolju Srbiju’, *Odbrana* No 126, 15 December 2010, p. 8.

contributed to the strengthening of the reputation and economic power of our country'.<sup>306</sup>

The momentum of Serbia's military industry, especially during 2010, was another achievement worthy of note from both military and economic points of view. This is all the more noteworthy given the state of the Serbian economy in 2010, with exports slumping almost to a disastrous low. 'At one time it seemed as though Serbia's defence industry<sup>307</sup> would slowly cease to exist because large production runs are no longer in demand and state orders were not guaranteed. The best advice offered abroad was to have seminars on how to turn factories into warehouses or parking lots, and then call that a transition process...'<sup>308</sup>

In March 2010 the Military Academy celebrated its 160th anniversary. This provided an occasion to extend the celebration to the whole army and the Ministry of Defence. On the eve of Military Academy Day, 18 March, Šutanovac said that Serbian military education 'is already leader in the region and a very important factor of our foreign policy...'<sup>309</sup> On the same occasion, the head of the Military Academy, Brigadier-General Dr Mladen Vuruna, said, 'Established 160 years ago as a small school attached to the factory in Kragujevac, we have grown into an institution which has capacity and resources for top-quality instruction and guarantees the best training of cadets, future officers, for all three missions...'<sup>310</sup> However, the occasion was not used to mention, at least in passing, the fact that that very Military Academy had educated officers with a record of great brutality, especially during the 1990s wars in the former Yugoslavia.<sup>311</sup>

306 Ibid.

307 One gets the impression that the officials would not like their products to be regarded as something designed for war and killing, as though ordnance turned out by the Serbian military industry will be more humane if concealed in the term 'defence industry'.

308 Aleksandar Radić, 'Nesvrstana braća', *Odbrana*, No 116, 15 July 2010, p. 39.

309 Dragana Marković and Rade Dragović, 'Čast je naša imovina', *Odbrana* No 109, 1 April 2010, pp. 10 – 13.

310 Ibid.

311 S. Sikavica, 'U ime oficirske časti', *Danas*, 27-28 March 2010.

It had been expected that the country, including its armed forces, would mark the 65th anniversary of the victory over fascism adequately. However, a segment of the public gained the impression that Serbia was ashamed of its antifascist past because the marking of the anniversary boiled down only to: regret because representatives of the VS were not invited to participate in the victory parade in Moscow;<sup>312</sup> the laying of wreaths at monuments to Red Army soldiers; the opening of 'part of the permanent exhibition devoted to the Second World War' at the Military Museum in Belgrade's Kalemegdan fortress.<sup>313</sup>

In January 2010, 200 Serbian intellectuals called for an urgent referendum to let 'the people decide' whether Serbia should join NATO.<sup>314</sup> The real objective of the drive was to slow down Serbia's progress towards the European Union.

At the end of 2010, following an unsuccessful lawsuit against the Israeli firm Image Sat over a 45-million-dollar deal to rent a spy satellite from it (Serbia had tried to back out of the deal), Serbia was ordered to pay Image Sat 'only' USD 27.8 million in spite of the fact that it never used the satellite (the 'Satellite affair').<sup>315</sup> A number of media outlets and analysts sought to portray the outcome of the lawsuit as a 'gain' instead of denouncing the colossal blunder committed by the country's irresponsible officials.<sup>316</sup>

One noticed that, from the point of view of security, Kosovo and the situation in the south of Serbia received very little attention from Serbian media in 2010. This does not necessarily mean that security in Kosovo and the south of Serbia had improved; what is more likely is that in this regard the media, which are almost completely controlled by politics, had been

312 Miroslav Lazanski, 'Naša manija veličine', *Politika*, 15 May 2010.

313 D. Glišić, 'Istina kojom se ponosimo', *Odbrana*, No 112, 15 May 2010, p. 19.

314 Editorial text, 'Traže referendum o ulasku u Severnoatlantsku alijansu', *Danas*, 12 January 2010.

315 B. Cvejić and I. Pejčić, 'Građani plaćaju greške vlasti', *Danas*, 30 December 2010.

316 B. Cvejić and I. Pejčić, 'Građani plaćaju greške vlasti', *Danas*, 30 December 2010.  
Bilbija, 'Srbija uštedela 12 miliona evra u aferi "Satelit"', *Politika*, 30 December 2010.

instructed by state political and security centres to report only so much and no more.

### **Professionalization, nostalgia for military traditions and sheer politicking**

Announcing the key tasks of the Ministry of Defence and the VS for 2010, Minister of Defence Dragan Šutanovac told a news conference in late 2009, 'In line with the project developed in 2003, our wish is to fully professionalise the Army of Serbia in accordance with the financial possibilities by the end of next year. I am convinced that we can do that.'<sup>317</sup> Other than adopting the Law on Amendments to the Law on Military, Work and Material Obligations and the Law on the Ratification of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (as amended on 3 May 1996) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, the Serbian Parliament adopted on 15 December 2010 the Decision to Suspend Military Service Obligation.<sup>318</sup> The Decision was to be implemented as of 1 January 2011.

On 18 December 2010, the Chief of General Staff, General Miloje Miletić, attended the swearing-in ceremony at the Third Training Centre in Jakovo for the last class of youths required to fulfil their military service obligation. In his welcoming address to the recruits, the general said, 'For our people, defence of the fatherland has always been a matter of honour and something more than an obligation; that the military uniform is deeply woven into the traditions of our people is also evidenced by the fact that turnout among this last generation of soldiers required to do their military service by law has been almost one hundred per cent.'<sup>319</sup>

317 Vladimir Počuć and Aleksandar Petrović, 'Glavni cilj u 2010 – profesionalizacija Vojske Srbije', *Obrana* No 103, 1 January 2010.

318 Official Gazette of the Republic of Serbia, No 95/10, 17 December 2010.

319 Biljana Miljić, 'Računamo na dobrovoljce', *Obrana* No 127, 1 January 2011.

The general's words clearly reflect a strong nostalgia for a very long military tradition in Serbia. Although the Chief of General Staff had not opposed the professionalization of the army, he had expressed doubts, even in public, about the wisdom of the decision to abolish compulsory military service. When asked, in an interview with the Belgrade daily *Politika* in February 2010, 'Are you quite certain that abolishing military service is the right thing to do?', Miletić replied, 'Speaking as a soldier, I wouldn't abolish it. I'm a professional and it's hardly likely that any one of us would reply differently. But that's a matter of assessments and political decisions. As far as we're concerned, a temporary freeze on compulsory military service is a more acceptable measure than total abolition of compulsory military service... There are military challenges concerning our southern province. This obligates us to make serious assessments and maintain the necessary level of operational capacity. We must have a strong army on which the state can count.'<sup>320</sup>

Although General Miletić and, by all accounts, quite a number of like-minded persons hold that compulsory military service should not have been abolished, they have not done anything to obstruct the army's professionalization in practice. In view of the existence of negative positions among commissioned and non-commissioned officers on abolishing the recruitment obligation, one must appreciate the audacity and delicacy of the decision to do so; most credit for this is due to Minister Dragan Šutanovac, the prime mover of all initiatives and activities aimed at the legalisation and realisation of professionalization. Prior to this, Serbia had a compulsory recruitment system as a means of replenishing its armed forces for over 127 years. Throughout this period the patriotic type of conscript soldier was the foundation of the organisation of the Serbian army and the principal source of its moral strength. Up till now, the send-offs of recruits and swearing-in ceremonies have been celebrated as major holidays. The patriotic type of conscript soldier (both recruits and other persons liable to military service) played a major role in Serbia's wars with Turkey and other armed conflicts of a liberation character.

320 Milan Galović and Tereza Bojković, 'Spremni smo za slanje borbenih jedinica u misije', *Politika*, 14 February 2010.

In late January 2010 the appropriate government institutions received a Draft Doctrine of the Army of Serbia<sup>321</sup> written by General Petar Đornakov, chief of the Department for Training and Doctrine of the Ministry of Defence. 'The doctrine of the Army of Serbia is the highest doctrinal document which provides answers to important questions such as organisation, preparation and concept of using the army. The doctrine determines how Serbia will use military force in response to contemporary security challenges and threats, taking into account the time in which we live. The doctrine of the army also constitutes...the theoretical basis for changing the thought patterns of its members, which, in my opinion, is the most important segment of the modernisation of the Serbian army,' he said.<sup>322</sup>

The 'patriotic' elites, who still survive by touting a defeated nationalist ideology, are persistent critics of the professionalization of the VS. They are accusing its architects, Minister Šutanovac and his team of collaborators, of implementing professionalization 'under the dictation of America' and saying that the abolition of compulsory military service means the 'destruction of the Serbian army' and therefore the 'disappearance of the Serbian state, because there can be no state without an army'.<sup>323</sup> Prominent among these 'interpreters' of army professionalization is a group of retired generals, comrades-in-arms close to the ICTY convict Nebojša Pavković. One of them is Božidar Delić, a member of the Serbian Progressive Party (SNS) and of the parliamentary Committee for Defence and Security.

The Serbian intellectual elites are playing a key ideological part in this 'patriotic' drive. For instance, in an interview with the daily *Večernje novosti*, academician Matija Bećković was asked whether one could speak of dignity at the present day. 'Such notions date back to times long past when

321 Under Article 11, paragraph 3 of the Law on Defence, the Doctrine of the Army of Serbia is adopted by the president of the Republic on the proposal from the minister of defence.

322 Vladimir Počuč, 'Preslišavanje vremena', *Obrana* No 108, 15 March 2010, pp. 16 – 19.

323 Dr Vojislav Koštunica's pet phrase dating back to the time when he was supreme commander of an army which had Nebojša Pavković as its leading general.

unfortunate men were proud to go into the army. “Fortunately”, military service has been abolished, with such stuff and nonsense as fatherland and dignity also gone with it as part of the same package,’ said Bečković on a rather sarcastic note.<sup>324</sup>

In connection with the parliamentary debate on the abolition decision, Miroslav Lazanski, a leading politico-military commentator, chose a ‘humorous’ approach: ‘A young lady and an MP tells the house of the Assembly of Serbia that she’s proud of the Army of Serbia reforms. She sticks out her pretty chin and, focusing her blue eyes straight at the minister of defence, she delivers a proper erotic speech in celebration of new Serbian weapons and of the new defence concept which does away with recruits, making us all the safer for it...’<sup>325</sup>

The dramatist Siniša Kovačević did not beat about the bush in his lamentations: ‘The lobbying on the part of some ministers goes beyond the limits of decency. By abolishing the army they are intentionally disregarding the fact that the army, together with the Church, is the mainstay of Serb identity – there are over two thousand songs about the army in Serbia; the army is not there only to defend the fatherland – the army helps one to become a man, to learn about people and the world, to acquire friends, to learn new skills and trades, to learn how to defend the sacred thing before being included in the reserve corps: [quoting a song] “Mother, I won’t have for a sweetheart a man who’s not fit to be king’s soldier.” As a friend of mine from Šumadija said, the army is there to make a Serb of you.’<sup>326</sup>

## The attractions of voluntary military service

The critics of the professionalization of the VS are using the media for persistent propagation of the falsehood that ‘military service’ and consequently of the ‘Serbian army’ itself are being abolished. They are intentionally clouding the issue, which actually concerns the Decision to

324 Interview with M. Bečković, *Večernje novosti*, 29 November 2010.

325 Miroslav Lazanski, ‘Kakav dan u Skupštini’, *Politika*, 4 December 2010.

326 [www.dss.org.rs](http://www.dss.org.rs), 22 November 2010.

Suspend Military Service Obligation, that is, the legal grounds for doing so. After all, the Decision provides for the possibility of reactivating the military service obligation 'in case of need to defend the state'. On the other hand, the Decision states that 'as of 1 January 2011, dispatching [recruits] for military service in the Army of Serbia will be done on the principle of voluntariness, in accordance with the law'.<sup>327</sup>

During an interview with Minister of Defence Dragan Šutanovac, Ljiljana Milenković, a journalist with the Novi Sad weekly *Akter* remarked: 'A historic moment in the country – the swearing-in of the last class of recruits – took place on the same day as your assembly [referring to the assembly of Šutanovac's Democratic Party]. The end of this obligation marks the end of the 127-years-old tradition according to which Serbs like being soldiers – or is it perhaps the other way round?... 'If Serbs like being soldiers, then there should be no such obligation. By adopting this decision we've given the young men the right to choose. If they want to become soldiers and they like it, they're welcome; if they don't want to and don't like it, then there's no need for them to join the army because one doesn't need such soldiers,' Šutanovac replied.<sup>328</sup>

Voluntary military service will last three months, with recruits spending six weeks at centres for basic training (offering intensive training programmes) in Sombor, Valjevo and Leskovac and spending the remaining six weeks as volunteers undergoing specialist training in garrisons throughout Serbia. Under the organisational plan of the professional VS, there are 2,000 establishment posts for voluntary recruits. Naturally, every volunteer will have to meet certain general and special requirements. For example, applicants must be of age and under 30 years old; elementary education and good health and physical condition are required; persons not having Serbian citizenship or those with criminal records will not be considered, etc.

The three-month period of voluntary military service will count as a period of employment and volunteers will be issued with firearm training

327 Official Gazette of the Republic of Serbia, No. 95/10, 17 December 2010.

328 Ljiljana Milenković, 'Rado Srbin...', interview with Minister Šutanovac for Novi Sad weekly *Akter*, 27 December 2010.

certificates; the certificates will be useful to those who later apply for jobs for which such certificates are required (e.g. police officers, prison guards, court guards, security personnel etc.). Volunteers who decide to return to civilian life at the end of the three-month period in the army may opt for the so-called active reserve (a hitherto nonexistent category in the Serbian defence system), which ensures continuity of military training through periodical, paid exercises. The rest will be assigned to the so-called passive or conventional army reserve.

The attitude of Serbian women to voluntary military service is unknown. As regards the number of women serving in the professional army, their turnout could be regarded as partly satisfactory given the historical background and traditions in Serbia, where the military calling has been man's preserve. A total of 1,240 women had applied for professional military service in the VS by June 2010.<sup>329</sup>

The military-political establishment has taken into account UN Security Council resolution 1325, 'Women, Peace and Security', unanimously adopted on 31 October 2000, which explicitly calls for increased role of women in the security sector. The Security Council, inter alia, 'Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.'<sup>330</sup>

At the initiative of the Belgrade NGO Fund for Political Excellence, and with support from the OSCE mission in Serbia, the Ministry of Foreign Affairs of the Kingdom of Norway, UNIFEM and the Canada Fund, in mid-2001 the Serbian government appointed a Working Group for Drafting a National Action Plan (NAP) for implementing the UN Security Council resolution. The NAP was drafted by a task force of the Department for Strategic Planning of the Ministry of Defence under the professional lead of General Dr Božidar Forca and adopted following a round-table debate by the National Assembly in mid-November 2010.<sup>331</sup> One can realisti-

329 Olivera Vučetić, 'Žene u profesionalnoj Vojski: Vojničke cokule udobnije od štikli', *Blic*, 26 July 2010.

330 Biljana Miljić, 'Da se i one pitaju', *Obrana* No 125, 1 December 2010, pp. 18-21.

331 Ibid.

cally expect that following the adoption of the NAP women will not only participate in creating and realising the security system in greater numbers, but will also become more equal with men in making top decisions in the system of defence and national security.

The professional system is yet to come into function. Therefore the emergence of all kinds of problems, present and future, to be dealt with the architects and implementers of professionalization should be expected. Such possibilities have also been pointed out by leading Ministry of Defence and General Staff officials. For instance, Minister Šutanovac, said that although, 'hitherto unknown problems posing a challenge to the system will be emerging during the professionalization process', 'the system will come into function as early as 2012 following additional adjustments'. At present, there are still many unknowns, as well as confusion, regarding the organisation, systematisation and formation of the VS and the defence system. For instance, there are still no systematised data on the number of professionals and members needed by the VS and the defence system as a whole respectively. According to a number of press articles citing the Ministry of Defence,<sup>332</sup> the Army should have about 25,000 professional members including about 16,000 professional soldiers, about 7,500 non-commissioned officers and about 6,500 officers. The defence system should comprise some 40,000 members including the Ministry of Defence personnel, the latter including members of the so-called military income-earning institutions and the voluntary recruit corps numbering about 2,000.

## **Respectable achievements of the Serbian defence industry**

In the course of 2010 domestic media reported extensively on the expansion of the Serbian military industry over recent years. The information varied considerably, including data released by the Ministry of Defence and intentional misinterpretations of facts. The Minister of Defence

332 Milan Galović, 'Vojsku Srbije činiće 25.000 profesionalaca', *Politika*, 28 October 2010.

himself often gave numerous interviews and made statements that were not always quite clear. This account relies on the information given by Minister Šutanovac to *Politika* in an interview for the 'Razgovor nedelje' (Interview of the Week) column on 23 January 2001.<sup>333</sup>

Asked whether 2010 had been a very successful year for exports of Serbian armaments and military equipment, Šutanovac replied: 'In 2007 exports of armaments and military equipment were worth USD 75 million, in 2008 the value of military exports was USD 183 million, in 2009 the figure was USD 246 million, and in 2010 it was USD 247 million. This means that USD 750 million worth of exports of armaments and military equipment has been realised during my term in office as Minister of Defence.' He confirmed reports that the domestic military industry had concluded new business deals to the value of USD 400 million: 'The contract has been signed and has entered into force; its realisation should start now. This is only one deal, namely the construction of three factories in northern Africa. Overall, it all comes to some USD 1.2 billion worth of deals concluded during my term in office, which is what I promised.'

Šutanovac said that the bulk of Serbia's exports of armaments and military equipment went to Iraq. The Iraqi armed forces have already taken delivery of 20 Lasta 95 training aircraft, the much-praised piece of hardware manufactured by Utva in Pančevo. Šutanovac said that both Iraqi and US pilots had commended the qualities of the aircraft. The domestic military industry exports only classic armaments and military equipment (it still lacks both human and material resources for the manufacture of sophisticated products) chiefly to former non-aligned countries.<sup>334</sup> However, the special purposes industry and the Ministry of Defence are trying hard to penetrate weapon markets in developed countries.

With the object of recruiting young and educated personnel to work in this industry, close cooperation has been established between the Ministry of Defence, Military Academy and defence industry on the one hand and the Faculty of Mechanical Engineering in Kragujevac on the other.<sup>335</sup>

333 Miroslav Lazanski, 'Svi hvale našu "lastu"', *Politika*, 23 January 2011.

334 Aleksandar Radić, 'Nesvrstana braća', *Obrana*, No 116, 15 July 2010, p. 39.

335 B. Kartalović, 'Marširaju vojni inženjeri', *Politika*, 16 October 2010.

The Faculty has opened a Department of Military-Industrial Engineering. Military engineers will receive much of their training in military factories and will also receive grants from them. Šutanovac said that 'at the moment some 9,000 people are working, full or part time, in seven special purposes industry plants. We have employed some 3,000 new workers since 2007. The vocational and age structure of the workforce has improved as a result of some 2,000 workers having gone on welfare or retired during the period.'<sup>336</sup>

### The anniversary of military education in Serbia

The 160th anniversary of the Military Academy was marked in 2010 at both Ministry of Defence and state levels. On 18 March the Yugoslav Drama Theatre staged a musical-narrative performance, with the participation of Serbia's most popular actors, to commemorate domestic military education's rich traditions. The day in March 1850 on which Prince Aleksandar Karađorđević signed the order to set up the Artillery School is marked as Military Academy Day.<sup>337</sup>

The scenario was written and the show directed by the Belgrade producer Aleksandar Mandić. The show was full of pathos, the Serbian officer's honour running like a red thread through the commemorative performance. Two scenes were particularly provocative. In one of them, set in a Zagreb barracks in 1991, two fellow students from the Academy and also best men confront each other: the one is a Croat wearing a uniform of the Croatian National Guard (played by Dragan Petrović), the other a Serb wearing a uniform of the Yugoslav People's Army (played by Dragan Bjelogrić). 'The audience and the TV watchers who saw the parting of the ways of the two friends and best men on the eve of war were presented with the highly suggestive conclusion that honour and professional ethics were on the side of the Serb. By what logic?'<sup>338</sup>

336 Miroslav Lazanski, 'Svi hvale našu "lastu"', *Politika*, 23 January 2011.

337 S. Sikavica, 'U ime oficirske časti', *Danas*, 27-28 March 2010.

338 Ibid.

At a news conference, the head of the Military Academy, Brigadier-General Dr Mladen Vuruna, said, 'Established 160 years ago as a small school attached to the factory in Kragujevac, we have grown into an institution which has capacity and resources for top-quality instruction and guarantees the best training of cadets, future officers, for all three missions of the Army of Serbia.'<sup>339</sup>

Vuruna presented some other interesting information: in the last 160 years the Military Academy has trained over 70,000 young men; while the first class comprised only 23 cadets, in 2010 attendance at the Academy, located in the Belgrade suburb of Banjica, included 1,300 Military Grammar School pupils, Military Academy male and female cadets and officers attending higher courses (the Command and General Staff Specialised Training School and the National Defence School). All these levels of military education and specialised training are organisationally and formationally part of the Military Academy, which itself is an organisational unit of the Ministry of Defence.

Šutanovac closed the commemoration at the Yugoslav Drama Theatre with an intriguing address in which he also said this: 'Aware of the role the Army of Serbia plays in society, we continue reforms, with strong respect for tradition, in order to build up a modern army as part of a modern society and which will at the same time promote the most glorious traditions of that army of great courage which, as a rule, went into battle against far superior enemies in order to protect its state and its people. In pursuance of this principle, our objective is to develop a modern, efficient and functional educational system which fully meets the needs of the twenty-first century. I wish to emphasise that we have, after analysing these needs, established a Medical Faculty at the Military Medical Academy and that its courses are attended by foreign army cadets from the first year onwards. As part of the reforms we have created the conditions for starting a new form of specialised training in the form of integrated security and defence studies.'<sup>340</sup>

339 Dragana Marković and Rade Dragović, 'Čast je naša imovina', *Odbrana* No 109, 1 April 2010, pp. 10 – 13.

340 Dragana Marković and Rade Dragović, 'Čast je naša imovina',

## War Museum exhibition equates Draža Mihailović with Tito

Serbia has revised its history with the result that the internationally recognised partisan anti-fascist movement has found itself in the company of another 'anti-fascist movement' (as its right-wing champions call it) – the Chetnik movement led by Draža Mihailović. It is claimed that each of these two movements contributed in its own way, or in an approximately equal measure, to the victory over fascism. The two movements have also been equated in law. In consequence, the leaders of the two movements, General Mihailović and Marshal Tito, have been accorded equal treatment in the Belgrade War Museum. Elsewhere, the Chetnik movement is accorded far greater recognition in all spheres of social, political, educational and cultural life.

The VS was not invited to the spectacular ceremony in Moscow on 9 May 2010 marking the 65th anniversary of the victory over fascism. The central event in Moscow was a military parade with the participation of veterans and troops from most countries that constituted the anti-Hitlerite coalition. No Serbian army member or World War Two veteran took place in the Red Square parade.

Significantly, the author and Serbian Renewal Movement leader, Vuk Drašković, addressed several thousand Mihailović supporters on Mount Ravna Gora, Mihailović's World War Two 'command post' and popular meeting-place of followers of the Chetnik movement. Drašković said that it was on Ravna Gora that Mihailović 'started the first uprising against the fascist and Nazi occupying power in then occupied Europe'.<sup>341</sup> Journalist Miroslav Lazanski reported that at the same time President Boris Tadić 'paid tribute to the National Liberation Army of Yugoslavia and other anti-fascists' at a news conference in the Serbian embassy in Moscow.<sup>342</sup>

Serbian military officials had been looking forward to the Red Square parade and even preparing for Serbia's participation in it. Minister

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*Odbrana* No 109, 1 April 2010, pp. 10 – 13.

341 Budo Novović, 'Ravnogorski sastanak', *Politika*, 10 May 2010.

342 Miroslav Lazanski, 'Rusija je proslavila pobjedu', *Politika*, 10 May 2010.

Šutanovac said that he did not know why the VS had not been invited to Moscow.<sup>343</sup> On the other hand, in an analysis he wrote on his return from the Russian capital,<sup>344</sup> Lazanski gave only one reason for the absence: 'The shortest answer is that Serbia did not even ask that its army be allowed to take part in the parade'; suffering from an 'inflated sense of its own importance' it had been waiting for an invitation from Moscow.<sup>345</sup>

Other than at the Ravna Gora rally, the 65th anniversary of the victory over fascism was marked at other events. For instance, Minister Šutanovac inaugurated a part of the permanent War Museum exhibition dedicated to the Second World War. The exhibits were chosen so as to place on a completely equal footing the leader of the Yugoslav partisan movement, Marshal Tito, and the leader of the Chetnik movement, General Mihailović. Reporting on the opening of the exhibition, the somewhat enthusiastic reporter of the magazine *Odbrana* got so carried away as to write the following confusing sentence: 'Special interest was attracted by the items from the legacy of Draža Mihailović – spectacles, fountain-pen and personal weapons of Nikola Kalabić [a Mihailović aide] – an officer's shoulder bag and a pistol.'<sup>346</sup>

Another detail connected with the 65th anniversary of the victory over fascism is also of interest. On 17 June 2010, the Russian ambassador in Belgrade, Alexander Konuzin, presented Dobrica Ćosić with a medal commemorating the 65th anniversary of the victory in the Great Fatherland War 1941-1945. The medal had been awarded by Russian President Dmitry Medvedev. Ćosić presented the medal to the War Museum, a gesture drawing an enthusiastic response from the Museum staff and its director Miroslav Knežević.<sup>347</sup>

343 Editorial text, 'Šutanovac: Ne znam zašto VS nije pozvana u Moskvu', *Danas*, 9-10 May 2010.

344 M. Lazanski: 'Naša manija veličine', *Politika*, 15 May 2010.

345 Ibid.

346 Dušan Glišić, 'Istorija kojom se ponosimo', *Odbrana* No 112, 15 May 2010, p. 19.

347 B. Miljanić, 'U ime onih koji su se borili', *Odbrana* No 115, 1 July 2010.

## Serbian intellectuals: an anti-Europe referendum

A petition signed by 200 Serbian intellectuals, including Dobrica Ćosić, Matija Bećković, Emir Kusturica, Siniša Kovačević and Vojislav Koštunica, insists that 'a decision on Serbia's entry into NATO ought to be made by all the citizens of our country at a referendum which should be organised as soon as possible.... The citizens of Serbia alone are qualified to decide on their future...'<sup>348</sup>

Serbia's conservative intellectual and political elites keep the issue alive in the media and use propaganda to block Serbia's entry into both the North Atlantic Alliance and the European Union. Although it has committed itself to the European Union, official Serbia is not only unable to oppose this propaganda efficiently, but is not demonstrating any will to take a position on Euro-Atlantic integration.

However, the petition drew hardly any response from the public and has not been mentioned in the media in recent months. A conference on Serbia's relations with NATO, organised by the Centre for Euro-Atlantic Studies, was held in Belgrade in late October 2010. The German ambassador in Belgrade, Wolfram Maas, offered his views on the matter: 'I find it logical that an EU member should also be a member of NATO. This question [regarding Serbia] will come up following the entry into the EU. For me it is not a question of whether [Serbia] should become a member of NATO but when.'<sup>349</sup> The question of the sequence of moves towards Serbia's Euro-Atlantic integration remains open. In view of the fact that nearly all EU member countries were first members of NATO (this also goes for Serbia's neighbours), as well as that the role of NATO in international affairs has changed crucially in the decade about to end, it is logical to presume that Serbia's membership of NATO would considerably shorten Serbia's journey to the EU.

However, Serbia keeps coming up against the cliché 'they bombed us'. The NATO intervention is put forward as the chief argument against NATO

348 R.V.B., 'Traže referendum o ulasku u Severnoatlantsku alijansu', *Danas*, 12 January 2010.

349 Editorial text, 'Mas: U NATO-u posle ulaska u EU', *Politika*, 27 October 2010.

membership. Except for a number of nongovernmental organisations and prominent individuals, no one is willing (especially no one at official level) to explain the reasons for the NATO 1999 intervention and to tell the young generations that NATO is being transformed into a completely new organisation. The authorities' ambiguous attitude to the North Atlantic Alliance is being exploited by the anti-Western circles, that is, by those having the same ideological and political positions as those propagated by the 200 intellectuals.

As one of respondents to a *Politika* poll entitled 'Serbia and NATO: Membership or Apology',<sup>350</sup> Đorđe Vukadinović, the editor-in-chief of the periodical *New Serbian Political Thought*, saw a direct link between the visit of the US Secretary of State, Hillary Clinton, to Belgrade and Serbia's attitude to NATO. He also referred to the nongovernmental organisations whose representatives had talked with Ms Clinton as an 'outstation of the US government'. 'The guest', he said, 'has now met her friends who campaign for Serbia's entry into the EU and NATO...'<sup>351</sup> It is probable that Vukadinović intentionally avoided mentioning the fact that Minister of Defence Dragan Šutanovac was the only member of the Cvetković government to talk with the high-ranked guest in Belgrade.<sup>352</sup> On the other hand, he did not miss the opportunity to allege that the nongovernmental organisations arguing for EU and NATO membership 'have a poor standing' in society and that Serbia was increasingly veering 'to the right'.

Vukadinović failed to mention Minister Šutanovac also because of all government members the latter has by far the clearest position on Serbia's relations with NATO. That this is so was confirmed by Šutanovac himself in an interview with the Novi Sad weekly *Akter*, when he said that one should discuss Serbia's entry into NATO 'with a cool head and only consider whether our country and its citizens stand to gain or lose something. The question is, why are nearly all EU members precisely there [in NATO],

350 Regular column 'Iza kulisa', 'Srbija i NATO: učlanjenje ili izvinjenje', *Politika*, 17 October 2010.

351 Ibid.

352 Editorial text, 'Podrška evropskim integracijama', *Odbrana* No 122, 15 October 2010, p. 6.

why no one has walked out of the alliance, and why the world's most developed countries are either in the alliance or associated with it?<sup>353</sup>

Some insight into the matter can be gained from a number of public opinion polls. For instance, according to TNS Medijum Galup (which conducted the poll during the first few months of 2010 on a sample of 1,200 respondents), the Democratic Party (DS) would win just over 30% of the vote while the opposition Serbian Progressive Party (SNS) would need only 1% to reach the 30% mark.<sup>354</sup> Although the SNS supports Serbia's European path in word, and although it has formally somewhat distanced itself from its founder Vojislav Šešelj, it is perfectly clear that traditionalism of the most conservative type remains its ideological refuge. According to the poll, a referendum on Serbia's EU membership would end with 60% of the vote for and 20% against, whereas the outcome of a referendum on NATO membership would be quite the opposite: 20% for and 61% against.<sup>355</sup> Later polls by the same agency bore out a similar trend.

### The 'Satellite affair'

The 'Satellite Affair' got an epilogue towards the end of 2010 following several years of haggling and litigation before arbitration courts in Paris and London between the Israeli firm Image Sat and Serbian political, legal and diplomatic experts on the other. In the end, it was ruled that Serbia was to pay the Israeli firm USD 27.8 million by 1 February 2011.<sup>356</sup>

The problem started in 2005 when the then minister of defence, Prvoslav Davinić, concluded a contract with the Israeli firm for renting a spy satellite which was never used by Serbia.<sup>357</sup> The scapegoat was found

353 Ljiljana Milenković, interview.

354 Editorial text, 'Građani podeljeni između DS i SNS, EU i NATO', *Danas*, 11 February 2010.

355 Ibid.

356 B. Cvejić and I. Pejčić: 'Građani plaćaju greške vlasti', *Danas*, 30 December 2010.

357 This was reported and commented on by nearly all Serbian media, e.g. *Politika* on 30 December, B92 on 29 December, *Blic* on 30 December, RTS on 29 December, *Večernje novosti* on 30 December.

in the person of Davinić, who was said to have signed the contract on his own initiative, without the knowledge and consent of the appropriate state authorities.

The subsequent diplomatic deal reached by Israel and Serbia was described by the media as favourable, saying that 'instead of the USD 40 million ordered to pay by the London Court of Arbitration, Serbia is to pay USD 28 million.'<sup>358</sup> The Political Director in the Ministry of Foreign Affairs, Borislav Stefanović, took pride in 'squeezing out as much as was possible from the arduous and tough negotiations.'<sup>359</sup> Military analyst Miroslav Lazanski told B92<sup>360</sup> that Serbia stood to gain from the affair because, inter alia, the Israeli firm would present Serbia with some 500 satellite images and two balloons with electronic surveillance equipment.

There has been no proper official analysis of the affair and of the appalling lack of responsibility on the part of the authorities. The affair involves a serious case of corruption which should be brought to a denouement in a court of law. At present it looks as though all blame will fall on Davinić. He has promised to make a full disclosure before a domestic court.

## Religious need or forced clericalisation

Since the political and military leaders are agreed that a decision should be made already in early 2011 on introducing religious services in the VS, religious worship could begin to be practiced in the barracks as early as the middle of the year. 'The religious service will be one of the general services in the Army of Serbia.... It is being organised so that members of the army can exercise their freedom of religion; it will be there to promote development, construction, maintenance and operational capacity, not to further the missionary efforts churches and religious communities...'<sup>361</sup> Although this position was published in a signed

358 Ibid.

359 Belgrade electronic media, 29 December 2010.

360 *www.B92.net* 29 December 2009.

361 R. Mutavdžić: 'Sloboda veroispovesti', *Obrana* No 126, 15 December 2010, p. 19.

article in the organ of the Ministry of Defence, it can safely be assumed to represent the official position because, *inter alia*, it was based on the draft decision on introducing religious services in the VS.

The draft states that religious services will be performed by priests or religious functionaries with university qualifications who are authorised by the traditional churches and religious communities to conduct worship in accordance with their autonomous regulations. According to the draft, priests or religious functionaries will be admitted to military service as officers (with ranks up to and including that of captain) while their assistants will have non-commissioned officer status. Further, the Draft states that one priest or religious functionary should be appointed for every 500 to 1,000 soldiers, non-commissioned officers and officers and that their number would be proportionate to the number of traditional churches and religious communities in the VS. They will of course be paid from the military budget.<sup>362</sup>

It remains to be seen how this service will operate in practice. Opinions in this regard were divided already during the debate on the draft decision. Quite understandably and logically, nearly all churches and religious communities, especially traditional ones and their dignitaries, are in favour of reintroducing religious services in the VS, a 'tradition discontinued 65 years ago'. Serbian Orthodox Church dignitaries were the most satisfied with the decision. Judging by nearly all their statements one can conclude that a large number of VS members have need for satisfying their religious beliefs, feelings and wishes and that the introduction of religious services in the barracks will ensure precisely this. There is no doubt that the Serbian Orthodox Church (SPC), and other churches, will benefit not only spiritually but materially as well.

Aleksandar Rakočević, coordinator of the Interreligious Council in the Ministry of Religion saw 'benefit from the introduction of religious services in the Army of Serbia' and from 'cultivating soldierly virtues and strengthening and modelling civic responsibilities...'<sup>363</sup> On the same occasion, SPC

362 Ibid.

363 Nebojša Grabež, 'Verska služba u Vojsci Srbije vodi daljoj klerikalizaciji', Radio Slobodna Evropa, 22 January 2011.

Patriarch Irinej said, 'I urge the members of the Army of Serbia to love their fatherland and to never be ashamed of or renounce their great and glorious past...'<sup>364</sup>

The Patriarch's statement was received as almost an axiom which dispels any doubt as to who bears responsibility for the 1990s wars. However, a number of prominent intellectuals consider that the introduction of religious services in the VS will lead to 'further clericalisation of society'. Sociologist Mirko Đorđević said, 'With us military clergy has no glorious traditions worthy of note, so I look upon this as a purely moral-political gesture aimed at strengthening the role of the church. We are going through a period of forced clericalisation, which means that the church is being introduced in all spheres of public life – both where it belongs and where it does not.'<sup>365</sup>

For all the enthusiasm both within the SCP and the relevant ministries, and in spite of the fact that the VS has thrown open the doors of its barracks to churches and religious communities, the introduction of religious services could pose a number of problems. One is yet to see to what extent the decision of the executive and its implementation will really serve the fulfilment of religious needs of army members and to what extent it is aimed at a forced clericalisation of society.

### **Military security services: the old pattern survives**

In mid-September 2010 the director of the Military Security Agency (VBA), Svetko Kovač, who has been at his head since the second half of the year, submitted a report on the Agency's work to the Committee for Defence and Security of the National Assembly. Speaking after General Kovač, Brigadier-General Dragan Vladisavljević, acting chief of the Military Intelligence Agency (VOA), submitted an almost identical report to the Committee.<sup>366</sup>

364 Slavoljub Marković, 'Jedinstvo je naša snaga', *Obrana* No 110, 15 April 2010, pp.8 -11.

365 Nebojša Grabež, 'Verska služba u Vojski Srbije vodi daljoj klerikalizaciji', *Radio Slobodna Evropa*, 22 January 2011.

366 [www.odbrana.mod.gov.rs](http://www.odbrana.mod.gov.rs) 28 December 2010.

Both generals made much of the ‘results of work’ of the secret military services without making it quite clear just what it meant. The Committee was said to have ‘considered and adopted the reports on the work (of the two agencies)’ although, according to media accounts and judging by the contents of the Ministry of Defence website regarding the two reports, the members of the Committee are unlikely to have gained any idea about what the ‘notable work results’ actually were.<sup>367</sup>

According to the Ministry of Defence website, General Kovač pointed out that the ‘unilateral declaration of independence of Kosovo, organised crime and the activities of certain criminal-terrorist groups remain the biggest threat to the security situation in Serbia.’<sup>368</sup> This was the key conclusion of both his and General Vladislavljević’s reports, although the latter report was somewhat differently formulated.

The reports did not differ much from those submitted by the two generals to the Committee for the first five months of 2010. “The biggest threat is posed by the problems related to the self-declared independence of Kosovo and Metohija.... Although the units of the Army of Serbia in the Ground (Security) Zone were not menaced, there were threats at a medium level from criminal-terrorist groups ranging along the administrative line with Kosovo and Metohija’<sup>369</sup> was General Kovač’s conclusion at that time, failing to enlighten the Committee and the public as to the meanings of ‘medium’, ‘lower’, ‘lowest’, ‘higher’ and ‘highest’ levels of threats.

In an interview with the weekly *Odbrana*, General Kovač said, ‘This year the commemoration of 12 November – Day of the Military Security Agency – will be marked by the conclusion of the planning stage of reforms of the security services begun in 2002.’<sup>370</sup> ‘At the very close of the reform process we can say that the Military Security Agency is today an up-to-date, modern and efficient military security service. The Agency is organised so as to protect the defence system efficiently. By realising its

367 Ibid.

368 Ibid.

369 Editorial text, ‘Stabilna bezbednosna situacija’, *Odbrana* No 114, 15 June 2010, p. 21.

370 Radenko Mutavdžić: ‘Svedočanstva razvoja’, S. Kovač interview with *Odbrana* No 124, 15 November 2010, pp. 22-24.

reform goals and efficiently carrying out its tasks, the VBA has become a modern service ready to address the variable security challenges in the interests of all citizens of Serbia. Of course, this does not mean that the reform process will not continue,' he added.<sup>371</sup> In this regard he had very strong support from President Boris Tadić, who said on the occasion of the VOA anniversary that the 'priority of all priorities is the security of the citizens, armed forces and the defence system which is to ensure safety to the whole country'.<sup>372</sup>

Judging by what he said, one cannot say whether the reform of the VBA has been completed. In conclusion, he said that it was up to 'the competent authorities and the professional community to make an appraisal of the VBA reforms. From our point of view, we are very pleased...'<sup>373</sup>

With precisely this report in view, one cannot help wondering why this service has no information about the whereabouts of Ratko Mladić and especially about the murders of soldiers in barracks in which Mladić was allegedly hiding. One is also puzzled by the fact that the service was not able to find out that for quite two months the organisation Serb National Movement 1389 misused Ministry of Defence propaganda materials by falsifying a large number of posters bearing the message 'Be a Professional' (Budi profesionalac) to urge Serbs to fight a new battle for Kosovo! The scandal was exposed on 19 September 2010 by activists of the Social Democratic Union instead of by the secret services (and the police).<sup>374</sup>

What with the lack of democratic control of the Army and the services, as well as the lack of coordination of the work of competent agencies, it was the Prosecutor for War Crimes, Vladimir Vukčević, and the Deputy Prime Minister in charge of European integration, Božidar Đelić, that found it necessary to speak out, both of them in the context of the state's impotence to locate and arrest Ratko Mladić. Unfortunately, their statements were ignored by the competent authorities in the army and the

371 Ibid.

372 Tanjug service, 12 November 2010.

373 Radenko Mutavdžić: 'Svedočanstva razvoja', S. Kovač interview with *Obrana* No 124, 15 November 2010, pp. 22-24.

374 S. Sikavica, 'Promocija rata i Žikine šarenice', e-novine, 23 September 2010.

Ministry of Defence and by members of the parliamentary Committee for Defence and Security, which clearly does not exercise all its powers for political reasons.

Although the Law on Civilian Control of Armed Forces was passed back in 2008, an inspector general charged with supervising the work of the military intelligence and security agencies was appointed only recently. The choice of the relatively anonymous Božidar Banović, who lacks competence for supervision work, leads to the conclusion that the intention was to go through the motions rather than to do something concrete.

The service is yet to clarify the violent deaths of a number of soldiers killed while doing their military service in time of peace. All these incidents are surrounded by controversy and obstruction, with no criminal or other charges brought yet. The registered and proved omissions on the part of judicial organs dealing with these cases substantiate the belief that these organs operate under pressure from military structures bent on covering up their own blunders rather than independently according to the letter of the law. In connection with the fate of soldier Srđan Ivanović, who drove incumbent Deputy Chief of General Staff Mladen Ćirković and Ratko Mladić in the summer of 2005 and died a violent death on the last day of his military service, the Centre for Euro-Atlantic Studies said in a statement that on five occasions the district and then the higher prosecutor's office in Leskovac asked the investigative judge in charge of the case to undertake additional investigative actions including interviewing a VS officer named as Dragan Đorđević from Leskovac who was the last to see Ivanović alive. The investigative judge and the judicial panel concerned rejected all these requests although they are required to carry out some of the proposed investigative actions under the Criminal Procedure Code. Another soldier, Radoman Žarković, was said by the military authorities to have committed suicide although he was found with more than 20 wounds on his body that could not have been inflicted in a suicide attempt. The investigation is in the hands of authorities in Niš and there has been no explanation why the matter has not been transferred, as it should have been, to the relevant military and judicial authorities in Leskovac. There has been

no progress for years in any of these cases including the incident in the barracks at Topčider in Belgrade.

## The emergencies

The VS, Defence Ministry and defence system as a whole have been highly prone to so-called 'extraordinary occurrences' especially in previous years. There were not many accidents in 2010 and only two them deserve to be mentioned here. On 3 June an Orao assault plane crashed into Gružansko Lake and its pilot, Major Slobodan Jocić, bailed out safely. There was an official investigation and the accident, which occurred during a practice flight, was attributed to a 'failure of the aircraft's hydraulics'.<sup>375</sup>

The second accident came as rather a shock to the military industry officials in particular. On 27 December a fire broke out at the ammunition and military equipment factory Sloboda in Čačak. The material damage was excessive but fortunately there was no loss of life. The investigators found that the fire was caused by an explosion of artillery ammunition due to 'human error'.<sup>376</sup>

The Ministry of Defence led by Minister Šutanovac reacted quickly and with determination. The consequences were eliminated in due course and the factory was enabled to resume production and meet its contractual obligations to foreign customers. In brief, the Ministry of Defence dealt with the accident highly successfully, that is, more or less in the manner in which it has handled all other problems. In 2010 too the VS and Ministry personnel worked in a conscientious and responsible manner although the budget was modest. It may be said without exaggeration that the Ministry of Defence was Serbia's most successful government department in 2010.

In spite of a number of inherited and still unresolved problems (e.g. the huge debt to the military pensioners), one cannot deny the reform achievements accomplished in the defence system, above all the fact that

375 B. Kartalović, 'Orao izvađen iz jezera', *Politika*, 6 June 2010.

376 B. Cvijić and I. Pejčić, 'Uzrok eksplozije verovatno ljudski faktor', *Danas*, 29 December 2010 and R.S.V., 'Požar u fabrici namenske u Čačku', weekly *Vreme*, 29 December 2010.

the professionalization of the VS is nearly completed. The Chief of the General Staff, General Miloje Miletić, said that although the professionalization was finished, the army was yet to be reformed. He said that the VS lagged behind in modernisation owing to financial difficulties. He added that although the VS's financial situation had not improved considerably, young people were applying to military academies in ever greater numbers.<sup>377</sup>

377 *www.b92.net*, 12 February 2011.

## Conclusions

Reforms in the Army and the defence system as a whole were far advanced compared with other segments of society. It therefore comes as no surprise that in 2010, according to a survey by the agency Balkan Monitor, the VS was trusted by as many as 73% of adult citizens.<sup>378</sup>

Looked at objectively, however, the achievements of the VS and defence system reforms have not yet prompted a process of establishing democratic control of the Army and security and intelligence services. One should especially bear in mind the numerous, still unclarified violent deaths of army members and the army's role in the suppression of evidence about the Ministry of Defence's responsibility for the deaths of RTS staff killed in a NATO bombing raid. The establishment of full democratic and civilian control and profound personnel changes in the army and the security services are a prerequisite for change in Serbia.

The civilian authorities have not succeeded, save in a few cases, in calling VS personnel to account criminally and professionally in connection with numerous evident omissions and crimes committed in war and peace. In consequence, the forced transfer of military personnel to the ICTY and the war crimes trials held before domestic courts – something on which the state leadership has no clear position – remain the only true reform moves in the VS.

So far the only way of removing compromised personnel has been to promote and retire them or to declare them redundant, which testifies to the powerlessness of civilian authorities vis-a-vis military authorities and intelligence and security structures and their inability to exercise democratic control.



## Police: noteworthy results

The Serbian Ministry of Internal Affairs (MUP) had no major legislative projects in 2010 because the legal framework for police and MUP work had been rounded off the year before.

The MUP adopted a number of strategic documents concerning the operation of the Ministry as a whole and especially of some of its organisational units. The following are the most important MUP strategic documents:

### **Development Strategy of the Ministry of Internal Affairs of the Republic of Serbia for 2011–2016**

This is a comprehensive development strategy designed to provide an explicit and transparent framework for changing the organisation and work practice of the Serbian police. The document offers a vision of the development of a modern police force which operates as a public service and which regularly reviews its work results, comparing them with relevant European standards and those of other police forces and also taking account of citizens' expectations. The development directions reflect the MUP's aspiration to establish strategic partnerships with a great many organisations and to fulfil through its work the expectations of the citizens and institutions in the field of security. On the basis of a comprehensive analysis, the MUP identified the following spheres of work of strategic importance for its future development: organisation and management; security of the individual, community and the state; partnership relations at national, regional and international levels and system of internal and external control and transparency of work. The final text of the Strategy was finalised following public debates and expert round tables, so it takes full account of recommendations of the professional community and the general public.

## **Communication Strategy of the Ministry of Internal Affairs of the Republic of Serbia for 2010–2012**

This strategic document lays down the principal development directions and objectives in the field of communications and is based on European experiences and EU guidelines designed to promote support for and confidence in the MUP among Serbian citizens. The adoption of this Strategy was one of the important reform tasks charted and realised in cooperation with the OSCE Mission in Serbia.

Other achievements include: adoption of the National Strategy for Control of Small Arms and Light Weapons commissioned by the MUP a year before; adoption of sectoral action plans for the implementation of the National Strategy for the Fight against Organised Crime and the National Strategy for the Fight against Money Laundering and Financing of Terrorism; start of implementation of the Sectoral Action Plan for implementing the National Strategy for the Fight against Corruption.

The MUP completed all initiated strategic projects and adopted documents necessary for putting into effect strategies of importance for the successful functioning and reform of Serbia's police and MUP.

### **International cooperation**

The Ministry of Internal Affairs (MUP) took an active part in numerous processes of international cooperation. In the course of 2010, the Serbian MUP and police made commendable efforts to establish themselves as a major factor in regional police initiatives especially in jointly fighting organised crime.

Of particular importance in this regard was the initiative to set up the Regional Centre for the Fight against Organised Crime with the police of the Republic of Croatia. Cooperation between the two ministries has been raised to a higher level in recent years, as evidenced by the arrest in Zagreb of two fugitive members of the notorious 'Zemun gang' and many other joint actions in the fight against cross-border crime. The Centre was set up to facilitate the exchange of operational information on criminal

groups and individuals operating in the wider region, the creation of a unified database and the formation of joint operational teams. A video link enabling direct operational communication between the two countries' police forces was established as a first step in this direction. The Centre is accessible by all other countries in the region.

The establishment of the Centre was the most important concrete step in creating the conditions for efficient and effective police cooperation in the region.

The establishment of bilateral ties was another major achievement of the Serbian MUP. In this connection, a total of 13 bilateral agreements were signed: five on police cooperation with Bulgaria, Albania, Azerbaijan, Czech Republic and Bosnia and Herzegovina (BiH); two agreements on border cooperation with Bulgaria and Macedonia; one agreement on simplifying visa issuing procedure with Switzerland; and two agreements on emergency situations with Montenegro and BiH. In the field of readmission, an agreement was concluded with Macedonia and three protocols for implementing readmission agreements signed with Malta, Slovakia and Britain. Agreements on the establishment of the International Anti-Corruption Academy and on technical cooperation with EUROPOL were also signed. Five memorandums were also signed: four on police cooperation with Argentina, Brazil, Uruguay and Japan and one with Britain's SOCA (Serious Organised Crime Agency).<sup>379</sup>

In order to improve cooperation, visits were paid to security structures in the United States and police forces in Norway, Britain and Germany (Bavaria), among others. MUP officials took part in the conference of the Migration, Asylum, Refugees Regional Initiative (MARRI) in Montenegro; the 3rd meeting in Bulgaria of the Committee of Ministers of signatories of the Convention on Police Cooperation in South East Europe, which signed a memorandum on future joint activities in the fight against organised crime; the 10th Regional Ministerial Conference on Illegal Migration, Organised Crime, Corruption and Terrorism at Brdo pri Kranju; the 4th Regional Conference of Interior Ministers in Zagreb; the 7th Annual Min-

379 Source: [www.mup.gov.rs](http://www.mup.gov.rs).

isterial Conference in the Field of Border Security in South East Europe in Tirana, and other events.

The Serbian MUP and police were also very active in international peace missions. There are a total of 11 police officers in peace missions at present, six in Liberia and five in Haiti. Liaison officers have been appointed in three countries: Russia (as of December 2009), Macedonia (who is also Serbia's representative at the MARRI Regional Centre as of June 2010) and Slovenia (as of August 2010).

A number of projects are being implemented with the object of helping the MUP to rapidly and considerably modernise, professionalise and adopt new norms and standards of work and conduct.

The implementation of the project Evaluation of Human Resources Management, funded by the Norwegian government, began in 2010. The object of the project is to create an initial basis for building up a modern and sustainable human resources system in accordance with the best experiences of EU member countries. The implementation of the project is a condition of reforming the state administration as a whole (which aims at integration into the European Administrative Space). Adopting a modern concept of managing MUP human resources is a necessary precondition for such reform.

The MUP and other state bodies charged with fighting terrorism and organised crime participated in the regional project International Law Enforcement Coordination Units (ILECUS). The project envisages the establishment in each participating country of a national unit for coordinating international cooperation in implementing legislation and fighting all forms of crime. The units will operate as centres for cooperation with international organisations and domestic and foreign liaison officers.<sup>380</sup> The national unit (or ILECU office in Belgrade) was opened during the ministerial conference entitled Strengthening of Regional and Transnational Cooperation as a Precondition for Successful Fight against Organised Crime in South East Europe held in Belgrade in early October. As provided for by the project, the MUP signed a cooperation agreement with the Ministry of Justice and the Ministry of Finance. The agreement provides for

380 Interpol, Europol, Eurojust, Frontex, SECI Centre (SELEC), OLAF, SISž.

the possibility of accession by other state bodies. The above-mentioned ministerial conference, organised jointly by the MUP and the Ministry of Justice, brought together ministers of internal affairs and justice and public prosecutors from the Western Balkans as well as EU and European Commission representatives. The conference confirmed the readiness of the participating states to promote all forms of cooperation in the fight against organised crime in South East Europe which, other than posing as a threat, stands in the way of Western Balkans countries' membership of the EU.

The conference entitled *Police Cooperation: Fight against Organised Crime, in Particular Illicit Drug Trafficking, and the Prevention of Terrorism* was held in Vienna to inaugurate the ILECUS 2 project being implemented in collaboration with the European Commission and funded with EUR 2.5 million by the EU. The aim of the project, which should last 30 months, is to strengthen international police cooperation in the fight against organised crime, in particular its forms linked with illicit drug trafficking, economic crime and terrorism.

In June, UN agencies (IOM, UNHCR and UNODC) and the Serbian government (MUP) started the implementation of a joint project – one of six similar international projects developed under the UN GIFT initiative. The project is to last until 31 May 2012. The primary objective of the project is to operationalise the National Action Plan for the Fight against Trafficking in Human Beings, create the conditions for systematic prevention of trafficking in human beings, build the capacity of the judiciary and the police for improving prosecutions, trials and judgments regarding human trafficking and for promoting mechanisms of protection and (re)integration of potential and existing victims of human trafficking (children and adults). The principal donors are the governments of Belgium and Switzerland and the UN Global Initiative to Fight Human Trafficking.

Further, the MUP answered all the questions in the European Commission Questionnaire concerning the work of the Serbian MUP and police.

## Fight against crime

Ten organised criminal groups were uncovered in the field of organised financial crime. Criminal complaints were filed against a total of 179 members of these groups and 158 of them were arrested. The police also uncovered three organised groups specialising in money laundering which had operated since 2006 and laundered RSD 830 million worth of money. The special investigative measure of making simulated legal transactions was used in one of these actions for the first time. The police broke up a network of hundreds of fictitious business deals established between a large number of economic entities for the purpose of money laundering.

The uncovering of organised criminal activities in the field of public health attracted special attention: groups acquired material benefit by taking bribes from pharmaceutical company representatives in return for which they pushed the purchase and consumption of these companies' products at the Institute of Oncology and Radiology of Serbia and many other health institutions in Serbia. Five groups were found to have engaged in various scams involving trade in excise products and consumer goods and one group specialising in fraud.

Organised narco-crime is still one of the most widespread forms of organised crime in the country. Its bearers are criminal groups organised at various levels and in various degrees. A total of 35 such groups were uncovered in 2010. Criminal complaints were filed against 217 persons of whom 192 were detained. More than half of these groups (18) sold heroin, 10 sold various drugs, six grew and sold marijuana and one made and sold synthetic drugs.

Organised narco-crime is characterised by increasing smuggling of heroin and modified marijuana known as 'skunk'. One of the largest seizures of heroin in the last 10 years took place in 2010 in collaboration with the police of the Czech Republic and the Customs Administration. The heroin, weighing 120 kg, was discovered in a customs warehouse in the port of Pančevo. Large quantities of heroin were also seized in other places: 15.5 kg in Novi Pazar, 20.2 kg at the Gradina border crossing and 13.6 kg at the Srpska Crnja border crossing. Two groups smuggling 'skunk' over a long

period were also uncovered: a 5-member group smuggling the plant from Albania to Serbia via Montenegro (some 42 kg were seized) and a 7-member group of smugglers from Montenegro to Serbia and then to BiH and Croatia (some 27 kg).

For the first time the police uncovered a group, consisting of 12 members, growing 'skunk' at several locations in the province of Vojvodina and selling it throughout Serbia. More than 32 kg of 'skunk' were seized in two separate discoveries in cars leaving Serbia at the border crossing at Batrovi. The 'skunk' was destined for illicit markets in West European countries.

Following the discovery of large quantities of cocaine from South America in 2009, special efforts were made to establish closer cooperation with police in South American countries from which cocaine comes. With this aim in view, memorandums on police cooperation were signed with Uruguay, Brazil and Argentina – the sources of the bulk of cocaine smuggled into Serbia and other European countries. Three seizures of cocaine weighing over 4 kg were made at Belgrade Airport in 2010.

The police were also successful in seizing synthetic drugs: an illicit laboratory was discovered near Dimitrovgrad and more than 24 kg of ecstasy and amphetamines were seized during a smuggling attempt into Bulgaria.

There were a total of 5,701 drug seizures of 1.7 tonnes of drugs, an increase of nearly 400 kg on 2009 (1.3 tonnes). Nearly 100,000 various drug items were seized or 3.5 times the number of those seized in 2009 (28,000). The following quantities were seized: 246 kg of heroin or 46% up on 2009 (169 kg); 1.36 tonnes of marijuana, 23 kg of ecstasy or four times the 2009 quantity, 7.6 kg of cocaine, about 6 kg and 1,023 pieces of amphetamines etc. A total of 5,573 criminal offences involving narcotics were uncovered. A total of 4,691 criminal complaints were filed against 5,594 persons of whom 1,594 were arrested and detained.

As regards the fight against human trafficking and smuggling, the trend of domestic Serbian nationals being the main victims continued: of the 76 victims 73 were Serbian citizens, with children and underage persons accounting for nearly half of them. The police discovered 211 persons engaging in the smuggling of persons. Of special importance was the arrest of a 9-member organised criminal group smuggling persons between

Serbia and Hungary and the discovery of an 8-member group of Serbian citizens who illegally transferred 20 persons from the territory of Kosovo and Metohija, Turkey, Pakistan and Albania.

With regard to firearms smuggling and trafficking, the police uncovered two smuggling channels between BiH and Serbia and one smuggling arms from BiH and Serbia into France. Two organised criminal groups were uncovered and, on the basis of information supplied by the Serbian MUP, the Ministry of Security and the State Investigation and Protection Agency (SIPA) of BiH made arrests of persons operating in BiH. A total of 1,493 weapons, 118 hand grenades, 13,359 rounds of ammunition and some 5.9 kg of explosives were seized.

Three organised criminal groups comprising 36 members were uncovered in the field of property crimes. Five members of an organised group of pickpockets operating in Belgrade was prosecuted. Criminal complaints were filed against 22 members of an organised criminal group specialising in holding up security vans and robbing jeweller's shops; the group had stolen a total of RSD 50 million worth of money and goods. The police also uncovered nine members of an organised criminal group in Sopot and Mladenovac and charged it with taking some RSD 20 million by robbing country cottages, petrol stations, exchange offices, jeweller's shops and security vans. In addition to organised criminal groups, 26 criminal groups with 151 members organised at various levels and in various degrees were uncovered.

Two organised criminal group engaging in kidnapping were also uncovered: a 7-member group kidnapped a person from Belgrade and demanded EUR 15,000 from his father while a 6-member group caused serious injuries to the victim and demanded EUR 50,000 in ransom money.

In the field of high technology crime, the police uncovered an 18-member group using computer technology to acquire material benefit by influencing the outcome of TV SMS bidding. There is intensive international operational cooperation in this field. For instance, several persons distributing underage pornography material via the Internet were arrested in Britain on the basis of information supplied by the Serbian police. Also, as part of a drive to curb the use of child pornography on the

Internet, British police were provided with information about more than 50 persons. At the request of the German Interpol, two persons were arrested for showing images of child sexual abuse on the Internet.

In 2010, the Serbian MUP also undertook comprehensive measures and activities in the fight against all forms of organised crime. The strategic orientation is directed at promoting international police cooperation as a basic precondition for achieving better results in this field as well as at continuing the consistent implementation of the National Strategy for the Fight against Organised Crime. The quality and level of activities in this regard are best evidenced by the positive appraisal of Serbia's fight against organised crime made in early November in the European Commission's Serbia 2010 Progress Report.

The fight against all forms of corruption is identified as one of the most important strategic tasks of the Serbian police. A total of 3,858 criminal offences with elements of corruption were uncovered, which was 40% more than during the 6-year period 2000-2005 (with 2,748 such offences). Criminal complaints were filed against 3,814 persons, the largest number in the last 10 years.

The fight against corruption was especially intensive in the sphere of public health, with criminal complaints filed against 110 health workers or 3.5 times the number in 2009. There was also an almost 80% increase in the number of criminal complaints in the field of education. Special emphasis was made on uncovering corruption in the field of public procurement for the needs of public companies, which is manifested as paying above market prices, illicit favouring of offerors, buying goods of unsatisfactory quality and illicitly making several low-value public purchases instead of publishing a notice inviting tenders. Efforts were also made to uncover corruption involving illicit recognition of specific statuses.

Corruption among police officers fell from 87 cases in 2009 to 64 in 2010, a decrease of 26%.

Uncovering all forms of money laundering was a priority in 2010. The number of money laundering cases uncovered in 2010 (90) was 14% up on the previous two years (79) and nearly three times the number detected in 2009 (34). The National Strategy for the Fight against Money Laundering

and Financing of Terrorism continued to be implemented and a special working group was set up to carry out the recommendations set forth in the Strategy in accordance with a sectoral action plan. The plan was drawn up and signed in July 2010.

Financial investigations under the Law on Confiscation of Proceeds of Crime were pursued with vigour. The Financial Investigation Unit dealt with 241 requests for instituting financial investigations. It completed 128 cases involving 596 persons.

The number of criminal offences committed in Serbia fell from 101,614 in 2009 to 100,401 in 2010, a difference of 1,213. The three police departments accounting for 40% of total crime in the republic – Belgrade, Niš and Kragujevac – reported decreases of 287 cases and of some 4% and 2% respectively. In 2010, a total of 88,416 general criminal offences were committed, or 1,003 less than in 2009 (89,419). Detection of criminal offences committed by unidentified persons was improved from 58.1% in 2009 to 59.5%.

Offences against property continued being the most frequent type of offences, accounting for 60% of all general crimes. The number of aggravated larcenies rose from 22,583 to 23,993 and that of larcenies from 14,605 to 15,846; on the other hand, there was a reduction in the number of cases of unauthorised use of another's vehicle (from 3,297 to 2,859), robberies (by over 20%, from 4,437 to 3,381), compound larcenies (from 164 to 154) and extortions (from 295 to 290). The success rate in solving compound larcenies was 68.3%, extortions 85%, robberies nearly 50% and larcenies and aggravated larcenies about 60%. About one-third of offences involving unauthorised use of another's vehicle by unidentified persons were solved.

Criminal offences against life and body fell by 5.8% from 4,668 to 4,395. The number of offences involving homicide fell from 77 to 55, criminal homicide from 63 to 59, attempted criminal homicide from 46 to 29 and grievous bodily harm from 1,455 to 1,399.

In the field of juvenile delinquency, the number of criminal offences fell insignificantly from 7,639 to 7,517. Concern was raised by the fact that there was an increase in the number of criminal offences against life and

body committed by juveniles: homicides (from 2 to 5), attempted homicides (from 15 to 17), criminal homicides (from 3 to 4) and attempted criminal homicides (from 3 to 4). On the other hand, juvenile offences against property were less numerous than in 2009.

A total of 10,109 criminal offences were detected in the field of economic crime compared with 10,471 in 2009, a fall of some 4.3%. Criminal complaints were filed against 6,843 persons. The damage caused by these crimes was about RSD 22 billion and the amount of material benefit gained about RSD 20 billion. Far better results were achieved in detecting tax evasion, illicit trade, abuse of office, embezzlement and abuse of economic powers, with progress also made in suppressing various abuses in the fields of construction and privatisation.

In connection with economic crime, considerable public attention was drawn by abuses detected in the work of economic entities providing direct public services. There were abuses not only by tourist agencies (Conte and Stella Tours International) but also by organisations expected to show most resistance to temptation: five persons employed by the Katarina Rebrača Charity Fund were suspected of misappropriating RSD 37 million paid in by donors towards breast cancer prevention; at the Rade Neimar Eparchy Centre, the director and the protosingelos of the eparchies of Ras and Prizren and of Kosovo and Metohija misappropriated over EUR 400,000 said to have been spent on reconstruction of monasteries in Kosovo.

In the field of abuse in trade in excise and other products, 155 criminal complaints were filed against 208 persons in connection with 248 offences. A total of 107,000 cartons of cigarettes,<sup>381</sup> 157,000 litres of oil and oil products, about 47 tonnes of coffee and more than 113,000 litres of alcohol and alcoholic drink were seized. The results concerning the confiscation of all these excise products were much better than in 2009.

Detection of all kinds of high technology crime was improved by 46%, with 990 offences detected in 2010 compared with 679 in 2009. The criminal offence of forgery and abuse of payment cards accounted for about

381 In April 2010, part of this quantity – 29,400 cartons of cigarettes – was seized through cooperation between the border police and the Customs Administration.

70% of all high technology offences, their detection improving by as much as 71% (from 410 to 700). Detection of computer crimes improved by more than eight times and that of criminal offences against intellectual property by 2.8%.

### **Public law and order, traffic safety and security of state borders**

The stability of public order was preserved in spite of the fact that there were over 1,100 public gatherings more than in 2009. At the same time the number of offences against public order decreased by 5.2%, from 56,926 to 53,940.

A major disturbance of public order took place during the Gay Pride parade in Belgrade on 10 October, when some 1,000 participants were threatened by some 5,000-6,000 protesters and hooligans bent on preventing the event by the use of force. The police must be commended for the high level of professionalism, training and determination manifested in defending the citizens' right of peaceful assembly. During the intervention 173 police officers and 31 civilians including two foreign citizens were injured (of whom six police officers and five civilians seriously).

The high level of police competence was demonstrated by the successful security arrangements made in cooperation with other security services during the two-day official visit to Serbia by US Secretary of State Hillary Clinton at the head of a state delegation.

Improved security arrangements during sports events were what distinguished 2010 in particular compared with previous years. Although the number of sports events held in 2010 was roughly the same as that of those held in 2009 (44,748 and 43,692 respectively), the number of serious disturbances of public order was reduced by some 20%, from 130 to 102.

There were no cases of fan violence ending in death<sup>382</sup> and the number of injured persons fell by some 20% (from 192 to 119). Although the number of police interventions during sports events was roughly the

382 French citizen Brice Taton was killed in 2009.

same (110 in 2010 compared with 111 in 2009), the number of criminal offences committed against police officers providing security at sports events was almost halved (from 40 to 23) while the number of police officers injured during interventions fell by 65% (from 45 to 16). There were more attacks on referees (100 compared with 75 in 2009) while the number of sports events that had to be interrupted was the same (69). However, violent behaviour of Serbian fans at Genoa's Marassi Stadium, causing the cancellation of a match between Italy and Serbia, was in sharp contrast with this trend. In the event, the fans had to be escorted back under additional police security.

Security issues concerning schools and their immediate vicinity were heightened with 4,900 security incidents registered in 2010 compared with 3,866 in 2009, an increase of 25%. Criminal offences rose by 21%, misdemeanours by nearly 30% and other security-related events by also 30%. Among criminal offences with elements of violence committed on school premises there was one attempted criminal homicide (Belgrade) and three attempted homicides (two in Belgrade and two in Novi Pazar), as well as one homicide as a result of peer violence (Novi Pazar).

In the field of traffic safety, measures were taken to ensure strict implementation of the Law on Traffic Safety on Roads. The measures had positive effects: traffic accidents fell by 26% (from 64,898 to 47,757) and those resulting in injury by 10% (from 15,814 to 14,179), with 19% fewer deaths (from 810 to 656) and 10% fewer injured persons (from 21,511 to 19,326).

The speed of vehicles, a very important factor in traffic safety, was the most frequent single cause of traffic accidents. As a result of the intensive preventive measures and actions undertaken with a view to implementing the new Law, the number of traffic accidents caused by speeding and the number of those resulting in deaths and injuries was less than in 2009.

The security situation on the state borders and in the border areas was stable.

A total of 4,320 persons were caught who had illegally crossed or were trying to illegally cross the state borders, an increase of some 130% from 2009 (2,029) – the largest number of discovered illegal immigrants in the

last decade. The increase in the number of illegal immigrants was due above all to the presence of large numbers of citizens of the so-called Afro-Asian complex.

Extensive activities were undertaken in the fight against cross-border crime, in particular in fighting drug and cigarette smuggling. More than 186 kg of narcotics were seized at the border or some 66% more than in 2009 (112 kg). Far better results were achieved in fighting cigarette smuggling: nearly 90,000 cartons of various brands were seized compared with 28,000 the year before. These results also indicate that these kinds of crime were on the rise at the state border.

The state border was crossed by more than 48 million passengers or some 2% more than in 2009. No jams and long delays were registered at the border crossings. Control was stepped up at the border crossings to stop the abuse of the visa-free regime and stem the tide of false asylum seekers from the country as well as from the Republic of Macedonia seeking asylum mostly in Germany, Belgium and Sweden.

The Integrated Border Management Strategy continued to be implemented with special emphasis on technical equipment for the border police. The Twinning Project 'Implementing the Integrated Border Management Strategy in Serbia' (started in September 2009) continued to be implemented, with donations worth some EUR 4.5 million envisaged for meeting the needs of the border police. The reconstruction of four border police stations and six border crossings was begun with funds provided by the National Investment Fund.

Good results were achieved in establishing police cooperation in the field of border security in particular with countries in the region and with members of the European Union.

A direct telephone link was established at the Badinovci and Pavlovića most border crossing between Serbia and BiH for the urgent exchange of operational information in order to improve the quality of border checks and give early warnings to the other side concerning particular persons and vehicles. Such arrangements are already in operation at the Uvac border crossing (with BiH) and the Preševo border crossing (with Macedonia).

A protocol on establishing a joint contact service at the Batrovci-Bajakovovo border crossings (with Croatia) was signed in late December and an agreement on establishing and operating a joint contact centre for police and customs cooperation was signed with Bulgaria in April. The Agreement on Regulating the Border Traffic Regime on the Serbian-Macedonian border was signed in Skopje in September to facilitate the crossing of the state border in particular by inhabitants of border regions in the two countries. As part of cooperation with the MARRI centre, a memorandum was signed on cooperation among border police at international airports. The signatories are Albania, BiH, Croatia, Macedonia, Montenegro and Serbia.

The Serbia MUP was also busy issuing various personal and other documents to the public. These included 1,084,103 biometric personal identification cards. Between 14 April 2008, when the new identification document began to be issued, and 31 December 2010, a total of 2.4 million personal identification cards with or without chips were issued. Also, a total of 1,358,983 biometric travel documents were issued under the Law on Travel Documents. Between 7 July 2008, when biometric passports began to be issued, and 31 December 2010, a total of 2.8 million travel documents were issued.

## **Emergency situations**

Extensive activities were undertaken with a view to further improving work in the field of protection and rescue in emergency situations and for strengthening relevant institutional structures and capacities. The new Law on Emergency Situations and the new Law on Fire Protection (which entered into force on 1 July 2010) are of particular importance in this field. The two laws make legislation pertaining to protection and rescue in emergency situations compatible with that of EU members, as well as implementing guidelines and recommendations of international professional associations and organisations.

In mid-2010, the MUP took over 477 Ministry of Defence and five Ministry of Environment and Spatial Planning staff and assigned them

to two new organisational units: the Department for Risk Management and the Department for Civil Protection (including the Republic Reporting Centre). Activities were also under way to create the conditions for the functioning of the National Training Centre.

During 2010, the Emergency Situations Sector was very busy dealing with the consequences of extensive flooding in the areas of the rivers Sava, Drina, Jadar, Tamnava, Crni Timok, Beli Timok, Moravica, South Morava, West Morava, Pčinja, Kolubara, Peštan, Barička reka and Lim. It also intervened in connection with the destructive earthquake in Kraljevo and its vicinity and the large fire that broke out at the Sloboda AD company in Čačak (where the employees were quickly evacuated to a safe distance and there were no casualties).

The fire-rescue units intervened more than 25,300 times to deal with accidents of all kinds, mostly fires and explosions (nearly 70%). These units were also employed in 700 technical interventions concerning traffic accidents, 89 technical interventions concerning leakage of dangerous substances and 7,245 various other interventions. These units rescued or evacuated 1,367 people (884 in all technical interventions, 345 in fires and explosions and 138 in other accidents). Twenty-four firemen-rescuers were injured in these interventions.

### **Criminal offences, misdemeanours and disciplinary offences by police officers**

Police officers committed 522 criminal offences, the lowest number in the last three years.<sup>383</sup> Criminal complaints were filed against 536 police officers. The majority of these police officers belong to the Police Departments in Belgrade (123), Novi Sad (50), Vranje (45) and Sremska Mitrovica (34). As in the previous two years, police officers of general jurisdiction accounted for over half the total number of criminal offences. One-quarter of these offences were due to lack of discipline in traffic (an increase

383 706 in 2007, 600 in 2008 and 563 in 2009.

of some 5%) and violence of various kinds (an increase in the number of criminal offences with elements of violence of some 15%).

Requests to initiate misdemeanour proceedings were filed against 459 police officers in connection with 466 misdemeanours. The number of misdemeanours by police officers was the smallest in four years. About 65% of these were traffic offences involving speeding and disregard for traffic signals while the public order offences consisted mostly in misconduct in catering establishments. Police officers belonging to the Belgrade Police Department committed some 40% of the misdemeanours (a declining trend in that department) and those in Kragujevac and Vranje 10% and about 5% respectively.

The number of police officers subject to disciplinary proceedings under the Law on the Police and the Law on Civil Servants also declined. A total of 3,686 disciplinary proceedings were instituted against police officers (compared with 4,087 in 2009 and 4,128 in 2008) in connection with 2,312 serious breaches (2,566 in 2009 and 2,605 in 2008) and 1,374 minor breaches of official duty (1,521 in 2009 and 1,523 in 2008). The majority of disciplinary proceedings (about 20%) were instituted against members of the Belgrade Police Department, as well as against those in Vranje, Novi Sad, Niš and Pančevo. Dismissal notices were served on 205 police officers, compared with 165 in 2009.

## **Conclusions and recommendations**

The Serbian Ministry of Internal Affairs achieved such noteworthy results that the year 2010 can be regarded as the most successful since 2000 as far as the Serbian police are concerned. The positive trends in the police reform started in recent years continued in 2010.

The MUP adopted a number of very important strategic projects and passed documents enabling the application of strategic documents adopted in previous years. In addition, the MUP made a large contribution to the implementation of European standards in the field of state administration, thus giving a very strong impetus to the further democratisation of Serbian society and adoption of European values.

The police were highly successful in crime suppression too. The importance of these successes are reflected in the significantly increased percentage of clarified criminal offences of the most serious kind with elements of organised crime, the seizure of large quantities of narcotics, the arrests of members of several organised criminal groups engaging in human trafficking and the significantly reduced number of criminal offences as a whole. Noteworthy results were also achieved in the fields of protection and rescue and traffic safety.

Although the number of criminal offences and abuses committed by police officers was significantly less compared with recent years, it was still very large. The fact that the number of criminal offences with elements of violence committed by police officers was higher by about 15% gave rise to special concern.

The police distinguished themselves in particular during the Gay Pride parade, when they succeeded in protecting the participants in the parade and preventing large-scale bloodshed in a highly complex security situation. The police deserve special credit for exercising restraint and for using force only to the extent necessary to prevent violence and offences against public law and order on a larger scale.

The continuation of reforms and the positive trends in the Serbian MUP in 2010 give rise to expectations that the Serbian police and MUP will be able to provide full security to all citizens of the Republic of Serbia in the forthcoming period.

## The Intelligence-Security Services

The intelligence-security services continued to work in their old ways because no new legislation regulating their work was passed in 2010. This is why a very radical reform of the intelligence-security sector is necessary, in particular of the Security-Intelligence Agency (BIA), which plays the central part in Serbia's intelligence-security system.

Besides the BIA as a separate organisation, there are the Military Security Agency and the Military Intelligence Agency as administrative agencies within the Ministry of Defence. The Law mentions only three intelligence-security services, which it calls security services, while there is no mention of the status of the services operating as part of the Ministry of Foreign Affairs (SID and SB) in this section of the Law. It should be noted that the so-called 'diplomatic intelligence services', which include the SID, constitute the backbone of national intelligence systems in most countries. Yugoslav diplomacy and foreign policy had for decades relied on the SID as a reliable source of intelligence information, analyses and assessments. Since at this moment the service would be of valuable help for the conduct of Serbia's foreign policy, one wonders why the legislator should wish to marginalise or even abolish it.

The law also defines the Council for National Security as the body coordinating and directing the work of the entire national security system. Quite absurdly, this important body was set up by a government by-law. The Council for National Security was at that time a matter under dispute between the President of the Republic and the Prime Minister concerning who would preside over it and how its sessions would be called and its agenda determined.

The composition and competences of the Council for National Security ought to have been prescribed by the Constitution as a proper constitutional matter, but there was no political will to do so. This is why it was important to regulate the work of this body by the Law on the Basic Regulation of the Security Services in the Republic of Serbia, that is, to

incorporate the government's decree into the Constitution in its entirety, because, by all accounts, that is the only thing about which the then coalition partners were able to reach agreement.

The composition of the Council is especially questionable. Since the Council makes political decisions of the utmost importance concerning the national security system, it is quite absurd that its members should include persons with no political legitimacy at all such as the Chief of the General Staff of the Army of Serbia and the service directors. Because the non-politicians have four votes in the Council, a minister could outvote, with their backing, the President of the Republic and the Prime Minister! Furthermore, the Minister of Foreign Affairs is not a member of the Council although it is a key state body in the national security system. This body must include the President of the National Assembly and the President of the Committee for Defence and Security of the National Assembly. While the Chief of the General Staff and the service directors should by all means take part in the work of the Council for National Security and facilitate the making of decisions by offering their expert opinions, they should not have voting rights in decision-making. In addition to the Chief of the General Staff and the service directors, the President of the Supreme Court of Serbia should also take part in the Council's work.

One gains the impression that the composition of the Council was determined on the basis of who wanted to see whom in a particular office, rather than taking into account the importance of particular functions in the system of national security. This is the only explanation for the Council's absurd composition, which reflects, *inter alia*, the balance of power reached between the Democratic Party and the Democratic Party of Serbia which shared power at the time when the Law was passed.

In Serbia, the Council for National Security is a very important body from the point of view of direction, functioning, coordination and control of the national security system. The existence of such a body is in line with the spirit of the Constitution of the Republic of Serbia and with the competences the Constitution it gives to specific state bodies in the field of national security. Certain provisions of the Law which define the composition and competences of the Council for National Security should be amended

in order to make the administration of Serbia's national security system more efficient and effective.

Firstly, the new Constitution of the Republic of Serbia or the announced amendments should incorporate provisions defining the composition and competences of the Council for National Security. The Law gives the Council very important and wide powers in the field of national security, which is a constitutional law matter of prime importance.

Further, because the Law regulates the relations between the organs of central state power with regard to very important matters, this too must be defined by the Constitution.

Secondly, it would be necessary to change the composition of the Council for National Security. The Minister of Foreign Affairs must be a member of this body because the Ministry of Foreign Affairs is one of the most important organs for the functioning of the system of national security. In addition to the Minister of Foreign Affairs, the Council should by all means include the President of the National Assembly as the most important authority in the system of state power in the Republic. The control function of the National Assembly in the field of national security would be much more efficient if the President of the Committee for Defence and Security were also a member of the Council.

Thirdly, a much more important part should be played by the Office of the Council for National Security as an expert body in charge of operational implementation of Council decisions. The director of the Office should serve as Council secretary, of course without having the right to vote, and coordinate the work of the security services. Quite absurdly, the chief of cabinet of the President of the Republic as a layman performs the function of Council secretary and coordinates the work of the security services although this should logically be the responsibility of the Council Office director who must be a top expert in matters of security (this too should be regulated by law).

The method of appointing the BIA director is another serious deficiency of Serbia's intelligence system.

Article 5 of the Law on the BIA provides that the work of the agency is directed by a director who is appointed and relieved of duty by the

government. However, the failure of the Law to specify the requirements which a candidate for the BIA director must fulfil is a major flaw. Because the BIA is Serbia's only civilian intelligence-security service and the mainstay of its entire intelligence and security system, a person put forward for its director should be a top security expert possessing high school qualifications and a rich experience in intelligence and security work. The Law on the Basic Regulation of the Security Services of the Republic of Serbia states that the Council for National Security puts forward a candidate for the BIA director but does not specify the requirements for the post and the nomination procedure. Owing to this omission in the law, a person can be appointed as the BIA director according to a party quota principle as a means of putting the agency under party control, and from this there is only one step to serious abuses of the kind one has witnessed in the past. Coupled with the total ineffectiveness of control the National Assembly and the Council for National Security exercise over the BIA, there is clearly much room for abuse of the service. This is why the director of the BIA should be elected according to the same procedure and under the same conditions applying to the director of police. This would ensure that the agency is always led by an expert and professional; this in turn would enable the BIA to become a professional and politically neutral intelligence-security service of concrete use to Serbia.

The police powers the Law on the BIA gives the agency are a special problem. It is impermissible that any authority other than the police should be vested with police powers in Serbia. The military police are, of course, an exception, but they use their powers only in relation to military personnel. There is no reason whatever why members of an intelligence-security service should have police powers considering that their job is to collect, process, analyse and transmit data and information concerning the security of the Republic to the appropriate authorities. An analysis of the relevant legal provisions leads to the conclusion that there are still aspirations in Serbia to preserve 'political police', 'secret police' and other sinister relicts of the past. The BIA should become a professional, apolitical and disinterested intelligence and security service of the Serbian Government concerned with collecting, processing and analysing

data and information of security relevance. The BIA should be concerned with preventing subversive activities of foreign intelligence services in Serbia, monitoring processes and phenomena in society from a security point of view, monitoring and analysing the activities of existing and potential terrorist groups, extremist movements, revolutionary groups and movements which act unconstitutionally, as well as all other individuals, groups and movements which pose a threat to the fundamental values of the Serbian state and society. Because no other state organ in Serbia engages or can engage in such work, and because 'interruption, suppression and prevention' are the responsibility of the police, an intelligence and security service should not waste its resources on something done by a trained and competent state organ (police).

The Law on the BIA has only very brief provisions concerning control of the agency, boiling down to the obligation of its director to submit a report on the agency's work to the National Assembly twice a year. The provisions on control also lay down the obligation of persons exercising control not to disclose any classified information obtained while controlling the work of the BIA. The control powers of the National Assembly and/or the Council for National Security are further elaborated in the Law on the Basic Regulation of the Security Services in the Republic of Serbia. The present provisions do not enable efficient and effective control of the work of the BIA because members of parliament only have limited insight into its work and any rejection of the BIA director's report (which is not an option under the present political circumstances) would result in no consequences. Practice so far has shown that the submission of the BIA director's reports is a mere formality and that it can in no way substitute for any serious control of the BIA's work.

Control of the work of the security agencies is only a matter of formality. The office of the Inspector General for the military services is an important but still insufficient control mechanism given that his or her competence does not extend to the BIA as the central intelligence-security service.

Effective professional control as part of civilian and democratic control should be exercised by an inspector general elected by parliament for

a term of five years. He or she would have authority to control all three intelligence-security services without any restrictions and would have at his or her disposal a service and an own budget. A negative report by the inspector general, if approved by the National Assembly, would lead to the dismissal of the service director concerned. The inspector general would be relieved of office under the same procedure as the President of the Republic; he or she would be elected following a public announcement of the vacancy from among distinguished security or human rights experts; he or she should have university qualifications, at least 10 year's professional experience with a distinguished performance record and be at least 40 years old. The inspector general would be responsible for his or her work to the National Assembly. Only the existence of such an authority can ensure genuine civilian and democratic control over the security services.

It is necessary to amend the Law on the Council for National Security regarding its composition and decision-making as well as regarding the position of the Office of the Council for National Security and of the Council secretary. Further, the Law on the Security-Intelligence Agency should be amended to create the conditions for constituting an intelligence-security system according to the country's needs and in line with the proclaimed goal of EU membership.

The BIA has been severely criticised in connection with the statements of Director Saša Vukadinović and Minister of Justice Snežana Malović that information on candidates for judges collected by the BIA had been used during the reappointment procedure. The role the BIA played in the reappointment procedure was the subject of heated public controversies for months. The impression is that the BIA was misused during the reappointment procedure which itself was scandalous and proved highly embarrassing for the Serbian authorities.

The BIA can also be seriously criticised for disregarding the activities of extremist organisations including making threats to many individuals and organisations in Serbia. The BIA failed dismally to supply the police and state leaderships with adequate information about the plans of these extremist organisations for the Gay Pride parade in Belgrade. Both the

police and the parade participants were attacked. The BIA is yet to find out who is organising and financing extremists in Serbia and for what purpose, whether they are connected with foreign intelligence services and if so what is the nature of such connections.

The BIA is still a closed and unreformed service suffering from many problems inherited from the time of the regime of Slobodan Milošević.



## Private Security Services<sup>384</sup>

Serbia has passed three security strategy acts in a completely illogical manner. All these strategies are replete with flaws: it is not clear who does what and in accordance with which act. The fact that politics played a decisive part in adopting these acts is an additional problem.<sup>385</sup>

Serbia has still not passed legislation to regulate security services and private security companies in particular. Although Serbia has legislation which regulates state security services and intelligence services (the Law on the Security and Information Agency – BIA, the Law on the Basic Regulation of the Security Services of the Republic of Serbia, the Law on the Council for National Security, etc.), these laws are incomplete because they do not specify who controls these services and how. What is more, a number of key intelligence actors do not participate in the work of the Committee for Defence and Security of the Serbian parliament and of the Council for National Security. In addition, the services in questions are fully politicised because top appointments in them are not subject to any job competitions and clear and logical selection criteria. Significantly, these services are still under the direction of the same people who were in their charge during the 1990s. After the overthrow of Slobodan Milošević on 5 October 2000, Vojislav Koštunica as Serbian president ensured continuity with the previous regime by refusing to sack key army and security services personnel. This job is yet to be completed. The failure to do so is having an impact on a number of high-profile ongoing cases including the death of 16 people in the Serbian Radio Television building during the NATO intervention and the murder of two soldiers at the Topčider barracks in Belgrade. A report by the Centre for Euro-Atlantic Studies (CEAS) leaves no doubt that the security services and the army, including persons

384 Source: Centre for Civilian-Military Relations survey 'Privatne bezbednosne kompanije u Srbiji – prijatelj ili pretnja?', 2008.

385 Security Policies in the Western Balkans, ed. Miroslav Hadžić, Milorad Timotić, Predrag Petrović, Centre for Civilian-Military Relations, Belgrade, 2010.

in top positions, are sabotaging these investigations by preventing access to certain documents or by refusing to declassify as military and state secrets certain documents and key witnesses in order to help clarify these cases.<sup>386</sup>

There is still no legislation designed to regulate the work of and ensure control of private security companies (this includes private military companies, which do not exist in Serbia, companies for physical and technical security and detective agencies). Although the operation of these companies is regulated by other legislation, a special law is necessary to deal just with this sector. According to various estimates, Serbia has some 3,000 such companies employing from 30,000 to 50,000 people (compared with some 50,000 employed by the Ministry of Internal Affairs-MUP). Also, these companies are believed to have some 47,000 pieces of weapons. So many people in possession of so many weapons could at some time or other pose a threat to the security of the citizens, in particular because the state does not control the work of these companies and the problems existing in this sector. For instance, no one knows exactly how many such companies exist and how many people they employ. No government institution keeps consolidated records of such companies.

At present, the establishment of security agencies is governed by the Law on Enterprises, which provides that original capital, an office, a registered telephone number and at least one employee is all that is necessary to set up a security agency. Since the Law does not envisage a category of security companies, the majority of these companies are registered as carrying out some other principal activity. In other words, an enterprise registered as a self-service store can actually operate as a security company. These companies are registered by the municipality like all other companies and issued weapons by the municipal police authorities. Registration of a company as a 'service trade company' does not indicate whether it provides security and has access to weapons.

386 Centre for Euro-Atlantic Studies report 'Društveno politička i pravna analiza slučaja poginulih radnika RTS-a, vojnika nastradalih u Topčideru i Leskovcu i slučaj vojnika Milana Matića', 28 June 2009.

This has become a thriving business, with private security companies (PSCs) increasing in numbers and growing economically more powerful. The sector is nevertheless beset by the same problems that were in evidence during the 1990s: criminalisation, domination of individual firms thanks to their political connections, inadequate training and poor choice of personnel.

In 2003, the MUP prepared a draft law to regulate this sphere but the draft was withdrawn from procedure for no known reason. It is suspected that the draft was withdrawn under pressure from various lobbies, criminal groups and politicians. The reason could be attributed to the fact that these shadowy groups benefit from PSCs in various ways and are therefore opposed to their full regulation. The narco boss Darko Šarić was linked with a PSC registered in the name of a family member and headquartered in a flat next to his. Željko 'Arkan' Ražnatović too owned a company for physical and technical security (PTS). Criminal groups such as these have been using companies for legal weapons procurement and registration for economic gain by employing illegal methods such as threats. Milovan Milošević, an official of the Democratic Party of Serbia (DSS), is the owner and director of a PSC which flourished after 2000 and especially in 2005 and 2006 while the DSS was in power and its members occupied top MUP and BIA posts. The same goes for Gradimir Nalić, another DSS official, who co-owns a PSC with the former US ambassador in Belgrade, William Montgomery. Even the husband of Democratic Party (DS) vice-president Jelena Trivan, Dragan Trivan, owns a PSC. All this shows clearly that PSCs, politics and crime are closely connected. It has been alleged by some that a number of PSCs have established a dominant market position thanks solely to their ties with political party officials. On the other hand, others insist that this is a fallacy and that those who make such allegations must name the companies and politicians concerned.

Political and criminal connections ensure two more advantages to these companies. Firstly, foreign firms hiring PSCs often choose those believed to be close to the political parties in government in the hope that that will ensure them extra security. Secondly, thanks to their connections, some PSCs find it easier to engage former and active policemen and army

personnel, a choice making it easier for them to gain access to certain information and to do business in general. Relevant legislation in most EU member countries specifies that a person leaving the police must not work for a PSC for a specified number of years. What is more, Serbian policemen work for these companies in their spare time. This is made possible for them under the Law on the Police, which only forbids them to engage in independent private and professional activities. The Law does not say anything about whether policemen may work for another employer. The new law should therefore incorporate an express prohibition on employers to hire persons already working for the MUP. As regards professional military personnel, the Law on the Army permits them to work for remuneration outside their units and/or institutions and to engage in independent activities with the permission of the Chief of the General Staff or the Minister of Defence.

Many actors in Serbia turn to PSCs because the human resources and equipment at these companies disposal make it possible to gather intelligence. Economic and industrial espionage in particular has been on the rise in recent years, 'so that the majority of clients of detective agencies that used to shadow adulterers now come from the world of business...' As part of the surveys conducted by the Centre for Civilian-Military Relations in 2007 and 2008,<sup>387</sup> researchers interviewing PSC security managers were told repeatedly that they had been approached by members of Serbia's security services and asked to render services encroaching on the privacy of citizens. The managers said that, as far as they were aware, other PSCs had had similar experience with security services. Most of these allegations were made by the managers of companies concerned primarily with technical aspects of security. Services of private agencies can be very valuable, given that the state security-intelligence service must obtain permission from a court and/or its chief for every surveillance or listening operation, and that punishment for breaking the law in this regard is very severe. Importantly, in cases where freedoms and rights of man and the citizen are

387 Centre for Civilian-Military Relations survey 'Privatne bezbednosne kompanije u Srbiji – prijatelj ili pretnja?', 2008.

violated by a person other than an official performing his duty, the perpetrator may only be prosecuted on the basis of a private charge (Article 153, paragraph 1). This aspect of operation of PSCs should be regulated by law.

In Serbia, PTS firms are the most numerous. There are at present six large companies of this kind with a workforce exceeding 1,000 each. All these six companies are members of the Association of Companies for Physical and Technical Security at the Serbian Chamber of Commerce. As already noted, the sector began to grow rapidly after the arrival of foreign companies in Serbia. Foreign banks are the chief clients of PTS companies. Thanks to them, the quality of services has improved because they insist on a certain level of standards. At the same time, the army and the police have been reducing the number of personnel and a good many of those made redundant have found jobs in the private security sector.

The absence of legislation regulating the sector has deprived the state of some revenue. Because there is no central register of such companies, the state does not know their number and how many people they employ. Some of these companies employ many people without registering them in order to avoid paying tax. The future law should also make emphasis on the licensing of companies and staff and on personnel training. The sector should also be subject to legislative regulation in order to increase state revenue.

Although the Committee for Defence and Security of the Serbian parliament is mandated to supervise the sector, no supervision is exercised. The members of the Committee are neither very interested in this matter nor willing to start an initiative to adopt appropriate legislation. They do not think it necessary to initiate a debate on the matter within the Committee and consider that there are many other more important questions to be discussed by the Committee and parliament. The Centre for Civilian-Military Relations stresses in its survey that although they have general, principled positions on the matter, members of the Committee are not sufficiently informed about the basic characteristics of the sector: how many companies there are and how many people they employ; the quantity of weapons in the possession of these companies; the identity of their clients

are; the role played by PSCs in the EU; and how the sector is regulated in other countries.

Since 2003, as many as four draft laws have been prepared with the object of regulating the sector. One of them was prepared by the MUP and reached parliament but was withdrawn from procedure. The others were written by the Centre for Civilian-Military Relations, the League of Experts and the Association of Companies for Physical and Technical Security. The four drafts, which are very similar and aim at regulating the sector as a whole, have both flaws and merits. The Centre for Civilian-Military Relations proposes, in its extensive survey of the sector, preparing a new draft to incorporate the best features from all its predecessors. The future law should specify, *inter alia*, the following: the manner of licensing companies; the training of personnel; the requirement that staff be screened by the MUP (although the requirement is already in place, the procedure is very long and companies often employ persons without waiting for a reply from the MUP); the conditions under which force may be used (under the present law, employees of PTS companies may not use arms because they do not have the status of officials; who will be in charge of the register of such companies; who will exercise control and inspection, etc.

Regarding the licensing of these companies, there are two proposals: the licences would be issued either by the MUP or by the Association. If the former is authorised to do so, the state will have greater control of the sector. However, this may give rise to unfair competition because the MUP charges for some services (e.g. the guarding and safe transport of money) which are also provided by PTS companies. Also, the MUP is generally slow when it comes to providing administrative services and it would take too long to obtain a licence. Licensing by the Association would be a good solution because the Association knows the market best and what is needed in order to do business efficiently. The administrative procedure would also be quicker. On the other hand, however, there is concern that this would enable individual firms to wield excessive influence and the sector to become unduly autonomous. Whichever model is chosen, it is necessary to establish a department within the MUP to keep records of the number of companies and weapons in their possession as well as to carry out inspection work.

## Expenditure for Security Apparatus

Republic of Serbia's 2011 Budget (passed in Parliament on Dec. 29, 2010, published in „Official Gazette of the Republic of Serbia“ No. Nr. 101/10) contains interesting information on monies earmarked for the security services on the one, and culture, human rights and anti-corruption bodies, on the other side.

For the comparison purposes, the table below contains data on budget expenditures for Parliament, Foreign Ministry and the Serbian Academy of Sciences and Arts (SANU).

Korisnik	Iznos u RSD	Iznos u EUR <sup>1</sup>
Parliament	1.938.896.000	18.705.011
Foreign Ministry <sup>2</sup>	5.648.488.000	54.492.000
Culture Ministry	6.121.888.000	59.059.000
Ministry for Human and Minorities' Rights	508.106.000	4.901.000
SANU	387.070.000	3.734.000
Military Security Agency (VBA)	733.401.000	7.075.000
Military Intelligence Agency (VOA)	614.410.000	5.927.000
Security and Information Agency (BIA – former State Security Service)	4.101.386.000	39.567.000

Korisnik	Iznos u RSD	Iznos u EUR
Ministry for Human and Minorities' Rights	508.106.000	4.901.000
Ombudsman	149.345.000	1.440.000
Commissioner for Equality	96.213.000	928.000
Lustration Commission	48.000	463
Anti-corruption Agency	195.821.000	1.889.000
Commissioner for Free Access to Information	126.086.000	1.216.000
Anti-corruption Council	24.091.000	232.000
<b>Total (Human Rights Anti-corruption)</b>	<b>1.099.710.000</b>	<b>10.608.001</b>
<b>Total VOA + VBA + BIA</b>	<b>5.449.699.000</b>	<b>52.574.000</b>

1 Middle exchange rate of the NBS on March 9, 2011: 1 EUR = 103.65 RSD

2 Overall costs, including diplomatic and consular network abroad.



# V – THE PARLIAMENT AND INDEPENDENT AGENCIES



## Serbia's National Assembly: a Political Marketplace

Gordana Pop-Lazic, a member of the Serbian Radical Party (SRS) was the first to step onto the red carpet on March 2, 2010 at the beginning of the Parliament's spring session, and to pass through a gauntlet formed by the Yugoslav Army Guard (during the performance of the national anthem 'Boze pravde') – a ceremony which was introduced to enhance the reputation and the dignity of the Members of Parliament (MPs). There is some irony in the fact that the honor of being the first to begin this ceremony (although by accident) belongs to the very MP which had not cared much for the reputation and the dignity of the highest legislative body during the past several years. She has poured insults and curses from the rostrum without restraints, and she was not shy of throwing her shoe at Gordana Comic (DS), the vice-President of the Parliament and chair of the session.

The law on Serbia's National Assembly was adopted in late February, 2010, and, for the first time in the history of modern parliamentarianism, it has secured the financial independence of the Parliament and has strengthened the supervisory role of the lawmaking institution. It has also introduced a new, formal protocol for MPs who, assumingly aware of their own reputation, were not thrilled about the honor they were given by decree. It is true that the Parliament's sessions have been straightened up (by an efficient implementation of the rules from the Rulebook, denial of the right to speak and substantial fines); however the citizens' confidence in the MPs and the overall rating of the National Assembly is so low that, according to a survey, it is limited to their close relatives.<sup>388</sup> According to this research, the Parliament's reputation and ratings are at about 15% and are rated lower than the rankings of the European Union, the Military, the church, even lower than Serbia's Government and the Hague Tribunal.

388 [http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=06&nav\\_category=206&nav\\_id=422515](http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=04&dd=06&nav_category=206&nav_id=422515).

Svetlana Logar, director of Strategic Marketing, has stated for the daily *Blic* that, even in moments of increased optimism, which was brought on by Serbia entering the Schengen White List, the citizens do not ascribe the credit to the MPs. It is considered that 'there are no indicators for the Parliament's ratings to rise under the circumstances. There is a low confidence of the citizens in the Parliament because they see and feel that it is an arena of party struggles and that the disputes are not constructive and in favor of the state. They can see that it is not a clash of ideas but that of party interests.<sup>389</sup> The trading of mandates and revoking them, as the basis of corruption of MPs, which has marked the period up until 2006, is, in the opinion of many connoisseurs of parliamentary democracy, the main trademark of the Assembly and the reason for its poor functioning, poor conduct and even worse reputation in the public.

The Members of Parliament have additionally confirmed their bad reputation in early 2010 (one of the hardest years of the past decade, economically speaking), with the attempt to improve their standing from increases of salaries to numerous privileges, such as their retirement, which does not fall under regulations applicable to all other citizens. The draft Law on the National Assembly provides that MPs can retire with only 15 years of service, 3 mandates in the Parliament and 55 years of age, among other privileges. The same option is provided in cases of being 50 years of age, having 30 years of service and 3 mandates; as well as for having 35 years of service and 3 mandates in the Parliament. The law also defines that pensions should amount to 80% of total income of MPs, which means that the pensions would amount to at least 84.000 RSD at that moment. Their lack of sense of the real life was intercepted by the media, which have reported about the preparations of the Law on the National Assembly in detail. This has caused a stormy public reaction, leading to a quick response of the ruling coalition which, then, demanded that these provisions be revoked.

The use of official cars for private purposes is almost common practice for Serbian politicians; however, the scandal when the secretary of the Parliament's President had used the official car and official driver to run

389 *Blic*, April 6, 2010

private errands in another city and without a business travel form, has demonstrated that negligence exists even in the Assembly's services. The public had a particularly negative reaction to the way the secretary was sanctioned – she was punished with a ban of career advancement in the next 4 years (whereas the driver was fired for committing a serious traffic violation during that trip). The same secretary was soon transferred to the Ministry of Infrastructure led by Milutin Mrkonjic, a party colleague of the Assembly's President (SPS). The legal dilettantism in the Parliament was, unwillingly, confirmed by Veljko Odalović, the secretary of the National Assembly, when stating that 'it is possible that the Parliament's employees have used official vehicles before without business travel forms or anyone's approval', but that such actions will always be sanctioned. He has called upon the press and the public to report any case of misuse 'if they know of one'<sup>390</sup>, which could lead to the conclusion that, apart from reports by citizens, there is no other mechanism for the control of MPs.

## Declarations Condemning Crimes

In 2010, Serbia's National Assembly has adopted two declarations which refer to war crimes during the wars in former Yugoslavia – one on Srebrenica and the other on crimes committed against Serbs. At the beginning of the year, the initiative for the adoption of the Resolution on Srebrenica came from Serbia's President Boris Tadić, who stated that a positive step forward in terms of ethic and all other values needs to be made in relation to the continuous tendency of societies in the Balkans of mourning their own victims only.<sup>391</sup> This resolution was 'brewing' for 3 months in the political kitchen and 'spices' were carefully being added and removed, in order for the largest possible number of MPs to digest it – that is, in order to ensure the broadest possible support for its adoption.

390 <http://www.blic.rs/Vesti/Politika/174352/Odalovic-Prijaviti-svaku-zloupotrebu---sluzbenog-vozila>.

391 <http://www.rts.rs/page/stories/sr/story/9/Srbija/436191/Rezolucija+o+Srebrenici+moralni+iskorak.html>.

The debate on this document and the fact that the proposal for another resolution referring to all committed crimes has been made only a day after Tadić's initiative, has confirmed that Serbia still isn't able to condemn the genocide in Srebrenica – the biggest crime in Europe after World War II – in a clear and unambiguous way. It cannot be said that this crime committed against Bosniaks is approached in the same way as it was a few years back – it is now approached much more realistically than before, but it is clear, nevertheless, that the political elite is unable to call this crime by its real name. The word genocide, which was used to denote the massacre in Sreberenica by the International Court of Justice, and on which the LDP insisted upon, still displeased some coalition partners of the Democratic Party (SPS-JS), as well as that of the opposition, which had asked for some sort of balance in crimes, stating that only a resolution condemning all crimes is acceptable. The fact that Srebrenica is the only war crime in Europe's territory in the past 60 years which has been declared as genocide by a final court decision (in the process against general Radoslav Krstic before the Hague Tribunal), was not convincing to the majority of Serbian parliamentarians, hence the authorities agreed to a compromise solution, that is to adopting 2 resolutions – one on Srebrenica, and another condemning all crimes.

Following a fervous and unpleasant 13-hour debate and on urgent proceedings, the Declaration on Srebrenica was adopted, its text strongly condemning the crimes committed against the Bosniak people in July of 1995, and expressing 'condolences and an apology' to the families of victims because not everything was done to prevent this tragedy. The word genocide was obfuscated, whereas the Parliamentary debate revealed that the Serbian society remains divided on the issue of war crimes. Although it was announced that the broadest possible support in the Parliament will be secured for the adoption of the Declaration, the crime in Srebrenica ended up being condemned by 127 MPs from the coalition ZES (For a European Serbia), G17plus, PUPS, SPS, SVM and JS. 21 MPs voted against the proposal and 15 abstained.

Serbia's President Boris Tadić, who had stressed that the Declaration on Srebrenica is not the product of EU pressures, has called upon 'all

actors in Serbia's political scene to refrain from party politics, the misuse of this topic, and from hate speech' and has advocated the reaching of a consensus about this value issue. The democrats have supported their own and the state's President, pointing out that he has 'demonstrated morality and bravery by making an apology for the crime in Srebrenica'.

During the discussion about the Resolution, Cedomir Jovanović, leader of the LDP Parliamentary Group, has stated that the International Court of Justice and the Hague Tribunal have established that genocide was carried out in the Srebrenica area and that Serbia's Parliament should not keep silent about this. On the eve of the vote in the Assembly, Jovanović has said in his statement: 'There is no reason to keep quiet because no one in the world has accused the Serbian people of genocide, nor has anyone said that Serbia is responsible for genocide.'<sup>392</sup> Jovanović noted that LDP wanted a different resolution on Srebrenica, but that this clearly is not possible because there are no internal forces in the society, adding that the verdict of the International Court of Justice cannot be mentioned 'without it being mentioned in its entirety'.<sup>393</sup> He stressed that Serbia needs the truth and clear answers, not attempts to sneak in the incomplete text of the Declaration through the Parliament.<sup>394</sup>

In principle, other opposition parties have supported Tadić's initiative; however, they have persistently disputed the details of the document. The SNS felt that it 'would be good to make mention of other war crimes in such a resolution'; whereas the DSS also took the stance that only a declaration condemning all crimes is acceptable. The Serbian Radical Party (SRS) has expressed their conviction that the proposal of the Declaration condemning the crime in Srebrenica should be rescinded from parliamentary procedure because 'its adoption could have unforeseeable detrimental consequences'<sup>395</sup>; whereas NS asked for the Parliament to revoke from procedure the proposed Declaration condemning the crime in Srebrenica

392 *Blic*, March 30, 2010

393 *Ibid.*

394 *Ibid.*

395 <http://www.rts.rs/page/stories/sr/story/9/Srbija/599011/Usvojena+Deklaracija+o+Srebrenici.html>.

and to adopt one that would convict all crimes committed on the territory of former Yugoslavia.

The first proposal of a resolution was submitted to Serbia's National Assembly in 2005 by Natasa Micic (GSS) and Zarko Korac (SDU) on behalf of Non-Governmental Organizations. A condemnation of the genocide in Srebrenica and acknowledgement of the crime committed on our behalf was asked for, as a way of distancing from the crime. On this occasion, the MPs only agreed that the resolution should condemn all crimes. This was followed by a submission of a resolution proposal by the Democratic Party (DS) and the Serbian Renewal Movement (SPO); whereas the Democratic Party of Serbia (DSS) submitted a proposal of their own.

After the verdict of the International Court of Justice at The Hague in 2007, Serbia's President Boris Tadić called upon the National Assembly to adopt a declaration which would unambiguously condemn the crime in Srebrenica. As a result, the Liberal Democratic Party (LDP) submitted its own 'Proposal of a Declaration on the Obligations of the State Bodies of the Republic of Serbia in Abiding by the Decisions of the International Court of Justice', asking that Serbia's legal system and state bodies 'clearly condemn any denial of genocide in Srebrenica'. Then, the League of Social-Democrats of Vojvodina (LSV) and the Alliance of Vojvodina Hungarians (SVM) offered their proposal, because 'the stance towards Srebrenica determines our country's future, and representatives of the National Assembly will pay tribute to the victims of Srebrenica and from their suffering learn a moral lesson about the fatal consequences of ethno-nationalism, war-mongering and blind and uncritical 'patriotism''.<sup>396</sup> Last year, the same 3 parties requested that that July 11 be declared as a genocide Remembrance Day in Srebrenica, and Zarko Korac gave his proposal of a declaration on the obligations of the state of Serbia to take on all measures of protecting the rights of war crime victims, especially genocide victims in Srebrenica.<sup>397</sup>

In mid-October, the National Assembly adopted the Resolution condemning crimes against members of the Serbian people in armed conflict

396 *Vreme*, February 4, 2010

397 *Vreme*, February 4, 2010

in former Yugoslavia during the 1990s, which was supported by the ruling coalition and the LDP, while the opposition (SRS, DSS, NS and SNS) did not vote. Prior to the decision being reached, there was a typical 'patriotic' debate (the tone of which was set by the opposition) in which the MPs competed in who is the bigger or true patriot and who is a false one. The Declaration, whose adoption had been announced for 6 months, was adopted after more than 10 hours of debate. During the debate, representatives of the authorities claimed that the Declaration's adoption should contribute to crimes not being forgotten and the perpetrators not escaping justice, whereas the majority of oppositionaries asserted that it is being adopted as an alibi for the Declaration on Srebrenica. The opposition was particularly bitter about the fact that the document does not condemn NATO bombing, but rather merely expresses regret there were victims of the bombing, and it blamed the resolution for absolving NATO of guilt and dividing victims into important and unimportant ones.<sup>398</sup>

A statement by the Serbian Radical Party (SRS) parliamentary group leader Dragan Todorović perhaps best describes the tone of the discussion – saying that the proposed Declaration on the condemnation of crimes against the Serbian people is one of the most disgraceful acts to be adopted in Serbia's National Assembly and that, in the Parliament, the ruling coalition is absolving those who committed crimes against the Serbian people. Spectators of the debate perhaps found the argument between Tomislav Nikolić (SNS) and Nada Kolundzija (ZES) to be the most interesting. Nikolić stated that 'the authorities have not diverted anyone from attempting to bomb us again by this declaration, nor to start another war against us and that the declaration should have informed them that they would be severely punished for that, adding that the 'legal act is adopted only to protect Serbia's President. Kolundzija replied: 'To say 'they would be severely punished' does not come as a surprise from those who had made threats with rusty spoons and then put on an European suit thinking that would suffice.'<sup>399</sup> This Parliamentary session was briefly

398 *Vecernje novosti*, October 14, 2010

399 <http://www.politika.rs/rubrike/Politika/Osuda-zlocina-nad-Srbima-nema-podrsku-svih.lt.html>.

interrupted in order for the Assembly's security to remove the posters stating 'Stop the killing of Vojislav Seselj at the Hague' from the benches occupied by MPs of the SRS.

## The Parliament and Kosovo

The ruling coalition carefully avoided a debate about Kosovo in the Parliament, but it had presented an optimistic view of its policies on the issue in the public eye, even though it has long been clear that Serbia has no influence in Priština. The topic of Kosovo, always 'a historic issue', has inevitably made its way onto the Assembly's agenda after the International Court of Justice (ICJ) had given its opinion on the legality of the unilaterally proclaimed independence of Kosovo. The ICJ's opinion has stirred up complete shock and consternation because it has confirmed the defeat of Belgrade's policy towards Kosovo. To make things even more difficult for Belgrade, it was preceded by a resolution on Kosovo which was adopted by Members of the European Parliament (MEPs) in early June, and which states that they 'would welcome the recognition by all Member States of the independence of Kosovo'.<sup>400</sup>

The authorities have decided to ask the ICJ for an answer to the question 'Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo on February 17, 2008 in accordance with international law?' This was done even though there were warnings coming from many directions that this step is not very well thought-through and that the eventually positive answer will lead to negative consequences for Serbia's standing in Kosovo. However, in advance of the ICJ advisory opinion, optimism was being persistently spread about an outcome favorable to Serbia. The authorities have played this card for months, so that Serbia's President Boris Tadić and its Prime Minister Mirko Cvetković, and especially Vuk Jeremic, Minister of Foreign Affairs, stated prior to the ICJ decision, that the decision will be favorable for Serbia, convincing, it seems, themselves in the correctness of their stance, but

400 <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:291562-Usvojena-rezolucija-o-Kosovu>.

also attempting to persuade other countries which could potentially recognize Kosovo to halt their decision. Jeremic, whose position was at stake after the ICJ had given its opinion, claimed at the Assembly as well, that when 'the moment of truth' arrived, the process before the ICJ had a positive effect – he claimed that it had contributed to the freezing of the wave of recognitions of Kosovo.

Only 4 days after the ICJ decision was announced (on July 22, 2010), which was the complete opposite of what official Belgrade was expecting, there was a debate on the subject at the National Assembly, in the presence of the state's President and Prime Minister. Although the ruling coalition has called upon all MPs to be united on such an important question, there was, of course, no unity. The ICJ ruling was assessed as a blow to Serbia (by Serbia's President); as a legal failure (by the leader of the Serbian legal team Dusan Batakovic); as Serbia's defeat (SNS); as a harsh defeat (LDP, DSS, SRS), and as a total fiasco (certain commentators). The leader of the Serbian Progressive Party (SNS) Tomislav Nikolić called for the Government to resign. Velimir Ilic (NS) has asked for the resignation of Vuk Jeremic; whereas Koštunica asked before the Assembly for the President of the Republic to resign, reminding that he had himself resigned from power twice when he was no longer able to pursue policies.<sup>401</sup> Cedomir Jovanović, President of the Liberal Democratic Party (LDP) had stated that the ICJ's opinion has defeated Serbia and that this was proof that authorities in Belgrade should change their stance on Kosovo.

Even though the opposition has seized the opportunity to attack the authorities for its unsuccessful policy towards Kosovo, this debate was devoid of the usual epic statements like the one 'Kosovo is the heart of Serbia', and there weren't even any major disqualifications, typical of discussions on Kosovo; which could be interpreted as an undeclared non-aggression 'pact' between the Democratic Party (DS) and the largest opposition party – the Serbian Progressive Party (SNS).

After several hours of debate, 192 (out of 250) MPs have voted for the Government's policy towards Kosovo by adopting the decision on the ICJ's ruling and Serbia's future policy with regards to the Kosovo issue. It was

401 *Vreme*, July 29, 2010

somewhat surprising that all opposition parties, aside from DSS and LDP voted for the adoption of the Decision on the Continuation of Activities in the Defense of Serbia's Sovereignty and Territorial Integrity, even though it was known that the majority in favor of the decision was secured.

The decision stated that the International Court of Justice did not legalize the ethnically motivated attempt of Kosovo's secession by giving its advisory opinion on the Kosovo's declaration of independence; nor has it answered the crucial question of the legality of the right to secession of Kosovo's Albanians. The Parliament has confirmed its 'hitherto policy of the preservation of Serbia's sovereignty and integrity, administered based on the Parliament's decisions' and prescribed to the Government 'the use of all diplomatic and political means at the disposal of sovereign states, members of the UN'. Afterwards, the emissaries of the President of the Republic were to start their globe-trotting tour and deliver Boris Tadić's letter to representatives of 55 countries which 'Belgrade is informed are under pressure to recognize Kosovo'. The Parliament was not informed of the contents of the letter, but its intention was known – an appeal for refraining from recognition until the debate at the UN General Assembly on Kosovo and a new initiation of negotiations.

Only two days later, on July 28, 2010, the government has hastily delivered the proposal of the Resolution on Kosovo to the UN mission (for, allegedly, procedural reasons, to preclude Priština) without consultations with the EU. The Resolution's formulation that 'unilateral secession is not the way for acquiring statehood and resolving territorial disputes' is unacceptable to many EU members as well as the US, which have recognized Kosovo; what was also unacceptable was the insistence on negotiations with Priština about all open questions, including status, which the Serbian diplomacy had to have been aware of.

When signals started coming in that such a resolution does not stand a chance in New York, but also after serious pressures from Europe and the world and warnings that Serbia will face a blockade of the process of Euro-integrations if it keeps insisting on this resolution, another, 'softer' resolution was soon prepared. Objections from Brussels and Washington were accepted in the document which was adopted by acclamation at the

UN General Assembly, and Belgrade and Priština were called on to start a dialogue, which was marked as a turning point in their relations.

## **Mandates of Members of Parliament**

The games with the mandates of the Members of Parliament have been overtly played for years on end. The mandates have become almost a legalized political trade, which voters could not influence in any way, and this 'institution' has endured in spite of the fact that their abolishment is a condition of European integrations and in spite of the warning from Brussels that blank resignations no longer exist in democratic parliaments. Different governments have disregarded the voters' will and strained to ensure a majority in crisis situations; and the suspicion that there are MPs who have changed parties in return for material benefits is probably not unjustified.

The abolition of blank resignations has been announced in the Parliament for the beginning of the year; however, in spite of the parties' declarative support of the idea, the process was being procrastinated throughout all of 2010. Only in February 2011 was it announced that the National Assembly will form a working group for the proposals of the amendments to the law on election of members of parliament in order for them to be abolished. The vast majority of political parties are clearly having a hard time renouncing this instrument which they use for disciplining members of parliament and which the parties use at will. The only party which does not have blank resignations is the Liberal Democratic Party (LDP). In order to prolong the existence of blank resignations, certain parties (such as SPS, for example), ask for a change of the Constitution, even though the easiest way to abolish them is via the new law on election of members of parliament. 'Changes to the Constitution, proposed by SPS, are by far the most complex way of abolishing this instrument. In addition, if it is known that parties have juggled blank resignations even before the provision enabling the MPs the right to grant their mandates to parties was written into

the Constitution, this idea is becoming meaningless', it was written in the daily *Blic*<sup>402</sup>.

The MP blank resignations are not a new issue; however, it was only after complaints from Brussels were made that some concrete steps were taken. Therefore, there is a difficult task ahead: to comply with the EU's requests as well as to the requests of political parties in Serbia. It is asked of Belgrade not only for the MPs to remain owners of their mandates, but also for the parties to name their MPs in the Parliament based on the order of the voting list; unlike the common practice up until now for the parties to nominate the MPs arbitrarily and at will, taking account of their obedience instead of quality. In addition, the issue of blank resignations was not bypassed by the European Commission Questionnaire (in order to prepare an opinion about Serbia's application for EU membership); which also asks for the abolition of this institute, hence political parties will be forced to change the system of the selection of politicians.

The games with mandates have become a tradition of Serbia's Parliament, although various scandalous decisions in relation to this issue passed without much public judgment. In 2002, Serbia's Administrative Board has revoked 21 mandates from DSS MPs for not attending sessions regularly; however, during the same session, the Board refused to revoke mandates from Branislav Ivković (SPS), who was no longer a member of the party. The Federal Constitutional Court had, then, pronounced this decision to be unconstitutional. The then Democratic Opposition (DOS) coalition fought back – the Administrative board had annulled its previous decision and had taken all 45 mandates from the DSS, because the party was expelled from DOS. The MPs have returned to Parliament two months later without any official decision. On May 2003, the Constitutional Court had decided that the mandates belong to MPs, and not to political parties. In late April of last year, the same court has reached a decision that the contracts between political parties and committee members, according to which the parties have the right to resign on behalf of committee members, do not comply with the Constitution.

402 <http://www.blic.rs/Vesti/Politika/214068/Vlast-se-bori-da--sacuva-blanko-ostavke>

On November 2004, the first case of activating a blank resignation occurred, on which occasion the mandate was revoked from Dragisa Djoković, who had transferred from DSS to DS. A year later, the blank resignations of G17plus MPs Vesna Lalic-Dragović and Sovranije Conjagic were utilized; and in May 2006, based on the blank resignations institute, mandates were revoked from G17plus MPs Ksenija Milenković and Goran Paunović, whose cases are now before the Court in Strasbourg.

During 2010, the mandate of Dragan Sormaz, a former DSS member, was in the spotlight, in addition to the role of the Administrative Board where there was outvoting about the issue of whether a person can or cannot keep the mandate. The transparent maneuver of the ruling coalition to increase the number of board members in order for the mandate to be taken from DSS was labeled as political crime by LDP's president Cedomir Jovanović, who emphasized that such an action committed at the time of Slobodan Milošević would be labeled as 'political crime'<sup>403</sup>.

Dragan Sormaz was excluded from the party in May, and the DSS had instantly activated his blank resignation. He has, however, revoked this resignation and the Parliament's Administrative Board was supposed to vote on whether he or the party is entitled to that mandate. Several months ago, there was a debate on whom Sormaz's mandate belongs to (it was evident that DSS wanted to hold on to his mandate), ending with the decision of the Administrative Board October 10, 2010 that Sormaz should keep his mandate. At first, Sormaz acted as an independent MP, then he transferred to the SNS, giving the 'Napred Srbijo' parliamentary group 22 MPs. Following the schism at the SRS (2008), 21 radical MPs joined Tomislav Nikolić's parliamentary group, and the leader of the then newly-formed Serbian Progressive Party (SNS), with the ease of a politician who knows that all is allowed in Serbian politics, with a smile on his face, simply claimed that 'he lost the blank resignations of those MPs'.

The strangest decisions, which differed completely from case to case, were made by the Parliament's Administrative Board in the first assembly of October 5<sup>th</sup>, up until the Constitutional Court had, in 2003 adjudicated that MPs are the owners of the mandates, and not political parties. The

parties, then, introduced the institute of blank resignations, which were signed by MPs as soon as they would set foot in the Parliament, and the parties would activate them as needed. Blank resignations were legalized in a sense in Serbia's 2006 Constitution which prescribes that 'under the conditions set out by law, the MP is free to irrevocably put his mandate at the disposal of the party which has nominated him as a Member of Parliament'. The Law on Local Elections went one step further, when blank resignations were incorporated into this regulation, but the Constitutional court had proclaimed this to be unconstitutional. In any case, the issue of mandates, which will soon have to be resolved, is consumed with politics, and all institutions are hostages to political parties, whose interests do not encompass a clear definition of the rules.

### **The Parliament's Rulebook and TV Broadcast**

The New Rulebook on the functioning of the Parliament, which was adopted in late July, 2010, increased the fines for Members of Parliament, reduced the number of boards from 30 to 19. It also enabled for the debates on the confirmation of international agreements, on smaller changes or amendments to existing laws, on the cessation of legislation, and on the harmonization of Serbian laws with EU regulations not to have to take 5 hours, because MPs can propose that the time for the debate be cut short.

The regulatory bodies had an objection to the provision of the Rulebook according to which their reports are adopted by the Parliament, stating that it was a way of putting political pressures on them. The new Rulebook, for the first time, introduced the possibility of MPs debating on the reports of regulatory bodies on plenary sessions and not in parliamentary boards, as was previously the case. Representatives of the regulatory bodies have pointed out that this sends a hidden message that reports should please the government in order to be approved in the Parliament. The European Commission has also pointed out that some of the proposed solutions in the Rulebook which regulate this problematic could be subject to misuse.

This is why, in early 2011, the Parliament has changed the Rulebook which prescribes that reports of regulatory bodies be adopted by competent parliamentary boards in the future, and that they be confirmed by the Parliament. This refers to the provision that the Parliament can automatically hold an independent regulatory body responsible if its report is not accepted. Among the independent regulatory bodies, the changes refer, in particular, to the Ombudsman, the Commissioner for Information of Public Importance, the Anti-Corruption Agency, the State Audit Institution the Commissioner for Equality.

Not even Rulebook changes have impacted the behavior of certain MPs. Following a break of several months, the curses and insults returned to the National Assembly. In the radicalist tradition, Progressive Party pioneer Tomislav Nikolić cursed and insulted Mladjan Dinkic (although thinking that his microphone was off), whereas the entire ordeal was preceded by an argument between Dinkic and Jorgovanka Tabaković, a member of the Serbian Progressive Party (SNS), who claimed to have been insulted by Dinkic. The leader of the League of Social-Democrats of Vojvodina (LSV) Nenad Canak made his contribution to the 'debate' when he called Velimir Ilic (NS) a 'liar with immunity', making an allusion to his alleged alcoholism. A similar allusion was made by Suzana Grubjesic (G17), after which the NS leader took an alcohol test stating: 'everyone who knows me knows that I haven't tasted a drop of alcohol for as long as I can remember'.<sup>404</sup>

The tension between the Parliament and the *Serbian* Broadcasting Corporation (RTS) about the broadcasts of parliamentary session has culminated at early October 2010, when the RTS broadcast was interrupted in order to broadcast a match of Serbia's national volleyball team. Aleksandar Tijanic, Director of the RTS has used the opportunity to announce that the public service will be forced to 'stop the spending of the people's money'<sup>405</sup> on television broadcasts from the Parliament if the Parliament does not settle its debts for direct broadcasts of parliamentary sessions

404 <http://www.vesti.rs/Politika/V-Ilic-Alko-test-pokazuje-da-nisam-imao-alkohola-u-krvi.html>.

405 <http://www.srbijanet.rs/tag/rts.html>

(a total of 3,3 million euros). He stated that no law obliges the RTS to broadcast parliamentary sessions.

The argument about television broadcasts of parliamentary sessions – both because of payments and because of RTS' program scheme – has been going on for years. The RTS occasionally comes out with a threat to abolish broadcasts, and the Parliament responds by interrupting the sessions because the MPs, evidently, like to talk in front of cameras. During the 1990s, the then opposition has demanded direct TV broadcasts because that was the only way for its position to be heard, and it had considered the fulfillment of this request as one of the greatest democratic achievements since the introduction of the plural party system. The current opposition is against the abolishment of the broadcasts, often stating, even ironically, that this legacy should not be destroyed.

However, considering the ratings of the Assembly broadcasts, they are unnecessary expenditure. The ratings of the broadcasts of Parliamentary sessions have half the ratings of broadcasts of sports events, according to the research by the 'AFB Nielsen Media Research' agency for the first half of the year. For example, the session from March this year, during which the declaration on Srebrenica was being discussed, was viewed on the RTS Second Program by around 430.000 citizens, that is, around 6% of the population; whereas the agency's people meters recorded that the basketball game Partizan – Makabi, aired on the First Program of the RTS, was viewed by around 13% of the population.<sup>406</sup>

406 <http://www.blic.rs/Vesti/Politika/209815/Skupstina-ne-moze-da-prizna-dug-RTSu>.

## Conclusions and Recommendations

Serbia's National Assembly has reached a good tempo of adopting laws and other regulations for the purpose of harmonization with European legislature; however, a better monitoring of the implementation of these regulations is needed, which will also be facilitated by better communication between the legislator and the Parliament.

Serbia's Assembly needs to abolish blank resignations as soon as possible, not only because this is one of the conditions for European integrations (although this in itself is a sufficient enough reason), but also in order to abolish the political marketplace which has been devolving the credibility of the Members of Parliament and the Parliament itself for years.

Serbia's Parliament, even more than thus far, also has to impact the responsibility of bodies which do not comply with the recommendations given by independent regulatory bodies which have been facing challenges and difficulties in Serbia for years. More attention needs to be paid to their reports and timely reactions to the problems which have been pointed out must be ensured. By adopting laws, the National Assembly has, in the past years, significantly contributed to the creation of conditions for the founding and operation of regulatory bodies authorized for various forms of control, channeling and managing public affairs and activities; however it must be even more engaged on helping them reach their full effect, that is for the regulatory bodies to truly become controllers of power.



## Independent Regulatory Bodies

Independent regulatory bodies have been established as a special type of institutions responsible for an independent and impartial analysis and correction of the work of government bodies, as well as for the protection of citizens against discrimination by both government institutions and all social actors that might be the holders of discriminatory practices.

From a legal viewpoint, independent regulatory bodies are by nature a hybrid solution. Namely, in a highly centralized and partocratic society, the status of independent regulatory bodies depends, in large measure, on those actors whose work and its correction come within their competence, that is, on their founder (the Republic of Serbia). Consequently, independent bodies assigned with the task of controlling and regulating the work of government bodies depend, to the greatest possible extent, on those they should control. The new Rules of Procedure of the National Assembly, which stipulate supervision over independent regulatory bodies, are especially absurd. Namely, according to them, the National Assembly may or may not (at the proposal of the relevant committee) reject/accept the annual operating report (that must be submitted to the Assembly by independent regulatory bodies), whereby it will be possible to initiate the procedure for determining the responsibility of officials of independent regulatory bodies. According to the new Rules of Procedure, the National Assembly and its deputies will be able to adopt or not to adopt the annual report of the Anti-corruption Agency, for example, and the task of this body is to control the deputies' property status and carry out supervision over their double functions.

The Republic of Serbia is obliged to enable independent regulatory bodies to work without hindrance, as well as to provide them with financing, protection and support. However, over the past few years, government bodies have significantly hindered their work, whether deliberately or not. Over the past six years, several regulatory bodies have been established: the State Audit Institution, Commissioner for Information of Public

Importance, Commission for the Protection of Competition, Republican Committee for Resolving the Conflict of Interest, Securities Commission, Ombudsman, Republican Broadcasting Agency, Republican Telecommunications Agency, Anti-corruption Agency and Commissioner for the Protection of Equality. All these bodies have been established with a view to getting Serbia closer to the European values, which are supported by the greater part of society, at least declaratively.<sup>407</sup>

The fate of independent regulatory bodies depends, in large measure, on the personal qualities of the person appointed as the head of such an institution. Namely, in the society lacking a classical bureaucratic-institutional framework for problem solving, the personal skill, persistence and quality of the person at the head of any of these institutions is often crucial for their success. Namely, government institutions have demonstrated some resistance to these newly established independent regulatory bodies, which refers specifically to the start-up process. Almost all independent independent bodies have been encountering difficulties in their normal functioning since their establishment. The authorities have demonstrated the greatest resistance and/or misunderstanding with respect to the provision of their working premises. There have also been problems with the filling of vacancies and allocation of adequate budgetary funds for their work. So, for example, the Commissioner for Information of Public Importance and Personal Data Protection still has no adequate premises, although six years have passed since the establishment of this institution. Likewise, the Anti-corruption Agency has not yet filled its vacancies based on job classification just because of its inadequate premises.

As for the work of independent regulatory bodies, it is best illustrated by the case of the former Chairman of the Commission for the Protection of Competition, Dijana Marković-Bajalović. Namely, the Commission for the Protection of Competition was formed in 2006 and she was appointed

407 It is interesting to note that the strongest opposition party – Serbian Progressive Party – has promised to “abolish a great number of agencies” after coming to power. Although they have not precisely stated which agencies they have in mind (there are more than a hundred in Serbia), it is interesting that the Progressives regard this type of institutions as harmful to society. For more detail see:

[http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=01&dd=14&nav\\_id=485915](http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=01&dd=14&nav_id=485915).

Chairman. Until 2009, this institution did not have a sufficiently broad legal framework for its work and then, when additional powers were approved (after the European Commission's pressure), her term of office was not prolonged.<sup>408</sup> During the four years of the operation of the Commission for the Protection of Competition, not one tycoon was punished for his monopoly behaviour pursuant to the decisions of this Commission. All decisions were rejected by the court. Mrs Markovic-Bajalović publicly stated that she was directly pressured by Milan Beko due to the sale of the Vecernje Novosti Company. Nobody from the executive branch of government stood up to support her, while the Speaker of the Serbian Parliament did not answer her letter in which she made serious accusations against some tycoons.

### **Anti-corruption Agency**

The Anti-corruption Agency has been operating for more than a year. It is a regulatory body out of which the public expects most. Namely, during the first year of its operation, such an atmosphere was created as if this body was a special investigative institution (agency) that should "hunt down" those involved in corruption like the police or court. In the atmosphere of great expectations, most of the public and media, in particular, missed the fact that this special institution should systemically engage in the fight against corruption (in the fields of legislation, education and the like). Consequently, it is not the question of a government agency that should chase corrupt physicians and politicians, but of a body having a much wider and more comprehensive role in the system.

Last year, Serbia was at 83rd position alone. It now shares the position between 78th and 84th place with China, Greece, Columbia, Lesotho, Peru and Thailand; 178 countries and territories were ranked with the scores

408 In October 2010, at the time when the Commission brought a great number of decisions against companies owned mostly by the biggest Serbian tycoons, the Trade Committee of the Assembly did not prolong Dijana Markovic-Bajalovic's term of office and its consent was necessary for the re-election of the Chairman of the Commission.

from 1.1 (Somalia) to 9.3 (Denmark, New Zealand and Singapore). As for the countries in the region, Slovenia is at 27th position, with a score of 6.4; Croatia and Macedonia share 62nd position, with a score of 4.1; Montenegro and Romania share 69th position, with a score of 3.7, while Bulgaria is immediately after them, with a score of 3,6 and 73rd position. The countries ranked worse than Serbia are Albania (87th position, with a score of 3.3) and Bosnia and Herzegovina (91st position, with a score of 3.2).

According to Conny Abel, Transparency International Regional Coordinator for South Eastern Europe, apart from the Hague and Kosovo issues, the greatest problem and challenge faced by Serbia on its path to European integration will be posed by corruption, apart from the Hague and Kosovo issues.<sup>409</sup> She has also stated that the relevant laws have been adopted, many of them in full compliance with the European laws, that the anti-corruption agency has been established and that regulatory bodies carry out their activities. However, a closer look will reveal that the work of many bodies is aggravated, or that there is a discrepancy between legal theory and practice. She has mentioned public procurement as the area of great importance for both the European Union and Transparency International. Although under the law the Commission for the Protection of Bidders' Rights should be an independent body, its practice has proved to be different over the past year and a half. In her view, public procurement is at the top of the list of anti-corruption priorities for the European Union and Transparency International because the largest amount of government money is spent just there. It is estimated that almost one-fourth of government money is unnecessarily spent due to the inadequate conduct of the relevant procedures.<sup>410</sup>

As identified by Verica Barac, the major corruption generators are: "Political parties, that is, the nexus between tycoons, party leaderships and criminals. They have built a corruptional infrastructure and the authorities in Serbia, which are completely irresponsible, function through it. In the meantime, they established serious control over the media, so that there is no public pressure. All this provides a very good opportunity for

409 Beta, 23 October 2010.

410 Ibid.

the unhindered functioning of systemic corruption, that is, the authorities which are based on it. Our authorities are completely uncontrolled".<sup>411</sup> William Infante, United Nations Resident Coordinator in Serbia, testifies about a strong nexus between the party circles and big business: "We know that political parties in Serbia enjoy support from big business. What is important, however, is that Serbia is making an effort to put an end to it. For example, there is a proposal for the law on financing political parties, which will hopefully be adopted next year. Understandably, it will not solve the problem because the adoption of the law itself cannot solve it. Consequently, whether we will leave the circle of political arbitrariness and political patronage, based on the party usurpation of institutions, will depend on whether the Law on Financing Political Parties will actually be implemented".<sup>412</sup>

Zoran Stojiljković, a board member of the Anti-corruption Agency, points out that citizens' confidence in politicians has declined to such an extent that it can be compared to that during the Milošević years 1997 and 1998. During 10 years of Serbia's democratic transition, despite plenty of corruption cases and the fact that every fourth privatization was suspicious, not one senior government official was accused, let alone convicted: "If someone from the top of the political pyramid is convicted on corruption charges, which will have an exemplary effect, only then can we think about the effects of prevention and education".<sup>413</sup>

Transparency Serbia's Programme Director Nemanja Nenadic has stated that Serbia is engaged in fighting corruption and that progress was made when the relevant legal regulations had to be adopted. However, stagnation began when they had to be implemented. The number of disclosed corruption cases has increased, but they have no epilogue for years, or the indictment in the case does not include the participants, like in the "road mafia" case. Nenadic also holds that Serbia is actively involved in the prevention of corruption, which can have an impact on

411 [http://www.slobodnaevropa.org/content/tema\\_sedmice\\_korupcija\\_srbija/2245654.html](http://www.slobodnaevropa.org/content/tema_sedmice_korupcija_srbija/2245654.html).

412 Ibid.

413 Ibid.

perceptions of corruption in the coming years, but it is also necessary to improve control.<sup>414</sup>

According to the data provided by the Anti-corruption Council within Transparency Serbia, corruption in Serbia is most frequent in the fields of public procurement, judiciary, education, health, taxation and finance. Public procurement has been targetted as the “most slippery” terrain due to which the EU has launched the Twinning Project “Strengthening the Serbian Public Procurement System” for emergency aid. The implementation of this project has just started and Danish and Slovenian experts help Serbian institutions to reform and upgrade the public procurement system. Transparency Serbia President Vladimir Goati has stated that the main reason for stagnation in the fight against corruption is the political system where the Parliament is dominated by political parties because “instead of deputies, party delegates with blank resignation letters are elected, while government money is not saved enough”. Goati holds that the attitude towards the fight against corruption is also reflected in the attitude towards the Anti-corruption Agency. Instead of waging a real fight against crime and corruption, the authorities have opted for the spirit of solidarity among political actors, which has surpassed a common interest and, thus, there is continuous talk about so-called petty corruption both in the media and the public.<sup>415</sup> Goati also emphasizes that “the political system determines, in large measure, the possible degree of corruption and our system creates scope for corruption”.<sup>416</sup>

During the first year of its operation, parallel to the implementation of the Law, the Agency worked on the establishment of professional services (three public competitions to fill its vacancies were held) and the creation of the basic technical conditions for its unhindered functioning.

The first action of the Agency involved reporting officials’ property. During the first month already, 95 per cent of officials reported their property. The problem emerged when the second obligation had to be fulfilled

414 <http://www.seebiz.eu/sr/politika/srbija-dopustena-merakorupcije---jedna-cokolada-od-300-grama,99424.html>.

415 Blic, 31 January 2011.

416 Beta, 26 October 2010.

(the deadline was 31 March 2010). It was the obligation related to the conflict of interest within the government. The political will of a number of officials then disappeared, since they were not prepared for the actual implementation of the Law. They succeeded in hammering out its change by the Parliament. Thus, under one unconstitutional amendment, the implementation of the Law was stopped and many officials were allowed to interpret it as they saw fit. As emphasized in the Agency's first report, the reasons behind such arbitrary behaviour are personal and group interests that affect a common one.

The second problem, as stated in the Agency's report, is related to citizens' complaints, which mostly refer to the privatization process during the past 20 years and, in part, to the operation of public and state-owned enterprises and services. Citizens' expectations concerning the fight against corruption were great, but the Agency's possibilities were limited.

During the first year of its existence, the Agency also attached importance to the acquaintance of government officials with its work. Thus, ten or so working meetings were organized throughout Serbia on five occasions. These meetings were attended by government officials and employees, representatives of the bodies of territorial autonomy and local self-government, civil sector and media from almost all municipalities and cities in Serbia.

Under the Law on the Anti-corruption Agency, fines for violating its provisions were stipulated for the first time, while failing to report properly and giving false data in the submitted report are punished with a prison sentence and the prohibition to perform a public function during a period of 10 years, if an official is sentenced to prison.

The Agency has been established as an institution with a strong preventive role, which none of the bodies dealing with corruption has held so far. Its basic aim is to improve the overall situation in this field, in coordination with other public government bodies, as well as the civil sector, media and public. Among other things, the Agency is authorized to work on the development of integrity plans together with government bodies. A novelty in the Serbian legal system is that these plans should ensure de-

creasing and eliminating the risk of the appearance and development of corruption.

The Agency's competences also include control over the financing of political parties. The new law will ensure the greater transparency of financial reports of political parties.<sup>417</sup> In the meantime, the Agency changed forms for reporting election campaign expenditure. The elaboration of this new law is especially important because in 2010 the Council of Europe's Group of States against Corruption (GRECO) worked on the Third Round Evaluation Report, which thematically covers the financing of political parties and incrimination of corruption, and their analysis of the legal framework indicates what should be done in this area.

However, during the first year of its existence, the Agency faced several serious obstacles. The first one was amending the Anti-corruption Law (August 2010). Pursuant to the decision of the Serbian Assembly, the Agency lost its competence to apply the Law to the officials who – contrary to the Constitution and some other laws, and prior to the implementation of the Law on the Anti-corruption Agency – were appointed or elected to a number of functions, provided that they were directly elected to one of those functions by citizens. In other words, the Agency was prevented from implementing the legal provisions under which officials would have to give up the function (or functions) which, in its opinion, was not in conformity with the law, that is, the general interest of Serbian citizens. According to senior government officials, this change is temporary and will not be effective after the next parliamentary elections, when the issue of double functions would be solved. It is the question of a specific precedent, since the change in this Law "in passing" represents a demonstration

417 However, according to Cedomir Cupic, Chairman of the Board of the Anti-corruption Agency, control over political parties can be problematic under the current law proposal. He says that another problem lies in the fact that the Agency should monitor the financing of political parties and the current law does not provide for such a possibility. He has expressed his expectations that the new law governing this area will also soon be found in parliamentary procedure, because the country has entered the election year.

For more detail see: [www.blic.rs](http://www.blic.rs)

how all disputed situations will be handled in the future, when the ruling coalitions may change all legal provisions that do not suit them.

However, a much greater problem is posed by the Draft Law on Financing Political Parties, which is currently undergoing parliamentary procedure. Namely, the Law should clearly define the rules governing the financing of political parties, while the Agency is assigned the task of supervising the implementation of the Law. However, the adoption of this Law is accompanied by certain controversies. Three recommendations made by the Group of States against Corruption (GRECO) were not included in the Draft Law on Financing Political Parties in Serbia. GRECO President Drago Kos has stated<sup>418</sup> that the provision concerning the use of public assets for political party needs and control over political parties has not been adjusted either. Also, the recommendations have not been adopted with respect to the position of an independent external auditor, or the possibility of exercising control not only over political parties, but also over all other institutions or bodies linked to political parties, or being under their control. Nevertheless, Kos holds that the Law represents a good starting point: “The text of the Law is already very good. It is only necessary to add a few provisions. Naturally, all this applies if the Law is adopted and implemented as anticipated or, in other words, if it does not undergo change because I see that political parties come up with some new ideas every day and return to something that has already been adjusted.”<sup>419</sup>

The Law was drafted by the working group of the Ministry of Justice and Anti-corruption Agency in mid-December last year and was positively evaluated by the Venice Commission and GRECO. Thereafter, the draft was further elaborated on the basis of their recommendations.

On 28 February, however, the Government did not adopt the Draft Law on Financing Political Parties. There were some speculations in the public that the G17 Plus representatives requested changes to some very important provisions such as doubling the percentage of the budget allocated to parliamentary parties and cutting the amount earmarked for

418 *www.politika.rs*.

419 *Ibid.*

the Anti-corruption Agency, which should control the finances of political parties.<sup>420</sup>

Thus, it is evident that regulatory bodies, such as the Anti-corruption Agency, require greater support for their further work from society (the civil sector, media and, in particular, government institutions) because – judging the list of the Agency’s competences – it will have a very big job to do in the coming period.

### **Commissioner for Information of Public Importance and Personal Data Protection**

The Commissioner for Information of Public Importance and Personal Data Protection and the Republican Ombudsman represent an institution that enjoys significant credibility in society. Over the past few years, the media visibility, reputation and skills of the people working in this body have produced good results. Although this institution also faced considerable problems (which have not yet been completely eliminated), it is evident that their profiling in society has become distinguishable. Sabic points out that “we have been making continuous progress in the field of free information access for a few years already”.<sup>421</sup>

The Commissioner for Information of Public Importance and Personal Data Protection (in further text: Commissioner) represents one of the most efficient government services. Since the establishment of this institution in 2006, the number of citizens, companies, media and the like appealing to it in order to gain access to certain information of public importance, has been increasing by 10-20 per cent each year. According to the 2010 data<sup>422</sup> provided by the Commissioner’s Office, more than 45,000 citizens, citizens’ associations, political parties, media, as well as government organizations<sup>423</sup> referred to the Law on Free Access to Information of

420 Source: <http://www.dw-world.de/dw/article/0,,6458919,00.html>.

421 Beta, 28 March 2011.

422 All data concerning the Commissioner’s work can be found in the annual report, which is available on the Commissioner’s website: [www.poverenik.org.rs](http://www.poverenik.org.rs).

423 It is interesting to note that some government bodies also referred to the

Public Importance. In 2010, the Commissioner himself received more than 2,000 complaints in 2010 of which 93 per cent were founded. It is also interesting to note that 95 per cent of citizens, organizations and other associations appealed to the Commissioner after the so-called “silence of the administration”.<sup>424</sup>

In 2010, more than 3,000 complaints were processed and 2,898 referred to free access to information of public importance. The number of applications was higher by 55 per cent compared to the previous year and 7.5 times higher compared to 2005, thus confirming that a great number of citizens insist on this right. The Commissioner received more than 9,000 complaints. Of the total number of these complaints only 300 came from four largest cities in southern Serbia – Vranje, Leskovac, Nis and Pirot.

Most complaints concern the work of the Ministry of the Interior which, as has been explained, does not mean that, insofar as the implementation of the Law is concerned, this Ministry sets a negative example, but only that it disposes of an enormous amount of information.<sup>425</sup> The worst cooperation has been achieved with the finance sector and sector of environment and spatial planning.

According to Sabic, the Ministry of Finance must substantially improve its attitude towards communication with the public: “Last year, I was forced to send a letter to the Serbian Prime Minister and call his attention to the hardly understandable degree of the Ministry’s non-transparency in communication with citizens’ associations that were interested in restitution issues.”<sup>426</sup> The Commissioner says that it is “simply incomprehensible what was treated as a secret and denied to those people and organizations.” “I have pointed out that this cannot only be an information

Law on Free Access to Information of Public Importance when some other government bodies did not want to allow me to access their data.

424 The Serbian Government has never adopted the action plan for its implementation.

425 Beta, 28 March 2011.

426 <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/866136/Raste+poverenje+u+Poverenika.html>.

access problem, since the restitution problem is also becoming an obstacle on our path to the European Union."<sup>427</sup>

While presenting the last year's annual report on free access to information, Sabic said that many complaints received by the Commissioner concerned the legal reform and general re-election of judges and prosecutors conducted within it. In his view, that was the result of the non-transparency of the re-election process, thus casting a pall over the entire reform process.

Sabic also stated that Serbia needed a strong democratic system of government control and that it was not a matter of someone's good will whether certain information of public importance would be transparently provided. It was the obligation of all government bodies.

The Commissioner also emphasized that the Law on Personal Data Protection was not harmonized with the European Convention on Human Rights as well as the Serbian Constitution. He stated that "it is an umbrella law under which the development of the fundamental principles of personal data protection is transferred to sectoral laws, and we have done nothing to regulate the issues concerning biometrics, video supervision, private safety sector and the operation of detective agencies. We do not have the laws that regulate this area."<sup>428</sup>

Under the Stabilization and Association Agreement, Serbia has assumed an obligation to harmonize its legislation with that of the EU within a reasonable time-limit. Over the past two years, however, very little progress has been made. Although the Law on Personal Data Protection has been adopted, it has not been sufficiently harmonized with the EU standards. Likewise, Personal Data Protection Strategy has been adopted, but has not been implemented so far.<sup>429</sup> Harmonization in this area is not only an obligation under the Stabilization and Association Agreement. It is also very important for the citizens' daily life. This Law regulates all cit-

427 Ibid.

428 Ibid.

429 The Serbian Government has never adopted the action plan for its implementation.

izens' personal data as well as the use of video supervision,<sup>430</sup> biometric data, etc.

## **Protector of Citizens' Rights (Ombudsman)**

The institution of the republican ombudsman represents one of the most important institutions dealing with citizens' rights issues. The role of the protector of citizens is to redress numerous shortcomings of the administration (government bureaucracy) vis-à-vis citizens.<sup>431</sup> The role of the ombudsman is to appear before government bodies on behalf of disempowered citizens. The Protector of Citizens and Commissioner for Information of Public Importance and Personal Data Protection cannot act upon citizens' complaints and grievances against the actions of the Serbian Government, courts, prosecutor's offices, President of the Republic, National Assembly and Constitutional Court.

In its annual report for 2010, the Office of the Protector of Citizens has stated that there is a great discrepancy between the constitutional and

430 A bizarre example of the importance of regulating this issue is the appearance of the photograph of two young people having sex. Namely, in March 2011, a great number of tabloids published the photograph of a couple having sex in a public place, which was made with the the police supervision camera. The complete video recording made by a policeman also appeared on the Internet, which was possible due to the lack of relevant regulations. This case become a great media sensation, while criminal charges were brought against the policeman who abused the video recording.

431 More precisely: upon receiving a complaint from a citizen, or on his own initiative, the Protector of Citizens checks whether there were, or there are still some shortcomings in the work of an administrative body. If there are some shortcomings, the Protector of Citizens will ask the administrative body to redress them and will recommend the way to do this. The administrative body must inform the Protector what has been done in accordance with his recommendations, or state the reason if nothing has been done. Apart from initiating and conducting the procedure, the Protector of Citizens may mediate, give advice and opinions, and influence the improvement of the work of administrative bodies and protection of human rights and freedoms. So, the Protector of Citizens acts preventively (prevents future violations of rights) and educatively (educates citizens and the employed in government bodies about human rights and their protection).

other legal solutions and practice. The more careful scrutiny of the report shows that there are still problems relating to the realization of civil rights (from media freedom to the position of national minorities and marginalized groups).<sup>432</sup> According to the annual report of the Protector of Citizens, the judiciary (the issues relating to the right to a fair trial and judicial reform).<sup>433</sup> There are also shortcomings in the protection of citizens' privacy,<sup>434</sup> media freedom, social and economic rights, national minority rights and the like.

In 2010, according to the Protector of Citizens, most problems were related to the elections for National Minority Councils. The Office of the Protector of Citizens revealed several shortcomings in the election process, which were redressed in cooperation with the former Ministry of Human and Minority Rights.

The fundamental problem to be solved is the formation of the Bosniak National Council in Sandzak. During his visit to Novi Pazar, Ombudsman Sasa Janković stated: "Due to some circumstances they feel discriminated. They hold that they are exposed to the incorrect behaviour of the central government and local authorities. Lately there has been a greater awareness of the importance of an adequate treatment of this issue in Belgrade. It is not good for the economic potential of this region, nor can any capital

432 This especially applies to vulnerable groups, such as Roma and members of other national minorities, persons with disabilities, sick persons, persons deprived of their liberty, refugees and displaced persons, members of sexual and some religious minorities, children, destitute persons and foreigners. Source:

[http://www.ombudsman.rs/attachments/1306\\_Redovan%20godisnji%20izvestaj%20za%202010.pdf](http://www.ombudsman.rs/attachments/1306_Redovan%20godisnji%20izvestaj%20za%202010.pdf).

433 The Commissioner for Information of Public Importance and Personal Data Protection pointed to a lack of transparency in the procedure. The Constitutional Court of Serbia pronounced a "pilot" judgement in favour of one non-elected judge. There were 178 participants in the competition for the general (re)election of judges, conducted by the High Judicial Council in 2009, who filed complaints with the Protector of Citizens. After completing the control procedure, the Protector of Citizens established that there was a number of shortcomings.

434 When passing the Law on Electronic Communications and the Law on Military Security Services one of the Ombudsman's two amendments, which anticipated court control over the process of monitoring citizens' privacy, was not adopted.

be attracted if the problems are overemphasized or swept under the carpet; they must be dealt with".<sup>435</sup> During his visit to this region, the Ombudsman also said that Belgrade should demonstrate to its citizens that it did not consider them to be different from others and that it had no other interest than that in the prosperity of its citizens.<sup>436</sup>

Of the total number of complaints filed with the Protector of Citizens in 2010, 3 per cent accounted for the citizens of Novi Pazar. In one half of these complaints the citizens expressed their discontent with the work of the city administration and government, while the rest mostly referred to the violation of minority and children's rights. According to the statistics, one half of the recommendations was adopted, like at the republican level.

In his report, the Ombudsman also pointed to the problems related to the specific cases of human rights violation against members of national minorities. Thus, there is also mention of one such incident that took place in 2010 - the well-known Jabuka case.

During the past year, the Ombudsman was also actively included in an analysis of the re-election of judges. There was a claim that the members of the Security Intelligence Agency (BIA) were also actively involved in the re-election process. However, after making a visit to BIA and talking with its Director Sasa Vukadinović and his associates, the Ombudsman said that he was informed by the head of this agency that BIA "did not participate in the procedure for the election and relief of duty of judges" by taking any action or using any of its competences.<sup>437</sup>

It is also worth mentioning the work of the Protector of Citizens with persons deprived of their liberty. This work covers detained and imprisoned persons in the prison system and persons in social and mental health institutions. In 2010, the Protector of Citizens acted in about 230 cases on his own initiative and upon complaints filed by persons deprived of their liberty. Therefore, he performed about 50 inspections of police

435 <http://bosnian.irib.ir/analize/izvietaji/item/100908-republički-ombudsman-o-problemima-u-sandžaku--tište-nas-isti-problemi->

436 Ibid.

437 [www.blic.rs](http://www.blic.rs)

stations, detention units, prisons and stationary social and mental health institutions (15 visits to police stations, 20 visits to prisons and detention units and 15 visits to stationary social and mental institutions). Complaints mostly concerned the shortcomings in the accommodation and other living conditions of persons deprived of their liberty. There were no complaints regarding torture as an institutional and systemic practice. On the basis of his inspections and continuous monitoring of the situation, the Protector of Citizens holds that there is no systemic torture in Serbia,<sup>438</sup> but that the conditions in Serbian prisons are very poor. As for the Protector of Citizens's remarks about the state of human rights in Serbian prisons, they are in line with the conclusions of the Helsinki Committee in Serbia.<sup>439</sup>

During 2010, the Office of the Protector of Citizens dealt with the systemic issues related to citizens' human rights (legal initiatives, public debates...), as well as the specific cases of human rights violations.<sup>440</sup> This institution also showed great interest in the work of NGOs, so that it became one of the most important partners of the civil sector in the field of human rights.

### **Commissioner for the Protection of Equality**

In 2010, the Commissioner for the Protection of Equality also began to work. She was elected in accordance with the Anti-discrimination Law<sup>441</sup> and has great power in the field of anti-discrimination. All citizens who feel themselves discriminated against by government bodies and enterprises

438 For more detail see: [http://www.ombudsman.rs/attachments/1306\\_Redovan%20godisnji%20izvestaj%20za%202010.pdf](http://www.ombudsman.rs/attachments/1306_Redovan%20godisnji%20izvestaj%20za%202010.pdf).

439 For more detail see the section of this report devoted to the state of human rights in Serbian prisons.

440 The Ombudsman also took part in solving a number of specific cases, including particularly mediation in the Sava Sumanović Elementary School in Zemun. Namely, a number of pupils and their parents rebelled due to the "problematic behaviour of a hyperactive boy" in one class and discontent escalated. An adequate solution was found thanks to the efforts of the Ombudsman and Ministry of Education.

441 The Helsinki Committee has published a special publication devoted to this Law – A

or, in other words, all legal actors in society, are now be able to file complaints with the Office of the Commissioner for the Protection of Equality. Since this institution was established less than a year ago and still has no adequate resources for its work, it is impossible to make an impartial evaluation of its performance.

The Commissioner for the Protection of Equality was established under the Anti-discrimination Law as a special independent body with a view to successfully preventing, prohibiting and fighting against all forms of discrimination. With the adoption of the Anti-discrimination Law and establishment of the institution of the Commissioner for the Protection of Equality Serbia has made an important step towards meeting the international anti-discrimination standards.

The Commissioner has a wide range of competences, which should enable this new independent body to be successful in the fight against discrimination.

The Commissioner will 1) receive and review complaints concerning violations of the provisions of this Law, provide opinions and recommendations in specific cases, and pass measures; 2) provide information to the persons filing complaints concerning their rights and the possibility of initiating court proceedings, or some other proceedings for the purpose of protection, or recommend reconciliation; 3) file charges concerning violations of the rights guaranteed by this Law, in his/her own name, and with the agreement and on behalf of the person discriminated against, unless court proceedings have already been initiated, or concluded by passing an enforceable decision; 4) submit misdemeanour notices on account of violations of the rights guaranteed by this Law; 5) submit an annual report to the National Assembly about the situation concerning the protection of equality; 6) warn the public of the most frequent, typical and severe cases of discrimination; 7) monitor the implementation of laws and other regulations, initiate the passing or amendment of regulations for the purpose of implementing and upgrading protection against discrimination, and provide the opinion concerning the provisions of draft laws and other

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Guide to the Anti-discrimination Law. The Guide is accessible from: <http://www.helsinki.org.rs/serbian/doc/Vodic%20kroz%20zakon%20o%20zabrani%20diskriminacije.pdf>.

regulations concerning the prohibition of discrimination; 8) establish and maintain cooperation with the bodies responsible for ensuring equality and the protection of human rights in the territory of an autonomous province or a local self-government; and 9) recommend measures for ensuring equality to public administration bodies and other entities.

Over the past years, the European Commission has also showed great interest in the work of independent regulatory bodies. Thus, it maintains permanent communication with regulatory body representatives. The EU expert commissions are especially interested in the actual degree of independence of regulatory bodies, their working conditions, legal solutions that can improve their work and the like. Serbia's regulatory bodies have also prepared a lengthy list of the remarks concerning the authorities and problems faced in their work, which has been presented at the meetings with EU representatives. One obligation that Serbia must fulfil so as to obtain the EU candidate status is to take a more sincere attitude towards independent regulatory bodies.

### **The Provincial Ombudsman (Vojvodina)**

Direct communication with citizens is on the Provincial Ombudsman's priority agenda. Thanks to regular visits to local self-governments, particularly those without a local ombudsperson officer, citizens not only learned more about the office's competences but also begun turning to it with their grievances. In 2010 citizens mostly complained of functioning of local and republican administrations, while the least of that of their counterparts at provincial level. Appointment of Aniko Muskinja Horvat gave the office of provincial ombudsperson more recognizability and invested it with dynamism. In the society in which regulations are still implemented inconsequently and selectively thus impairing the efficiency of mechanisms for the protection of human rights the work of Ms. Horvat and her associates on turning the institution of ombudsperson into a pillar of human rights can only be labeled a big success.

The Provincial Ombudsperson made no bones about a number of problems – ranging from the position of the media, minority communities,

working women and education to publishing. In 2010 she initiated 900 proceedings, a figure that in itself indicates that the credibility of her office and citizens' awareness of the significance of human rights are on the upward curve.

In the context of the legal framework as a basic prerequisite for the protection and promotion of human rights, the year 2010 was marked by first experiences of implementing the Anti-Discrimination Law, the Law on Equality of the Sexes, the Law on National Councils of National Minorities and the establishment of a new institution – the Commissioner for the Protection of Equality.

The new Ombudsman<sup>442</sup> and several of her deputies were also elected in 2010. The new Provincial Ombudsman, Aniko Muškinja Hajnrih, was elected by the Assembly of the Autonomous Province of Vojvodina on 11 October. Marija Kordić and Danica Todorov were re-elected deputies in charge of children's rights and gender equality respectively at the end of their six-year terms.

The Provincial Ombudsman was closely concerned with protection of children against any exploitation and violence, violence against women, discrimination, promotion of the Anti-Discrimination Law, national minority rights, national minority councils and other issues concerning promotion and protection of human rights such as gender equality, mobbing, rights of prisoners and detainees, rights of patients and education.

The Provincial Ombudsman organised a number of meetings, conferences and seminars on these subjects, cooperated intensively with other domestic and international organisations and also engaged in field work.

442 Dr Dejan Janča held the office of Provincial Ombudsman from October 2009 to July 2010, when he died following a brief illness. He was succeeded by Aniko Muškinja Hajnrih.

## Discrimination

The Provincial Ombudsman and the Protector of Citizens of the Republic of Serbia paid special attention to all forms of discrimination. At a news conference in early March, the Provincial Deputy Ombudsman in charge of gender equality, Danica Todorov, said that the number of complains made to the office regarding discrimination on the basis of gender or sex was still far smaller than the number of cases of discrimination in everyday life. In order to encourage members of the public to report cases of gender discrimination, a brochure entitled 'Holders of equal gender rights – protect your rights' was presented and amendments to the Code of Conduct for Officials and Employees in Local Self-Governments explained. Presenting the Code, the republic Deputy Protector of Citizens in charge of gender equality, Dr Zorica Mršević, pointed out that the Code had previously lacked even general anti-discrimination clauses. The amendments are important in that they give practical recommendations designed to make the work of local self-government officials and employees more efficient and promote non-discriminatory treatment of all citizens alike. Because a relatively small number of Serbian municipalities have codes of conduct for officials and employees, the Protector of Citizens and the Provincial Ombudsman will, in cooperation with the Standing Conference of Towns and Municipalities, see to it that codes containing non-discriminatory clauses are introduced and observed at the local level.

In addition, the Provincial Ombudsman works to strengthen the capacity of local protectors of citizens/ombudsmen in the field of gender equality and protection against discrimination. A project entitled 'Gender Equality in the Practice of Local Ombudsmen' was launched in 2010 in order to encourage continuous mutual exchange of experiences.<sup>443</sup> Besides

443 At four panel discussions held in four Vojvodina municipalities (Beočin, Nova Crnja, Alibunar and Bačka Topola), provincial members of parliament talked about their experiences in the field of discrimination and the importance of continuous contacts with members of the public. They also pointed out spheres where, in their opinion, discrimination was at its most severe such as employment, in particular in relation to young women.

the institutions of local protectors of citizens across Serbia (Subotica, Bačka Topola, Bečej, Zrenjanin, Vračar, Voždovac, Kragujevac), the project involves when necessary provincial administrative authorities and local self-governments in the territory of Vojvodina and the Standing Conference of Towns and Municipalities, as well as the Sociology Department of the Faculty of Philosophy of Novi Sad University which carried out the research envisaged by the project.<sup>444</sup>

Because Vojvodina is the most ethnically diverse part of Serbia, the Provincial Ombudsman lays special stress on the exercise of the rights and freedoms of members of ethnic communities.<sup>445</sup> In her public statements in connection with various incidents and instances of hate speech, the Provincial Ombudsman called on the state authorities to react timely and adequately in such situations. The Ombudsman pointed out that mere condemnation of incidents was not enough and called on the appropriate authorities to ensure that in further proceedings before prosecuting authorities such offences are treated as criminal offences rather than as mere misdemeanours as is most often the case.

At the middle of the year, the Ombudsman reacted sharply to racist attacks on Roma in the village of Jabuka, where the village's entire Roma

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444 At the panel discussion in Nova Crnja, research coordinator Višnja Bačanović said that research results indicated that employees of municipal establishments and institutions did not consider discrimination acceptable in any case. The results showed that citizens very rarely appeal to institutions for protection against discrimination. It was found that the residents of Nova Crnja were better aware of the fact that discrimination is punishable by law. On the other hand, the residents of Beočin were not sufficiently informed about the problem of discrimination and were not using available institutional mechanisms of protection. Out of 28% of citizens claiming to have been subjected to discrimination of one kind or another, 66.7% did not apply to any institution for protection of their rights. The results of the survey conducted in Alibunar municipality indicate that the local residents are poorly informed about their rights. According to the results, citizens believed that discrimination was most widespread in the field of employment while institution employees did not perceive that as a problem.

445 There were in January two incidents in Temerin occurring within nine days. They were followed by incidents in Čoka (anti-Hungarian graffiti) and Pančevo (anti-Jewish graffiti). Cases of hate speech were also registered in Petrovaradin, Subotica and other places.

population was held collectively responsible for the murder of a 17-year-old youth. In a statement, the Ombudsman criticized the relevant state bodies for not reacting in a timely and appropriate manner. 'The Jabuka case gives cause for re-examining the functioning of every public authority body, of the cultural and educational systems, of the media and others who should be the principal bearers of social stability, integration and establishment of trust both among the citizens and in the institutions. If one disregards the need for a debate to identify and clearly define the problems which awaken in citizens reactions and chauvinist and racist sentiments, and if one plays down the social tragedy in Jabuka as a local problem, this will not be the last such case, just as it was not the first, in our life as a society,' the statement read.

### **Child exploitation and violence against children**

In the field of protection and promotion of the rights of the child, the Ombudsman promoted the idea that every child – including those with learning difficulties, developmental handicaps, diminished physical or intellectual capacity or living in an non-stimulating social environment – needs additional support in education and upbringing in order to acquire the knowledge necessary for becoming autonomous and involved in the life of the community as much as possible. On the occasion of World Day for Prevention of Abuse and Violence against Children, 19 November, the Provincial Ombudsman recalled the responsibility of the whole society, in particular of the state bodies and institutions concerned with children, to protect them against any form of violence and abuse.

The network of ombudspersons for children in South East Europe, of which the Provincial Ombudsman is a founder and member, concerned itself with child abuse with special emphasis on sexual abuse. The ombudsmen for children in the region concerned themselves with the principal question of whether the societies in the region had none enough to protect the children victims. They concluded that it was necessary to pass better and improve existing legislation in line with international standards. Although there had been progress in the past year towards the

empowerment of institutions, individuals and children themselves, which is reflected in the fact that violation against children is recognised, reported and prosecuted, the Provincial Ombudsman called for more consistent application of the existing legislation and protocols concerning protection of children against violence.

On the occasion of the Month of Solidarity (from 14 September to early October each year), the provincial deputy ombudsmen visited, together with Vojvodina Red Cross representatives, the municipalities of Novi Kneževac and Čoka where they talked with municipal representatives and then visited soup kitchens. The Vojvodina Red Cross says that more than 1,500 children in the province under 14 years of age use the services of 20 soup kitchens. Many of these children come from families with both parents out of work. Children of parents registered as employed but not receiving pay, or of self-supporting parents denied maintenance, are in a particularly difficult position. At the end of December regional ombudsmen met to finalise the preparation of a plan for a two-year joint project on protecting children against all kinds of exploitation. Besides Provincial Ombudsman Aniko Muškinja Hajnrih, Provincial Deputy Ombudsman in charge of the rights of the child Marija Kordić and Republic Deputy Protector of Citizens Tamara Lakšić-Orlandić, the meeting was attended by ombudsmen or their deputies concerned with children's rights from Republika Srpska and Montenegro and representatives of the Norwegian international organisation Save the Children Norway, which will help to realise the project. The project will pay special attention to child begging as a most visible way of violating their rights. In addition to envisaging three regional studies, the project will include a general awareness-raising campaign regarding the need for systematic protection of children's rights.

## **Gender equality and violence against women**

Violence against women and girls is the most frequent form of human rights violation. Data show that one in every three women in the world has been beaten, forced to have sex or experienced abuse of some kind, mostly at the hands of a man in the immediate environment. According to

the Provincial Ombudsman, in 2010 the police intervened in about 5,000 cases of domestic violence where most victims were women and most perpetrators their present or former partners.

On the occasion of International Day for the Elimination of Violence against Women (25 November), the Provincial Ombudsman criticised the practice of lenient penal policy in the field of violence against women and family violence and warned that criminal complaints were often rejected for lack of evidence because victims often did not want the perpetrators prosecuted or decided against giving evidence. In addition, victims of violence are often not given adequate psycho-social support and legal aid in institutions of social and health protection. The Provincial Ombudsman also recalled the obligation and responsibility of the state and its organs to eliminate violence against women by various measures, as well as that the protection, promotion and fulfilment of all the rights prescribed by law calls for a unified and inter-sectoral approach. With this aim in view, the Provincial Ombudsman has for years been stimulating the development and coordinating the work of the Life without Violence network linking together relevant institutions in Vojvodina.

In mid-December the Vojvodina parliament organised a conference entitled 'Experiences in implementing measures and protection against domestic violence', at which representatives of institutions and organisations members of the provincial network 'Life without Violence' discussed protection against domestic violence and violence against women, the security system in Vojvodina, judicial practice in the field of criminal law protection and the role of the Provincial Ombudsman in the fight against violence against women and within the family. The Provincial Ombudsman, Aniko Muškinja Hajnrih, said that at present Vojvodina and Serbia had no systematic records on domestic violence and gender-based violence. Speaking about judicial practice in Vojvodina regarding family-law protection, Novi Sad Appellate Court judge Jelica Bojanić Kerkez said that that since the end of last year's judicial reform the court had organised education of basic and appellate court judges in Vojvodina in the field of domestic violence and protection of children's rights. Since it began to work, she said, the Novi Sad Appellate Court has received a total of 50 complaints

concerning domestic violence and/or gender-based violence, with lawsuits filed against spouses predominating and one-fifth of them filed by men. Judge Kerkez said that the motives for filing these and some other lawsuits still indicated a large degree of incomprehension of the notion and influence of domestic violence and gender-based violence, in particular on children, within the families in which it takes place. The conference concluded that there was a great need in the province for coordinating activities and exchanging experiences in order to stop such violence.

Interestingly, none of the men and women complaining of their rights regarding gender equality invoked the Law on Equality of the Sexes. The activities directed at more consistent institutional application of the principle of equal opportunities, promotion of non-discriminatory behaviour and respect for equality based on sex should encourage members of the public to approach the Protector of Citizens and the Commissioner for the Protection of Equality in larger numbers and to rely on the Law on Equality of the Sexes and the Anti-Discrimination Law.

## **National minorities**

In the field of protection of national minority rights, 2010 saw the first elections for the national councils of the national minorities under the election procedure laid down by the Law on National Councils of National Minorities adopted in 2009, followed by the constitution of the new national councils. In this connection, the Provincial Ombudsman was largely concerned with activities relating to national councils, national communities, national council elections and lists and women's representation in the national council election process, as well as paying individual visits and talking with newly-established national councils. At the very beginning of the year, the Provincial Ombudsman and the OSCE mission in Serbia held a working meeting with members of minority community national councils in the provincial parliament concerning the participation of women in the election process for national minority councils.

In order to obtain a better insight into the situation in the field concerning prospects for the exercise and protection of the rights of national

communities, Provincial Deputy Ombudsman in charge of protecting the rights of national minorities Eva Vukašinović visited seven places in Vojvodina from March to May, discussing current problems in this regard and ways of solving them with members of the public and local administration representatives. They paid special attention to the exercise of national community rights in the fields of administration, education, culture and public information in one's native language. After the working meetings, Vukašinović received members of the public and discussed with them specific problems concerning the exercise of their rights in relation to government administration bodies. During these meetings she received a number of complaints, mostly about the length of judicial proceedings, the failure to enforce court rulings, problems concerning the functioning of citizens' associations, difficulties concerning entitlement to pensions earned through work in former Yugoslav republics, problems concerning the financing of minority-language cultural associations and media and building legalisation procedures.

At the end of August, the Provincial Ombudsman started a series of talks with representatives of newly-formed councils. The first meeting took place in Subotica with representatives of the national councils of the Croat, Bunjevci and Hungarian national communities. The object of the meetings was to jointly examine current issues concerning each national community, find out how the Provincial Ombudsman could contribute to the exercise, promotion and protection of the personal and collective rights of minority members and chart future cooperation. After this Vukašinović paid visits to the national councils of the Romanian and Ukrainian national communities and then had talks with representatives of the German, Ruthenian, Macedonian, Czech, Egyptian and Slovak national communities.

In accordance with his powers, the Provincial Ombudsman on 5 March sent the National Council of the Hungarian national minority an official opinion with the recommendation that in order to provide free and independent information, the Council, in its capacity as founder, should reconsider its decision of 26 February 2010 regarding the need to set up a special body to direct the editorial policy of the daily *Magyar Szó*.<sup>446</sup>

446 The Law on Public Information provides specifically that information is free and

In the field of protection of the rights of national minorities, the Provincial Ombudsman in early 2010 undertook surveys of the media situation in Vojvodina to obtain insights into the real state of affairs in the field. In September, the Committee for Information and the Committee for Intercommunal Relations of the Vojvodina parliament held a joint meeting at which they discussed and adopted the Provincial Ombudsman's report on the situation of minority media in Vojvodina, entitled 'Minority media in Vojvodina', as well as the recommendations contained in the report. Numerous problems were identified including those concerning the media ownership structure, methods of financing, lack of trained staff, lack of equipment and working conditions. At the meeting it was said that current legislation should be amended to provide stable financing of minority media and ensure that local self-governments should participate both in the ownership structure and in meeting the costs of minority media. These media must not be closed down as an outcome of privatisation and education must be provided with a view to improving the quality of information in the languages of national communities, it was said.

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not subject to censorship, as well as that no one may restrict the freedom of public information even indirectly. The free flow of ideas, information and opinions is one of the basic human rights which must not be restricted, in particular in the case of the only daily in a national minority language. Any interference in this case constitutes a violation of the right of the national community in question to receive in its mother tongue objective information free from any pressures or influence about all important matters. Because the setting up of a special body in charge of editorial policy would constitute the imposition of indirect censorship and a violation of the fundamental professional and ethic norms of free journalism, the condemnation of the decision by all journalist associations came as no surprise.

As an independent and autonomous authority charged with protecting and promoting the human rights and freedoms of each individual guaranteed by the Constitution and confirmed by ratified international treaties on human rights, generally accepted norms of international law and the laws and regulations of the Autonomous Province of Vojvodina, the Provincial Ombudsman considered that in this case withdrawing or abrogating the controversial decision would be in the interests of the right of the Hungarian national community to free information.

## Issues of general jurisdiction

The provincial deputy ombudsmen of general jurisdiction dealt with complaints from the public concerning mostly the work of organisations and public services exercising administrative and public powers and founded by the Province, a municipality or a city. Most complaints in this connection pertain to the work of municipal and provincial administrative authorities in the fields of town planning, retirement and disability insurance, health insurance and employment. The majority of complainants were elderly people, persons with disabilities, people placed in social and health institutions, refugees and displaced persons and persons deprived of their liberty. There was particular emphasis on visits to district prisons, detention units, penal and correctional institutions, gerontology centres and residential homes for persons with mental illness. The public was thoroughly informed about the situation in these institutions and of the life of their inmates on several occasions.

The institution of the Provincial Ombudsman visited seven gerontology centres in Vojvodina during July and August. These are the centres in Subotica, Vrbas, Ruma, Zrenjanin, Pančevo and Kikinda and the home for elderly persons and pensioners in Kula. In accordance with his powers, Provincial Deputy Ombudsman Stevan Arambašić visited in September the Specialised Neuropsychiatric Hospital in Kovin, the largest and oldest institution of its kind in Vojvodina. He and the hospital's director, doctors, staff and protector of patients' rights discussed the situation in the institution. Although they concluded, after a tour of the facilities on the hospital grounds, that the situation had improved since previous visits, they agreed that the existing conditions of accommodation were an insult to human dignity and violated the basic human rights of psychiatric patients. The hospital management and staff consider that the situation in the institution itself, the procedures regulating the exercise and protection of the rights of the patients and their families and the position of the staff itself would improve considerably through provision of adequate material assistance in accordance with the plan of activities envisaged by the Mental Health Protection Development Strategy adopted by the republic

government. In order to preserve the dignity of the hospital's patients and staff impaired by the poor financial situation of the institution, whose dilapidated buildings cannot be reconstructed, it is necessary to pass legislation to regulate in more detail and more specifically ways of better and more humane treatment of persons with mental illness, as provided by Article 44 of the Law on Health Care.

As part its regular activities, the institution of the Provincial Ombudsman also visited the residential homes for persons with mental illness in Novi Bečej, Stari Lec and Čurug. It was generally agreed, on the basis of the inspection and talks with institution management, staff and beneficiaries, that homes for persons with mental illness work in aggravated conditions mainly due to lack of financial resources, health and social care experts and supporting technical and other auxiliary staff.

The Provincial Ombudsman also visited several prisons and penal and correctional institutions in Vojvodina and called on the appropriate state authorities to take the necessary measures as soon as possible to improve the accommodation, nutrition and health care conditions of persons deprived of their liberty, recalling that the state had the obligation to provide accommodation conditions in penal and correctional facilities that ensure full respect for the human dignity of persons deprived of their liberty. The European Court of Human Rights has repeatedly qualified inadequate accommodation, poor nutrition and lack of adequate medical protection in prisons as degrading treatment, that is, as a violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In the Court's judgments (e.g. Cenbauer, Benzan) circumstances like those found in Serbian prisons were qualified as degrading treatment and the states concerned found in violation of Article 3 of the Convention which prohibits inhuman or degrading treatment or punishment of persons deprived of their liberty.

Overcrowding was found to be the biggest problem in all the institutions for the execution of sentences of imprisonment. Prisons in Vojvodina were found to be heavily overcrowded with convicts serving their prison sentences. Because the prison population was growing all the time, the Provincial Ombudsman repeatedly pointed to the need for a timely

and systemic resolution of the problem of overcrowding. Problems concerning food, canteens and accommodation stemming from lack of material resources were also pronounced. It was pointed out that the health protection of persons serving their prison sentences required particular attention and that every prison should employ, besides a general practitioner, a full-time neuropsychiatrist.

The Provincial Ombudsman said in a statement that it was necessary to set up a body that would be charged, in compliance with Article 17 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, with ensuring the functioning of a national mechanism for preventing torture in institutions accommodating persons deprived of their liberty. The Ombudsman recalled that the state had been under an obligation to establish such a mechanism within a year of ratifying the Optional Protocol and pointed out that no such body existed although the time limit for its establishment had expired as far back as 26 September 2007.

The Provincial Ombudsman discussed the problem of overcrowding in the Novi Sad prison with the acting president of the Appellate Court, judge Slobodan Nadrljanski, the deputy president of the Higher Court in Novi Sad, judge Zlata Rodić-Knežević, the deputy president of the Basic Court in Novi Sad, judge Vidoje Mitrić and Novi Sad District Prison judge Svetimir Popović in charge of supervising detention. The Provincial Ombudsman stressed that prison overcrowding raised many other issues including inadequate accommodation of prisoners and detainees, inadequate nutrition, inadequate hygienic conditions and poor health protection. The Ombudsman said that this information had been obtained on the basis of individual complaints by detainees and prisoners and during occasional visits. The judges for their part pointed out that the tightening of penal policy had resulted in more frequent and lengthy keeping of accused persons in custody and in longer prison sentences. The Ombudsman noted that the overcrowding was also due to the fact that courts were far more reluctant than before to grant conditional release. The participants in the meeting noted that detained persons were not allowed to exercise their rights provided by law and the by-laws of the Republic of

Serbia. One of the possible solutions to the problem of prison overcrowding, it was said, would be to make greater use of alternative punishment, in particular since the service of the commissioner had been established in Novi Sad.

The Provincial Ombudsman said that one-quarter of all complains received during 2010 had been filed by persons deprived of their liberty and related to poor conditions in district prisons and penal-correctional institutions in Vojvodina. The number of complains of torture at the hands of prison staff was small. The institution of the Provincial Ombudsman filed a criminal complaint with the police based on a complaint from a convict held in the Penal-Correctional Institution in Sremska Mitrovica.

A statement made on the occasion of 3 December, International Day of Persons with Disabilities, was among the last activities of the Provincial Ombudsman in 2010. The main problems of persons with disabilities include inadequate living conditions, high unemployment rate, poverty, social invisibility and isolation, inaccessibility of both public administration bodies and cultural, health and social protection institutions, inaccessibility of public transport, lack of access to information and information technologies. With the number of complaints from persons with disabilities to the Provincial Ombudsman increasing each year, the institution expands its activities including data collection and educational and promotional work. Based on individual complaints, the most frequent problems of persons with disabilities include prejudice and discrimination in employment, difficulties in exercising their rights to social welfare benefits and other welfare payments, their lack of awareness of and knowledge about their rights and ways of their exercise, inaccessibility of social and health protection institutions, poor social care services, exclusion from the education system and loss of legal competence.

Speaking on the occasion of International Day of Persons with Disabilities, the Provincial Ombudsman said that the existence of positive legislation does not necessarily mean a change in the everyday life of persons with disabilities; what is more important, she said, is its consistent implementation combined with efforts by all institutional and individuals to do everything within their power to ensure respect for the dignity and rights

of persons with disabilities and help them to become involved in all the spheres of social life.

### **Conclusions and Recommendations:**

In order to optimize the work of regulatory bodies to the greatest possible extent, it is necessary:

- to provide strong financial support to independent regulatory bodies from the budget of the Republic of Serbia;
- to provide clear political support to independent regulatory bodies;
- to create optimal conditions for the work of independent regulatory bodies;
- to ensure full-scale job classification in all independent regulatory bodies;
- to adopt criticism by the Commissioner for Access to Information of Public Importance and the Ombudsman, based on the annual reports of these bodies;
- to ensure support to independent regulatory bodies by the media and other relevant parts of society.

# Relations Between State and Civil Society

The non-governmental sector has held (and still holds) a significant place in the pluralization of Serbian society, and has also made a great contribution to the changes in 2000 and subsequent transition process. The non-governmental sector has become an important factor in the promotion of the value model on which Serbia must build its European future. Such involvement has been positively received and encouraged by international organizations and donors.

However, a considerable number of political parties look at the non-governmental sector with a covert or clearly expressed suspicion, as if they are a necessary evil, or even their competitor on the political market, despite the fact that non-governmental organizations do not participate in the election race. This shows that the state does not have enough confidence in the citizens, which is a vital prerequisite for building a modern democratic state.

Civil society has undergone various phases due in large measure to a very slow and difficult transition process and the lack of a clear political and strategic decision about Serbia's future and orientation – the European Union or neutrality, as defined by Vojislav Koštunica at one time. Civil society also faces a specific identity crisis, since there are no conditions for its focusing on the transition problems and Europeanization agenda. It is also endangered by the proliferation of the government's non-governmental organizations, which enjoy a favourable status with respect to financing and public media space. The expectations from civil society are great, but it has no political and financial support for more active involvement in solving crucial social problems. On several occasions, the NGO sector has played a crucial role in mobilizing social energies towards certain shifts (5 October 2000, pressure on the government to cooperate

with the Hague Tribunal, opening the question of the recent past, work with refugees, minorities).

The organizations belonging to the radical spectrum of civil society (Dveri, Nasi, Obraz and 1389 Movement) are very active on the political scene and some of them have also announced the formation of a political party (Dveri and Nasi) due to their discontent with the opposition that is also right-oriented (the Serbian Progressive Party, Democratic Party of Serbia and the like). It is difficult to expect, however that the crucial commitments of such political parties will go any further than those supported by them when they were NGOs. In essence, the Ten-Point Programme promoted by Dveri is identical to the orientation of the Democratic Party of Serbia, which is ideologically closest to this group.

Bearing in mind the degree of societal devastation and the authoritarian character of political culture, the part of the NGO sector advocating the adoption and implementation of European values is actually the only real government partner in Serbia's convergence to the EU. In February 2010, non-governmental organizations (170 of them) participated in the process of electing the commissioner for the protection of equality. The coalition of NGOs proposed Goran Miletic – who was also supported by the parliamentary club of the Liberal Democratic Party. However, he was not elected because he lacked the support of the Democratic Party and Minister Čiplić due to his “anti-Serbian views”. Both sides claimed that the opposite candidate did not meet the prescribed requirements.<sup>447</sup> After repeated competition and at the proposal of the For European Serbia club, Nevena Petrusic, Professor at the Faculty of Law in Nis, was elected to the position of commissioner.

In 2010, a new Law on Associations was adopted. According to this Law, all associations have to re-register with the Register of Associations and the Register of Foreign Associations. Accordingly, all NGOs will be registered at one place, separately from religious, political and sports organizations, which has not been the case so far. This will facilitate the fi-

447 Politika, 17 February 2010; Politika, 16 February 2010; Politika, 1 March 2010; Kurir, 3 March 2010.

financial auditing of these associations, since all financial reports will now be submitted to the Business Registers Agency.<sup>448</sup>

In June, the Centre for the Development of Non-profit Sector submitted the initiative to the Ministry of Finance to stop financing the political parties, sports societies and religious communities as NGOs, that is, financing them from the budget item earmarked for NGOs. This initiative was supported by 188 NGOs.<sup>449</sup> The reason behind the submission of this initiative lies in the fact that the bulk of the funds earmarked for NGOs goes to sports societies and the government's non-governmental organizations. Namely, most political parties have registered their non-governmental organizations through which they obtain the budgetary funds earmarked for the NGO sector. Moreover, government officials are also frequently employed in these organizations.<sup>450</sup>

The media very often put forward the requests through the statements of "Serbian patriots" that non-patriotic NGOs should not be financed any more. They go so far that they not only ask for their prohibition, since because "human rights are only an excuse for acting in favour of Albanian, Bosniak Muslim and Croatian extremists and their American mentors",<sup>451</sup> but also suggest that those NGOs (Fund for Humanitarian Law and Helsinki Committee for Human Rights in Serbia) should be held responsible for "high treason".<sup>452</sup> The current authorities do not express such views in public. However, they work on their marginalization, especially the financial one, accusing them of destabilizing society and hindering the implementation of government policy.

In February 2009, the Ministry for Human and Minority Rights concluded the Memorandum of Cooperation with more than 150 non-governmental organizations relating to the promotion of human rights and freedoms. The next year already, a number of non-governmental organizations requested Minister Svetozar Cipcic's resignation. As the reason

448 Politika, 1 March 2010.

449 Danas, 11 July 2010.

450 Pravda, 15 November 2010.

451 Pecat, 25 February 2011, Dragomir Andjelkovic: "Izlazak iz kvazi-NVO tame?"

452 Ibid.

behind their request for his resignation they pointed to his impermissible attitude towards civil society organizations, obstruction and ignorance of the Anti-discrimination Law, in addition to disparaging the work of State Secretary Marko Karadžić. Čiplić was also criticized for distancing himself from the draft of the anti-discrimination law.<sup>453</sup>

During the year, several forums and fairs were held with a view to acquainting the general public and society with the concept, activities and importance of the NGO sector. In June, the Agency for Cooperation with NGOs and European Harmonization organized the two-day NGO fair. Its aim was to eliminate prejudice accompanying NGOs, present their activities and projects, and promote cooperation between local self-government authorities and NGOs.<sup>454</sup>

Despite numerous prejudices in society there is a certain degree of cooperation between the authorities and non-governmental organizations, although the NGO sector potential – both in education and the provision of specialized services, and the promotion of the EU agenda – has not been utilized. It must be emphasized, however, that in some instances the degree of cooperation is much higher. So, for example, the City of Belgrade has quite a different approach to NGOs and earmarks large funds for their work, since this sector is regarded as a partner in joint work.<sup>455</sup> Vojvodina earmarks much more funds for the NGO sector and the degree of cooperation between civil society and provincial authorities is much higher. Nevertheless, the NGO sector in Serbia receives the greatest support from the international community, which is also evidenced by the fact that, during her visit to Belgrade, Hillary Clinton also met with the NGO representatives. She pointed out that she was following their work, which was rather successful but was not yet completed.<sup>456</sup>

Large NGOs are most often present in the media and the public. This refers especially to those NGOs which are located in the capital and have achieved credibility through hard work and consistency. Although their

453 Blic, 10 March 2010; Danas, 11 March 2010.

454 Danas, 1 June 2010.

455 Danas, 2 April 2010.

456 Politika, 13 October 2010.

work is accompanied by negative publicity in the country, those organizations are respected in the world and the region, which is also evidenced by the awards received by their representatives. Although these awards are mostly an object of scorn, that does not mean that their work on the upgrading of human rights and democratization of the country is not meaningful.

## **Conclusions and Recommendations**

Civil society can and should be activated in Serbia's convergence to the EU. This implies:

Wide involvement of the NGO sector in motivating citizens to vote in the upcoming elections and give broader legitimacy to the pro-European policy in Serbia.

Regulatory bodies responsible for the implementation of the laws in the area of human rights, including the most recent law on the protection of equality, have intervened in a great number of the most drastic cases of human rights violation and have made the appropriate recommendations, but the main problem lies in the fact that the competent bodies do not implement them. Therefore, monitoring by the NGO sector continues to be one of the most important mechanisms for empowering regulatory bodies, supporting their work and raising awareness of the need for the implementation of these recommendations.

The Serbian Parliament has adopted the set of laws completing the human rights legal framework. However, there is no political will or funds for their implementation. By mobilizing society and exerting pressure through the public, NGOs can contribute to the implementation of the adopted laws;

The authoritarian character of political culture is also an obstacle to the adoption of the new value system. Within the scope of its activities, civil society must work on the education of different segments of society, since government institutions are unable to do that by themselves;

Civil society must have a greater role in fighting corruption. Citizens can be mobilized most rapidly around this issue due to their awareness

that it is one of the fundamental problems. To that end, civil society must lead the campaign for the change of the Law on Financing Political Parties;

It is necessary to launch a more intensive campaign for the arrest of Mladić and Hadžić, without which there is no progress towards the EU. The NGO sector also has an extremely important role in lobbying for active and comprehensive cooperation with the Hague Tribunal, as well as in raising awareness about the importance of the Hague Tribunal's results and, thus, active participation in the process of facing the recent past;

Active participation in cooperation with the Parliament relating to the establishment of civil control over the security structures;

Calling for an accelerated education reform in order to acquaint young people with the values necessary for their better fitting into Europeanization processes. Therefore, informal education is also gaining in importance;

Empowering trade unions to call for fundamental social reforms;

Within the scope of minority policy, priorities include involvement in the implementation of the strategy for improving the status of Roma and deblocking the formation of the Bosniak National Council;

Involvement in the Belgrade-Priština dialogue and establishment of relations between Kosovo and Serbia, where the NGO sector has already played an important role and has well-developed relations;

It is necessary to ensure a greater presence of the representatives of civil society organizations in decision-making bodies and the media, primarily in the public service programmes.

## **VI – THE STATE AND RELIGIOUS COMMUNITIES**



## Legal Regulations

The unconstitutional character of the Law on Churches and Religious Communities<sup>457</sup> and its arbitrary implementation by the Serbian Ministry of Religion still pose the basic problem related to the realization and protection of religious rights and freedoms in Serbia. Numerous international institutions, like the independent bodies of the Council of Europe and CSCE, as well as the Venice Commission and State Department, have pointed to the harmful and irreparable consequences of the unconstitutional provisions of this Law, as well as to the discriminatory provisions of the sublegal act, Regulations on the Content and Keeping of the Register of Churches and Religious Communities<sup>458</sup>.

The solutions contained in the Law on Churches and Religious Communities are contrary to the provisions of Article 9 of the European Convention on Human Rights and the provisions of Article 18 of the International Covenant on Civil and Political Rights. In addition, these solutions are contrary to the provisions of Articles 43, 44 and 21 of the Serbian Constitution.

The disputed Article 19 of the Law on Churches and Religious Communities, which forbids the registration of a church or religious community whose name contains the name or part of the name denoting the identity of the already registered religious community, provides the basis for completely arbitrary decision-making on registration. For example, all religious communities whose name contains the word "Christian" are subjected to the complete arbitrariness of the Ministry of Religion with respect to their registration.

Formally, according to the last section of Article 7 of the Regulations on the Content and Keeping of the Register of Churches and Religious Communities, "a religious organization that has not applied for and does not wish to be entered into the Register shall enjoy religious freedom in

457 Sluzbeni glasnik RS, No. 36/2006

458 Sluzbeni glasnik RS, No. 64/2006

accordance with the Constitution and international conventions on human rights and religious freedom, in accordance with Articles 1, 2 and 5 of the Law, unless its activity is contrary to Article 3 of the Law." However, although registration is not compulsory, unregistered religious communities encounter considerable problems when opening a bank account, buying and selling property, employing church staff, publishing religious literature or paying value added tax.

Due to the discriminatory provisions of the above mentioned sublegal act, the religious communities whose registration had been rejected, such as, for example, the Union of Baptist Churches, Union of the Seventh Day Adventist Reform Movement, Protestant Evangelical Church in Leskovac and others, have filed an appeal with the Supreme Court. By the decision of the Supreme Court, the decision of the Ministry of Religion to reject the entry of the Montenegrin Orthodox Church into the Register of Churches and Religious Communities has been cancelled.

The registration problem is not only encountered by "untraditional" religious communities. The Ryaset of the Islamic Community of Serbia has recently decided to initiate administrative proceedings before domestic and possibly foreign courts because "the Ministry of Religion has failed to rectify the error by unlawfully registering another religious organization under the same or similar name". The Ryaset of the Islamic Community of Serbia refers to the provisions of the Law on Churches and Religious Communities, which stipulate that a religious community or church "whose name contains the name or part of the name denoting the identity of the church or religious community already entered into the Register or having already filed an application for registration", cannot be registered.

According to the former Chairman of the Main Board of the Christian Adventist Church, the same problem is faced by the mentioned community, since there exists the Union of the Seventh Day Adventist Reform Movement. Thus, the question that can impose itself is – who are the genuine Adventists? The application for registration submitted by Hare Krishna was rejected at the time when Milan Radulović was the Minister of Religion. The representatives of this religious community were instructed to register in accordance with the Law on Associations. However, they were

told at the Ministry of Public Administration and Local Self-Government that they could not be registered, since they were a religious organization. Even the intervention of the Indian Ambassador did not help them.<sup>459</sup>

Some religious communities were entered into the Register only after the positive court decision was brought. There are the ongoing proceedings before the Supreme Court and the European Court of Human Rights in Strasbourg due to the rejection of registration applications. So, for example, Jehovah's Witnesses were registered only after the Supreme Court of Serbia brought the decision that there were no legal obstacles to their registration.<sup>460</sup>

According to the regulations of the Ministry of Religion, an application for entry into the Register of Churches and Religious Communities can be rejected due to incomplete documents and "in the case of jeopardizing the legal identity of the already registered church or religious community". As the ultimate measure, the relevant Ministry may bring the decision on the removal from the Register, but this has not been done so far. Moreover, it has no competence to ban any religious organization.

The verification of the constitutionality of the Law on Churches and Religious Communities was the subject of a public hearing, which was organized by the Constitutional Court of Serbia after the submission of four proposals and one initiative in this respect, because many provisions of the Law were disputed. The proposals for the verification of the constitutionality of the Law on Churches and Religious Communities were submitted to the Constitutional Court by the Christian Baptist Church from Belgrade, Protestant Evangelical Church from Belgrade, Protestant Evangelical Church "Spiritual Centre" from Leskovac and Centre for Tolerance and Inter-religious Relations from Belgrade. The initiative for the verification of constitutionality was submitted by the Coalition for a Secular State, which is comprised of 11 non-governmental organizations. The submitters of these proposals and initiative challenged the constitutionality of the Law claiming that it violated the constitutionally proclaimed separation of church and state, and its discriminatory attitude towards minority

459 Politika, 20 July 2010.

460 Politika, 20 July 2010.

religious communities, since it recognized only five churches and two religious communities. They also challenged the provisions of the registration procedure and rights of church staff.

In the opinion of the Constitutional Court, the best way to get the court stance on the disputed constitutional law issues would be to organize a public hearing. The public hearing at the Constitutional Court was attended by Bishop Irinej of Backa, Eldin Asceric, Secretary of the Islamic Community of Serbia, and Rabbi Isak Asiel as the representative of the Jewish Community. On behalf of the competent government bodies, the public hearing was attended by Minister of Religion Bogoljub Šijaković and his predecessor Milan Radulović. The invitation of the Constitutional Court was also accepted by the representatives of the Ministry of Justice, Citizens' Protector and Commissioner for Information of Public Importance and Personal Data Protection, as well as renowned legal and religious experts.<sup>461</sup>

On behalf of traditional churches and religious communities, which jointly appeared at the hearing before the Constitutional Court, Bishop Irinej of Backa presented the response of the German expert in ecclesiastical law, Gerhard Robbers, to the questions concerning the "disputed" division and entry into the Register. Namely, this expert said that neither of them were unconstitutional, that the differences were based on justified reasons and that the provisions were in conformity with international law. On this occasion, Bishop of Backa Irinej also stated: "If the legislations in the European Union and European countries do not find anything disputable in the systems of those countries which recognize the institution of state religion, such as Great Britain, some Scandinavian countries and Greece, then we do not see why some provisions of our Law are discriminatory."<sup>462</sup>

Although six years have passed since the torching of the Bayrakli Mosque<sup>463</sup>, the organizers of the attack have not been found, while the

461 Tanjug, 5 October 2010.

462 S media, 6 October 2010.

463 The Bayrakli Mosque was set on fire in the night between 17 and 18 March 2004, during the protest over violence against Kosovo Serbs. On that occasion, the library with more than 7000 books was also burned down.

trial against direct perpetrators has not yet been finished. The indictment filed by the First Basic Prosecutor's Office charges 20 defendants with "the participation in a group that has committed a criminal act". The trial was resumed in mid-May 2010, when the defendants began to present their defence.<sup>464</sup> The trial started from the beginning due to a change in the panel of judges<sup>465</sup>, but was postponed in mid-October due to the judicial administration's work stoppage. Under way is the main hearing, but all defendants have pleaded not guilty. Testifying before the Chamber of the First Basic Court in Belgrade, the Commander of the Belgrade Police Brigade Unit said at the trial of the defendants charged with setting the Bayrakli Mosque in Belgrade on fire in March 2004 that his unit was not adequately equipped that night.

During 2010, the Federation of Jewish Communities of Serbia appealed against the publishing and distribution of anti-Semitic literature on a few occasions. In one of such texts, the readers were reminded of several trials against the authors of anti-Semitic books: proceedings against the author of a foreword to *The Protocols of the Elders of Zion*, with the subtitle "A Secret Judeo-Masonic Plan to Rule the World", as well as proceedings against the Centar Publishing Company, which started in 2001, but were suspended by court decision in 2003; proceedings against the Director of the Altera Publishing Company and publisher of the book *Why America Will Fall – A Secret World Government* started in 2001, but were suspended by court decision in 2003; proceedings against the publisher of *The Protocols of the Elders of Zion* were initiated in 2002 but were suspended due to the lack of neuropsychiatric expertise; proceedings against the same author who wrote a foreword to the book *On Jewish Ritual Murder* were initiated in 2005, but were also suspended for the mentioned reason; in November 2008, proceedings were initiated against the authors of the books *The Kingdom of Khazars – The Invisible Empire That Rules the World* and *The Kingdom of Khazars – The Conspiracy Theory Is not Fiction, Its Name Is Interest*; proceedings against the author of the book *An Anatomy of the Stench of Globalism* were suspended in May 2009, since

464 Tanjug, 13 October 2010.

465 Blic, 12 June 2010.

the police could not find the defendant's place of residence, just like in the previous case; proceedings against the author of the text "Serbia Will Flourish When It Frees Itself from Khazars" started in December 2008.

After the appearance of the anti-Semitic book *The Myth of the Holocaust* by Swiss author Jürgen Graf<sup>466</sup>, the Federation of Jewish Communities of Serbia issued a public statement in which, like many times before, requested from the competent state and judicial bodies to forbid the publishing and distribution of anti-Semitic books.<sup>467</sup>

By the decision of the Higher Court in Belgrade, which was brought at the proposal of the Prosecutor's Office, a book was forbidden in Serbia for the first time, since its content vilified Jews and their suffering during the Second World War. By this decision, the distribution of Jürgen Graf's book *The Myth of the Holocaust* was forbidden due to "advocacy of racial, national or religious hatred that calls for incitement to discrimination, hostility or violence". At the same time, the Court instructed the police to seize and seal all copies of this book (it was published in 500 copies). Expressing his satisfaction over the prohibition of this pamphlet, the President of the Federation of Jewish Communities stated that this book was one of 118 books with the anti-Semitic content which could be found on sale in Serbia, in bookshops and at some book fairs, like the one organized at the Trade Union Hall shortly before the New Year. So far, the Federation of Jewish Communities of Serbia has asked the Prosecutor's Office to forbid the distribution of fifteen or so books due to their anti-Semitic content.<sup>468</sup>

## Incidents

In the US State Department's latest report, which covers the period from 1 July 2009 to 30 June 2010, it is stated that the number of cases of abuse or discrimination on the ground of religious affiliation have been reduced, but that the leaders of minority religious communities still report

466 In Switzerland, Jürgen Graf was sentenced to 15 months in prison for denying the Holocaust. He fled to Belarus in order to avoid imprisonment.

467 Jevrejski pregled, No. 4, April 2010.

468 Jevrejski pregled, No. 11, November 2010.

instances of vandalism, physical assaults and negative media coverage of their groups. Immediately after the publishing of the mentioned report, the Serbian Interior Minister stated that, during the past six years, the number of inter-ethnic incidents in Serbia declined and became confined to sporadic cases involving individuals. At the meeting devoted to the perspectives of anti-discrimination in Serbia, he said that from January to October 2010 there were 173 inter-ethnic and religious incidents, as opposed to 220 in the comparable period the year before. The number of inter-ethnic incidents declined both in Vojvodina and Central Serbia by 60 per cent compared to 2004. On this occasion, the Interior Minister also stated that the Serbian Ministry of the Interior was doing its best to protect the rights and security of all citizens.<sup>469</sup>

Among the scarce media reports on religious discrimination cases mention should be made of the demolition of the street side of the fence around the complex in which the Adventist Church in Palic is located<sup>470</sup>, as well as of the destruction of lighting in the courtyard of the Catholic Church in Ruma.<sup>471</sup> In the first case, property damage was done for the first time, while in the second case, the priest reminded the public after the incident that the statue of the Blessed Virgin Mary in the church courtyard was destroyed in September 2009 and that the perpetrators were never found.

The question that can impose itself is whether weaker media reporting on religious incidents during 2010 was the result of a real decline in the number of these incidents as stated by the Interior Minister, or of weaker “media coverage” of this topic. Nevertheless, it is necessary to mention one case of the media coverage of small religious communities at the beginning of the year.

The civic community reacted sharply to the article entitled “200,000 Serbs in Sects!”, which appeared in the daily newspaper *Kurir* on 24 January 2010. Namely, it was claimed that “more than 150 sects, from satanic to Hinduistic, are roaming Serbia” and an absolutely arbitrary list

469 Politika, 18 November 2010.

470 Blic, 22 June 2010.

471 S media, 11 December 2010.

of religious communities was given. The list even included some traditional religious communities such as the Slovak Evangelical Church and some unregistered religious communities, alluding that those were also sects. In its press release, the Helsinki Committee for Human Rights in Serbia pointed out that “mentioning small religious communities as being ‘sects’ and ‘satanic’ represents hate language, which often incites assaults on their members.”<sup>472</sup> It was also pointed to the fact that the statements of Belgrade Police Chief Inspector Zoran Luković, cited in the article, could be regarded as hate language, so that the Ministry of the Interior was called upon to react to the irresponsible behaviour of its officers. In the press release of the Centre for Development of Civil Society it is especially pointed out that in this article the so-called sects are attributed crimes like the one committed in Novi Banovci in 2007, although the police, court and Ministry of Religion determined that it had not been religiously motivated. Moreover, it also mentions as sects the registered traditional religious communities of national minority members (such as, for example, the Slovak Evangelical Church) and unregistered religious communities with a large number of members (such as, for example, the Christian Adventist Church), various unregistered religious communities (the Union of Baptist Churches, Christ Spiritual Church - Pentecostal) and really esoteric organizations (Ordo Templi Orientis). It is especially dangerous when hate language is used by representatives of state bodies (the Council of the Republican Broadcasting Agency /RRA/ and police).<sup>473</sup>

At the end of the year, one religious discrimination case ended before the European Court of Human Rights. After Zivota Milanović from Belica was attacked five times due to his religious affiliation, from 2001 to 2007, the Youth Initiative for Human Rights initiated the proceedings on his behalf before the European Court of Human Rights in early October 2007. As a member of the Hindu Vaishnava Community, Milanović suffered numerous physical abuses, while the local representatives of the Ministry of

472 *The Discrimination of Small Religious Communities*, Press Release, Helsinki Committee for Human Rights in Serbia, 26 January 2010.

473 *CRCD Reaction to Hate Language*, Press Release, Centre for Development of Civil Society, 25 January 2010.

the Interior did not adequately react to them. The state of Serbia lost this case before the European Court of Human Rights because it violated the provision on the prohibition of discrimination and was obliged by the first-instance decision to pay 10,000 euros to its citizen for the damage done. In the decision of the European Court of Human Rights it is stated that the state of Serbia is responsible for the violation of Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment or punishment, as well as for the violation of Article 14, which stipulates that the enjoyment of rights and freedoms stipulated by this Convention is provided without discrimination based on sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It is also stated that it has been determined through court practice that during the investigation of violent incidents the authorities have an additional duty to take all sensible steps to determine whether ethnic hatred or prejudice played a role in them. If the state of Serbia does not request that its case be referred before the Grand Chamber within a period of three months, this will be the Strasbourg Court's first final decision by which Serbia is held responsible for violating the provision on the prohibition of discrimination under the European Convention on Human Rights.<sup>474</sup>

## **The Majority Church in Serbia**

There is no doubt that the central event for the Serbian Orthodox Church in 2010 was the election of the new Patriarch. The Elective Assembly of the Serbian Orthodox Church was organized 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 days of mourning, the Ministry of Education's recommendation to schools and faculties not to work; the Government's recommendation to employers to grant paid leave to their employees on the funeral day; the presence of the gendermerie and guard of honour at the funeral – or, to be more exact, on 22 January 2010. Out of 34 bishops meeting the requirement to be put

474 Blic, 14 December 2010.

up as candidates for the Patriarch, Metropolitan Amfilohije of Montenegro and the Littoral, the Guardian of the Patriarchal Throne, Bishop Irinej of Nis and Bishop Irinej of Backa were shortlisted. 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 status of the church in society, characterized by tolerance and balanced words, “a worthy successor” to the blessed Patriarch Pavle and the Bishop who was well acquainted with social reality.

The new Patriarch was enthroned in the Cathedral Church in Belgrade on 24 January 2010. The ceremony was attended by high representatives of the state and traditional religious communities: the Prime Minister, Speaker of the National Assembly, Deputy Prime Minister and Interior Minister, Minister of Religion, Mayor of Belgrade, Prime Minister of the Republic of Srpska, Crown Prince, Archbishop of Belgrade, Reis-ul-Ulema of the Islamic Community of Serbia and others. After the ceremony, the new Patriarch gave the following statement: “The first task of our Church and people is to help the state to preserve our holy and martyred Kosovo and defend it from all those who want to seize it. (...) Kosovo is our holy land and we must be ready for any sacrifice in order to preserve it, even if it involves suffering”.<sup>475</sup>

After officially assuming the patriarchal duties by the enthronement in the Cathedral Church in Belgrade, and in order to preserve the tradition, it was planned to organize the ceremonial enthronement of the new Patriarch in the Patriarchate of Pec. It was scheduled for 25 April,<sup>476</sup> but after its postponement for “technical and organizational reasons”, the Assembly of the Serbian Orthodox Church set 3 October 2010 as the new date at its spring session.

The ceremonial enthronement of the 45th Serbian Patriarch soon turned into a political issue. After it was originally planned and announced that the ceremony would be attended by more than 10,000 persons, including all members of the Government, Prime Minister and Serbian

475 Blic, 24 January 2010.

476 Novosti, 1 February 2010.

President,<sup>477</sup> the Kosovo authorities issued an ultimatum that they would also come (uninvited) to the enthronement should the representatives of the Serbian Government be present. After a week, the Priština politicians lifted a ban on the entry of Serbian politicians into Kosovo and Metohija or, in other words, Belgrade's government representatives were allowed to travel to the Patriarchate of Pec by following the regular procedure.<sup>478</sup>

As interpreted by the Priština Government, the agreement that the state of Serbia would be represented at the enthronement by the Serbian President, was violated by the announcements of some Serbian officials that they would come to Kosovo and Metohija as private persons and not as official representatives of government institutions. Finally, through international mediators in the negotiations between Belgrade and Priština, the Kosovo authorities stated that none of the ministers could attend the enthronement ceremony.

In order to ease tensions, the Synod of the Serbian Orthodox Church issued a statement calling "the members of the Government of the Republic of Serbia, leaders of political parties and other renowned political figures to absolutely observe the dignity and spiritual character" of the act of enthronement. It was also appealed to respect all agreements and thus contribute "that this most ceremonial prayer act in the centuries-long seat of the Serbian Orthodox Church passes in the best possible way, thus preventing the possibility of any or anyone's provocation". In addition, it was stated as follows: "At the ceremony of the enthronement of the Serbian Patriarch, the Republic of Serbia and its bodies will be fully represented by President Boris Tadić as its highest representative."<sup>479</sup>

Some media carried the news that Metropolitan Amfilohije, Chairman of the Committee for the Patriarch's Ceremonial Enthronement, invited on his own and without consulting the other members of the Synod of the Serbian Orthodox Church, the leaders of the opposition, that is, the leaders of the Serbian Progressive Party, New Serbia, Serbian Radical Party and Democratic Party of Serbia. It was said that the Metropoli-

477 Kurir, 22 September 2010.

478 Blic, 28 September 2010.

479 Blic, 30 September 2010.

tan of Montenegro and the Littoral did that just before the Synod's plea that the enthronement should not be politicized and that, instead of Pec, politicians should come to the Belgrade Patriarchate the following day.<sup>480</sup> Two days later, the highest dignitaries of the Serbian Orthodox Church denied the information about the self-initiated invitation of politicians, stating that the Synod and the Patriarch invited all government officials and opposition leaders in Serbia to attend the enthronement.<sup>481</sup> In any case, the Kosovo Police Service (KPS) and EULEKS prevented the leaders of the Serbian Progressive Party and New Serbia from coming to Pec for the enthronement or, more precisely, they were not allowed to enter Kosovo and Metohija.

According to the statement issued by the Kosovo police, the enthronement was attended by some 5,500 people. Apart from the Serbian President and members of the KaraĐorđević royal family, the invitees included the Russian and Greek Ambassadors to Serbia, Alexander Konuzin and Dimosthenis Stoidis, EU Special Representative for the Protection of Religious and Cultural Heritage in Kosovo and Metohija Dimitris Moschopoulos, Head of UNMIK Lamberto Zannier, Commander of KFOR Erhard Bühler, outgoing Head of EULEX Yves de Kermabon, Milorad Pupovac from the Independent Serbian Democratic Party, Manager of Srbijagas Dusan Bajatović, former Speaker of the Serbian Parliament Predrag Marković and others. Apart from the high representatives of all local Orthodox Churches, the enthronement was also attended by the representatives of the Roman Catholic Church, Protestant churches and the Church of England, Islamic Community of Serbia and Jewish Community of Serbia.

## **The Pope's Visit to Serbia**

Immediately before the election the new Patriarch, the question of the Pope's visit to Serbia became topical again. Only a few days before the session of the Elective Assembly of the Serbian Orthodox Church, Bishop Irinej of Nis announced that the Serbian Orthodox Church would welcome

480 Blic, 2 October 2010.

481 Danas, 4 October 2010.

the Pope's visit to Serbia in 2013 in order to attend the celebration of the anniversary of the Edict of Milan. According to the announcements, the Serbian Orthodox Church is planning to organize a celebration of the anniversary of this important event for Christians in Nis, Emperor Constantine's birthplace.

As for the planned ceremony and the Pope's visit to Serbia, Bishop of Irinej of Nis stated: "There was talk earlier about this issue, but for some other reason. This would be a special-purpose visit and the Serbian Orthodox Church would welcome it. It would provide an opportunity not only for an ecumenical gathering, but also for dialogue."<sup>482</sup> The proposal for the visit of Pope Benedict XVI to Serbia in 2013 for a celebration of the anniversary of the Edict of Milan was put forward by Serbian President Boris Tadić during his visit to the Vatican on 14 November 2009.

While Patriarch Pavle was the head of the Serbian Orthodox Church, the question of the Pope's visit to Serbia was raised several times, but the invitation was never sent. During the Pope's visit to Bosnia and Herzegovina, on 22 June 2003, Patriarch Pavle and Pope John Paul II almost met in Banjaluka. However, according to some media, the Patriarch gave up their meeting, because the central celebration of the Pope's visit to Bosnia and Herzegovina was organized in the monastery of Petricevac from which the Ustashe set out to slaughter Serbs in the villages of Drakulic, Motike and Sargovic.<sup>483</sup>

After the election, Patriarch Irinej continued to highlight the importance of the Pope's visit and his statements were met with positive reactions from all ecumenically minded believers and left an impression that the majority church in Serbia finally changed its view on ecumenism. Several days after his election, Patriarch Irinej stated: "It is probably high time that such a meeting takes place, that we say what we have to say to each other. And that we both reflect upon everything. Because not every division is positive. (...) The time has probably come that we approach this problem in the most serious way."<sup>484</sup> Patriarch Irinej's statement about his

482 Pravda, 19 January 2010.

483 Press, 19 January 2010; Kurir, 19 January 2010.

484 Blic, 27 January 2010.

readiness for a dialogue with the Pope has been met with the most positive reactions from Vatican spokesman Frederico Lombardi and Milutin Novaković, spokesman for the Archdiocese of Belgrade?<sup>485</sup>

However, three months later, the initially resolute attempt to have the head of the Catholic Church attend the celebration in Nis together with all other heads of the Christian churches was relativized. In an interview for a daily newspaper in mid-April, Patriarch Irinej said that the Serbian Orthodox Church was yet to decide whether to invite the Pope to come to Serbia in 2013. He explained that it was expected that the heads of all Christian churches would come to Nis for a celebration of the anniversary of the Edict of Milan, so that “it is logical to expect the Roman Pope but, at the moment, nobody can confirm his arrival in Serbia with certainty”. The Patriarch also referred to his earlier statements: “At that time, I said in principle that we expected the heads of all churches to come to Nis in 2013, including the head of the Catholic Church... However, for the time being, nobody in the Serbian Orthodox Church is concerned about that. (...) This question will not be placed on the agenda until the time when it will be decided who will be invited. At present, we don’t think and talk about that.”<sup>486</sup> In late May, the Patriarch confirmed that the Serbian Orthodox Church had no contact with the Vatican but that “all welcome [this big gathering] and wait for an invitation”.<sup>487</sup>

The President of the ecumenical Pro Oriente Foundation, Johann Marte, said for the Catholic news service “Cathpress” that it was highly unlikely that Pope Benedict XVI would visit Serbia in 2013. Among other things, he said: “Although the Serbian Orthodox Church cares a lot about it, tensions within the Church currently pose an obstacle to such a visit.” After his visit to Serbia and talks with the representatives of the Serbian Orthodox Church and Serbian officials, he concluded that there was the readiness to invite the Pope to Nis but, “at the moment, the Serbian Orthodox Church seems paralyzed”. Moreover, there is the danger of a rift within the Church due to the dispute with the defrocked Bishop Artemije

485 Blic, 28 January 2010.

486 Press, 17 April 2010.

487 Politika, 30 May 2010.

of Raska and Prizren, who has followers and is strictly against the Pope's visit.<sup>488</sup>

## A Dispute Within the Church

It is a fact that the perennial dispute within the Serbian Orthodox Church between Bishop Artemije and his followers, on one side, and the Synod of the Serbian Orthodox Church, on the other, was disruptive to intra-church harmony during 2010. After several years of Bishop Artemije's refusal to respect the decisions of the highest church dignitaries, the Synod of the Serbian Orthodox Church led by Patriarch Irinej decided to settle the situation in the Diocese of Raska and Prizren. Disentangling this conflict started with the inspection of the situation in the Diocese of Raska and Prizren. Thus, a special church commission was sent to the monastery of Gracanica to investigate the financial affairs of the Diocese.

After Bishop Artemije refused to cooperate with the synodal commission, the Synod convened an extraordinary session. After considering the commission's report and the reports and documents submitted by Bishop Artemije, it was decided to relieve the mentioned Bishop of his duties. Bishop Irinej of Backa reminded of the fact that the differences between one Bishop and the Synod, that is, the Assembly, existed for a longer period and that during a number of years there were debates and that decisions were made with respect to various issues, such as the restoration of Orthodox sanctities in Kosovo, and some organizational solutions in the Diocese which the Synod found to be irresponsible and asked the competent Bishop to solve the problem.<sup>489</sup> A special church audit commission revealed a number of cases of material financial reporting fraud and abuses in the Diocese due to which the indictments against Bishop Artemije's two closest associates were filed.

The Bishop was first suspended from his position as the Bishop of Raska and Prizren. Several months later, the Assembly of the Serbian Orthodox Church pensioned him off and designated the monastery of

488 Blic, 4 March 2011.

489 Politika, 14 February 2010.

Sisatovac in Srem as his place of residence. A few months later, the Patriarch banned him to officiate, that is, to hold church liturgies. Bishop Artemije's isolation provoked the rebellion of a smaller number of loyal monks, who left Kosovo together with him in protest. This was followed by protests and frequent incidents demonstrating open disagreement with the church bodies' decisions. On several occasions, Bishop Artemije's supporters tried to take over some monasteries in northern Kosovo, but their intentions were foiled.

Artemije's rebellion against the church hierarchy and Patriarch Irinej enjoyed the unconditional support of one part of the public. An appeal for the protection of the legal order of the Serbian Orthodox Church, sent to all Serbian jurists in the country and abroad, whose "concern about the Serbian Church and Serbian people take precedence over all other concerns", was signed by Serbian jurists and law professors, including Academician Kosta Cavoski, Professor Dr Milan Perović, lawyers Branislav Tapusković and Rodoljub Lazic and many others. In their appeal it is stated that the decision of the Holy Assembly of Bishops "to permanently relieve Diocesan Bishop Artemije from duty by a majority of votes" has seriously endangered the legal order of the Serbian Orthodox Church. Zoran Cvorović, Teaching Assistant at the Faculty of Law in Kragujevac, said for the daily newspaper on behalf of the signatories to the Appeal that jurists did not only stand behind Bishop Artemije; their main motive is the initiative that should prevent such gross lawlessness in the Church from becoming a source of disunity and scandal to many believers. He emphasizes that jurists, as the signatories to the Appeal, do not appear in the role of Bishop' Artemije's lawyers, but as the defenders of the legal order and the Constitution of the Serbian Orthodox Church. He also stated: "As the canons are not only the product of the human intellect but also of the Holy Spirit, the violation of the canons in which it resides, means that some other spirit reigns in the Church, the spirit of politics and various globalist ideologies."<sup>490</sup>

490 Pravda, 26 May 2010.

## The New Patriarch – Support for European Integration

Just as shortly before and after his election the new Patriarch advocated the thesis about the necessity of the Pope's visit to Serbia and provoked positive reactions from the civic community and one could also observe a shift in the view on Serbia's European integration. Several days after his enthronement, the new Patriarch stated that the Serbian Orthodox Church would support Serbia's European integration if that was not detrimental to its cultural and historical identity. As for Serbia's accession to NATO, the Patriarch's stance is somewhat more measured. He said that the people should have their say on this issue.<sup>491</sup>

In March, the Patriarch met with the EU Special Representative for the Protection of the Religious and Cultural Heritage of the Serbian Orthodox Church, Dimitris Meschopoulos, to discuss the issues falling within his competence. The Patriarch acquainted the head of the Greek Liaison Office in Priština and the future mediator between the Serbian Orthodox Church and the European Union and Kosovo authorities with the Synod's decision to appoint Vicar Bishop Teodosije of Lipljan as the Church's representative in all talks concerning religious and cultural heritage in Kosovo and Metohija.<sup>492</sup>

In early November, the Patriarch also met with Gerhard Robbers, a member of the German Constitutional Court and Director of the Institute for European Constitutional Law. The meeting was also attended by Bishop Irinej of Bačka, Minister of Religion Bogoljub Sijaković, State Secretary of the Ministry of Religion Dragan Curović and Sima Avramović, Professor at the Faculty of Law in Belgrade. As stated in the communique of the Information Service of the Serbian Orthodox Church, it was talked about the method of solving the state and church law issues in the European Union, since Robbers was the leading expert in state-church relations in the European Union.<sup>493</sup>

491 Press, 29 January 2010.

492 Politika, 26 March 2010.

493 Information Service of the Serbian Orthodox Church, 5 and 6 November 2010.

In the meantime, the gradual opening of the Serbian Orthodox Church towards the EU institutions was coming upon entrenched obstacles. So, for example, the Patriarch asked EU Belgrade Office Chief Peter Sorensen to apologize for the wrong Serbian translation of one part of the speech of EU Chief of Mission in Kosovo Pieter Feith in the European Parliament on 22 June 2010. The Patriarch reminded him that in addressing the European Parliament Feith said that “the transition of the Serbian Orthodox Church towards a more moderate approach in Kosovo is another positive development”. However, according to the Patriarch, this sentence in Feith’s address, sent to the media by his office, was not properly translated into Serbian and read: “The transition of the Serbian Orthodox Church towards a more moderate approach to the Kosovo issue is another positive development”.

Insisting on terminological precision, the Patriarch explained that there was a very big difference between “a more moderate approach (behaviour) in Kosovo” and “a more moderate approach to the Kosovo issue”, since the latter formulation could also refer to Kosovo’s status. On this occasion, it was expressly emphasized that the Serbian Orthodox Church “neither changes nor intends to change its stance on the issue that is clearly regulated by the Serbian Constitution and citizens’ will” or, in other words, that “Kosovo and Metohija is an integral part of Serbia and that the self-proclaimed independence of the province by Kosovo Albanians and one part of the international community is an illegal act contrary to international law.”<sup>494</sup>

## **The Serbian Orthodox Church and Its Neighbours**

The Serbian Orthodox Church has retained its old position in the region. Like in the previous years, the reports on incidents in Montenegro in 2010 were a direct consequence of the unsettled dispute between the Montenegrin Orthodox Church and Serbian Orthodox Church.

On several occasions, the Serbian Orthodox Church very sharply criticized the Montenegrin Orthodox Church, as well as the Montenegrin

494 Press, 25 June 2010.

authorities and media. In late 2009, the Metropolitanate of Montenegro and the Littoral stated that “certain government addresses, public figures and media” in Montenegro had “an ignorant and malicious attitude” towards that Church “which is demonstrated by their support to the Montenegrin Orthodox Church.”<sup>495</sup> The target of Metropolitan Amfilohije’s criticism was especially the daily newspaper *Pobjeda*, which he reproached for being printed in Latin script and, in particular, because “it seems to be subscribed to ignoring and besmirching” the Metropolitanate of Montenegro and the Littoral, “its identity, reality and servants”, while at the same time “promoting the newly composed religious community, the so-called Montenegrin Orthodox Church, planting it on Montenegrins like a cuckoo egg”.<sup>496</sup>

It is also worth to mention the criticism of the newly elected Patriarch who stated, several days after his enthronement that the present Montenegrin Church “is an unserious community, which is unfortunately supported by the state” and that it enjoyed little popular support.<sup>497</sup> This statement provoked a severe reaction from the Montenegrin National Community in Belgrade, which requested from the Patriarch to apologize. The Patriarch demonstrated his resolute attitude towards the Montenegrin Orthodox Church by stating: “I have heard that the Montenegrins want me to apologize, but I won’t do that. I did not insult anybody. I only said the truth and I don’t find it necessary to apologize.”<sup>498</sup>

There was also sharp criticism from the other side. During the Patriarch’s first official visit to the Metropolitanate of Montenegro and the Littoral to commemorate the 180th anniversary of Petar I Petrović Njegoš’s death, the only Montenegrin official who received the Patriarch was President Filip Vujanović. During the commemoration ceremony devoted to St Petar at the Zeta Hall in Cetinje, in Montenegro, Montenegrin Parliament Speaker Ranko Krivokapic challenged the ownership of Cetinje Monastery’s ownership and used insults while speaking about the clergy of the

495 Kurir, 27 December 2009.

496 Danas, 2 November 2010.

497 Blic, 27 January 2010.

498 Pravda, 8 February 2010.

Metropolitanate of Montenegro and the Littoral: "Some priests stand in opposition to Saint Peter and his earthly remains are still not free like his Montenegro because of them."<sup>499</sup>

In contrast to continuously bad relations between the Serbian Orthodox Church and the Montenegrin Orthodox Church and Montenegrin authorities, there were some positive shifts in the attitude towards the Macedonian Orthodox Church in 2010.

Patriarch Pavle's funeral and the enthronement of the new head of the Serbian Orthodox Church were attended by the high-level delegations of the canonically unrecognized Macedonian Orthodox Church. These delegations were led by the head of the Macedonian Orthodox Church, Archbishop Stefan. After the funeral he was received by the guardian of the vacant patriarchal throne, Metropolitan Amfilohije of Montenegro and the Littoral, and the new head of the Serbian Orthodox Church after his ceremonial enthronement.

In the meantime, the Macedonian authorities also made a concession by cancelling the detention measure against Archbishop of Ohrid and Metropolitan of Skopje Jovan, thus enabling him to return to Macedonia after almost two years. Archbishop Jovan had asked for the cancellation of the detention measure during the court proceedings against him, but that was not approved and he was forced to spend almost two years outside Macedonia.<sup>500</sup>

However, in October 2010, the Appellate Court in Skopje confirmed Bishop Jovan's two-and-a-half-year prison sentence and issued a wanted circular for his arrest. Bishop Jovan's lawyer said that his client left Macedonia and was currently in Greece.<sup>501</sup> It should be noted that the Macedonian judiciary charges the Archbishop of Ohrid with embezzling 250,000 euros in three dioceses where he served as the Bishop and that he already served 18 months in prison due to "the spread of hatred on religious and national grounds". He was previously defrocked by the Macedonian Orthodox Church, while the Serbian Orthodox Church proclaimed him Bishop.

499 Politika, 2 November 2010.

500 Blic, 27 January 2010.

501 Kurir, 28 October 2010.

In any case, both sides have retained their rigid and resolute stance. The Macedonian Orthodox Church, which has recently added “Ohrid Archbishopric” to its name,<sup>502</sup> officially claims that anything below autocephaly is unacceptable to it,<sup>503</sup> while the Serbian Orthodox Church only wishes to negotiate about autonomy.

In Croatia, the initiative for the formation of the Citizens’ Association “Croatian Orthodox Community” in Ogulin provoked tumultuous and severe reactions from some Bishops of the Serbian Orthodox Church, especially those whose jurisdiction extends throughout that country. Bishop Fotije of Dalmatia and Bishop Gerasim of Gornji Karlovac sent a letter to Croatian Prime Minister Jadranka Kosor asking her to protect the Serbs, Serbian Orthodox Church and their cultural and spiritual identity being threatened by the announced formation of the Croatian Orthodox Community. The Bishops also warned that “the ghosts of the past” could generate anxiety among many Croatian citizens as well as the perspective and the perspectives of darkness and ominous times, which would challenge Croatia’s European and democratic future. Letters were also sent to the Synod of the Serbian Orthodox Church, Serbian President, Croatian Ministry of Culture, Serbian Ministry of Religion, Serbian National Council in Zagreb and National Minority Council in Croatia.<sup>504</sup> Bishop Fotije of Dalmatia asked Croatian President Ivo Josipović to prevent the announced registration of the disputed association and the formation of the so-called Croatian Orthodox Church, warning him of the pro-Ustasha nature of the association aiming to annihilate the Serbs and Serbian Orthodox Church in Croatia.<sup>505</sup>

After answering the Bishop’s letter in which she emphasized Croatia’s anti-fascist legacy, the Prime Minister assigned the Ministry of Culture to

502 Adding “Ohrid Archbishopric” to the name of the Macedonian Orthodox Church can be interpreted in two ways: one is the fulfilment of the Nis Agreement on which the Serbian Orthodox Church insists and the other is the prevention of the possible registration of the Orthodox Ohrid Archbishopric.

503 Danas, 30-31 January 2010.

504 Novosti, 27 December 2009.

505 Kurir, 15 March 2010; Danas, 16 March 2010; Blic, 16 March 2010.

investigate the intentions behind the registration of the mentioned association. Bishop Gerasim reproaches the Croatian public for failing to unambiguously condemn such an activity if it considers its country democratic and anti-fascist.<sup>506</sup>

## The Serbian Orthodox Church and Society

On the internal plane or, more exactly, in relation to Serbian society, the Serbian Orthodox Church persists in its conservative views. The Gay Pride Parade which, in contrast to the previous year, was held on 10 October 2010, despite fierce opposition from conservative groups, was severely condemned by the dominant church in Serbia. With the exception of the Serbian Orthodox Church, the traditional churches and religious communities in Serbia announced earlier that they would not publicly comment on the planned Gay Pride Parade. According to the daily newspaper *Danas*, in the Office of the Serbian Patriarch it was said that the stance of the Serbian Orthodox Church on the Gay Pride Parade did not change relative to the previous last year and that the statement by the member of the Synod and spokesman of the Serbian Orthodox Church, Bishop Irinej of Backa, was still “in force”. Namely, on 18 September 2008, he stated via official website that “the Serbian Orthodox Church and traditional churches and religious communities oppose the public expression of anyone’s sexual orientation, or any other inclination, especially if it insults the rights of citizens to privacy and family life, their religious beliefs and inviolability of personal dignity.”<sup>507</sup>

As could be expected, the most severe condemnation came from Metropolitan Amfilohije of Montenegro and the Littoral, who called the Gay Pride Parade “an aggressive propaganda” and explained to believers that such a parade on the streets of Belgrade, and on the streets of other cities, was aggression and therefore unacceptable. There followed a clumsy statement of the Synod of the Serbian Orthodox Church, which called for non-violence, but severely condemned all those “who endanger public morals”.

506 Novosti, 14 January 2010.

507 Danas, 8 September 2010.

On the eve of the Gay Pride Parade, Metropolitan Amfilohije sent the following message to the public: "One must never lose sight of the eternal symbolism of Sodom and Gomorrah: these cities and their inhabitants were destroyed, burned in fire and brimstone, just because they turned the natural use of the male and female into that which is perverted and unnatural".<sup>508</sup> The following statement could also be heard: "The events like this one point to the moral state not only of our society but also of the entire Euro-American civilization."<sup>509</sup> The day after the Gay Pride Parade, in addressing the people gathered in the village of Klinči near Lustice, the Metropolitan called LGBT persons "a stench of Sodom" and characterized them as being "ungodded and perverted", and "the plague and pestilence of Sodom".<sup>510</sup>

The Commissioner for the Protection of Equality concluded that Metropolitan Amfilohije "unambiguously violated the Anti-discrimination Law" with his speech about the Gay Pride Parade and asked him to publicly apologize to the participants of the Gay Pride Parade in Belgrade.<sup>511</sup>

On this occasion, we can remind ourselves of Metropolitan Amfilohije's statements made in September 2009, just before the cancellation of the Gay Pride Parade. He called the planned parade "a shame parade" and "parade of Sodom and Gomorrah", and pointed to the violation of the "all-creative mystery of matrimonial love" and "the violation of the human nature". Although he emphasized that "the Church does not call and never has called people to violence against any groups, no matter what they are, nor against these groups of people who have consciously chosen the path of moral and spiritual death instead of the path of love", his statements, such as: "Every tree that bringeth not forth good fruit is hewn down, and cast into the fire (...) that is precisely what sodomite, gay-lesbian love is, which will not, and cannot inherit the Kingdom of God be-

508 Blic, 9 December 2010.

509 Blic, 8 October 2010.

510 Blic, 5 March 2011.

511 B92, 5 March 2011.

cause such love is lifeless and barren”,<sup>512</sup> provoked a sharp reaction from the civic community.

Only five days after his enthronement, the Patriarch provoked justified fierce reactions from both the Islamic Community in Serbia and Islamic Community of Serbia, and a large part of the civic community due to his statement in which he characterized “the philosophy and psychology of Islam”. “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.”<sup>513</sup> This is the statement for which the beginning of the mandate of the 45th Patriarch of the Serbian Orthodox Church will be remembered.

As could be expected, both the Islamic Community of Serbia and the Islamic Community in Serbia asked for the official interpretation of Patriarch Irinej’s statement and his public apology. While the Ryaset of the Islamic Community of Serbia expressed “its concern over the statement giving the inappropriate and impermissible characteristics of Islam and Muslims”<sup>514</sup>, the Meshihat of the Islamic Community in Serbia issued a harsh statement in which the Patriarch’s words were interpreted as a call for genocide: “It is quite clear that this statement contains a call for genocide, since it unambiguously points out that Muslims are acceptable to the Patriarch only when in minority and living with their heads bowed down. Does that mean that it is necessary to take measures like those in Srebrenica when Muslims constitute a majority, like in Sandzak and the Presevo Valley, so that their number becomes acceptable to the Patriarch’s vision of Serbia?”<sup>515</sup>

The head of the Serbian Orthodox Church, Patriarch Irinej, apologized to the members of the Islamic community because of his “reckless and arbitrary statement concerning the psychological profile of Muslims, published in the daily newspaper *Blic* on Saint Sava’s Day”, and expressed his

512 Danas, 18 September 2009.

513 Blic, 27 January 2010.

514 Blic, 28 January 2010.

515 Press, 29 January 2010.

“deepest regret for this statement and its consequences“. Stating that his words “can really be interpreted in the way they were understood by those Muslim believers and religious leaders who felt offended“, the Patriarch pointed out that “he did not have such an intention and that this unfortunate statement does not express his real attitude towards Islam, based on absolute respect for the identity, dignity and integrity of Muslims as individuals, the Islamic Community as a whole and Islam as a great world religion“, and that his statement was taken out of context, so that the public was not acquainted with what he had said before and after the disputed words.<sup>516</sup>

According to Mufti Zukorlić, the apology of the Serbian Patriarch Irinej to Muslims is certainly acceptable, but cannot remedy the consequences of his statement about Islam and Muslims. They can only be alleviated. Mufti Zukorlić also stated that “the Serbian Orthodox Church is the institution with the greatest influence on the state, so that its responsibility is also greater than that of other churches and religious communities“.<sup>517</sup>

## **Muslims in Serbia**

During the 2010, the unsettled dispute between the opposing organizational structures of the Islamic community was further complicated by increasingly aggravated and strained relations between the Islamic Community in Serbia and Belgrade authorities. The Chief Mufti of the Islamic Community in Serbia, Muamer Zukorlić, often appeared in front-page headlines and breaking news due to his public statements, while the situation in Sandzak became dramatic on a few occasions.

The previous year was marked by the events such as the elections for the Bosniak National Council, numerous misunderstandings between the Islamic Community in Serbia and the state concerning the status of vakuf property, disputed status of the Islamic Community representatives in the Religious Education Commission, realization of religious education in Ser-

516 Danas, 29 January 2010; Politika, 30 January 2010.; Press, 30 January 2010.

517 Danas, 29 January 2010.

bian schools and continuing sharp criticism of the Belgrade authorities by the representatives of the Islamic Community in Serbia.

In late March, during a multi-day celebration of the third anniversary of the unique Islamic Community in Serbia, at the final ceremonial reception organized in the Meshihat building, Chief Mufti Muamer Zukorlić devoted a large part of his address to the attitude of the Belgrade authorities towards Bosniaks and national rights of Bosniaks and their respect, repeating his earlier views on this issues. He also called all Bosniak political parties, organizations and politicians to uphold the list of the Bosniak Cultural Community at the forthcoming elections for the Bosniak National Council. The legitimacy of the list led by him was argued by the personnel potential, recruited from two “proven” institutions, the Islamic Community in Serbia and International University, which did not “kneel before Belgrade”.<sup>518</sup>

Three lists took part in the elections for the Bosniak National Council: the Bosniak List, Bosniak Revival and Bosniak Cultural Community.<sup>519</sup> The greatest media attention was attracted by the list of the Bosniak Cultural Community, led by the Chief Mufti of Islamic Community in Serbia, Muamer Zukorlić. His candidacy was officially endorsed by the Assembly of the Islamic Community in Serbia.

Mufti Zukorlić explained his participation in the elections by the wish to help preserve Bosniak identity, that it was his response to “injustice inflicted on Bosniaks” and that he wished to change Belgrade’s attitude towards Bosniaks. His candidacy was criticized as an impermissible interference by the Islamic Community in Serbia in politics and bad move. The Ministry of Religion stated that it was clear that the Chief Mufti of the Islamic Community in Serbia, Muamer Zukorlić, left the terrain of religion and delved into political waters for which he needed collocutors from other sectors: “If the Mufti decides again to deal with religious issues and the good of Islam, and if he stops with the conditioning and gives up his rhetorics from which it turns out that there is only one truth – his truth

518 Danas, 1 April 2010.

519 The list of the Bosniak Cultural Community won the greatest number of seats – 17; the Bosniak List won 13 and the Bosniak Revival 5.

– and that only he is always right, we believe that it will be possible to renew our cooperation”.<sup>520</sup>

The constituent session, held on 7 July 2010, was attended only by the representatives of the Bosniak Cultural Community and two representatives of the Bosniak. After the constitution of the national council, Mevlud Dudic was elected President.

However, the Ministry for Human and Minority Rights did not recognize the national council so formed and announced a new constituent session, or new elections should convening a new session fail. The basic problem with the national council lied in the fact that on the eve of its constitution the Ministry for Human and Minority Rights changed some provisions of the Rules of Procedure. According to the Ministry, they were changed in an attempt to clarify some provisions: due to the specifics of the Bosniak minority it was necessary to add the provision on a qualified majority. As a reason for changing the Rules of Procedure, Minister Čiplić also mentioned “his suspicion that the Ministry will succumb to the pressure of the list of the Bosniak Cultural Community and recognize the above-average majority as being sufficient for the constitution of the national council. This concern was also based on the fact that specific pressure was exerted on two members of the Bosniak Revival to change the side and join the above mentioned list. Due to this suspicion, the members of the two lists did not show up at the constituent session”.<sup>521</sup> Petar Antic, Deputy Minister for Human and Minority Rights, said that the provision on the two-third majority needed for the formation of the representative body was directly derived from the Serbian Constitution.<sup>522</sup>

The representatives of the Ministry for Human and Minority Rights left the session because the conditions for the constitution of the national council were not provided. Nevertheless, the present members of the election lists continued their work and constituted a new national council. The leaders of the Bosniak Cultural Community regarded the move of the Ministry’s representatives as another deception of the Belgrade authorities

520 Danas, 3 September 2010.

521 Blic, 30 July 2010.

522 NIN, 22 July 2010.

and announced criminal charges against those responsible in the Ministry for Human and Minority Rights.<sup>523</sup>

Some non-governmental organizations also pointed out that this change in the election rules caused the post-election problems. Among other things, the Centre for Development of Civil Society warned that the situation was becoming heated and that the problems were mostly created in Belgrade and not in the field, and that the responsibility should lie with those in power, that is, the Serbian Government and its Ministries.<sup>524</sup>

The Declaration of the Bosniak National Council, adopted only several days after the formation of the national council, most severely condemned “the legal and political barbarism of the Ministry for Human and Minority Rights” and called for the urgent replacement of Minister Čiplič and determination of the responsibility of the participants in changing the election will of Bosniaks. The situation was also aggravated in large measure by Mufti Zukorlić himself, who stated that “toying with Sandzak means toying with this part of Serbia. The state is like a building in which the tenants can love each other or not. If the majority of the tenants decide to burn down one of the flats, they risk setting the entire building on fire. This is why one should not play with fire. Either we will all be happy, or the fire will blaze from top to bottom. And our house won’t be the only one on fire.”<sup>525</sup> This and other similar statements by Mufti Zukorlić provoked sharp reactions and were condemned of violating the Serbian Constitution and trying to usurp the constitutional rights of Bosniaks.<sup>526</sup>

The publishing of a photomontage in the daily newspaper *Blic* in which Chief Mufti Muamer Zukorlić was depicted wearing an Orthodox priest’s robe, provoked sharp criticism primarily from the Islamic Community in Serbia and then also from the Islamic Community of Serbia. In the public statement issued by the Islamic Community in Serbia immediately after the appearance of this photomontage, it was announced that the Chief Mufti would press criminal charges for the purpose of determin-

523 B92, 7 July 2010.

524 Dnevnik, 28 August 2010.

525 Glas javnosti, 15 July 2010.

526 Politika, 20 August 2010.

ing the responsibility of those competent in the daily newspaper *Blic*, in addition to bringing a civil action for damages amounting to “a symbolic sum” of 100 million euros.

It was also planned to read the proclamation condemning this act – which was regarded as the unprecedented public behaviour of the media towards religious dignitaries – in all mosques in the territory of the Islamic Community during the first subsequent juma prayer (Friday afternoon prayer). It was also stated that the Meshihat would inform all international Islamic organizations and institutions, as well as the embassies of the Islamic countries in Belgrade about this act. This was soon followed by the apology of the *Blic* editor-in-chief and editorial staff to Mufti Zukorlić and all Muslims feeling insulted because of the photomontage, but the Chief Mufti of the Islamic Community in Serbia found this apology to be insufficient.<sup>527</sup>

Condemning the publishing of the inappropriate photomontage, the Ryaset of the Islamic Community of Serbia positively evaluated the apology of the editorial staff, but also stated that “it is impermissible that one man abuses the community and its institutions in order to promote himself and his personality”.<sup>528</sup> A sharp reaction from the Meshihat of the Islamic Community in Serbia to the publishing of the photomontage was condemned by NUNS and some non-governmental organizations, such as the Lawyers’ Committee for Human Rights and the Youth Initiative, which held that Mufti Zukorlić and the Meshihat led by him endangered the freedom of expression.<sup>529</sup> The disputed request of the Chief Mufti of the Islamic Community in Serbia for “a symbolic amount of damages” of 100 million euros, was very skillfully placed by the media in the foreground, so that the reason for this, probably exaggerated request was overshadowed. On several occasions, the Chief Mufti tried to explain that he just wanted to point to the invaluableness and inviolability of the affected dignity.

527 *Danas*, 24 June 2010.

528 *Danas*, 1 July 2010.

529 *Danas*, 24 June 2010.

In the second half of the year, in Sandzak or, more precisely, in Novi Pazar, there were also tensions and incidents related to the status of vakuf property. We will consider several cases that received media coverage.

The case of the Old Turkish Bath in Novi Pazar returned the police to the streets of Novi Pazar and raised again the question of religious property restitution once again. After the temporary decision of the Novi Pazar Basic Court, the Berk Agency team, which protected the building, had to leave it and its role was taken over by the police. During the privatization process, the Islamic Community in Serbia requested the exclusion of the Old Turkish Bath because it was vakuf property. The cave-in of the building roof injuring two women provided sufficient reason for the representatives of the Islamic Community in Serbia to seize the building with the justification that they wanted to protect it from further destruction.

The solution was found after many hours of negotiations – the Berk Agency representatives would stay in the building and the police patrol would be in front of it, until the court decision was brought. During the negotiations in Novopazarska Banja, the supporters of the Islamic Community of Serbia, led by Reis-ul-Ulema Adem Zilkic, began to gather in the Bor mosque in order to defend the Old Turkish Bath, as was alleged. This case provided another opportunity for the Islamic Community of Serbia to urge the authorities once again to take a stance on the legal status of the Islamic Community “accepting it as the only and unique, traditional community of Muslims in Serbia”. In addition, the Institute for the Protection of Cultural Monuments was urged to bring criminal charges against Mufti Zukorlić and his associates due to the seizure of the Old Turkish Bath, and enable the Ryaset of the Islamic Community of Serbia to restore the Al-tun-alem Mosque. At the same time, imams and believers were requested to stand up “against vakuf property abuses”. An urgent meeting with the Ministers of the Interior and Justice was also requested “in order to solve the problems in Sandzak”. The representatives of the Islamic Community of Serbia announced that they would stage protests and inform international judicial institutions if these requests were not fulfilled. The Ryaset of the Islamic Community of Serbia identified the police and judicial bod-

ies as the main culprits for these events, while the media were asked to stop boycotting it.<sup>530</sup>

Another dispute over vakuf property had much more serious consequences. It provoked a clash between the members of the Islamic Community in Serbia and the police. Namely, the construction of a kindergarten in the Fifth Local Community in Novi Pazar was prevented by fifty or so supporters of the Islamic Community in Serbia, who held that construction work began on vakuf property, contrary to the provisions of the Law on the Restitution of Property to Churches and Religious Communities. Sead Sacirović, President of the Mejlis of the Novi Pazar Islamic Community in Serbia, informed the police and city administration in writing that “this vakuf property was usurped and that unknown persons began construction work without a licence”. Due to this misunderstanding, the City Council convened an urgent session after which it was stated that construction work would be continued and that the kindergarten in the Fifth Local Community would be finished on time. The city authorities brought the decision to convene the session of the City Assembly within three days and invite the representatives of the Ministries of Justice and the Interior to attend it, so that “they finally get involved in the struggle against unlawfulness, too”.<sup>531</sup>

At the extraordinary session of the General Assembly of the Islamic Community in Serbia it was concluded that “the usurpation of vakuf property is the culmination of violence, discrimination and the transgression of the basic rights of Muslims”, while “the attack on Islamic religious education is the final act in preparations for the assimilation and conversion of Muslims”. It was also asked for an urgent withdrawal of emergency police forces from Sandzak and called “for civil disobedience”, while the citizens of Serbian nationality were expected “to show understanding and support, since the values of freedom are universal”. The Bosniak National Council was requested to speed up preparations for the renewal of Sandzak’s autonomy. The Assembly of the Islamic Community in Serbia claims

530 Danas, 1 July 2010.

531 Danas, 31 August 2010.

that it remains consistent in its view that all problems and open questions should be solved through dialogue.

Several days later, answering the call sent during the juma prayer, almost one thousand supporters of the Islamic Community in Serbia gathered with the aim of “defending vakuf property”. The area around the disputed site was protected by the strong Gendermerie and regular police forces wearing full anti-riot gear, as well as a water canon vehicle. In a clash between the protesters and police forces, six policemen were lightly injured. That same evening, Chief Mufti Zukorlić called “official Belgrade to start a serious dialogue as the only way to preserve peace and stability in Sandzak”.<sup>532</sup>

The Interior Minister, who was in Banjaluka during the protest in Novi Pazar, stated that the situation warranted a reasonable solution for the situation in Novi Pazar, in which the police would not interfere: “We don’t wish conflicts, we don’t wish bloodshed. I warn everybody that, if one drop of blood is shed, we don’t know how it all will end. I only point out that the police cannot solve political, religious and other problems”.<sup>533</sup> The following day, the Minister referred again to the same event. He said that some people were detained and that, on the basis of the findings of the Prosecutor’s Office, misdemeanor and criminal charges would be brought against the participants in stoning the police in Novi Pazar.<sup>534</sup>

In its letter to EU High Representative for Foreign Affairs and Security Policy Catherine Ashton, the Bosniak National Council, which was formed by the Bosniak Cultural Community, asked for international monitors to be sent to Sandzak in order to ensure “a significant relaxation of tensions and the creation of conditions for the beginning of dialogue”, since “the incident that took place on 4 September 2010 has shown that tensions in Sandzak have reached boiling point, coupled with the increasing discrimination and violation of religious and ethnic rights”. This call for sending international monitors to Sandzak was condemned by the major Bosniak political parties and non-governmental organizations, and was

532 Danas, 5 September 2010.

533 Danas, 5 September 2010.

534 Danas, 6 September 2010.

characterized as “the latest marketing move of Mufti Zukorlić who also wishes to have political power”.<sup>535</sup>

After less than two months, the third dispute over vakuf property in Novi Pazar occurred. Attention was now focused on the prestigious building housing the Faculty for Islamic Studies. On 28 October 2010, pursuant to the final and enforceable decision of the Higher Court in Novi Pazar, on 28 October 2010, the representatives of the Uniprom trading firm had to move to the groundfloor of this building in which – apart from the most important Muslim educational institution in Serbia – the Bosniak Cultural Community, supermarket and two catering facilities were also located.

Publishing information about the mentioned final and enforceable court decision provoked a severe reaction from the editor-in-chief of *Glas islama*, the official newspaper of the Islamic Community in Serbia, who stated that he would not allow the return of one part of the building to Uniprom, “because it is vakuf property that must be defended even with one’s life if necessary”. Sead Sacirović called believers via *TV Jedinstvo* to defend the building and said that this was “the continuation of Rasim Ljajić’s retaliation due to his defeat at the elections for the Bosniak National Council and that the event is aimed at continuously provoking incidents in order to demonize the Islamic Community”.<sup>536</sup>

To avoid the recurrence of clashes on the streets of Novi Pazar, Novi Pazar police chief Dragan Terzic stated for the media that the police would not assist bailiffs: “At the moment, when the great Muslim festival Kurban Bayram is approaching and when Muslims go on Hajj, it is held that any police interference may have broader, undesirable implications for Novi Pazar. Police involvement in this dispute may also be interpreted as the government’s attack on the Islamic Community in Serbia“. With authorization by the Director of Police, he talked to the representatives of this community and informed them about these assessments. The mentioned police announcement that it will not intervene during the announced enforcement of the court decision on the eviction of the Faculty for Islamic Studies, the Chief Mufti of the Islamic Community in Serbia evaluated as

535 Danas, 10 September 2010.

536 Danas, 24 October 2010.

“a good sign”. At the the send-off of future hajjis, he stated: “The Faculty for Islamic Studies is located in the building which is Gazi Isa Bey’s oldest vakuf and, naturally, will not be seized from us because the vakuf belongs to Muslims and not to tycoons, and if it belongs to Muslims, they will defend it.”<sup>537</sup>

In the meantime, the Government’s decision concerning the appointment of new members to the Religious Education Commission caused a wave of indignation, recurrent condemnations of the state of Serbia and the deepening of differences between the conflicting organizational structures of the Islamic Community. On 29 July 2010, the Government of the Republic of Serbia brought the decision to replace Professor Melvud Dedic from the Islamic Community in Serbia with the Reis-ul-Ulema of the Islamic Community of Serbia, Adem Zilkic. Such a decision was interpreted by Chief Mufti Muamer Zukorlić as “a new obstruction of the Islamic Community led by him”, while the Vice-President of the Meshihat of the Islamic Community in Serbia, Mufti of Belgrade and Novi Sad Resad Plojović sent a letter to the Serbian Prime Minister urging him to change this decision because “it is ill-advised and contributes to the aggravation of the situation and endangerment of Islamic religious education” and “tendentious because it was brought soon after Dudic’s election as President of the Bosniak National Council”. It is also stated in the letter that, if this decision is not changed, it will have unforeseen consequences for the relations between the Islamic Community in Serbia and Serbian Government, and the stability of this part of the country in general.<sup>538</sup>

In response to “the discriminatory stance of the Serbian Government on Islamic religious education after the replacement of Professor Melvud Dedic, the representative of the Islamic Community in Serbia in the Government’s Religious Education Commission”, religious teachers of the Islamic Community in Serbia – 105 of them according to the Mufti of Belgrade and Novi Sad – formed the Association of Islamic Religious Teachers with the aim of protecting the constitutional and legal rights of Islamic religious teachers and pupils in elementary and secondary schools. The

537 Danas, 28 October 2010.

538 Danas, 22 August 2010.

Association holds that the Serbian Government's decision, "which brutally violates the constitutionally guaranteed equality of the Islamic Community", is illegal, so that the Serbian President is requested to "urgently ask the Government to change its decision". At the same time, the Ministry of Education was requested to receive the delegation of the Association of Islamic Religious Teachers "in order to stop the further escalation of this problem through talks". In the statement of the Association it was also stated that "the Government's decision has a clear tendency to endanger the Muslim children's rights to religious education, as well as the overall process of Islamic religious education" and announced that, if their requests were not fulfilled, they would stage the mass protests of imams and religious teachers in front of the Serbian Government in Belgrade; parents and pupils would be called for the boycott, and the members of the Islamic Community for civil disobedience. Other forms of peaceful protest will also be organized. At the end of the statement, it was concluded that "the continuation of a discriminatory attitude by the authorities and increasingly brutal violation of Muslim rights pose a threat to the stability of the Sandzak region".<sup>539</sup>

However, the announced protest of religious teachers was not staged and, according to Hajrudin Balic, President of the Association of Islamic Religious Teachers of the Islamic Community in Serbia, protesting in front of the Serbian Government in Belgrade was given up upon the Chief Mufti's recommendation due to the announcements that some incidents were planned and information that their problem was presented at the highest international level and that Brussels would send a sharp warning to the Serbian Government due to its irresponsible attitude toward Sandzak and ethnic and religious discrimination against Bosniaks and Muslims in Serbia. He sent a letter to the Serbian Prime Minister urging him to cancel the decision on the replacement of the member of the Government's Religious Education Commission from the Islamic Community in Serbia, protect Islamic religious teachers from the arbitrariness of school principals and the Ministries of Religion and Education, observe the legal provisions concerning the preparation of the list of Islamic religious teachers

539 Danas, 22 August 2010.

and their engagement in schools, guarantee the constitutional and legal rights of the Islamic Community to its equality and autonomy, and solve open questions through direct talks.<sup>540</sup>

At the Bayram celebration in Prijepolje, Chief Mufti Muamer Zukorlić called his compatriots to boycott religious education due to discrimination against Islamic religious teachers, which was demonstrated by some school principals and officials of the Ministries of Religion and Education.<sup>541</sup>

The representatives of the Ministry of Religion do not deny the right to Islamic religious teachers to form their association, but consider the statement that “the decision is the result of a discriminatory attitude of the Serbian Government towards Islamic education” to be unacceptable. The officials of the Ministry of Religion point out that outside this association there are dozens of Islamic religious teachers who do not belong to the part of the Islamic Community led Chief Mufti Muamer Zukorlić. Thus, they call on religious teachers “not to allow the political instrumentalization of their noble calling, continue their responsible work with children and contribute that religious education draws respect for the values it stands for”. The Ministry of Religion also condemned the Islamic Community in Serbia because “after the obstruction of the meetings of the Religious Education Commission and religious education coordinator, it is now threatening with the suspension of complete religious education, from which it transpires that some religious teachers agreed to be instrumentalized by Chief Mufti Muamer Zukorlić in his radical attempts to incite conflict with the state”.<sup>542</sup>

Referring to the Decree on the Organization and Realization of Religious Education in Elementary and Secondary Schools, which specifies the composition of the Commission,<sup>543</sup> the Ministry of Religion tried to

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540 Danas, 3 September 2010.

541 Danas, 17 September 2010.

542 Danas, 30 August 2010.

543 In accordance with Article 14 of the Decree on the Organization and Realization of Religious Education and an Alternative Subject in Elementary and Secondary Schools (Sluzbeni glasnik RS, No. 46/2001), the Commission is comprised of one representative each from traditional churches and religious communities and three representatives

explain why the Islamic Community in Serbia had no representative in the new Commission, although they had them in the past. Namely, pursuant to the 2004 decision concerning the composition of the Commission an exception was made and the then Mufti of the Islamic Community of Serbia, Hamdija Jusufspasic, and then Director of the Gazi Isa Bey Madrasah, Melvud Dudic, from the then Islamic Community of Sandzak, were elected as members of the Commission.

Like the Ministry of Religion, the Government's Religious Education Commission dismissed the opinion of the Islamic Community in Serbia that the new Commission reflected a discriminatory attitude towards Muslims. In its statement, the Commission explains that there is no need to appoint two representatives of the Islamic Community, especially because the representative of the Islamic Community in Serbia since 2008 "used to leave, boycott and obstruct the work of the Religious Education Commission" and conditioned his presence at its sessions by the removal of the representative of the other option of the Islamic Community. It is also stated that "since the Islamic Community of Serbia has informed the Ministry of Religion in writing that it will designate a new representative to the Religious Education Commission and that the Islamic Community in Serbia has demonstrated by its moves that it has left the Commission, the Serbian Government has recognized the actual situation by forming the new Religious Education Commission and has appointed the person proposed by the Islamic Community of Serbia as the representative of the Islamic Community".<sup>544</sup>

The then Rector of the International University in Novi Pazar, Mevlud Dudic, was a member of the Commission since its formation. Denying that he left the Commission out of his own accord, he stated for one Belgrade newspaper that he was not even officially informed that the Serbian Government had relieved him from membership. According to him, during the past years, the Commission made a great contribution to interfaith cooperation in boosting mutual understanding, but everything went wrong

each from the Ministry of Education (and Sport) and Ministry of Religion.

544 Danas, 27 August 2010.

after the appointment of Bogoljub Sijaković as the Minister of Religion. Meetings were rarely held. The Commission did not meet for a year.<sup>545</sup>

Amidst the mutual accusations of the representatives of the Islamic Community in Serbia, on one side, and the representatives of the Ministry of Religion and Religious Education Commission, on the other, it went almost unnoticed that Bishop Irinej of Backa stated that the composition of the Commission was changed only because of the exclusivist stance of the representative of the Islamic Community of Serbia, certainly on Zukorlić's directive. In his interview, the Bishop of Backa also explained his view in greater detail: "If anyone is to blame for this change, then one should blame exclusively the individuals who hold extremist views and think that they can instrumentalize the Serbian Government and its Commission against those Muslims who are peaceful and loyal citizens of Serbia and who do not want to side with Zukorlić for some reason. After all, the situation in the Commission has only now become regular and fair."<sup>546</sup>

Apart from the already mentioned appeal to EU High Representative for Foreign Affairs and Security Policy Catherine Ashton to send international monitors to Sandzak, the representatives of the Islamic Community in Serbia continued to work intensively on the internationalization of their problems. During the visit of the Co-rapporteurs of the Council of Europe Parliamentary Assembly, who came to Novi Pazar after Belgrade, Chief Mufti Muamer Zukorlić complained about discrimination on religious, ethnic and educational grounds. According to the statement of the Meshihat of the Islamic Community in Serbia, the Chief Mufti informed the representatives of the Council of Europe Parliamentary Assembly about the main forms of discrimination, attempts to split the Islamic community, seizure of vakuf property and exclusion of its representatives from the Government's Religious Education Commission. He also pointed to numerous instances of fraud by the Ministry for Human and Minority Rights, involving the voting lists, election procedure and constitution of the Bosniak National Council.<sup>547</sup> In his conversation with the delegation of

545 Danas, 30 August 2010.

546 Politika, 5 September 2010.

547 Danas, 1 December 2010.

the Council of Europe, the Chief Mufti also referred to the status of Bosniaks in Serbia and stated that the request of Bosniaks for Sandzak's autonomy was a direct consequence of defining the state of Serbia in the Constitution as the state of the Serbian people and that "Bosniaks probably would not need autonomy" if Serbia was defined as a state of citizens.<sup>548</sup>

The Reis-ul-Ulema of the Islamic Community of Serbia gave somewhat different picture to the delegation of the Council of Europe concerning the status of Muslims and violation of religious rights in Serbia. According to him, except some sporadic cases, religious rights in Serbia are not violated. Adem Zilkic reproached Serbia and Belgrade more seriously for failing to provide space for the Muslim cemetery in the capital city, as well as for the blockade of the local and regional media controlled by Mufti Zukorlić with respect to the activities of the Ryaset of the Islamic Community of Serbia. During his one-hour talk with the Co-apporteurs of the Council of Europe Parliamentary Assembly, the head of the Islamic Community of Serbia argueded his claim by presenting the data showing that, apart from individual cases, religious rights were not violated and that during the past three years 72 Islamic religious buildings were constructed.<sup>549</sup>

At the end of the year, the delegation of Sandzak Bosniaks, which was led by Melvud Dudic, the Rector of the International University and President of the disputed Bosniak National Council (which is not recognized by Serbia), visited Sarajevo and talked with the Bosniak member of the Bosnia and Herzegovina Presidency, Bakir Izetbegović, and the Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina, Mustafa Ceric. During the meeting with the Sandzak delegation, Reis-ul-Ulema Mustafa Ceric voiced his support for the processes in Sandzak and activities carried out by the Bosniak National Council and the Islamic Community led by Mufti Muamer Zukorlić. The Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina called on the Belgrade authorities to take the Sandzak problem seriously and start a dialogue, which would contribute that Bosniaks in Serbia could feel like equal citizens and that their collective rights were protected. The Ryaset of the Islamic Community in Bosnia and

548 Danas, 2 December 2010.

549 Danas, 2 December 2010.

Herzegovina also appealed to Brussels and Strasbourg not to repeat the error and believe Serbian propaganda that Bosniaks posed a threat to peace and security in the Balkans. It was also appealed to Ankara not to establish its relations with Belgrade at the expense of Bosniaks.<sup>550</sup>

### Instead of a Conclusion

In late February 2010, it was disclosed that in the previous year the state earmarked about 500 million dinars for the Serbian Orthodox Church through the Ministry of Religion. This accounted for more than 88 per cent of the total budget anticipated for financing the programmes of all traditional churches and religious communities and their support. In the Ministry of Religion it was explained that the budgetary funds were earmarked for specified programmes and projects and not for individual churches and religious communities and that the church with the greatest number of believers, the Serbian Orthodox Church, received the largest funds.<sup>551</sup> It is probably important to note that the data on the number of believers from the last census should be taken with reservation, since the census data show only religious belonging and not belief. The census question about religion was optional and answered only after the respondents were informed that the answer to this question was not compulsory. One must also bear in mind that hate language in the media certainly influenced the answers of many believers from minority religious communities, as well as agnostics and atheists.

The formation of the Inter-Religious Council in mid-June 2010, whose basic aim is to affirm religious freedom for all citizens is certainly a positive development in inter-faith dialogue. Sponsored by the Ministry of Religion, the Council will include Bishop Irinej of Backa, Belgrade Archbishop Stanislav Hocevar, Reis-ul-Ulema Adem Zilkic and Rabbi Isak Asiel, in addition to Minister of Religion Bogoljub Sijaković (who chairs the Council).<sup>552</sup> As was stated at the founders' meeting, "the Council is

550 Danas, 26 December 2010.

551 Politika, 24 February 2010.

552 Novosti, c. 11 June 2010.

open for further appointments of members from among the dignitaries of traditional churches and religious communities“, which means that “non-traditional“ religious communities will be completely excluded from this body.

At present, the greatest challenge to the Serbian Orthodox Church is certainly posed by a change in the state policy on the convergence to Euro-Atlantic integration. A shift in that direction was made by Serbia’s submission of its candidacy for EU membership and the joint resolution on Kosovo of Serbia and the European Union presented to the United Nations. Since his election, the Patriarch has been practically advocating the softening of a firm stance on European integration and ecumenical processes, which have been in crisis for decades. However, conflicts within the Serbian Orthodox Church, especially the one between the former Bishop Artemije and the highest church dignitaries, are largely slowing down the necessary change of direction. After the election of the new Patriarch, the church leadership took more resolute measures to settle the conflict with hard-core conservatives, gathered around the former Bishop Artemije and his followers. Thus, during 2010, the statements of church dignitaries, like Artemije’s one that Serbia should “reject to sign any compact or agreement with the European Union, or any other country that is ready to endanger Serbia’s sovereignty“ could be heard much more seldom.<sup>553</sup> If we recall the continuing propagation of anti-Western and anti-European views, which was part of the official discourse of the Serbian Orthodox Church for years, it can be concluded that the process of qualitative changes within the dominant church in Serbia has started. Such a change exerts influence on the rapprochement between the church and political elites to such an extent that the church leadership is more and more often the target of criticism from conservative forces in Serbia.

In early January 2010, the Serbian President visited the monastery of Visoki Decani where he spent the Christmas Eve and attended the Christmas liturgy, which was led by the then Bishop Teodosije of Lipljan, Vicar of the Diocese of Raska and Prizren. According to Bishop Artemije, nobody asked him, as the Diocesan Bishop, to give consent for Tadić’s visit to the

553 Radio Free Europe, 11 February 2010.

monastery and that he heard about it in the media.<sup>554</sup> It is indicative that the Bishop who welcomed the President was soon to inherit the throne of the defrocked Bishop, who was completely ignored by the Serbian President during his visit, so that the basic norms concerning church authority were violated.

The status of Muslims in Serbia, especially in Sandzak, and the state's attitude towards this religious group were manifested during the visit of the Serbian President to Sandzak in November 2010. Namely, during his "historic" visit to Sandzak, he visited the church of SS Peter and Paul with the newly appointed Bishop Teodosije of Raska and Prizren, and the construction site of the bypass road in Novi Pazar. During his visit to Sandzak, he did not visit any mosque or any institution of the Islamic Community, nor did he meet with any representative of the majority Muslim population.<sup>555</sup>

Its discontent with the Serbian President's visit was expressed by the Meshihat of the Islamic Community in Serbia. In its public statement, it expressed its bitterness and concern over the non-statesmanlike and discriminatory behaviour of the President of the Republic of Serbia, Boris Tadić". It was also stated that "by visiting a church and ignoring the Islamic Community in the region with the majority Muslim population he has unambiguously confirmed that the perennial discrimination towards Bosniaks and Muslims is supported by the state leadership". The Meshihat also referred to the Serbian President's statements made during his visit: "The President's emphasis that every Bosniak or Muslim will be guaranteed individual religious and ethnic rights means the continuation of denying the collective and constitutional rights to Bosniaks and Muslims, which represents closing doors to solving the accumulated problems in Sandzak through dialogue."<sup>556</sup>

554 Danas, 8 January 2010.

555 According to the last census taken in 2002, whose data are largely used for the analyses of government bodies, especially the Ministry of Religion, 60.57% of the Sandzak population declared themselves as Muslims. In Novi Pazar, the share of the Muslim population is even higher – 78.3%.

556 Blic, 23 November 2010.

## VII – ECONOMY



## The Year of Missed Expectations and Confusion

Despite the fact that Serbia recorded the GDP growth rate of 1.5 per cent in 2010, as opposed to the 1.5 per cent decline in 2009,<sup>557</sup> the general feeling that the country is in a hopeless crisis was much more pronounced in 2010 than the previous year, when the world's economic recession hit its peak. On one side, this general disappointment was the result of illusory hopes that the country would recover rapidly after the major European countries and the United States came out of recession or, in other words, "false hopes" fuelled by Serbian ruling politicians without having strong arguments. On the other side, this discontent was increased by social confusion, caused by the cumulative effect of the "crisis of the aims" within the ruling political coalition and painfully empty response of the opposition parties to that general "crisis of the development concept" of the Serbian Government.

Economic stagnation, accompanied by the inertia of irresponsible expenditures in 2010, brought about one of the highest inflation rates in Europe: a rise in consumer prices by 10.3 per cent, with the "basic" inflation of 8.6 per cent (for the prices that are formed freely). This was not sufficient to preserve the current trends and employment. In fact, the Serbian Government was squeezed by the permanent revisions of its three-year stand-by arrangement with the International Monetary Fund (IMF) during 2010. Thus, it could not temporarily "heal" the "structural crisis" of the economy – which revealed its impotence during the global recession – by relying on the old Balkan system or, more precisely, using sufficiently strong pro-inflationary measures. In other words, it caused only a seemingly paradoxical, yet very strong stagnation of economic reforms, defensive economic policy in general, expansionary rise in government debt

557 All basic economic data have been taken from the official statistics of the National Bank of Serbia.

and, finally, a crisis within the Government itself. One got an impression that everything in Serbia came to a standstill and that only economic and political problems were mounting.

This stagnation of Serbia's transition policy, which has dragged on for too long, cannot be endured by an exhausted and weak economy, which was privatized with very small external support, so that any further delay in "system normalization" will only increase the problems, despite an illusion that transformation difficulties were decreasing. After all, at the end of 2010, Milos Bugarin, President of the Serbian Chamber of Commerce, made the following assessment of the situation: "The greatest problem lies in the fact that the economy is segmented, insufficiently technologically advanced and uncompetitive. In addition, there is an imbalance between illiquidity in the real sector and high capitalization in the banking sector. Our analyses show that the level of industrial production is equal to that recorded in the 1990s. Consequently, Serbia came out of recession statistically, but is still in a deep economic and social crisis".<sup>558</sup>

As for the illiquidity of economic agents or, more precisely, their inability to finance business operations, Bugarin pointed out that the accounts of about 14,000 enterprises and about 40,000 shops were frozen by their creditors and that in late 2010 the unsettled obligations amounted to about 227 billion dinars (about 2.2 billion euros).<sup>559</sup> Hence the economy expected, and is still expecting, from the government to obtain bank loans on favourable terms, while banks requested from the government to subsidize those credit lines. In 2009, Serbia succeeded in delaying the liquidity crisis thanks to such subsidies but, in the meantime, the problem was only aggravated, so that in 2010 there were no sufficient funds available to fill an increasing gap in the working capital of companies and shops.

When the President of the Chamber of Commerce, Milos Bugarin, mentioned the "segmentation" of the Serbian economy, he certainly thought of the fact that only 3.5 per cent of all companies in Serbia had more than 50 employees. However, the major problems are caused by 961 large enterprises, which constitute only 1 per cent of enterprises, but account for

558 Danas, 1 March 2011.

559 Dnevnik, 4 February 2011.

60 per cent of the total losses of the Serbian economy. It is no wonder that they incur losses when experts have estimated that the Serbian economy needs working capital to the amount of 1,883.2 billion dinars<sup>560</sup> (two and a half national budgets). This insufficiency of financial capital continuously increases the non-profitability of the whole economy. The losses of the Serbian economy, which amounted to one billion euros and incurred in 2009, could not be covered during 2010.<sup>561</sup>

In late November 2010, according to economic analyst Miroslav Zdravkovic,<sup>562</sup> the debt of the economy to the domestic banking sector amounted to 9.88 billion euros, thus being larger by about 400 million euros compared to the year before. Moreover, the cross-border debt of Serbian economic agents amounting to 9.68 billion euros is recording a downward tendency, which will certainly increase domestic liquidity problems.

Simply said, crisis pressures, which were only suppressed by the financial manoeuvres of the Government and the National Bank of Serbia (NBS) in 2009, continued to increase during 2010. However, there was no reform-related, rational response to them by economic policy makers because, as it turned out, the Government was politically weaker than anticipated. Therefore, these pressures began to destroy the Serbian economy “from within”, bringing into question the whole concept of a “private market economy”, based on capital of dubious origin and insufficient domestic capital; provoke conflict between major representatives of domestic capital and political leaders; spread panic among the employed (with frozen salaries), since the unemployment rate, in just one year, increased from a high 16,9 per cent to a very high 19.2 per cent (in 2010, the number of unemployed persons increased by 4.9 per cent) and, finally, provoke constant agitation within the ruling elite, which will soon “face” parliamentary elections, but has nothing to come up with before voters. The latter, or “the neurosis of a poorly dashed-off government”, began with the resignation of the Governor of the National Bank, Radovan Jelasic, in

560 Politika, 5 August 2010.

561 Politika, 28 July 2010.

562 Dnevnik, 13 January 2011.

March 2010, and ended with the cosmetic and almost comical reshuffle of the Serbian Government in March 2011.

### **Trying a New Model of Development Policy**

From 2008 until late 2010, the Serbian Government and the National Bank of Serbia tried to inaugurate a new model of sustainable economic development, based on the greater motivation of export-oriented economic agents and investors in the coming period, by shifting from the policy of a stable exchange rate to that of the real depressed dinar. Thus, the average exchange rate for the euro increased from 81.4 dinars in 2008 to 103 dinars on the average in 2010. Accordingly, it increased by more than 26 per cent during a two-year period, although the “cumulative rate” of inflation was about 18 per cent during the same period (in 2009, the inflation rate was 6.6 per cent and in 2010 – 10.3 per cent). This effort to make the above mentioned shift was also provoked by the projection that the government would face the years when it would have to meet its debt servicing obligations, as well as a high and increasing current account deficit, so that it would be better to deal with that problem today than in some future period, during more difficult times, or at the last moment. According to the data that are still incomplete, during the first 11 months of 2010, Serbia’s balance of payments deficit amounted to 2.47 billion dollars, thus increasing by 4.2 per cent decrease, compared to the same period in 2009. However, this favourable tendency is not sufficient, since the “peaks” of Serbia’s external obligations will occur over the next few years.

The problem lies in the fact that a relatively high increase in foreign currency exchange rates, aimed at discouraging consumer goods imports and boosting exports, was triggered just at the time of world recession and the global contraction of all Western investments, especially cross-border ones. Therefore, the positive aspect of this shift was not realized as expected, nor could it be realized according to the concept of profit “redistribution” from importers to exporters. A constant upward fluctuation in the exchange rate caused an additional uncertainty not only among businessmen, but also in the general public. Namely, a decline in the value of

national currency, the dinar (in which income is earned), greatly aggravated the servicing of the “private debts” of Serbian companies contracted abroad (and most domestic debts with a “foreign currency clause”). At the same time, it “devalORIZED” the salaries and wages of the employed in Serbia, since they were virtually frozen in their dinar volume.

Truly, statistically speaking, the average net monthly salary of the employed in Serbia amounted to 34,142 dinars (slightly over 300 euros a month) in 2010, thus increasing by about 7.6 per cent compared to the year before. However, due to a 6.8 per cent rise in the cost of living, the salaries (of those who managed to keep their jobs) remained virtually stagnant.

Due to the above mentioned reasons, the poverty of the Serbian population increased still further. According to the data provided by Rasim Ljajić, Serbian Minister of Labour and Social Policy, at the end of 2010 there were 735,000 unemployed and 1,795,000 employed persons. In addition, among those nominally employed, 130,000 worked in companies that were not paying their salaries, while even 400,000 employed persons were receiving only the guaranteed minimum salary of 16,000 dinars.<sup>563</sup> Moreover, it is estimated that about 700,000 persons live below the poverty line (about 10 per cent of the Serbian population).

At first glance, the accelerated devaluation of the dinar in 2010 brought about a relatively high rise in exports – by 25 per cent (from 5,961 million euros in 2009 to 7,393 million euros in 2010). However, from a macroeconomic balance perspective, that was just a return to the level of exports in 2008. This operation only made up for a decline in exports in 2009, which was about the same – 25 per cent. Nevertheless, a rise in last year’s exports can be considered as certain success but, unfortunately, it was almost the only one achieved by the Serbian Government in 2010. On the other hand, imports started to increase, thus amounting to 12,622 million euros (as opposed to 11,504 million euros the year before), so that Serbia still has a significant foreign trade deficit (about 5,228 million euros).

What can be confusing at first glance is that, despite a significant rise in exports, industrial production increased by only 2.9 per cent, compared to the previous year, while agriculture recorded a 1.7 per cent decline.

563 Dnevnik, 30 December 2010.

Consequently, exports expanded on the basis of inventories and mostly in value terms, due to favourable terms of trade for Serbia or, in other words, due to a significant increase in food prices on the world market.

In such a situation, Serbian Prime Minister Mirko Cvetković said the following at the 2011 Kopaonik Business Forum: “Now we must focus on the strategic sectors that will generate exports, because that is our only chance to increase employment and the standard of living. This means that we need the reforms that will spur the development of the tradeables sector, and their initial result is already reflected in a rise in exports in 2010”.<sup>564</sup> Unfortunately, the Prime Minister failed to explain in greater detail what measures would be undertaken for “export focusing”.

There is also no more detailed explanation of those measures and instruments of economic policy in Serbia’s Economic Development Strategy up to 2020, which was officially adopted by the Democratic Party as its strategy in late 2010. In fact, in early October 2010, a group of renowned economists, led by Stojan Stamenković and Miladin Kovacević, put forward their proposal for an economic strategy in the coming decade, which was entitled “Post-Crisis Economic Growth and Development Model for Serbia 2011-2020”. In short, the authors of this study proposed an austerity policy in the field of internal expenditure, since they estimated that, over the next decade, Serbia would need at least 2.3 billion euros annually to invest in its infrastructure and factories that produce tradeables, thus creating an export-oriented economy. This programme was later altered a little by the Democratic Party and promoted as the mentioned vision of Serbia’s economic future over the next ten years. However, the whole story about a shift to an export-oriented economy cannot be based on the results achieved in 2010, nor can such a shift solve the whole problem.

For example, what had been obtained by strengthening export demand was lost (even more) due to an almost disastrous decline in construction activity in Serbia – by 13.6 per cent in 2010. Wishing to earn more and valorize public and social property more adequately, the Government tried to “correct” the privatization law by a new construction law. Thus, it requested that construction land “under” the already sold

564 Danas, 2 March 2011.

socially-owned enterprises should be paid for at its real price (if such a price could not be obtained by selling the enterprise). Investors responded by lobbying strongly against this law and giving up some projects, which had a negative chain effect on industrial production.

### **Very Low Investments – Especially Foreign Ones**

Foreign exchange pressure caused by the actions of the Government and the National Bank of Serbia – let us call it like that due to an increase in foreign currency rates during 2009 and 2010 – failed to attract more foreign direct investment (FDI) to Serbia, nor could it do that in the current global financial situation. In fact, the new model could not offset the difficulties faced by foreign investors, so that, during 2010, 1.03 billion dollars came to Serbia. This was a decrease of 800 million euros in FDI compared to the annual inflow of about 2 billion euros during the previous period.<sup>565</sup>

The level of FDI in Serbia in 2010 is especially discouraging if one considers the country's estimated needs over the next decade. Namely, Serbia will need about 2.3 billion dollars annually. Draginja Djuric, President of the Executive Board of Banca Intesa, turned attention to the fact that Serbia's whole development strategy up to 2020 was based on an assumption that it would attract foreign direct investment to the amount of 22 billion euros, in addition to 52 billion euro investments that should be provided by domestic commercial banks. This means that over the next ten years Serbia must find sources of investment for about 74 billion euros.<sup>566</sup> The only increasing domestic source, which is rather surprising, is a continuing increase in household savings, so that citizens' savings deposits now amount to about 7 billion euros. But, this source is insufficient – where are others?

565 The low level of foreign direct investment in Serbia in 2010 is also evidenced by the fact that FDI inflow in small Slovenia amounted to 10.5 billion euros that same year. Blic, 14 December 2010.

566 Dnevnik, 3 March 2011.

During the transition process, Serbia failed to attract foreign investments that would be proportional to its needs. From 1993 to 2008, FDI inflows in Eastern Europe amounted to 583 billion euros, of which Serbia attracted only 13 billion euros (the bulk after 2000). During that period, per capita investment in Serbia amounted to 1,700 euros, as opposed to 6,700 euros in the Czech Republic, 5,000 euros in Hungary, and 4,700 euros in Slovakia and Croatia.<sup>567</sup> According to more recent statistics, which include the expected investment worth 800 million euros by the Italian car maker FIAT in the already attracted foreign investment, during the period 2001-2011, Serbia attracted FDI to the amount of 16 billion euros. However, it failed to attract additional 10 billion euros due to its bad legal system, bureaucracy and corruption. Consequently, even when foreign investors were ready to invest, Serbia did not succeed in attracting investment worth 2 billion euro a year.

When considering the list of Serbia's weaknesses, based on the assessment of foreign investors, one can see that it mostly includes the weaknesses that cannot be rapidly and easily eliminated. Namely, foreign investors state that Serbia has an inadequate economic structure, that its infrastructure is undeveloped, that its market actors are not sufficiently liquid (that is, profitable), that buyers' consumption capacity is small, that there is corruption, that there are no specified institutions, that the agreed procedures are either not observed or do not exist, that there are excess administrative barriers, that the rule of law does not function, etc.

### **The Inertia of Uncovered Expenditure**

The Serbian Government was forced to cover the inertia of excessive public and budgetary expenditures from external sources or, in other words, to finance its current and still significant budget deficits largely by external borrowing. Therefore, in 2010, Serbia's external debt increased by 1.3 billion euros – in 2009, it amounted to 22,487.3 million euros, as opposed to 23,786.4 million euros at the end of 2010. The NBS experts have estimated that, according to its external debt to GDP ratio of 79.6 per cent,

567 Danas, 1 March 2011.

Serbia is just slightly below the “level of heavy indebtedness”, since the limit is usually 80 per cent.<sup>568</sup>

Serbia’s total public debt increased significantly – from 9,849 million euros in 2009 to 12,157 million euros in 2010, or to about 41.5 per cent of BDP. This is very close to the government’s borrowing limit of 45 per cent, which was agreed with the IMF (during the same period, public debt contracted abroad increased from 5,633 to 7,245 million euros). This points to the conclusion that, during 2010, the government was forced to borrow an additional amount of over 2 billion euros. It was the first time in the first decade of the 21st century that the NBS foreign exchange reserves had to be decreased (by 600 million euros), so that, at the end of 2010, they amounted to 10,001 million euros.

Despite a continuous upward tendency of government borrowing in 2010, little was done to ease pressure on the state budget. In 2010, Serbia’s budgetary revenues amounted to 662 billion dinars (625 billion in 2009), while expenditures amounted to 770 billion dinars (713 billion the year before). This does not mean that the budget deficit of about 108 billion dinars (a little over one billion euros) fit into the level of 4.8 per cent for 2010, which was agreed with the International Monetary Fund (due to a revision to the state budget, the projected deficit was even widened by 14 billion dinars (!?) so as to facilitate the government in meeting its obligations. Nevertheless, the data showing that 265,000 employees are paid from the state budget and that the Serbian Government is unable to reduce their number even by 1,000 each year, point to the conclusion that, in the future, one cannot count on more significant budgetary savings or, in other words, on the redistribution of the budget in favour of the government’s infrastructure investments.

In 2010, the Serbian Government also planned to continue tax reform and find the formula for a more equitable distribution of the tax burden which, at the end of the year, brought about some tax-rate corrections so as to increase property tax revenues as well. However, a more significant redistribution of the burden did not occur, nor can it occur, due

to a relatively narrow scope for shifting the tax burden to a more affluent population.

## **“Replacing” the Governor of the National Bank of Serbia**

The most concrete and “most spectacular” signal that Serbia will not come out of the crisis in 2010, was the sudden resignation of the Governor of the National Bank of Serbia, Radovan Jelasic, “for personal reasons” (on 23 March). For almost a decade, Jelasic was the key figure of this institution, which restored confidence in the Serbian banking system and succeeded in preserving its position without greater shocks even during the worst days of the crisis in late 2008 and 2009.

The exact reason behind his demise has remained unclear, but it is almost impossible to mention all reasons for his resignation. At that time, there were various speculations in the public – that Jelasic was replaced by Serbian tycoons from the “import lobby” as soon as he initiated an accelerated depreciation of the dinar with a view to supporting some new “export-based” development model; that the Governor refused to follow the Government’s policy of “stimulating the economy” and keeping “social expenditure” at a high level, and that he left the boat that began to sink into “populist inertia”; that Jelasic, as a young and affirmed expert, realized that the “time for success” was over and that he should leave the team which would have to “manage the crisis” and not the outburst of applause over a long term; that he also realized through his former political party, G17 Plus, that there was no enough political will in Serbia to finally anchor its economic boat at least to the tail-end of the European-Atlantic convoy; that this well-versed banking expert understood that Serbia’s price on the European stock exchange would continuously decline or, in other words, that Europe would deal with its own problems in the coming period and that Western investors would be concerned with mending their own economies, so that “seven lean years” were ahead and he was too exposed as one of the pillars of Serbia’s transition policy, and that he, as the Governor of the Central Bank, correctly predicted that high inflation was

irrepressibly returning and that he could do nothing against the Serbian Government's request for an unrealistic increase in the money supply.<sup>569</sup>

This significant change at the helm of the central bank was alleviated by the fact that President Boris Tadić rapidly found the replacement for Jelasic in the Chairman of the NBS Council, Dejan Soskic, who was announced as the potential governor on 12 April already. Jelasic remained at the head of the NBS until 28 July and the new Governor, Dejan Soskic, soon returned Jelasic's one-time monetary policy (until 2008), that is, the policy aiming to stabilize the exchange rate.

Truly, in his first public appearances, the new Governor, Dejan Soskic, supported the new monetary policy implying a real depreciation of national currency and stated that, in his opinion, it was important to discontinue the policy of excessive public expenditure and "switch to savings, investments and exports". He also stated that "with the current development model Serbia can only remain a heavily indebted country with a low rate of economic growth". However, after assuming his new function, he was practically forced to correct Jelasic's new policy and turn to his old stability principles, coupled with a relatively low benchmark interest rate of the NBS (in 2010, the average interest rate was 11.5 per cent) – which also caused the already expected rise in inflation.

In 2010, under the pressure of the exporters' lobby, Jelasic and Soskic had to "alleviate" the appreciation of the dinar and intervene in the foreign exchange market using the foreign exchange reserves of the NBS to the amount of about 2.4 billion dinars. In 2008, Governor Jelasic sold 800 million euros for the same purpose, as opposed to only 652 million euros in 2009. Consequently, despite the fact that the sale of 2.4 billion euros in 2010 "cancelled" a significant amount of high-powered dinars – inflation almost doubled that same year. In other words, the supply of goods and services in Serbia was unable to match the demand for them, which is certainly the result of old and new structural imbalances.

569 Vreme, 31 December 2010.

## Serbia and the Crisis of the Eurozone

During 2010, the Serbian ruling elite tried to speed up the country's convergence to the European Union – primarily through diplomatic negotiations and concessions, and not by speeding up necessary internal reforms. The “European federation” responded by granting the principled approval for the Stabilization and Association Agreement (which must be ratified by all EU members; it seems, for the time being, that the ratification process is not fast enough and is not up to Serbia's expectations). The Serbian Government also promptly completed the famous Questionnaire of the European Commission, as one of the prerequisites for Serbia's candidacy for EU accession and setting the date for the beginning of EU membership negotiations. All these moves, no matter how significant for Serbia's European path, are overshadowed by the problems that emerged within the European Union during 2010. Thus, the European federation began very seriously to “rebound”, so that, after continuous decline, the euro-dollar exchange rate was set at less than 1:1.2 in the first decade of June, as opposed to 1:1.5 in the previous period. This could mean that the European Union overestimated its potentials with respect to the continuous integration of East and South European countries into its zone. Resistance within the EU to increasingly demanding funds for the bailout of poor members, when they plunge into crisis, is also dangerous for Serbia.

On the other hand, the European Union's pressure on Serbia to carry out structural reforms is necessary for the internal progressive forces and, probably, the Government itself. As stated by Vincent Degert, Head of the EU Delegation in Serbia, Serbia's key challenges certainly include structural reforms in the fields of pension system and development policy, as well as the further privatization of the state sector of the economy. As for privatization, Degert expressed some concern: “It is very important that the process should be successful, because it is disturbing that 25 per cent of all privatizations had to be cancelled. We receive an increasing number of complaints from foreign companies concerning this problem. Therefore, each case must be adequately reviewed”. He added that it would be necessary to restructure state-owned enterprises and, in some cases,

privatize them. In this connection, he mentioned the privatization of Telekom Srbija, EPS (Electric Power Industry of Serbia) and JAT Airways.<sup>570</sup>

In other words, since the beginning of its operation in 2001, the Privatization Agency has cancelled 604 privatization contracts. It is disturbing, however, that even 127 contracts had to be cancelled in 2010.

According to the data provided by the Privatization Agency and Share Fund, there are still about 1,700 non-privatized enterprises with the state's share ranging from 1 to 100 per cent. Moreover, they include 200 firms in which the state is the majority shareholder.<sup>571</sup>

### **Tycoons in Crisis, the Government to Bear the Brunt**

During 2010, the global crisis caused great problems in the business operations of Serbia's leading entrepreneurs and tycoons. This applies, in particular, to Miroslav Misković, who was forced to sell his supermarket chain (for about 935 million euros) to the Belgian company Deleuze. However, his "net capital gain" is unclear, since the buyer has assumed the seller's debts now due, which amount to over 700 million euros. Zoran Drakulic sold his share in the copper processing factories in Sevojno and Novi Sad and gave up purchasing Yugoslav River Shipping (JRB). The Đorđević brothers, who owned the companies for the production of non-alcoholic and alcoholic beverages in Subotica, mostly remained without their shares in this business. Milan Beko, a big broker in the privatization process in Serbia, cannot realize his alleged broker's profit from the purchase of the Belgrade Port and Vecernje novosti newspaper company in Belgrade. The Salford Investment Fund announced the sale of the Knjaz Milos mineral water company, Bambi confectionery factory and dairy chain due to the penalty for the abuse of its monopoly position on the milk purchasing market, which was pronounced by the Agency for the Protection of Competition in Belgrade. In addition, a number of tycoons were arrested on charges of narco-capital laundering during the investigation against Šarić's drug trafficking group, etc.

570 Danas, 12 November 2010.

571 Vecernje novosti, 4 February 2011.

During 2010, Serbian President Boris Tadić was repeatedly appealing to rich people in the country to help those affected by the flood in southern Serbia. He also sent a word that they should not reckon with evading the payment of taxes on their transfers and, in particular, transaction taxes when selling their companies via Cyprus. He especially called on them to emulate American millionaires who donated huge amounts money for humanitarian purposes at the time of economic crisis and that they should not challenge him via television, because that was useless and that he was preparing new "tax scissors".

This presidential anti-tycoon initiative was accompanied by the media campaign, so that the Serbian print media carried a series of articles about "tycoons" and their "Cypriot basis and retreat", organization of "laundering at least one billion dirty money during the past five years", profit tax evasion, increasing practice of "taking capital out of the country" at the time of the greatest crisis, "plundering Serbian citizens" by monopolizing trade and housing construction, appetite for the government's "foreign exchange reserves", influence on the "dismissal" of the Governor and dealing covertly with "some ministers" and the like. Namely, the fact that about 1,500 companies in Serbia, which operate on the domestic market, have been registered abroad (682 on Cyprus) so as to optimize tax costs, served politicians to refute the main floscula of the new capitalist class that they are great patriots and that they work not only for themselves, but also for their country or, better said, for the well-being and employment of workers and the advancement of the overall Serbian economy, so that the government should help them instead of hindering their business operations in the heat of the crisis.

This conflict between politicians and businessmen in Serbia has shown that the political structures are still stronger and that the previous "coalescence" of politics and capital was not the process imposed on the political elite; instead, the latter held it under its control and in its own interest. However, when things took a bad turn, a verbal conflict between politics and big capital threatened to enter the demagogical waters of "shifting responsibility" towards each other for unsuccessful economic development. It seems, however, that the conflict will not be used to promote some more radical ideological shift in Serbia's transition policy.

## VIII – MEDIA



## Doormat for Politics and Business

In early November 2010, Serbian singer Jelena Karleuša (JK) wrote her last column live on the premises of the daily tabloid Kurir. The editors previously announced that “the event will be covered by the print and electronic media representatives, both from Serbia and the neighbouring countries” and that the writing of JK could be directly followed on their portal. They also added that “unfortunately, for technical reasons, only a limited number of readers will be able to watch K live...”.

Singer JK, who previously shook Serbia’s public scene with her column devoted to the Pride Parade in which, using juicy language, she targeted (and, as it seems, succeeded) homophobes, opponents of the parade and politicians who did not have, or did not dare to express their stance on the gay population, could represent a paradigm for Serbia’s media and public scene in general. During those days, JK attracted unprecedented publicity (she was invited to attend one political meeting, appeared on two very reputed TVB92 talk shows and received the award from the same TV station and MTV TV for being “the public figure of the year who promoted tolerance and diversity to the greatest extent”), while her profane language proved to be the most apprehensible form of communication in Serbia.

This is only one aspect of the situation in the media, which will remember 2010 as the most difficult year in the decade in terms of the material situation, number of court decisions brought against journalists, physical and verbal threats, as well as pressure from politicians and business leaders on their editorial policies. The political elite mostly treats the media as a means of manipulating the electorate, while new media owners are not interested in professionalism, nor do they show respect for the journalist profession. At the same time, in fear of losing their jobs, journalists are increasingly resorting to self-censorship. According to the October 2010 press freedom report by the Reporters Without Borders (RSF), Serbia fell 23 places during the previous 12 months and now ranks 85th on the list of 178 countries.

As indicated by the Minister of Culture, Nebojsa Bradic, the media strategy that should determine the development of the media sector in the coming years will probably not be completed by mid-2011. Truly, a broad debate on this document was organized last year (there were several round tables with the participation and support of the CSCE, European Commission and British Embassy), but the whole work should have been done faster, considering the undefined status of the media and its necessary transformation. The media study, a document that should provide a basis for the adoption of the strategy, seems misplaced, while the Ministry of Culture keeps extending the deadlines, claiming that such an important issue needs a comprehensive debate. Naturally, this is not disputable, but just because of the importance of media strategy it was expected that it would be submitted to the Government for consideration by the end of 2010 at the latest.

The situation is similar with respect to the Press Council, which still does not function at its full capacity; the Republic Radio Broadcasting Agency (RRA) announces itself on rare occasions; media privatization has not yet been completed (all deadlines have been extended) and is not transparent, while state media ownership is still present. In addition, the Law on Electronic Communications, adopted last year, has provoked a fierce reaction from professionals. In their opinion, the Law makes the legal right of journalists to protect the identity of their sources meaningless and exposes them to additional pressure. Before its adoption, the Republican Ombudsman, Trustee for Information of Public Importance and some opposition parties pointed out that such a law would enable access to communication realized with citizens without court order, which is unconstitutional. In all probability, certain provisions of this Law will be reviewed by the constitutional court. The Journalists' Association of Serbia also issued a statement warning that the legal provision allowing access to communication with citizens without court order was contrary to the practice of the European Court of Human Rights and would affect the human rights guaranteed by the Constitution and law<sup>572</sup>.

572 <http://www.blic.rs/Vesti/Politika/192815/Sabic-Nepriherent-nacin-uvajanja-zakona-o-elektronskim-komunikacijama>.

One of the rare positive developments in 2010 involves the increasingly frequent joint activities of the two (in many respects) rival journalists' associations (Independent Journalists' Association of Serbia, NUNS, and Journalists' Association of Serbia, UNS, which have been fighting over the journalists' property in court for years), synchronized actions with the journalists' trade union and rapid response when it is necessary to protect journalists from physical attacks and their right to the freedom of expression. Above all, these associations rallied around the media strategy, showing serious interest in their own development and strategic priorities, status of the media in society, attitude of the state and, in particular, the issue concerning the complete withdrawal of the state from ownership in the media or better said, the completion of the privatization process.

Last year's decision of the Constitutional Court that most amendments to the Law on Public Information are unconstitutional, was also positively received (although one had to wait for the implementation of this decision for four months), in addition to a more efficient fight against illegal broadcasters. The adoption of the amendments to the Law on Public Information (August 2009) was opposed by the greater part of the public, most media and UNS, which warned that the amendments were adopted under summary procedure, without public debate, that they anticipated draconian punishments for the media and that the transfer of founder rights to the media was banned. The decision of the Constitutional Court confirming the unconstitutionality of those provisions was understood as the victory of the media over the arbitrariness of the state and as an example that the media could protect their right or fight for them more efficiently should their resistance be rightful.

## **A Magic Triangle**

The media are in the magic triangle formed by the lack of state interest in their becoming the real "fourth estate" (although the media scene is now mostly governed by business interests, instead of politicians), race to increase television viewing and the space where the means are subordinated to the end, and the absence of positive public opinion, which would

punish all those who fail to observe the ethical principles by decreased ratings or circulation.<sup>573</sup>

Understandably, the dominant global trends in the media have not bypassed journalism in Serbia. The success of the media is not measured in terms of quality any more, but in terms of profitability. Since profitability is ensured by advertisers (whose political option is most often blurred), the media do not fight for readers (listeners, viewers), which would anticipate quality and professionalism; rather, they fight to fill their advertising space. And since the latter depends on advertisers, who are most often linked to some political option, the media are in a situation that they either have to embrace such options or struggle for bare existence.

According to the data supplied by AGB Nielsen Media Research, the entire advertising market in Serbia in 2009 was worth 161 million euros – about 20 per cent less than the year before, when advertisers earmarked a total of 206 million euros for various forms of advertising.<sup>574</sup> The lion's share of the market, 59 per cent, was retained by TV stations, which is quite understandable if one knows that the average Serbian citizen spends more than five hours a day watching television. The data for 2010 are still not available but, considering the economic crisis, it is quite certain that the advertising funds for 2010 were further reduced and geared mostly to "big players" or, more precisely, to the most-watched TV stations.

This is one reason why the overall economic status of journalists was worse last year compared to 2009, which was also a difficult year. Most journalists in Serbia are not satisfied with their social and economic status, poor implementation of media-related laws and the frequency with which owners and employers in the media industry violate their basic labour rights. Young journalists, part-time associates with many years of service and scarce free-lancers are most endangered.

Divided between two journalists' associations and journalists' trade union, according to their membership, journalists do not succeed in participating more actively in the protection of their labour rights and are often unfamiliar with their content. This was stated in the research entitled

573 Vreme, 28 October 2010.

574 Beta, 25 October 2010.

“Labour Relations and Media”, which was conducted by the Media Centre in cooperation with the Independent Journalism Centre from Moldova.<sup>575</sup> This research forms part of a regional project and was conducted in 11 countries-members of the South East European Network for Professionalization of Media (SEENPM).

In the media there is an already established game with politicians, which is played with increasing frequency. It provides news for the former (and probably advertisements) and political gain for the latter, at least over a short term. The whole game functions very simply. It begins with the launching of some exclusive news, usually from an unnamed yet “reliable” source (such as the government, someone’s cabinet and the like); this news is then carried by other media, which invite their regular analysts to interpret it; thereafter, it most often “dies” as if it was never carried by the media.

Thus, spin journalism almost gained legitimacy, although it is clear to every politically literate reader where such “exclusive” news comes from and why it is carried. This is how complete campaigns are conducted. Such an example is the story about the reshuffling of the Government. It appeared in all media and then, when the politicians became silent about it, or changed their mind, most media stopped dealing with this issue, or dealt with it only sporadically, without serious analyses of the significance of government reshuffling for the overall political system and the state.

Many media demonstrated their irresponsibility towards the formation of public opinion on the eve of the Gay Parade, although it was known on the basis of the past experience that it would be a high-risk event. Riots on the streets of Belgrade on 10 October were largely provoked by them as well. They were pumping up the atmosphere by uncritically carrying the statements of some politicians and church dignitaries (Dragan Marković Palma, Metropolitan Amfilohije) concerning the Pride Parade and gay population, thus giving publicity to the main organizers of violence, and commented and condemned their views and behaviour only in the aftermath of the event.

575 <http://www.mc.rs/istrazivanja.826.html>.

A negative news selection has also become a regular feature of the Serbian media. Murders, rapes, catastrophes, traffic accidents and the like are the topics that fill the front pages of most newspapers and prime time television and radio news programmes, thus additionally “catastrophizing” public opinion. In such journalism, professionalism, analyses and research are not desirable. Positive examples (and such examples do exist) are either sidelined, or remain unknown to the public because they require added journalists’ efforts and research.

## Ethics

The role of the media as the promoter of democracy and ethics has been seriously brought into question due to the violation of professional standards in most media almost on a daily basis. If the justification could be previously found in the lack of regulations, that cannot be done any more, because the legal framework for the media has mostly been adopted. However, the problem lies in the fact that the adopted legal provisions are not implemented, that the regulatory bodies are susceptible to political influence, that media privatization has not yet been completed and that many newspaper and TV station owners are still unknown.

Some media (not only tabloids) frequently violate the standards laid down by the Law on Personal Data Protection and Information Law, as well as in the Journalists’ Code of Serbia. The media often print the data from juvenile delinquency records; the presumption of innocence is not observed; suspects are often accused in news headlines; full names of detainees and suspects are disclosed, not to mention photographs and data which indirectly reveal their identity; television stations broadcast the arrest of suspects (naturally, in agreement with the police) and the like. A striking example of the failure to protect someone’s personal data was a series of newspaper articles about the illness of a well-known TV presenter, so that her family had to issue a statement asking the media to stop writing about it. The same thing happened when the well-known singer KP was killed and when the details of her private life were the main topic in the media (especially in tabloids) for days. The extent to which the

norms are violated is also evidenced by the fact that NUNS established a “black box” on its website for this purpose.

The “showbizization” of the media scene, which started a few years ago, culminated in 2010. Show-business people, both known and unknown, crawled out of various reality TV shows and spilled over into newspaper pages, promoting vulgarity, idleness and ignorance. Unprecedented stupidity, vulgarity and lasciviousness (alcoholism and poor hygiene of the participants in some reality TV shows have become a regular feature), demonstrated in various TV shows, sometimes leave the impression that all Serbia has turned into the basest reality show. The Republic Broadcasting Agency (RRA) mostly keeps quiet, or everything ends with a fine, while the Press Council, set up at the beginning of the year, has not yet started to function at full capacity, although it has been expected that it will civilize the media scene. Otherwise, the Council is comprised of the representatives of the journalists’ associations NUNS, UNS, Media Association and Local Press, and its aim is to monitor the observance of the Journalists’ Code of Serbia in the print media and act upon complaints concerning the content of newspapers. However, the problem of financing the Council has not yet been solved and it practically does not function, although it would have its hands full.

## **Freedom of Expression**

In 2010, the freedom of expression, one of the most important democratic freedoms, was a frequent topic in the journalist circles, since it is still seriously endangered due to a slow change in judiciary practice and government unreadiness to react in an adequate way. It must be noted, however, that some media exceeded the limits of freedom of expression, or even abused it.

It also happened in Serbia last year that one humorous story was convicted. What was probably even worse was the silence of both the professional and intellectual public and, to a degree, the media, which accompanied the absurd decision that was rapidly brought by the Court in Kragujevac. The judges brought the (valid) decision that the editor-in-chief

of *Cacanske novine*, Stojan Marković, who was sued by politician Velimir Ilic, should pay a fine of 180,000 dinars for the humorous story “The Impotent Mandarin”. Thus, the Independent Journalists’ Association of Serbia organized the round table entitled “The Convicted Humorous Story: Media Freedom – A Vital Prerequisite for Social Progress” at the Media Centre on 17 June.<sup>576</sup> The lack of critical mass in the public also contributed that this court decision was received mostly in silence, although it was absurd and although the plaintiff was the politician well known for his arrogant behaviour, physical violence against journalists, foul language, spitting at his political rivals and slandering them without any proof.

The Fifteenth Legal Monitoring of the Serbian Media Scene, prepared by ANEM in cooperation with the expert team of the Živković & Samardžić Legal Office, presents a number of concrete cases showing that the freedom of media and the public’s right to know everything that is in the public interest, especially in the province, are still restricted by personal interests, or judgements by the authorities and certain interest groups about what and how much the public should know. What especially raises concerns are the verdicts of the competent courts in the proceedings initiated as a result of physical violence against journalists which, as mentioned in the above report, continued to pronounce verdicts being very close to, or even below the legal minimum, thus contributing to the legal uncertainty and self-censorship of media professionals.<sup>577</sup>

The ANEM analyses show that the attitude of the competent bodies towards the freedom of expression is still inadequate and that their activities do not contribute to the prevention of its infringement or violation, because they deal with the consequences of such behaviour and not its causes. Uneven judicial practice and uncertainty concerning the outcome of court proceedings related to the media are also one of the main causes of the decreasing presence of investigative journalism and increasing self-censorship in the media. In order to express their views, which they cannot or do not wish to publish in traditional media, some journalists resort to writing blogs, but they are still not protected. They are often exposed to

576 <http://www.nuns.rs/dosije/specijal7/01.jsp>.

577 ANEM, 22 October 2010, Fifteenth Monitoring Report.

threats and attacks due to the blog content. This was also pointed in the ANEM Monitoring for July.

Since 2001, the number of criminal and civil charges against journalists has dramatically increased. In this connection, one more trend is also evident. Namely, journalists win a great number of criminal cases, but lose a great number of civil cases based on the same facts<sup>578</sup>. In those civil lawsuits against journalists, the latter are sentenced to pay enormous fines to plaintiffs (mostly politicians, businessmen or some show business personalities), although they were previously acquitted of the same “offence” by the same criminal court. Thus, the question concerning the difference between fairness and law imposes itself. In March 2009, the Journalists’ Association of Serbia initiated the action “Journalists’ Code for Every Judge”. Its intention was to have judges use the Code as an auxiliary means when determining whether journalists acted in accordance with the rules of professional ethics in proceedings against them. However, it seems that this action has not helped a lot.

## Pressures on the Media

The press conference held in the Serbian Parliament on 5 March, when the members of Parliament, feeling insulted by one newspaper error, tried to rap all media on the knuckles, can be used to illustrate the government’s attitude towards journalism. After *Vecernje novosti* wrote about the costs of the trips of parliamentary delegations abroad and made an error, the ruling coalition convened a press conference at which the media were criticized in general for “degrading the Parliament”. It was also stated that the members of Parliament were portrayed as pickpockets or well-paid soccer players. NUNS responded by stating that “holding a press conference at which journalists are ‘taught’ how to write, represents an impermissible pressure on the media and the attempt of the members of Parliament to accuse journalists of being responsible for their bad public image.”<sup>579</sup>

578 MC Newsletter, 2 July 2010 (anem.rs).

579 Politika, 6 March 2010.

The situation is similar with respect to the Ministry of Health. Namely, it prepared and, under media pressure, withdrew its “Medicine Reporting Recommendations”, in which the words such as “a journalist is obliged” or “must” were used. In fact, the paper intended to educate journalists how to report on such a sensitive issue, was not written in the form of recommendations but, in the opinion of journalists reporting on health, in the form of directives and in a commanding tone. Therefore, it provoked the reaction of media professionals. All the more so, because the recommendations had some provisions contrary to the Information Law, such as the journalist’s obligation to indicate the source of his or her information. In this connection, the Journalists’ Association of Serbia organized a round table at which it was stated that these recommendations were not in conformity with the Information Law and thus could be harmful to the public interest and represent an attempt to introduce censorship.

In the situation dominated by the crisis and poverty, non-transparent ownership, suspicions that mafia groups stand behind some funds, collusion between politics and the judiciary, and strengthening of the ultra-right forces, which physically threaten the freedom of the press, pressures on the media are increasing. The greatest responsibility for such a situation lies with the authorities and those on whom advertisements depend, but one cannot give amnesty to the media themselves which, by taking the path of least resistance, agree to be a doormat for those who hold power and money. It is deplorable that an increasing number of journalists reconcile with self-censorship or made-to-order journalism.

This is also contributed by court verdicts and drastic punishments against the media. One of them was the verdict by the Higher Court that the daily newspaper Press should pay the fine of two million dinars to folk singer Svetlana Raznatović for publishing the parts of the interview with the former police minister Radmilo Bogdanović, which originally appeared in the weekly magazine NIN. In this interview, he hinted that she had known that her husband Željko Ražnatović Arkan would be killed. NUNS reacted to the verdict<sup>580</sup> stating that “it is impermissible to pun-

580 B92, 18 December 2010.

ish the media for carrying the statements of public figures, because the freedom of information is thus deliberately limited.”

The President of the Anti-Corruption Council, Verica Barac, has warned that over the last two or three years the media have been under stronger control than in previous years. At the seminar devoted to the fight against organized crime and corruption in the Western Balkan countries, she has pointed out that the media carry mostly what someone has said or stated. Thus, there is no genuine investigative journalism, which appears only on rare occasions and sporadically, through some story.<sup>581</sup>

The obedience of the media was also demonstrated during the visit of Croatian President Ivo Josipović to Subotica when he slipped and fell on the staircase. At the “appeal” of the advisor to the Serbian President, this innocent news, attractive from a media viewpoint, was not reported by any media in Serbia, while for the Croatian media it was a real delight. Considering the potential of new technologies, there is no need to waste words on the senselessness of such a move by both the “applicant” and media. Naturally, YouTube was overburdened with visitors who wanted to see that incident.

## **Attacks on Journalists**

The fact that last year several journalists had to be under direct police protection speaks enough about their position and endangerment, as well as about the insufficient resoluteness of the authorities to thwart such practice that journalists are increasingly threatened, while the perpetrators are not punished. The most dramatic case is that of B92 journalist Brankica Stanković, the author of the Insider TV series, who has been living under police protection for more than a year. Moreover, the number of her guards had to be increased due to new threats. The case of one of the rare genuine investigative journalists (the Insider series has revealed various scandals in which the state was also involved) sends the message that doing such a job in Serbia is dangerous and even life-threatening.

581 e-novine, 26 November 2010.

Naturally, it is not an accident that the Regional Conference on Investigative Reporting, which was held in Belgrade in early May, was entitled "Dancing with Danger". At the Conference, the CSCE Mission and US Embassy called on the Prosecutor's Office to investigate threats against journalists and the Government to provide conditions for the freedom of speech. According to the participants in the Conference, investigative journalists in Serbia are exposed to constant threats from the extremist groups and these threats should not be underestimated.<sup>582</sup>

Professor Rade Veljanovski from the Faculty of Political Science stated: "Media owners are reserved, journalists are afraid and editors do not encourage them. Good occasional examples of investigative journalism end up with threats and assaults on the authors." According to the Sixteenth Monitoring Report of the ANEM team, the authorities still do not react sufficiently to prevent the recurrence of such cases. In addition, uneven judicial practice in the same and similar cases contributes to the feeling of uncertainty among journalists, so that all this leads to a decline in the media quality and lack of investigative journalism.

On 24 July, *Vreme* weekly columnist Teofil Pančić was beaten by two young men with metal bars in a public bus in Zemun. The speedy arrest of the perpetrators and their speedy trial were an encouraging sign that the authorities were resolute in providing journalists with better protection – until the verdict was passed. The assailants were sentenced to three months in prison each, in addition to obtaining a 100-metre restraining order. However, the punishment for such offence ranges from six months to five years in prison. The verdict was justified by the fact that it was the question of young underage persons.

According to the *Kurir* daily of 2 February 2010, Infrastructure Minister Milutin Mrkonjic slapped its journalist Milan Ladjević in the Serbian Parliament. Mrkonjic described the slap as "a mild pat on the head", while the Journalists' Union of Serbia called the Minister's behaviour "cynical and arrogant". When this Union and the Journalists' Association of Serbia (UNS) requested from the Serbian Interior Ministry to urgently press

582 B92, 5 May 2010.

charges against Mrkonjic for a physical assault on the journalist, the Minister apologized to him and the whole affair was calmed down.

Both cases raised dust in the media, because it was the question of one well-known journalist (both the Serbian President and Interior Minister reacted in the Pančić case) and one minister (Mrkonjic is known for his behaviour which he calls “informal”). However, local media journalists are often left to the arbitrariness of local power holders. They must continuously balance on a thin wire between professional ethics and municipal authorities, while at the same time struggling with the existential problems, since their salaries do not exceed 200-300 euros. Many local media were bought by persons who have no connection with journalism, but wish to pursue some political or economic interests through the media.

“In small towns we meet the people from our texts and contributions on the street every day. In small communities pressure from local power holders is also more drastic and the same applies to their influence on the police and judiciary” – said Čačanske novine editor Stojan Marković for *Danas*,<sup>583</sup> thus confirming that being a journalist in the Serbian province is an ungrateful, uncertain and frequently dangerous job.

Last October, B92 journalist Sonja Kamenković from Zajecar was provided with police protection after receiving threats from the suspended police officer Radomir Radović from Majdanpek. According to the media, Radović was threatening, through his proxies, that he would kill all journalists reporting on his case (he slapped and injured two young men with his gun) and directly mentioned Sonja Kamenković and the *Alo* daily correspondent from Majdanpek. In ANEM’s Sixteenth Monitoring is also mentioned that the *Vecernje novosti* correspondent from Loznica, Vladimir Mitric, has been under police protection for more than three years and that those who had ordered the attack on him have never been caught.

In mid-July 2010, the Independent Journalists’ Association of Serbia demanded political protection for Radio Leskovac journalist Dragan Marinković, who publicly received death threats.<sup>584</sup> Namely, the car owner whose arrogant and homicidal driving on the streets was photographed by

583 *Danas*, 7 June 2010.

584 <http://www.juznevesti.com/Drushtvo/Policijska-zastita-za-leskovackog-novinara.sr.html>.

Marinković, who then posted the photograph on his blog, threatened the journalist that the next photograph would be “his own photograph in the luggage compartment of the same car”.

The editorial staff of the Vranjske weekly and its owner Vukasin Obradović were exposed to threats and pressure after publishing a series of articles about the activities of Goran Tasic, a controversial businessman from Vranje, and his relationship with Radoslav Mojsilović, a New Serbia member of Parliament.<sup>585</sup> The Vranjske journalists dealt with Goran Tasic’s suspicious dealings, to say the least, as well as with his crime record and cooperation with “tough boys from Belgrade’s underground”. Tasic brought charges against the Vranjske owner, but soon afterwards he was arrested in connection with some earlier charges.

In early December, Novi Pazar’s TV Jedinstvo announced that it would not cover any event concerning the Novi Pazar City Administration unless it could guarantee the safety of its journalists and enable them to report normally.<sup>586</sup> It was also mentioned that the chief of staff of the Novi Pazar mayor and his bodyguard verbally attacked the TV Jedinstvo journalist and cameraman Nikola Radovic.

The pre-election campaign for the Bosniak National Council could not pass without an attempt to shift the editorial policy in the direction that would suit someone. Dissatisfied with the coverage of the event on Regional TV, founded by the City of Novi Pazar, Muamer Zukorlić, who led the Bosniak Cultural Community electoral ticket, threatened the journalists with a strict lustration after winning a majority in the Bosniak National Council. In the past, the Meshihat of the Islamic Community in Serbia, led by Mufti Muamer Zukorlić, also tried, through its communi-ques, to point to the “flaws” in the daily news programme of the city TV station, because the activities of their leader had to be broadcast at the beginning and not a few minutes later.<sup>587</sup>

585 Danas, 7 June 2010.

586 <http://novipazar.wordpress.com/2010/12/10/psovke-i-pretnje-novinarima-tv-jedinstva/>.

587 [http://www.danas.rs/danasrs/drustvo/terazije/mocnici\\_i\\_politicari\\_prete\\_tuze\\_i\\_cenzurisul14.html?news\\_id=192291](http://www.danas.rs/danasrs/drustvo/terazije/mocnici_i_politicari_prete_tuze_i_cenzurisul14.html?news_id=192291).

## Media on the European Union

The European Union, Serbia's relations with Brussels and the fulfilment of the requirements for Belgrade's candidacy to join the European club are greatly present in the media, primarily because the ruling coalition and greater part of the opposition consider this issue a top priority. However, reporting on the European Union includes mainly statements by politicians, press releases of the political parties, as well as the coverage of official meetings. Thus, reporting is dull, statements are often insufficiently intelligible to the average reader (viewer or listener), while the number of topics that could explain the impact of integration on the citizens' daily life. One gets an impression that the Serbian media primarily perceive the European Union-related topics as foreign policy topics and report on them accordingly.

According to Russell Peasgood, head of the BBC team for Serbian media assistance, Serbian journalists interview only the officials who use unintelligible language, so that an ordinary person does not understand what the European Union means for his or her life.<sup>588</sup> According to the BBC survey conducted in March and April 2010, the Serbian media hardly received a passing score on their Brussels tasks.

The survey, which was financed by the EU, included an analysis of news coverage related to Serbia's European integration in 38 electronic and print media. The results from the public opinion poll conducted in Kraljevo, Uzice, Kragujevac, Nis, Novi Sad and Belgrade were also presented. In this connection, BBC representative Ed Barker said that the citizens complained that the media "keep repeating the same stories and presenting the same people", instead of explaining what was happening and how all that would influence the people's life. The respondents also revealed that they were not interested whether some European bureaucrat came to Belgrade or not. They wished to know more about the life of young people in the European Union, salaries and social protection in the European Union, the cost of apples in London or taxes in France.

588 Politika, 20 November 2010.

The survey also shows that reporting is too formal and focused on the process and procedures alone, and that it is not sufficiently focused on the perspective of ordinary citizens. The study “How Does That Influence You?” has shown that the issue of European integration is fairly present in the media. However, it is pointed out that such media content is too short, too formal and hardly intelligible to many of them.<sup>589</sup> It is also mentioned that less than 3 per cent of stories about the EU are focused on agriculture; the print media devote only 1 per cent of EU-related articles to the young, the topic of interest to the respondents, and that less than 1 per cent of all texts is devoted to transport and environmental protection.

## Privatization

In accordance with the media laws, the privatization of the media had to be completed by the end of 2007. However, this process has not yet been completed, which confirms the lack of will on the part of the authorities to adequately regulate the status of the media. A special problem is posed by failed or bad privatizations, or those unknown to the public. According to the Privatization Agency, by the end of April 2010, 56 media (31 electronic and 25 print media) were sold. Contracts had to be terminated with 18 buyers, because they failed to observe the contractual obligations, which accounts for more than 34 per cent of all privatizations.

The authorities most often keep quiet when media privatization is in question. One can only read about it in the print media, or hear about it at public gatherings at which the authorities do not express their views. This was stated in the ANEM document, which provides an overview of the hitherto process of media privatization and gives the recommendations for further actions in this area.<sup>590</sup>

In 2010, attention was especially attracted by transition-related problems of *Pancevac*, one of the oldest newspapers in Serbia, which is often called the institution of Serbian journalism. At the end of the year, it was

589 B92, 19 November 2010.

590 <http://www.anem.rs/sr/aktivnostiAnema/AktivnostiAnema/story/11348/ANEMO+V+DOPRINOS+RE%C5%A0AVANJU+PITANJA+PRIVATIZACIJE+MEDIJA.html>.

in danger of being closed down as a result of the disastrous privatization contract.<sup>591</sup> However, an illustrative example of media privatization is the privatization of *Vecernje novosti*, a big company in the centre of Belgrade and in everyone's sight. Its ownership could only be guessed for years, so that one can only imagine manipulation with media privatization in smaller communities.

The public learned the name of the *Novosti* owner after four years, when businessman Milan Beko, who was informally considered to be the owner, decided to announce that he bought this newspaper in one TV show, rejecting accusations that he did that under privileged terms, thanks to the support he had from some government officials. Before Beko's announcement, it was written a lot about the privatization of *Vecernje novosti*, but everything remained blurred and incomplete. At their press conference in early April 2010, the former employees of *Vecernje novosti* claimed that the privatization of this company was illegal and non-transparent, and that many journalists remained without company shares. Therefore, should they be forced, they would appeal to the European Court of Human Rights in Strasbourg.<sup>592</sup>

Stanko Subotić Cane, a man on the Interpol wanted list, also talked about the abuses related to the privatization of *Novosti* from Geneva (the police confirmed that they would investigate all allegations) and that in late May he allegedly submitted all evidence to the Special Prosecutor's Office for Organized Crime.<sup>593</sup> Prior to that, *Novosti*, Ringier and Press Publishing Group, the publishers of the highest-circulation Serbian dailies and periodicals, warned the Serbian Government and Serbian public that "the man on the wanted list", Stanko Subotić Cane, and the German corporation WAZ were trying to take over the entire press market".<sup>594</sup>

WAZ Media Group previously announced that in 2003 it paid 75,000 euros to Manojlo Vukotić, general manager and editor-in-chief of *Novosti*

591 ASMEDI Newsletter, December 2010, No. 142.

592 <http://www.blic.rs/Vesti/Drustvo/184127/Bivsi-radnici-Privatizacija-Vecernjih-novosti-nezakonita>.

593 Beta, 24 May 2010.

594 Fonet, 17 May 2010.

Company, for consulting services relating to the privatization of Novosti (this amount was the portion of 500,000 euros that would be paid to Vukotic should the privatization of Novosti be successful), which was denied by Vukotic. The media did not deal a lot with the allegations against Vukotic – whether due to professional solidarity or a signal “from above” – and satisfied themselves with his denial. In late June, Interior Minister Ivica Dačić stated that, at the request of the Prosecutor’s Office, the police began an investigation into the privatization of the daily newspaper Večernje novosti,<sup>595</sup> but the details of this investigation and its (possible) progress are still unknown to the public. However, instead of its clarification, the entire privatization case, in which big money was evidently at stake, became completely politicized, since the politicians treated this important issue like a ping pong game, accusing each other of participating in this evidently suspicious deal.

## **Recommendations and Conclusions**

Since nothing changed for the better in the media sphere in 2010 (just the opposite – the media are in a worse position compared to the previous year), most last year’s recommendations and conclusions still hold. This means, above all, that the preparation of media strategy should not be delayed any more and that the media associations (NUNS, UNS and ANEM), which are represented in the working group responsible for the preparation of this strategy, must put pressure on the authorities to complete this task as soon as possible. On the other hand, the government must demonstrate its sincere wish to see the media transformed, that is, their further development and, thus, further democratization of society.

The Press Council which, as a proxy for the relevant institutions, citizens and editorial offices, was expected to civilize the print media, upgrade the dialogue about journalism ethics and contribute to a better interpretation of professional standards, must start to function urgently. It was expected that the Council, established in early 2010 (three years after the adoption of the Journalists’ Code of Serbia), would impose itself from the

595 Tanjug, 21 June 2010.

very beginning as an impartial regulatory body that would condemn the lack of professionalism and ethics. However, this did not happen until the end of the year.

As emphasized at the time of its establishment, the Council (which is comprised of the representatives of two journalists' associations, NUNS and UNS, and business associations, Media Association and Local Press) should issue public reprimands or reject complaints in an authoritative and uncompromising way, while at the same time strictly observing the Journalists' Code, no matter what media and what complaint are in question. However, due to the financing problem (this self-regulatory body should in no way depend on the government), the Press Council is rather passive and its interventions are only sporadic and without a real effect.

The privatization of the media must be completed; the excessive number of newspapers, radio and TV stations must be significantly reduced, while the social and economic status of journalists must be improved. In an absurd situation where the media are "liberated" and journalists are not independent, Serbia cannot count on serious media support in the further democratization of its society and in exposing negative events and their actors. If nothing changes, Serbia will continue to look like a base reality show and the media like its (dis)interested observers.

However, all this has been repeated for years, so that one must not wonder about the pessimistic statements concerning the capability of the media to overcome the crisis, which were given by the presidents of two journalists' associations in the middle of last year.<sup>596</sup>

UNS President Ljiljana Smajlovic: "The end of the crisis is not in sight, while the crisis in the media is deeper than elsewhere, because the business model, adopted in the transition process, has failed. I base my pessimism on the view that the independent media were better off during the 1990s than today".

NUNS President Vukasin Obradovic: "As long as our political elite fails to recognize the public and media as the fourth pillar of democracy and the freedom of expression as the basic civilizational achievement of Europe to which we aspire, there will be no progress in the media sphere".

596 Danas, 27 July 2010.



## **IX – DISCRIMINATION**



## Discrimination

Discrimination is still the product of ethno nationalism and of the warlike policy from which the democratic authorities have not distanced themselves clearly.<sup>597</sup> Discrimination is also a result of weak and incompetent state institutions and lack of human rights culture. Patriarchal stereotypes concerning the respective roles of women and men are deeply rooted, leading to inequalities between the two sexes, particularly in the field of employment and public participation. Violence against women (mobbing, discrimination, labor rights), including domestic violence remains a persisting problem.

Mostly discriminated groups are Roma, LGBT, women, national minorities and disabled people. Human right defenders and journalists are also exposed to threats and hate speech rarely followed up by the actions of authorities. The main fields of discrimination are: employment (including retirement and access to health, including Insurance e.g Roma), freedom of association, education and ethnic minority rights. Citizens also complain of procedural failures that negatively impact on their seeking justice: for instance lengthy court proceedings and not taking decisions on legal remedies. State authorities discriminate clients on the basis of disabilities, sexual orientation, national minority origin, age and sex.<sup>598</sup> Multiple discrimination is frequent (women+age) Discrimination on the basis of political opinion (party affiliation) is less widespread and mostly relates to employment.

597 [http://www.ombudsman.rs/index.php/lang-sr\\_YU/izvestaji/godisnji-izvestaji/884-annual-report-2009](http://www.ombudsman.rs/index.php/lang-sr_YU/izvestaji/godisnji-izvestaji/884-annual-report-2009)

598 *Ibid.*



## Minorities: The Process of Their Constituting

From the viewpoint of minorities' rights, elections for national minority councils represent the most important activity that marked the year 2010. The importance of these elections was stressed by both minority and government representatives. Direct elections provided minorities with an opportunity to resolve the council legitimacy issue in a democratic way, while government representatives viewed these elections as an opportunity to help minorities integrate more fully into the society, while at the same time establishing Serbia's position as the regional leader in the area of minority rights.

It turned out, however, that these elections received different evaluations by the public. Government representatives emphasized that one should take pride in the fact that the election process was carried out without blemish, that the minorities demonstrated their political maturity by taking part in the elections, while Serbia demonstrated its multiculturalism and multinationalism.<sup>599</sup> On the other hand, minority representatives emphasized that the organization of elections was not sufficiently serious and that the elections left "a bitter taste in the mouth and cramps in the stomach."<sup>600</sup>

Minority representatives pointed to certain problems even before going to the polls. So, it was publicly stated that during the first three months there were no campaigns and that the Ministry of Human and Minority Rights did not do anything to explain to minority members what elections were in question, how to vote and what was expected from national councils.<sup>601</sup> It was also pointed out that in the case of the Croatian minority the

599 "Izbori za nacionalne savete (ne)regularni", [www.dw-world.de/dw/article](http://www.dw-world.de/dw/article).

600 According to Istvan Pasztor, leader of the Alliance of Vojvodina Hungarians, they were not sufficiently serious and everything passed with a bitter taste in the mouth and cramps in the stomach. "Oprečne ocene o regularnosti izbora", [www.autonomija.info](http://www.autonomija.info).

601 The remark was made at the press conference held by Matica Slovačka in Pancevo on

problem was associated with its fear, that is, confidence in the state<sup>602</sup>. For this reason, its members registered as voters in a separate voters' list in a smaller number.

It was also pointed to the appearance of chauvinist graffiti,<sup>603</sup> "intimidation of Romanians/Vlachs"<sup>604</sup> and bringing them in for questioning,<sup>605</sup> obstruction of pre-election activities,<sup>606</sup> media ignorance<sup>607</sup> and breach of pre-election silence. It was also pointed out that the "majority parties" also got involved in the election process. Thus, the representatives of the Vlach minority emphasized that the Socialist Party of Serbia (SPS) got included in the Vlach National Council,<sup>608</sup> the Romanian representatives

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the last day of May. Its representatives also informed the OSCE about their remarks.

- 602 "Strah od sremskih lista iz devedesetih", Dnevnik, 11 March 2010, "We must bear in mind that the Croatian community is burdened by the recent past", said Branko Horvat, Chairman of the Croatian National Council. "The term 'separate list' also contributed to that. The greatest number of remarks made by our people was just with respect to this term. It seems to allude to the events taking place in Srem during the 1990s, when the separate lists of Croats who should be expelled were also made."
- 603 In Majdanpek, several days before the elections there appeared the graffiti "Ljotic, Zbor", "Serbia belongs to Serbs" and "For race, faith and nation", including swastikas. "Hipici, rokeri i Vlasi", [www.timocpress.info](http://www.timocpress.info).
- 604 "Dragan Demić kod istražnog sudije osnovnog suda u Požarevcu", [www.timocpress.info](http://www.timocpress.info).
- 605 In the statement issued by the Vlach National Council it is emphasized that in the second half of April the police brought in the citizens of Vlach nationality for questioning in the police station in Petrovac on the Mlava. They were asked whether they were members of a Vlach political party and, if they were, which one, whether they knew in what country they lived and the like.
- 606 The representatives of the Unity – Valeriu Pintor list were prevented from presenting themselves to the voters on the Alibunar Municipality premises. In the village of Seleus electricity was turned off, so that they held the meeting by candlelight, "Podmićuju glasače", [www.timicpress.info](http://www.timicpress.info).
- 607 "Many local elections were the object of far greater media coverage than these... Even the on-duty CESID observers did not express their wish to monitor these elections. And the public is indispensable in these and other major elections", said Tomislav Zigmanov. "DS želi kontrolu nad nacionalnim savetima", Danas, 31 May 2010.
- 608 "The Socialist Party got involved in the election process for two reasons. One reason was the request made by the National Council of Vlachs to the competent ministry to include the Romanian language in the education process", while the other one was that "the Socialist Party of Serbia was losing the support of Vlach voters in north-

pointed to the League of Social Democrats of Vojvodina (LSV),<sup>609</sup> while the Hungarian,<sup>610</sup> Bunjevci<sup>611</sup> and Croatian<sup>612</sup> representatives pointed to the activities of the Democratic Party (DS).<sup>613</sup> It seems that the Ministry of Human and Minority Rights also did not have a uniform stance on the partisan participation in the elections. Aniko Muskinja-Heinrich, State Secretary at the Ministry, pointed out that only national minority parties could take part in the elections,<sup>614</sup> while Minister Čiplić emphasized that the participation of political parties could be expected. He pointed out: "Political parties are a general proxy in a democratic system. Hence

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eastern Serbia. Both processes require the fastest possible assimilation of Vlachs, so that they do not realize their constitutional and legal rights". "Obaveštenje o diskriminaciji vlaške nacionalne manjine u istočnoj Srbiji", *www.timocpress.info*.

- 609 Jon Cizmas, President of the Romanian Community, claimed that the political parties divided the minorities among themselves, so that they would control them. Thus, in accordance with such an agreement, the Romanians were assigned to the League of Social Democrats of Vojvodina (LSV). "The LSV sycophants threaten our activists and even bribe voters with the money from the provincial budget (media, culture, agriculture). Now, all of a sudden, they give large amounts of money to hunters' societies and local communities, evidently expecting from them, in turn, to vote for them at elections". "Podmićuju glasače", *www.timocpress.info*,
- 610 According to Istvan Pasztor, the DS wishes to control three out of five newspapers through its insiders or members, which shows that the DS wishes to have an influence – if not a dominant one – on the national council", *Danas*, 31 May 2010. Therefore, the Democratic Party of Vojvodina Hungarians (DSVM) called on the Alliance of Vojvodina Hungarians (SVM) to boycott the elections for the national council.
- 611 It can also be heard from the Bunjevci that the DS wishes to control the minority electorate through the national councils.
- 612 "The ruling coalition penetrated both the left and the right, and created complete confusion on Serbia's political scene", said the well-known lawyer Slaven Bacic. He expressed his conviction that minority members would recognize such a non-democratic behaviour of the Democratic Party as well as other political parties. "DS želi kontrolu nad nacionalnim savetima", *Danas*, 31 May 2010.
- 613 The Democratic Party denied that it took part in any way in the elections for the Hungarian National Council. This was done only by individuals to whom that could not be prohibited. The DS members were on the lists, but those were not the DS lists, nor did the DS place its infrastructure at their disposal. "DS snosi posledice udaljavanja od SVM", *Danas*, 10 June 2010.
- 614 "Samo stranke manjina mogu učestvovati na izborima", *Dnevnik*, 22 February 2010.

their participation in the elections for national councils is natural".<sup>615</sup> On the other hand, minority representatives regarded the enhanced interest of political parties in the elections for national councils as an attempt to establish control over minority communities – through their control over media, selection of their personnel and the provision of soft jobs for individuals, thus taking the best possible position before parliamentary elections, since minorities often have an opposition and critical approach towards the government.<sup>616</sup>

Very sharp complaints were also made with respect to the electoral administration, as well as the way in which separate voters' lists were prepared. Istvan Pasztor pointed out that the decisions relating to the appointment of electoral committee members were delayed due to which the polling places were not opened on time.<sup>617</sup>

The representatives of the Roma Party protested because there were no representatives of their political party at the polling places.<sup>618</sup> The members of the German minority also did not hide their discontent. Anton Beck, President of the Gerhard Association, stated that "at 16 polling places in the Sombor municipality there were no representatives of the German national minority". He also said that "the people are embittered and angry", because nobody in Bezdan was notified about voting despite being placed on a separate voters' list".<sup>619</sup> The voters' list was butchered, warned Muamer Zukorlić, who led the Bosniak Cultural Community, because thousands of people were omitted from the voters- list: "There is an even greater number of people whose names have been misplaced, so that they could vote at polling places where they never voted before".<sup>620</sup> Finally, in an attempt to register the greatest possible number of minority

615 "Stranke nisu uljezi", Dnevnik, 17 May 2010.

616 "DS želi kontrolu nad nacionalnim savetima", Danas, 31 May 2010.

617 "That is scandalous. It is either the question of an ill intention, or the whole issue has been so underestimated that it is a shame", said Pasztor for RTV B92.

618 "We don't know how to call this situation any other way, but as discrimination and dictatorship", said Srdjan Sain, President of the Roma Party.

619 "Sporni birački spiskovi i pozivi na glasanje", Danas, 7 June 2010.

620 "Demokratska atmosfera izbora", www.b92.net.

members as voters in separate voters' lists, there were abuses, since some individuals were registered contrary to their will. Rodoljub Sabic, Commissioner for Information of Public Importance, warned that it was the question of a serious violation of human rights and called on the Ministry of Human and Minority Rights and relevant local self-government bodies to undertake the measures falling within their competence, as well as on the police and prosecutor's office to establish the facts essential for determining criminal liability.<sup>621</sup> Sabic said that abuses occurred due to the Ministry's instruction about the registration in a separate voters' list and that most persons who had abused someone else's personal data would never be discovered. He also brought criminal charges against unknown persons and insisted that the authorities should prove in practice that personal data were highly protected by applying the law.<sup>622</sup>

The problem identified at one time by Tamas Korhecz, Chairman of the Hungarian National Council, also emerged. According to Kohecz, the Law on National Minority Councils does not regulate the procedure of constituting newly elected councils, or the mandate verification procedure in greater detail, due to which the Ministry of Human and Minority Rights was unable to cope with this issue.<sup>623</sup> Despite the fact that the Law has certain gaps and ambiguities, the Ministry's behaviour can hardly be regarded as the result of its inability to cope with the situation. It is more likely that it is the question of a thought-out policy by means of which Sandzak is kept in a state of low-intensity conflict, whereby this conflict is reduced both to the relations within one community and the relations

621 "Upisivanje bez znanja i saglasnosti", Dnevnik, 29 March 2010.

622 "Such problems must not be swept under the rug. After all, our rug is already hunchbacked and looks like a camel... One must bear in mind that, under the Law on the Protection of Personal Data, the registration of minority members as voters in a separate list anticipates the processing of very sensitive data. Thus, such data should be handled in a special way, with special care and under special protection. And the instructions about the registration in a separate voters' list evidently did not take this into account." "Vlada ništa ne radi da spreči krivična dela", *www.blic.rs*.

623 "Zakon je prošao prvi test", Dnevnik, 15 September 2010.

of one part of that community with the authorities, mostly personified by Minister Čiplić.<sup>624</sup>

## Bosniak National Council

Three lists took part in the elections for the Bosniak National Council (BNV). The Bosniak Cultural Community (BKZ) won 17 seats, Bosniak List (BL) 13 and Bosniak Revival (BP) 5. The constitutive session was scheduled for 7 July. However, it was attended only by the BKZ representatives and two BP representatives, while others boycotted it. On the eve of the session, the Ministry changed the rules of procedure, so that pursuant to the new provision of these rules the Council was considered constituted if two thirds of its members, whose mandates were verified, attended the session. Since this requirement was not met, the representatives of the Ministry left the session, while the present electoral list members continued to work and constituted the National Council which was never recognized by the Ministry of Human and Minority Rights. Muamer Zukorlić, leader of the Bosniak Cultural Community, called this change of the rules of procedure “another deception of Belgrade” and concluded that Bosniaks were the hostages of two ministers and the government and that the Ministry of Human and Minority Rights was instructed to obstruct the constitution of the Bosniak National Council, since the BKZ won the elections.<sup>625</sup>

One week after the constitutive session in Novi Pazar,<sup>626</sup> the Bosniak National Assembly held its session and adopted the Declaration which

624 Great care is taken to prevent those conflicts from escalating and affecting the relations between the two ethnic communities in Sandzak. At one moment, it seemed that they would affect the relations with the Serbian community. Namely, the Organization “For Serbian Novi Pazar” announced the rally entitled “Novi Pazar Is Serbia” on 10 October. The prayer rally participants would walk through the streets of Novi Pazar carrying church flags, icons and crosses. The rally was intended to show that Novi Pazar was part of Serbia and that the citizens of all nationalities and confessions could feel safe and move freely in it.

625 “Kontroverze oko konstituisanja Bošnjačkog nacionalnog veća”, *Danas*, 7 July 2010.

626 After the elections and before the constitutive session, the daily newspaper *Blic* (19 June 2010) published the photomontage depicting Mufti Zukorlić in an Orthodox priest’s robes and the cross on his head, which led to the mobilization

“most severely condemns the legal and political barbarism of the Ministry of Human and Minority Rights“, and requests the urgent replacement of Minister Čiplić and determination of the responsibility of the participants in falsifying the electoral will of Bosniaks. Under the Declaration of the Assembly, the candidates from other two electoral lists were invited to take part in the work of the Bosniak National Council. In order to affirm and solve the status of Sandzak, the Assembly set up the committee for the revival of the Sandzak National Council and special committee for the internationalization of the Bosniak discrimination issue. The Declaration proclaims the Bosniaks the constituent people in Serbia and requests urgent talks with the President of the Republic and Prime Minister in order to solve the question of the constitutional status of Bosniaks.

The content of the Declaration is interesting, because it shows that the problems concerning the election of the Bosniak National Council are aggravated and expanded to include the issues that are not directly related to the Council elections, while political factors are entrenched in their irreconcilable positions. Thus, the request for Sandzak’s autonomy (Zukorlić pointed to South Tyrol as the most desirable model) was dismissed as a gimcrack, mission impossible and unrealistic political aim, and the request for the internalization of the problem and for foreign observers as dangerous, harmful and unnecessary or, in other words, as another attempt on the part of Zukorlić to call attention to himself.<sup>627</sup>

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of the Islamic community in Serbia and severe condemnations. The Meshihat of the Islamic Community in Serbia regarded this photomontage as an insult and the message that the Muslim spiritual values did not enjoy government protection. Thus, it requested from the Prosecutor’s Office to bring criminal charges against the Blic editor-in-chief and from the owner and editorial staff to apologize and pay a symbolic damage of 100 million euros. In addition, the General Assembly of the Islamic Community in Serbia asked the highest government officials and President of the Republic to give them strong guarantees that the Muslims in Serbia could enjoy the same degree of personal and collective security and equality like other peoples and communities. In the conclusions of the Assembly it was emphasized that the Islamic community would not permit that insults and the cases of intolerance towards Muslims in any way affected good relations with their Christian neighbours.

627 “Foreign observers probably should come”, said Meho Omerović, Vice-President of the Sandzak Democratic Party, “and see that in Europe there is one man who is a

In mid-September, Esad Dzudzević warned that political divisions occurring within the society and already affected family relations. In order to avoid the further sharpening and deepening of these divisions, the Bosniak Revival sent letters to Minister Čiplić and CSCE Ambassador Dimitrios Kypreos asking them to organize talks among the representatives of three tickets in order to reach a consensus. At the meeting in the Serbia Palace, the representatives agreed to continue their talks and that the Ministry of Human and Minority Rights should request from the Legislative Committee of the Serbian Assembly to give its opinion on Article 98 of the Law on National Councils, as well as to speed up the judicial proceedings concerning two disputed mandates.<sup>628</sup> The talks scheduled for 2 December were not held and the date of new talks has not been set. The Ministry delayed with the submission of the request to the parliamentary committee, so that on 5 December, only one day before the expiry of the deadline for the formation of the Council, the Bosniak National Council held a session at which its Chairman, Melvudin Dudić, stated: "As of today there will be no further talks about the formation of the Bosniak National Council".<sup>629</sup>

In his answer to the question why he did not obtain the opinion of the Legislative Committee, Minister Čiplić said that he did not do that because

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religious leader, has his own television, university and motor pool bigger than that of the municipal assembly, and who announced the formation of his political party. Instead of preaching the Quran in mosques, the Mufti's imams preach violence in the streets and agitate people". "Muftija džabe zove", *www.novosti.rs*. It could be heard in public that the "Sandzak question" was heated from the outside, that Zukorlić's aim is not territorial autonomy, but the destabilization and destruction of Serbia, that such destabilization has been prepared for two years already, that Zukorlić was selected to cause it and that the West was setting Sandzak on fire because of Kosovo.

628 The Bosniak Cultural Community formed the National Council with the help of two candidates from the BP list. The Bosnian Revival disputed the validity of their mandates and claimed that they had resigned, what was denied by the two candidates in question, who emphasized that their notices of resignation were falsified.

629 "Zukorlićevo Bošnjačko veče nastavlja po starom", *Politika*, 6 December 2010. Invitations to attend the session were sent both to the BP and BL, but they did not show up. Esad Dzudzević stated that the BL Council members did not accept Zukorlić's invitation, because it was the question of "an illegal meeting". "Preporuke ombudsmana čista politizacija", *www.sandžaklive.rs*.

he assured himself that one party gave up any talks in advance.<sup>630</sup> In other words, such a request was rendered senseless after Dudic's statement and that from the Ministry's viewpoint the Bosniak electoral actors should be held responsible if the Bosniaks remained the only minority which did not constitute its national council: "Six months have been spent on their negotiations and talks. If none of the lists wanted the elections, then they should have agreed and just constituted the council. They all knew that there would be elections if they failed to reach agreement".<sup>631</sup>

Čiplić scheduled the new elections for the national council on 17 April 2011. The BL and BP representatives stated that the opportunity to form the new Bosniak National Council through negotiations among all three lists was missed and that new elections were the only option. By contrast, Zukorlić pointed out that the Belgrade authorities made a mistake by scheduling new elections and said: "We will not take part in those elections and, through an active boycott, we will inform the people what these elections mean".<sup>632</sup> According to Samir Tandir and Mevludin Dudic, the rerun of elections will lead to the deepening of the crisis in Sandzak and destabilization of that part of Serbia<sup>633</sup> or, more precisely, to the aggravation of inter-Bosniak disputes and the imposition of martial law in Sandzak.<sup>634</sup> The Bosniak Cultural Community stated that it would also request the replacement of Dimitrios Kypreos, Head of the OSCE Mission to Serbia, because the Mission announced its support to the rerun of elections.<sup>635</sup>

The problems related to the Bosniak National Council also point to the depth of divisions in Sandzak. Such a situation was also contributed

630 "Čiplić: Zukorlić kuca na otvorena vrata", Blic, 27 December 2010.

631 "Sandžak neće biti drugo Kosovo", Politika, 10 December 2010.

632 "Bošnjaci idu ponovo na izbore 17. aprila", [www.politika.rs](http://www.politika.rs).

633 "Destabilizovaće se Sandžak i Srbija", Pravda, 18 January 2010.

634 "Bošnjačke liste o novim izborima za BNV", <http://radiostoplus.com>.

635 The statement emphasizes that the behaviour of Dimitrios Kypreos is tendentious and that the suspicions about his involvement in the unlawful actions of the Ministry of Human and Minority Rights have proved true and that by supporting the rerun of elections he contributes to the destabilization of Sandzak. "BKZ će tražiti smjenu šefa Misije OEBS u Srbiji", [www.sandzaklive.rs](http://www.sandzaklive.rs).

by the Ministry which, as determined by the Commissioner for the Protection of Equality, Nevena Petrusic, acted in a discriminatory way, violating the principle of equality of all citizens in realizing their voting rights by prescribing special conditions for the formation of the Bosniak National Council.<sup>636</sup> In checking the legality of the work of the Ministry, Republican Ombudsman Sasa Janković also discovered the irregularities that contributed to the violation of the right to the protection of personal data and the autonomy of national councils, since the Minister adopted the rules of procedure for the work of constitutive sessions without valid legal grounds.<sup>637</sup>

On the other hand, the problems related to the formation of the Bosniak National Council also show the extent to which the divisions within Sandzak are susceptible to external influences. The attempts to weaken Zukorlić's position – through a split within the Islamic community, delays with the accreditation of the International University and obstruction of the BNV – have failed. Criticisms levelled against him that he abuses religion for political gain and the calls for him to take off his *ahmediye* if he wishes to engage in politics, have certainly accelerated the emergence of a new political party – the Bosniak Democratic Community.<sup>638</sup> The economic situation in the region and the image of Sandzak as an “economic ground zero” are the arguments against two Sandzak Ministers in the Serbian Government. The new party will try to capitalize on the great discontent of Bosniaks and, by putting Sandzak's autonomy on its agenda, it will cer-

636 The Commissioner recommended to the Ministry to provide the same conditions for the formation of the Bosniak National Council as those envisaged for other minority councils. Minister Čiplic then brought the decision to change the rules of procedure.

637 The Ombudsman recommended to the Ministry to draft the amendments to the Law on National Councils, change the sublegal acts related to the registration in separate voters' lists and repeal the rules of procedure for the work of constitutive sessions.

638 The Bosniak Democratic Community (BDZ) was established on 25 December in Novi Pazar and Emir Elfic was elected President. According to Elfic, the BDZ is a centrist and middle-way party, which will promote democratic values, rule of law, social justice, preservation of Bosniak identity, good relations with the Serbian neighbours and the protection of individual rights and freedoms.

tainly relativize pressure on Zukorlić, who was often accused of violating the Constitution, redrawing the state borders and “federalizing Serbia”.

However, Zukorlić will not stop insisting on the issues of utmost significance for the preservation of the Bosniak national identity, such as a unique Islamic community, accreditation of the University and National Council, nor will he give up his intention to raise the questions which are, in his opinion, of great symbolic importance for the Bosniak community and its identity. After all, this is also evidenced by his call to the parents and pupils of Bosniak nationality to boycott the celebration of St Sava: “It is incomprehensible”, said Zukorlić, “that in a secular state, such as Serbia,<sup>639</sup> public institutions such as school have their Orthodox patron saint’s day, while at the same time demanding loyalty from all other non-Orthodox citizens”.<sup>640</sup> Zukorlić’s call to boycott the celebration was considered by the public as “ridiculous”, “cheap and shallow rhetoric”, abuse of children for political gain and “the provocation of the highest degree”. Bishop Irinej of Backa called Zukorlić a politician working temporarily in the religious sphere, pointing out that “only an utterly ill-intentioned man can see in the father of national education and culture... danger to anyone or anything, especially not the tendency towards proselytism and assimilation”.<sup>641</sup>

During the year, the requests for solving the Sandzak problems through talks with the highest government representatives were made on

639 In Serbia, the political parties, health centres, kinderkartens and the municipalities of Bor, New Belgrade, Obrenovac, Vracar, Zvezdara, Vozdovac and others celebrate their patron saint’s day.

640 “Muftija Zukorlić pozvao na bojkot Svetog Save”, Blic, 24 January 2011. As pointed out by Zukorlić, in Serbia there are also some other peoples and not only Serbs. Thus, the non-Serbian peoples and communities feel endangered if they are obliged to mark the celebrations of church’s patron saints, although they are not Orthodox. “Zukorlić protiv Svetog Save”, Blic, 23 January 2011.

641 “Irinej Bulović: Zukorlić u veri samo privremeno”, *www.novosti.rs* Bulović’s words provoked reaction from the Islamic Community: “The Bishop has evidently forgotten that, under the Constitution, Serbia is a secular and not theocratic state” and that “every Christian has the right to baptize his child and everything else that belongs to him, but baptizing government institutions in a multiethnic state implies undermining the stability of its foundation”. “Otrovnice vladike bačkog”, *www.islamskazejednica.org*.

a few occasions, but they were not taken seriously. Rather, they were regarded as rhetorical shrewdness, so that through talks with the highest government officials the authority of two Bosniak leaders and ministers is weakened, on one side, and that Zukorlić establishes himself as the key actor in solving the Sandzak problems. In the media, these problems were too often regarded as the result inter-Bosniak differences and fight of the Bosniak leaders for political supremacy.<sup>642</sup> There is no doubt that Mufti Zukorlić also wants to impose himself as a secular, political factor, but it is irresponsible to simplify the problems in Sandzak by confining them to the political ambitions of one man. Focusing on Zukorlić prevents an insight into the fact that the government is lagging behind with solving the problems, which cannot be solved by disqualifying Zukorlić politically. Truly, with his behaviour he also gave a pretext for attacks and criticisms. So, for example, his speech at the central square in Novi Pazar and the message "Our house won't be the only one on fire", reminded us of the rally rhetoric of Kosovo Serbs. On a photomontage published in the daily Blic, the Meshihat of the Islamic Community led by Zukorlić recognized "the message about the conversion of Muslims", while the General Assembly of the Islamic Community in Serbia understood it as a symbolic continuation of the genocidal policy towards the Muslims, which is, to say the least, an irresponsible exaggeration. The photomontage case was used for the further mobilization and homogenization of the Islamic community.<sup>643</sup>

642 "Neredima osvaja vlast", Pravda, 6 September 2010.

643 Genocide is a difficult notion and has a strong moral meaning, so that politicians who use this word in their political strife, count on the symbolic economy of victim. Making reference to genocide or, in Zukorlić's case, to "more than ten genocides" committed against Bosniaks, serves to homogenize the community members fearing a recurrence of the crime. The boundaries of homogenization extend not only towards outside, but also towards inside. Those taking a critical approach towards events within the community are stigmatized and disqualified in various ways.

## Hungarian National Council

Like Muamer Zukorlić in the case of Bosniaks, Istvan Pasztor, leader of the Alliance of Vojvodina Hungarian, was also the winner of the national council elections. Pasztor took part in the elections with “a silk cord” around his neck. After his rejection to support the budget for 2010 in the Republican Parliament, he was subjected to “the retaliation of the Democratic Party”, first in the form of “the rationalization of the number of members of the City Council of the Subotica City Assembly”, due to which the Alliance of Vojvodina Hungarians was practically forced to withdraw its members and then to terminate the coalitions in Senta and “stirring” in Kanjiza. “I can imagine”, said Pasztor, “that we become the opposition at all levels, but one thing I cannot accept and imagine – that they humiliate us and that we tolerate that”.<sup>644</sup>

The decision to deny support to the republican budget was not approved by all SVM members, so that the party and its leadership were subjected to criticism. Zoltan Bunyik and Jozsef Kasza, honorary president of the SVM, were expelled from the SVM in early February, because they opposed the decisions of the party bodies and portrayed the party in a negative light by distorting the facts.<sup>645</sup>

The interests of the SVM and DS clashed not only at the republican and local levels of government, but also with respect to elections for the national council, since an interest in these elections was also displayed by the political parties whose activities are not (primarily) identified by the representation of minority interests. Faced with the ambitions of “civic” political parties, the SVM decided not to take a direct part in the elections, but to prepare “the list that will also encompass some political

644 “SVM: Svilen gajtan stigao iz Beograda”, Dnevnik, 20 January 2010.

Subotica Mayor Sasa Vucinic denied that it was a political showdown; instead, it was the question of deblocking the functioning of the city, so that the reshuffle would contribute to a faster decision making.

645 It is probably worth to mention the following: on the eve of his hearing before the disciplinary commission, Kasza asked for its postponement, because at 7 p.m. he received an invitation to meet with Boris Tadić that same day with respect to the reconstruction of the theatre in Subotica.

representatives, including the SVM, but its greater part will consist of the representatives of non-governmental organizations, intellectuals and churches".<sup>646</sup> The idea of the Alliance of Vojvodina Hungarians was not only to include all structures of Hungarians and increase its representation, but also to reach broad consensus and thus prevent the influence of the lists supported by the Democratic Party and League of Social Democrats of Vojvodina on the work of the National Council.<sup>647</sup>

In contrast to the first elections, when greater emphasis was placed on the National Council's role in the fields of education, culture, information and official use of language, at these elections national councils also became interesting as a means for the redistribution of crucial resources – money, power, influence and prestigious positions within minority communities.<sup>648</sup> The decision of "civic" political parties to get involved indirectly in the elections, was also politically motivated. Bearing in mind the role of the national councils in the process of parliamentary decision making concerning the issues of vital interest for minorities and the unpreparedness of the minority parties to follow "big" political parties in every respect and meet all their requests (such as voting for the budget), support to certain lists was based on a simple calculation that it is better to have a majority in the national council than a minority in the Parliament.

Despite numerous problems and irregularities, negative campaigns and the breach of election silence, Hungarian Unity, the list behind which

646 "SVM kao stranka neće na izbore za Mađarski nacionalni savet", *Dnevnik*, 11 March 2010.

647 Zoran Secerov, Vice-President of the Hungarian Hope Movement, stated that the Movement would take part in the elections for the National Council, because it wanted to prevent the entry of Belgrade's political parties.

648 Membership in the Hungarian National Council has become valuable, since the Council will have power and money, said Tamas Korhecz commenting on the announcements that some individuals supported by the DS and LSV would also take part in the elections.

the SVM was standing, won a majority of votes.<sup>649</sup> Both Tamas Korhecz,<sup>650</sup> who led the list, and SVM leader Istvan Pasztor did not hide their satisfaction. According to Korhecz, the Hungarians have shown at these elections who wishes unity and who wishes to break it, alluding to the DS, which has “taken an active part in these elections, including huge funds in order to win”.<sup>651</sup> Pasztor has admitted that the results were beyond expectations and pointed to the fact that “the Hungarian community in Vojvodina has shown that it is not open to nationalist ideas. A strictly right-wing option has been completely defeated and will not have any representative in the National Council, while the other option, with a similar orientation and support from the DS, will have only one representative. In my opinion, this is the best message which the Hungarian community sends to the Serbian society”.

Apart from the elections for national councils, the members of the Hungarian community also displayed interest in the elections in neighbouring Hungary where Fides, Viktor Orbán’s party, won a convincing victory. According to Pasztor, the two-third majority of this political party in the Parliament will have a positive impact on Vojvodina Hungarians. Answering the question what Vojvodina Hungarians can gain thanks to

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649 The election results were as follows: 58,900 voters voted for the Hungarian Unity list and it won 28 out of 35 seats. The list of the Humentis civil organization, Vojvodina Hungarians for Europe, won 4 seats, while the Hungarian Hope Movement, Hungarian League and Extended Hand to Hungarians lists won one seat each. The voter turnout was 55.51 per cent.

650 In early June, Korhecz resigned his post as the Provincial Secretary for Administration, Regulations and National Minorities. He said that he did everything he could and did not see what else he would do, since he encountered unsurmountable obstacles. He denied speculations that he was in conflict with someone and that he would assume another function. The reason for his resignation was his wish to engage in scientific research. Korhecz did not miss the opportunity to point out that the story about Vojvodina’s autonomy was suspended for a longer period and that the unconstitutional situation was going on for two years already when its assets, direct revenues and taxes were in question. As for the campaign for national council elections, Korhecz said that “it is not surprising that some civic parties from Belgrade and Novi Sad take part in the elections for national councils, but I am surprised that enormous funds and efforts are invested in order to obtain the best possible results in the elections”.

651 “Najzadovoljniji Pastor i Zukorlić”, *Dnevnik*, 8 June 2010.

Orban's victory, Andras Agoston, leader of the Democratic Party of Vojvodina Hungarians, answered: "We will obtain dual citizenship and achieve autonomy."<sup>652</sup> Pal Sandor expressed his conviction that the national policy towards the Hungarians in the neighbourhood would be changed and that the new government would support that which they would consider to be good for them and not something that official Budapest would think that it would be in their interest, and that the Hungarian government should support not Vojvodina's autonomy, but the ethnic autonomy of Vojvodina Hungarians, so that, in the case of need, it could put a veto on Serbia's accession to the EU.<sup>653</sup>

The Hungarian Parliament adopted the new Law on Dual Citizenship very soon after the formation of the Fides Government. The Law came into effect on 20 August and has been implemented since 1 January 2011. The procedure for obtaining Hungarian citizenship, such as the conditions of stay – giving the address of accommodation, financial coverage of the expenses and passing of the citizenship test – have been greatly simplified. According to Tamas Korsos, Consul General of the Republic of Hungary in Subotica, "If a person can prove the Hungarian citizenship of his or her predecessors, speaks Hungarian at an acceptable level, which means that he or she can write an application and CV, and answer several questions in Hungarian, and if there is no public or national security risk, he or she will obtain Hungarian citizenship".<sup>654</sup>

In Serbia, the new Hungarian law has not provoked tumultuous reactions like in Slovakia, which changed its law under summary procedure, so that everyone who obtains foreign citizenship, except in the case of birth and marriage, will lose Slovak citizenship. Slovak Prime Minister Fico warned the ethnic Hungarian members of Parliament that they would have to return their mandates should they take Hungarian citizenship.<sup>655</sup> In the Serbian print media it was emphasized that Bratislava was anxious over the Hungarian citizenship law, because it regarded it as the

652 "Agošton: Dobićemo autonomiju", *Dnevnik*, 24 April 2010.

653 *Ibid.*

654 "Preci i mađarski jezik uslov za dvojno državljanstvo", *Politika*, 18 September 2010.

655 "Orbanov zakon u Slovačkoj shvataju kao pretnju", *www.blic.rs*.

revision of the Trianon Treaty, and reproached Budapest for trying to create a number of autonomous regions and link them to the home country in order to create "Greater Hungary" through institutional relations with the Hungarians in Slovakia.

Bojan Pajtic holds that there is no reason to expect similar problems in Serbia, since a great number of Vojvodina citizens already have foreign passports: "However, I am afraid of the outflow of educated young people towards the developed EU countries".<sup>656</sup> Bearing in mind Vojvodina's economic lagging, Pajtic's concern is not unfounded. It must be noted, however, that the impact of this Hungarian law, after the abolition of visas for Serbian citizens, will be smaller than it would have been if the amendments to this law had been adopted in 2004. Istvan Pasztor holds that a greater number of Hungarians will not leave Serbia, since those who wished to go have already left. Andras Agoston, whose political party was consistently advocating dual citizenship for Hungarians in the Carpathian Basin for 13 years, holds that the Hungarian passport or, more precisely, evidence of belonging to the Hungarian nation, is the main reason why the people apply for Hungarian citizenship. Apart from sentimental value, the possession of the Hungarian passport also has some practical advantages because, according to him, it enables young people to find employment in the West European countries.<sup>657</sup>

According to some estimates, about 80,000 Serbian citizens of Hungarian ethnicity, but not only of them, will apply for dual citizenship. Otherwise, the applicants must obtain certain documents which, *inter alia*, include the birth certificate. The problem with this certificate lies in the fact that citizens are discriminated against because it is issued only in the Serbian language and Cyrillic script. "Local self-government units", warned Eva Vukasinović, Deputy Provincial Ombudsman in charge of national minorities, "do not issue bilingual birth certificates, as stipulated by

656 "Mađari ne žele da napuste Srbiju", *www.vojvodina.info*.

657 "Vojvođanski Mađjari imaju izražen nacionalni identitet", *Nacionalni gradjanski*, 12 January 2011. It is estimated that some 80,000 Vojvodina Hungarians will apply for dual citizenship and that it will take about five years for all of them to obtain it.

law".<sup>658</sup> There is also the problem with the use of personal data, since there were cases that the names were written in Cyrillic.

One issue on whose settlement the representatives of Vojvodina Hungarians have been insisting for two decades, is related to the change of the boundaries of the administrative districts. Namely, in 1992, three municipalities – Ada, Kanjiza and Senta – were assigned to the North Banat District, which does not suit the interests of the citizens of these three municipalities. Instead of solving their administrative problems in Subotica, since these three municipalities gravitate towards it, they are forced, according to I. Pasztor, to travel to distant Kikinda, which is the district centre. In the first quarter of the year, the councillors in the Kanjiza Municipal Assembly requested from the Government once again to change the decree on administrative districts. Although similar illogical solutions can be found in other districts, this issue has been open for a long time already. The conservative part of the public suspects that underneath the revision of the boundaries of the district lies the aspiration of Hungarians for ethnic autonomy because, if their requests are fulfilled, the number of Hungarians in the North Banat District will double, while the number of Serbs will only slightly increase.

## The Status of Vlachs/Romanians

Thanks to their number, level of organization and influential cultural and political elite, the problems faced by Vojvodina Hungarians find their way to the media in the majority language. However, this cannot be said for the problems faced by Vlachs/Romanians in eastern Serbia. In December, the *Centre for Civil Society Development* (CRCD) called public attention to the censoring of information related to the (non-)realization of the rights of this minority. In the statement made by the CRCD it

658 "Izvodi iz matičnih knjiga 'zaboravili' manjinske jezike", Dnevnik, 15 January 2011. According to her, the Ministry of Public Administration and Local Self-Government has issued the instruction to regulate the format of application form, with the information requested printed in a minority language on its back, which is contrary to law. The law stipulates that the text should be written first in Serbian and then, using the same letter style and size, in the language of the relevant minority.

is emphasized that none of the Serbian media carried the agency news that the Romanian Ambassador in Belgrade submitted a protest note to the Ministry of Foreign Affairs due to the unequal treatment of the Romanian national minority in Banat and Timocka Krajina, so that Serbian citizens were not informed about the protests staged in front of the Serbian Embassy in Bucharest. In an interview with *Timocpress*, Romanian Ambassador to Serbia Ion Macovei said that “there is one problem which is unpleasant for our partners in Serbia”, and the problem is that all “those who declare themselves as Romanians should be accepted as such and should enjoy the same rights as Serbs in Romania”.<sup>659</sup> The problems related to the realization of religious rights,<sup>660</sup> information dissemination<sup>661</sup> and introduction of the Romanian language in schools (where this is feasible), as well as the cases of intimidation<sup>662</sup> were presented to the delegation of the Parliamentary Assembly of the Council of Europe, which met with the leaders of Vlachs/Romanians and National Council members, as well as the members of the Romanian Parliament in early December.<sup>663</sup> In late April, Titus Corlatean, Chairman of the Foreign Affairs Committee

659 *www.timocpress.info*.

660 At the end of the year, the Vlach Democratic Party of Serbia (VDSS) sharply protested because of the attempt to demolish the bell tower of the Romanian Orthodox Church in the village of Sipikovo and the campaign against the building of the church, which was conducted in the village. The officials of the Zajecar Municipality claim that the church was illegally built on agricultural land and not on construction one.

661 In October, Predrag Balasević, leader of the VDSS, asked the question why TV Bor cancelled its show “Perspektive” (Perspectives). He pointed out that TV Bor, as a municipal public service, was also obliged to broadcast programmes in minority languages.

662 In April, the police interrogated citizens whether they had registered as voters in the voters’ list of the Vlach minority, whether they were members of a Vlach political party and which one, and whether they knew in what country they lived. At the press conference, Miletic Mihajlovic-Tica, who lead the list of the citizens’ group “Vlachs for Serbia – Serbia for Vlachs”, tried to deny intimidation claims, stating that, at the order of the Higher Prosecutor’s Office, the police contacted citizens, since it was suspected that many applications for registration in a separate voters’ list were falsified.

663 The representatives of the Ariadne Filum Cultural Association and Romanian Democratic Party of Serbia talked about their problem with the members of the Romanian Parliament.

of the Romanian Senate, submitted to the Parliamentary Assembly of the Council of Europe the draft of the declaration on the status of the Romanian minority in Serbia, condemning the Serbian authorities for making an artificial difference between Romanians and Vlachs as if two different identities were in question.<sup>664</sup> Romanian President Traian Basescu stated that the year 2011 would be “the year of Romanians”, that, within the scope of its foreign policy, Romania would take into account the needs of Romanians living outside their home country and would ask for the recognition of the Romanian minority status to Vlachs.<sup>665</sup>

Last year, the Ministry of Human and Minority Rights stated that the Romanian state’s representatives should not exert pressure and impose Romanian national identity on the Vlach population. In May 2010, Miletic Mihajlović, a member of Parliament and the Chairman of the Interethnic Relations Committee in the Serbian Assembly, stated that the Vlach National Council was pro-Romanian oriented, that its basic aim was to convert Vlachs living in this area into Romanians and that such policy was mostly pursued by the Vlach Democratic Party of Serbia (VDSS), led by Predrag Balasevic.<sup>666</sup> On the other hand, Balasević emphasizes that Romanians and Vlachs are the same people, that they have the same language and serious problems. According to Dusan Prvulović, Chairman of the Human Rights Committee in Bor, the problem lies in the fact that “Belgrade likes to separate people. So, it separated Bunjevci from Croats, and Egyptians and Ashkalia from Muslims, and this is what it is also doing with us. Vlachs are simply Romanians”. According to the latest census, says Prvulović, there are about 4,000 Romanians and about 40,000 Vlachs, while the correct figure is 200,000. “I am afraid that the forthcoming census will not present the real data either and that the people will be afraid. It does not suit Belgrade to recognize Vlachs as Romanians, since that would internationalize the problem”.<sup>667</sup> However, if Serbia does not wish

664 Petar Antic, Deputy Minister for Human and Minority Rights, denied that the authorities or his Ministry exerted any pressure.

665 “Basescu: Priznavanje statusa rumunske manjine za Vlahe”, *www.kurir-info.rs*.

666 “Vlahe bi u Rumune”, *www.novosti.rs*.

667 “Rumuni i(li) Vlasi koče put Srbije ka EU”, *www.smedia.rs*.

to present the Vlach/Romanian problem before international forums, this will be done by Romanian Euro-parliamentarians, who criticize Serbia for violating the rights of the Romanian national minority. So, in 2009, Cristian Silviu Busoi told the Foreign Affairs Committee of the European Parliament that Serbia respected the religious rights of Romanians only in Vojvodina, but not in Timocka Krajina, while Catalin Chirita requested the undertaking of urgent measures to protect the rights of the Romanian minority in eastern Serbia, especially in the sphere of education, use of the native language, recognition of cultural identity, religious rights and political representation on a proportional basis.<sup>668</sup>

The Vlach National Council was constituted in the Bor Municipal Assembly Hall in June. Its Chairman became Radisa Dragojević. The web portal of the Council (at the time of writing this report) was under reconstruction, but on the Internet one can find the *Declaration on the Realization and Advancement of the Rights of the Vlach National Community*,<sup>669</sup> with Dragojević's signature underneath. The Declaration emphasizes that Vlachs do not accept a sign of equality between them and any other entity, that nobody has the right to put pressure and impose another national identity, that affiliation to a national minority is based on one's choice and that the Vlach National Council respects the citizens' right to choose their national identity – those who consider themselves Romanians have the right and possibility to realize their rights through the Romanian National Council and the same applies to those who care about their Vlach identity. The Declaration emphasizes that the Vlach National Council will work on the standardization of the Vlach language and that the official language of Vlachs will be the Serbian language until the completion of the standardization, while the Vlach language will be used in electronic media for informative purposes and on other occasions if necessary. This approach could cause great problems and lead to the aggravation of the relations among citizens who declare themselves as Romanians or Vlachs, as well as to a slowdown in Serbia's accession to the EU due to Romania's resistance. In early November, the meeting of the National Council was not

668 "Rumunski evroparlamentarci: Vlasi su Rumuni", Dnevnik, 26 April 2009.

669 <http://vlasi.rs.deklaracija>.

successful, since the Serbian authorities referred to sharp reaction from Bucharest due to a change in the Statute of the Vlach National Council replacing the Romanian literary language with the Serbian language until the completion of the standardization of the Vlach language.<sup>670</sup>

It should be noted that by its Resolution of 2008 the Parliamentary Assembly of the Council of Europe called on the members of the Vlach and Romanian minorities to surpass their internal differences and asked the Serbian authorities to undertake necessary measures so that Vlachs/Romanians in eastern Serbia could obtain the same rights as those enjoyed by Romanians in Vojvodina.

### **Albanian National Council**

This year, the Albanians also joined the “club” of the minorities that have their national councils. Truly, not all Albanian political leaders held that the National Council was needed or that their National Council representatives should be elected by direct elections. Despite the efforts of the CSCE Mission and British and American Embassies, the position of the Albanian Democratic Party (DPA) has not changed. Its leader, Ragmi Mustafa, has remained stuck to his opinion that the problems of the Albanians living in southern Serbia cannot be solved through the National Council and that a separate voters’ list cannot be relevant, since most Albanians work temporarily abroad, so that only one third will be registered in it. The Democratic Union of the Valley (DUD), the coalition partner of the DPA in Presevo, supported electoral elections instead of direct vote by the people. Such a position of his political rivals has been interpreted by Riza Halimi, leader of the largest Albanian political party – Party for Democratic Action (PDD), as being in favour of narrow interests and fear of losing a monopoly in the Presevo municipality. The members of Halimi’s political party warned the public that the Presevo municipal authorities obstructed the preparation of separate voters’ lists by refusing to register citizens in it. “Since the local self-government bodies only perform their job”, said Saip Kamberi, President of the Bujanovac Municipality, “we will

670 “Neuspeo sastanak Nacionalnog saveta vlaške nacionalne manjine”, *www.timicpress.sr*.

ask the Ministry of Human and Minority Rights to do that.<sup>671</sup> The claims about the obstruction of the preparation of this list was denied by Skender Destani (DUD), who stated: “We strictly obey the law which stipulates that the voter must come either personally to the municipality, or register to vote by mail. We do not accept the registration through a third party, which is practiced by the PDD”.<sup>672</sup> Despite these problems, the voters’ list was prepared and Riza Halimi’s list won the majority of votes.

“We supported the constitution of the National Council at direct elections because, in our view, the National Council so elected would have greater legitimacy and thus would contribute to a more efficient solving of many problems in talks with the government,” said Galip Beciri, Chairman of the National Council of Albanians. “Although the problems in three municipalities in southern Serbia surpass the competences of the National Council, its role in the areas of utmost significance for the preservation of the identity of the Albanian minority should not be underestimated,” said Beciri. He reproaches the authorities for ignoring the education problems and failing to sufficiently meet the educational needs of the Albanian community. During their December protest in Presevo, Albanian pupils and students also pointed to one of those problems – the non-recognition of diplomas from the Priština University. Namely, about 1,000 young Albanians from Bujanovac, Presevo and Medvedja study at the Priština University. However, after completing their studies they cannot find employment in Serbia because the authorities do not recognize their diplomas. The protest, which was staged by the Human Rights Committee, was attended by some 3,000 pupils and students and ended without any incident.<sup>673</sup> The protesters sent a letter to Catherine Ashton, EU High Representative for Foreign Affairs, asking her to have Brussels mediate between Belgrade and Priština so as to accelerate resolving the relationship problems between

671 “Nacionalni savet posvađao albanske stranke”, *Politika*, 4 March 2010.

672 *Ibid.*

673 During the protest, its participants passed by big billboards depicting the “diploma” of the Minister for Local Self-Government and Head of the Coordinating Body, Milan Marković, and where it was written that he completed his studies in the violation of human rights at the 5 October University with success (10).

Belgrade and Priština. Committee Chairman Belgzim Kamberi stated that the aim of the protest was to point to the diploma problem, which could not be solved for several years already. "The Government violates the human rights in Presevo, Bujanovac and Medvedja... We hold", says Kamberi, "that we should not be the hostages of the policy towards Kosovo and the relations between Serbia and Kosovo".<sup>674</sup> The requests of young Albanians were supported by 37 non-governmental organizations from Serbia, which pointed out in their statement that "solving the diploma problem should be the priority of the Serbian Government, irrespective of the negotiations between Belgrade and Priština, since the right to education is not a political issue. It is the basic human right and one of the minority rights guaranteed under the Serbian Constitution and international standards".<sup>675</sup>

Apart from the education problem, the inhabitants of southern Serbia also encounter economic problems. The narrow prospects – the rate of unemployment in Bujanovac and Presevo is over 70 per cent – have made many young Albanians the victim of skillful manipulators who promise them political asylum in one of the European countries (Belgium, Sweden, etc.) for a certain amount of money. There are no reliable data on the number of young people who have been taken in by the story about political asylum, so that the figures vary from five to ten thousand. The European Commission and the Belgian authorities have addressed the asylum problem and warned that the mass arrival of people from southern Serbia and northern Macedonia in Belgium could endanger the visa-free regime introduced in late December.<sup>676</sup>

Wishing to get their travel documents easier and use the possibilities offered by visa liberalization, a number of Kosovo Albanians registered at

674 "Albanci traže da im Vlada Srbije prizna diplome", Kurir, 10 December 2010.

675 "NVO traže priznavanje diploma", [www.jugpress.com](http://www.jugpress.com).

676 "Između pet i deset hiljada ljudi traži azil", Dnevnik, 28 February 2010.

According to this daily newspaper, the Bujanovac police station broke all records in terms of the number of new personal documents issued because within a little less than one year (since the beginning of the issuing of biometric passports), almost 30,000 identification documents were issued, which was not done in any other police station in Serbia having the size of Bujanovac.

fictitious addresses in Serbia not only with the help of citizens, but also with the help of policemen. Interior Minister Ivica Dačić has confirmed that several police officers had been detained on the grounds for suspicion that they had abused their position by enabling a number of Albanians to obtain new Serbian passports.<sup>677</sup> Dačić has confirmed that all falsified documents will be cancelled and that the Merosina municipality is only one of such cases. So, 11,000 Albanians have registered Medijana, the central city municipality in Nis, as their place of residence. However, the police inspection has confirmed that it is not the question of fictitious addresses, since in almost all cases police officers have found Albanians at the given addresses.

According to Riza Halimi, "The Serbs in Kosovo and the Albanians in Serbia are some kind of hostages of their political elites".<sup>678</sup> If they want a better life, the Serbs and Albanians must seek security not in closing themselves within the ethnical framework, but in opening and promoting economic relations, development of entrepreneurship and trade and mutual commercial cooperation. The more time passes, warns Rexhep Iliazi, who is in charge of small business development in Bujanovac, Medvedja and Presevo under the SCOPE project, the more Serbia will lose the Kosovo market, considering the fact that companies from Slovenia, Croatia, Bosnia and Herzegovina, Turkey and Albania are establishing themselves on that market at an accelerated pace. In Serbia, says Iliazi, there are products (by Imlek, Bambi, Knjaz Milos) in which there is interest in Kosovo. Nexhat Behluli, owner of the Elhan Commerce Company, also holds that business and trade can ensure Serbia's presence in Kosovo.<sup>679</sup> He emphasizes that Serbian businessmen will be eliminated from the Kosovo market by market laws if they behave like Serbian politicians. Behluli also holds

677 "Uhapšeni policajci u Merošini", *www.juznevesti.com*.

678 Presevo Mayor Ragmi Mustafa holds that the Serbs in Kosovo are in a better position than the Albanians in Serbia, since they can put up the Serbian flag and receive two salaries, one from the Serbian Government and the other from the Kosovo Government. Stojanka Petrović, a G17 member of Parliament, holds that Kosovo Serbs are in a much worse position. They have lost their jobs, which have been taken by Albanians. "Srbi na Kosovu Albanci u Srbiji – sličnosti i razlike", *www.vranjske.co.rs*.

679 "Blizina sa velikom i štetnom razdaljinom", *Danas*, 7/8 August 2010.

that there are sectors in which Serbia and Kosovo can cooperate successfully – the production and sale of food products, metal industry, civil engineering and building construction, sale of building materials and the like. The facts that Serbian brands (such as Plazma biscuits, Toza Marković roof tiles, etc.) are well known in Kosovo and that, due to its vicinity, the transportation costs are lower, these sectors are very convenient for cooperation<sup>680</sup> At this moment, it is not clear what price the Serbian economy is paying due to its wrong policy, but it is clear that time for Serbia's positioning on the Kosovo market is slowly running out. According to Behluli, Albanian businessmen from southern Serbia can play a very positive role in the establishment of economic cooperation.<sup>681</sup>

In his diary, kept for the daily newspaper *Danas*, Nexhat Behluli, owner and editor-in-chief of RTV *Spektri* from Bujanovac, wrote about the meeting organized by the List for Natural Albania in Tirana.<sup>682</sup> Behluli holds that, in contrast to the media in Albania, the Serbian media devoted much attention to this meeting.<sup>683</sup> The interest of the Serbian media in this meeting is partly derived from the fact that it was also attended by some local Albanian politicians (Ragmi Mustafa, Ionuz Musliu and Orhan Rexhepi), who supported the ideas of the List for Natural Albania. In this connection, it was heard from the Republican Prosecutor's Office that it would investigate the whole case, while Dragan Marković Palma, leader of the United Serbia party, stated that everyone posing a threat to the country's

680 Ibid.

681 Ibid.

682 The List for Natural Albania calls on the international community to redress the injustice inflicted on Albanians in 1913 and enable them to live in a state which will encompass the parts of Serbia, Montenegro, Macedonia and Greece. The List for Natural Albania announced that it would take part in elections in all countries and regions where there are Albanians.

683 "The Serbian media and Prosecutor's Office should not deal with these people, because that is exactly what they wish", wrote Behluli. "We the Albanians should deal with them, because they inflict the greatest damage just to us the Albanians; they bring harm to us and present our municipalities as being instable, unsafe and problematic. For this reason, not one domestic or foreign investor will come here".

integrity and sovereignty should be arrested under summary procedure.<sup>684</sup> Tomislav Nikolić, leader of the Serbian Progressive Party (SNS), shares his opinion: the state should react to any behaviour that is contrary to the Constitution and arrest all those whose rhetoric is anti-Constitutional.<sup>685</sup> In contrast to the mentioned two conservative politicians, Cedomir Jovanović, leader of the Liberal Democratic Party, holds that everyone has the right to express his or her opinion and that, instead of growling at every statement we do not like, we should ask ourselves why something like that is happening. Jovanović has pointed out that in Serbia there is also a monarchistic movement, but there are no reactions similar to those in the case of Mustafa or Mufti Zukorlić.<sup>686</sup> In the opinion of member of Parliament Riza Halimi, one should not attach greater significance to the statements given by the mentioned politicians at the meeting of “absolute enthusiasts” in Tirana, because it was the question of rhetorical exhibitionism and political marketing.<sup>687</sup>

This year, in contrast to the previous years, there was no problem with displaying the Albanian flag. Since the National Council was formed this year, it is expected that it will propose the symbols of the Albanian community. The problem lies in the lack of consensus among Albanians concerning the symbols they should propose. The law stipulates that the symbols and designations of a minority community cannot be identical with those of another state.<sup>688</sup>

684 “Lista za prirodnu Albaniju na izborima u Srbiji”, *www.vesti-online.com*.

685 In Nikolić’s opinion, if some politicians are allowed to behave in an unconstitutional way, then the idea of greater Albania, represents a boomerang: “You have a new political party which says ‘our behaviour is not in conformity with the Constitution, but we will change the Constitution’, as well as Cedomir Jovanovic’s political party which says ‘we will recognize Kosovo’s independence – if that is not in conformity with the Constitution, we will change the Constitution” and he emphasized that all those in Serbia speaking contrary to the Constitution should be arrested. “Nikolić za hapšenje Mustafe i Čede”, *http://srb.time.mk*.

686 Ibid.

687 “Skup o velikoj Albaniji politički marketing”, *Danas*, 5 September 2010.

688 On the Day of the Flag, on 28 November, the Kosovo police arrested in Lipljan the activists of the Self-Determination Movement, who replaced the

The use of symbols is only one issue that must be addressed by the National Council. In solving other problems, the National Council of Albanians could rely on the experience and will for cooperation of other, "older" councils in view of the fact that it is the question of a newly formed institution. The readiness to share its experience was displayed by the Hungarian National Council. "We will acquaint them", said Korhecz, "with our documentation, communication methods, cooperation with local self-government units, ministries and other institutions, so that the Council can 'stand on one's own feet' as soon as possible."<sup>689</sup> Apart from Albanians, past experiences can also be used by members of other minorities, which elected their Council representatives for the first time in June, like Czechs and Slovenes. Vladimir Usic, Chairman of the Slovenian National Council, says that certain forms of cooperation have been established with the Slovak, Hungarian, Ukrainian and German Councils. Laslo Gence Mandler, Chairman of the German National Council, emphasizes that the Council maintains media and cultural cooperation with the Hungarian, Croatian, Slovak, Bunjevci and other National Councils. Aleksandar Necak, President of the Federation of Jewish Communities in Serbia (which has the role of the national council), expressed the readiness of the Council to share its experience with others, as well as its solidarity with the justified requests of all minorities. Necak emphasized that next year the Federation of Jewish Communities would address several important issues – the restitution of Jewish property (on which the survival of the Jewish community depends), antisemitism and the formation of the Memorial Centre at the site of the Old Fairgrounds, a one-time concentration camp where about 7,000 members of this community were killed. From 1944 up to the present, says Necak, not one government felt the need, or displayed its interest in converting this site into a memorial centre, which is the only such case in Europe.<sup>690</sup>

Kosovo flags with the Albanian national ones. A similar incident happened in Djakovica. "Albanci nisu izabrali svoje simbole", Politika, 2 December 2010.

689 "Sedmogodišnje iskustvo putuje na jug", Dnevnik, 2 August 2010.

690 "The authorities do not recognize the benefits from solving the problems to which we are constantly pointing out," says Necak. "Therefore, we

While the representatives of the Jewish community wish to mark the site of the suffering of Jews in a dignified way, the Hungarian and Bosniak representatives ask for an investigation of the crimes committed against the members of their communities at the end of the war and its aftermath against the members of their communities. By agreement between President Tadić and Hungarian President Laszlo Solom, the Serbian and Hungarian Academies of Sciences should set up an independent commission to investigate the events during the 1940s, including both the Novi Sad raid and executions of Hungarians in late 1944 and early 1945. The members of the Hungarian community attach great significance to this interstate agreement. Istvan Pasztor says: "Our aim is to rehabilitate the victims and close this chapter of our joint history, which will be realized when the Serbian and Hungarian Parliaments adopt the joint declaration on the mutual recognition of guilt for the crimes against civilians committed during the Second World War and its aftermath."<sup>691</sup>

In January, Muamer Zukorlić also announced the formation of the Institute for Mass Crime Research in Sandzak. At the forum devoted to the genocide in the Lim Valley and executions at Hadzet, which was held in the Main Hall of the Meshihat, Zukorlić announced that the Bosniak Cultural Community and International University would set up the mentioned Institute in which professors and researchers would thoroughly investigate all details of the genocide committed in Sandzak and thus confirm their intellectual, human and moral freedoms.<sup>692</sup>

have an impression that the vital issues for the survival of our community and some of our legitimate requests are often ignored."

691 This agreement was made at the initiative of the Hungarian political parties in Vojvodina, said Istvan Pasztor. "Srbija i Mađarska da usvoje deklaraciju o zločinima u Vojvodini", *Dnevnik*, 10 January 2011.

692 "Institut za istraživanje genocida u Sandžaku", *www.sandžak-x.com*.

## Roma Still in the Worst Situation

In late January 2011, the word “genocide”<sup>693</sup> was used even when the nutrition of Roma people was in question. Namely, the media informed that the lecturers from the Centre for Sustainable Development in Novi Sad taught Roma from the Bangladesh settlement how to identify leftover food that was safe to eat. This provoked sharp reactions, but the sharpest one came from nutrition expert Ljubomir Pfaf: “Teaching someone how to eat trash is a crime against human health.” He added: “This can be done only by a mentally ill person. This enhances the transmission of contagious visceral diseases with the aim of extermination, which is not only a crime against human health, but also verges on becoming an act of genocide”.<sup>694</sup> The representatives of the Centre for Sustainable Development denied that they had taught the inhabitants of the Bangladesh settlement to eat leftover food from waste bins and claimed that the media information was a construction and an absolute lie, and that Gyula Farkas’s statement was taken out of context and abused.<sup>695</sup> In the statement issued by the Centre it is also emphasized that, during the realization of the project “Safely, Together, for Tomorrow!”, which was concerned with safety and health at work, as well as fire protection in the Bangladesh settlement, the Centre obtained the data that about 70 per cent of its inhabitants ate what they found in waste bins. The Centre appealed that such constructions would not hide the basic problem – the fact that an increasing number of the citizens of Serbia was eating leftover food from waste bins.<sup>696</sup>

Last year, Osman Balic, Coordinator of the Roma Decade League, stated that the crisis hit the most vulnerable first and those were Roma. Of the total number of working-age Roma, only 20 per cent are employed

693 At the protest rally in Bosilegrad there was a sign on which the word “genocide” was also mentioned – “90 years of slavery – assimilation, concentration camps, genocide, murders and down with Neuilly”.

694 “To je genocid nad Romima”, *www.alo.rs*.

695 “Ishrana za održivi razvoj”, *www.e-novine.com*. On TV B92, Gyula Farkas said that the people showed them which leftover food could be taken and what could be eaten.

696 “Sve više građana se hrani iz kontejnera”, *www.mondo.rs*

and more than 60 per cent of Roma families live below the poverty line. Statistics show that there are four times fewer Roma attending school than members of other communities and that 37 per cent of Roma children do not speak Serbian before starting school, which is one reason why so many Roma children are referred to special schools.<sup>697</sup> The attempts to improve the status of this minority during the Roma Decade produced certain results in the fields of health care, employment and education<sup>698</sup>, but this progress is not so great because there are still many other problems. In Balic's opinion, the Ministry of Environment and Spatial Planning has adopted solid laws, but the problem of unhygienic settlements has not yet been solved. He also holds that it is necessary to address the problem of secondary raw materials collectors: "They are unemployed, work under impossible conditions and experience unpleasantness both from citizens and 'law and order' bodies. There are about 8 thousand families in Serbia making their living in such a way. The dominant vocation of Roma people is the collector of secondary raw materials, especially in southern Serbia". If there are no sufficient number of Roma in local self-government units and government institutions after five years of the Decade, says Balic, one can speak about government paternalism and social engineering.<sup>699</sup>

697 "Na dugom putu ka boljem ili Romi u Srbiji", *Danas*, 14-15 August 2010.

698 On 1 February, the Roma National Council warned that the faculty doors remained closed to 121 Roma students, because the budget did not anticipate their financing. The decision to implement affirmative action for Roma admission to the first year of studies at colleges and faculties came into force last year. Many faculty deans did not understand this decision as an obligation but as a recommendation, so that the doors to their faculties remained closed for Roma. ("Romi bez indeksa", *www.novosti.rs*). In this connection, Education Minister Zarko Obradović stated that all Roma on the list of the National Council had been enrolled, and that the problem was caused by the appearance of some Roma who had not been on the list. "Romi ipak na fakultetu", *www.novosti.rs*.

699 *Ibid.* In Serbia, Roma formally have the same rights as Serbs, but the conditions have not yet been created for the realization of these rights on equal terms. According to Balic, the responsibility partly lies with Roma themselves. Roma must change their behaviour and culturological awareness, so that it becomes quite normal for them to manage their communities, replace horses with small trucks and pay their bills. Civil awareness among Roma began to emerge, says Balic, but the National Council bridles it. During the preparation of the voters' list for

As for the government's behaviour towards Roma, it made a mistake in the case of Jabuka, a village near Pancevo. Namely, the murder of one Serb committed by a local Roma underage youth, triggered mass anti-Roma protests. The Jabuka residents were going for several days to the part of the village inhabited by Roma, shouting „Kill Gipsies!“ and „Come out now, you c...s!“, and breaking the glass panes on their houses with bricks and stones. All this was taking place in the presence of the police. Only after four days of letting off steam, the Mayor of Pancevo stated that it was impermissible to use a tragic event for calls for lynching. Fearing for their safety, Roma did not leave their houses for days. The police arrested six youths on charges of provoking unrest and intolerance towards Roma. The provincial officials Sandor Egeresi and Bojan Pajtic condemned violence, while the Committee on Security of the Provincial Assembly convened an urgent session and condemned the lynching attempt. On that occasion, it was also said that the professional police and security services did not make adequate assessments of the risk involved in the protests staged by the peers of the killed youth.<sup>700</sup>

At the beginning of the year, in the part of Pozega inhabited by about 700 Roma, there appeared swastikas on poles, courtyard gates and traffic signs. On one pole there was also the message “Gipsies, get out of Serbia!” Several non-governmental organizations requested a fast reaction from the authorities and clear condemnation of this racist incident by the public. Emphasizing that this accident created the atmosphere of fear and insecurity among Roma, the Regional Centre for Minorities pointed to the

elections by the National Council, it was found that many Roma women had no personal documents, or that those documents were mostly kept by their husbands, as the head of the family. The preparation of the voters' list was very difficult, says Ljuan Koka, because Roma are disintegrated and signed all sorts of papers in the past, so that they are not sure that their signatures will not be abused.

700 “Povećana bezbednost u Jabuci”, Dnevnik, 18 June 2010. The Committee announced that its next session would be held in Subotica and that it was expected from the Subotica police to submit the reports on the attacks in Novo Selo and fights between pupils in Cantavir, with the majority Hungarian population, and those from Backo Dusanovo with the majority Serb population.

need to include hate crime in Serbia's criminal law system, thus discouraging and punishing these and similar criminal acts.

Apart from the above mentioned, there were also some other incidents. So, for example, the kiosk owned by Samet Garipi, a Gorani man from Sombor, was set on fire. Garipi was already attacked by chauvinists in 1999. Namely, at the beginning of bombing, his kiosk was set on fire, but the perpetrators were never discovered.<sup>701</sup> In mid-December, the lights in the courtyard of the Catholic Church in Roma were broken. Last year, the statue of the Blessed Virgin Mary was also broken. The perpetrators were also not discovered.<sup>702</sup> The Civil Vojvodina Coalition of NGOs has reminded the public that the incident took place just two days after the Constitutional Court declared itself incompetent to ban extremist soccer fan groups, which was evidently understood by extremists that they could continue with similar behaviour. In July, at Zeleni Venac and in Knez Mihailova Street in Belgrade there appeared the poster with the inscription "Happy 11th of July, Srebrenica's liberation day".<sup>703</sup> In August, the state flag on the Desanka Maksimović Elementary School in Novi Pazar was burned.<sup>704</sup>

701 "Ponovo šovinistički incident u Somboru", *www.autonomija.info*. In Sombor in 2011, several incidents took place – on two occasions on the building of the Jewish Municipality there appeared the graffiti "Dafina, Sami, Zarko Korac...All Jews!" and then "Six million more!" including two swastikas. On a car parked near the Municipality there appeared the crossed Star of David and the message: "Death to Zog". In the Roma settlement anti-Roma graffiti were also written. "Jevrejska opština ponovo meta", *www.soinfo.org*.

702 "Polupani reflektori – vandalski čin", *Dnevnik*, 13 December 2010.

703 "Kazniti veličanje genocida", *www.b92.net*.

704 "Novi Pazar: Trojica uhapšena zbog paljenja zastave Srbije", *www.vesti.rs*. In September, Muamer Zukorlić's supporters clashed with the police. This was the escalation of tensions over the plot on which the municipal authorities started to build a kindergarten. The Islamic Community in Serbia (IzuS) claims that the kindergarten is being built on an Islamic endowment site, while the municipal officials claim that the disputed plot is owned by the city. The Meshihat of the Islamic Community called the believers to stage a protest on the disputed plot, but they were prevented by the police. On that occasion, the protesters were verbally insulting and throwing roof tiles and stones at the police.

## Common Problems: Fear of Assimilation

On the building where of the Democratic Alliance of Croats in Vojvodina (Subotica) someone wrote the graffiti "Get out of Serbia".<sup>705</sup> Unknown perpetrators broke the windows and destroyed the window blinds on the building of the Institute for the Culture of Vojvodina Croats.<sup>706</sup> The incident happened a few days before the arrival of the Serbian and Croatian Presidents in Subotica in order to attend the 20th anniversary of the Democratic Alliance of Croats in Vojvodina. On that occasion, both Presidents expressed their readiness to help solving the problems and preserving the identity, culture and tradition of Vojvodina Croats. Referring to the past twenty years, DSHV President Petar Kuntic said that Vojvodina Croats experienced tough times and that they always stood by democratic forces: "The DSHV has now also assumed the responsibility for the National Council of Croats and is convinced that we all will do whatever is efficient and can fulfil all tasks specified by law".<sup>707</sup>

705 "Uvredljivi grafiti u Subotici", *www.b92.net*.

706 "Kamenice na Zavod za kulturu vojvođanskih Hrvata", *Danas*, 10 July 2010. The fact that Croatian picture books and DVDs are sold in Serbia served Dragoljub Zbiljic, President of the Executive Board of Cirilica (the association for the protection of the Cyrillic alphabet), to claim that Serbia was experiencing pure colonization over the Serbian language, especially the script. "Skandal: U prodavnicama se prodaju slikovnice za decu na hrvatskom jeziku", *www.pressonline.rs*. The Orthodox feasts in Vojvodina were used once again for the spread of nationalist hysteria and hatred. So, a group of hooligans in Subotica was insulting the members of other nationalities and was singing: "Hungarian woman, prepare some salad, there will be meat – we will slaughter Croats!", "Verski praznici iskorišćeni za širenje nacionalne mržnje", *www.autonomija.info*. On this occasion, the Institute for the Culture of Vojvodina Croats and National Council of Croats sent a joint letter to the Subotica Mayor, requesting the condemnation of this event, as well as taking appropriate legal action. At the meeting of the President of the Vojvodina Parliament, Sandor Egeresi, and Interior Minister Ivica Dačić it was stated that the number of ethnically or religiously motivated incidents in Vojvodina was increasing for the third consecutive year and that most of 70 incidents were verbal and not physical. "Međunacionalna stabilnost Vojvodine važna za Srbiju", *Dnevnik*, 2 October 2010.

707 *Ibid.* At the National Council elections, the DSHV list won a majority of votes and lawyer Slaven Bacic was elected Chairman of the DSHV. The members of the Croatian community elected their Council by the electoral assembly.

According to Slaven Bscic, it is not always easy to implement something that is stipulated by law due to the lack of will on the part of authorities, which often hold that the job is done once the regulations are adopted. He also points out that, insofar as education is concerned, the National Council of Croats will take an effort to provide textbooks in the Croatian language and Croatian-speaking teaching staff, and that it will work on the popularization of the Croatian language with the elements of national culture as a subject and the formation of the Croatian School Centre in Subotica. Insofar as information dissemination is concerned, the efforts of the National Council of Croats will be geared towards beginning the broadcasting the programme on the Croatian language on provincial radio, while in the field of culture it will be attempted to expand the rights of the members of the Croatian community as well as the facilities needed for successful work.

Like Croats, the members of the Macedonian minority have also elected their Council by the electoral assembly. However, in contrast to Croats, they elected their Council only in the third round, because the first two electoral assemblies were not attended by the sufficient number of electors.<sup>708</sup> When the results of the last two censuses are compared, it becomes evident that the number of Macedonians is dramatically declining and that it has almost halved. "We try to prevent assimilation", says Borce Velickovski, Chairman of the National Council. He points out that the great problem is posed by the officials' neglect and ignorance of regulations: "It happens that the names are not written according to the orthographic rules, or that the FYRM is written as the place of birth, although Serbia has recognized Macedonia under its constitutional name – Republic of Macedonia."<sup>709</sup> Apart from the provision of institutional assumptions

708 The Ministry has found the way out of the stalemate position in the verification of the additional number of electors, which was opposed by Gojko Ilijevski, President of the Macedonian community in Serbia, who claimed that the procedure was illegal. Jan Szabo, State Secretary in the Ministry of Human and Minority Rights, said that there was no illegality and that Macedonians should be given the third chance to elect their Council. "Ponavljanje izbora za makedonski nacionalni savet", *Danas*, 28-29 August 2010.

709 "Isti ljudi a drugačiji", *Danas*, 23-24 October 2010.

for the preservation of national identity, says Velickovski, it is necessary, given the forthcoming census, to work on the elimination of fear that Macedonians will face negative consequences if they declare their identity. The Macedonian language is in official use in the local communities of Jabuka and Duzine – the first is in the municipality of Pancevo and the other in the municipality of Plandiste – and the aim of the National Council is that the Macedonian language is in official use in the entire territory of these municipalities.<sup>710</sup>

In July, the Krstas Association of Montenegrins in Serbia launched an initiative for the Montenegrin language to become official. Although they have not constituted their National Council, said Petar Antic, Deputy Minister for Human and Minority Rights, Montenegrins have the right to use their language and script on terms of equality, which is decided by local self-government units. Montenegrins first launched this initiative in Mali Idjos and then in Kula, Vrbas and Subotica. The Mali Idjos municipality changed its statute and the Montenegrin language was introduced in official use. According to Karol Pal, Mayor of Mali Idjos, the next step is to set up a commission – together with the Provincial Secretariat for Administration, Regulations and National Minorities – which will qualify Montenegrin translators, who will work in the municipal administration and courts falling within the competence of Mali Idjos.<sup>711</sup>

Over the past years, the language issue in Vojvodina has been increasingly actualized, not so much in terms of identity, but in terms of communication. In Subotica, the official languages are Serbian, Hungarian and Croatian, but young people most often communicate in English due to their poor knowledge of the language of their neighbours.<sup>712</sup> Therefore, the Municipal Council for National Minorities decided to support the initiative of the Municipal Assembly to (re)introduce the language of the social environment in schools.<sup>713</sup> The Municipal Assembly launched this

710 Ibid.

711 "Zamrznut crnogorski rečnik", Večernje novosti, 27 December 2010.

712 "Jezik sredine treći izborni predmet", Dnevnik, 24 July 2010.

713 The language of the social environment was taught in schools in Vojvodina until 1992, when the responsibility for preparing the curriculum

initiative and sent such a proposal both to the Republican Ministry of Education and the Provincial Secretariat for Education two years ago. The response of the Ministry has not been received, while the Provincial Secretariat has supported this initiative in principle.

Ljubica Kiselicki, Deputy Mayor for Education, stated that the mentioned initiative was launched at the request of “many parents who think that it is necessary and useful for their children to know the language of the environment in which they live because, inter alia, it will be easier for them to find employment. If one can learn German and English... why can't we learn the languages spoken in our town. It is ridiculous that our children communicate in English.”<sup>714</sup> Edita Sos, Principal of the Medical Secondary School in Subotica, holds that there is a need for this teaching subject, because it is difficult to learn a language if there are lessons twice a week.<sup>715</sup>

The syllabi are often obsolete, boring, uninteresting and with a lot of grammar, so that pupils lose their interest in learning the majority language. In addition, the curriculum has been prepared for all and does not take into account local conditions. The same teaching material is anticipated for pupils in Novi Sad and Senta, although the dominant language of communication in the former is Serbian and in the latter Hungarian.<sup>716</sup> A few years ago, in order to deal somehow with this problem, the Hungarian National Council provided funds for the complementary teaching of Serbian for pupils who attend Hungarian-language schools,<sup>717</sup> but this is not sufficient. Four years ago, the Pedagogical Institute of Vojvodina proposed the new curriculum for Serbian as a second language, which anticipates different syllabi, depending on local circumstances, as well as new teaching methods. In accordance with the law on competences, the Province may adopt the curricula and syllabi for specified subjects of interest

was transferred from the provincial to the republican level.

714 “Komuniciranje”, *Danas*, 25-26 December 2010.

715 *Ibid.*

716 „Koliko se razumemo: JO NAPOT ŽELIM”, [www.autonomija.info](http://www.autonomija.info).

717 *Ibid.*

for minorities, in agreement with the competent minister.<sup>718</sup> As things now stand, until such agreement is reached, young people will overcome language barriers using a third language. By adopting English as a medium of communication with the neighbours, they demonstrate, according to journalist Jan Briza, that they are linked to a greater extent by globalization values than by those stemming from the local environment. Moreover, if one bears in mind that Vojvodina is increasingly economically lagging and that a large number of young people see their future in the EU member countries and America, then the question that logically imposes itself is why we have to learn the languages of our neighbours.<sup>719</sup>

### **The Implementation of the Anti-Discrimination Law**

In Serbia, the Anti-Discrimination Law was adopted in 2009, while the first commissioner for the protection of equality was elected in 2010. There were several reasons that influenced the adoption of this law, including the fact that discrimination in Serbia established itself as non-problematic behaviour, both among individuals and in the media, public institutions and the legislative branch of power. This report contains the already mentioned discrimination cases related to the election of the Bosniak National Council, that is, the acquisition of the documents required for obtaining the citizenship of neighbouring Hungary. There are also some other cases that are worth mentioning. In Zrenjanin, a number of institutions – the National Theatre, the Museum, the Directorate for Town Planning and Construction, the Preschool Education Institution and the public utility companies – Vodovod i kanalizacija (Water Supply and Sewerage), Čistoća i zelenilo (Waste Disposal and Parks) and Pijaca i parkinzi (Market and Parking Lots) – turned a deaf ear to the recommendation of the City

718 "Koliko se razumemo: JO NAPOT ŽELIM", *www.autonomija.info*.

719 "Zašto neki Novosađani ne znaju dobro srpski", *Danas*, 12 January 2010. Pointing to the bleak perspectives of Vojvodina multiculturalism, Briza emphasizes that multiethnic, multicultural and multiconfessional Vojvodina, of which local politicians boast before their counterparts from the EU, does not exist for a long time.

Ombudsman to put up name boards in the minority languages that are in official use in Zrenjanin.<sup>720</sup>

City Ombudsman Trajan Parkarican has lodged a complaint against the Ecka Local Community due to discrimination, because the name of the Ecka Cultural Centre is written in the minority languages with different and smaller letters than those used to write its name in Serbian. The Basic Court in Zrenjanin has determined that the Local Community acted in a discriminatory way in relation to the members of Slovak, Hungarian and Romanian national minorities and ordered the removal of the existing board and its replacement with another one. Pankarican emphasizes that the decision of the Basic Court in Zrenjanin is the first decision in Serbia which has been brought under the Anti-Discrimination Law.

Due to hate language, the Anti-Discrimination Coalition condemned the hate language of Metropolitan Amfilohije Radović vis-à-vis the members of the LGBT population. While speaking to the audience in the village of Klinci near Lustice, Radović called LGBT persons “the stench of Sodom”, “ungodded and perverted” and “plague”. Moreover, instead of calling for peace and love, Metropolitan Radović tried to justify the violence of right-wing associations.<sup>721</sup> In March, the Centre for Civil Society Development warned the public that Minister Čiplic erased one minority arbitrarily from the composition of the population in this country and asked who would be next tomorrow? Namely, Minister Čiplic stated at the press conference that Yugoslavs could not have the status of a national minority, since they had no language, script and literature. The CRCD points out that the Yugoslavs have their language – Serbo-Croatian or Croato-Serbian, two scripts – Cyrillic and Latin, and superb literature written in that language. In the CRCD statement it is also emphasized that the Minister’s behaviour casts serious doubts on his competences and intentions, while at the same time exposing the Yugoslavs to ridicule and scorn, to which no other minority community is exposed.

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720 “Nekima je dovoljno i na srpskom”, Dnevnik, 16 July 2010.

721 The statement issued by the Anti-Discrimination Coalition concerning the hate language of Metropolitan Amfilohije Radovic.

While acting upon the case of the Bosniak National Council, Nevena Petrusic, Commissioner for the Protection of Equality, has determined that an unjustified difference was made in the case of Bosniaks, since the requirements set for them were not applicable to other minorities.<sup>722</sup> This provoked the justified anger of the Bosniak Cultural Community and the Bosniaks who supported Mufti Zukorlić, which led to the requests for Minister Čiplić's replacement.<sup>723</sup> Over time, these requests for his replacement multiplied and very soon Svetozar Čiplić was the minister whose resignation was most frequently requested by the public.<sup>724</sup> Finally, his closest associates, like Marko Karadžić and Petar Antic, also turned against him. Antic left the Ministry calling on the Government to replace his former superior.<sup>725</sup> Similar requests were submitted to the Government on a number of occasions, but it consistently ignored them, leaving them to skillful spin masters to "immerse" them and stultify them in demagogical narratives about government reshuffle. In that context, it was also mentioned that the Ministry of Human and Minority Rights could be abolished or, more precisely, integrated with some other ministry. Should the Ministry of Human and Minority Rights be abolished due to the irresponsibility of its Head, that would be just another proof that the Government does not

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722 Svetozar Čiplić responded that the commissioner for the protection of equality was not constituted in a legal sense, because the rules of procedure on his or her work were not adopted, so that Nevena Petrusic could not act upon the case of the Bosniak National Council or other cases. "Za Bošnjake važila drugačija pravila", Dnevnik, 24 August 2010.

723 At the end of the year, Minister Čiplić stated that he did not see any reason why he should submit his resignation, since everyone engaged in politics had the right to request a resignation and that he did not see any reason why he would do that.

724 Apart from Bosniaks, Minister Čiplić's resignation and replacement were also requested by numerous non-governmental organizations and political parties. Due to the situation in Sanzак, the Liberal Democratic Party (LPD) insisted on his resignation. If he retains his current position, Čiplić will be the only participant in the run-off elections in Sandzak, said LDP President Cedomir Jovanovic.

725 "I hold that the Ministry of Human Rights brings more harm than good to human rights and that Minister Čiplić should be replaced. I take this opportunity to call on the Government to do that, because Minister Čiplić's actions endanger the aims of the Government..." "Ne želim da budem simbolični Rom u ministarstvu", Blic, 28 January 2011.

have any minority policy strategy. In a situation when the members of (Bulgarian,<sup>726</sup> Vlach, Roma, Bosniak and other) minorities point to difficulties in the realization of their rights and when they try to arouse the interest of the international community through internationalization, the abolition of this ministry would cause more harm than good.

The scheduling of new elections for the Bosniak National Council could be an introduction to an even more severe political crisis in Sandzak. The formation of parallel councils, which dispute legitimacy to each other, will only deepen the divisions between Bosniaks and recruit new supporters for Zukorlić, while the relations with Belgrade will reach fever pitch. On the other hand, this leads to a complete distortion of the role of the national council which would, at least in one case, overstep the legal bounds of its role and turn from the body of cultural self-government into a general political representative body.

The behaviour of the Serbian political elite is irresponsible, to say the least. The Government keeps a blind eye to the fact that the minority policy in Sandzak has failed. Zukorlić is not the only one who states that the rights of Bosniaks are seriously endangered. The same is claimed by his opponents from the "old" Bosniak National Council.<sup>727</sup> The infantile statements that justify ignoring a call for dialogue seriously affect the Government's credibility and authority of the President of the Republic, of whom

726 In November, the Democratic Alliance of Bulgarians in Serbia staged a protest in Bosilegrad in order to turn the attention of the Serbian, Bulgarian and international public to the difficult position of Bulgarians in Serbia. The speakers were Ratko Stojancev, Chairman of the Municipal Board of the Democratic Alliance of Bulgarians in Bosilegrad, and Ivan Nikolov, President of the Cultural-Information Centre in Bosilegrad. They said that the members of the Bulgarian national minority were living in extremely difficult economic circumstances, that their national rights in the fields of education, culture, protection of cultural and historical monuments and religion in their native language were jeopardized. The DSB is supported by the Bulgarian right-wing party Ataka, whose members wished to take part in the protest, but were not allowed to enter Serbia. Therefore, the Bulgarian Embassy in Belgrade asked the Serbian Government to explain why the Bulgarian citizens were denied entry into Serbia. The Serbian side replied that this was done in order to prevent, which unrest is not satisfactory, said the Deputy Head of Bulgarian Diplomacy, Konstantin Dimitrov.

it was said on several occasions that he had betrayed all promises given to Bosniaks. All this sends an unfavourable message to the international community that Serbia is unable to constitute itself as a stable community, which ensures equal status for all citizens and ethnic minorities, based on the rule of law. The fact that the European Parliament adopted the Resolution on the European Integration Process of Serbia and that it supported Serbia's accession to the EU does not mean that the government policy should not be improved.

## **Conclusions and Recommendations**

- Undertake a revision of the Law on National Councils in order to eliminate the ambiguities leading to the contradictory interpretations of its provisions;
- Preserve the Ministry of Human and Minority Rights and do not eliminate it in the case of government reshuffle;
- Strengthen the Ministry of Human and Minority Rights in terms of personnel. The Ministry is not only the government exponent. It is also the factor that restricts the government when it affects the basic reason for its existence;
- Pacify the situation in Sandzak and spur its economic development;
- Accept Muamer Zukorlić as the legitimate representative of the Bosniak community;
- Create conditions that one can declare his or her national affiliation freely and without any pressure as much as possible during the census taking;
- Provide financial assumptions for the normal functioning of national councils;
- Support the work of independent institutions;
- Finally formulate the minority policy strategy in Serbia.

## Roma In Serbia – A Long Way To A Solution

The Roma community is subjected to prejudice, systematic discrimination, marginalisation and exclusion. Negative stereotyping by the majority of the population perpetuates a cycle of discrimination. They face discrimination in employment, health care, housing and obtaining documentation (many are not registered). Widespread and institutionalised discrimination against Roma is constant, thus limiting their access to civil, political, social and economic rights. An estimated 30-40 per cent of Roma in Serbia remains without personal documentation.

Serbia presided over the Decade of Roma Inclusion initiative from July 2008 until the end of June 2009 and during 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 form part of the Action Plan for Strategy Implementation for the Period 2009-2011. However, insufficient funds were allocated for the Action Plan. The Committee for Improving the Roma Status and Implementing the Decade of Roma Inclusion was also constituted in March 2008. However, the Committee has yet to release a report or statement, and it has not frequently met.

In early 2005, when the Government adopted the Common Action Plan for the Advancement of Education of Roma in Serbia, the Ministry of Education started implementing this Action Plan, which stipulates greater Roma inclusion in the education system and providing continuity and quality in their education. The Ministry of Education, Roma National Council and Ministry for Human Rights and Minorities implement affirmative action plans in the field of education, including the introduction of assistants in elementary schools (28 so far).

The Action Plan for the Advancement of Education of Roma in Serbia was created as a response to the alarming facts that only two per cent of

Roma children are included in preschool education, that less than 40 per cent of the children from Roma settlements are enrolled in primary school, and that as much as 70-90 per cent of them quit school before completing primary education, which increases the existing problems linked to poverty and marginalisation of this ethnic minority. Since 2006, only 21 Roma have been employed under the National Action Plan for Employment.<sup>728</sup>

According to the census 2002 there are 79,136 Roma in central Serbia and 29,057 in the Autonomous Province of Vojvodina.<sup>729</sup> However, the United Nations puts their number much higher – between 450,000 and 500,000.<sup>730</sup>

The Serbian Roma's chief problems are: living in over 600 informal settlements<sup>731</sup> (Ministry for Human and Minority Rights) compounded by illegal or at least legally questionable evictions of Roma families from certain urban areas; sub-standard education and lack of interest in their inclusion; permanent employment covering only 9% of the Roma population; poor health; and difficulties in obtaining personal documents necessary for solving most of the above-mentioned problems.

There were also a number of serious incidents in 2010, notably attacks on the Roma settlement in the village of Jabuka near Pančevo lasting several days and occasional writings of graffiti and swastikas in Roma

728 Common Basic Document about the Republic of Serbia (Zajednicki dokument o Republici Srbiji) , issued by the Serbian Government, August 2010.

729 Source: <http://www.srbija.gov.rs/pages/article.php?id=41>

730 The exact number of Roma living in the European Union has not been established either. Estimates range from between 3 and 7 million according to the 2004 report of the European Commission (The Situation of Roma in an Enlarged Europe) to 10 million according to a European Parliament resolution (European Strategy on the Roma).

731 Although the expression 'unhygienic settlements' is often used, it should be avoided for its racist connotation (implying that the 'Roma are an unhygienic people'). This expression has been expunged from international documents for this very reason. Likewise, the expression 'illegal settlements' should be avoided because these settlements are not a priori illegal. They are illegal only if their residents have another accommodation and home. If one were to follow this logic, then many other parts of Belgrade could also be called illegal.

settlements attributed to extreme right-wing organisations. Racist attacks were also encouraged by lack of media censorship of content inciting to hatred and violence regarding the Roma population.

The position of the Roma in other European countries is not better either. Research by organisations including the European Roma Rights Centre (ERRC) in Budapest and the European Union Agency for Fundamental Rights (FRA) shows considerable discrimination against Roma in EU Member States too. For instance, research has highlighted widespread violations of freedom of movement of Roma migrating from one European country to another: very often, the impossibility of obtaining initial 'registration' leads to their further discrimination in a domino effect fashion.<sup>732</sup>

At the beginning of 2001, ERRC published another highly important report concerning the living conditions of Roma communities in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania and Serbia. These countries and their institutions are generally held to blame for discrimination by 'forced evictions', with 'local authorities continuing to evict Roma by force', 'destroying their property' in the process and further isolating the Roma by their accommodation strategies locating new settlements on the outskirts of towns or next to waste dumps.<sup>733</sup> Unfortunately, all of this applied to Serbia in 2010.<sup>734</sup> The consequences of this state of affairs have not been remedied and full information is still lacking concerning the living conditions of the Roma displaced in this way.

732 This qualitative survey was prepared in 2009 to study the freedom of movement of Roma from Romania, Bulgaria, Hungary, Slovakia and the Czech Republic to other EU member countries such as Finland, France, Italy, Spain and Britain. [http://fra.europa.eu/fraWebsite/attachments/Roma\\_Movement\\_Comparative-final\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/Roma_Movement_Comparative-final_en.pdf)

733 <http://errc.org/cikk.php?cikk=3808>

734 See the Helsinki Committee for Human Rights statement 'Getoizacija Roma u Srbiji', 27 June 2009: <http://www.helsinki.org.rs/serbian/saopstenja03.html>

## The Jabuka incident

On the night of 9–10 June, Dejan S., a Serb aged 17, was killed in the village of Jabuka by B. J., a Roma of the same age. The residents first organised ‘protest walks’ through the village and then resorted to violence and spreading racial hatred against Roma. The violence went on unopposed for two whole days. The police reacted only on the third day and the attacks stopped, although the local Roma went in fear of their lives for a long time afterwards.

Nongovernmental organisations concerned with minority rights protection and media reported the following incidents in those days:

‘For four days, residents of Jabuka organised marches through the Roma part of the village amid an atmosphere of lynching and retribution. In the process they threw rocks and bricks and smashed windows including those on the Methodist church, to which a large number of Roma belong.’ This was announced on 15 June by the Centre for Development of Civil Society. It quoted an eyewitness as saying that a house was set on fire and that ‘all this went on in the presence of the local police who took no action.’

‘A group of 500 people, masquerading as “mourners for the slain youth”, have for four nights in a row been stoning Roma houses in Jabuka near Pančevo and shouting out lynching calls.’<sup>735</sup>

‘Every night several hundred residents of Jabuka village have been gathering in the centre of the village, stoning Roma houses and yelling fascist slogans.’<sup>736</sup>

The local Roma did not leave their houses and their children stayed away from school for many days for fear of being attacked. The spokeswoman for the Police Department in Pančevo, Tanja Dakić, said that ‘fortunately no one was hurt’ during the protests and that the police and

735 B92, 15 June, source: [http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=06&dd=15&nav\\_id=439054](http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=06&dd=15&nav_id=439054)

The Youth Initiative for Human Rights called on the authorities to urgently and uncompromisingly react to the ‘open manifestation of racism by part of the residents of the Pančevo village of Jabuka towards persons from the Roma community in that place.’

736 Ibid.

gendarmes were watching the situation in the village round the clock. She said that the village was calm during the day and that people started to gather about 10 o'clock in the evening. 'On Saturday a glass was broken on the Evangelist church, but I think that had nothing to do with the gatherings,' she said.<sup>737</sup>

The mayor of Pančevo made her first statement four days after the first attacks. She said that 'a group of people who use a tragic incident for incitement to lynching are beneath all civilizational and human contempt'. The Centre for Development of Civil Society asked why the mayor had waited so long and did not call in the Gendarmerie to intervene.

In connection with the incident, the State Secretary at the Ministry for Human and Minority Rights, Marko Karadžić, said, 'For the fifth day in a row criminals, racists, fascists – you can call them anything you like – have been attacking innocent citizens of this country. Instead of half of Serbia rising to defend its citizens, we've been hearing appeals for providing food and medical assistance to Roma afraid to come out of their houses.'<sup>738</sup>

The Youth Initiative for Human Rights said in a statement that the Jabuka incident was not an isolated case and that Roma human rights had or were being violated in Zemun Polje, Surčin, New Belgrade, Ovča, Kraljevo and other places. 'The continuing practice of reacting to racism and incitement to lynching either feebly or not at all has led racists in Serbia to believe that their conduct is not illegal or that at least they will get away with it,' it said.<sup>739</sup>

The Women in Black said in a statement that the police only reacted on the third day. 'It was only on the third day that the state authorities, the municipality and the police reacted. Following such an experience of total defencelessness, the fear of more violence and distrust of the institutions on the part of the Roma inhabitants of Jabuka are quite justified and understandable,' the statement read. In its report on a visit to the village a month after the incident, this nongovernmental organisation says that the Roma were still gripped by fear and lived in a kind of house detention.

737 *Press*, 16 June 2010.

738 *Vesti online*, 15 June 2010.

739 *Ibid.*

'Abuses such as "Fuck your gypsy mothers!" and threats of lynching are shouted at them in passing and graffiti such as "Kill the gypsy" occasionally appear on Jabuka streets and on internet websites, raising justified concerns about the possibility of fresh violence,' the report says. 'We're mostly afraid at night', "When they heard we're from Jabuka, none of them would give us work', 'If my child becomes a first former in September, I'll have to sleep outside the school', 'I feel sorry for the children, this thing's going to go on for a hundred years... I'm thinking of selling up and getting out of here', were among the most characteristic commentaries made by Roma residents a month after the incident.<sup>740</sup>

At about the same time the Women in Black learned that a member of the local community council, Jovan Lazarevski, had been accusing non-governmental organisations of 'roaming about the village and spoiling the excellent good neighbourly relations'. The Women in Black responded by saying, 'We wish to remind institution representatives that the situation on the ground indicates the opposite – that for over 45 days, in spite of the atmosphere of insecurity and fear, no representative of government institutions has talked with the Roma families in Jabuka. According to what people we interviewed said, there are no longer any relations between the residents of Jabuka at all and the Roma live in complete isolation; so, to accuse civil society of destroying good neighbourly relations is impertinent to say the least.'<sup>741</sup>

The situation deteriorated when the Roma boy was convicted of murder in January 2011. In their report on a visit to the village following the sentencing, the Women in Black said that the four-year juvenile prison sentence imposed on the perpetrator was regarded by the victim's parents as too lenient; so they began to stir up friends and relatives against the local Roma and the latter again began to live in fear of new attacks by revenge-seeking fellow villagers.

740 Women in Black report: [http://www.zeneucrnom.org/index.php?option=com\\_content&task=view&id=637&Itemid=132](http://www.zeneucrnom.org/index.php?option=com_content&task=view&id=637&Itemid=132)

741 Ibid.

At that time a young Roma invalid was beaten in a restaurant. The youth was taken to the Emergency Department in Belgrade and the attackers to a police station where they were questioned and released the next day.<sup>742</sup>

The judgment and the sentence imposed on the juvenile Roma drew reactions from several human rights protection organisations. They pointed out in their statements that the public prosecutor at the Higher Court in Pančevo, Gordana Čolić, had recently demanded that the Roma boy should be sentenced to a term in prison instead of being committed to an educational-correctional facility. 'This sudden and ungrounded request for an alteration of the sentence gives rise to doubts as to the fairness and impartiality of the trial,' they said.<sup>743</sup> The organisations underlined the need for resocialisation and other corrective measures (such as educational-correctional institutions) in particular where minors are concerned. The possibility that the boy was or still is in a detention facility with adults, which would be in direct contravention of the law, also gives rise to concern.

The organisations also said, 'We feared that the court might, under pressure, impose inappropriately severe punishment to allay a possible new escalation of inter-communal clashes that a more moderate and more appropriate sentence might provoke. Although in this case the facts indicated the possibility of self-defence, as well as that the act was committed in a state of diminished responsibility, the judicial panel elected to impose a term of juvenile imprisonment of four years out of a maximum of five that can be imposed on a minor'.<sup>744</sup>

The Jabuka case is not over yet and its outcome is unclear, with judicial organs not appearing overenthusiastic so far to prosecute six residents of Jabuka for incitement to national, racial and religious hatred and intol-

742 Tanjug, 8 February 2011.

743 'Nepripremana presuda za ubistvo u Jabuci', <http://minoritycentre.org/sh/actuals/nepripremana-presuda-za-ubistvo-u-jabuci>

744 Ibid.

erance (the proceedings were suspended for an indefinite period of time and returned to the investigative stage on 23 November 2010).

The nongovernmental organisations' emphasis on the Jabuka case in order to highlight the widespread racist attitudes towards the Roma and to sensitise the public to the problem has met with condemnation on the part of certain intellectual circles and with attempts to relativise the issue. In connection with the incident, the historian Čedomir Antić stressed, "Our public is again witnessing systematic reviling, slandering and depreciating of the Serb nation. Anyone attempting to place this unpleasant occurrence within a legal framework and draw parallels with similar incidents in other European states would no doubt be immediately proclaimed a protector of racists and bullies. This is what happened after the murder of the French soccer fan Brice Taton and during the campaign in support of the homosexual parade last year. For want of current examples, a similar approach is being used in relation to "affairs" from the past such as the anti-Semitism of Jaša Tomić, who is today basically criticised for chairing the assembly which in 1918 annexed Srem, Banat, Bačka and Baranja to the Kingdom of Serbia... There was recently even a campaign against the residents of a Niš suburb who did not want their street to be named after the late musician Šaban Bajramović."<sup>745</sup>

## Other incidents

On the night of 12–13 January, swastikas were drawn at various places in the Roma settlement of Lisište in the town of Požega. 'Swastikas appeared on concrete electricity posts, traffic signs and a number of doors, with one post also bearing the words "Gypsies get out of Serbia"<sup>746</sup>

There are about 700 Roma living in the settlement. The perpetrators have not been found as of this writing (the Prosecutor's Office has brought charges but against unidentified persons).

745 *Novi Standard*, 22 June 2010, <http://standard.rs/-cvijanovi-vam-preporuuje/4812-edomir-anti-selo-jabuka-nova-kampanja-domaih-evropejaca.html>

746 *Blic*, 14 January 2011.

Incidents of this kind with clear neo-Nazi symbols gain ground unless they are punished. There is no political will or capacity to suppress the activities of extreme right-wing organisations, and society does not have a sufficiently clear position on the matter.

Marginalisation of a minority group often results in the spreading of discrimination. For instance, in March 2011 communal police in Čačak forbade a woman to collect secondary raw materials from refuse containers although that was her only source of income.<sup>747</sup> The police cited regulations prohibiting the collection of refuse from containers. Collection of secondary raw materials (paper, metals, etc) is widespread and consistent application of the regulations would deprive all Roma who do that of their livelihood.

There were also other incidents, notably involving the forced eviction of Roma families from certain parts of the city. On 7 October, the Directorate for Building Land and Construction tore down, with police assistance, buildings in Vojvođanska street in Belgrade temporarily housing 36 Roma and destroyed their property. The city authorities were criticised by nongovernmental organisations for not providing the Roma, including 12 children, with temporary accommodation and for carrying out the action in cold weather. The demolition was ordered by the city authorities because it was necessary to continue construction work in the street. From a legal point of view, the Roma had a right of residence in that street. Even if it were established that the Roma had no right to live at that location any more, they should have been allowed to stay there until alternative accommodation had been found. Like in previous cases (evictions from the 'Belvil' and 'Gazela' settlements), the city authorities had been under an obligation to provide alternative accommodation in good time; and since they failed to do that, the Roma could have stayed where they were until further notice.<sup>748</sup> Forced evictions with failure to provide alternative

747 'Zabranjeno kopanje po kontejnerima', [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=03&dd=08&nav\\_id=497749](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=03&dd=08&nav_id=497749)

748 This is more or less characteristic of all other cases involving others than Roma. The reference is to homeless persons or persons occupying certain locations 'illegally'.

accommodation constitute violations under the International Convention on Economic, Social and Cultural Rights of which Serbia is a signatory (in this case, violation of the right to housing guaranteed by the European Convention). Although the then secretary at the Ministry for Human and Minority Rights, Petar Antić, said that the city would provide the Roma in question with temporary accommodation, the plan was dropped.

The Regional Centre for Minorities and other nongovernmental organisations reacted again on 22 November in connection with an attempt to forcibly evict the Roma Sremčević family from their flat at 38 Bulevar despota Stefana street in Belgrade that had been placed at the disposal of the family member Zoran Sremčević.<sup>749</sup>

## Education – institutional repression

According to 2009 data, some 80% of Roma in Serbia are functionally illiterate (having insufficient reading and writing skills), 13% finish elementary school, 7% finish secondary school and only 0.1-0.3% have university education. The national average for persons with university education reaches 6% of the total population.

Education is one of the four priorities under the Decade of Roma Inclusion. This is also written in the National Strategy for Accession of Serbia and Montenegro to the European Union, the National Programme for Integration into the European Union, the Law on Protection of Rights and Freedoms of National Minorities, the Poverty Reduction Strategy and, finally, the Strategy for Improving the Situation of Roma which envisages affirmative action measures in the field of education.<sup>750</sup> However,

In some jurisdictions, e.g. England, homeless persons (who are mostly poor) may remain where they are until they are provided with alternative accommodation.

749 See more in <http://www.minoritycentre.org/node/2066>

750 Affirmative measures for Roma pupils in the field of university education have been applied since the 2003/04 school year. However, only 626 pupils had been enrolled in the university by the 2009/10 school year. These measures were introduced by law in Serbia's educational system as late as 2009 but only in respect of secondary education. In the field of university education they are still not legally defined. This explains why the right to equal access to education is practically denied each

competent institutions (the Ministry of Education and the University) do not meet even the basic needs of Roma, let alone carry out affirmative action measures.

In connection with the problems concerning the enrolment of Roma students in the university, the Helsinki Committee for Human Rights, with support from several organisations, sent an open letter in December to the Ministry of Education and the rectorial council of the Conference of Universities of Serbia.<sup>751</sup> At the start of the 2010-11 school year, 150 Roma secondary school graduates should have been admitted to the university as first-year non-fee-paying students. However, for months they were turned down each time they applied. With the school year well under way, the faculty administrations argued that they could not enrol them before receiving appropriate funds from the Ministry of Education; the latter, on its part, tried to shift the responsibility on the former and insisted they enrol the Roma without collecting the fees. The controversy was resolved in early February when it was decided to enrol the applicants.

At that time, the State Secretary at the Ministry for Human and Minority Rights, Slavica Denić, the first Roma woman to hold a high state office, explained how well Serbia was doing regarding the fulfilment of the Action Plan of the Decade of Roma Inclusion. 'The Decade of Roma Inclusion objectives concern above all improvement of the position in the fields of education, housing, employment and health. Although the Roma community cannot be satisfied with the results of the Decade, Serbia has done a good deal through measures concerning above all the educational status of Roma. I am referring to the successful measures for enrolling Roma in secondary schools and faculties. There are at present over 200 Roma students at the University of Novi Sad, which would have been unthinkable only a few years ago. As regards employment, specific job competitions have been organised at provincial and republic levels for the sole purpose of employing Roma,' she said.<sup>752</sup>

year to members of the poorest and least educated national minority in Serbia.

751 <http://www.helsinki.org.rs/serbian/saopstenja.html>

752 2 February 2011, <http://www.dnevnik.rs/sr-lat/node/22288>

Commenting on the case of the Roma students, who have lost a half-year and missed the first examination terms, Denić said that something like that must never happen again and that 'being left without 120 potential university graduates is a big loss for the [Roma] community. The coordination between the National Council, the Ministry for Human and Minority Rights and the Ministry of Education must be much better'.<sup>753</sup> In connection with this affair the fact has been overlooked that the faculties' decision not to enrol the Roma students carried more weight than the need to promote Roma rights. The faculties simply availed themselves of the legal avenues provided by the 'autonomy of the University' and decided against enrolling them (the possibility of collecting fees from the Roma freshmen being their chief concern). Denić stressed that education was very important for reducing discrimination against the doubly vulnerable population group – the Roma women.<sup>754</sup>

753 Ibid.

754 'The multiple discrimination of Roma women remains mainly out of the limelight of contemporary research.

Most human rights watchdogs focus on the rights of all Roma, often applying a gender-blind approach to human rights violations.

Women's rights organisations and the universalist feminist movement, on the other hand, tend to ignore the complexity of problems that women from minority communities, including Roma, are faced with. Within the Roma movement itself, the issue of gender equality is often considered a bone of contention. Dealing with issues affecting Roma women is not only neglected, but also sometimes seen as subversive and a threat to the overall cause, as it is sometimes feared that speaking out about violations of women's rights within the Roma community, such as gender-based violence, or trafficking in women, will deepen anti-Roma prejudice by others.' (Tatjana Perić, [http://www.policy.hu/peric/pages/Issue\\_paper\\_TRA.pdf](http://www.policy.hu/peric/pages/Issue_paper_TRA.pdf)).

## Conclusions and recommendations

Serbia's chairmanship of the Decade of Roma Inclusion ended in complete failure. The same appalling practice of violating the right to housing in particular continues. Serbia is a signatory of the International Covenant on Economic, Social and Cultural Rights which guarantees the right to housing including alternative accommodation in cases of forced eviction. This right was dramatically violated during the eviction of the Roma from the 'Belvil' and 'Gazela' settlements in New Belgrade during 2009. The fate of the evicted families and the state of the new settlements should be examined in the next period as a matter of priority because there has been no detailed monitoring in this regard.

Further, nongovernmental organisations and other segments of the civil sector must work out a more effective strategy for dealing with forced evictions and for bringing pressure to bear on the state to deal more efficiently with racially-motivated crimes such as the one in Jabuka.

Media must have responsibility for reporting in a transparent manner as well as for censoring content encouraging and relativising racism. The publication of Čedomir Antić's article 'Selo Jabuka – nova kampanja domaćih evropejaca' [Jabuka village – a new campaign by domestic Europeans] was a case in point.

However, the main onus is on the state, which has passed the majority of the national strategies for improving the position of the Roma and which does not appear determined to put them into practice.



# Position of Persons with Disabilities

World statistics show that persons with disabilities make up 10% of the world population. There are an estimated 800,000 to 1,000,000 such persons in Serbia.

There are no comprehensive data on persons with disabilities in Serbia. The organs and institutions providing specific services to persons with disabilities keep only partial records about the beneficiaries of their services. There is no single institution keeping records about every person with disabilities, nor is there cooperation between different institutions in terms of operating a joint database although a census of persons with disabilities including their needs has been planned.

The Network of Organisations of Persons with Different Types of Disabilities has issued a statement pointing out the 'extremely bad financial situation' of these persons resulting no doubt from their high unemployment rate, as well as stating that the 'extent of discrimination was highest' in the field of education.

## **Discrimination against persons with disabilities in education**

In 2009, Serbia adopted the Law on the Foundations of the Education System which enables children with developmental handicaps to participate in the regular education system. Despite the declarative policy of the Ministry of Education on the implementation of inclusive education, as well as a number of measures taken to implement the Law, resistance to implementing the Law is strongest among teachers themselves. The teachers cite insufficient training of teaching staff for helping children with handicaps as well as lack of necessary supporting technologies and other didactic aids as the main reason for their opposition to inclusive education.

The opposition to inclusive education culminated during the August 2010 news conference of the Union of Teachers' Trade Unions of Serbia at Belgrade's Media Centre. The object of the conference, held under the title 'Inclusion – an Experiment or a Strategy?', was to announce the Union's strike. Inclusive education was one of the eight points on the agenda drawn up to enumerate the Union's grievances. Although the Serbian public is used to strong opposition to inclusive education, the statements made at the conference were unthinkable in any modern 21st-century state. Participants in the conference made a number of scandalous allegations such as 'Inclusive education was thought up by a swot with top marks' and 'The minister (of education) is introducing inclusion through the back door', as well as direct insults against parents of children with developmental handicaps.<sup>755</sup>

A number of passages in the text released at the conference bear witness to the discriminatory attitude to certain population groups and an elementary ignorance of the concepts of social inclusion and human rights:<sup>756</sup>

'We wish to express our concern that unplanned and uncontrolled introduction of inclusion in our schools will lower the quality of education of children without handicaps; in particular, we have in mind talented

755 Quotes from the report 'Izveštaj o diskriminaciji osoba sa hendikepom za 2010 godinu', published by the Association of Students with Handicaps, <http://www.adsyu.org/>.

756 Excerpts from the conference text: 'Improvising an inclusive school which has nothing to offer to children [with developmental handicaps] except a place in a regular school classroom can be regarded more as an experiment, with the children, their parents and teachers posing as guinea pigs.'  
'Experience tells us that a large percentage of parents of children with developmental handicaps, especially of pre-school and younger children, are subjective in their desire that their child should become part of the regular education system even where it is clear that that would not be an appropriate solution for the child. Also, a great many parents of children with special needs come from socially deprived environments and have a low level of education, often with a background of family problems; such parents with serious emotional, social and intellectual problems need help, support and education from coordinators-advisers to help them make correct decisions regarding the schooling of their children.'

children who themselves require special approach and support. They are the future representatives of this country in all fields and therefore deserve maximum attention and conditions of education commensurate with their level of development.<sup>757</sup>

Direct discrimination is also reflected by the fact that students with handicaps who need assistance during examinations are most often left without it, as a result of which they are forced to make all kinds of arrangements of their own.<sup>758</sup> Alternative ways of taking examinations are not clearly specified either by the Law on Higher Education or by strategy and policy at faculty level.

Records of the National Employment Service show that the educational structure of applicants is very low: those finishing four years of elementary school – 38.5%; elementary school – 11.4%; III level of secondary education – 33%; IV level of secondary education – 12.3%; two-year post-secondary school and V level of education – 5%; and university education – 0.83%.

Surveys have shown that 85% of children with developmental difficulties are not included in the education system.<sup>759</sup>

The insufficient inclusion of children with disabilities in the education process results in a considerably lower general educational levels of the entire population of persons with disabilities, a reduced variety of jobs in which these persons can be recruited, restricted employment prospects and an unsatisfactory quality of life.

757 Quotes from the report 'Izveštaj o diskriminaciji osoba sa hendikepom za 2010 godinu', published by the Association of Students with Handicaps, <http://www.adsyu.org/>.

758 'On one occasion, a student who could not hold a pencil turned up for the examination in the company of a friend who would do that instead; however, fearing that she would not be able to establish what the student with disabilities really knows, the professor turned the friend out without making alternative arrangements for the student.'  
Quotes from the report 'Izveštaj o diskriminaciji osoba sa hendikepom za 2010 godinu', published by the Association of Students with Handicaps, <http://www.adsyu.org/>.

759 *Danas*, 18 October 2010.

## **Discrimination against persons with disabilities in employment**

The number of unemployed persons with disabilities registered at the National Employment Service (NSZ) is very low: in recent years it has been about 25,000 or 2.1% of the total number of people seeking jobs. Other than facing reduced chances of finding jobs, persons belonging in this category show less enterprise in looking for jobs (this is a result of prejudices about one's own capabilities, which are especially pronounced among those suffering from more severe disabilities or those with lower educational levels, as well as of feelings of insecurity stemming from long social isolation).

The NSZ has announced that 5,290 persons with disabilities have been employed in the last year and a half.<sup>760</sup> This figure is encouraging given that before the entry into force of the Law on Professional Rehabilitation and Employment of Persons with Disabilities the corresponding figure had been 200-250 a year. Nevertheless, NSZ data show that 20,470 persons with disabilities, including 6,644 women, have been looking for work since 31 October 2010.

Considerable interest among companies in employing persons with disabilities was registered in June 2010, following the start of implementation of Articles 24 and 29 of the Law. Under these articles, an employer is under an obligation to employ persons with disabilities or he or she will have to pay a fine for each such person not employed in accordance with a quota stipulated by the Law. Nevertheless, numerous problems and, above all, lack of properly trained persons with disabilities, have forced many employers to opt for paying fines. The number of companies successfully employing persons with disabilities is small. It has been observed that discrimination on the part of employers takes the form of 'wish lists', that is, of characteristics a person with disabilities should have in order to be recruited. An applicant's particular disability often weighs more heavily

760 Tanjug, RTV, 'Međunarodni dan osoba sa invaliditetom', 3 December 2010.

with employers that his or her qualifications. Also, a number of companies even list undesirable diagnoses.<sup>761</sup>

It should be borne in mind that government institutions themselves have not set an example for other employers to follow suit as far as employment of persons with disabilities is concerned.

### **Socio-economic position of persons with disabilities**

During the preparation of the Poverty Reduction Strategy paper for Serbia case studies were published showing that nearly 60% of persons with disabilities live at or below the poverty line and that more than half receive social welfare benefits of some kind or another. Necessary aids are beyond the reach of 17% of persons with disabilities, 65% cannot manage on their own, and 80% of children with developmental difficulties are institutionalised outside their communities because of lack of adequate family support available locally.

The financial situation of persons with disabilities is extremely unfavourable because they are not easily employed in spite of the NSZ programmes designed to facilitate these persons' access to the labour market.

### **Institutional framework for social protection of persons with disabilities**

An analysis of the reach of the institutional framework for social protection of persons with disabilities shows an absence of extra-institutional forms of protection for these persons. Such forms of protection, which are regarded as mere alternative forms, would considerably improve the quality of social care and help the members of this category of the population to become more independent. Also, the inadequate network of institutions providing special education and vocational rehabilitation indicates an overall inadequacy of measures of social protection, that is, the fact

761 Quotes from the report 'Izveštaj o diskriminaciji osoba sa hendikepom za 2010 godinu', published by the Association of Students with Handicaps, <http://www.adsyu.org/>.

that the sphere of social care of persons with disabilities is still a marginal social concern.

## Conclusion

In spite of the progress achieved in regulating the legal status of persons with disabilities, where the emphasis is on their inclusion, and for all the efforts of the state to improve the situation in this field,<sup>762</sup> these people's life stories show that they live mostly outside their communities and that the public is only partially sensitised to their plight.

Unfulfilled educational aspirations, low employment, non-participation in public and political institutions, low level of active involvement of any kind, cultural abstinence, inaccessibility of the environment and

762 *Danas*, 'Uskoro besplatna usluga personalnog asistenta', 24 January 2011. '... persons with disabilities living in the municipality of Stari grad will be able to apply at the beginning of February for free assistance by personal assistants...'  
 Tanjug, RTV, 'Međunarodni dan osoba sa invaliditetom', 3 December 2010: '... (Minister of Labour, Employment and Social Affairs Rasim) Ljajić said that 800 million dinars would be set aside next year for active employment measures in order to employ as many invalids as possible; he recalled that the National Employment Service had registered some 21,000 persons with disabilities...'  
 '...in order to stimulate employment of persons with disabilities, some 800 million dinars will next year be earmarked from the budget fund for various measures and programmes of employment support, as well as for other measures to promote employment and position of persons with disabilities in the labour market, said the National Employment service...'  
 City of Belgrade, <http://www.beograd.rs/cms/view.php?id=1424284>, 3 December 2010: '...the City of Belgrade finances, through the Secretariat for Social Protection, the work and programme activities of 11 socio-humanitarian organisations...'. The funds earmarked for this purpose in 2010 total about 26.6 million dinars... By announcing a competition for the financing of projects by social and nongovernmental organisations in 2010, the City is supporting the realisation of 39 projects worth some 11 million dinars and aimed at improving the position of persons with disabilities. Also by means of a competition, material and social support is being provided through scholarships for students with disabilities... The Secretariat for Social Protection has concluded with the City Public Transport Company a contract to provide transport services for persons with physical disabilities. The contract for 2010 is worth some 58.3 million dinars, with free door-to-door transport services provided by 13 passenger vans...'

low material standards identify persons with disabilities as having all the characteristics of a marginal social group. These persons' constant social inhibition at various levels of social intercourse results in their self-isolation and leads them to accept a 'life with a disability' rather than a 'life with a disability in the community'. The messages they receive from social and cultural contexts also most often encourage the development of a 'negative identity'.

The implementation of the Poverty Reduction Strategy and the Strategy for Improving the Position of Persons with Disabilities has brought about some but insufficient progress. Serbia and 190 other UN members have undertaken, as part of the Millennium Goals and Targets, to make specific progress, including regarding persons with disabilities, by 2015. One of the targets is to reduce the unemployment rate among persons with disabilities by at least 20%. Other than striving towards the fulfilment of these objectives, the state and its institutions must promote the Law on the Prevention of Discrimination against Persons with Disabilities and the Anti-Discrimination Law, as well as initiate new projects aimed at reducing discrimination against persons with disabilities and improving their position.



## LGBT Population Still Most Threatened

Last year, the Serbian political scene was shaken by the organization of the Pride Parade, which was also one of the burning issues in 2009. The Anti-discrimination Law was adopted despite the interference of the Serbian Orthodox Church and resistance of other religious communities and conservative political parties.

The Law explicitly prohibits discrimination based on race, sex, ethnic affiliation, social background, birth, religion and health status.

Discrimination is also forbidden on the grounds of political and other beliefs, financial standing, culture, language, age and mental or physical disability. The Anti-discrimination Law also introduced the institution of commissioner for the protection of equality as an autonomous government body, which is independent in performing the tasks stipulated by law.

The importance of the Law itself for the LGBT population is derived from the provision of Article 21: "Sexual orientation shall be a private matter and no one may be called to publicly declare his/her sexual orientation. Everyone shall have the right to declare his/her sexual orientation, while discriminatory treatment on account of such a declaration shall be forbidden."<sup>763</sup>

It was expected that the status of the non-heterogenous population would be significantly better after the adoption of this Law and the organization of the Pride Parade. However, it turned out that changes in society, especially those concerning minorities, are very slow and that the laws alone do not guarantee their protection. General stagnation in the country greatly contributes to such slowness as well as resistance that stands in the way of adopting the European standards and values.

763 Source: [http://www.parlament.rs/content/lat/akta/akta\\_detalji.asp?Id=539&t=Z](http://www.parlament.rs/content/lat/akta/akta_detalji.asp?Id=539&t=Z).

In its 2010 human rights report, the US State Department points out, *inter alia*, the following problems in Serbia: physical mistreatment of detainees by police, inefficient trials, harassment of journalists and human rights advocates, limitations on the freedom of speech and religion, lack of durable solutions for large numbers of internally displaced persons (IDPs), corruption in the legislative, executive and judicial branches of government, government failure to apprehend the two remaining fugitive war crimes suspects under indictment by the International Criminal Tribunal for the Former Yugoslavia (ICTY), societal violence against women and children, societal violence and discrimination against minorities, particularly Roma and the lesbian, gay, bisexual and transgender (LGBT) population, and trafficking in persons.<sup>764</sup>

It is also stated that, although the Pride Parade took place, the societal perception of the people who are different continues to be very negative. According to the survey done by the Gay Straight Alliance, the citizens' perception of this population is still extremely homophobic – 56 per cent of the population believe that homosexuality poses a threat to society; 67 per cent believe it to be a disease, 20 per cent support or justify violence against LGBT persons, and 5 per cent are ready to use violence to fight it. Many assaults are not reported to the police just because the victims do not believe that the competent bodies will act adequately.<sup>765</sup>

However, it has not been taken into account that there are no appropriate programmes designed for police officers, who should undergo some training when vulnerable groups in society are in question (such as the LGBT population). But, it seems more likely that there is no will to resolve such cases. One case is indicative. Namely, the Helsinki Committee for Human Rights and several non-governmental organizations for the protection of human rights reacted when in March 2011, after a gay party, one young man was severely beaten by two unknown persons at the entrance to the French Maid Club. The victim was punched several times in the

764 Source: U.S. Department of State, 2010: Human Rights Report Serbia: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154449.htm>.

765 *Ibid.*

head, after which he was taken to the Emergency Medical Centre. Luckily, he did not suffer more serious injuries.

The assault took place in a few minutes, at the very entrance to the building at 12 Francuska Street, where the French Maid Club is located. Its security guards were called to help, but they did not react. Moreover, the perpetrators shook hands with one security guard and calmly drive away in a car (plate licence No. BG 860-16). There was no police in the vicinity, so that they were called later.<sup>766</sup>

Non-governmental organizations called on the competent bodies to investigate the whole case and take necessary steps using the given information,

What aggravates the identification of the perpetrators in such and similar cases in general is the confusion as to whether the government bodies should act in accordance with their powers. Criminal proceedings are automatically initiated whenever serious bodily injury is in question (which is also regulated by the Criminal Code - Article 121). As for other explanations why such cases are not processed, it can be stated that this is either due to the lack of resources, or the will to punish hate crimes.

## **Judicial Proceedings Against Far-Right Organizations Charged with Acts of Violence**

The trial of the leader of the Serbian nationalist group *Obraz* (Honour), Milan Obradović and others started before Belgrade's Higher Court on 3 March 2010. According to the indictment, fourteen defendants (Mladen Obradović, Milos Popović, Marko Lazarević, Dusan Ilic, Dobrica Radonjic, Igor Marinković, Nikola Vidović, Srdjan Savović, Damir Grbic, Mladen Milisavac, Goran Andrejev, Aleksandar Zivković, Krsta Milovanović and Jelena Calic) intended to commit the criminal act with which they are charged and, being of full mental capacity, wished to prevent the Pride Parade (on 10 October 2010). They are also charged with the spread of racial and other discrimination, as well as violent behaviour towards the

766 Source: "Dosledno braniti LGBT prava" <http://www.helsinki.org.rs/serbian/saopstenja.html>.

police. Their lawyer, Goran Petronijević, was the judge who in 1999 passed the verdict in the trial of 143 Albanians from Djakovica, Kosovo (Djakovica group case), saying: "It was impossible to establish individual guilt, so you are collectively guilty."<sup>767</sup>

The trials take place in an atmosphere of the promotion of those organizations and constant threats to human rights activists: "When the defendants were brought into the courtroom, their relatives and other members of the audience (fans of the Serbian knight Mladen Obranic) strongly applauded. However, such behaviour was not punished by anyone. The first defendant wore the jacket with the inscription suiting his identity – 'CPБ-IN'".<sup>768</sup>

The defendants expressed the following views during the trials:

"The Pride Parade is the ultimate expression of disrespect for us, Orthodox Serbs, as the majority people".

"The Serbian spiritual and intellectual elite was circulating a petition against that shameful parade".

"It was announced that the Serbian flag would be burned during the Pride Parade, because the Serbian state allegedly violates their human rights".

"The Pride Parade is an attack on the public morale and traditional Christian values of the Serbian people".

"All security assessments pointed out that it would be the riskiest event in Serbia's more recent history and that it should not take place, but the government succumbed to the pressure of the European Union".<sup>769</sup>

"We wanted to prevent the so-called parade and participated in the Family Walk, a beautiful event for the image of Serbia".

On the second day of the trial of Mladen Obradović and others, the defence lawyers requested, before the beginning of the trial, that the judicial chamber should issue a warning to the representatives of the non-governmental organizations because they allegedly commented on the main hearing in the media. One of the lawyers also said: "Why the relatives of the

<sup>767</sup> <http://www.zeneucrnom.org/>

<sup>768</sup> Ibid.

<sup>769</sup> Ibid.

defendants cannot enter the the courtroom unlike the non-governmental organizations presenting themselves as the alleged victims of Obraz?”

The trial of Misa Vacic, one of the leaders of the Serbian nationalist movement Nasi 1389, was held at the Pallace of Justice, on 7 April 2011. He is charged with the spread of racial and other discrimination during the organization of the Pride Parade in 2009, and illegal arms possession (Criminal Code, Article 387). This was the first time in domestic judicial practice that a representative or member of one fascist organization was charged with violence/discrimination against LGBT persons in accordance with Article 387 of the Criminal Code. However, the trial was adjourned because the lawyers of the defendants were not present.<sup>770</sup> Lawyer Gordana Bozilović Petrović (the judge in the Scorpio trial conducted before the Special War Crimes Court) did not show up, while lawyer Aleksandar Đorđević said that he had to leave the main hearing and go to Sabac, since he was defending the arrested Bozidar Vucurević (the wartime mayor of Trebinje, indicted on war crimes charges with the shelling of Dubrovnik, who is currently held in the extradition detention unit). In the statement issued

770 As a comparison, the Croatian judiciary and prosecutor’s office have different attitudes towards the violation of the rights of the LGBT population and act differently. Namely, in 2008, the Municipal Court in Velika Gorica passed the verdict against the defendant M.S., who started a blog in which, writing in Croatian and English, he promoted racial and other forms of hatred. So, the defendant wrote about “the superiority of the white race” and called for the “European white revolution and racial holy war”. As for LGBT persons, he wrote that “they should be sent to camps”. The defendant also gave the name and cell phone number of one of the organizers of the Pride Parade in Zagreb, in 2007, with the message “Make his life miserable”. He received suspended sentence (because he was underage). In the explanation of the verdict it was stated that the defendant was charged in accordance with the provisions of the Criminal Code related to punishment for racial and other discrimination. What especially differs the Serbian judiciary from the Croatian one is that in the Serbian law there is still no mention of the so-called “hate crime”. In the Croatian Criminal Code, it is defined as follows:

*Article 89*

*(36)“A hate crime is any criminal act according to the Criminal Code, committed by reasons of hatred towards a person on the basis of his/her race, skin, colour, sex, sexual orientation, language, religion, political or other belief, national or social background, property, birth, education, social status, age, health status or any other attribute.*

by the Women in Black, who also follow this trial, it is stated: "It is clear that in the hierarchy of importance a for the Serbian national cause is Vucurević and not Vacic. 'I could not look into the crystal ball to see when my client would be arrested'".<sup>771</sup>

## Concluding Assessments

It can be stated that the position of the LGBT population will not change until the general climate in society changes. At the institutional level, this primarily applies to the solving of hate crimes, since there were many of them during the past two years (anti-Roma incidents in the village of Jabuka, discriminatory statements at the time of enacting the Anti-discrimination Law, attempt to organize the Pride Parade in 2009 and its organization in 2010). Judicial proceedings have an important role in the creation of a more tolerant and generally non-violent climate. If they are inefficient, or become subject to corruption and punishment is too mild, marginalized groups will have not confidence that they will handle their cases. Distrust in the security sector is also present – only a very small number of LGBT persons have confidence in the police: "I never trust the police, but I have no other choice but to believe them".<sup>772</sup> Security is one of the key issues in the fight for the LGBT rights, which was also evidenced by the entire Pride Parade on this issue. This means that other very important issues should also be placed on the agenda, including the possibility of registering same-sex marriages, existence of space and organization of cultural and public events dealing with LGBT topics, health and HIV prevention, inclusion and sensibilization of parents, teachers, educators and all public services. It seems that we are still far from opening new themes, but we hope that the first successful Pride Parade was an introduction to something like that.

771 <http://www.zeneucrnom.org/>.

772 See other answers of the LGBT population on the GAY SERBIA forum: <http://beogradprajd.com/forum/viewthread.php?tid=43252>.

## Status of the Elderly

2010 was proclaimed the European Year for combating poverty and social exclusion, which was also embraced by the countries in the region.

Serbia is one of the countries with the oldest population in the world. According to the *Statistical Office of the Republic of Serbia* (SORS), in 2009 there were 17.1% citizens older than the age of 65, and 3.3% of those older than the age of 80. There are around a million and a half persons receiving pensions.<sup>773</sup> The Minister of Health Tomica Milosavljević has stated that the average length of life in Europe is 78.8 years of age, whereas in Serbia it is between the age of 73 and 74, which means that Serbia is not lagging far behind developed countries in Europe.<sup>774</sup>

In 2006, Serbia's Government has adopted the National Aging Strategy 2006-2015, which is aimed at creating a society for 'all ages'. Among other things, it also aimed at providing economic and social security and a better quality of life in old age. This strategy is meant to integrate the elderly into everyday life entirely so that they, too, participate in the development of the country and its economy.<sup>775</sup>

It should also be stressed that the elderly are severely impacted by poverty because they often have no other means other than their pensions which, for the most part, do not suffice for a normal life. As early as March 2010, The Ministry of Labor and Social Policy has suggested that home care services be provided for the elderly and bed-ridden citizens. The category of poor citizens also includes 'workers without employment older than the age of 55; rural elderly households; pensioners receiving minimal pensions'.<sup>776</sup> This proposal was not actualized, and Serbia's Government reached a conclusion that each pensioner receiving less than 29.999

773 Statistical Yearbook of the Republic of Serbia 2010 –  
Statistical Office of the Republic of Serbia

774 *Danas*, March 9, 2010

775 <http://www.prsp.gov.rs/dokumenta.jsp>

776 *Blic*, March 25, 2010

RSDs should receive a 5.000 RSD one-off aid.<sup>777</sup> The Minister for Labor and Social Policy Rasim Ljajić noted on the occasion of the International Day of Elderly People that each fourth elderly citizen of Serbia requires aid with food supply and every seventh also requires assistance with regards to personal hygiene.<sup>778</sup>

The Ministry of Labor and Social Policy estimates that, in Serbia, there are roughly between 50.000 and 100.000 citizens without any income, who are older than the age of 65 and have not qualified for receiving pension benefits. The problem of poverty with regards to the elderly is especially pronounced in rural households, which are generally more impoverished than then those in urban areas. The elderly in rural households do not have access to national soup kitchens (which are located in cities) and they are not encompassed by other forms of social care.

Minister Ljajić refused to make an assessment of the National Aging Strategy under the excuse that 'it was adopted for the period up to the year 2015 and that it is too soon to comment on it'<sup>779</sup>. Considering that it was adopted 4 years ago, the Strategy has not yielded any significant results. For the most part, it is not being implemented, due to the lack of funds, amongst other things. The Government needs to dedicate more time to its implementation and the promotion of local self-governments, especially in rural areas.

The International Monetary Fund (IMF) insists upon the reform of the Law on Pensions and Disability Insurance. Throughout the entire year, the unions and Serbia's Government have been discussing the reform, and have, in January, agreed on a majority of issues except for the pension increase model. The unions proposed the average salary growth to be reflected on the pension increase, however, the Government did not agree with this stance. Apparently, the pensions will be increased in accordance to living expenditure increases and the growth of the GDP, on the condition that reaches a positive value.<sup>780</sup> The IMF insists, among other things,

777 *Politika*, October 10, 2010

778 [http://www.srbija.gov.rs//vesti/vest.php?id=139780&change\\_lang=sr](http://www.srbija.gov.rs//vesti/vest.php?id=139780&change_lang=sr)

779 [http://www.srbija.gov.rs//vesti/vest.php?id=139780&change\\_lang=sr](http://www.srbija.gov.rs//vesti/vest.php?id=139780&change_lang=sr)

780 *Danas*, January 28, 2010

that this reform should increase the minimum pension age limit, reduce benefits for family pension beneficiaries and increase the number of years paid in contributions for women.<sup>781</sup> The reform was supposed to begin in 2010, however, the amendments to the law were adopted as late as December 2010.<sup>782</sup> In accordance to these changes, the minimum pension will amount to 27% of the average salary, whereas the minimum length of service for women will be increased from 35 to 38 years of age.<sup>783</sup>

Serbia has around 1.8 million officially employed persons, which support over 2 million citizens (around 1.5 million pensioners and around 730.000 unemployed persons).<sup>784</sup> This reflects on the economy of the entire country because it means that the contributions of the employees are overburdened, which reduces their spending power. The negative result of this strain is the development of the black economy (which refers to unreported employment where employees are not legally reported to be working and contributions are not being paid) and the gray economy (where the employees are reported to be receiving a minimum wage and minimum contributions whereas the remaining pay is received in cash and not reported). This causes the state to lose significant funds and the reduction of unemployment is not possible because it is too expensive for the employers to hire additional staff.

One of the important problems, as far as pensions are concerned, is the fact that the pension funds are empty, so that the pensions are financed in part by employee contributions, and in part from the budget. Some economic experts suggest that funds be given the possibility of capitalization, that is, to be given the possibility of investment, with the aim of them becoming self-financing and not reliant on the state and the economic situation in the future. Corruption is another serious problem. Corruption was detected in the Association of Disabled War Veterans in 2010.<sup>785</sup>

781 RTV.RS October 19, 2010

782 <http://www.parlament.gov.rs/content/lat/akta/zakoni.asp>

783 <http://www.emportal.rs/vesti/srbija/143192.html>

784 *Novosti*, February 21, 2010

785 *Tabloid*, March 18, 2010

There are 41 institutions in Serbia providing housing for the elderly. In addition, there are 44 private nursing homes for the elderly. The problem with these nursing homes is that the conditions are poor and they do not comply with the standards set by the Ministry of Labor and Social Policy. In addition, the main difference between private and state-owned nursing homes is the fact that families can place elderly persons in private nursing homes without their consent, which often leads to various misuses (for example, a person signs a lifelong care contract with an elderly person and is to inherit their apartment once they are deceased; but instead of being assisted and their subsistence being provided for, the elderly person is placed in a nursing home without consent). In 2009, the Ministry of Labor has closed 25 private nursing homes which have not fulfilled the criteria for operation. In addition, most of them were not legally registered as nursing homes for the elderly, but rather as catering objects which are registered with another Ministry based on less strict criteria.<sup>786</sup> At the internet site of the Ministry of Labor and Social Policy, a list of 48 private nursing homes can be found, which have a work permit, whereas the same internet site only displays two state-run nursing homes. There is also a list of 33 nursing homes which are banned from working.<sup>787</sup>

Regardless of the fact that the elderly persons and their care fall within the competency of the Ministry of Labor and Social Policy, the status of the elderly is very unfavorable. Even though there are 136 centers for social care in Serbia; care for the elderly, with regards to the state, is inadequate. Numerous Non-Governmental and charity organizations are engaged in providing assistance by hiring volunteers. Local organizations in several cities throughout Serbia have organized assistance for the elderly in housekeeping and maintaining personal hygiene.<sup>788</sup> The means for working with the elderly come mainly from various international donors including the European Commission.

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786 *Politika*, August 18, 2010

787 <http://www.minrzs.gov.rs/cms/>

788 <http://www.nshc.org.rs/>

## The Status of Children in Serbia: Family and Peer Violence

Peer violence is an increasingly visible social problem. The family and educational institutions are still considered to be social institutions most responsible for peer violence, and they refer to a legal framework which is outdated, undeveloped and, occasionally, inadequate to the actual situation. Although numerous educational institutions as well as other organizations are implementing a wealth of projects and programs, the work of competent institutions and services which are supposed to be systematically engaged on preventing violence among children is not coordinated. The approach to violence is primarily symptomatic, not preventative: nothing is being done until violence is manifested, usually in a drastic form. Violence on all levels and in all forms has become an everyday reality in Serbia, whereas the poor social and/or family circumstances usually account for its manifestation among children. Peer violence is being manifested in all known forms: from verbal violence to severe physical violence, including peer homicide, which is still a rare occurrence. Statistical data resulting from numerous research projects carried out by international and local organizations and institutions stress that peer violence in our country is on the rise, whereas its perpetrators and victims are equally distributed among children of both sexes. In addition, violent behavior displayed by girls is increasing.<sup>789</sup>

789 Some examples from the media validate this:

*Press*, February 25, 2010, 'Eight-graders tortured their friend': '...Eleven boys have sexually molested a student of the eighth grade of one elementary school in Belgrade; after school they took her to basements and then fornicated with her. A fourteen-year-old, an eighth-grade student of an elementary school in Belgrade's neighborhood of Rakovica, was sexually abused by 11 peers, two of them from her class! We have learned that the case was reported by her father, whereas the police has brought the juvenile suspects in for questioning, on suspicion of severe torture and sexual abuse...'

*Politika*, November 9, 2010, 'Three students threw a student out the window': '...Thirteen-year-old A.R, seventh-grade student of the elementary school

In late 2008, Serbia's Government has adopted the National Strategy for the Prevention and Protection of Children against Violence, whereas the Action Plan for the implementation of the Strategy was adopted in June 2010. The aim of the strategy is to develop a safe environment so as to realize the right of each child to be protected against all forms of violence and to establish a national system of prevention and protection of children against abuse, neglect and exploitation.

According to the National Strategy for the Prevention and Protection of Children against Violence, based on records of the social protection system, the number of abused and neglected children is increasing significantly due to unfavorable social circumstances in the last decade of the 20th century and the beginning of this one.

The Strategy has published a research project carried out in 50 elementary schools as part of the program 'School without Violence', which has established that 28% of students had, at some point, been a victim or a perpetrator of violence, in addition to the worrying fact that various forms of threats to children safety are increasingly being manifested in kindergartens. Verbal violence is the most common form of violence – insults, derogatory name-calling, mocking, spreading lies and rumors, social isolation and physical violence.

According to Incest Trauma Center's data, 9 new cases of sexual abuse are being reported each week, whereas in over 50% of cases the victims of sexual abuse are children. Out of 5 sexually molested children, 4 are girls, and the average age when the first incident occurs is 6 years of age and 2 months.<sup>790</sup>

.....  
 'Dositej Obradovic' in Irig, has been thrown out the classroom window. Three students, two in elementary and one in high school, have 'playfully' intercepted the girl during recess; one of them grabbed her across the chest, the other by the legs and they threw her out the window while laughing...'  
*Politika*, November 12, 2010, 'The tangles of violence are unraveling': 'Prior to the incident when a girl was thrown out the window of the elementary school 'Dositej Obradovic' in Irig, a student was beaten with brass knuckles in the gym ...'  
*Pravda*, January 22, 2010, 'Children killing children': '...Psychologists are warning that violence among juveniles is on the rise...'

790 *TANJUG*, November 21, 2010 'Family violence and peer

According to UNICEF's research, 10% of girls were victims of sexual harassment in schools, 5,9% of girls have admitted to having been touched by their peers in a manner they were uncomfortable with, and most frequent victims are the students of the sixth, seventh and eighth grade. Most girls do not report harassment, 65% of students have been victims of violence at least once in the past 3 months, and 28% of students participate in violence on school grounds in one way or another.

Corporal punishment as a measure of disciplining children is widespread across Serbia; given that 73% of children aged 2 to 14 have been subject to at least one form of psychological or corporal punishment by their parents or other members of the family. The Strategy states that children are reluctant to speak to their parents and appropriate services because they feel that the police, social care centers and schools are not adjusted to their needs.

## Sexual abuse of children

There are no statistics containing data about the number of pedophiles in Serbia being persecuted, nor about how many of them have been convicted so far. In many other countries, pedophiles are given life sentences, whereas in Serbia, they are sentenced to a maximum of 18 years in cases of child death. The Incest Trauma Center receives 9 calls per week, whereas in 3 out of 4 cases a family member is abusing the child.<sup>791</sup> According to expert assessments, every third girl and every seventh boy are victims of pedophilia worldwide; the situation is similar in Serbia.<sup>792</sup>

.....

violence among children in Serbia is on the rise.'

791 RTS, March 27, 2010, 'Serbia is silent on pedophilia'

792 Some examples from the media validate this:

*Blic*, May 21, 2010 'Teacher sexually harassed a student for three years': '...The high-school student reported to the police that her former homeroom teacher touched parts of her body, made vulgar suggestions to her and sent indecent text messages...'

*Politika*, May 14, 2010, 'Abused boy reported teacher after panel discussion': '...It is stated in the criminal charges that, misusing his position [as a teacher], Ivan has performed an act equivalent to sexual intercourse on 7 boys... The boys are aged 11 to 14...'

*Novosti*, May 15, 2010, 'Offered gifts, followed by threats': '...An investigation request

In 2010, Serbia's Ministry of Internal Affairs has organized a police action 'Armageddon' with the aim of uncovering a chain of pedophiles in Serbia. Numerous arrests of pedophile suspects have shaken Serbia's public, which has, once again, raised the question of whether children in schools are protected against various forms of violence, including sexual violence.

The cases of pedophilia and teacher aggression towards students demonstrate that the systemic protection of children in schools against violent offenders is not adequate. Institutions such as the Ministry of Education, for example, show no interest and practically have no direct contact with the teachers, nor do they possess quick response mechanisms.

### **The socio-economic status of children**

There are roughly 1,5 million children in Serbia, out of which nearly 500,000 live on the verge of poverty. The percentage of poverty among children is much higher than in the general population – 9.7% in children under 14, and 8.1% in children above 14 years of age.

In 2009, the number of school classes has been reduced by 500, whereas the number of students in 53 schools spanned from 1 to 5. 4800 classes had up to 15 students. This data indicates that the number of children is declining in Serbia, and demonstrates the poor status of children and juveniles in Serbia. The legal framework with regards to children's rights is good, however, there are problems regarding the implementation of the law.

.....  
 was filed against a teacher in Novi Sad accused of fornication. He was using chocolates and money to 'buy' trust. The list of abused students is probably longer...'

*Danas*, May 21, 2010, 'Reports by other victims expected': 'A retired professor denied having sexually harassed an underage female. Dragan D. (64), a retired gym teacher, has, during police investigation, negated the accusations that he has harassed a juvenile and had been scheduling meetings with her for two and a half years...'

*Radio Free Europe*, February 23, 2010, 'Students not protected from pedophiles even in schools': 'In addition to the case of a professor sexually molesting students, Serbia's public was also shaken by the the arrests of suspected pedophiles who have used the social network Facebook to lure children to fornication, as well as the cases of two suspects who have used text messages to recruit and abuse minors.

## **Conclusions and recommendations**

In order to reduce the number of cases of discrimination and violence against children in schools, the Ministry of Education needs to:

- Develop a set of bylaws which would define more clearly the responsibility of the schools for securing effective mechanisms for the prevention and constructive response in cases of violence;
- Provide systemic instruments of support to the schools;
- Provide systemic instruments which would enable the monitoring of schools in this domain.



## The Position of Women

Serbia has the main mechanisms for the observance of gender equality, but the opinion prevails that it does not do enough to ensure their implementation. Snežana Lakicević, State Secretary at the Serbian Ministry of Labour and Social Policy, has stated that the observance of women's rights and equality is also crucial to the process of Serbia's European integration: "Without making progress in this sphere, Serbia cannot move along the desired path". In March 2011, the Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women in Serbia was presented.<sup>793</sup> In the Report, it is emphasized that in Serbia "the stereotypes about the traditional role of women in society are still present". It is also pointed to discrimination against women in terms of their position in the media.

The UN Representative (Violeta Neubauer) has stated that non-governmental organizations and the Parliament serve as the main controllers of the observance of gender equality.

The non-governmental organizations, such as the Women in Black, Autonomous Women's Center, Women at Work and others, point to a high femicide rate in Serbia, the non-observance of women's labour rights, as well as poor media reporting.<sup>794</sup>

Resolution 1325 stipulates women's participation at all levels of governance, which are crucial to internal and external security issues and

793 *Beta*, 10 March 2011.

794 On the occasion of 8th March, International Women's Day, non-governmental organizations were also pointed to the unequal treatment of women and men in the labour sphere. A discriminatory attitude towards pregnant women is especially pronounced: "The problem with employers who fail to make the timely payment of allowances to pregnant women and new mothers, or do not pay them at all, is absolutely ignored by both competent ministries – the Ministry of Health and Ministry of Labour and Social Policy. Instead of sending 8th March greetings and calling on the equality of women, the government institutions and competent ministries must make concrete steps towards the protection of motherhood in Serbia", *Danas*, 9 March 2011.

the creation of global policies. Serbia is one of the rare countries that have adopted the National Action Plan (NAP) for the implementation of UN Security Council Resolution 1325 in Serbia (at the end of December last year), which anticipates several mechanisms for introducing gender equality policy in the security sector. Gender equality advisors to the ministers and directors are one of such mechanisms. Their main task will be to watch over gender equality in the policies and programmes of the Ministry of Defence, Ministry of the Interior, Security Intelligence Agency and Customs Administration.

### Statistics Hide Real Differences

In Serbia, the monthly gross salaries of men and women differ by 3,000 dinars on the average. In Serbia's Answers to the European Commission's Questionnaire it is stated as follows: "The difference between men's and women's average gross salary is 7 per cent. According to the September 2010 data, the average salary difference is smaller altogether when the salary differences are considered by employee education category, which may be due to the fact that women are slightly more represented than men in the categories of employees with university, two-year post-secondary and secondary education, while men are dominant in other categories".<sup>795</sup>

As for the same data from the EU countries, it is estimated that during their lifetime women in the EU earn less than men by 17.8 per cent on the average: "According to the data for 2008, this difference is the greatest in Estonia – where women are paid less per hour than men by 30 per cent on the average – and the smallest is in Italy – 5 per cent. As stated in the European Commission's Report, these data point to a great labour market discrimination. It is also emphasized that the EU law prescribes that men and women doing the same job must not be paid differently and that, in this sphere, great progress has been made".<sup>796</sup>

795 Source: <http://www.euractiv.rs/srbija-i-eu/1315-ene-i-dalje-zarauju-manje-od-mukaraca>.

796 Ibid.

However, the differences between the European and Serbian salary data are not comparable. According to the official data provided by the Serbian authorities in the Answers to the European Commission's Questionnaire, the gender pay gap is 3.5 per cent on the average. But, if the data on salaries based on educational background are compared, it can be concluded that the actual gender pay gap is considerably greater.

Accordingly, the gross salaries of women with university education are lower than those of men with university education by 17.17 per cent on the average. In the lowest-paid job category, including unskilled workers, this difference is great – the average salary of women is lower than that of men by 20.59 per cent.

Another case where the statistics do not give a realistic picture of the situation is that, in April 2010, according to the data of the Republican Statistical Office, the unemployment rate among women was 20.1 per cent, as opposed to 18.6 per cent among men (there are also differences in employment across different sectors and levels).

In the Answers to the European Commission's Questionnaire it is also stated that, after the parliamentary elections in 2008, women accounted for 22.4 per cent of all deputies; women constituted 8.5 per cent of the ministries, while in the security sector there were none. At the same time, women accounted for 42.6 per cent of the deputy ministers (women outnumber men in the judiciary where they constitute almost 70 per cent of employed).

The observance of the rule on women's participation in executive positions is also evidenced by the scandal accompanying this year's visit of the Serbian parliamentary delegation to Strasbourg for the debate on Dick Marty's report and voting on the resolution based on his report. Namely, the Parliamentary Assembly of the Council of Europe (CE) did not ratify the accreditations of the Serbian delegation at the constitutive session, because it did not have any woman as its permanent representative (the same omission was made by the Montenegrin and San Marino delegations).<sup>797</sup>

797 *Politika*, 25 January 2011.

In Strasbourg, according to the 2003 regulations, all CE members were obliged to appoint at least one woman to the position of a member or deputy member of the delegation. However, last November, the regulations were changed, so that the members of the CE Parliamentary Assembly are now obliged to have at least one woman among its seven permanent representatives. However, the Serbian delegation appeared at the session with seven representatives and four women holding deputy positions.

According to the Gender Equality Law, adopted in the Republic of Serbia in December 2009, "When selecting or appointing the delegations to represent the Republic of Serbia, the composition of the delegations shall include at least 30 per cent of persons of under-represented gender, in conformity with international standards" (Article 38, *Participation in International Cooperation*).

Commissioner for Equality Nevena Petrusic said that "in accordance with the domestic law, and its observance is a priority, the seven-member delegation should have at least two women. In their commentaries, the politicians announced that one women would also be included in the domestic delegation until the next session of the CE Parliamentary Assembly, Nevena Petrusic pointed out that the CE standards would be met, but that the domestic law would be violated."<sup>798</sup>

The whole case ended when the leader of the Liberal Democratic Party, Cedomir Jovanović, ceded his seat to a woman, so that Serbia could meet this CE requirement.

Gender equality was also not observed when the Serbian Government was reshuffled in March 2011. Namely, the number of female ministers was reduced from five to three. According to the data on the web-site of the Serbian Assembly, the male to female deputy ratio was 193:55. However, the situation is still better than before, since after the parliamentary elections in 2000, women constituted only 24.4 per cent of the deputies.<sup>799</sup>

The head of the For European Serbia (ZES) said the following about the position of women in Serbia: "We have adopted the Gender Equality Law

798 *Danas*, 27 January 2011.

799 Source: <http://www.istinomer.rs/sr/teme/series/85/Rekonstrukcijom+protiv+rodne+ravnopravnosti.html>.

wishing to ensure the participation of a greater number of women, especially in decision-making positions, through institutional mechanism".<sup>800</sup>

According to the Council of Europe's recommendation, there must be at least 40 per cent of women in the Parliament. With about 22 per cent, Serbia is far from that aim.

## Femicide and Penal Policy

The Women Against Violence Network has published the report on the number of women killed in 2010, based on media reports (the number of such crimes is even greater, since the information is derived from that available in the media). A crime is characterized as femicide, as the gender of the victim, that is, the fact that the victim is a woman, has to be important to the perpetrator. Consequently, femicide is a hate crime against woman.

According to this report, 30 women were killed in 2010. It is also stated that 11 women out of this number were killed with a gun and 13 with a sharp object (knife, axe, pitchfork, etc.). One woman was doused with petrol and set on fire, one was strangled, while others died after severe beating. Almost half of the killings (14) occurred at the woman's home.

Eight women were older than 56, seven were aged 46-55, seven 36-45, seven 26-35, one aged 18-25. Forty or so children and adults remained without their mother.

Six killings occurred in the District of Pomoravlje.<sup>801</sup>

It is important to note that 14 women, out of 22, were killed by their (former) non-marital or marital partner and that they *did not live with him*. It must also be emphasized that seven women, out of 30, reported the abuser to one of the relevant institutions before being killed. In 5 killings, out of 11, committed with a gun, the killer had a firearms licence. These facts substantiate numerous complaints and amendments put forward by organizations for the protection of human rights relating to one formulation with respect to the crime of domestic violence. Namely, the Serbian

800 *Objektiv*, 23 January 2010.

801 <http://www.zeneprotivnasilja.net/vesti/114-femicid-u-srbiji-cinjenice>.

Criminal Code still stipulates “living with the former marital partner in a common household” as a prerequisite for the protection of former marital partners against domestic violence.

During the monitoring of prisons in Serbia in 2010 and 2011, the Helsinki Committee for Human Rights also observed the deficiencies in the penal policy towards women. Namely, there are a significant number of women who have killed or tried to kill a man (their husband, partner, father or someone else) and have been sentenced to long prison terms (for a serious crime) without taking into account that they had actually been the victims of domestic violence, which had often lasted for years.

In the only women’s prison in Serbia, in Pozarevac, the team of the Helsinki Committee witnessed the degrading attitude towards female prisoners. Discrimination against them was all the more apparent because the same inhumane treatment was not observed in men’s prisons. So, for example, in the Pozarevac Correctional Institution for Women, female prisoners are forced to stand against a wall, with bowed heads, in front of prison guards; they are obliged to wear prisoner’s uniforms and must do their laundry by hand, although there are washing machines in this institution.<sup>802</sup>

## Domestic Violence

As a form of gender-based violence, domestic violence mostly affects women. The problem here is the non-implementation of the provisions of the Family Law. Namely, according to Article 198 of the Law, the following domestic violence protection measures are stipulated:

(1) Against a family member who commits violence the court may order one or more domestic violence protection measures, which shall temporarily forbid or limit the maintenance of personal relations with the other family member.

(2) Domestic violence protection measures shall constitute:

1. Issuing a warrant for moving out of a family flat or house, regardless of the property or leasehold right;

802 *Tanjug*, 10 March 2011.

2. Issuing a warrant for moving into a family flat or house, regardless of the property or leasehold right;

3. Issuing a restraining order against the abuser, prohibiting him from coming within a certain distance of the family member;

4. Issuing a restraining order against the abuser, prohibiting him from accessing the space surrounding the place of residence or the working place of the family member;

5. Prohibition of the further harassment of the family member.<sup>803</sup>

The greatest problem is posed by the non-implementation of the provisions according to which the abuser should leave the flat or house where violence takes place. On the other hand, as long as such a situation exists or, in other words, until the police and judiciary regulate the implementation of these provisions, the need for safe house will be increasing. However, the problem is also posed by their insufficient number in Serbia. According to the experience of non-governmental organizations and associations in the region of Sandzak (the Merhamet Muslim Charitable Association and Damad Cultural Centre), the problem is even posed by the non-existence of shelters for women victims of violence. The region of Sandzak does not have such an institution, although the percentage of domestic violence cases has significantly increased over the past years. Inefficient local courts, the violation of the law, lack of legal assistance for the most urgent cases, as well as general poverty have aggravated the problem still further.

## Resolution 1325

The non-governmental organizations were the first to talk about the need to adopt the National Action Plan (NAP) for the implementation of the UN Security Council's Resolution 1325 in Serbia, and its importance for achieving gender equality. The Government of the Republic of Serbia (or, more exactly, the Ministry of Defence and Ministry of the Interior)

803 [http://www.parlament.rs/content/lat/akta/akta\\_detalji.asp?id=209&t=Z#](http://www.parlament.rs/content/lat/akta/akta_detalji.asp?id=209&t=Z#).

These domestic protection measures cannot last longer than one year, but can be prolonged until the reasons for their implementation cease to exist.

was actively involved in the process of drafting the guidelines for the completion of NAP. The Ministry of Defence led the process of drafting NAP, which was adopted in late December 2010. At the conference devoted to Resolution 1325, which was organized by the Centre for Civil-Military Relations, it was stated that Serbia joined the ranks of only a few developed countries that have adopted such a document.

In this sphere, one can recognize the Government's will to improve gender equality, since one mechanism for ensuring gender equality policy in the security sector, envisaged by NAP, involves the introduction of gender equality advisors: "Their main task will be to formulate the recommendations and measures for establishing gender equality in the Ministry of Defence, Ministry of the Interior, Customs Administration and Security Information Agency".<sup>804</sup>

The importance of these male and female advisors lies in the fact that they can work on the development of anti-discrimination policies aimed at preventing and punishing gender-based discrimination, both within the security sector (towards employees) and towards the citizens, beneficiaries of the security sector (according to researcher Gordana Odanovic).

At the same conference, it was emphasized that it would be necessary to work on changing the security concept in order to place the individual in its core, as well as to ensure that *gender mainstreaming* becomes part of the system of public administration (this also includes the need to educate and training the personal that will deal with these issues).

804 <http://www.ccmr.bg.org/Novo/3960/Odrzan+je+okrugli+sto+o+uvodjenju+sa+vetnika+za+rodnu+ravnopravnost+u+sektor+bezbednosti+u+Srbiji.shtml>.

## Conclusion and Recommendations

The women's rights in Serbia are far from being satisfactory. A great number of femicide cases (killings of women), inadequate implementation of the criminal code and inadequacy of its provisions concern directly the competent bodies and the situation can be changed by the adoption of new provisions (Criminal Code) and consistently implementation of the current ones (Family Law).

On the other hand, misogyny is mostly induced through the media. So, for example, the *Kurir* daily writes the following: "Experts hold that female child killers are mostly uneducated and rather mentally limited, that they display the beast within themselves but, unfortunately, are called humans..." "Dr Milan Kostic, clinical psychologist and legal assessor, says that female child killers are most often emotionally unstable and immature persons, unprepared for motherhood and unable to deal with difficult life situations".<sup>805</sup>

If such contents are not censored, Serbian society will preserve its conservative and patriarchal attitudes towards women and so-called family values for a long time. In the process of globalization, the mass media have an increasing power, while the family is not the main agent of socialization any more. The Serbian Orthodox Church also exerts influence on the promotion of a very conservative model of women's position in society and their equality.

805 *Kurir*, 1 March 2011.



## Economic and Social Rights: Serbia Without an Exit Strategy

The improvement of the economic situation, accompanied by an increase in BDP of 1.5 per cent compared to the previous year, was not felt in the daily lives of citizens. In the middle of the year already, the projected inflation of 6 per cent proved to be unsustainable: at the end of 2010 Serbia had the highest inflation in the region – 10.3 per cent. Moreover, the National Employment Office announced that, in December 2010, there were 729,520 unemployed persons in Serbia, whereby other unemployment indicators were also very unfavourable. Namely, even 64.12 per cent of the total number of registered job seekers (467,740) waited for unemployment longer than 12 months, which is considered to be long-term unemployment. Of this number, 55.24 per cent accounted for women.

Considered by age, the highest share in registered unemployment accounts for persons aged 25-29 (13.29 per cent) and 30-34 (12.46 per cent). The greatest number of unemployed persons was registered in the regions of Sumadija and western Serbia, 32.57 per cent, which was followed by Vojvodina, 27.18 per cent. The enormous number of jobless young people and women, coupled with the fact that the parts of the country being the most suitable for agricultural activities are evidently becoming degraded, certainly points to the conclusion that not much has so far been achieved with respect to the strategic perception of the situation and undertaking of adequate measures. In its report on economic recovery in the Western Balkan countries, the European Commission also points out that in 2010 the unemployment rate reached 20 per cent, although job losses in the second half of the year was slowed down and the unemployment rate was stabilized at 47 per cent.

In order to alleviate the problem of unemployment among young people, the Ministry of Economy and Regional Development launched the “First Chance” programme anticipating subsidies for employers who employ persons under the age of 30, in cooperation with the National

Unemployment Office. These subsidies were intended for contributions and salaries, but the programme also imposed an obligation upon employers after its expiry. Under conditions of reduced business operations and aggravated payment collection, private employers easily calculated that the advantages of this programme would be smaller than the risks, that is, the obligation to be assumed. This is probably why 10,000 persons actually got the first chance and not 16,000 as originally anticipated<sup>806</sup>. The question that also imposes itself is how many of them will be employed on a full-time basis after the completion of this programme. If the business environment does not change and if there is no rise in economic activities it is highly unlikely that unemployment among young people will be reduced. Therefore, when interviewed, young people respond that they see their future in one of developed Western countries.

In early 2011, the National Employment Office announced a new competition for participation in this programme. However, judging by its frequent calls upon employers to participate, it seems that their interest is not great. This is not surprising if one considers the real problems encountered by the economy in 2011 as well. The forecasts of the European Bank for Reconstruction and Development and the International Monetary Fund that Serbia's economic growth in 2011 will reach 3 per cent, can hardly bring comfort to businessmen, who have been pointing to the unfavourable business environment and absence of systemic economic measures for years. Ivan Nikolić, an associate of the Economics Institute, is one of many economists who hold that the economic forecasts for 2011 are rather discouraging and that Serbia can face many challenges. He stated that "there will be many challenges because this is the pre-election year. Many protests have already been announced and a whole army of people is requesting higher salaries, while the previous year this Government said 'no' to almost no one."<sup>807</sup>

Just this statement represents one more reason for concern. The Government's reluctance and constant balancing between the necessary economic measures and political pressure have additionally motivated

806 Blic, 23 November 2010.

807 Ekonometar No. 74, February 2011.

radicalized workers. During 2010, Serbia was continuously shaken by smaller or bigger strikes. In mid-August, according to the Federation of Independent Trade Unions, about 32-33 thousand workers were on strike, while according to the official statistics about 180,000 employees were not paid their salaries.<sup>808</sup> Only during the first seven months, more than 50 enterprises were on strike, while workers' requests become increasingly resolute and radical. The extreme step taken by Zoran Bulatović from the Raska textile mill will be remembered. Namely, he cut off his finger in order to attract public attention, which resulted in the fulfilment of workers' requests. The workers of the Partizan factory from Kragujevac went on hunger strike, while the workers of the Prvi maj factory from Lapovo chained themselves to railway tracks blocking international rail transport for days. There were more such examples and even more visits to Belgrade and protests in front of the Government. The requests of all strikers were more or less the same: the payment of outstanding salaries, payment of contributions in order to bridge breaks in service, pension entitlement and the beginning of operations, thus ensuring that their basic subsistence needs are met. Legitimacy to their moves was given, in large measure, by the Government itself. Its reluctance and inability to cope with corruption within their own ranks and among party cadres, squandering money on various events and politically motivated decisions that are not accepted by the public, as well as abuses in public enterprises, public procurement procedures and the like, rightfully irritate even the greatest supporters of pro-European policy.

Like in the previous years, strikes demonstrated the already known symptoms of weaknesses of the divided trade unions – the lack of confidence, on one side, and the lack of authority, on the other, close links with political parties, affinity towards behind-the-scene negotiations, coupled with the personal interests of certain trade union leaders and the like. The Social and Economic Council also failed to perform its basic function. The responsibility lies primarily with the government which, in 2010, ignored social dialogue as an instrument for maintaining social tranquility and an even distribution of the recession and transition burden for too long. At

808 B92, 14 August 2010, [www.b92.net/info/vesti](http://www.b92.net/info/vesti).

the regional round table entitled “Social Dialogue in South Eastern Europe”, Snezana Lakicević, State Secretary in the Ministry of Labour and Social Policy, pointed out that social dialogue should be developed at both the national and local levels in order to make it as successful as possible.<sup>809</sup> In practice, such dialogue was not properly conducted even at the national level. The way how it was conducted at the local level is best evidenced by the events themselves. None of the longer and larger strikes ended due to the involvement of local self-governments. On the contrary, presidents of municipalities and mayors saw their role in appealing to government officials or, even more so, to their party headquarters for solving the problem.

The Government’s practice to urgently solve the problems when they escalate, is unsustainable and bad in the long run. This became evident during the strike of the employed in the education sector, who were joined by the employed in the health sector and police for some time. Being numerous and better organized, they paralyzed the work of important public services for months and provoked further divisions within society. In the end, the compromised were made, but the same failed to neutralize public discontent, since the public has increasingly less understanding for the measures and activities of the Government and its ministries. The strike of education workers pointed to another, dangerous and disturbing dimension of the current situation – neither the employed nor the Government had the so-called exit strategy. Although the global crisis brought about a similar situation even in economically stronger states, its persistence and the recurrence of similar events may have serious consequences for the country’s European integration and its future.

An insufficient and slow economic recovery, coupled with high unemployment, which increased during the year due to new employee dismissals, had a significant impact on a rise in poverty. At the end of September, Rasim Ljajić, Minister of Labour and Social Policy, stated that in Serbia there were between 560,000 and 700,000 poor people. He pointed out that the poorest sections of the population included workers older than 55, who lost their jobs, single parents, rural elderly households, multi-member families, families with members with disabilities, internally displaced

809 Beta, 6 September 2010, [www.SEEbiz.eu](http://www.SEEbiz.eu).

persons in collective centres and pensioners on the lowest incomes". He also pointed out that social assistance was received by 175,000 persons and that it was expected that next year (2011) there would be about 250,000.<sup>810</sup>

Professor Dr Gordana Matković, Social Affairs Advisor to the Serbian President, who was at the head of the Ministry of Social Affairs in the Đinđić Government, presented the disturbing data on poverty at the beginning of this year.<sup>811</sup> In 2010, about 650,000 persons lived at or below the poverty line; almost 600,000 persons were jobless, or 140,000 more than at the beginning of the crisis, while more than 100,000 persons lived below the poverty line. Even among highly educated persons 1.7 per cent belonged to the category of poor people. Investigations and studies of poverty show unambiguously that Roma are the poorest ethnic group, which is not only the case in Serbia.

If absolute poverty is considered, according to the WHO criteria, minimum utility and hygiene costs are added to minimum food consumption. In terms of money, this is about 8,000 dinars monthly for a single-member household and a little less than 22,000 dinars for a four-member household. All those who spend less money fall into the category of poor people. During the crisis, which started in 2009, their number increased by 20 per cent.

A decline in the standard of living triggered by the crisis, which gave rise to poverty, was also recorded in economically stronger countries. During the period 2002-2007, however, thanks to its great efforts, Serbia succeeded in decreasing the number of poor people almost by half, but the most sensitive groups remained vulnerable because there was not enough time to make them economically stronger. Therefore, under the onslaught of the crisis, these groups plunged into poverty once again. In 2010, the rural population, persons with low qualifications, unemployed, persons aged 65 and over, children younger than 14 and multi-member families fared the worst. One must also bear in mind that the prices of basic food products and non-alcoholic beverages in Serbia are about 30 per cent

810 Kurir, 28 September 2010.

811 Večernje novosti, 11 January 2011.

lower than the average for the European Union.<sup>812</sup> Therefore, the fact that there were about 650,000 people living below or at the poverty line is even more disturbing.

The data that point out that children account for one fifth of the total number of poor people are especially disturbing. Gordana Matković says that in Serbia there are about 120,000 children accustomed to a diet without sweets, juices, ice cream, fruit, meat or even milk. They have no toys and textbooks, and no possibility to go anywhere; they wear used and worn-out clothes and have no money for a snack. Their parents deprive themselves of everything in order to provide for their children.<sup>813</sup> While speaking about this problem, Minister Rasim Ljajić said that the government was using three mechanisms to improve the material status of children. In 2010, material family support was received by 70,000 families and 110,000 individuals, child's allowance by 200,000 families and 384,000 children, and parental allowance by 61,000 families.<sup>814</sup> Although this is not enough, the child poverty rate would be significantly higher without this support – even up to 8 per cent according to some estimates, said Ljajić and added that Roma children, children in rural regions and residential institutions, as well as children with developmental disorders are in the worst position. Last year, among soup kitchen users there were about 2,000 children.

On a number of occasions, the Ministry of Labour and Social Policy also called attention to unfavourable status of persons with disabilities, among whom 70 per cent were poor. Despite the adopted laws, which are aimed at increasing the employment rate of this population group, they have not yet been implemented due to the utterly unfavourable business environment.

There is one more marginal group which was, and still is very vulnerable. According to the data of this Ministry, there are between 40,000 and 100,000 citizens who have no income at all. They are aged over 65, but have not realized a pension entitlement. They also include the oldest

812 Blic, 6 February 2011.

813 Vecernje novosti, 11 January 2011.

814 Vecernje novosti, 4 October 2010.

inhabitants living in rural households and cannot use soup kitchen services. Moreover, they do not receive any social assistance. In October 2010, Minister Ljajić announced that the Ministry would try to develop gerontohousewives' services for the oldest members of rural households and that it would provide additional 50,000 food and hygiene parcels to local communities.<sup>815</sup>

There are no precise data on the number of elderly households that need assistance. However, on the basis of the estimates of local communities, it is held that every fourth old person is unable to prepare food for himself or herself and that every seventh person cannot maintain his or her personal hygiene. Therefore, the Ministry plans to develop various types of assistance for the oldest persons in 80 municipalities and cities in Serbia over the next three years. At the moment, there is talk about services such as home care, day care centres and clubs for the elderly, but it will also be necessary to consider other types of assistance in the future. Therefore, apart from financial preconditions, it is necessary to carry out organizational changes in the social care system and relevant institutions, as well as in other ministries, which must also assume responsibility for the conduct of social policy. Namely, although the Government should always act in a synchronized way, a successful and sustainable social policy is absolutely conditioned by the mentioned approach. In the opposite, its effects will be minimal and/or insufficient, while the consequences for society, including political ones, will be strong and potentially disastrous. So far, not one government has taken this fact more seriously.

During the previous year, despite all mentioned problems, there were no greater difficulties in the provision of different entitlements for the poorest and socially vulnerable sections of the population (including war veterans' protection, family and child protection, as well as social protection). The anticipated payments were made regularly, which is very important for citizens who survive on an existential minimum.

Over the past few years, the status of persons with disabilities has drawn great public attention. Top government officials have promised the

815 Ministry of Labour and Social Policy, *Starije osobe više pogođene siromaštvom*, 1 October 2010, [www.minrzs.gov.rs/arhiva/vesti](http://www.minrzs.gov.rs/arhiva/vesti).

adoption of numerous measures that would enable their access to the education system and employment, as well as the improvement of general living conditions of such persons and their families. The adopted legal solutions have introduced the “affirmative action” principle and imposed the obligation on the government and legal entities to improve their position in society, coupled with concessions for employers who employ persons with disabilities. The employment of persons with disabilities is certainly a more rational and better solution than their decades-long treatment as social problems. The representatives of some associations of persons with disabilities also participated in the drafting of the law, which is also important as the principle that should be adopted. Although employment was enabled by the adoption of the law, most persons with disabilities still fall into the category of dependent persons. In order to increase employment, apart from the relevant law and better business environment, it will be necessary to encourage employers themselves and establish greater control over them. It is also necessary to devise job re-training and additional training programmes, since most working-age persons with disabilities have very low qualifications.

Unfortunately, regular education is still inaccessible to the greatest number of persons with disabilities. In 2010, after the adoption of the new solutions in the education system, a prerequisite for educating children and young persons in regular schools was provided for the first time. Although there are no exact data how many children with developmental disorders were enrolled in school in September 2010, on the basis of the information obtained from non-governmental organizations and some press articles it can be concluded that there were not many of them. This could be expected in view of the fact that many parents were not acquainted with this new possibility and that all schools were not prepared to accept such pupils. One must also bear in mind that the daily school attendance of these children also requires quite a different organization both within the family and within the school, so that it is logical to expect that the inclusion of a greater number of children and young people with developmental disorders in the regular school system will be a gradual

process. In any case, this is one of the most important steps taken by the government towards achieving greater social inclusion.

Finally, it is also a fact that persons with disabilities were not provided with much lesser amenities, such as access to public institutions, for example. Although this is a legal obligation, there are still buildings under construction without adequate access ramps which enable the movement of wheelchair users, or users of other orthopedic aids. The reconstruction of existing buildings is also sporadic and often inadequate. Although numerous public institutions mention the lack of funds as justification, that is simply not true in many cases. Society has not yet accepted persons with disabilities as its equal members and this problem must be addressed not only by the Ministry, but also by all others in the future.

The material status of families with a member with disabilities is also an outstanding problem that must be addressed. Namely, the survival of such a person outside an institution, within his or her family and community, depends on the provision of material support to his or her parents, whereby at least one parent must not work in order to take care of his or her child. Since the relevant Ministry earmarked significant funds for support to foster families in the previous period as well as in 2010, the question that imposed itself with good reason was why biological families were not supported at least in the same way. After several parents drew media and public attention to this fact with their moving stories about taking their children from them due to their poor social and economic status, and their accommodation with foster families, the Ministry announced that biological parents would also receive financial support in the future and that it would also look for other possibilities to improve their stability.

At the beginning of the social system reform, the development dynamics of this important sector was established with a view to transforming it into a sustainable and modern model of protection of the most vulnerable groups. It also implied the adoption of a new law on social protection, which had to come into force in early 2009, after the provision of necessary conditions for its implementation. Unfortunately, although the Strategy for Social Protection Development has been in force since 2006, after

its adoption by the Serbian Government, those conditions were created as late as 2010, when the draft law entered the parliamentary procedure.

The Law on Social Protection was finally adopted on 31 March 2011.<sup>816</sup> The transformation of the social system implies, *inter alia*, deinstitutionalization and decentralization, the additional training of the employed, establishment of new facilities within the community with professional staff that will provide assistance and support to those in need, without moving them from their natural environment and the like. In order to achieve these aims, it is necessary to ensure the financial, administrative and legislative strengthening and self-sufficiency of the region and local governments and changes in the fields of education, health, culture, sports and the like, which has not been sufficiently carried out so far. Therefore, the implementation of some provisions of the Law will not be impossible and, in some cases, it will only be partial. Nevertheless, the adoption of the Law is of utmost importance, since it paves the way for the future. There is no doubt that the Law will be amended, but that it is quite justified and represents a better solution than the non-existence of adequate legislation.

Finally, it must be noted that, despite subjective and objective restrictions, the relevant ministry did a lot with respect to the social system reform. It was especially important that all shortcomings of the old social protection system were identified and that the desired directions and aims were established. The results would have been better if there had been more support and understanding from other ministries. It seems that an increase in social discontent and tensions during 2009 and 2010 also exerted influence on the most important political actors to understand the seriousness of their threats. In mid-2010 already, they pointed to the alleviation of social problems as the Government's priority task. Thus, the Ministry of Labour and Social Policy was allocated more funds in the budget for 2011, although the budget was restricted by the International Monetary Fund and all other ministries were left without a smaller or larger amount than the one they asked for. The elections to be held in early 2012 will show whether the current political elite understood the message too late.

816 Sluzbeni glasnik Republike Srbije, No. 24/11.

## Monitoring of Prisons

The Helsinki Committee for Human Rights in Serbia (HCHRS) has been monitoring the conditions of human rights in Serbia's prisons for the past 10 years<sup>817</sup>. Ever since the riots throughout Serbia's prisons in 2001, through various projects, the Helsinki Committee has been continuously monitoring the reform of the prison system and the general condition of human rights in prisons. From the human rights aspect, the HCHRS has been carrying out regular monitoring activities of the rights of persons who are convicted or detained, as well as the respect for human rights and the obligations of the personnel at the penitentiary-reformatory system.

In a broader context, Serbia's prison system represents a paradigm of reform efforts in the past years which have been initiated but not completed. Namely, following the riots in 2001<sup>818</sup>, dozens of organizations, both local<sup>819</sup> and foreign, entered the prison system. Particular and continuous attention to the reforms and the improvement of Serbia's prison system is paid by the Organization for Security and Co-operation in Europe (OSCE), as well as by several other local Non-Governmental Organizations (NGOs). After 10 years of efforts and engagement in this field, the positive results are at a minimum, which is best seen upon insight in the condition of human rights of the prisoners and the personnel, but also upon insight into the entire prison system. Namely, this section of the report will describe several systemic oversights in this field which were

817 A great number of reports from nearly all prisons in Serbia is available at the internet site of the Helsinki Committee. For a more detailed view, see:

- <http://www.helsinki.org.rs/serbian/doc/zatvori2.pdf>

- <http://www.helsinki.org.rs/serbian/doc/Zatvori%20u%20Srbiji%202004-2005.pdf>

- <http://www.helsinki.org.rs/serbian/doc/Zatvori%20u%20Srbiji%202002-2003.pdf>

818 The 2001 riots were organized by unreformed security services and the underground as a specific form of pressure on the DOS (Democratic Opposition of Serbia) coalition.

819 Today, apart from HCHRS, only two other local NGOs are concerned with the condition of human rights in Serbia's prisons: Belgrade Center for Human Rights and the Center for Human Rights in Nis.

ascertained during the latest field mission - visits to several prisons in Serbia during 2010 and 2011. In addition, this section of the annual report will present a *case study*, a short illustration of the condition of human rights in the Pozarevac Penitentiary-Reformatory for Women.<sup>820</sup> We have selected this prison (the only institution in Serbia for women) in order to demonstrate the weaknesses of the system, and serious omissions with regards to human rights which are, unfortunately, bordering on torture. Namely, the situation in the Pozarevac Penitentiary-Reformatory for Women has not changed much as compared to the HCHRS' visit to the institution in 2003. The objections presented in the HCHRS report remain the same. In fact, the HCHRS team has come across a difficult situation during the last visit to this prison. Even though we have sent a written report to the Administration for the Execution of Penitentiary Sanctions and in spite of the media campaign we have conducted, the situation in this institution remains unchanged.

The penitentiary-reformatory system in Serbia consists of a total of 28 penal institutions nationwide. Out of the total number of penal institutions, 26 are classical prisons. The remaining two are special institutions (the Special Prison Hospital in Belgrade and the Educational-*Correctional* Institution in Krusevac). Out of the remaining number of prisons (26 of them), a total of 17 institutions belong to the system of county prisons, while the remaining 9 fall under the category of penitentiary-reformatory institutions. Based on security levels and the way prisoners are being treated, prisons can be classified into open, semi-open, closed and the closed type with special security measures.

Problems in the prison system are numerous and often related to the lack of financial means for infrastructural investments, or rather, investments for the prisoners' quality of life. However, we will list several of the system's most serious problems, as well as several recommendations for overcoming these problems.

820 The full report is available at the website: [www.helsinki.org.rs](http://www.helsinki.org.rs)

## **Overcrowdedness**

In the first place, Serbia's prison system is inefficient due to the prisons' overcrowdedness. In many of Serbia's prisons, the accommodation capacities are surpassed by as much as 50%. This is best illustrated on the example of the County Prison in Novi Sad, with a capacity of 350 places, which accommodated 620 detained and convicted persons at the time of our visit.

The total capacity of prisons in Serbia is around 6.500 places, while, in reality, they accommodate over 11.000 persons. Overcrowdedness represents a systemic problem for a number of reasons. Firstly, the quality of life of convicted and detained persons in Serbia is significantly reduced due to a vast number of prisoners. In addition, the work of expert services is impossible with such a large number of detainees and prisoners, making the ultimate goal of the prison sentence (resocialization and social resettlement into normal living conditions following the release from the penal institution) impossible to achieve.

## **Detention as an Institution**

At this moment, there are between 3.000 and 3.500 persons sentenced to detention in Serbia's prisons. Detention is a mechanism, which is, in theory, used by courts as a necessary measure in order to ensure the presence of convicts who are considered unreliable in terms of security. However, in Serbia, the detention measure is, practically, used as a penal measure, which represents a systemic violation of human rights by the courts, or in other words, by the state. Namely, for a vast number of detained persons, following the trial, a sentence equal to the time spent in detention is set, which renders the entire institution of detention pointless. At this moment, Serbia has the highest number of detainees in this part of the world (the highest in all of Europe).

## Parole Release

Based on positive law of the Republic of Serbia, it is provided that all convicted persons be allowed parole after serving two thirds of the sentence (a similar right applies to persons convicted of war crimes before the International Criminal Tribunal for the former Yugoslavia at the Hague). This condition can be used by convicted persons who fulfill the previously defined and legally determined criteria (good conduct while serving the sentence, successful social resettlement). However, in practice, less than 15% of filed parole applications of convicted persons are resolved with a positive outcome. There are, namely, several reasons for this. Firstly, several years ago, there were a couple of (publically well known) scandals related to parole release. The best known is the parole release of Milorad Bračanović in 2009. Bračanović, accused for not reporting facts about the murder of Ivan Stambolić and for not reporting information on the attempted murder of Vuk Drasković, was released based on the court's decision. The court, on the other hand, has reached this decision based on the opinion of the reformatory service of the Penitentiary-Reformatory Zabela in Pozarevac. In the end, the Administration for the Execution of Penitentiary Sanctions relieved of duty the warden of the Zabela Penitentiary-Reformatory as well as the chief of the Probation Service. All this has led to a conservative attitude of the Probation Service's personnel towards the institution of parole release. As a result, when a convicted person asks for parole release, the opinion of the prison's Parole Service is usually negative, that is, an assessment is made that the resocialization process is ongoing. When giving their opinion, if they are informed that the *resocialization process is ongoing*, the courts never give a positive opinion on the parole release of the offender.

However, the courts themselves bear the greatest responsibility for the non-functioning of parole release. Connoisseurs of case law maintain that the courts do not apply the institution of parole release (especially over the past several years) primarily because the judges fear that the parole release of certain offenders can be an inconvenience during their re-election process. Based on the Law on Free Access to Information of

Public Importance, the Belgrade Center for Human Rights has come across some interesting facts about court policy across Serbia towards convicted persons and the possibility of parole release. Namely, a large number of courts reject nearly 80-90% of filed applications. However, there are several higher instance and municipal courts in Serbia whose work is commendable (such as the Municipal Court in Loznica). On the other hand, certain courts, such as the High Court in Pancevo, has, in 2010, rejected 97% of all filed applications for parole release.

### **Enforcement of Alternative Sanctions**

In spite of pompous media announcements, the enforcement of alternative sanctions still has not caught on in practice. At the time of writing this report, only one person is convicted to a prison sentence through electronic surveillance (bracelet); however, given that this penalty is not legally final, the enforcement still has not begun. In addition, the enforcement of alternative sanctions by working in certain public enterprises (such as 'Belgrade City Parks') still has not commenced, either.

### **The Abominable Status of Prison Personnel**

In the prison system, in addition to offenders, it is evident that the personnel also suffer significant violations of human rights. Namely, the working conditions in nearly all prisons in Serbia are extremely poor. Not only are the prison personnel working with a particularly difficult and high-risk population, but they are also exposed to unnecessary stress and overtime work, in addition to being underpaid. Overtime work, poor equipment and unusually difficult working conditions particularly refer to the security service. It is noticeable that members of this service (whose monthly pay ranges from 200 to 250 euros on average) are subject to serious violations of the collective employment contract. Namely, members of this service work between 50 and 55 hours per week on average, which represents a violation of the working right, but also an endangerment of the health status of members of the security service.

A case study, the Penitentiary-Reformatory for Women in Pozarevac represents a segment of the report which the HCHRS has prepared following a visit to this institution. The entire report can be viewed at the website [www.helsinki.org.rs](http://www.helsinki.org.rs)

## **CASE STUDY: Požarevac Penitentiary-Reformatory for Women**

*Visited: July 6<sup>th</sup> and 7<sup>th</sup>, 2010*

*Type of institution: semi-open*

*Capacity: ca. 177*

*Number of prisoners: 221 sentenced for crime  
and 12 sentenced for misdemeanor*

*No detention*

### **I – Quality and Conditions of Life**

#### **Buildings and Grounds, Equipment, Ventilation and Lighting, Sanitary Installations and Hygiene**

The team of the Helsinki Committee for Human Rights in Serbia (HCHRS) has always paid particular attention to the Penitentiary-Reformatory for Women in Požarevac given that it is the only institution in Serbia for women under sentence, with numerous specificities this entails.

Having in mind the reports on previous visits, it can be concluded that the prison conditions are still far from adequate, although steps have been taken regarding the maintenance and renovation of this institution. It should be noted that some of the buildings of the Penitentiary-Reformatory for Women in Pozarevac are among the oldest in the system of the execution of criminal sanctions of the Republic of Serbia. The main building was built 136 years ago, and has since been considerably reconstructed twice (in 1911 and 1971).

The department for the prisoners sentenced for misdemeanor doesn't fulfill the minimal criteria for humane accommodation of women, regardless of the fact that they are detained for an average of 30 days. There is a

considerable number of returnees, and the high fluctuation of prisoners certainly contributes to a faster deterioration of facilities. However, this can by no means justify the utter disrepair and appalling conditions of the current state of affairs. Conditions are considerably better in the open ward, as well as in the ward for pregnant women and nursing mothers. The dining hall has also been renovated and seems clean and tidy.

From an architectural-technical point of view, the installations (plumbing, electrical etc.) pose an additional problem. Prior to the HCHRS' visit to the prison, there has been a small fire (due to a malfunction in the electrical installations), however, thanks to the levelheadedness of the prisoners and the commander on call (member of the security service), the fire was quickly extinguished without consequences for the safety and health of the prisoners and employees. No need to additionally stress that the inflow of fresh air and natural light is insufficient, while artificial lighting is inadequate in most parts of the prison.

There are difficulties in maintaining personal hygiene due to the overcrowdedness in the Penitentiary-Reformatory for Women. For example, in the IV pavillion, 70 women share two toilets and two shower cabins. The fact that some women do not receive items for maintaining personal hygiene was explained by the management as a money-saving measure, adding that the 'more affluent' convicts who receive money and packages can provide for their needs themselves. Although we understand that the state has financial problems, this practice cannot be justified and all convicts must receive basic hygienic products. Weekly, the convicts receive hydrochloric acid for cleaning toilet facilities, which certainly doesn't suffice. The sanitary equipment is in very poor condition in some toilets, and privacy isn't provided throughout all facilities.

The Penitentiary-Reformatory for Women owns a laundry room with three washers (two smaller and one large), which are used for washing the bedding. The convicts wash their clothes by hand, which, up until a few years ago, meant the exclusive use of cold water. However, this problem was resolved by connecting to the long distance heating supply of hot water. However, during our visit to the Penitentiary-Reformatory for Women, the tap water was cold, as it was the end of the winter heating season, and

there is an insufficient number of water boilers, which are, in addition, selectively used due to the weak state of electrical installations. We haven't received an explanation by the management as to why each convict must wash her own laundry by hand. Even more rigid is the rule that convicts must not hang someone else's laundry to dry. We were told by one convict that, due to her work obligation, she was unable to hang her laundry to dry, another had the same problem having fallen ill, and the laundry had laid wet until she was able to gather her strength to stand. It remains unclear whether the management considers this kind of treatment as some sort of occupational therapy, or it is rather someone's personal whim for enforcing discipline. It is our opinion that hand-washing laundry could be offered to the convicts as a possibility, but it could also be organized as a work activity, which would, then, have to be paid. The assumption that it is a woman's duty to clean and wash is deeply linked with misogyny, even if for lack of awareness of it. Additionally, it is incredible that all prisons for men were able to organize a laundry service (including ironing and sewing reparations), whereas in the only women's prison this job is perceived as 'natural' for women. Also, there are no arguments in favor of banning women from helping each other.

In the Penitentiary-Reformatory for Women, there is also a dress code, which is another absurdity. We were told that women are sensitive about their appearance, hence wearing uniforms is to prevent tensions and negative feelings which could surface as a result of financial differences between convicts. This is why not wearing a prison uniform is considered a serious offence. At the time of our visit, the outside temperature was above 30 degrees Celsius, which presented an obvious problem for the prisoners, who are obligated to wear the same uniform throughout the year, regardless of weather conditions, whereas this practice is in breach of the European Prison Rules (EPR). The institution contains a modestly furnished room for hair-styling services, but we haven't seen a single woman with tidy hair. Personal appearance is a very important aspect of building and strengthening self-confidence, as well as regaining lost dignity. In addition to the list of strict rules, the members of the security service are obligated to wear their official hats at all times (except when seated), which

poses a big problem in hot weather, also jeopardizing their health. Needless to say that explanations given do not hold. However, the lack of sensitivity to specific needs of women and the incapability of finding creative solutions for their problems and needs (including resocialization), make ground for serious questioning of the purpose of such prison rules.

### **Medical Service**

Several convicts have made complaints about a particular doctor working on a contract basis. The complaints refer to their health problems not having been taken seriously and, accordingly, their therapy being inadequately weak, mostly consisting of recommendations for using teas and chamomile poultices. We have no intention of making assessments regarding this treatment and whether such therapeutic treatments were adequate or there is a higher inclination towards medication on part of the convicts. Instead, we are referring to this example in order to emphasize the impossibility of verifying these and similar complaints. The reason for this lies in the fact that the medical service in the entire prison system isn't an independent unit. Instead, it is a part of particular institutions, and these types of complaints are referred to the pertinent prison director or his deputy (to whom, in this particular institution, the medical staff is directly subordinated). The directors or deputies have no medical education, which makes them incompetent for controlling, supervising or organizing medical services. Substance dependence remains, by far, the largest health problem. At the beginning of July there were 22 alcoholics and roughly 70 drug addicts in the institution. The general health habits of the institution's population are illustrated by the anamnestic data that only three out of 230 women were not smokers. Methadone therapy is provided for those convicts who had begun treatment prior to imprisonment (there are usually 5-6 convicts on methadone therapy, 4 at the time of our visit). Unfortunately, besides methadone therapy, there is no other form of therapy for these patients. The institution is visited by two neuropsychiatrists (a total of 4 visits per month) who perform around 600 examinations annually. However, the treatment is only pharmacological, without any other psychotherapeutic activities.

The most concerning was the fact that self-mutilation resulted in isolation and use of instruments of restraint (fixation) on several occasions. On occasion, fixation had lasted up to 48 hours, and instruments of restraint were used both on the arms and legs, and the convict would be released for meals and personal hygiene maintenance. Whereas the measures of isolation and increased supervision seem sensible in such circumstances, we find there isn't sufficient medical justification for placing prisoners under isolation and increased supervision when long periods of time had lapsed after self-mutilation and subsequent surgical care. In cases of continuous aggression and self-aggression, transferring the convict to the Medical center and having her admitted at the psychiatry ward is more adequate. For this measure, a neuropsychiatrist always provides written consent stating that isolation is permitted and the instruments of restraint can be used against the patient as needed. We find this form of consent unacceptable because the assessment of the need for fixation is left up to the prison staff without adequate official training. In fact, fixation can only be requested by a neuropsychiatrist and it must be entirely medically indicated, whereas its duration must be as short as possible, usually until pharmacological substances reach their full effect. The length of time under restraints (up to a maximum of 48 hours) is also determined solely by a neuropsychiatrist. The way fixation is used in this institution is unacceptable as it makes this medical service a function of disciplining the convicts, which must be avoided at all costs.

The institution traditionally treats pregnant prisoners well and the same goes for their babies, who spend their first year with their mothers, also receiving financial and medical assistance at the same time. At the time of this visit, the institution hosted two babies and two pregnant women in the third trimester. However, most convicts complained that they had applied for a visit to the gynecologist according to procedure, however, for reasons unknown to them, were never invited for the visit. There were also complaints about services which the convicts felt should be free of charge, whereas they were told that these services must be paid for.

The Penitentiary-Reformatory for Women is the only penal facility without an ambulance. Regardless of the fact that the institution is located in the city, an increasing number of convicts, many of which with ailments pre-existing incarceration, insist on the procurement of at least one ambulance for emergencies.

## **II Security**

During the past year, there hasn't been a single recorded case of escape or attempted escape, nor was there an attempt to smuggle in illegal objects or substances via mail or otherwise. The psychology and temperament of female convicts clearly differs drastically from that of male convicts. We, therefore, feel that serious steps towards humanization of the premises and life in prison should be taken and more appropriate solutions for security measures should be found.

The incident statistics for the past 6 months show that there were 6 attacks on convicts (amongst themselves) and 4 cases of self-mutilation. This figure is not alarming in itself, however the particular type of incidents indicates that certain convicts react to deprivation and hardship by aggression towards other convicts or towards themselves. Thus, it might be more efficient to focus on the causes and problems leading to certain incidents and work on their alleviation – that is on preventing conflicts and self-mutilation, and not only on punishing convicts.

– We found the way sick and elderly women are treated to be highly problematic. They are also expected to rise, bow their heads and look at the floor while an employee passes by. Also, the elderly and sick convicts need a written approval by the prison's doctor if they would like to rest in their beds during the day. Yet, at the same time, if they have been granted such approval, they are forbidden to sit or walk around the room – they need to lie on the bed without exception! A woman with back problems had explained to us how difficult and painful continuous lying down is for her, yet if she were to stand up and walk around, she would be risking having to return to work and to perform other mandatory activities, which she isn't capable of. This type of treatment is in serious violation of human

rights and the law and can be characterised as torture as well as inhumane and demeaning treatment.

– Dealing with packages is far more rigorous than in many prisons with many more security problems... Namely, the security service opens each and every object in a package (including canned food). As a result, most of these items can be considered unusable, especially with regard to foodstuffs which spoil easily. Although the Law on the Execution of Criminal Sanctions (LECS) doesn't sanction such behavior, we must emphasize that many convicts come from economically deprived communities and families, therefore this destruction of their private property is irrational and unjustified. Let us stress once more that the packages had not contained a single illegal object or substance for a long period of time.

– The institution's management takes pride in the fact that measures of isolation are not used, however it is our impression that the absence of isolation is compensated for by fixation. We have already drawn attention to this problem, which was also confirmed by the convicts. During 2010, coercive measures were used 12 times. The management states that restraints are used only in cases of self-mutilation, whereas the convicts claim the opposite is true. In 2009, there were 26 cases of fixation for the duration of 24 hours, the reason being – self-mutilation.

## **Conclusions and Recommendations:**

- Urgently devise an operative strategy for the depopulation of the prison system. Include courts, the Ministry of Justice and public experts into the depopulation process.
- Enable just access to the institution of parole release, engage the courts to deal with applications of offenders for parole release in a more timely and adequate manner.
- Devise incentives for the personnel displaying a maximum of engagement and efficiency in carrying out their tasks.
- Organize regular education programs adjusted to realistic needs of the penal system personnel and include the entire staff.
- Refer to the principle of participation of personnel in reaching legal and other important decisions which impact the improvement of practice in a direct or indirect way.
- Plan psycho-social programs for the prevention of the staff burn-out syndrome and implement them regularly as part of various services.
- Urgently increase the number of security service personnel in all prisons in Serbia.



# X – REGIONAL CHALLENGES



## Vojvodina Lags Behind

Although 10 years have passed since the 5 October 2000 overthrow of the Milošević regime, Vojvodina has made no progress towards resolving the issue of its status. The period following the adoption of its Statute has been marked by silence in spite of the fact that Vojvodina was granted a ‘facade autonomy’ instead of a genuine one. The Vojvodina issue has been sidelined and dialogue on Vojvodina has all but died down because there is no political life in Vojvodina to speak of, only a pretence of it.<sup>821</sup>

The Vojvodina parliament speaker, Sandor Egeresi, has presented data showing that Vojvodina is no longer the most developed part of Serbia and that it is steadily declining. In 2010, industrial output was below that in 1990 and GDP per head of population was for the first time below the Serbian average by 4.8%. While Vojvodina’s budget of EUR 600 million is sufficient to prevent the province’s further decline, said Egeresi, it could by no means be considered enough to stimulate development. Vojvodina has found itself in a situation where it now must apply for state budget resources which are earmarked for insufficiently developed regions.<sup>822</sup>

Adopting legislation on Vojvodina’s property and financing, coupled with substantial decentralisation and regionalisation of Serbia, is the only solution for Vojvodina.<sup>823</sup> The myth about Vojvodina being the locomotive of development has been exploded thanks to Belgrade’s resistance to decentralisation.<sup>824</sup> This fact did not persuade the provincial politicians to

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821 ‘Gde je danas Vojvodina’, statement by Đorđe Subotić, president of the Vojvodina Club, in an address to the Club (September 2010).

822 ‘Vojvodina stigla među razvijene’, *Dnevnik*, 10 April 2010. Vladimir Pandurov, deputy provincial secretary for international cooperation, said that the provincial administration would insist on being given the money.

823 ‘Vojvodina u sve gorem položaju’, *Dnevnik*, 28 December 2010. Egeresi says he is convinced that the 100 richest war profiteers and tycoons own property worth more than the Serbian budget (about EUR 7 billion) and that some of them have capital exceeding the provincial budget.

824 The rich Vojvodina myth has been officially exploded, the lawyer Jankov said. ‘Belgrade

mark the 10th anniversary of the coup by more determined and radical advocacy of Vojvodina's interests.

Vojvodina politicians have been pointing out that Vojvodina is Serbia's trump card on its journey to the European Union and that it is also perceived as such in Brussels. Egeresi believes that it is about time Serbia too realised this.<sup>825</sup> The opening of a Vojvodina office in Brussels will be a step towards Vojvodina's faster European integration.

The provincial officials have not yet taken over the competences provided by the new Vojvodina Statute. Following several deadline postponements, it was agreed to take over the competences before the end of the present government's term.

The maxim dating from the late 1980s that 'Serbia will either be unified or will not exist at all' is still frequently quoted by political elites in both government and opposition. Novi Sad University professor Jovan Komšić said that present autonomy guarantees were a fig-leaf because the province's self-government depends on the leaderships of political cartels and the shifting will of the majority in the republic parliament.<sup>826</sup>

## Belgrade continues to oppose autonomy

Serbian elites are somewhat apprehensive and suspicious regarding Vojvodina. Professor Komšić believes that these elites have neither solutions for specific problems nor interests to institutionalise Vojvodina's autonomy. As long as they can obstruct the division of power, he said, political elites in Belgrade will refuse to share their power with others.<sup>827</sup> One of the means at their disposal, he said, is obstructing solution of the issue of Vojvodina's property and financing.

has finally been unmasked. Belgrade generates more than half the GNP of the whole republic! Vojvodina is no locomotive of development, it manages only 43% of the value created in Belgrade.' 'Srušen mit o bogatoj Vojvodini', *www.autonomija.info*.

825 'Prepoznati smo u Briselu, ali ne i u Srbiji', *Dnevnik*, 31 October 2010.

826 Professor Jovan Komšić in 'Prepoznati smo u Briselu, ali ne i u Srbiji', *Dnevnik*, 31 October 2010.

827 'Politički monopoli strahuju od Vojvodine', *www.autonomija.info*.

Vojvodina's Prime Minister Bojan Pajtić did not agree and said that 'Vojvodina ought not to be disappointed with what has been achieved' because the difference compared to the period of Milošević's rule is 'undeniable and dramatic'. 'We haven't had a full decade on our disposal because these years have not all been marked by reform processes or serious wishes to make changes,' he said. After 5 October 2000 Vojislav Koštunica and his Democratic Party of Serbia (DSS) very soon found common language with people from the Milošević regime, as a result of which, he said, reforms were first slowed down and then brought to a halt in the wake of the assassination of Zoran Đinđić. There is no doubt, Pajtić said, that changes would have been faster had there been no vacillation within the parties forming the majority in the republic parliament.<sup>828</sup>

During the mid-1990s municipalities and provinces were dispossessed of their property in an effort, inter alia, to deprive the opposition, which had won elections in the largest towns and local self-governments, of resources. Although restitution of property was a key promise of the democratic opposition, property has not been returned yet. The delay is creating many unnecessary problems for municipal authorities. The municipality of Apatin is a case in point. The municipality has been unable to start the construction of a produce market because it must obtain permits from five different ministries. After the municipal authorities succeeded in obtaining the last two permits, thanks to the intervention of the republic parliament speaker, it turned out that the rest had expired. The obstructions are so great as to be absurd. Mayor of Apatin municipality Ž. Smiljanić gave another example: 'It's hard to believe that state centralisation could have gone to such absurd lengths. When a cleaning woman at the Apatin Health Centre retires, we can't hire another until we obtain the consent of the Ministry of Health.'<sup>829</sup>

828 'Demokrate nisu promenile odnos prema Vojvodini', *Dnevnik*, 3 October 2010.

829 'Vratite imovinu gradovima i opštinama', *Dnevnik*, 3-5 April 2010. Živorad Smiljanić, the mayor of Apatin municipality, says that Serbia is probably the 'only country in the world in which municipalities and towns have no property of their own and where the republic administration, which decides on that property, is literally a disaster'. Officials in Paraćin have similar experiences. The mayor of Paraćin recently had talks with investors from Turkey who were willing to open a factory in the town

Aware of the importance of property restitution legislation for municipal development, planning, attracting investments, employment and income, provincial officials have repeatedly insisted that legislation on public property and financing of Vojvodina be adopted as soon as possible. Although the prospect of the property issue being discussed at the autumn parliament session was raised on several occasions during 2010, no such debate took place. Although the G17 plus parliamentary group introduced a Draft Law on Public Property to parliament at the beginning of the year, the draft was not discussed. It was also mentioned publicly that the Ministry of Finance had set up a working group for drafting law on public property and that the League of Social Democrats of Vojvodina (LSV) had undertaken to prepare such legislative proposals. Asked why there was a silence concerning the draft, Kostreš, who is the vice-president of the LSV, said that communication was intensive but 'below the reach of radar' in order to avoid a controversy such as that which surrounded the adoption of the Vojvodina Status. He added that the public would be informed about the legislative proposals only after consensus had been reached on most issues.<sup>830</sup> Since no consensus has been reached,<sup>831</sup> Vojvodina and its municipalities are still left without a major document which could help them to influence their own development and try to catch up with Belgrade.

as a joint venture on condition that the municipality provide the buildings. 'We have no municipal property, so that kind of investment model is not possible for us. As it is, we're only chasing investors away in this way,' complained Mayor Saša Paunović. 'Zašto se Beograd boji lokalne matematike', *Dnevnik*, 27 September 2010.

830 'Vojvodina ne čuti, već se o imovini razgovara "ispod radara"', [www.autonomija.info](http://www.autonomija.info).

831 It is not clear why there is no agreement, given that all the members of the ruling coalition speak of the need to reconstitute property. Aleksandar Popov, the director of the Centre for Regionalism, says that there is too much insincerity on their part: 'There is no opposition or any other objective reason preventing the ruling coalition from finally producing that piece of legislation. Whether they will do what they themselves publicly advocate depends on their will alone...' 'Umesto decentralizacije cirkus', [www.autonomija.info](http://www.autonomija.info).

## Decentralisation and regionalisation

In March 2010, the Serbian government set up a National Decentralization Council<sup>832</sup> charged with preparing a decentralization strategy. However, in spite of strong demands for setting the process in motion as soon as possible, the Council has still not made public its proposal owing to obstruction of its work from republic government ministers. Aleksandar Popov, the coordinator of the Council's team of experts, said that 'if boycott and obstruction of the Council by government members continues... there will be no point in our continuing our work.'<sup>833</sup>

Owing to the lack of political consensus, as was the case with the Law on Restitution of Property, the question of decentralisation and regionalisation is likely to remain unresolved for some time yet. Milan Nikolić, director of the Centre for Study of Alternatives, says that the time is not yet ripe for decentralisation: firstly, because the Kosovo issue is still being politically exploited; secondly, because the ruling coalition does not think it advantageous to deal with the issue in the present unfavourable economic situation; thirdly, because of the radicalisation of the situation in Sandžak.<sup>834</sup>

In support of his doubts that the ruling structures intend to address decentralisation in earnest, Popov cited some discouraging signals coming from the top of government. This relates above all to President Boris Tadić's warnings that the processes of decentralisation and regionalisation must not result in the creation of mini-states in the territory of Serbia: 'For this reason my duty as President of Serbia is to give the question

832 The president of the Council is Nenad Čanak, and its members Božidar Đelić, Mladan Dinkić, Svetozar Čiplić, Milan Marković, Milica Delević, Bojan Pajtić, Sandor Egeresi, Nenad Milenković, Željko Ožegović, Dragan Marković, Miloš Simonović, Milena Popović – Subić, Saša Milenić, Meho Mahmutović, Boško Ničić and Ragmi Mustafa.

833 'Obeshrabrujuće ponašanje predstavnika vlasti', *Dnevnik*, 29 April 2010. Popov said in a statement for autonomija.info that it appeared to him that the 'decision of the government to set up this Council was a publicity stunt or, rather, a concession to partners in government made for daily political purposes, without a genuine desire to do something about it'.

834 'Decentralizacija još na dugačkom štapu', *Dnevnik*, 17 September 2010.

of decentralisation and regionalisation lower priority than the question of preserving the integrity of the country'. In Tadić's opinion, working out a good decentralisation and regionalisation model will take 'at least five years, so the conditions for statutory and constitutional changes are likely to be in place in 2015.'<sup>835</sup>

The Minister for Public Administration and Local Self-Government, Milan Marković, said that decentralisation and regionalisation were serious matters and that there was a danger of compromising what had been achieved so far by making injudicious moves under pressure from demagoguery and populism. While not denying the importance of territorial organisation of the state, Marković said that the issue would not find itself at the focus of political attention because 'our uneven regional development is not due to the lack of regions. It has nothing to do with that.'<sup>836</sup> In order not to make injudicious decisions, he said, one should sit down and consider what role the regions would play and whether they are necessary at all.<sup>837</sup>

In common with President Tadić, Koštunica is also concerned about the country's territorial integrity. He called for giving up the 'pernicious' idea of deconstructing Serbia into regions because, he said, the only right way was to develop local self-governments rather than inventing regions as dwarf-like quasi-states.<sup>838</sup> DSS vice-president Nenad Popović agreed that Serbia does not need regions. Regionalisation is doomed to failure, he argued, because creating regions in nationally-mixed environments would lead to rebellions.<sup>839</sup>

This view was opposed by Vladimir Ilić, deputy president of G17 plus. Separatism, he said, arises where one ignores for years and decades the

835 'Regionalizacijom neće biti stvorene mini države'.

836 'Možda nam ne treba regionalizacija', *Dnevnik*, 12 April 2010.

837 Ibid.

838 'Regioni su pogubni za Srbiju', *Press*, 29 November 2010. 'We must devote ourselves to developing our towns and our villages and let the EU and NATO deal with their own affairs. Serbia doesn't have to solve others' problems because it has enough of its own,' said Vojislav Koštunica.

839 'Da li nam je potrebna regionalizacija', *Politika*, 13 December 2010.

specific needs of parts of a country and of their inhabitants; these people regard the state as a hostile one and this is what frustrates them; they are not frustrated when they are offered competences, resources and possibilities of development and direct access to European funds.<sup>840</sup> The party's president, Mlađan Dinkić, also believes that Serbia would develop much faster if decisions were made at municipal and regional levels. Introducing the party's Platform for Regionalisation and Decentralisation of Serbia, Dinkić said that the present 'centralised system is making rich municipalities even richer and poor ones even poorer', that the centralised system must be changed and that Serbia must be constituted as a regionalised state.<sup>841</sup>

However, Dinkić's attitude to regionalisation has met with serious criticism. One of the critics, LSV vice-president Bojan Kostreš, said: 'I'm puzzled by G17 plus's sudden concern for the regions because I don't see that it manifests the same concern through its government work.'<sup>842</sup> Čedomir Jovanović, president of the Liberal Democratic Party (LDP), was of like opinion: 'As regards the regionalisation concept, I see him (Dinkić) and his policy...as one of the greatest obstacles to a serious regionalisation of the country. Although he's sat in the government for six years, he hasn't made it possible to return property to local self-governments.'<sup>843</sup> The announced relocation of institutions from Belgrade,<sup>844</sup> announced as a prelude to

840 Ibid.

841 'Dinkić traži Srbiju regiona', *Press*, 3 November 2010. Introducing the Draft, Dinkić called for amending the Constitution, abolishing the existing districts, dividing Serbia into seven regions, reducing the number of MPs, setting up a committee for regions and increasing the number of municipalities.

842 'Imamo poplavu lažnih regionalista', *Dnevnik*, 28 October 2010.

843 'Dinkić je prepreka za regionalizaciju', *Dnevnik*, 3 November 2010. The president of the provincial committee of G17 plus, Tomislav Stantić, dismissed the allegations about there being a flood of false and insincere regionalists as ridiculous and as sheer petty-politicking: 'I think that the United Regions of Serbia were the first to find the strength to offer the public a comprehensive platform and to raise the issue as a social priority. While most parties talk about regionalisation, we're the only ones to put this matter at a premium.'

844 The Development Fund will have its seat in Niš, the Agency for Insurance and Financing of Exports will be moved to Užice and the National

decentralisation, was also criticised. Such a prospect has been condemned as populist rhetoric on the part of G17 plus and as 'drawing attention away from essential problems'. In the opinion of Aleksandar Popov, 'relocating a ministry, agency, fund or some other institution from Belgrade to another city will not help anyone in Serbia to live better, nor will it make the state less costly.'<sup>845</sup>

Vesna Pešić of the LDP was particularly critical of Dinkić's approach: 'That's primitivism, that's not decentralisation' because, she said, 'you call the territorial relocation of certain services devolution of power and decentralisation. That's not true. Devolution of power is not a territorial issue, it's not a matter of where a service has its seat, it's rather about taking power away from those who have concentrated it in their hands. Power is concentrated in the hands of Dinkić, and he will go on deciding on everything regardless of whether he's popped over to Niš or is sitting in Belgrade... If you wanted a devolution of power as well as regional decentralisation, you'd have created a new development fund for southern Serbia that would be run by local people completely independently from Minister Dinkić.' Pešić attributed G17 plus's interest in decentralisation to a need to 'stay in power at all costs'. 'You're misusing "your ministry" by putting on a decentralisation act, that is, by relocating services that "belong to you"... I consider the thing you're doing as a blow to the political system in Serbia.'<sup>846</sup>

Employment Service to Kragujevac. A branch office of the National Agency for Regional Development has been opened in Zaječar. Devolution of power is necessary because four-fifths of citizens live outside Belgrade although all government institutions are concentrated in Belgrade,' said Dinkić.

845 'Umesto decentralizacije cirkus', [www.autonomija.info](http://www.autonomija.info).

846 'Dosetljivi Mladan Dinkić', [www.pescanik](http://www.pescanik).

## Altering the Constitution

In order to define Serbia as a regionalised and decentralised state, so that Vojvodina could have legislative, judicial and executive competences as well as exactly defined property and revenues, it is necessary to alter the present Constitution. It is only through constitutional amendments that it is possible to eliminate the present shortcomings concerning the political system, the relationship between international and internal law,<sup>847</sup> the number of republic members of parliament,<sup>848</sup> the preamble<sup>849</sup> and constitutional definition of Serbia,<sup>850</sup> European integrations...<sup>851</sup>

Although both ruling and opposition parties are saying that the Constitution should be amended, their reasons for doing so differ. While most political actors agree that amendments are inevitable, they do not think they are possible before the expiry of the term of the present ruling coalition.<sup>852</sup> Unlike the majority, the DSS and the Serbian Radical Party (SRS) oppose any alteration of the Constitution. The SRS vice-president, Dragan Todorović, said: 'This constitutional amendments thing has shown

847 'Menjaćemo ustav', *Danas*, 13 December 2010. Vlatko Ratković, president of the parliamentary Legislative Committee cited the relation between the internal and international law as a reason for amending the Constitution.

848 The SNS initiated a petition for reducing the number of MPs because it believes that having 250 MPs is too much for Serbia. The Serbian Renewal Movement (SPO) is also a strong supporter of a reduction. The DS too believes that the number is excessive. In mid-January the SNS submitted over 300,000 signatures in support of amending the Constitution to halve the number of MPs.

849 The LDP considers that there is no solution for Kosovo as long as the Constitution preamble is in effect. 'Različito o promeni Ustava', RTS, 13 December 2010.

850 Kostreš says that the constitutional definition of Serbia as the state of Serbs and other citizens must be amended because it gives rise to segregation. 'Novi ustav 2012.' *Danas*, 29 October 2010.

851 'Novi ustav 2012.' *Danas*, 29 October 2010. In response to Kostreš's statement, DS spokeswoman Jelena Trivan said: 'No one from the EU requires Serbia to alter the Constitution... The Constitution can only be altered to suit internal needs. However, this concerns neither decentralisation, which is defined already in the highest act, nor blank resignations, which too can be regulated by legislation at a lower level.' 'Ustav nije uslov za Evropu', *Danas*, 29 October 2010.

852 'Ustavne promene da, ali ne u ovom mandatu', *Dnevnik*, 2 November 2010.

up America's pawns in particular. While the proposals made vary, striking out the preamble is really what matters' in order to make Serbia give up Kosovo and Metohija,' he said.<sup>853</sup> The DSS vice-president, Slobodan Samardžić agreed, saying that the initiatives for amending the Constitution were the product of pressure from abroad with a view to getting rid of the preamble.<sup>854</sup>

Other than to make Serbia renounce Kosovo and Metohija, the SRS says, the aim of the initiatives is also to establish Vojvodina as a separate federal unit. 'The DS (Democratic Party) and its political satellites...have charged LSV president Nenad Čanak with turning Vojvodina into a federal unit, with help from a team of professors at the Novi Sad Faculty of Law and under the guise of constitutional amendments,' it said. SRS vice-president Milorad Mirčić, who made the above-mentioned warning at a news conference, said that Čanak and the professors were 'well known publicly for their separatist ideas.' Mirčić said that while the same team was working towards integrating Vojvodina in the Danube region, the Prosecutor's Office and other state organs were keeping silent 'because they themselves are part of a government working to break up the state behind the screen of alleged constitutional amendments.'<sup>855</sup>

Pajić dismissed all speculation about the existence of separatism in Vojvodina as 'notorious nonsense' without any basis in reality whatever. 'Any reference to secession of Vojvodina, where Serbs make up three-quarters of the population, is tantamount to a clam that separatism is on the rise in Šumadija. This, then, is a notorious nonsense,' he said.<sup>856</sup> Certain

853 'Svako ima svoju meru ustava,' *Večernje novosti*, 18 December 2010.

854 Ibid.

855 'Od Vojvodine se stvara federalna jedinica u Srbiji,' RTS, 13 December 2010.

856 'Vojvođanski separatizam ne postoji,' *www.autonomija.info*. Even the opinion of the International Court of Justice on whether the Kosovo independence declaration is compatible with international law was abused to 'manipulate emotions'. Thus, Goran Knežević of the SNS said: 'If the International Court of Justice confirms that Kosovo had a right to secede, this can, by analogy, also be interpreted as Vojvodina's right, because KiM [Kosovo and Metohija] and Vojvodina had the same constitutional status both in the SFRY [Socialist Federal Republic of Yugoslavia] and in the FRY [Federal Republic of Yugoslavia] in relation to Serbia.' *Danas*, 5 March 2010.

politicians, he said, manipulate citizens' emotions and abuse the fact that citizens are sensitive to any prospect of state disintegration, given that the last two decades have witnessed the bloody break-up of the SFRY, the departure of Montenegro and the unilateral secession of Kosovo.

## Vojvodina's Danube strategy

The Danube Strategy will encompass both countries already in the EU and future members. The Strategy rests on four pillars: transport and communications, environmental protection, socio-economic development and the strengthening of institutional capacity in the region. Owing to the fact that the length of the Danube in Serbia is 588 kilometres, accounting for one-fourth of its total navigable length, Serbia expects major benefits from the Danube Strategy, said Vuk Dapčević, coordinator for the Danube Strategy in the office of Deputy Prime Minister Božidar Đelić.<sup>857</sup>

The goal of the Danube Strategy is greater prosperity, security and peace of its inhabitants, and its essence is to promote the Danube as a transport corridor. Vladimir Pandurov, the deputy provincial secretary for inter-regional cooperation, says that ocean-going transport between

Egeresi said that Vojvodina could not possibly be linked to the Kosovo problem: 'One should not create a problem where there is none.' The EU special rapporteur for Serbia, Jelko Kacin, said in this connection: 'There are no speculations about Vojvodina and no comparison to Kosovo. Vojvodina is a part of Serbia, in Vojvodina Serbs are in a large majority... People in Vojvodina want economic autonomy above all, so whoever links this aspiration of theirs with Kosovo is causing them harm, and this also goes for those who would like to discuss Vojvodina where Kosovo is on the agenda.' 'Poređenje štetno za sve', *Dnevnik*, 3 March 2010.

857 'Rađanje novog makroregiona', *Dnevnik*, 5 December 2010. The advantages of using the Danube are multifold including less congestion, noise, traffic accidents and environmental pollution since road haulage expends four times the energy needed for river transport over the same distances. The creation of a Danube region was initiated seven years ago during representatives of the German city of Ulm and of the Vojvodina parliament. Egeresi, who is among the staunchest advocates of a Danube region, was last year elected vice-president of the Council of Danube Cities and Regions. The European Commission has adopted a Danube Strategy which is expected to be approved by the EU Council and the European Parliament next year under Hungarian EU presidency.

Europe and Asia increases by over 10% a year and is expected to triple in the next decade; this will greatly increase the expenses of the largest West European ports of Antwerp, Rotterdam and Hamburg, which in turn will adversely affect Europe's competitiveness. A solution has been found in establishing an alternative port in Romania to handle large quantities of container goods on the way to their destinations in Central and West Europe.

Contrary to what some may believe, Vojvodina has not joined in developing the Danube Strategy for separatist reasons but because it has seen in the establishment of the Danube region, as one of Europe's most important development projects, a chance to reaffirm its European policy and to play an active part in European integration as an equal partner.<sup>858</sup>

### The Brussels office

Vojvodina is looking forward to considerable benefits from both the opening of an office in Brussels and a faster transfer of competences. The opening of a Brussels office has also been subject to public controversy, with conservative political actors failing to recognise the authorities' intention to attract investment to the province. Instead, they see this as lobbying for Vojvodina's independence and a step towards 'splitting up the state and subverting the territorial integrity and sovereignty of Serbia'. Thus Marina Četojević, an SRS member of parliament, said that the intention to open an office in Brussels might mean that 'Vojvodina too is [on its way to becoming] a separate state'.<sup>859</sup>

Having already been criticised in connection with Vojvodina's coat-of-arms, flag, anthem, Statute, Development Bank and Academy of Sciences, the provincial authorities decided to postpone the opening of a Brussels

858 'For all of us, the Danube is a haven of hope, partnership, friendship and peace', said Egeresi. 'Dunavska strategija je strateški prioritet Vojvodine', *www.predsednikskupstine-apv.rs*.

859 'Kancelarija u Briselu veliki trošak', *Dnevnik*, 21 September 2010. SRS MP Marijana Četojević said that running an office would be too expensive and accused the provincial authorities of irresponsible and extravagant disposal of budgetary resources.

office until Serbia was granted candidate status for EU membership. The authorities, who had actually yielded to pressure from nationalists, cited large office maintenance costs as the excuse for the postponement.<sup>860</sup> However, considering that the process of becoming a candidate takes at least two years, the provincial authorities decided to open an office earlier than they had announced.

Pajtić and Foreign Minister Vuk Jeremić said in November that Vojvodina's Brussels office would be opened in early January. By decision of the provincial government, Predrag Novikov, the director of the provincial Office for European Affairs, was authorised to see to legal and other affairs concerning the registration, opening and operations of Vojvodina's office in Brussels. It was said at the time that an office might be opened in the

860 In the opinion of Bojan Pajtić, the opening of a Vojvodinian office in Brussels before Serbia obtained candidate status 'would have no point because we would not have full access to European funds and the office would cost more than it would bring in in resources. In the conditions of a world crisis, that would be sheer extravagance.' Vojvodinian coalition partners were not able to reach agreement as to when an office should be opened. Vojvodinian officials said that citing high running costs was not a valid argument because premises had been offered by partner regions free of charge. In this context Egeresi and Novikov mentioned Istria, Baden Wurttemberg and the government of Styria, the last offering not only its offices but also access to its business circles. 'Vojvodini na raspolaganje kancelarija Vlade Štajerske', *Danas*, 16 September 2010. After all, Istria opened its office irrespective of Croatia's candidate status. In the five years since the Istrian office was opened, there have been investments in the region worth some EUR 20 million; on the other hand, the office has cost one-fortieth of that sum, that is, only EUR 500,000. The city of Kragujevac has said it will open an office in Brussels without waiting for Serbia's candidacy status: 'Thanks to cooperation with the Czech South Moravian Region, we were given an office at its premises in Brussels – of course, free of charge – and they have placed at our disposal all their assistance and experience so far,' said Borka Tomić, the future office head 'Ekonomaska logika na politički pogon', *Dnevnik*, 15 August 2010. Following in the footsteps of Vojvodina and Kragujevac, Valjevo and eight municipalities in the districts of Bor and Zaječar have decided to take a shortcut to the EU. The office of the city of Niš will be located on the premises of the Association of Local Agencies for Democracy and that of eastern Serbia in a German region. 'Srpski gradovi otvaraju kancelarije u Briselu', *Večernje novosti*, 19 November 2010. Birmingham City Council was the first to open its office in Brussels, as early as in 1984. At present 317 regions and cities have their representative offices in Brussels.

second half of January provided the agreement of the Serbian government was obtained within the next few days, but nothing happened.<sup>861</sup>

By agreement between Pajić and Jeremić, the Vojvodina office will be at the Serbian mission to the EU and will occupy a whole floor of the building.<sup>862</sup> When the opposition complained that the office was too expensive and that Vojvodina could not afford it at present, Novikov replied that the costs of Vojvodina's absence would be even higher because of diminished access to new European funds. 'I can already say with certainty that every dinar invested in a representative office in Brussels will bring Vojvodina at least ten dinars from European funds,' he said.<sup>863</sup> Announced as the future head of the office, Novikov said the 'priority of the office will be to attract as much investment in Vojvodina and Serbia as possible. We shall be able to canvass for investments in many European regions with which Vojvodina has cooperation agreements – Italy, Germany and Austria. We're also going to promote our tourist and educational potentials.'<sup>864</sup> Novikov said that those who look upon Vojvodina's office as a manifestation of separatism were actually opposed to new European projects involving the construction and modernisation of roads, bridges, waste dumps, technology parks and schools, and the creation of jobs.<sup>865</sup>

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861 'Vojvodina još čeka kancelariju u Briselu', *Večernje novosti*, 27 December 2010. 'As we have received no negative signals from Belgrade, we assume that the government is busy with other matters such as budget,' said P. Novikov.

862 'Može li Vojvodina u Bulevar regenta?', *www.dnevnik.rs*. The author of the article speculates on the possibility of the Vojvodina office being in the same building as the Serbian Mission and Embassy. Citing an anonymous source at the Ministry of Foreign Affairs, the author writes that 'under the Vienna convention diplomatic-consular representative offices are exempt from paying tax in the host country; however, since they undertake that they alone will occupy the building, it is still not known whether it is possible for the Vojvodina's office to find itself in the same building'.

863 'Na svaki dinar troška u Vojvodinu će stići deset', *Dnevnik*, 29 November 2010. 'We need two years to reach that objective. The office will employ only three or four persons,' said Novikov.

864 'Brisel prečica do fondova', *Večernje novosti*, 7 December 2010.

865 'U Brisel idu profesionalci', *Dnevnik*, 7 November 2010.

Political will is also necessary to adopt legislation (on property and financing)<sup>866</sup> in order to complete the province's Statute guaranteed by the Constitution as well as to take over new competences. 'We're not going to assume any new competence,' said Egeresi in May, 'before it is financially covered; any other course of action would be irresponsible and would lead to the degradation of the provincial administration'. Encouraged by the entry into force of the Statute, provincial officials announced that the process of taking over competences would be completed in six months. The deadline was later postponed by a year and then again until before the end of the present government's term.

Kostreš put the main blame for the slow transfer of competences on the republic government, that is, on its tardiness in adopting the necessary legislation. Dragoslav Petrović of the DS replied that the transfer was proceeding as fast as it was realistically possible, adding that both those who believed that everything could be done in a few weeks and those who thought that the job would never be finished were wrong.<sup>867</sup>

The matter of competences was also raised in connection with the LSV initiative for setting up a Provincial Statistical Office. 'Owing to the taking over of new competences and the planning and preparation of strategic documents of the provincial administration,' said Maja Sedlarević, deputy speaker of the Vojvodina parliament, 'statistics must also be kept at Vojvodina level.'<sup>868</sup> The LSV maintained that the establishment of a statistical office was based on the Constitution and Statute and that it was necessary in order to find out 'how much Vojvodina produces and earns and how much

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866 Jovica Đukić, the provincial secretary for finance, says that long-term planning is impossible without a law on financing the province. He says that passing such legislation would eliminate political tensions which accompany the adoption of budgets, given the recurring controversy as to whether the constitutional 7% minimum requirement for Vojvodina will be observed.

867 'U Vladi zadovoljni, ali u Skupštini nisu', *Blic*, 8 October 2010. After Bojan Pajtić said that two-thirds of competences had been transferred, Maja Sedlarević, deputy speaker of the Vojvodina parliament, asked which of the 153 competences he had in mind. She said that the transfer of competences was too slow and that there could be no excuse for it.

868 'Vojvođanska statistika ima šanse', *Dnevnik*, 2 October 2010.

it contributes to the state budget.' Vojvodina had a statistical office before but it was abolished in 1991.

'An office would soon justify the investment and make it possible to obtain statistical data necessary for creating economic space and managing development,' said Kostreš.<sup>869</sup> On the other hand, he said, it is not envisaged as a parallel and duplicate institution in relation to the republic Office but designed to help it in its data processing work.

The director of the Republic Statistical Office, Dragan Vukmirović, saw 'no reason for setting up a Vojvodina provincial statistical office.' When the LSV objected that it was not possible to obtain statistical data about Vojvodina including its GDP, which is of importance for political relations between the province and the republic, Vukmirović replied that the republic Office had no mandate for that under the law and that no such data had so far been processed in respect of either Vojvodina, Belgrade, or Central Serbia: 'The sources of data simply did not make this possible, but this will become possible very soon.'<sup>870</sup>

Dragoslav Petrović of the DS was also critical of the work of the Republic Statistical Office, saying updating of data was slow and data were not easily accessible. However, he said that 'this isn't the right moment to raise this issue because we've entered the procedure for taking over new competences' and that the establishment of a new institution was not the only solution.<sup>871</sup> Istvan Pasztor of the Alliance of Vojvodina Hungarians (SVM) said that a provincial statistical office could not be pushed through without amending the Law on Transfer of Competences. He said, however, that 'this is a serious subject on which consensus at Vojvodina level should be

869 'Liga traži vojvođansku statistiku', *www.politika.rs*

870 'Nema razloga za osnivanje pokrajinskog zavoda', *Nacionalni građanski*, 5 October 2010.

871 Petrović said that while he was not opposed to a provincial statistical office, the establishment of a new institution was not the only solution. Miladin Kovačević, deputy director of the Republic Statistical Office, argues that all states have centralised statistics and that even the EU has its Eurostat. 'Statistics are a highly sensitive information system in which there must be a hierarchy... Therefore the existence of two offices, that is, the existence of parallel real statistics, would be a complete precedent,' he said. 'Liga traži vojvođansku statistiku', *www.politika.rs*.

reached. This *is* Vojvodina's interest, but it wouldn't do to "squander" this subject only for the sake of making waves for daily politicking purposes'.<sup>872</sup>

## Holding dual offices

The Law on the Anti-Corruption Agency envisages, inter alia, the abolition of dual offices as the biggest obstacle to the separation of powers and the rule of law. The prospect of abolishing dual offices has provoked stormy reactions in both republic and provincial parliaments. In accordance with the Law, a number of Vojvodina members of parliament were to choose by 1 April 2010 which of the two offices they wished to keep.<sup>873</sup> However, 20 MPs refused to comply with the Law on the grounds that their resignations would produce a number of negative consequences including slowing down the process of transfer of competences and impeding the work of parliament. Furthermore, they argued, the taxpayers would be burdened with additional costs of organising the election of new MPs; the holding of elections halfway through the term of the present parliament would be politically inexpedient; furthermore they said they themselves had been elected by direct suffrage and were sure that the Law could not be applied retroactively.<sup>874</sup>

872 'Otežavajuće okolnosti za vojvođansku statistiku', *Dnevnik*, 20 September 2010. The success of the LSV initiative depended on agreement and support from the Alliance of Vojvodina Hungarians (SVM) and the DS. The DS believed that realisation of the initiative would give rise to problems because the provincial statistical office idea is not incorporated in the Law on the Transfer of Competences. G17 plus was also of the opinion that there was no need to set up a separate statistical office. The LSV said that the positions of G17 plus and the Socialist Party of Serbia (SPS) did not matter because it did not regard them as its long-term coalition partners. 'Otežavajuće okolnosti za vojvođansku statistiku', *Dnevnik*, 20 September 2010.

873 Article 82 of the Law provides that an official still holding several public offices on the day on which the Law goes into force, that is, 1 January, is required to state within 90 days which public office he or she intends to keep. Also, the Constitution has a provision prohibiting an MP to hold office in an organ of executive government. What is more, organs of executive government comprise not only republic organs but also municipality presidents and mayors who carry out not only city and municipal regulations and decisions but also republic legislation.

874 Goran Ješić, the president of Inđija municipality and a provincial MP, said

In spite of the announcement that the accumulation of functions would not be tolerated in the province,<sup>875</sup> the provincial parliament<sup>876</sup> in late March ruled that the holding of dual offices was conditional on the prior opinion of the Vojvodina parliament's Committee on Administrative and Mandate-Immunity Issues; applicants who obtain the Committee's positive opinion will need to obtain the agreement of the Anti-Corruption Agency to keep the other office.<sup>877</sup> The ruling was severely criticised by the opposition. Milorad Mirčić, the SRS leader, said that the ruling was contrary to the Constitution and the law and that the provincial authorities were demonstrating arbitrariness: 'Arbitrariness rules where the law no longer applies, and where arbitrariness rules you have chaos,' he said.<sup>878</sup> A

that his 'impression is that the object of the exercise is to bring to heel segments of the Democratic Party, that is, its Vojvodina component...we are obviously in the way of someone belonging to the Belgrade political elite. After all, it seems to me that this is the continuation of the campaign that lasted for over a year and a half concerning the adoption of the Statute of Vojvodina.' 'Nekom smeta vojvođanski DS', *Dnevnik*, 22 February 2010.

- 875 At the end of January, Egeresi said that the accumulation of functions would not be tolerated; however, already in the second half of February he suggested that those MPs who had entered parliament on the basis of electoral lists should opt for one of the functions while those who had been elected by direct vote should keep their functions until the end of their terms; he also proposed that the provisions on the incompatibility of functions be strictly implemented after the new parliament was formed! 'Deo poslanika da podnese ostavke, deo da zadrži mandate', *Danas*, 18 February 2010.
- 876 The ruling majority in parliament does not object to the mandates won under the proportional system because an MP can easily be replaced by the next one on the list; it is concerned about the mandates won under the majority system because that involves new elections. Asked whether extraordinary elections could undermine the ruling coalition, Pajtić said that the For a European Serbia coalition would retain its majority even with the DS not taking part in those elections. He said that too much dust had unnecessarily been kicked up over the 20 Vojvodinian MPs, adding that it was not a matter of letting the MPs off but of rational management since new elections would cost about RSD 200 million, the next six months would be spent in electioneering, investments would dry up and there would be an extra 20 officials on the payroll. 'Vojvođanski poslanici neopravdano prozivani', *www.novosti.rs*.
- 877 The decision was supported by 80 of the 120 provincial MPs.
- 878 'Poslanici pitaju Agenciju mogu li sedeti na dve stolice', *Dnevnik*, 24 March 2010.

DSS official, Borko Ilić, accused the ruling coalition of violating the Constitution and the law: 'Does this mean that one law applies to all the rest of Serbia and another to Vojvodina?'<sup>879</sup>

Based on the provincial parliament's ruling the MPs applied for permission to keep their dual offices but the Anti-Corruption Agency withdrew its agreement and announced that it would bring proceedings against them. The MPs did not give up and decided to ask the Constitutional Court for a constitutional review of Article 82 of the Law on the Anti-Corruption Agency.<sup>880</sup> In mid-May the Constitutional Court ruled that the application of the provisions on conflict of interest would be suspended pending a final decision on the Vojvodina MPs application. According to the provisions, the MPs were to have chosen one of their dual offices by 1 April.<sup>881</sup> The Constitutional Court asked the republic parliament to respond to the constitutional review initiative within 30 days; instead of doing that, the republic parliament opted for amending the Law. The amendment, called after its author Vladan Batić, annulled Article 82 and allowed the MPs to keep their dual offices.<sup>882</sup>

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879 Ibid.

880 With support from other MPs, the petition to the Constitutional Court was filed by Milivoje Verbalov (LDP), Milenko Filipović (DS) and Živorad Smiljanić (SPS). 'We're no criminals, we won our mandates at direct elections,' said Filipović. 'Vojvođanski poslanici odlučili da zadrže duple funkcije,' *Dnevnik*, 21 April 2010. The group of MPs called For a European Vojvodina (ZEV) issued a statement pointing out that all the ZEV MPs elected under the majority system fully supported the demand. They stressed that the giving up of mandates would cause serious disruption in parliament's work as well as necessitate new elections. Also, because the Agency did not render a decision within 15 days after receiving the request, the MPs thought that they had been given the go-ahead to keep the other post.

881 The nongovernmental organisation Transparency Serbia said it was puzzled by the decision of the Constitutional Court because occupying two offices was not a constitutional right.

882 Vladan Batić suggested that an official who had several functions as at 1 January should continue to perform them provided he or she held the post of councillor or provincial or republic MP. Milenko Filipović, one of the three MPs who petitioned the Constitutional Court said that the amendments to the Law on the Anti-Corruption Agency were 'expected and rational'.

The director of the Anti-Corruption Agency, Zorana Marković, said that the adoption of the 'Batić amendment' was in violation of the Constitution and called on President Boris Tadić not to sign the amended law.<sup>883</sup> Tadić not only signed the law but tried to deceive the public by saying that 'Serbia has received support from European institutions to abolish dual offices "very shortly, that is, by the end of the terms of all the existing local administrations and of the provincial and republic parliaments"'.<sup>884</sup> A few days later Drago Kos, president of the Council of Europe Group of States against Corruption (GREKO), gave an interview with *Dnevnik* of Novi Sad in which he denied Tadić's statement. He said that he could hardly believe that anyone in Europe would have given Serbia's political elites support for holding dual offices until the end of the present term, that is, for another two years. He said he would like to be told the name of that person or persons and when the agreement was given.<sup>885</sup>

The disinclination to carry out a consistent separation of powers prompted the president of the Anti-Corruption Agency Board, Čedomir Čupić, to make the following dramatic warning: 'Forfeiture of the right to visa-free travel is one of the measures with which Europe might punish us... If the authorities don't implement European standards, such as the rule of law, we might be denied credits or have investments suspended, something which has already happened to neighbouring Bulgaria because of corruption,' said Čupić.<sup>886</sup> The Ministry of Justice described Čupić's warn-

883 'Poziv Tadiću da ne stavi paraf', *Dnevnik*, 30 Jul 2010. Marković said that if Tadić signed the amendments the Agency would request the Constitutional Court to carry out a constitutional review of the amended law. She urged the democratically-minded public to react against the passage of a law violating the Constitution.

884 'Tadić: Ne treba plašiti građane', *Danas*, 11 August 2010. Jorgovanka Tabaković (SNS) called Tadić's explanation contradictory. 'He cannot have Europe's support or cite its support as an excuse for violating his own Constitution,' she said. She said that in deciding to allow the holding of dual offices the government had laughed in everybody's face. 'Tabaković: Vladino šibicarenje', *Dnevnik*, 12 August 2010.

885 'U Evropu se ne ide na dve fotelje', *Dnevnik*, 14 August 2010.

886 'Udariće fotelje na vize', *Dnevnik*, 12 August 2010.

ings as ‘too strong’ and stressed that everything had been done according to international standards.<sup>887</sup>

That the agreement regarding dual offices transcends the provincial boundaries is evidenced not only by Tadić’s statement but also by the announcement by Slavica Đukić Dejanović, the republic parliament speaker, that officials would be able to keep dual offices until the end of their present terms.<sup>888</sup>

The efforts of the Vojvodina political class to preserve ‘its functions’ throws doubts on both its declared commitment to European values and intention to make a total break with the Milošević regime. The political class is yet to give an explanation for the disturbing economic lagging behind of the province. Until this and other crucial issues are addressed, all references to Vojvodina as a ‘development trump card’ and the ‘most European part of Serbia’ will remain a mere rhetoric.

## Conclusions and recommendations

The opponents of Vojvodina autonomy survive not so much owing to the strength of their arguments as owing to the weaknesses, opportunism, hypocrisy and selfishness of the ruling coalition. Their ‘concerns’ about territorial integrity mask an unwillingness to carry out reforms and to constitute Serbia as a modern political community with a consistent separation of powers, an independent judiciary, free public opinion and a strong civil society. In short, to constitute a community capable of cultural, economic and political communication with the new environment:

887 The Ministry of Justice delivered its opinion to the Vojvodina parliament saying that it supports the view of the Committee on Administrative and Mandate-Immunity Issues. Quoting the Ministry of Justice, ZEV said in a statement that MPs who performed several functions before the Law on the Anti-Corruption Agency went into force would be allowed to perform them until the end of their terms. ‘Vojvođanski poslanici odlučili da zadrže duple funkcije’, *Dnevnik*, 21 April 2010. Slobodan Vučetić, a former Constitutional Court judge, said that the Ministry of Justice had no authority to interpret the law and that that should be done by the republic parliament.

888 Ibid.

constitutional changes must be made to give Vojvodina legislative, judicial and executive competences;

the principle of the separation of powers must be strictly adhered to;

Vojvodinian autonomy is a process calling for faster transfer of competences;

the processes of decentralisation and regionalisation must be speeded up in the interests of Vojvodina as well as of Serbia as a whole;

the opening of Vojvodina's office in Brussels should be geared to the fullest possible integration of Vojvodina in international economic flows.

## Sandžak: Constant Tensions

Sandžak was at the focus of public and media attention in Serbia almost throughout 2010. It could be said that hardly a week passed without domestic print and electronic media headlining a development in Sandžak: elections to the National Council of Bosniaks (NSB), incidents or, most frequently, statements by the Chief Mufti of the Islamic Community in Serbia (IZuS), Muamer Zukorlić. Sandžak was also often referred to as a possible new hotbed of crisis. This thesis was put forward by offering all kinds of arguments including Sandžak's ethnic and religious structure (the majority population in the region being Bosniak-Muslim), as well as its borderline position and the proximity of Kosovo and Bosnia and Herzegovina (BiH), all three scenes of recent wars. For all that, it has been the least concern of all Serbian governments since the 5 October 2000 democratic changes.

The Belgrade authorities appear to have been convinced that all problems in Sandžak have been solved by having the two biggest parties of Sandžak Bosniaks – the Party of Democratic Action (SDA) and the Sandžak Democratic Party (SDP) – as government coalition partners and by appointing their leaders and founders – Sulejman Ugljanin and Rasim Ljajić – ministers in the government of Prime Minister Mirko Cvetković. Ever since October 2000 all Serbian governments, whether headed by the Democratic Party (DS) or the Democratic Party of Serbia (DSS), have been stressing their advocacy of respect for national and religious minority rights. For their part international institutions have mostly praised Serbia's progress in this sphere, voicing only a minor objection from time to time. However, the Sandžak Bosniaks are obviously not satisfied with either the economic or the political situation.

In the last 10 years Bosniak votes have had a major, and occasionally crucial, impact on the outcome of Serbian elections. Throughout this period the Bosniaks have supported the pro-Europe and pro-democracy parties, with most of them voting for President Boris Tadić and For European Serbia coalition in 2008. In common with their fellow citizens in the rest

of Serbia, the Sandžak Bosniaks are wondering whether the 10 years since Milošević's fall and the advent of democracy have brought any improvement to their lives. The answer is, unfortunately, a disheartening 'No'.

All Sandžak municipalities are on the verge of economic collapse, privatisation has proved disastrous, there is no investment to speak of and Novi Pazar, the largest town in the region, has more unemployed than employed residents. Out of the town's population of 125,000, only 18,000 are employed compared with 22,000 unemployed. The residents of Novi Pazar and other places in Sandžak see their only chance of existence abroad, mostly in West Europe. Although there have never been more Bosniaks in power in Belgrade (besides the two ministers there are several assistants and secretaries of state), the situation in Sandžak has never been worse. Although the situation is similar in other parts of impoverished Serbia, the Bosniaks cite a number of specific problems as additional reasons for their discontent.

In spite of announcements by many governments so far, the share of Bosniaks in the structures of the state, especially the police force and the judiciary, has not increased and been brought into line with the ethnic structure of the parts they inhabit. In Novi Pazar, Bosniaks account for only about 30% of the workforce although their share of the population is as high as 80%. The state has not only failed to solve the problem of the existence of parallel Islamic communities; it has made the problem worse by making a number of wrong moves and favouring the Islamic Community of Serbia (IZS) of Reis-ul-Ulema Adem Zilkić at the expense of the IZuS lead by Mufti Muamer Zukorlić. The authorities' usual response to any mention (admittedly rare) of the status of the region and the Bosniaks or of the position of Muslims is a dismissive, laconic reply that having 'two Bosniak ministers' in the Serbian government reflects the correctness of Belgrade's policy.

## Political turmoil and the political parties

The dissatisfaction of the residents of Sandžak coincides with the dissatisfaction of Mufti Zukorlić, who backed Boris Tadić, Minister Rasim Ljajić and For European Serbia coalition. According to Zukorlić, Tadić and his DS broke their campaign promise that they would above all work towards a unified Islamic Community (IZ), a reason enough for him to become a sharp critic of the government. 'I think that Boris Tadić buckled at some point, he tried to continue the policy of Zoran Đinđić; however, he came to a halt somewhere half way uphill. I can't speculate now as to what the real reasons were...I think he's getting bad advice from his spiritual, academic and other advisers who are repeating the Kosovo mistake and feeding him false information saying everything's super in Sandžak, everybody there loves Serbia, there's only one mufti out there, along with a couple of fundamentalists, who ought to be brought to heel and restrained and everything's going to be all right...'<sup>889</sup>

Although, judging by media reports and commentaries, he is currently arguably the most hated person on Serbia's political scene. Zukorlić has nevertheless established himself as a major political player in Sandžak. This was borne out by the 6 June 2010 elections to the NSB at which the list of Mufti Zukorlić polled the most votes. Although these were not political elections because the national councils play no role in politics, they were nevertheless seen as a political option between three choices, namely Rasim Ljajić, Sulejman Ugljanin and Mufti Zukorlić. The state has, unfortunately, not only turned a blind eye to Zukorlić's growing popularity and ignored his calls for dialogue, but has, through a number of strange moves by the Minister for Human and Minority Rights, played a decisive part in preventing the setting up of a NSB and calling new elections for 17 April. All this has been grist to the Mufti's mill. Zukorlić countered Belgrade's disregard by further hardening his rhetoric until he established himself as the chief advocate of Sandžak's autonomy and altering the constitutional status of the Bosniaks.

889 <sup>1</sup> *NIN*, 3 June 2010.

The Mufti will try to capitalise on his current popularity among a segment of the Bosniak population at the next parliamentary elections due in the first half of 2012, unless there are early elections before that, a possibility that is not to be excluded. The Bosniak Cultural Community (BKZ) list at the elections to the NSB (or the Bosniak National Council-BNV, which is the more usual term), led by Zukorlić, was supported by Čedomir Jovanović's Liberal Democratic Party (LDP) and several Bosniak parties including the Sandžak National Party of Mirsad Đerlek, the National Movement of Sandžak of Džemail Suljević and the Democratic Party of Sandžak. Following the elections, at which he polled the most votes (nearly 49%), Zukorlić decided to step up his political engagement though indirectly. The Bosniak Democratic Community (BDZ) was established in Novi Pazar on 25 December 2010. Emir Elfić, an economist and Zukorlić's brother-in-law, was elected its president. Elfić said that the new Bosniak party, joining the 10 or so Bosniak parties already in existence, was needed because one needed 'politicians of a new type' and 'real Bosniak parties' who would genuinely strive to protect Bosniaks' interest and national identity. He said that 'current politics in Sandžak have shown that they simply aren't ready for the challenges placed before them by the Bosniaks. The fact is, the ruling political party has not fulfilled its pre-election political promises; in view of this, it is really necessary to form new political parties that will clearly and unambiguously advocate the real interests of the Bosniaks.'<sup>890</sup> Zukorlić was among the speakers who addressed the BDZ constituent assembly.

Because new parliamentary elections will in all probability be called in 2012, it is too early to say what role will be played by Bosniak parties in them. The possibility of the BDZ and some other Bosniak parties close to Zukorlić reaching a pre-election deal with the LDP should not come as a surprise. SDA leader and minister without portfolio Sulejman Ugljanin has called on Bosniak parties to contest the next elections together, under a single list. 'There are practical reasons why Bosniak parties should co-operate more closely and possibly establish a broader coalition. The coalition capacity of such an alliance, and, of course, its influence on the

890 Bosnjaci.net. 31 December 2010.

government and other institutions would be much greater. This would also diminish many disputes between Bosniak political options, as well as enable us to represent our interests in Belgrade better. Also, this would create the conditions for faster economic development in Sandžak.<sup>891</sup> Ljajić, who had founded the Social Democratic Party of Serbia (SDPS) in 2009, turned down Zukorlić's offer. Zukorlić said that he was willing to discuss any open issues concerning Bosniaks and that Ugljanin should show whether he sincerely wanted agreement. Although there have been no official contacts between the two, it is speculated that unofficial contacts have taken place. Although the invitation extended to Ugljanin looks more like an attempt to score politically, the SDA might be trying to rally around itself small Bosniak parties and like-minded prominent Bosniaks and go to the polls with such a list.

Interestingly, towards the end of the year Ugljanin hardened his rhetoric and began criticising the government, whose member he is, for not having done enough towards improving the positions of Sandžak and the Bosniaks. The SDP, which was founded by Ljajić and is now led by Rešad Hodžić, currently has the most deputies of all Bosniak parties in Sandžak municipalities and forms the backbone of the ruling coalitions in Novi Pazar, Sjenica and Prijepolje. However, its political future is the most uncertain. It could be expected that SDP cadres will 'go over' to Ljajić's SDPS and go to the elections together with the DS as its chief coalition partner. Ljajić, who has been saying that the SDPS was preparing itself to go to the polls on its own, has not confirmed such a possibility. Given that, according to public opinion surveys, Ljajić's SDPS has no great chance of meeting the electoral threshold, it is more likely that it will contest the election as part of the DS list because the votes it collects are nevertheless useful.

The SDP's loss of popularity in Sandžak was borne out by the results of the elections to the BNV, with the SDP-supported Bosniak Revival list winning less than 15% of the vote. Although a coalition at republic level is unlikely, there has been, in the wake of the BNV elections, a rapprochement between the SDA and the SDP, two formerly hostile parties, a development that could be put down to fears of losing power and of the

891 *Danas*, 16 November 2010.

growing popularity of Mufti Zukorlić. At the end of 2010 the two parties formed a new ruling coalition in Sjenica. The SDP has the most deputies in the Municipal Assembly in Sjenica and is the leader of the ruling coalition; political organisations which backed Zukorlić's list at the BNV elections were thrown out of the coalition and the SDA allowed to join. The demand by Ugljanin's party for changing the government in Novi Pazar along the same lines was rejected by the SDP. Ljajić said he believed that a year ahead of elections an SDA-SDP coalition in that town would bring everybody more harm than benefit. 'We have said, as a party, that the local boards enjoy full autonomy in deciding on the matter and we are not going to oppose anybody should they assess that that is in their interests. From the point of view of practical work we have the coalition with the United Serbian List, so that would mean a restructuring within the government itself. It will take at least six months for a new government to find its stride, and then comes campaigning for the next election.'<sup>892</sup>

## National council elections

The elections to the NSB were by far the most important political event in Sandžak in 2010. Because no council could be formed to Serbia's liking, Minister for Human and Minority Rights Svetozar Čiplić on 17 January called new elections due on 17 April 2011. The law provides for both indirect and direct elections of council members and the Bosniaks, over half of whom had applied for registration in the electoral roll, opted for direct election. The first elections to national councils were held on 6 June 2010 under the organisation of the Ministry for Human and Minority Rights. The elections were contested by 19 national minorities, with 16 minorities choosing their representatives to national councils by direct elections and 3 opting for an indirect method, that is, by way of electors' assemblies.

Out of the total of 96,656 Bosniaks who had applied for registration in a separate electoral roll, 54,574 cast their votes in the 6 June BNV elections, representing 56.46% of the number of those registered. The list Bosniak Cultural Community BKZ – Mufti Muamer effendi Zukorlić polled

892 Tanjug, 21 January 2011.

26,212 votes or 48.40% of the total, giving it 17 mandates in the NSB. The Bosniak List supported by the SDA of minister without portfolio Sulejman Ugljanin polled 20,225 votes or 37.35% of the total, earning 13 mandates in the NSB. The list Bosniak Revival backed by the SDP of the Minister of Labour and Social Policy, Rasim Ljajić, won 7,717 votes or 14.25% of the total, earning 5 mandates in the NSB.

Zukorlić's decision to head the BKZ list, made immediately before the elections, was criticised by a number of individuals, notably the leader of the 'rival' IZS. The IZS Reis-ul-Ulema, Adem Zilkić, said that Zukorlić's nomination as head of the BKZ list was proof that he was only interested in politics and business: 'Zukorlić's candidacy confirms the correctness of our withdrawal from the Meshihat of the Islamic Community in Serbia, which has, under his leadership, always been immersed in politics and private business.'<sup>893</sup> Activities of Mufti Zukorlić, as head of the BKZ non-governmental organisation's list at the NSB elections, were also criticised by the SDP and the SDA. Both parties accused the Mufti of abusing religion. However, the Law on National Councils of National Minorities does not prohibit priests to run for election to these bodies because they play no political role. In addition to Zukorlić, the BKZ list included the names of other imams and prominent IZuS individuals; likewise, the lists for the Hungarian and Slovak national councils also featured Catholic and Protestant priests, something nobody found fault with.

Although the BNV election campaign abounded in harsh words, accusations and insults, there were no physical incidents like during previous elections. Zukorlić focused his criticism on the two Bosniak ministers, Ljajić and Ugljanin, accusing them of having done nothing to improve the positions of the Bosniaks and Sandžak. The two ministers for their part accused the Mufti of sowing hatred, fear and panic. The two ministers' campaign was indirectly backed by the state, whose conduct during the campaign left no doubt as to who its favourites among Sandžak residents were. For instance, several days before the elections, President Boris Tadić was awarded a scroll of honour by the hitherto BNV. Presenting him with the scroll, the president of the hitherto BNV, Minister Ugljanin, delivered

893 *Kurir*, 15 April 2010.

an occasional speech. The IZS's 'birthday' was also marked in the presence of a number of government ministers and the head of the Security and Information Agency (BIA), an event interpreted by many Bosniaks as indicating which Islamic community and which religious leader is backed by the Serbian authorities. Having become something of a 'media attraction', Zukorlić was extensively covered and quoted by Belgrade media, with many sharp commentaries mentioning his name in the context of Islamic 'extremism'. The campaign was directly supported from neighbouring BiH. The Reis-ul-Ulema of the Islamic Community of BiH (ICBiH), Mustafa Cerić, who is recognised as religious head by the IZuS, stood behind Zukorlić and urged the Bosniaks to vote for 'Sandžak's best son'. The BKZ was also supported by Bakir Izetbegović, current Bosniak Member of the BiH Presidency and SDA official. SDA president Sulejman Tihić denied that Izetbegović had supported the BKZ on behalf of the SDA.

Following the announcement of unofficial returns, several thousand Zukorlić supporters gathered in the centre of Novi Pazar, with some 1,000 gendarmes also present. Addressing the crowd, a jubilant Mufti said, 'The territory called the Bosniak National Council is free and will never be enslaved again!'<sup>894</sup> However, soon afterwards Zukorlić softened his rhetoric and called on Tadić and the government to talk. 'In a fight we're fierce, but when we win we're tolerant. In view of all that'd been going on, it was necessary to raise one's voice. But after a victory, there's no need for that. Our rhetoric will consistently lay stress on all Bosniak rights, especially on the equality of Bosniaks in Serbia and on solving all open issues and problems through dialogue. I believe that official Belgrade has taken this victory to mean that representation of the Sandžak Bosniaks through personal and party interests is at an end.'<sup>895</sup>

A number of analysts too were of the opinion that Belgrade should enter into dialogue with Zukorlić. Dušan Janjić, Director of the Forum for Ethnic Relations, said that the national council elections, although not political, had shown that Zukorlić rather than Ugljanin and Ljajić exerts crucial influence in Sandžak. Janjić said that the 'victories of István Pásztor

894 *Kurir*, 8 June 2010.

895 *Danas*, 7 June 2010.

and Muamer Zukorlić at the national council elections has reaffirmed them as national leaders with whom the state and the ruling party will have to talk seriously, as with partners, if it do not want problems. The first question that will be raised concerns the management of and control over national media, which the ruling DS will have to hand over to them; immediately afterwards one should expect much stronger demands for the establishment of ethnic regions, with Sandžak being a single, indivisible region and the north of Bačka an ethnic district in Vojvodina. If it does not want bigger problems, destabilisation and radicalisation of the situation, the state will have to find a third road of co-operation with the Hungarians and Bosniaks.<sup>896</sup> Janjić said he believed that in the wake of these elections the hitherto religious leader Zukorlić would become a political player to be reckoned with and would choose between DS President Boris Tadić and Serbian Progressive Party (SNS) president Tomislav Nikolić, recalling that Istvan Pasztor had already opted for Nikolić as a more serious partner.

While Belgrade turned a deaf ear to Zukorlić's overtures, three Bosniak lists informally considered the possibility of setting up a Bosniak national council. There were no official contacts, and the Ministry for Human and Minority Rights scheduled the constitutive session of the body in Novi Pazar for as late as 7 July. In order to secure the necessary majority, Zukorlić's BKZ list needed only one more vote and its deputies arrived on the appointed day. The session was boycotted by the other two lists, except by two members of the Bosniak Revival, Zehnija Bulić and Hidajet Mustafić, who turned up and supported the BKZ majority. Thanks to the votes of the 19 present members – 17 from the BKZ and 2 from the Bosniak Revival – the list headed by Zukorlić set up the new BNV. Professor Dr Mevlud Dudić, rector of International University, was elected president; Emir Elfic, economist and adviser to the Novi Pazar mayor, and Zehnija Bulić, Serbian language and literature professor and candidate of the Bosniak Revival list, were elected vice-presidents; and Samir Tandir, spokesman for the IZuS Meshihat, was elected president of the Executive Board of the BNV. The election was not recognised by the state and the BL and BP lists.

896 *Blic*, 8 June 2010.

The constitutive session consisted of two parts. The first was chaired by Petar Antić, secretary of state in the Ministry for Human and Minority Rights. Antić read out the Rules of Procedure, which had been amended so as to require the presence of two-thirds of members, that is, 23 of the 35 BNV deputies. There were 19 deputies in the room: 17 BKZ and 2 Bosniak Revival candidates. Antić concluded that 'The National Council of Bosniaks has not been constituted because representatives of [only] one list – the Bosniak Cultural Community – have turned up. There is room for further consultation, but if that does not work, there remain legal measures.'<sup>897</sup> Asked by reporters why the Rules of Procedure had been amended to incorporate the provision on the necessary presence of two-thirds of deputies, given that such a provision was absent from the Rules of Procedure of the other national councils, Antić replied that that had been done in view of the 'specificity' of the Bosniak national minority. Zukorlić as head of the BKZ list then took over chairmanship of the meeting. He observed that the Rules of Procedure had been amended just prior to the session and that 'this applies only to the Bosniaks because we're hostage to the two ministers and the Serbian government'.

Zukorlić saw this as 'a brutal violation of the law and a demonstration of political will in two ways. The first involvement the amendment of the so-called Rules of Procedure, the second the forged resignations of the people from the Bosniak Revival list. The Ministry for Human and Minority Rights has been instructed to obstruct the constitution of the Bosniak National Council because of the BKZ election victory.'<sup>898</sup> Zukorlić was accused by his political opponents of bribing the two deputies, Zehnija Bulić and Hidajet Mustafić, candidates from the BP list, in order to secure a majority and thus alter the electoral will of the Bosniaks. Bulić and Mustafić dismissed the charges and insisted that someone had forged their resignations. The Bosniak Revival had for weeks been avoiding to officially announce the names of its five BNV members. The law provides that the mandates belong to the candidates in the order in which they are listed; therefore, Bulić and Mustafić, who were among the first five on the BP list,

897 *Danas*, 8 July 2010.

898 *Danas*, 8 July 2010.

ought to have been elected to the BNV. In the event, however, it appeared that someone had tendered the resignations in their name and the Bosniak Revival only announced the names of its deputies several months after the elections. The names of the two were not among them. Bulić and Mustafić insisted that they had not submitted resignations and that someone had planted the forgeries. Bulić said that he had made a statement in the Ministry for Human and Minority Rights on 5 July, that is, two days before the constitutive session, that he accepted the mandate and that ‘any attempt to tender a resignation in my name is a fraud’. Bulić filed a criminal complaint against unidentified persons for falsifying the signatures and against the Ministry for accepting them in spite of the statement he had made. Mustafić too brought an action. The deputies of the Bosniak list, explained head of the list Esad Džudžević, decided not to take part in the work of the constitutive session because ‘none of the lists had a majority’. ‘I’m sorry that no constitution took place because we had done everything to bring about national consensus. I believe that consensus will be reached during the next electoral cycle,’ he said.<sup>899</sup>

Minister for Human and Minority Rights Svetozar Čiplić announced that the constitution of the NSB had been unsuccessful, that acts contrary to the law had been committed in their wake and that the ‘usurpation of the rights’ of the Bosniak minority community would be penalised. His explanation was that the NSB was not constituted at the constitutive session because none of the elected members had verified their mandates and the session had to be closed. He said, ‘The activities undertaken afterwards are contrary to the law and therefore cannot be interpreted as the formation of the National Council of the Bosniak national minority’. He warned that any abuse or usurpation of rights guaranteed to the members of the Bosniak minority community by the Constitution would be penalised.<sup>900</sup>The LDP, which had supported Zukorlić’s BKZ list at the elections, accused Minister Čiplić and his Ministry of ‘discriminatory’ practices ‘deepening the crisis’ in Sandžak. LDP deputy Kenan Hajdarević accused the Ministry for Human and Minority Rights of violating provisions of

899 *Danas*, 7 July 2010.

900 *Tanjug*, 7 July 2010.

the Law on National Councils of National Minorities and of preventing the NSB from being constituted in accordance with the rules applying to other national minorities. Hajdarević recalled in a statement that whereas a simple majority had been required for the constitution of other national councils of national minorities, the rules relating to the Bosniak minority had been amended by introducing the two-thirds majority requirement. He said that 'forged resignations of two council members from the Bosniak Revival list also appeared, indicating the Ministry's intention to alter the electoral will of the Bosniaks and to create a Bosniak National Council according to the discretion of the party and the personal discretion of the two Bosniak ministers in the Serbian government.'<sup>901</sup>

Soon afterwards the Ministry for Human and Minority Rights decided to call new elections to the Bosniak minority's national council but did so only on 17 January 2011. The formed BNV not recognised by the Ministry announced immediately that it would not agree to a new election. Professor Dr Mevlud Dudić, the BNV president, said that 'We are not interested in a new election. The Belgrade regime organises elections in order to have a national council it considers suitable. We have constituted the Bosniak council in accordance with all the regulations of this state; the fact that someone is violating these regulations in order to deny the convincing victory of the Bosniak Cultural Community is no concern of ours.'<sup>902</sup> The head of the BKZ list, Muamer Zukorlić, repeatedly called for the 'urgent' resignations of ministers Svetozar Čiplič and Rasim Ljajić. Zukorlić holds the two chiefly to blame for the forgery of the resignations, which prevented the establishment of a quorum at the controversial NSB constituent assembly, and the 'discriminatory' amendment of the Rules of Procedure. 'If those two don't submit their resignations, we're going to ask Serbian President Boris Tadić to sack them, otherwise we will regard him as an accomplice in this abuse,' said Zukorlić. He reiterated that decisions of the Ministry for Human and Minority Rights 'leave the Bosniaks no other possibility than to set up parallel autonomous institutions.'<sup>903</sup>

901 *Danas*, 8 July 2010.

902 *Politika*, 10 July 2010.

903 *Politika*, 10 July 2010.

The following months saw a heated controversy concerning the constitution of the BNV, with independent institutions also becoming involved with the affair. The Commissioner for the Protection of Equality, Nevena Petrušić, wrote to the Ministry for Human and Minority Rights complaining about the unjust differences between the conditions for the constitution of the Bosniak national minority's council and those for the councils of other national minorities, saying that the principle of equality of citizens in the exercise of their electoral rights had been violated.

She said that the principle of equality had been violated by the adoption on 6 July 2010 of the new Rules of Procedure for the constitutive session of the Bosniak national minority's National Council, which provide that the verification of at least two-thirds of mandates is required. 'This requirement does not exist in the rules of procedure governing the constitution of the national councils of all other national minorities,' Petrušić said in a statement. The prescription of special conditions applicable only to the constitution of the national council of the Bosniak national minority constitutes discrimination prohibited by the Constitution of Serbia, international treaties and the law.<sup>904</sup>

The Protector of Citizens, Saša Janković, found a number of omissions in the implementation of the Law on National Councils of National Minorities and initiated the improvement of regulations governing their constitution, his office said in a statement. Janković found that the omissions of the Ministry for Human and Minority Rights had violated the autonomy of national councils as national minority representative bodies and facilitated violations of the citizens' right to personal data protection in connection with registration in special national minority electoral rolls. Janković asked Čiplić to set aside the national council constitutive session rules of procedure which, he said, the minister had adopted without express authority of the law. He also called on Čiplić to amend the Instructions for Registration in the Special National Minority Electoral Roll because its implementation had given rise to much abuse.<sup>905</sup>

904 *Kurir*, 13 August 2010.

905 *Tanjug*, 7 December 2010.

Rodoljub Šabić, Commissioner for Information of Public Importance, filed a number of criminal complaints after receiving complaints from scores of individuals saying their names had been included in national council electoral rolls without their knowledge. 'As a rough illustration, I can say that at least one-fourth of the applications in the special Bosniak national minority electoral roll in the municipality of New Belgrade are forgeries,' he said.<sup>906</sup> The only name publicly mentioned in connection with the criminal complaints was that of Remzo Huković, an employee at the Ministry of Labour, Employment and Social Affairs, who delivered the applications. Huković denied the allegations, saying that he knew nothing about the forgeries and that inadequate legislation rather than he were to blame. He said he was a mere 'go-between' between the citizens and the people who entered their names in the electoral rolls: 'It's not my business to establish whether the applications are forgeries or not, I'm not a graphologist or a crime inspector.'<sup>907</sup>

The last meeting on the constitution of the BNV took place at the Ministry for Human and Minority Rights with OSCE mediation. The talks were attended by the heads of all three lists: Muamer Zukorlić (BKZ), Esad Džudžević (BL) and Nazim Nokić (BP). The head of the OSCE mission, Dimitris Kypreos, said he was pleased with the atmosphere in which the meeting had taken place and that he was sure that the heads of all three lists wanted agreement. Minister Čiplić for his part said, 'The discussion was held in a positive atmosphere and a readiness was expressed for understanding in order to finally reach agreement'. He added that the three had decided to overcome their personal and political animosities and reach final agreement on the formation of a national council.

Čiplić said that his Ministry would ask parliament's Legislative Committee to interpret Article 98 of the Law on National Councils of National Minorities which defines ownership and allocation of mandates in national councils. He added that all three election lists had agreed not to challenge the authentic interpretation of the Legislative Committee. 'The Ministry for Human and Minority Rights will also ask the court in charge

906 *Blic*, 11 November 2010.

907 *Blic*, 11 November 2010.

of the case to expedite the proceedings regarding the matter in dispute,' he said.<sup>908</sup> The next meeting was announced for 2 December 2010 and then 'moved back'. The meeting at which the dispute was expected to be resolved never took place and the time-limit for constituting a BNV that would also be recognised by the state ran out on 9 December 2010.

Significantly, Čiplič fulfilled neither of the two agreements reached at the November meeting and did not ask the Legislative Committee to interpret the disputed article of the Law on National Councils. He said he had 'personally' decided against this after 'satisfying myself that one party gave up on any negotiations in advance'.<sup>909</sup> The OSCE not only failed to react to the apparent violation of the agreement on Čiplič's part, but Ambassador Kypreos announced that the organisation would help the Ministry to carry out the announced new BNV elections. Zukorlić's BKZ protested accusing Kypreos of partiality and asked the OSCE to dismiss him.

On 17 January 2011, Čiplič called new elections to the NSB for 17 April. He said in an interview with the daily *Politika* that it was necessary to repeat the elections because the NSB had not been constituted. Commenting on the fact that the BKZ had set up a council it considers legitimate, Čiplič said, 'They can play at politics and play at national representation, but they can't be a national council to the state and to the Bosniaks themselves.'<sup>910</sup> He added, 'I deeply believe that the Bosniak Cultural Community, which has opposed repeat elections all along, will also go to the polls. Unless they are afraid – and I think this would be the only reason for them not to run – of polling a far smaller number of votes at this election than at the one before.' He added, 'If they don't turn up, they will actually have created a division among Bosniak voters, that is, within the Bosniak national community. I believe that this will not happen after all because their attempt at creating parallel institutions did not catch on.'<sup>911</sup>

908 B92, 9 November 2010.

909 *Blic*, 27 December 2010.

910 *Politika*, 18 January 2011.

911 *Politika*, 18 January 2011.

Dr Mevlud Dudić, the president of the BNV, which does not recognise the relevant Ministry, said that the matter of elections was over as far as they were concerned, 'We're not going to take part in those elections and will instead conduct an active campaign against them.' He said that 'Minister Čiplić's act is leading to a state of emergency in Sandžak and an intensification of intra-Bosniak conflicts. Minister Čiplić and the Belgrade authorities will bear full responsibility for that.' Zukorlić said that the calling of new elections 'represents further obstruction of the electoral will of the Bosniaks, a violation of our electoral will and our rights.'<sup>912</sup>

Džudžević said that 'the new elections are the only real solution to the situation which is leading to a stagnation in the realization of Bosniaks' national rights. It's as well that Mufti Zukorlić and the Islamic Community in Serbia are not going to participate in the elections. This leaves room for the participants in these elections to devote their attention to matters which should be the concern of national councils in accordance with the law. By calling the elections the state has taken a clear position on Zukorlić's BNV.' Džudžević said he hoped that the new elections would be held in a 'fair, constructive and competition-like atmosphere. Having more participants and more programmes will help the return of a united Islamic Community and the accreditation of establishments of higher education.'<sup>913</sup> In the opinion of Seadetin Mujezinović, co-ordinator of the Bosniak Revival list, "the new elections will not change anything, other than making us raise tensions and becoming even more disunited. We shall again have to sit down and talk.' The Minister for Labour, Employment and Social Policy, Rasim Ljajić, said that it would have been better if a council had been set up. 'It's too bad to again spend three to four months on campaigning and elections while the people go hungry,' he said.'<sup>914</sup>

912 *Sandžak Danas*, 21 January 2011.

913 *Sandžak Danas*, 21 January 2011.

914 Regional television, 19 January 2011.

## Regionalism and autonomy

At the end of the First Balkan War in 1912, Sandžak ceased being a part of the Ottoman Empire and became a part of the independent monarchies of Serbia and Montenegro. Sandžak was divided, with six municipalities (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varoš) belonging to Serbia and five (Bijelo Polje, Rožaje, Plav, Pljevlja and Berane) to Montenegro. According to the 2002 population census, the six municipalities in Serbia had a total of 235,567 inhabitants, comprising 142,350 (60%) calling themselves Bosniaks and 90,314 (38%) calling them Serbs or Montenegrins. Bosniaks are in the majority in the municipalities of Novi Pazar (76.28%), Tutin (94.23%) and Sjenica (73.34%) and in the minority in the municipalities of Nova Varoš (7%), Priboj (23%) and Prijepolje (41%).

The region never enjoyed any special status or autonomy either in the former Yugoslavia or in Serbia and Montenegro. The National Antifascist Liberation Council of Sandžak (ZAVNOS) operated in the region during the Second World War. ZAVNOS was established in Pljevlja on 20 November 1943 and Sreten Vukosavljević was its Presidency president. It was dissolved in 1945, with Vukosavljević walking out of the last session. He objected to the region's treatment by the leadership of the Communist Party of Yugoslavia, which had decided to divide it between Serbia and Montenegro. In the early 1990s the Sandžak autonomy idea was revived by the then unified Party of Democratic Action (SDA) led by its president Sulejman Ugljanin and general secretary Rasim Ljajić. At the 1991 referendum, which was organized by the SDA, over 90% of the voters were said to have supported political and territorial autonomy for Sandžak. The state did not recognise the referendum results. In 1992, the Muslim National Council of Sandžak (MNCS), set up by the SDA, adopted a Memorandum on a Special Status for Sandžak which envisaged a very high degree of autonomy for the region. According to the Memorandum, Sandžak would have wide political jurisdiction (government, parliament, governor, police, judicial organs) whereas the then Federal Republic of Yugoslavia would be in charge of posts, railways and ecology. The Memorandum was submitted to the Serbian and Montenegrin parliaments for consideration. Podgorica

quickly dismissed the MNVS document and Belgrade did not even consider it. In 1993, the District Court in Užice prohibited the printing and distribution of the Memorandum on the grounds that it was 'promoting hatred and inciting to national and religious intolerance'. The autonomy idea was later 'forgotten' by both Ugljanin and Ljajić and taken up by Mufti Zukorlić in the wake of the June NSB elections.

On 14 July 2010 the Bosniak National Assembly held a meeting in Novi Pazar under the organisation of the BNV, which is not recognised by the Serbian state. It adopted a Declaration declaring the Bosniaks as a constitutive nation in Serbia. Early in July the Bosniak National Assembly held a formal session which adopted a Declaration calling for, inter alia, the revival of the National Council of Sandžak along the lines of the former ZAVNOS, a constituent nation status for the Bosniaks and an audience with President Boris Tadić. The session was followed by a rally in Novi Pazar at which Zukorlić gave a noted speech. 'The state is like a building whose tenants may or may not like each other. If the majority tenants should decide to set a flat on fire, they risk setting fire to the whole building. This is why one should not play with fire. Either we all have it nice and easy, or there'll be flames right up to the top. It isn't our house alone that's going to burn,' he said. The Declaration was rejected by leading Serbian political parties and ignored by the authorities. The speech was widely reported, along with headlines such as 'Courting War', 'Concerns over Mufti's "Fire"', 'Stop Zukorlić in Time' and 'Zukorlić Wants to Set Sandžak on Fire'.

Zukorlić continued to advocate an autonomous Sandžak in his public appearances in spite of opposition from Belgrade and Podgorica. The Committee for the Restoration of the National Council of Sandžak held a session in Novi Pazar in August with the main object of restoring autonomy to that part of Serbia on the lines of the 'partisan autonomy' it enjoyed from 1943 to 1945. Dežemail Suljević, president of the National Movement of Sandžak and former SDA deputy, was elected president of the Committee. Suljević argued that the restoration of the National Council of Sandžak would in no way call into question the sovereignty and integrity of the Serbian state unless 'there is a partition of Bosnia and Herzegovina'. 'The status of Sandžak is an unresolved issue, as is the issue of the status of

the Bosniak people; since it doesn't appear that the present government in Serbia intends to put these issues on the agenda in the near future, it's time we took our destiny into our own hands,' he said. He said that the drawing of the border between Serbia and Montenegro across the middle of Sandžak and the division of the region was inappropriate and done without consulting the people who live there. We're not talking about the Bosniak Council, he said, but about the National Council of Sandžak, the council of all the citizens living in that territory.<sup>915</sup>

As was to be expected, Zukorlić's Sandžak autonomy idea was not supported by either Ugljanin or Ljajić at the time. Several months later, however, Ugljanin too began mentioning autonomy. In an interview with the Sarajevo TV1 channel, Minister Ugljanin said he was in favour of 'any kind of autonomy that would mean economic improvement for Sandžak.'<sup>916</sup> He recalled that at the Sandžak autonomy referendum held as far back as 1991 the Bosniaks had said what they had to say and that 'everybody knows that' (the present Serbian government and all those before it and the international community) and that 'unfortunately, the present government too has not been disposed towards removing some ugly things...' In his opinion, the only sound approach to the matter would be to draw an analogy between Serbia and BiH, that is, between the Bosniaks in Serbia and the Serbs in BiH.

On the other hand, Rasim Ljajić and his SDP prefer to talk about decentralising Serbia on the model of the European regions. In 2009 Serbia adopted the Law on Regional Development. The law was supported by both the SDA and SDP on condition that all the six municipalities in Sandžak are part of one region. Under the December 2009 Government Regulation on Statistical Regions, Serbia was divided into seven regions, with Sandžak municipalities finding themselves in two. Novi Pazar and Tutin were attached to the Central Serbian Region and Prijepolje, Priboj, Nova Varoš and Sjenica to the West Serbian Region. Although both the Bosniak ministers, Ugljanin and Ljajić, voted for the Regulation at the government session, they threatened, soon after it was published, to reconsider

915 Tanjug, 9 August 2010.

916 TV1, 7 November 2010.

their participation in the government unless the regulation was amended and the whole of Sandžak belonged to one region. The announcement drew a response from Serb parties at local level, with a number of municipal assemblies, such as that in Nova Varoš, threatening to hold a popular referendum. They believe that one region containing all Sandžak municipalities would result in a division of Serbia and fuel ambitions for Sandžak's secession. In spite of this, the parliament adopted amendments to the Law on Regional Development. In the event, Serbia got five instead of seven regions as originally planned. According to the new statistical division, all six Sandžak municipalities will be in the Šumadija-West Region. The regions have not become operational under the letter of the law; they figure as a statistical concept designed to make it easier to access EU funds.

## Incidents

There were many incidents in Sandžak, above all in Novi Pazar, in 2010, and they received wide media coverage. Fortunately, unlike in previous, election years, no one was killed or injured during clashes between SDA and SDP supporters. Mufti Zukorlić was at the focus of a scandal involving him and the daily *Blic*. On 19 June 2010, the large-circulation daily published a photomontage featuring Zukorlić clad in a Christian priest's robes with a cross on his head. Zukorlić and the Meshihat of the IZuS objected in the strongest terms and demanded an apology as well as a 'token compensation' to the amount of €100 million. The Meshihat issued a statement saying that the gesture was an insult to Muslims and the Islamic Community and that the message to the public was that the Muslims, including their highest religious authority, ought to be Christianised. The Meshihat of the IZuS said, 'By insulting the deepest religious feelings of the Muslims and going as far as to outrage their very religious symbols, the message is being sent to the Muslims that their spiritual values do not enjoy the protection of the law and the system of the state'. The editorial staff of *Blic* apologised to Zukorlić, the IZuS Meshihat and all believers of the Muslim faith for the 'fact that someone might have felt hurt by

the item published on the pages of *Blic*.<sup>917</sup> Since the IZuS was not satisfied with the apology, the General Assembly decided to file a criminal complaint against *Blic*.

At its session held 'behind closed doors', the Assembly called on the Muslims living in Serbia to boycott the daily and asked for support from international Islamic organisations and institutions. The Assembly said in a statement that the photomontage symbolised the 'continuation of the genocidal policy against the Muslims' and demanded 'firm guarantees' from the state leadership with President Boris Tadić at its head in order that Muslims in Serbia may feel individually and collectively secure as well as equal with other nations and communities. The Assembly, which consists of representatives of all institutions of the Islamic Community in Serbia, said that Muslims in Serbia were concerned about the future of their religious and cultural identity due to "growing Islamophobia." "The Islamic Community will not let this insult, as well as other instances of hostility towards Muslims, in any way jeopardize the good relations with their neighbours, Christians, because a common future is built on mutual respect," it said in a statement. It pointed out that freedom of speech, which is an undeniable civilizational value of modern society, is no excuse for acts of anti-Semitism, racism, hate speech, and Islamophobia.<sup>918</sup>

In late June, the roof of the Turkish baths in old Novi Pazar spa collapsed. The baths are officially owned by the catering company Lipa. In 2009 they were sold for RSD127 million to Hasnija Šemsović, the wife of the controversial Novi Pazar businessman Ćerim Šemsović. The privatization provoked a controversy in Novi Pazar because the company, established during the life of the second Yugoslavia, owned property in the centre of the town and around it. The property was nationalised after the Second World War. A number of families as well as the Islamic community have been asking the state to return their property, but Serbia still has no law on restitution. Although there is a law on restoration of property to religious communities, its application in the case of the Islamic community is problematic because the two Muslim organizations, the IZS of

917 *Blic*, 20 June 2010.

918 *Tanjug*, 26 June 2010.

Adem Zilkić Serbia and the IZuS led by Zukorlić, have both applied for the return of the same property. The state apparently cannot rule which of the two Islamic communities is the right one. Even before the establishment of the Islamic community at the level of Serbia, the Islamic community in Sandžak, which was then also under Zukorlić's leadership, demanded the return of certain facilities. These cases are still pending. Because some of these facilities are buildings dating back to Ottoman times (15<sup>th</sup> and 16<sup>th</sup> centuries), a number of nongovernmental organisations, including Urban In, as well as Bosniak intellectuals opposed the sale of that property on the grounds that it would jeopardise the Bosniak identity in the region. Because the old 15<sup>th</sup> century Novi Pazar baths were an endowment to the Islamic community, Zukorlić's supporters accompanied by private security personnel entered the building on 25 June and 'liberated' it. The Šemsović family, who had bought the company Lipa, condemned the takeover as 'pure plunder'. The incident was followed with negotiations lasting several hours, after which Zukorlić's supporters agreed to leave the building. The building has since been guarded by police.

The Zukorlić-led Islamic community has been party to several other property-law and political disputes. The High Court in Novi Pazar ruled that they were to leave the ground floor of the building housing the former trading company Uniprom, which is now home to the Faculty of Islamic Studies established by this Islamic community. The Islamic community ignored the judgment on the grounds that the building too was an endowment and that it had applied for its restitution under the law on the restitution of property to religious communities. On the day in question, 28 October 2010, court enforcement officers failed to appear and deliver the ruling for the eviction of the Faculty because the police had decided not to intervene in the dispute. The eviction was to have taken place on the eve of Kurban Bairam and preparations for the Hadj to Mecca. Zukorlić addressed his supporters gathered outside the Faculty. He accused the Minister of Labour and Social Policy, Rasim Ljajić, of having pressured the court into dispatching enforcement officers to evict the Faculty from the building in the centre of the town. The whole exercise, he said, was part of Ljajić's 'retribution programme' over the victory of the BKZ at the June

elections to the BNV. Zukorlić reiterated that the IZuS, BNS and International University were willing to negotiate with Belgrade. 'We're ready for negotiations and are not specific about who with and where,' he said and commended the police for their decision not to intervene in this case. 'This is a good sign. Thank you, you have improved,' he said and reiterated that the Islamic community was the source of stability rather than instability. 'We're fierce when attacked and very nice when not attacked,' he said.<sup>919</sup>

In early September 2010, Zukorlić's supporters clashed with the police during a dispute over a plot of land in the Novi Pazar suburb of Hadžet. The town authorities, led by the SDP, had begun building a nursery school on the plot. The Islamic community said the land was its property; also, it said that the partisans had shot hundreds of their political opponents there at the end of the Second World War and that it would not be right to build a nursery on the site of an execution. The IZuS Assembly held an emergency meeting at which it concluded that the 'plunder of the endowments is the culmination of violence, discrimination and trampling on Muslims' elementary rights'. Four policemen were injured in scuffles with IZuS supporters determined to 'defend' the endowment. The situation calmed and both the demonstrators and the police withdrew as a result of contacts between Minister of the Interior Ivica Dačić and Zukorlić with mediation from LDP leader Čedomir Jovanović. Dačić said that the incident in Novi Pazar must be solved in a sensible way with no police interference. 'We don't want conflicts, we don't want the spilling of blood. I wish to warn everybody, if one drop of blood is spilled, there's no telling how it would end. All I'm saying is that the police cannot solve political, religious and other problems,' he said.<sup>920</sup>

Although there were incidents in which the Islamic community was not involved, many media outlets and a number of politicians blamed them directly on Zukorlić. An incident where a stone was thrown at a bus from Niš on its way through Novi Pazar was given front-page coverage on 16 August 2010, with individuals promptly condemning the 'stoning' as a

919 *Blic*, 29 October 2010.

920 *Danas*, 6 September 2010.

political act. 'This is a disservice to the town, to the people who live there, it's creating a bad image and atmosphere. Those who believe they're doing that for a national cause, they're defeating their own purpose,' said Minister Ljajić.<sup>921</sup> Mirsad Đerlek, president of the Sandžak National Party and a former SDP official and mayor of Novi Pazar, accused Ljajić of exploiting the bus incident for raising tensions in the town with media help. Đerlek said that 'too much dust was kicked up publicly' over the incident.<sup>922</sup> The 'attackers' who gave themselves up to the police the following day turned out to be underage boys. They said they had been throwing peaches and stones at each other and had hit the bus by accident.

The Serbian flag was taken down from the Desanka Maksimović primary school in Novi Pazar and burned by three youths. The police arrested three suspects from Novi Pazar: Enes Koca, aged 18, Almir Latifović, 19, and Ferid Smailović, 19. The youths said during their questioning that they had been drunk.<sup>923</sup> In connection with the incident, Meho Omerović, member of the parliamentary Security Committee and SDP member of parliament, warned that the atmosphere created in the town over recent months could lead to a 'catastrophe'.<sup>924</sup> The burning of the flag was also condemned by the SDA. It issued a statement calling on the competent authorities to react in accordance with the law, 'to establish the motives for this act and to find out whether this was a commissioned crime or whether there were other motives' because 'such behaviour is putting all possible investors off our parts now that final preparations are being made for huge investments in Sandžak'.<sup>925</sup>

Zukorlić said that such incidents in Novi Pazar lacked the potential to jeopardise the security situation in Sandžak. 'The thing which *can* jeopardise the stability and long-term security is the irresponsible attitude of the regime towards these parts,' he said. He said that the present state of affairs was the product of tensions stemming from the irresponsible attitude

921 RTS, 16 August 2010.

922 *Kurir*, 18 August 2010.

923 RTV, 18 August 2010.

924 Tanjug, 18 August 2010.

925 SDA statement, 23 August 2010.

of the state towards Sandžak, causing people to lose all hope. 'This is the main danger. This is not a question of the moment, it [the situation] carries great risks in the long term,' he said.<sup>926</sup>

The LDP president, Čedomir Jovanović, blamed the incidents on the attitude of the state. 'It is the state itself which is making the everyday lives of the people difficult to the extent that only a bad news can come from Sandžak. Sandžak has always been used as a testing ground for political humbug: apart from the government of Zoran Đinđić, all other governments have been promising development project, motorways, large investments, but in the end all you have is maimed people. All that's been going on in recent weeks is the direct outcome of the efforts of the state to manipulate the results of the national council elections, because the winner was the option criticising the present bad state of affairs. The responsibility for this is borne by Minister Čiplič, but he's not the only one to blame because Sandžak has two representatives in the government,' said Jovanović.<sup>927</sup> He said that his LDP party had long been supporting the BKZ. 'It's our obligation to the people who live there because we know that there can't be a happy Serbia as long as its citizens are deeply dissatisfied, and this also goes for those in Vojvodina, Sandžak and Šumadija,' he said. 'The burning of a flag in a school by a drunken kid mustn't be used as an argument against Sandžak or the Bosniaks,' he added.<sup>928</sup>

All the same, Minister Ljajić blamed the incidents on Mufti Zukorlić. He said that while there was no danger of Sandžak becoming a new hotbed of crisis in Serbia, he warned that incidents like the burning of the Serbian flag in Novi Pazar would cause incalculable economic damage to that part of the country. 'Unfortunately, there will be more incidents, but I'm convinced that they will not turn into something serious because there is no potential for a crisis. What's been going on is pure politics and has nothing to do with security. Muamer Zukorlić and the Islamic Community in Serbia want tensions so that they can stay in politics at all costs and fight for votes by the most underhand means. They can't do without an

926 Radio Stoplus, 19 August 2010.

927 *Politika*, 20 August 2010.

928 *Politika*, 20 August 2010.

enemy and I'm their chief target. Ugljanin is no longer their enemy, they can't take votes away from him because he has a small and stable electorate. Mine is bigger and heterogeneous and that's where they see their chance,' said Ljajić.<sup>929</sup>

The incident that attracted the most public attention and provoked the most condemnation was the jubilation of supporters in Novi Pazar following Turkey's victory over Serbia in the world championship semi-final basket match in Istanbul on 11 September 2010. The victory was celebrated in the streets with people carrying Turkish flags and cheering Turkey. Although this was not the first time that Sandžak Bosniaks did not support their country at a sports event, this time the media and the public paid more attention to the incident than before. Tensions were further raised by Zukorlić's 'admission' during an interview with radio B92 Kažiprst programme that he too had rooted for Turkey. Reacting to the interview, contributors to some websites went so far as to propose that Zukorlić and all who support Turkey should be stripped of their citizenship and expelled to that country. The Serb-Bosniak 'war' continued on the occasion of an announced but banned rally called 'Novi Pazar is Serbia',

The founder of the association For a Serb Novi Pazar from the neighbouring town of Raška, Darko Panović, called the rally for 10 October as a reply to those in Novi Pazar who had rooted for Turkey and waved Turkish flags. Participation in the rally was announced by members of the extremist organisation Naši 1389 and members of right-wing organisations from Russia, Bulgaria and Slovakia. Young Bosniaks announced a rally of their own and the police banned the Serb rally for security reasons. The rally was also opposed by a number of Serb parties and associations in Novi Pazar who feared inter-ethnic incidents.

929 *Pres*, 20 August 2010.

## The international community and Belgrade on Sandžak

During the course of 2010 Zukorlić repeatedly called for the internationalisation of the question of Sandžak and suggested sending in international observers to monitor respect for Bosniaks' rights. Such a possibility was rejected by Belgrade on each occasion. One noticed that during their visits to Novi Pazar foreign ambassadors in Serbia shunned Zukorlić, who had previously been their unavoidable interlocutor. They were also reluctant to contact institutions and individuals close to him. There were exceptions too, mostly on the part of Muslim countries. Also, at the beginning of the year, a US embassy delegation paid a visit to the BNV presided over by Mevlud Dudić. The president of the BNV Executive Board, Samir Tandir, 'informed the [US] delegation about the discriminatory acts undertaken by the Ministry for Human and Minority Rights and Minister Svetozar Čiplić'.<sup>930</sup>

Sandžak was also on the agenda of a number of international officials. As usual, Sandžak and the Bosniaks were discussed the most during contacts between Serbian and Turkish officials. Since Turkey has established itself as an indisputable regional power in recent years, links between Ankara and Belgrade have intensified. Turkey and Serbia have established strategic co-operation and signed a number of agreements in various, above all economic, fields. As part of its efforts to draw Belgrade and Sarajevo, former war adversaries, closer together, Turkey urged Serbia to adopt the Srebrenica Declaration.

The Declaration, which condemns the plight of the Srebrenica Bosniaks without mentioning the word 'genocide', was voted by the MPs of the ruling coalition including the two Bosniak parties, the SDA and the SDP. Mufti Zukorlić was in the opposition in this case too. 'In the name of the Bosniaks and all humane people I reject the Declaration condemning the Srebrenica crime that was adopted by the Assembly of Serbia. The Declaration is inadequate, inappropriate and depreciative of the biggest crime committed in Europe after the Holocaust, [a crime] that has a name

930 FoNet, 21 January 2011.

and that name's genocide,' he said. He said that the notion of genocide has moral, emotional and civilizational implications other than legal. 'A declaration condemning the genocide is necessary above all to the Serb people, the state of Serbia and Serb-Bosniak relations; the Bosniaks themselves need it the least because after genocide any other pain hurts less,' he said. He said that by adopting the present Declaration the Serbian authorities had demonstrated their 'moral, political and civilizational impotence and missed an opportunity to wipe clean the slate of their relations with the Bosniaks.'<sup>931</sup>

The marking of the 15<sup>th</sup> anniversary of the Srebrenica genocide was attended by Turkish Prime Minister Recep Tayyip Erdogan and Serbian President Boris Tadić. This was Tadić's second visit to the town. After Srebrenica, Erdogan visited Belgrade and Novi Pazar. He described his talks in Belgrade and Novi Pazar as 'very constructive and fruitful'. He stressed that the adoption in the Serbian parliament of the Declaration Condemning the Crime in Srebrenica, 'thanks to the persistent and courageous position of President Tadić', deserved every praise.

Erdogan said, 'Shoulder to shoulder, holding each other by the hand, we're taking the most important steps at a high level. Such a step was made in the Serbian Assembly and another with President Tadić in Srebrenica while we were burying our martyrs. There are good things which we can realize together,' said Erdogan.<sup>932</sup> In Novi Pazar, where he opened the Turkish cultural centre Ataturk, Erdogan was given a lavish welcome of the kind previously accorded to the late President Tito: he was greeted with chanting, words of welcome in Turkish and Turkish flags. Erdogan promised Turkey's assistance in developing the underdeveloped region and said that Sandžak was a bridge of co-operation between Serbia and Turkey. Zukorlić's supporters exploited the opportunity to chant 'thief' at Tadić (over the refusal of the Ministry for Human and Minority Rights to recognise the BNV) and display a banner on the nearby Faculty of Islamic Studies building demanding respect for the Bosniaks' electoral will. The unexpected appearance of Reis-ul-Ulema Adem Zilkic in the company

931 Tanjug, 1 April 2010.

932 *Danas*, 12 July 2010.

supporters at the welcome ceremony, said not to have been envisaged by the official protocol, nearly provoked street incidents as Zukorlić's supporters started to swear at and chase their opposite numbers about. The police stepped in and prevented further incidents.

Neighbouring BiH also began to make references to Sandžak though its messages were occasionally contradictory. While the Reis-ul-Ulema in BiH, Mustafa Cerić, unreservedly supports Zukorlić, the SDA leader, Sulejman Tihić, is closer to Sulejman Ugljanin. Tihić visited Belgrade and Novi Pazar in mid-June. In Novi Pazar, his host was Sulejman Ugljanin, leader of the local SDA and minister without portfolio. Tihić said that the SDA and Bakir Izetbegović did not support Zukorlić. Izetbegović, another high official and Bosniak member of the Presidency of BiH, had supported the BKZ at the BNV elections and conferred with Zukorlić's close associates. The attitude to Sandžak could also be viewed through the prism of intra-Bosniak divisions in BiH. Since Tihić and Cerić are known to be political opponents, their differences regarding Sandžak could be interpreted in this light.

Zukorlić raised the topic of Sandžak at the meeting of the World Islamic League (Rabita), which marked its 50<sup>th</sup> anniversary at the session in Mecca in August 2010. One of the permanent members of Rabita, an influential organisation bringing together Islamic priests across the world and assisted by Saudi Arabia, is Reis-ul-Ulema of BiH Mustafa Cerić. Zukorlić, who was on the delegation, spoke about the position of the Sandžak Muslims. A delegation of the IZuS Meshihat, led by Assistant Deputy of Sandžak Senad Halitović, paid a visit to the US Congress and talked with Congressman Keith Elliott. Regarding the difficulties surrounding the constitution of the BNV, Zukorlić also approached the European Commission, which replied that it was monitoring the situation in Sandžak. The European Parliament's rapporteur for Serbia, Jelko Kacin, paid the most attention to the region of all foreign officials. Sandžak was regularly discussed during his several visits to Belgrade in 2010. Article 25 of the Resolution on Serbia, adopted by the European Parliament in mid-January 2011, welcomes the establishment of a majority of the national minority councils and stresses the importance of the full implementation of the competencies of these

minority self-governing bodies. However, it also refers to both complaints about irregularities regarding the preparatory process and the legal requirements for the establishment of these councils and complains about violations of the guaranteed competencies of national councils by ministries and local self-governments and calls on the Serbian authorities to respond to these complaints.

The European Parliament 'raises concerns regarding the setting-up of the Bosniak national council and calls for a swift conclusion of the process in compliance with the rules, permitting legitimate representation of the Bosniaks in the council; is concerned about increasing tensions in Sandžak, as manifested inter alia by recent violent incidents, and strongly calls for political disputes to be resolved through dialogue within the framework of democratic institutions.'<sup>933</sup> Sandžak was regularly visited by members of the informal group Friends of Sandžak comprising the ambassadors to Serbia of Austria, Czech Republic, Denmark, Germany, Japan, Norway, Sweden, Turkey and the United States as well as of OSCE and EU.

It appeared at first sight that domestic politicians did not neglect Sandžak either; however, their visits became more frequent in the second half of the year, coinciding with the elections to the BNV. The lists supported by the parties of ministers Ugljanin and Ljajić did not do well. In addition to Ugljanin and Ljajić, other Serbian government ministers have been frequent visitors in recent months above all to Novi Pazar, announcing ambitious infrastructure projects and investment plans. Unfortunately, no serious investment has been made in Sandžak and even the region's major roads remain unfinished. President Boris Tadić visited Novi Pazar twice in 2010. The visit with Turkish Prime Minister Erdogan took place in July and that with ministers Ljajić and Ugljanin in November.

During his November visit to Novi Pazar, President Tadić said that the state would do absolutely everything to improve the economic situation in that part of Serbia. Novi Pazar's population officially put at 125,000 is the youngest in the country. There are more unemployed than employed people: 22,000 listed as unemployed compared with 18,000 employed residents. Tadić said that the state would do everything to help the region

933 European Parliament Resolution.

economically in spite of its own economic difficulties. 'We know how difficult it is to live here and what poverty the citizens face, and we also know that many companies in these parts that used to operate profitably have been closed down. But despite the difficult circumstances the Serbian government is prepared to set aside substantial investments for this region,' he said.<sup>934</sup>

Mayor Meho Mahmutović said that the Serbian government had invested more than €9 million in infrastructure in 2010. The president's visit to Novi Pazar was interpreted by local political parties as the determination of the state to invest in the region's infrastructure. But the residents have not yet seen any benefits from such determination. In addition to visiting a Serb and a Bosniak family, Tadić visited the Church of St Peter and conferred with the recently elected Bishop Teodosije. At a news conference, Tadić told reporters that the rights of the Bosniaks to their culture and language must not be called into question because religious rights were regulated by law. 'At the time of the adoption of the Law on Religious Rights none of the old religious communities made an objection. I will take care that all and each individual in Serbia are guaranteed religious and national freedoms. Therefore, this part of the country too cannot be different from any other part,' he said.<sup>935</sup> The IZuS criticised Tadić for not paying a visit to a mosque as a token of multiculturalism and tolerance.

## The Islamic community

The Islamic community is one of the traditional religious communities of Serbia. During both the Kingdom of Yugoslavia and socialist Yugoslavia (SFRY) the seat of the country's Muslims and Islamic Community was Sarajevo, where the Rijaset and Reis-ul-Ulema had their headquarters. The disintegration of the SFRY brought about the disintegration of the unified Muslim organisation in the territory of the former common state. The establishment of peace was followed by attempts to unite the Muslims' religious organisation. The Islamic communities of Slovenia,

934 RTS, 22 November 2010.

935 RTS, 22 November 2010

Croatia and BiH, where Bosniaks account for the majority Muslim population, recognise the Rijaset of BiH and the Reis-ul-Ulema as their supreme religious authority. Montenegro, Macedonia and Kosovo have their own Islamic communities and their relations with the Rijaset in BiH are one of partnership and friendship.

In 2007 two Islamic communities were registered in Serbia: the Islamic Community of Serbia (IZS) led by Reis-ul-Ulema Adem Zilkić and the Islamic Community in Serbia (IZuS) led by Chief Mufti Muamer Zukorlić. While the IZS insists on its full autonomy, the IZuS is organisationally linked with the Rijaset in Sarajevo and recognises Reis-ul-Ulema Mustafa Cerić as its supreme religious authority. The existence of parallel Islamic communities has been a source of constant tensions in Sandžak, their divisions being based on political rather than religious grounds. Although Tadić said at the pre-election rally in Novi Pazar in 2008 that he supported a unified Islamic community, since his election and the election of the new government in which Bogoljub Šijaković, former member of the Montenegrin SNP and current member of the DS, is at the head of the Ministry of Religion, there has not only been no dialogue with the IZuS, but Belgrade's criticism of Zukorlić has grown in intensity.

As evidenced by a number of acts of the Ministry of Religion, the Belgrade authorities have made clear that the Islamic community led by Zilkić is closer to them. The IZS is closer to the official structures in Belgrade and Zilkić praises the state for its protection of Muslims and its respect for their rights. The IZuS for its part is highly critical of both the present and former governments. Zukorlić accuses the Serbian authorities of cheating the Bosniaks, violating Muslims' human rights, hiring sycophants among their ranks and insists that Minister Šijaković should resign. Owing to his sharp rhetoric, Zukorlić is often at the focus of media attention, especially Belgrade tabloids which accuse him of seeking to provoke unrest in Sandžak.

There were physical clashes between supporters of the two Islamic communities in 2007, 2008 and 2009. Although there were no serious incidents in 2010 the feud continued. While Zukorlić accused Zilkić and Muhamed Jusufspahić of being Belgrade's sycophants at the head of a

para-religious organisation, they accused him of being a 'pest', of abusing religion and of being the cause of all trouble... While both Islamic communities demanded the restitution of property nationalised after the Second World War, the state took no action because it does not know which of the two is the legitimate one. The Ministry of Religion did its best to deepen the rift. The setting up of the Interreligious Council, inter alia, showed clearly which of the Muslim high dignitaries the Ministry supports. The body comprises the Minister of Religion, Professor Dr Bogoljub Šijaković, the Bishop of Bačka of the Serbian Orthodox Church, Professor Dr Irinej Bulović, the Archbishop of Belgrade of the Roman Catholic Church in Serbia, Stanislav Hočevar, the Reis-ul-Ulema of the Islamic Community of Serbia, Adem Zilkić, and the Rabbi of the Jewish Community in Serbia, Isak Asijel. Although the Interreligious Council was said to be open for further nominations of members from among high dignitaries of traditional churches and religious communities and prominent lay-persons, no one from the IZuS was admitted. Also on the proposal from the Ministry of Religion, on 29 July the government dismissed the Commission for Religious Instruction which included representatives of both Islamic communities: Mevlud Dudić of the IZuS and Adem Zilkić of the IZS. A new one was elected and only Adem Zilkić was admitted. The Commission is responsible for religious instruction in Serbian schools and for appointing religious teachers.

Zukorlić stressed that all this confirmed that 'Zilkić and his group were created by the state apparatus with the aim of obstructing and impeding the only legal, legitimate and traditional Islamic community in Serbia.'<sup>936</sup> Zilkić dismissed the accusations and counter-charged that Zukorlić was using his election to the Commission for Religious Instruction to raise tensions in Sandžak. He said that Dudić had not been dismissed and that 'all the hitherto members of the Commission were relieved of office'. Zilkić said that of the religious teachers proposed by his IZS 61% were from among Zukorlić's supporters and the rest from those loyal to the IZS. 'There might have been more people loyal to Zukorlić on the list, but we stopped those

who'd overly compromised themselves politically in all these events in Sandžak,' he said.<sup>937</sup>

The appointment of religious teachers gave rise to problems in the field. The most drastic instance occurred in Priboj. The Chief Imam of Priboj and a Zukorlić loyalist, Enes Svraka, was not reappointed as religious teacher although he is said by local educational workers to have been successful in his work over the years. A religious teacher loyal to Zilkić was appointed in his place, but he did not turn up at his place of work. As a result, 240 Muslim secondary school pupils in Priboj had no religious instruction. The government denied Zukorlić's accusations that it discriminated against the IZuS. The Secretary of State at the Ministry of Religion, Dragan Čurović, said, 'The Commission for Religious Instruction was set up in 2004. According to the regulations it comprises, besides civil servants, a representative of each of the churches and traditional religious communities in Serbia. Nevertheless, we considered that both Islamic communities ought to be given an opportunity to have their representatives. We simply opened the door to both communities. However, we faced obstruction of the Commission's work, and that on the part of the Islamic Community in Serbia'. He added that as of 2008 representatives of the IZuS had been had not been attending sessions. The IZuS denied this and said that its member, Mevlud Dudić, had justified all his non-appearances in a timely manner.

Religious teachers supporting the IZuS established the Association of Islamic Religious Teachers in response to the 'discriminatory attitude of the Serbian government towards Islamic religious teaching, following the dismissal of Professor Mevlud Dudić, the IZuS's representative in the government's commission for religious instruction'. Hajurdin Balić was elected president of the Association and representatives of all four mufti-ships were elected to the Managing Board. The purpose of the Association, it was said in a statement, is to protect the constitutional and legal rights of Islamic religion teachers and pupils in primary and secondary schools. The Association considers that the government's decision 'which brutally violates the constitutionally guaranteed equality of the Islamic

937 *Danas*, 22 August 2010.

community' is illegal and wants the Serbian President to 'urgently instruct the government to change its decision'. It also wants the Ministry of Justice to receive a delegation of the Association 'with a view to halting the further escalation of this problem through talks'. The statement says that 'this decision of the government clearly tends to compromise the right of Muslim children to their religious instruction and the whole process of Islamic religious instruction'.<sup>938</sup>The Association said that unless these demands are met, imams and religious teachers would demonstrate outside the Serbian government building in Belgrade. In response to this, IZS Mufti Muhamed Jusufspahić announced a counter-rally. Neither rally took place because both communities feared incidents.

## Conclusions and recommendations

The year 2010 was marked in Sandžak with incidents and political tension; the calling of new elections to the National Council of Bosniaks (or Bosniak National Council-BNV) and the announced boycott of the Bosniak Cultural Community of Mufti Muamer Zukorlić indicate that 2011 too will be full of challenges. The Serbian authorities have not demonstrated sufficient maturity and wisdom in their dealing with Sandžak. Two Bosniaks in the Government and constant promises of investments and assistance are not enough to solve the local problems. These problems must be identified and dealt with in earnest.

The authorities missed the opportunity they had in the wake of the 6 June elections to the NSB to induce the leaders of the three lists to set up a BNV and calm the local political situation. By refusing to recognise the fact that the BKZ won a majority necessary for setting up a BNV, as well as by ignoring Zukorlić's appeals for dialogue, the government has missed an opportunity to include in the institutions of the state a religious leader of growing political influence; instead, it has lent him wings to widen his political engagement.

The authorities are obviously bent on further deepening rifts with the Bosniak corpus because, following the repeat elections to the BNV,

938 *Danas*, 22 August 2010.

the Bosniaks will not only have two Islamic communities but also two national councils – one loyal to the mufti and another to the State.

As a result of the economic crisis, which has badly shaken Serbia, both majority and minority communities face poverty and social problems. One of the poorer parts of Serbia, Sandžak has far more difficulty in coping with the crisis. There was no investment in Sandžak to speak of during the course of 2010.

With no signs of economic recovery in view at the beginning of 2011, further impoverishment may give rise to social and political turbulence. Serbia must pay special attention to Sandžak owing to its specific multi-ethnic composition and border position, as well as its demographic structure which makes it the youngest part of Serbia.

In a grave economic situation like this young Bosniaks in particular are susceptible to the influence of extreme Wahabis, who can be curbed by strengthening an official Islamic community and improving standards and education.

The Ministry of Religion should stop favouring one of the contending Islamic communities and the state should not forget the interests of the local Serbs either.

# XI – SERBIA AND THE WORLD



## Misunderstanding of the International Context

Slow progress towards the European Union (EU), a decrease in diplomatic efforts to block Kosovo's independence in the wake of the advisory opinion of the International Court of Justice (ICJ) and a relative and mostly formal improvement of relations with neighbours (especially with Croatia) were the main characteristics of Serbia's foreign policy activities in 2010.

Although the majority of political parties in both government and opposition profess to support Serbia's European orientation (the two explicitly anti-European parties – the Democratic Party of Serbia and the Serbian Radical Party – have been politically marginalised in the last two years), there is still no socio-political consensus in the country necessary to dispel all doubts about the correctness of this orientation. There is also an informal but very powerful conservative bloc comprised of influential academics, their associations and allied media establishments which insists that Serbia's place is in the East and which exerts strong pressure to keep afloat the thesis that 'Europe has an alternative'. The polarisation between the pro-Europe and anti-Europe forces on the public stage was more pronounced in 2010 than before, so Foreign Minister Vuk Jeremić found it necessary to appeal for less 'emotions' and more 'pragmatism' and 'rationality' in the political dialogue on European integration: 'We're entering a time where I think we can't afford to have divisions and internal conflicts regarding European processes.'<sup>939</sup>

This ambivalence is rendering the pro-European course of the present government inconsistent and essentially fragile. In practice, the absence of a clearly defined pro-European foreign-policy course implying conduct in accordance with European standards and values results in controversial moves and serious diplomatic slip-ups. The most drastic example of this in 2010 was the absence, by decision of the Ministry of Foreign Affairs, of

939 *Danas*, 25 January 2011.

Serbia's representative at the presentation in Oslo of the Nobel peace prize to Chinese dissident Liu Xiaobo.

The absence of a foreign-policy strategy and the vacillation between the four allegedly equal 'pillars' (EU, USA, Russia and China) is reflected in confused public opinions. In spite of the fact that the majority of citizens clearly support Serbia's EU membership, 60% of them would like to welcome Vladimir Putin, who is by far the most popular foreign leader in Serbia. In spite of systematic anti-American propaganda (with particular emphasis on the 1999 NATO intervention and the declaration of Kosovo's independence in 2008), US President Barak Obama was the second most popular foreign leader with 47.2% of the vote. Significantly, Fidel Castro found himself in third place (40.5%) while the leader of one of the 'four pillars', Chinese President Hu Jintao, barely scraped through with 1% support to find himself in the company of 13 most popular foreign leaders (even Kosovo's Prime Minister Hashim Thaqi beat him with 2%).<sup>940</sup>

The order of the foreign-policy priorities, summed up in the phrase 'both Europe and Kosovo', was considerably altered in view of the advisory opinion of the ICJ on the accordance with international law of the unilateral declaration of independence in respect of Kosovo. Although the ICJ's advisory opinion shocked Serbia's political, legal and media circles as well as the public in general, the latter having been led to believe that Serbia's diplomatic victory was a foregone conclusion, the state leadership at first decided not to alter its strategy towards Kosovo. In accordance with this decision, it prepared a draft resolution and sent it to the UN headquarters in New York. Serbia's unilateral move caused a serious disagreement with Brussels because it had been agreed with European diplomats to formulate a position on the ICJ's advisory opinion jointly. Following a flurry of intensive and occasionally dramatic diplomatic activity, President Boris Tadić took a decision to withdraw the original draft resolution and submit a new text jointly written by the EU and Serbia. This forced foreign-policy move cleared the obstacles to Serbia's relations with Brussels.

940 Public opinion poll by the agency Faktor plus, as cited in *Politika*, 3 January 2011.

The joint resolution adopted by the UN General Assembly also cleared the way for Belgrade's dialogue with Priština with EU mediation and active US engagement.

Although itself preoccupied with its own problems caused by the global economic-financial crisis and the big problems of some of its members (Greece, Ireland, Portugal, Hungary...), the EU is not neglecting the Western Balkans to which it continues to offer a European perspective, admittedly in the long term.

As regards concrete steps, at the middle of 2010 the EU granted ratification of the Stabilization and Association Agreement (SAA) with Serbia and at the end of the year Commissioner for Enlargement Štefan Füle presented Prime Minister Mirko Cvetković in Belgrade with the European Commission (EC) Questionnaire.<sup>941</sup> If the replies are found satisfactory in Brussels, Serbia's road to candidacy for full membership will be open and this is expected to take place at the end of 2011. Serbia's replies to the Questionnaire were delivered to the EC in Brussels by a Serbian government delegation on 31 January 2011. The EC's opinion on the replies and, more importantly, on Serbia's progress in implementing necessary reforms, for which 2011 will be of crucial importance, is expected in October 2011. Prime Minister Cvetković said that for accomplishing this objective 'technical issues' (adoption of legal and other norms) would not be as important as reaching 'political agreement' on doing what was necessary.<sup>942</sup>

The priorities which are to be met by as early as June 2001 include extradition of Ratko Mladić to the ICTY, successful start of dialogue with Priština, personalising the electoral system (abolition of MPs' blank resignations), passing legislation on property restitution and eliminating corruption regarding public procurement and political party financing. Correcting the mistakes made in judiciary reform and its completion in accordance with European standards is also among the important obligations undertaken. The government has adopted an action plan for fulfilling the recommendations set out in the EC 2010 progress report with a

941 Ratification of the Agreement is still in progress by each member's parliament separately.

942 Interview with TV B92, 31 January 2011.

view to speeding up the process of acquiring candidate status (December 2010).

In January 2011 the European Parliament (EP) ratified the SAA. While this will have the effect of prompting the parliaments of EU member countries which have not ratified the SAA (a total of 14) to follow suit, one ought to bear in mind that criticism was voiced during the EP debate regarding necessary internal reforms and Serbia's un-European conduct, as well as this is incorporated in a number of amendments to the resolution adopted on that occasion.

Viewed from the perspective of the crucial 2000 year, in which the Milošević regime was brought down and the country's Euro-Atlantic course proclaimed, it could be concluded that Serbia missed its chance to join the EU earlier owing to the inconsistency, vacillation and insincerity of the key actors as well as to the absence of a broad social consensus. The main prerequisite for candidacy, the extradition of the two remaining fugitives, General Ratko Mladić and Goran Hadžić, is yet to be fulfilled. Also, the hard position that 'Serbia will never recognise Kosovo' is likely to give rise to further internal controversies regarding rapprochement with the EU and further obstacles on that road.

Foreign Minister Vuk Jeremić remains unpopular in international circles and among his foreign colleagues owing to his preoccupation with Kosovo and his arrogant manner. The prospect of Jeremić's survival as Foreign Minister was raised after President Boris Tadić altered, in agreement with EU High Representative for Foreign Policy and Security Policy Catherine Ashton, the draft resolution Serbia submitted to the UN General Assembly in September 2010. Jeremić had been the chief public advocate of the original draft. Although he lost another battle when he ran for the vice-presidency of his Democratic Party, Jeremić will in all probability keep his post of Foreign Minister until the end of the present government's term in spite of his visible media and public marginalisation.

Finally, 2010 saw a considerable decline in public support for membership of Europe's most important organisation. According to a poll by the Serbian government's Office for Association with the EU, Serbia's EU membership was supported by 57% of respondents, the lowest figure since

2002.<sup>943</sup> The second half of the year saw a drastic decline in this support – as much as 8% from June to December. Experts including Milica Delević said that the decline was due to the fact that in 2010 people saw no ‘tangible’ benefit from the EU<sup>944</sup> compared with 2009, when visas necessary for travel to EU countries were abolished at the end of that year. The falling support could also be linked to the realisation that the accession process is slow and long, which induces weariness and apathy and diminishes the attraction of the European option.

### Concrete progress

The harmonisation of domestic legislation with that of the EU has been going on for several years. One of the most important reforms in this field is no doubt the reform of the judiciary, which provoked considerable controversy in 2010. The EU insists on this reform in particular with a view to creating an appropriate legal framework in accordance with European standards. A number of independent control bodies (such as the ombudsman and the commissioner for information of public importance and personal data protection) became increasingly autonomous and socially more relevant in 2010. The Anti-Corruption Agency, which was constituted and began to operate at the beginning of the year, is especially important in this regard.

In addition to continuing to (unilaterally) implement the SAA, Serbia worked on the EU Questionnaire and succeeded in submitting to Brussels answers to all of the 2,483 questions as early as 31 January 2011. The Deputy Prime Minister in charge of European integration, Božidar Đelić, said that Serbia had also been working on a number of projects including a Danube strategy, a transport community treaty, an EU Roma Platform and macrofinancial support.<sup>945</sup>

As required by the European road map, the Serbian parliament passed a number of necessary statutory regulations. According to a report of the

943 *Danas*, 15-16 January 2011.

944 *Ibid.*

945 *Blic*, 14 June 2010.

government European Integration Office, which monitors the implementation of the National Programme for Integration, 57% of the programme was fulfilled already in the first three months of 2010 by adopting 70 out of 123 regulations scheduled for adoption.<sup>946</sup>

Later, however, this work was slowed down. According to data the European Integration Office published in September, the government managed to determine proposals for only four of the nine laws scheduled for the April-June period. On the same occasion, the Office noted that 404 out of 537 pieces of legislation had been adopted in the past two years, including 134 out of 157 laws.<sup>947</sup>

## Two phases

There were, generally speaking, two phases in the relations between Belgrade and Brussels in 2010. After President Tadić handed in Serbia's application for EU membership in December 2009, Belgrade expected that it would be granted membership candidate status before the end of 2010. However, a number of EU members were opposed to speeding up Serbia's integration in European processes owing to Serbia's official insistence on both a 'European road' and protection of its 'territorial integrity and sovereignty' with regard to Kosovo, as well as to disagreement within the EU itself concerning further enlargement. Because the most influential EU members – Germany, Britain, France, Belgium and the Netherlands – were among these countries, there was a major slow-down at the middle of the year. At their meeting in Luxembourg in June, the EU ministers did not even discuss Serbia's candidacy in order to refer it to the European Commission, and merely recommended the parliaments of the member countries to start ratifying the SAA. Spain, which at that time presided over the EU, tried unsuccessfully to get Serbia's candidacy included in the agenda and it was only Sweden's Carl Bildt who succeeded in persuading the 27 ministers to 'take note' of the fact that Serbia had applied

946 Information on Serbia's progress towards rapprochement with the EU, the government's European Integration Office, April 2010.

947 *Politika*, 16 September 2010.

for membership. As Božidar Đelić put it, all that Serbia got from the EU in June was the information that the 'candidacy is no longer in the drawer'.<sup>948</sup>

The fact that the EU was not in a mood for further enlargement not only in relation to Serbia but to the rest of South East Europe was reflected in President Tadić's address at the Istanbul meeting of the South East Europe Cooperation Process in June 2010: he asked the EU to say 'whether it wants us and whether it is willing to work with us on a practical level in order that we may fulfil the obligations we have undertaken'.<sup>949</sup> He asked for a 'sincere reply' and said that while everybody had their own restrictions they should not be put forward as an excuse for doing nothing.<sup>950</sup>

At that time there were undercurrent tensions in Belgrade's relations with Brussels in anticipation of the advisory opinion of the ICJ on the declaration of independence of Kosovo. The announcement of the advisory opinion on 22 July came as a shock because the public had persistently been assured that the ICJ would challenge the independence proclamation on international law grounds.

Significantly, even before the ICJ delivered its opinion, Brussels had been urging Belgrade to write a joint EU-Serbia resolution to be submitted to the UN General Assembly in September. While Belgrade did not reject the offer, it said it would discuss the matter with Brussels after the announcement of the ICJ's advisory opinion. In this connection, informal contacts with ambassadors from EU member states and the US were initiated in Belgrade in late July. However, in early August Brussels received a copy of a draft resolution sent by the Serbian government of its own initiative and without consulting anyone. Serbia thus refused to acknowledge the advisory opinion of the ICJ (by claiming that 'secession cannot be a basis for the creation of new states') and insisted on discussing with Priština 'all open issues', which implied fresh talks on Kosovo's status.

There followed a highly intensive diplomatic activity by both sides. While at the United Nations Foreign Minister Vuk Jeremić lobbied for support for the 'Serbian resolution mostly among the nonaligned countries

948 *Blic*, 15 June 2010.

949 *Press*, 24 June 2010.

950 *Ibid.*

that had not recognised Kosovo, European diplomacy brought pressure to bear on Belgrade. A source in Brussels of the Belgrade daily *Blic* said that in submitting its own resolution to the UN at a time when most EU members awaited, on the basis of promises from Belgrade, further discussions about the text of a joint resolution, Serbia had perpetrated 'an insult that it will take a long time to smooth over'.<sup>951</sup> The source also said that 'Belgrade will have to decide whether it wants to cooperate with the EU or with the nonaligned'.<sup>952</sup>

The pressure on Belgrade was exerted first through ambassadors and then through heads of diplomacy. In the last week of August Belgrade was visited by the German and British foreign ministers, Guido Westerwelle and William Haig. Finally, in early September, EU High Representative for Foreign Policy and Security Policy Catherine Ashdown took over the task of 'persuading' Serbia in direct communication with President Boris Tadić. It was only at the last moment (less than 24 hours before the UN General Assembly session) that the Serbian Ministry of Foreign Affairs withdrew 'its own' resolution and replaced it with the joint EU-Serbia document. The latter was adopted without debate by acclamation. The joint resolution opened the way for dialogue between Belgrade and Priština with EU mediation practically only about 'technical issues', that is, without returning to the issue of status.

This important about-turn on Kosovo on Serbia's part helped to soften the attitude of EU officials to Serbia and to unblock the process of rapprochement with the EU, which resulted in the delivery of the EC Questionnaire and the ratification of the Stabilization and Association Agreement in the European Parliament.

Other benefits included a more favourable annual Progress Report published in Brussels and a relatively measured December 2010 report to the UN Security Council by ICTY Prosecutor Serge Brammertz.

951 *Blic*, 2 August 2010.

952 *Ibid.*

## Reminders of obligations

In order to keep Serbia on a pro-European course, EU officials occasionally show greater 'tolerance' when it comes to fulfilling a necessary condition. However, as a rule they soon again become insistent on the same condition, especially after making a 'concession' of some kind or other to Belgrade. Thus, although the ratification of the SAA in the European Parliament on 19 January 2011 was a strong signal to EU members who had not done so to follow suit, a resolution was adopted at the same time specifying the obligations Serbia must fulfil if it wants to make further progress towards European integration. The condition of all conditions was the arrest and extradition to the ICTY of Ratko Mladić and Goran Hadžić because, it said, only the arrest and extradition of the two remaining indictees to The Hague could be considered convincing evidence of Serbia's full cooperation with that tribunal.<sup>953</sup> It was precisely at that time that media began citing 'reliable sources' as reporting that ICTY Prosecutor Serge Brammertz was beginning to lose his patience and that he had 'a number of specific objections to the work of the Serbian services looking for the remaining two indictees'. It was also said that unless this cooperation improved his next report to the Security Council, due in June 2011, would be negative.<sup>954</sup>

In the resolution special attention is paid to forthcoming talks between Belgrade and Priština while making it clear that that would not mean new status talks.<sup>955</sup>

The head of the European Integration Office, Milica Delević, said that Serbia faced the biggest challenges after answering the EU Questionnaire. The present state of affairs described in the replies, she said, must be changed in accordance with the Brussels recommendations before Serbia is granted candidate status.<sup>956</sup>

953 *Danas*, 20 January 2011.

954 *Politika*, 22 January 2011.

955 *Politika*, 20 January 2011.

956 *Politika*, 31 January 2011.

The challenge is all the greater in view of the serious crisis of the Serbian government which occurred at the beginning of 2011. The crisis was brought about by the replacement and/or resignations of Minister of Economy Mlađan Dinkić and Minister for National Investment Plan Verica Kalanović (both members of G17 plus) and other personnel reshuffles within the cabinet of Prime Minister Mirko Cvetković. The crisis is a major distraction for the executive, which shoulders the main responsibility for fulfilling the 'Brussels tasks', that is, for implementing the action plan adopted by the government on the basis of these tasks. The obligations or 'the ten Brussels commandments' as they are called by officials in Belgrade must be met by the autumn of 2011 if Serbia is to be granted candidate status. They concern party 'ownership' of MPs' mandates, promoting the integration of the Roma, completing judiciary reform, completing cooperation with the ICTY, promoting regional cooperation, ensuring unimpeded operation of independent regulatory bodies, passing a new law on the financing of political parties, dealing with increasing demands for asylum, passing a law on restitution and continuing structural economic reforms.

### **Sabotaging the European path**

The ups and downs in the relations between Belgrade and Brussels have a bearing on the reactions of the anti-Europe bloc. It could be said that there have been two distinct periods in this regard though in each case the bloc's message was the same – Serbia must have an alternative to its proclaimed European path.

The conservative bloc watched Brussels' standoffishness towards Serbia during the first six months of 2010 with some gloating. It made much of the problems the EU itself had regarding the outbreak of financial crises in some member countries and argued that in return for EU membership Serbia had been presented with a number of humiliating conditions: de facto recognition of Kosovo's independence, desisting from firmly supporting Republika Srpska and giving up the Serb question in Montenegro – something no one in Serbia could accept. The domestic Euro-sceptics

also hoped that Serbia would formally give up its European path ‘with no alternative’. The magazine *Pečat* summed up this position in one of its editorials: ‘nobody wants them out there in the EU.’<sup>957</sup> Đorđe Vukadinović, one of the foremost exponents of the anti-European attitude, said that ‘in a year’s time very few among Serbian politicians and intellectuals will even want to remember having advocated the thesis that “Europe has no alternative”’.<sup>958</sup> Vukadinović, who is no doubt among the most influential members of this circle, argues that Serbia needs an open and sincere debate on the ‘advantages and disadvantages of an all-out European commitment’. Such a debate is necessary, he argues, not only because the EU itself has numerous problems, but above all in view of ‘our circumstances’ – a reference to Kosovo, Serbia’s neighbours and continuing pressure on Serbs in Montenegro and in Republika Srpska. Vukadinović’s advice therefore is to consider ‘alternative solutions such as Brazil, Russia, India, China, Turkey, the nonaligned...’<sup>959</sup>

The belief that Serbia should give up on Europe grew stronger during the period of confusion following the announcement of the ICJ advisory opinion on Kosovo’s independence and the submission of Serbia’s unilateral resolution to the UN Security Council. Although the resolution was criticised by ‘well-wishers’ as too ‘mild’, it enjoyed majority support within Serbia’s anti-European political and intellectual circles (whose main organs are the New Serbian Political Thought website and the weekly *Pečat*), who urged the state to adhere to it at all costs. Giving up on the resolution, they argued, would be tantamount to a ‘disgraceful trade-off for the sake of...a hazy and uncertain “European perspective”’.<sup>960</sup>

Therefore, when the joint EU-Serbian resolution at the UN came they saw it as a shocking about-turn on the part of the authorities towards fulfilling ‘the directions’ from Brussels and reverted to labelling the authorities as ‘anti-Serb’ and ‘traitorous’. The foreign ‘power-holders’ had reduced Serbia to a state of ‘semi-occupation’, they said, because Serbia had

957 *Pečat*, 11 June 2010.

958 *Politika*, 22 June 2010.

959 *Politika*, 27 April 2010.

960 Đorđe Vukadinović, regular column in *Politika*, 17 August 2010.

capitulated diplomatically to US and EU demands and 'has since hardly shown any opposition to the instructions coming from the West'.<sup>961</sup> 'Serbia is on its knees,' said Vojislav Koštunica, leader of the Serbian Democratic Party (DSS), and is 'in danger of being subjected to foreign domination'.<sup>962</sup>

The anti-Europe bloc regards any new initiative from Brussels, especially its insistence on fulfilling the necessary preconditions, as further evidence that Serbia has found itself in a subordinate, almost semi-colonial position. Boško Mijatović, the director of economic studies at the Centre for Liberal-Democratic Studies, condemned the European Parliament's resolution on Serbia as a 'public dictation'. An article published in the daily *Politika* under that headline said that the tone of the resolution was reminiscent of the manner in which Roman emperors communicated with the provinces and was 'tinged with a haughty superiority [of one] that expects instructions to be carried out without a murmur', a tone 'unbecoming to a parliament's attitude to a still independent country'.<sup>963</sup>

### **Jeremić continues in office**

The 'Copernican turn' as some commentators called Serbia's agreement with the EU on their joint 'Kosovo resolution' submitted at the UN dealt the biggest blow to the professional (and personal) credibility of Foreign Minister Vuk Jeremić. For quite two years previously his high reputation and popularity at home, including with the 'patriotic' bloc, had been built up on his unwavering 'defence of Kosovo'. His almost missionary-like pursuit of that objective succeeded in persuading a great many countries, nonaligned and other Asian and African states including some influential Muslim ones (like Pakistan and Saudi Arabia) against recognising an independent Kosovo.

Although Serbia's foreign-policy strategy is clearly not shaped in his office alone, especially with regard to the 'defence of its sovereignty and territorial integrity', it bears his unmistakable mark of arrogance,

961 *Pečat*, 25 February 2011.

962 *Dnevnik TV B92*, 19 February 2011.

963 *Politika*, 26 January 2011.

tactlessness, propensity to gaffes and, often, high-handedness. The limiting effects of these traits on his professional work have been such that a number of high-ranking foreign officials (e.g. US Vice-President Joseph Biden and Croatian Prime Minister Ivo Sanader) did not even wish to meet him.<sup>964</sup> As the weekly *NIN* observed, 'His manner of speaking has been described in diplomatic circles as quarrelsome, his vocabulary intimidating and insulting, and his attitude arrogant and blackmailing'.<sup>965</sup>

The matter of his responsibility was raised by the opposition Liberal Democratic Party (LDP) already in the summer of 2010 in connection with the ICJ's advisory opinion on Kosovo. By virtue of his office as Foreign Minister, Jeremić had been the most responsible person for taking the decision to seek the ICJ's opinion in the first place and therefore should have been called to account for the fiasco. However, during the debate initiated by the LDP he was protected by President Boris Tadić who said that state policy is created by his office.

The absence of Serbia's official representative at the presentation in Oslo of the Nobel peace prize to Chinese dissident Liu Xiaobo (who too was absent at the ceremony because he was in jail) came as the last straw. This, as it turned out, personal decision on Jeremić's part provoked so much discontent both in the civil sector and among influential and pro-government media<sup>966</sup> that it was decided post-haste to dispatch Ombudsman Saša Janković to Oslo to be there 'unofficially'.

In the aftermath of the scandal, with Jeremić's dismissal expected as a matter of course, media recapitulated the chain of Serbian diplomacy's

964 During his visit to the United States in early 2011, on the occasion of the prayer breakfast in Washington, Vuk Jeremeć was not received at the State Department. On the other hand, his colleague Ivica Dačić had a number of meetings at the appropriate level.

965 *NIN*, 16 December 2010.

966 *Politika's* distinguished commentator, Boško Jakšić, wrote: 'If there were a Nobel prize for blunders, this year's laureates would certainly be from Serbia. Clumsily, inexpertly, thoughtlessly, servilely – not to say stupidly – we first shocked the world and then insulted our own liberal traditions by deciding to ingratiate ourselves with Peking and boycott the presentation of the Nobel peace prize to the Chinese dissident.' *Politika*, 12 December 2010.

gaffes committed in the name of the 'defence of Kosovo' and as concessions to undemocratic regimes across the world for not recognising Kosovo. For instance, official Serbia did not join the Council of Europe in condemning Sudan over the Darfur genocide and Iran over executions by stoning. Nor did Serbia support the Council of Europe's censure of North Korea over nuclear arms proliferation and the Burmese regime for keeping San Suu Kyi, another Nobel peace prize winner, under house arrest for years.

In spite of all this, Jeremić remained at the head of the Ministry of Foreign Affairs. One notices, however, that he is given nowhere near as much publicity as before (especially since his unsuccessful bid for the Democratic Party vice-presidency) and that his official trips abroad have fallen off.

### **No real progress in Serbian-US relations**

The most important political and diplomatic event in Serbia's relations with the US in 2010 was the visit by US Secretary of State Hillary Clinton in October as part their brief Balkan tour of Sarajevo, Belgrade and Priština. However, unlike that of US Vice-President Joseph Biden in 2009, the Clinton visit was not an event of strategic importance. The latter visit, as far as Serbia is concerned, may be viewed in the context of public support for the adjustment of Belgrade's position on the 'Kosovo resolution' with that of Brussels and for the announced dialogue with Priština. Clinton's statement that Serbia might become 'leader' not only in the Balkans but also in Europe could be interpreted in this context.<sup>967</sup> In return for a 'constructive' attitude to Kosovo, the US is in favour of the earliest possible granting of candidate status to Serbia.

The most stable relations with the US partners, representing the most important component of bilateral ties, are being developed by the Army of Serbia and, increasingly, by the police.

In spite of this, anti-American sentiments were on the rise in Serbia during 2010 not only within the traditionally anti-Western circles but

967 Dnevnik TVB92, 12 October 2010.

generally as well. An illustrative example of this trend is a large essay (serialised first in the daily *Politika* and then shortly afterwards in *Danas*) by Aleksa Đilas, who is regarded in public as an independent intellectual. In the essay, Đilas argues that Europe should leave US-dominated NATO and 'free itself entirely from the ruinous influence of the United States'. In his view, 'European independence from America is a necessary precondition for Europe to gain global and moral authority and influence.'<sup>968</sup>

The domestic enemies of America and of its liberal democratic values regard growing anti-Americanism coinciding with America's diminishing influence in the world as 'punishment' for alleged crimes perpetrated by the 'evil empire' (their synonym for the United States) on Serbia (the destruction of Yugoslavia, the 1999 bombing campaign). It is their thesis that US policy, other than being chiefly to blame for the creation of the 'bogus state of Kosovo', is behind the policy of the present government that 'Europe has no alternative' and that Serbia must join NATO.

As Pavle Radić remarked in an article in *Danas*, 'nationalist intellectuals (as well as moderate right-wingers, "liberal patriots") manifest undisguised anti-Americanism out of ill-will because the US put an end to the madness of Serbia's nationalist policy from the last decade of the last century.'<sup>969</sup>

## Turkey – economics behind politics

In the last few years Turkey has established itself in the region as a major factor of stability especially with regard to Bosnia and Herzegovina and Serbia. Turkey is also potentially an important economic partner. Although Turkey was not as diplomatically active in 2010 as in 2009, the region remains one of its foreign-policy priorities. That this also goes for Serbia as a key to stability in this part of the world was specified by the outgoing Turkish ambassador, Suha Umar, at the end of his mission in September 2010: 'If we want peace and stability, we shan't have them unless Serbia sincerely wants them. If we want to make trouble, it will be very

968 *Danas*, 29-30 January 2011.

969 *Danas*, 5-6 February 2011.

difficult for us to do so without Serbia. This is why Serbia is the key country and Turkey has recognised this.<sup>970</sup>

In the first decade of the 21st century Turkey succeeded in distinguishing its role abroad thanks to what Prime Minister Tayyip Erdogan termed its capacity to 'link together different qualities and histories'.<sup>971</sup> In other words, he said, Turkey is capable of transcending the East-West, Europe-Middle East, North-South dichotomies.<sup>972</sup>

In addition to manifesting foreign-policy dynamism, with Foreign Ministry Ahmet Davutoglu as its driving force,<sup>973</sup> Turkey as an economically expanding country<sup>974</sup> is making it clear it also wants to spread its economic influence. In the Balkans its interests are strategic sectors such as telecommunications, motorways and airports.

Although the possibility of Turkish investments in Serbia, especially in infrastructure projects in Sandžak, was widely discussed during Turkish President Abdullah Gul's visit in the autumn of 2009, no such investments have materialised. Also, long negotiations on a takeover of the national carrier JAT by Turkish Airlines have not borne fruit. According to Nedžad Kačapor, general secretary of the Serbian International Trade Association (SITA), which seeks to link Turkish and Serbian companies, Turkish companies do not wish to invest in Sandžak owing to 'political and religious disagreement' in the area.<sup>975</sup> Instead, Turkish companies would prefer to invest in partner companies in Belgrade and its vicinity.

In September 2010, Serbia and Turkey signed an agreement on free trade which insignificantly improved Serbia's highly unfavourable foreign trade record with Turkey. Serbian-Turkish trade is worth some USD 500

970 *Politika*, 24 January 2011.

971 Signed article, *Danas*, 24 December 2010.

972 *Ibid.*

973 Davutoglu worked out Turkey's 600-page new foreign policy strategy in 2001. It is said that Davutoglu almost always carries this voluminous document with him, which keeps his partners in suspense.

974 According to World Bank data, Turkey is the world's 17th largest economy with a GDP of nearly USD 466 billion – an indication of Turkey's considerable investment potential.

975 *Danas*, 19-20 February 2010.

million a year, with Serbian imports amounting to some USD 450 million and exports about USD 50 million (since the signing of the agreement, Serbia has managed to improve the balance by about 10%).

On the whole, Serbia's economic cooperation with Turkey is low especially compared with Romania (Turkey's largest Balkan partner) and Bulgaria. While there are as many as 10,300 Turkish firms registered in Romania (and similar numbers in Bulgaria and Hungary), only 10-15 Turkish firms are registered in Serbia.<sup>976</sup>

Whether traditional prejudices are an obstacle to more comprehensive development of relations with Turkey is hard to say. The orientalist and former Serbian ambassador to Turkey, Darko Tanasković, says that Serbia is not Turkey's privileged partner in the region. In his opinion, this position is reserved for BiH and Albania as well as for Muslim communities in other Balkan countries 'which represent a permanent basis and source of regional Turkish influence'.<sup>977</sup> However, the exceptionally well-developed economic relations with Romania and Bulgaria are no doubt proof enough that this is not so.

976 Ibid.

977 *Politika*, 24 January 2011.



## Russia: Stoking a Cold War

The arrival of Russian Prime Minister Vladimir Putin in Belgrade on 23 March 2011 was highly symbolic of Serbia's relationship with Russia in general. In some ways it also reflected the two countries' relations during the course of 2010. The visit was no doubt arranged to recall, though more by deed than word, the anniversary of the start of the NATO bombing campaign against Serbia (24 March 1999), in a context of continually stoking a cold war between Serbia and the West.

Moscow aids and abets such attitudes in Serbia although for Europe, the United States and Russia, as former cold war actors, this is a relatively distant past. The cold-war relations of the former antagonists have given way to dynamic cooperation ranging from economic to military cooperation.<sup>978</sup>

Nevertheless, Russia likes to exploit and encourage the Serb paranoiac mindset on the chance of reaping benefits at some time or other. This is why Russia is loath to relinquish the role assigned to it by Belgrade, a role of 'protector of a fraternal Orthodox people' against the 'non-correligionist forces of the West'.

Putin's visit was a good illustration of this policy. Putin arrived in Belgrade from Slovenia, where he had tried to persuade Slovenia to join the proposed South Stream gas pipeline project in the context of the EU's energy policy, the cornerstone in Europe's energy cooperation with Russia. So far, Moscow's negotiations with Brussels have not borne fruit.<sup>979</sup>

The energy question was expected to be the main talking point in Belgrade given that Serbia's participation in the South Stream project has not been an issue for quite some time. However, the timing of the visit (24

978 <sup>1</sup> 'US, Russia Discussing Groundbreaking Manas Fuel-Supply Deal', Eurasianet.org, 21 June 2010. 'Medvedev to Put Business First in U.S. Visit', *The Moscow Times*, 22 June 2010.

979 'Third Energy Package: dispute between Russia and the EU', Česlovas Iškauskas, *Geopolitika*, 6 June 2011.

March) relegated energy and economic questions to the background and pushed evocations of NATO's bombing of Serbia to the fore.

In a year which may end in Serbian elections, Putin found it advantageous to send another message to the Serbian elites and the public to the effect that the Russians are their friends. He also used the opportunity to try to sway the Serbian electorate away from the policy of pro-Euro-Atlantic integration. The object is to keep Serbia in dependency within Russia's sphere of interests, a position already ensured by Russia's ownership of Serbia's vital energy resources.

Serbian media were in no doubt as to Putin's 'main business' in Belgrade, which was to 'ask Serbia not to join NATO'. This unwritten message of Vladimir Putin was clearly interpreted by the daily *Blic* and other media outlets.<sup>980</sup>

### **NATO: Russia's chief concern**

The implementation of Putin's strategy on Serbia is facilitated by the general circumstances such as the deep economic and political crisis. Unemployment is on the rise. Amid growing impoverishment, the population is increasingly discontented with corruption, the feudalisation of domestic politics and the enrichment of individuals with government's help.

The government has been promising to address all these problems as part of Serbia's preparations to join the EU. The failure to make good on these promises made room for 'Russia's plans to deepen and expand its influence in these parts at a time when the determination of the political elites and the citizens' confidence regarding a European future have been shaken.'<sup>981</sup> The impression is that Russia has been somewhat eclipsed since the start of the dialogue between Belgrade and Priština with Brussels' mediation.

Unlike Serbia, the Russian side treated Putin's mission quite differently. The gist of it was that Russia's policy towards Serbia is as good as altruistic, reflecting above all Moscow's insistence on equality in relations

980 'Putin dolazi da zatraži od Srbije da ne uđe u NATO', *Blic*, 21 February 2011.

981 Professor Dr Radoslav Stojanović, statement to *Blic*.

and mutuality of interests between the two sides. Accordingly, Putin was portrayed almost as a benevolent partner willing to promote economic cooperation and sign a 'number of agreements in the energy, trade, culture and other fields', mostly in Serbia's interests. The intention was also to 'send the world a message that Serbia and Russia have good relations, to reaffirm Russia's stance on Kosovo and to support the investigation into the organ-trafficking.'<sup>982</sup> Nevertheless, the issue of Serbia's membership of NATO was the main point of the visit.

This was confirmed on the eve of the visit by the Russians themselves, who alleged that there was a confusion among a portion of an unspecified political elite and not the citizens in this regard. The citizens, it was pointed out, are against Serbia becoming a member of NATO.

Before Putin arrived, the Russian ambassador in Belgrade, Alexander Konuzin, said that the issue of Serbia's becoming a member of NATO would not be raised. However, he said that the 'leadership in Belgrade' was aware of the position that 'NATO's expansion is a threat to Russia' and that Moscow 'assumes that Serbia will treat such a position with respect.'<sup>983</sup> The mention of 'respect' by Konuzin was a clear signal that Russia is aware of its right to veto any security arrangement on Belgrade's part it does not like.

Konuzin said that he had been assured by all Serbian government representatives that Serbia's entry into NATO was not an option and that 'most Serbs are against NATO'. However, he warned that 'someone wants to change the social climate and clear the way for changing Serbia's stance', adding that 'the Serbs are being told that they were ready to help their rapprochement with NATO although they are not asking for that (...) I assume that the decision should be taken by the Serbs themselves. Make up your minds.'<sup>984</sup>

982 Konstantin Nikiforov, head of the Institute of Slavić and Balkan Studies of the Russian Academy of Sciences.

983 'Konuzin: Putin neće potezati pitanje ućlanjenja Srbije u NATO', Tanjug, Blic on line, 17 March 2011.

984 'Srbi, odlučite se hoćete li u NATO!', FoNet with quotations from *NIN*, 16 March 2011.

Although the Russian ambassador did not specify who 'they' were, he warned that 'one cannot call into question Serbia's legally determined neutral status'. The ambassador nevertheless indicated that Serbia's security status would be raised by Putin: 'The political portion of the talks will concern the agreement on European security as a whole. In this connection, all the factors influencing the creation of the climate in the Euro-Atlantic space are likely to be touched upon.'<sup>985</sup>

### Spinning the Putin visit

Putin's visit to Belgrade was announced, commented upon and spinned in the media in a manner accorded to few 'high-level visits' before it. For all this, however, the visit was a working one and brief. Putin proved very businesslike. Within the space of an afternoon, he squeezed in 105 minutes of a private talk with Serbian President Boris Tadić, a rather brief news conference, a 30-minute meeting with his opposite number Prime Minister Mirko Cvetković, a meeting with Serbian MPs lasting just over an hour, a photo opportunity where he kissed an icon and was awarded the Order of St Sava in the Temple of St Sava, and a brief but eventful visit to the Belgrade Marakana stadium. The last event summed up the political point of Putin's visit to Serbia.

As he sat in the grandstand, 20,000 Red Star soccer fans cheered him personally as well as Russia. For the first time during the visit the guest was visibly in high spirits and radiated joy. The grandstand across from his was packed by rows of people holding a very long piece of cloth at least one metre wide bearing the following message in Russian: 'Our elder brother, kiss our mother [Russia] and tell her that we are worthy of her, and that we are fighting and will go on fighting, and that we love her.'<sup>986</sup> 'God help us, Putin save us!' read another. The crowd also sang the popular Russian song Kalinka.

985 'Putin će želeći da razgovara o sistemu evropske bezbednosti', Konuzin's interview with *Blic*, 21 March 2011.

986 *Moja Crvena zvezda*, 23 March 2011.

The 20,000-strong audience next switched back to Serbian and started to shout abuse at the president of its own country, Boris Tadić, and its government and Putin's host. A beaming Putin bent forward over the railing and signed photographs distributed in advance.

The purpose of the spectacle, which had apparently been arranged in advance, was meant to remind the Serbian authorities that in this country there exists and feels stronger a Serbia which hates 'non-coreligionists' and is prepared to follow Putin and Russia instead of its own government.

The stadium performance was no doubt included in the visit schedule at the insistence of the Russian side.<sup>987</sup> It had namely been made known that the Putin supports Zenit St Petersburg, is a fan of the Red Star, likes meeting people in the street (there was a mention of arranging such an event in Knez Mihailova Street) – and would like to pay a visit to a stadium during a football match!

The proposal was accepted. Next began the preparation of what was to take place. The Red Star made an announcement saying that the match would be more than a mere sports event. The Red Star fans were urged to turn up en masse, create a magnificent atmosphere and greet the young hopefuls from the Serbian and Russian teams as well as 'the great friend of our people Putin'. 'Let us show our devotion to our Red Star and, of course, to our homeland Serbia,' the club's president Dragan Lukić said.

The Russian and the Serbian club are both controlled by the same money, i.e. Russian oil money. Zenit St Petersburg is owned by Gazprom and the Red Star has operated since the beginning of the current season under the financial patronage of Gazprom Neft. Gazprom's local agent in Serbia is the Russified Naftna Industrija Srbije (NIS) oil company. It is not known whether there are any records in Serbia about the extent of NIS's financial sponsorship.

'The five-year sponsorship agreement (the biggest in the history of Serbian sport) and the strategic partnership with Gazprom in particular, which is strongly supported by Putin, among others, represent a strong foundation for restoring Red Star to new strength.' Putin and the people at the head of Gazprom are 'very keen to make even larger investments'

987 'Putin hteo i među narod', *Večernje novosti*, 22 March 2011.

in the Serbian club on account of its trophies, background and 'army of supporters running into millions'. Gas and the 'armies of supporters' are obviously the two most powerful levers when it comes to dealing with a prostrate Serbia. The main talks were conducted by Putin and Tadić. Their meeting was cold, with Tadić wearing a grimace of cordiality. Their news conference at the palace in New Belgrade was brief with little time allowed for questions. It was underlined that Serbia would coordinate its rapprochement with the EU with Russia. Putin said, 'We're going to monitor things closely and work together so that [Serbia's] European integration does not harm Russian-Serbian relations'. Tadić said that while EU membership was Serbia's strategic orientation, Serbia did not like to neglect its traditionally good relations with Russia either.<sup>988</sup> These two statements do not necessarily mean the same thing. The question of whether Putin and Tadić meant the same remains unclarified.

The statement about the content of the talks was very terse and introduced no new elements since the time of the visit of Russian President Dmitry Medvedev in 2009. Tadić said that there were 'no limits to investment from Russia'. Both sides reaffirmed their commitment to the South Stream pipeline project. USD 800 million of Russian credit remains unused because Serbia has no projects to match. It was said that the credit would be used gradually in stages. Putin mentioned the possibility of 'assistance from Russian companies in reconstructing railway lines in Serbia'. Tadić thanked Putin for Russia's support for Serbia's fight to preserve its territorial integrity and sovereignty and stressed the importance of the investigation into trafficking in human organs alleged by Dick Marti in his report.

In short, the message of Putin's visit to Serbia was: EU – yes, NATO – no! Putin also talked about this during his meeting with the heads of parliamentary groups in the National Assembly. In passing, he observed that there were too many of them; if 'there were as many parties in the Duma', he remarked, the Russian parliament would not be able to pass a single decision. During the meeting, he stressed, 'You know, when you enter the

988 'Putin i Tadić: Članstvo Srbije u EU uz saradnju sa Rusijom', *Danas*, Beta, 23 March 2011.

EU, and especially if you enter NATO, you won't be consulted about anything because nobody wants to hear the opinion of small countries.'<sup>989</sup> Putin told the MPs that 'Russia supports Serbia's efforts towards EU membership but on no account of NATO membership as well.'<sup>990</sup> The MPs later gave the press their various accounts of the meeting.

All of them were thrilled by the mere opportunity of getting close to Putin. Parliament Speaker Slavica Đukić-Dejanović mentioned with pride that she had a 'one-on-one meeting' with Putin, that she commended him for 'enriching the protocol with his manners', that they 'talked about the time when I lived in his hometown of Saint Petersburg and worked on my doctoral dissertation at the Besgrev institute' and that she received a present from Putin, a book of Russian landscapes (as quoted by Novosti on line).

Velimir Ilić of New Serbia asked Putin whether he remembered him and reminded him that he was on the Serbian delegation headed by Koštunica that was received by Putin in the Kremlin. Yes, Putin remembered him, said Ilić with pride.<sup>991</sup> Slavica Đukić-Dejanović of the Socialist Party of Serbia thanked Putin for his 'friendly attitude concerning the preservation of the territorial integrity and sovereignty of Serbia'. Momo Čolaković of the Party of United Pensioners of Serbia said, 'I thank you for the arrival of Gazprom in Serbia. It brings benefit to my country.' 'Putin gave a faint smile and nodded his head. He made the same gesture when Miloš Aligrudić and Dragan Todorović conveyed to him regards from Koštunica and Šešelj respectively.'<sup>992</sup>

Most disagreement among the MPs concerned Putin's position on Serbia and its possible membership of the EU and NATO. As regards the EU, the reply was 'yes' because that is 'also in Russia's interests, but as to NATO, things stand differently' (Slavica Đukić-Dejanović); 'Serbia's membership of the EU would be of consequence because Serbia would be Russia's link with the EU, but Serbia's membership of NATO would be

989 'Putin sa Čedom "probio tajming"', Novosti on line, 24 March 2011.

990 'Podrška Srbiji za ulazak u EU, ali ne i u NATO', *Politika*, 23 March 2011.

991 'Putin sa Čedom "probio tajming"', Novosti on line, 24 March 2011.

992 Ibid.

interpreted as a security threat to Russia' (Tomislav Nikolić of the Serbian Progressive Party). Putin said that 'if Serbia becomes a member of NATO, NATO will decide on everything; and if it deploys a missile shield in Serbia, then Russia will be forced to train its nuclear potential on Serbia' (Dragan Todorović of the Serbian Radical Party). 'All that is correct except that Putin didn't say "nuclear potential"' (Slobodan Aligrudić of the Democratic Party of Serbia). Nada Kolundžija of the Democratic Party said Putin had made clear that 'Serbia will decide which path to follow and Russia where the limits are where its interests are concerned'. Čedomir Jovanović of the Liberal Democratic Party insisted that Putin had made no threats and 'merely made it crystal clear what Russia's position on the matter is'.

993

Jovanović raised the issue of the Southern Stream project, formally the main reason for Putin's visit. He told Putin, 'We are the only country to have paid for political support in economic interests, we are the only country that is a minority partner in the Southern Stream project'. He also remarked that there is no EU membership without NATO membership.<sup>994</sup> In reply, Putin cracked the following joke about Berlusconi and Slovenia: 'After the pipeline passes through Slovenia, Berlusconi will be phoning its president every morning to say "Good morning" to him and ask him whether he has slept well. He will also be phoning him in the evening to wish him "Good night" because the gas valve will be in Ljubljana.'<sup>995</sup>

Putin might as well have said, Aren't you rather pleased to hold the valve of a section of a major gas pipeline in your hands? If nothing else, Putin's attitude reflects Moscow's idea of cooperation with the EU in the field of energy. It also explains why the EU will not accept the South Stream unless Russia agrees to let the Europeans themselves control the valve on EU territory. The deadline for such an agreement is one year.

993 Ibid.

994 Ibid.

995 Ibid.

## Serbia's inferiority

Putin's visit demonstrated the inferiority of Serbia's foreign policy in relation to Russia, a trend that was in evidence throughout 2010. Courteous references to 'equality' and 'mutuality' in Serbian-Russian relations disappear from Moscow's addresses to the Serbian public (and government) whenever the possibility of Serbia's membership of NATO is raised. At such times Russia's rhetoric takes on admonitory tones. The first opportunity to demonstrate this was initiated in 2009 by '100 Serbian intellectuals' who signed a petition against Serbia's NATO membership and called for a referendum in spite of the fact that there was no urgency regarding the matter.

In early 2010 Russia warned repeatedly that Serbia's decision to join NATO would adversely affect the two countries' relations. It also warned Belgrade that there would be consequences regarding the defence of its 'territorial integrity and sovereignty over Kosovo'. The head of the Duma Committee for International Affairs, Konstantin Kosachev, said that a decision by Belgrade to join NATO would be 'incomprehensible' to Russia. It would mean, he said, that the 'Serb people approves of the NATO operations against the former Yugoslavia and accepts Kosovo's independence,' he said, adding that any decision to join NATO would have to be put to a *referendum*. 'In this connection, no one should so much as try to interfere with such a decision,' he said.<sup>996</sup>

Regarding Kosovo, Kosachev called on the Council of Europe to resume the debate on standards because 'anything else would be contrary to the UN SC Resolution 1244'. He urged Belgrade and Priština to resume talks because Kosovo 'has no prospect of membership in the UN or the Council of Europe, nor will it ever have one'. He said that the 'situation is not normal and could draw out for decades, so this is getting nowhere. This is why I support a resumption of negotiations and dialogue.'<sup>997</sup>

As regards its international diplomatic cooperation with Belgrade, Moscow is in the habit of pointing out that its support to Serbia before

996 Russia opposes Serbian NATO membership, B92 news, 1 February 2010.

997 Ibid.

international forums is conditional on how Serbia behaves. This is a clear signal to Belgrade that it can easily lose Moscow's diplomatic support should it yield to the temptation to follow its 'own interests' in a matter of vital importance (such as external security). Reminders of this kind kept arriving at Serbia's address throughout 2010.

Russia's representative to NATO Dmitry Rogozin has been warning that Russia would have to reconsider its position on not recognising Kosovo should Serbia decide to join NATO. Rogozin keeps repeating that 'Our aim is not to be more Serb than the Serbs'. Rogozin's rhetoric regarding Serbia is markedly paternalistic. Russia has also reverted to making pointed allusions to personalities and political parties. Thus Rogozin said that he could not 'understand the attitude of those representatives of the Serbian political and military elites who want Serbia to enter NATO'. He said that it was hard for him to understand how Belgrade could speak of NATO integration while there are still images in the capital of damage done by the 1999 NATO-led bombing. 'The problem of Kosovo is there as well, since most NATO member-states have recognized its independence, also, there is the demonization of the Serbian people, the flagrant anti-Serbian double-standards of the West towards participators in the wars of the former Yugoslavia. Has all that been forgotten? Russia simply would not understand Serbia's decision in favour of NATO,' he said.<sup>998</sup>

### **Russia pursues only its own interests**

Contradictorily, Moscow has chosen to increase its anti-NATO pressure on Belgrade at a time when Russia itself is making its strongest overtures for a rapprochement with the Alliance. The anti-Western xenophobic rhetoric from the time of Putin's Munich speech has been forgotten. The work of the Russia-NATO Council has been resumed. Concrete military cooperation channels have been activated at the fringes of US and NATO military operations in Afghanistan and, in November 2010, Russian President Dmitry Medvedev attended the two sides' summit in Lisbon.

998 'Moraćemo da priznamo Kosovo ako uđete u NATO', *Blic*, 6 February 2010.

In February 2011, the Russian Duma ratified an agreement to allow the transit of NATO troops to Afghanistan through Russian territory.<sup>999</sup>

Russia's new course reflects the country's need to address the causes of its industrial backwardness. Moscow has muted its missile-rattling and reached out a hand to Europe and the United States in the hope of receiving new technology and capital. Putin is aware that without Western assistance Russia cannot harness its enormous resources and natural into development purposes in order to forestall instability and preserve its influence abroad.

The Kremlin's rejection of the ideas of modern-day 'Slavophiles' and 'Euro-Asiatics', who dream about a reincarnation of the former Euro-Asian empire, and acceptance of the pro-Western traditions of Peter the Great was launched cautiously by floating an 'unofficial draft' aiming to modernise the country's foreign policy, its primary objective being to urgently subordinate relations with world actors, states and regions to ensuring Russia's development. Mentioned as Russia's most important partners in such 'development alliances' were Germany, France, Italy, Spain and the 'European Union as a whole', as well as the United States and – NATO.

Putin's anti-US Munich rhetoric is being increasingly replaced with statements about cooperation between Russia and NATO. President Medvedev said that Russia would 'study' NATO's experiences and standards of relevance 'not only to armed force and military hardware but also to sectors providing goods and services'. The Russia-NATO Council announced that mutual cooperation would continue in the fields of defence industry, research and technology in order to give Russian enterprises and companies belonging to the military-economic complex access to data and technical information about existing and planned NATO standards concerning production for military purposes. As 'triangles of cooperation' between Russia, the EU and the US are being established, Moscow's new aim is to 'craft an image of a reliable partner and ally of European states' through cooperation.

999 'Central Asia Stands to Gain as NATO Shifts Supply Lines Away From Pakistan', RFE/RL, 22 March 2011.

## Serbian diplomacy: unrealistic expectations

Serbia's diplomacy has failed to correctly interpret Russia's radical about-turn. On the occasion of Putin's visit, Serbian Foreign Minister Vuk Jeremić said, 'Serbia will be stronger after Putin's arrival.'<sup>1000</sup> However, as it turned out, the only purpose of the visit was to prolong the pressure on Serbia in order to prevent a rapprochement with NATO, and even to control Serbia's relations with the EU ('We're going to monitor things closely and work together so that [Serbia's] European integration does not harm Russian-Serbian relations').

Serbia's diplomacy continues to follow the course charted by Minister Jeremić in spite of the fact that the environment is changing rapidly and that Serbia is missing unique chances. In Jeremić's view, 'Regardless of who comes to power, there is always going to be a continuity in Serbia regarding two priorities: the one is Kosovo and the other Russia.' (RTS, December 2008) The establishment of Russia's 'development alliances' with Europe, America and NATO has apparently failed to make the Serbian elites ponder where Serbia's place is in the new circumstances. \*

As Serbia's foreign policy partners, Washington and Moscow offer drastically different advice. On the one hand, as regards Kosovo, the US urges Belgrade to be practical and avoid topics about which there is disagreement (the issue of independence) for the sake of more constructive relations with Washington and, in particular, in the interests of strengthening Serbia's position in the Balkans and Europe; on the other hand, Russia insists that Belgrade should not change its policy towards Kosovo.

The potential benefits to be reaped from opposing recognition of Kosovo's independence are not the same for Moscow and Belgrade. Projecting itself as a power which 'takes the side of victims of aggression' and champions the rule of law on the world scene, Russia can count on having the support of the weak. Given that its ambition is to remain a power to be reckoned with, this suits Russia because it boosts its prestige. Serbia, on the other hand, is slipping into ever deeper confrontation with those without

1000 Tanjug, 22 March 2011.

whose cooperation it cannot survive. The outcome of this policy of resistance looks hopeless. Serbia is overlooking the fact that it needs its own 'development alliances' in the shape of Western investment and technology just as badly as Russia does. The relations between Serbia and Russia in 2010 were influenced by these considerations.

In spite of the advisory opinion of the International Court of Justice (ICJ) on Kosovo's independence, Serbian diplomacy continued to pursue its campaign against recognising Kosovo with undiminished vigour. Russia encouraged the belief that a resumption of status talks between Serbia and Kosovo was inevitable because 'only a new dialogue can produce a long-term solution'.<sup>1001</sup> Russia's permanent representative to the UN Vitaly Churkin said that a long-term solution was yet to be found and that it was hoped that Priština would respond positively to Serbia's invitation to renew Serb-Albanian talks on Kosovo's status. He said that such a course alone would be 'rational' in order to 'arrive at a solution that would satisfy both sides'. He recalled that Russia had backed Serbia's request to the UN General Assembly for the ICJ to establish whether the Albanians' decision to unilaterally declare independence was in line with international law. Churkin said that Russia had acted accordingly and presented to the ICJ its position that the territory of Kosovo and Metohija was a sovereign part of Serbia, adding that he hoped that others too would realise that talks should be resumed.<sup>1002</sup>

Belgrade's activities in this regard culminated in an 'urgent diplomatic move' and the 'sudden' submission of an independent Serbian resolution to the General Assembly in response to the ICJ advisory opinion. The document was based on the premise that the ICJ's failure to confirm the Albanians' right to secede was in support of the principle of the international order under which unilateral secession is illegal. Proceeding from this, Serbia proposed that the UN invite Serbia and Kosovo to solve their outstanding issues through (renewed) dialogue.

The draft was worded 'in such a way as to win for the Serbian option the widest possible support in the UN General Assembly and among EU

1001 Statement of Russia's representative to the UN Security Council, Vitaly Churkin, on Kosovo's 'status'.

1002 'Verujem u nove pregovore', *Novosti*, 14 July 2010.

member countries'. Minister Jeremić hastened to New York to discuss this matter with UN Secretary-General Ban Ki-moon. Belgrade predicted that 'judging by the flurry of diplomatic action there is going to be a real war with resolutions on the East River in September. Parallel with the action of the Serbian authorities, proposals are also being prepared in the US, with the EU and the Kosovo Albanians also expected to join in the fray.' The foregoing probably best sums up the course of action chosen by Belgrade.<sup>1003</sup>

Russia backed the scenario and gave assurances that it would support any solution chosen by Serbia. The former ambassador in Belgrade, later Russian Foreign Ministry official and currently ambassador to Poland, Alexander Alexeyev, said that Russia wanted to cooperate with Serbia 'out of a wish to return the situation in Kosovo within the framework of international law'. In other words – to the situation before the self-proclaimed independence.<sup>1004</sup> Alexeyev said that 'the declaration of independence has not produced the expected results'. He added that the West should ponder on this and 'sit down together with the Serbs and Albanians and work out a solution'. Alexeyev commended Minister Jeremić for his efforts: 'So far as I have been able to see, our Serbian colleagues are working very efficiently. We are giving them maximum support and will go on doing this in the future. I am satisfied as to the effectiveness of our joint work. Russian diplomacy, I repeat, will continue to extend support to the Serbs and to Serb diplomacy within the limits of its possibilities.'<sup>1005</sup>

This policy has called into question Serbia's rapprochement with the EU and the possibility of receiving foreign economic aid at the height of a crisis.

Even domestic analysts warned that the failure to draft the Serbian text 'in agreement with the EU and the US' may prove harmful.<sup>1006</sup> For instance, Dušan Janjić, the coordinator of the Forum for Ethnic Relations, said, 'Serbia may propose any resolution it wishes, but unless the resolution is coordinated with the European Union, Serbia will remain in a minority. Therefore, it is quite irrelevant what's written down in it.' 'The debate in the Serbian

1003 'Srbija podnela tekst rezolucije', *Večernje novosti*, 28 July 2010.

1004 'Rusija čvrsto iz Srbiju', *Večernje novosti*, 25 July 2010.

1005 Ibid.

1006 'Zbunjujuća rezolucija za "odbranu" Kosova', *DW-World*, DE, 29 July 2010.

parliament, in the aftermath of the decision of the International Court of Justice, showed a drift away from Serbia's European perspective', so it will be 'interesting to see what the Democratic Party and Boris Tadić will do to keep the favour of both the European leaders and the majority of the citizens of Serbia who are for the EU and at the same time for war with Europe over Kosovo. This is something which, should it happen, will mark the rest of this year and probably the whole of 2011. I'm quite willing to predict that in that case too we shall know the loser – the loser is certainly going to be Boris Tadić.

The purpose of the visit by British Foreign Secretary William Hague was to suggest to Serbia the 'easiest way out' of the impasse, a 'compromise with the European Union' and 'withdrawing the resolution submitted to the UN General Assembly'.<sup>1007</sup> Hague said that it would not be good for Serbia to be defeated in a UN General Assembly vote; on the other hand, he said, things would not change for the better, as far as Serbia's relationship with the EU was concerned, even if Serbia's resolution were to win a majority vote in the UN. The withdrawal of the independent resolution and its replacement with another one agreed with the EU opened the way for better understanding between Serbia on one side and the EU and the US on the other.<sup>1008</sup>

The change of Serbia's position at the UN 'surprised and disappointed' Moscow and forced Russian diplomacy to adjust its stance. Predrag Simić, the professor at the Faculty of Political Sciences, said that Russia's ambassador Alexander Konuzin had said prior to the General Assembly debate that the Russian mission to the UN had been given instructions how to behave. This means, said Simić, that Serbia's move was not something that had been expected, and the Chinese ambassador was also heard making a statement to this effect.<sup>1009</sup> The General Assembly debate showed that while Russia accepted the resolution because, as Russian diplomats are wont to say, Russia cannot be more Serb than the Serbs, it also let its position be known.<sup>1010</sup>

1007 'Najbolje je da Srbija povuče predlog rezolucije', Beta, 31 August 2010.

1008 Ibid.

1009 'Moskva razočarana potezom Beograda u UN', Press, 12 September 2010.

1010 Ibid.

Serbia changed its position after concluding that addressing its economic crisis, which is unthinkable without foreign aid, is more important than insisting on international law. However, this 'does not mean, that Serbia has turned its back on Moscow for ever.' 'At this moment at least 50% of the political scene, starting with the strongest opposition party, is oriented towards Moscow. There are many people who believe or who believed that only orientation towards Moscow can help to overcome this whole situation and that a balance that would be in Serbia's favour can hardly be achieved without Russia's much more active role in the Balkans.

The editor of the Review *New Serbian Political Thought*, Đorđe Vukadinović, writes, 'This whole resolution business will give Russia an excuse to exercise greater restraint and not go overboard in supporting Serbia over Kosovo; and it will give the Serbian authorities justification for cooperation with the West on the grounds that Russia is not helping them as it should.' Also, 'Moscow is not overjoyed at the about-turn concerning the resolution although it is not going to say so publicly. Especially not because Serbia's effective abandonment of its own resolution and sort of capitulation before the US and other Western countries took place immediately before the UN vote. While Russia itself was not harmed by avoiding a confrontation with the West at the UN, it did not like others to see who can, when they want to, exert more resolute influence on Belgrade. However much the Western countries did not like the contents of the Serbian resolution, they were equally keen to demonstrate their power not to Serbia but to Russia, and to show it that it cannot count on Serbia as its ally in the Balkans because they still hold the majority stake as far as Serbian politics is concerned.' He also writes, 'I think that this was potentially a blow to Serbian-Russian relations and a demonstration of US power not only to Serbia but to Russia as well concerning the Balkans and Russia itself; in effect it says: we can apply pressure whenever we like to get whatever we wish. On the other hand, this demonstration of power may generate even more distrust between Belgrade and Moscow, though I am sure that neither side is going to make things worse.'

True as this may be as a description of the state of Serbian-Russian relations as they were in the last months of 2010, Putin's visit has called into

question its present validity. What took place at the stadium, as well as the undisguised satisfaction with the visit of the right-wing and nationalist bloc of Serbia's political forces and like-minded public, indicate that the pendulum has swung back towards Moscow.



## XII – SERBIA AND NEIGHBOURS



## Aspirations towards Neighbours Unchanged

The conditions necessary for the normalisation of relations are not yet in place in the region. Bosnia and Herzegovina (BiH) was blocked by an internal crisis which was also influenced from the neighbourhood. Macedonia still had no strength to open a serious dialogue with Greece: the issue of their relations, which affects Macedonia's identity as a state, had undermined Macedonia's position vis-à-vis the EU and the region. Kosovo was in a similar situation. The advisory opinion of the International Court of Justice (ICJ) in The Hague not only confirmed that the unilateral declaration of independence of Kosovo as a state, but also made clear that protection of human rights has priority over protection of state sovereignty. Dick Marty's report on organ-trafficking came as a considerable setback on Kosovo's road to statehood because it implied the responsibility of its Prime Minister Hashim Thaqi. The Montenegrins were denied a separate identity and treated as 'part of the Serb people – their ethnic origin is Serb', according to all school textbooks. 'Having fought against the Turks for a long time, they succeeded in creating a second Serb state in the 19th century. This fact – the acquisition of statehood – was of crucial influence on their decision to proclaim themselves a nation in the 20th century and thus divide the Serb national being into two unequal parts.'<sup>1011</sup>

In his survey 'Put iz bratstva i jedinstva – etnička distanca građana Srbije' (the road from brotherhood and unity – ethnic distance among citizens of Serbia), social psychologist Dragan Popadić examines ethnic distance among Serbian citizens from others in transition. Ethnic distance from members of certain national communities (Montenegrins, Hungarians, Bosniaks, Roma, Croats and Albanians) was found to have increased. According to Popadić, these other nations were perceived more as a potential threat than someone who should best be treated with caution and

1011 *Pobjeda*.

reserve. Popadić is of the opinion that the distance was the product of the images of others painted by the media.<sup>1012</sup> The citizens' attitudes to neighbours square with the state's strategy of building negative stereotypes with the aim of keeping up illusions about territorial claims in the region.

Serbia's attitude to neighbours and its desire to keep its patronage over them was the biggest problem. Belgrade's pursuit of this ambition will prevent the establishment of cooperation in the region and check its progress towards the European Union and Euro-Atlantic security-political structures. The failure of present political leaders, two decades after the break-up of the former Yugoslavia, to understand the context of European regional cooperation and, in this connection, of the European perspective, gives rise to concern.

Serbia's ambivalent attitude to neighbours was reflected in its highly dynamic communication at political level. In spite of the intensive top-level contacts, the overall balance was nevertheless unfavourable because unresolved problems from the past posed a considerable obstacle to normalisation. The predominant view was that 'one still does not know what will happen to the region as a whole because the borders are still not definite'. BiH is particularly vulnerable because Belgrade officially encourages and supports the status quo, a situation the Serb entity regards as a projected division. Nikola Špirić, the chairman of the Council of Ministers of BiH, said, 'there are two mutually opposed visions: on one side are those who want to behave constitutionally while on the other are those who would like to realise an envisaged BiH and are seeking such a combination through a new composition of government'.<sup>1013</sup> Milorad Dodik, the prime minister of Republika Srpska (RS), missed no opportunity to question the future of BiH and say that BiH could 'scrape along' as long as it received foreign infusions and created a semblance of democracy.<sup>1014</sup> He also pointed out that as far as the Serbs were concerned Bosnia was something that had to be endured and that they were looking forward to throw-

1012 *Politika*, 9 March 2011.

1013 *Politika*, 22 February 2011.

1014 *Večernje novosti*, 28 July 2010.

ing off that burden from their shoulders.<sup>1015</sup> Dodik's whole philosophy is summed up in the statement that 'we (Serbs) want to establish our rights clearly so that in some future situation we can behave in the same way as the Albanians are behaving now. We must be patient and pay the price of the time in which we are now living. At present we must live for (Republika) Srpska and build it up. So, RS is the bottom line. We're not going to give any part of it to anybody any more.'<sup>1016</sup>

In spite of a number of relevant achievements, regional cooperation at the level of war crimes prosecutors' offices failed to place relations on a firm footing of trust and respect. The Ganić, Jurišić, Purda, Divjak and Yellow House cases indicate that in order to let the 'whole truth' be known about the 1990s wars Belgrade has launched into a legal field where it hopes to prove that both Bosnians and Croats started a civil war by attacking the Yugoslav People's Army (JNA). All these cases are highly stretched because numerous ICTY judgments have already established the framework of the war events. The purpose of these cases is to relativise the responsibility. However, Belgrade's strategy in this respect has proven thinly-disguised and unsuccessful because all these cases involve either coerced admissions (Purda) or incidents resulting from tense situations provoked by the JNA and Serb forces (the Dobrovoljačka Street and Tuzla Column incidents). Apart from this, Nataša Kandić points out that the Prosecutor's Office for War Crimes is 'charged with indicting Serbian citizens who have committed war crimes as a condition for the establishment of the rule of law in Serbia. Another task is to submit evidence of war crimes against Serb victims to competent prosecutor's offices in the region, which are also under the obligation of primarily prosecuting war crimes committed by their citizens. A third task is to strengthen the professional capacity of the Office of the War Crimes Prosecutor above all by recruiting young lawyers with no responsibility for the grave legacy of the past.'<sup>1017</sup>

By acting as it does, the Serbian Office of the War Crimes Prosecutor has diminished its credibility and the growing distrust of the Serbian ju-

1015 Ibid.

1016 Ibid.

1017 *Politika*, 9 March 2011.

diciary in the region is bound to largely affect future cooperation and the willingness of witnesses to give evidence before Serbian courts.

Belgrade's second direction of activity is linked to the population census due in the region in 2011. In this connection, the Ministry for the Diaspora adopted a strategy for preserving and strengthening relations between the mother country and the diaspora and between the mother country and the Serbs living in the region.<sup>1018</sup> Minister for the Diaspora Srđan Srećković said, 'The adoption of the first Law on the Diaspora has opened for the Serbs in the region a new era in relations between the Serbian state and our dispersion. The Serbian Government and the state leadership have shown their readiness to create institutional mechanisms for developing a new, responsible and long-term policy, and this is why this Law is the basis for creating relations of partnership which will bring benefit at economic, political and cultural levels to all – both to the Serbian state and each of us wherever they happen to live.' He stressed that 'our people living abroad must never again be treated as political opponents and the Serbs in the region must never again be used for daily political purposes. All of us must ponder the fact that 40% of our people live outside the borders of our country, draw lessons from the past and never again let a policy encouraging people to emigrate to get the upper hand in Serbia.'

Srećković said that the April census in five states in the region would show how many Serbs live in the Western Balkans, adding that their number had been estimated at over two million.

The minister said that at the censuses in Albania, BiH, Bulgaria, Croatia, Hungary, Macedonia and Montenegro members of the Serb national community should freely declare themselves Serbs because the countries in question are democratic and civilised countries and are either EU members or states on the road to becoming members.

Srećković said that the Ministry had put the number of Serbs in the region at some 2,120,000, which is more than a quarter of the population of Serbia. Most of them – about 1.1 million live – in Republika Srpska, with another 200,000 Serbian citizens living in Croatia and Montenegro.

1018 [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678)

The Strategy states that the diaspora is best organised within the church-school municipalities. The Serbian Orthodox Church (SPC) has played a predominant part in shaping the national identity of the diaspora Serbs ever since Serbs began settling in foreign lands, it is said. During the 20th century the SPC was practically the only integrative institution and bridge between the mother country and the diaspora. In addition to preserving the faith, the SPC has fostered Serbia's national culture and language. Because Serbia's intention is to help the diaspora Serbs and those in the region to integrate into their local communities on one hand and resist being assimilated on the other, it is looking forward to close cooperation with the SPC, it is said. Actually, Serbia should give the SPC all logistic support to carry out its religious mission as well as to carry on its de-facto cultural and educational mission within the diaspora, says the Strategy.

The Strategy aims to restore the Croatian and Montenegrin Serbs' constituent nation status, something they enjoyed before they were reduced to national minorities in the aftermath of the break-up of the former Yugoslavia.<sup>1019</sup> It is claimed that in the newly-created states the Serb community cannot enjoy certain minority and basic human rights guaranteed by international standards such as the rights to real property, teaching in the mother language, freedom of movement, employment and others.<sup>1020</sup>

The Strategy further states that the Ministry for the Diaspora and the Assembly of the Diaspora and Serbs in the Region should encourage and stimulate the operation of the 'Serbian Network', a Serbian-language Internet site promoting the Serb cultural heritage and helping members of the diaspora not to feel spatially apart from the seat of their culture. The Serbian Network, which is currently using several communication projects, should be protected as a copyrighted brand bringing together all Serbian-language websites in order to de-globalise this diffuse notion, it is said.

1019 In the face of fierce reactions in the region, particularly in Montenegro, the Serbian Government withdrew its request that Serbs be granted constituent nation status in Croatia and Montenegro.

1020 [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678)

Further, Republika Srpska should be at the focus of interest as one of the state and national foreign-policy priorities of the Republic of Serbia... It is necessary that the appropriate ministries make it possible for all citizens of Republika Srpska who so wish to be granted Serbian citizenship, the Strategy says. The Ministry of Economy and Regional Development should stimulate investment in parts of Republika Srpska, in particular in areas of low population increase (Herzegovina, Podrinje, Manjača) and areas of strategic importance (Brčko, Posavina, the valley of the Una). The Ministry of Education should continue the process of integration of the two education systems... It is further said that the Ministry of Religion should continue to finance and support the clerics and monastics in their spiritual mission of preserving the national identity, provide assistance for religious, cultural and educational institutions, publishing projects, radio and TV stations and support the restoration and repair of sacral buildings (restoration of the sacral heritage of the Serb people).

Serbia should concern itself with the position of the Serb people in the BiH Federation because although they are a constituent nation in that entity, their position there is not as favourable as that of the Bosniaks and Croats in Republika Srpska... The Strategy states that the Republic of Serbia supports: restitution of property taken away from citizens of Serb nationality, Serb associations and institutions (banks, savings banks, cultural and educational societies) and the SPC; renewal of the sacral heritage of the Serb people; development in the field of education including SPC institutions (theological faculty, grammar school, elementary schools, nursery schools etc). Continuous investment in political, economic and cultural emancipation and development of the Serb people is of particular importance, it is said. Also, the Republic of Serbia should ultimately raise the issue of recognition of the political constitutionality of the Serb people in Montenegro, which implies that until this important objective is reached the Serb people must enjoy full national rights. The acquired right to education in the Serbian language must be systemically regulated and guaranteed. The Serbian language is associated not only with the Serbs in

Montenegro but with a great many Montenegrins who traditionally call their language Serbian.<sup>1021</sup>

The issue of return is the third direction of the Serbian Government's activity. The Serbian Government adopted the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for 2011-2014. Among the strategy's priorities is the promotion of necessary conditions for the safe and dignified return of refugees to Croatia and BiH as well as the promotion of institutional mechanisms for the full and prompt exercise of acquired rights in the countries of origin.<sup>1022</sup>

The issue of refugees played a major part in the resolution of the 'Serb national question'. From the very outbreak of war refugees were created first to show that a 'life together is not possible' and then with a view to expelling all non-Serbs from areas proclaimed Serb ethnic territories. Both the opposition and the Milošević regime were against refugee return because refugees could be used to consolidate the Serb ethnic space (RS and part of Croatia, though the latter was later given up) and satisfy the aspiration of Serb nationalists (at least some of them) to 'shift' the borders of the state in a north-westerly direction. In that case Kosovo could be divided with the Albanians on the model of territorial divisions in Croatia and BiH, that is, through massive 'population displacements'.

Belgrade's policy on refugees in the last two decades has been to integrate them into Serbia, in particular into ethnically diverse parts such as Vojvodina. Refugees have been settled in northern Vojvodina, along the Croatian border, in places where minorities were the majority population (e.g. Slovaks in Stara Pazova), and in Zemun and Zemun Polje near Belgrade. Attempts to populate depopulated areas in Serbia proper have proved unsuccessful. Refugee return was not a priority other than for the purpose of denouncing neighbouring countries to the EU, especially Croatia. The starting of a petition by refugee organisations in Serbia is also calculated at postponing Croatia's EU membership.

1021 [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678)

1022 [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678)

As regards BiH, return was encouraged only in relation to Republika Srpska with a view to its ethnic consolidation in parts which had majority Muslim populations before the war.

The round table entitled 'The Serb People in a New Geopolitical Reality', held in 1997, saw the 'greatest danger to the survival and prosperity of Republika Srpska in Annex 7 of the Dayton Accords, that is, the agreement on refugees and displaced persons... From the point of view of Serb national interests, that agreement is a double-edged sword. Its implementation destroys the cohesive power of RS and strengthens the hand of those who want to "drown" RS in a unified BiH state and, worse still, subordinate the interests of the Serb people to the interests of the Muslims.'<sup>1023</sup>

By reformulating its aspirations as new initiatives (refugees, 'the diaspora', war crimes trials) rather than giving them up altogether Serbia is making it very difficult for the region in terms of its Euro-Atlantic integration.

1023 Rajko Gnjato, *Geopolitička stvarnost Srba*, Institut za geopolitičke studije, beograd 1997

## Bosnia and Herzegovina: Spoils of War not Willingly Given up

Serbia's most complex relations in the region are those with Bosnia and Herzegovina (BiH). Serbia's aspirations regarding BiH remain the same, namely a phased annexation of Republika Srpska. A section of the Serbian elites consider that 'today there is no more monumental, more difficult task for the Serb people as a whole than the preservation of Republika Srpska (RS) on the principles of the Dayton Accords.'<sup>1024</sup> In this connection, the policy of the RS leadership in general and of RS President Milorad Dodik in particular is praised as 'outstanding, determined, consistent and skilful', a matter of 'defence of the truth.'<sup>1025</sup>

Serbian strategists regard the war in Bosnia solely as a liberation struggle of the Serb people<sup>1026</sup> and therefore go out of their way to fabricate cases with a view to relativising the responsibility for the war. The academician Dobrica Ćosić is no doubt a leading figure in this numerous camp. Ćosić misses no opportunity to state that 'the struggle for the truth about the past is a struggle for the truth about the Bosnian war, it is resistance to the "Markalisation" and "Srebrenicisation" of the Bosnian war and the realisation of the truth which was covered up by big powers and those Islamic factors. I think that RS is the last line of defence of the Serbian truth, Serbian democracy and the Serbian right to survival.'<sup>1027</sup>

Milorad Dodik obviously does not formulate his policy without Belgrade's support, considering that Ćosić likes to point out that 'there is no more powerful politician, no stronger and more reliable personality serving the defence of RS than Dodik. I should say that he upholds and symbolises our national dignity. He is a man actively fighting the retrogressive

1024 Dobrica Ćosić, *Večernje novosti*, 1 September 2010.

1025 Ibid.

1026 Dobrica Ćosić in the foreword to "Dnevnik Koljevića", *Službeni glasnik*, 2009.

1027 *Večernje novosti*, 1 September 2010.

anti-democratic forces, the forces leading to another conflict and destroying the peace. He is waging this struggle outstandingly, skilfully, in a principled manner and he should receive civil, intellectual, political and every other help and support.'<sup>1028</sup>

At a ceremony organised by the Economic Journalists Club on 7 February 2011, Dodik was presented by Serbian Prime Minister Mirko Cvetković with the 'Gold Dinar' award for promoting economic and cultural ties between Serbia and RS.<sup>1029</sup> The award fits into Serbia's strategic orientation to integrate RS into the Serbian economic and cultural space as much as possible.

Apart from this strategic orientation towards Bosnia, Belgrade has been forced to pursue a more constructive line, at least at the level of the President of the Republic. Because regional relations are an important criterion for granting EU candidate membership status, Serbia's attitude to BiH is of major importance in this regard, given that Serbia wishes to obtain this status as soon as possible.

However, Belgrade's policy towards RS is replete with inconsistencies which are manifested almost daily. For example, President Boris Tadić, who is perceived as an exponent of a policy of rapprochement, occasionally makes statements which confuse and discourage BiH citizens in particular. Thus during the last elections in RS he went to Banjaluka to support Dodik in person. At the rally of Dodik's Alliance of Independent Social Democrats (SNSD) in Doboju, Tadić said, 'We're building bridges, schools, we're building unity and working towards citizens of Republika Srpska becoming equal citizens of Serbia.'<sup>1030</sup>

Meetings of Serbs from neighbouring countries with President Tadić almost always have negative connotations. One of the last such meetings was organised on the occasion of the forthcoming region-wide population census in April 2011. The census will provide the first true information about the population numbers in the emerging countries of the former Yugoslavia. This is why Belgrade is trying to 'make sure' of the largest

1028 Ibid.

1029 *Politika*, 8 February 2011.

1030 *Danas*, 1 October 2010.

possible number of Serbs in all the neighbouring countries as well as to ensure that they are accorded special status.

A conference devoted to the Dayton Accords and the future of BiH was organised by the former US president, Bill Clinton, in New York on 9 February 2011. The conference was attended, in addition to US and European officials, by Croatian President Ivo Josipović and members of the BiH Presidency Bakir Izetbegović and Željko Komšić. The fact that neither Serbia nor RS sent a representative to New York indicates that Serbia is not prepared to take part in talks envisaging a revision of the Dayton Accords.

As part of the latest US attempt to unblock the political situation in BiH, US Deputy Assistant Secretary Tom Countryman, visited the region in February 2011. He said that the Dayton Accords represented one of the most complicated constitutions in the world and that its flaws, which often block certain decisions, should be corrected. However, he said that the key concepts of the Dayton Accords were permanent, namely that BiH is a state with two strong entities and three constituent peoples. He said that that should and could not be changed. He said that the BiH Constitution should be amended in accordance with the Sejdić and Finci judgment because that was the EU's precondition for applying for EU membership. An agreement between the peoples to simplify things would be supported on condition that the fundamental principles are not changed, he said. At the moment, however, this is not the most important thing but finding a common language for political cooperation, said Countryman.<sup>1031</sup>

### **Relations between and meetings of Serbian and BiH leaders**

For many years Serbian politicians met almost exclusively with their opposite numbers from Republika Srpska and practically ignored their Bosniak colleagues. This was the outcome of the policy defining the relationship with RS as strategic, with Belgrade sparing no efforts to raise these 'special relations' to the highest level possible.

1031 *Glas srpske*, 27 February 2011.

The adoption of the Srebrenica Declaration by the Serbian parliament was Serbia's first important gesture regarding the crimes committed in BiH during the 1990s, a change welcomed by all Bosniak politicians.<sup>1032</sup> Member of the BiH Presidency Haris Silajdžić agreed to go to Belgrade for the first time after 18 years because he considered that Serbia had apologised to BiH by adopting the Declaration and thus fulfilled his condition for the visit. Nevertheless, the long-planned and long-announced visit did not take place. The stumbling block was Silajdžić's wish to visit Ilija Jurišić in prison. The visit was denied on the grounds that it was necessary to tighten security in prisons and therefore cancel all visits to prisoners. Silajdžić responded by cancelling his visit and no new date has been fixed.<sup>1033</sup>

In April 2010 Tadić and Silajdžić met in Istanbul and signed the Istanbul Declaration<sup>1034</sup> stressing that regional politics should in the future be based on security, permanent political dialogue and preservation of the multiethnic, multicultural and multiconfessional characteristics of the region. RS did not accept the document on the grounds that it was prejudicial to its interests. It also challenged Silajdžić's legitimacy on the grounds that he did not have the support of all BiH Presidency members to sign the Declaration. Because of the RS leaders' opposition to the Declaration, Tadić paid an 'informal' visit to Banjaluka after Istanbul to assure them that Serbia would not abandon RS.<sup>1035</sup> Serbia's and Tadić's response to the RS leaders' stormy reaction indicates that their relationship is not only complex and interdependent but also that they condition each other all the time.

In June 2010 Sulejman Tihić paid a visit to Belgrade at the head of a Party of Democratic Action (SDA) delegation and met President Tadić.<sup>1036</sup> Although the meeting was criticised in the Sarajevo press, Tihić saw it as indicating that the relations between Belgrade and Sarajevo were improving.

1032 *Press*, 2 April 2010.

1033 *Politika*, 10 June 2010.

1034 *Politika*, 28 April 2010.

1035 *Politika*, 28 June 2010; *Politika*, 24 August 2010; *Danas*, 17 May 2010.

1036 *Politika*, 17 June 2010.

However, regardless of the improvement in this regard achieved in 2010, the fact remains that Serbian politicians visited RS and Banjaluka more frequently than the Federation and Sarajevo. After winning the RS presidential election in October 2010, Dodik said that 'BiH will either become an alliance of republics or it will not exist' and that 'BiH was a mistake made in the process of the disintegration of the former Yugoslavia'.<sup>1037</sup> No one in Belgrade reacted to these statements.

The question arises as to how one should interpret such a dynamics of relations. RS is no doubt the chief source of tensions on the Bosniak side, which alleges that 'good relations with Serbia are monopolised by Banjaluka' though the Agreement on Special Parallel Relations with RS.<sup>1038</sup> One also notices periods of estrangement between Belgrade and RS over the former's increasingly frequent contacts with Sarajevo politicians. It is also believed that Tadić is trying to restrain Dodik in order to soften his destructive policy towards BiH. Overall, Belgrade's attitude to Bosnia is two-fold: it oscillates between Belgrade's strategic objective of incorporating RS with Serbia and the need of the present government to obtain EU membership candidate status as soon as possible. Nevertheless, the prevailing tendency is to maintain the status quo in Bosnia in order to preserve RS and the current interpretation of the Dayton Accords.

### **The Ganić and Jurišić cases**

The cases of Ejup Ganić and Ilija Jurišić were a test for Serbia's relations with BiH. Jurišić was sentenced in Belgrade to 12 years in prison for his alleged role in an incident during the withdrawal of the Yugoslav People's Army (JNA) from Tuzla. Ganić was arrested on the basis of the same wanted notice and charged with war crimes committed in Dobrovoljačka street in Sarajevo during the JNA's withdrawal from the city on 3 and 4 May 1992. The Ganić case was also investigated at the ICTY but no incriminating evidence linking him to the Dobrovoljačka street incident was found. However, the wanted notice issued by Belgrade relates to the whole

1037 *Danas*, 5 October 2010.

1038 *Politika*, 19 May 2010.

Bosniak leadership from 1992, at the time the siege of Sarajevo began. Serbia's request to Interpol in this regard still stands.

Ganić's arrest met with an enormous response among Serbs (in Serbia and RS) because of the huge importance attached to it by the media. The media portrayed the arrest as justice being done and tried to relativise the responsibility for the outbreak of the Bosnia war. In its extradition request to the London court Serbia claimed that the 'Bosniaks started the conflict with the JNA', which is its main thesis in its endeavours to relativise the responsibility for the war in Bosnia. The whole affair resounded strongly in Bosnia, particularly in Sarajevo, where it was interpreted as a continuation of the aggression against Bosnia and its citizens.<sup>1039</sup> Although the War Crimes Court in Belgrade was confident that Ganić would be extradited, the hearing before the London court established that the extradition request was based on false allegations, especially that the agreement between the JNA and BiH on the former's withdrawal was already in force at the time of the Dobrovoljačka street incident. BiH announced an extradition request of its own (which did not materialise) based on the fact that Ganić is its citizen, as well as on the basis of a cooperation agreement between BiH and Serbia signed shortly before. The BiH Prosecutor's Office also claimed that it had opened an investigation into the Dobrovoljačka street incident before Serbia did.<sup>1040</sup>

Serbian politicians (especially Tadić) insisted that it did not matter where Ganić would be extradited as long as he would have a fair trial in connection with the crimes attributed to him.<sup>1041</sup> However, RS politicians opposed Ganić's extradition to BiH on the grounds that the court in Sarajevo could not guarantee a fair trial because no one there held Ganić responsible for anything.<sup>1042</sup>

At Belgrade's surprise, the London court released Ganić after establishing a case of political manipulation and ruling that Serbia had furnished no proof whatever implicating Ganić in the incident. The London

1039 *Politika*, 3 March 2010.

1040 *Politika*, 3 March 2010.

1041 *Blic*, 15 March 2010.

1042 *Večernje novosti*, 16 March 2010.

court said that Serbia had abused English law in order to score political points at home. The hearing established that the charges were based on forged evidence, witness perjury and a non-existent agreement between the JNA and BiH on the JNA's withdrawal.<sup>1043</sup>

Because Belgrade relied on the same evidence in the Jurišić case, it was inevitable that the case should be revised. Sarajevo demanded that Jurišić be released at once. The Belgrade court complied with the request in October 2010 and Jurišić was discharged.<sup>1044</sup> The outcome of these two cases had a positive effect on rapprochement between Belgrade and Sarajevo. In spite of all, politicians in RS hold Jurišić and Ganić guilty and believe that the court succumbed to political pressures.

## **The Srebrenica Declaration**

In March, the Serbian parliament adopted the Declaration on Srebrenica condemning the crime in Srebrenica. Although the declaration does not specifically mention genocide, it was welcomed in Bosnia and by the international community.<sup>1045</sup> RS was critical of it on the grounds that the declaration could prove harmful and be used as evidence that RS committed heinous crimes during the war. Also, RS politicians held that the declaration ignored victims on other sides and that all victims should be accorded equal treatment.<sup>1046</sup>

## **The ICJ advisory opinion on Kosovo's independence and the RS referendum**

The RS leaders and Serb elites had been looking forward to the advisory opinion of the International Court of Justice (ICJ) on Kosovo's independence as a legal basis for demanding secession from BiH. However, in its well-argued advisory opinion, the ICJ underlined, *inter alia*, that,

1043 *Press*, 29 July 2010.

1044 *Press*, 25 August 2010; *Danas*, 12 October 2010.

1045 *Press*, 2 February 2010.

1046 *Danas*, 1 April 2010; *Politika*, 21 April 2010; *Politika*, 13 September 2010.

unlike resolution 787 which relates to RS, resolution 1244 does not prohibit the declaration of independence of Kosovo. This means, the ICJ decided, that RS has no right to declare independence.

Irrespective of the ICJ opinion, RS politicians consider that it opens up various possibilities for RS in the future 'when it comes time for it'. As a result of the decade-old propaganda that RS is part of Serbia, support for independence is very high among RS citizens. On the other hand, the idea is opposed in the Federation.<sup>1047</sup>

The legal elites in Serbia had been expecting a definition enabling Serbia to legally prolong the issue of Kosovo's independence. Soon after Kosovo declared its independence, Dodik radicalised his stance demanding the same right for the Serbs in Bosnia. At the same time it was stressed that Bosnia is a non-functional state surviving solely thanks to support from the international community.<sup>1048</sup> Dodik stressed in particular that foreigners were excessively interfering in BiH internal affairs and undermining all arrangements and decisions reached by local politicians (in particular the Office of High Representative).<sup>1049</sup> The gist of his proposals was 'peaceful dissolution'.<sup>1050</sup> In the face of support for an integral Bosnia from the EU and the US, RS politicians and Dodik in particular have often found it necessary to soften their separatist stance by staunchly defending the status quo and the Dayton Accords.

At the beginning of 2010, the RS parliament adopted a law on referendum and its calling, a move criticised by the international community as a violation of the Dayton Accords.<sup>1051</sup> Dodik insisted that the law had nothing to do with autonomy and that it had been passed in order to bring RS legislation into line with that of European countries. His defence was that a referendum had been planned and announced in support of the Dayton Accords and decisions of the High Representative. Further, the launching

1047 Danas, 20-21 November 2110.

1048 Danas, 25-26 September 2010; *Politika*, 24 August 2010; *Press*, 21 August 2010.

1049 *Politika*, 23 March 2010.

1050 *Politika*, 22 March 2010; *Politika*, 23 March 2010.

1051 *Kurir*, 27 January 2010; *Večernje novosti*, 10 February 2010.

of the referendum idea was said to be part of campaigning in an election year.

The Referendum Law proceeds from the fact that as far back as 2008 the RS parliament adopted a resolution providing for RS calling a referendum on secession in the event of Kosovo being recognised as an independent state by the majority of UN member states.<sup>1052</sup>

As another option, Dodik and the SNSD are at the same time seeking to fully strengthen RS in all its competences in order to make it de facto autonomous, in which case no referendum would be necessary.<sup>1053</sup> This is why Dodik is opposed to any transfer of competences from RS institutions to BiH institutions. This has had a particular impact on the debate on the division of state and military property. RS is blocking BiH in the most efficient way, that is, by endlessly postponing all reforms of the state bodies and parliament. By these tactics RS is preventing BiH from becoming functional and reducing it to an absurdity.

RS is also obstructing BiH's Euro-Atlantic integration. Although Bosnia has been offered a MAP for NATO membership, RS has announced that it will vote against it if membership is made conditional on changing the Constitution. The fact that Serbia is a neutral country is also put forward as an argument against NATO membership. Dodik wants the question of BiH NATO membership to be resolved at a referendum. This approach is dictated by Belgrade, and Belgrade is backed by Russia, which is trying to prevent Serbia and BiH from becoming NATO members.<sup>1054</sup>

## The BiH Constitution

The international community has for years past been trying to bring about a revision of the Dayton Accords as a main obstacle to the functionality of BiH as a state. The International Court of Human Rights has found that the BiH Constitution is discriminatory towards minorities because it prevents their members from standing for the post of member of

1052 Pečat, No. 125, 2010.

1053 *Večernje novosti*, 1 October 2010; *Večernje novosti*, 4 October 2010.

1054 *Politika*, 24 April 2010; *Danas*, 4 November 2010; *Pečat*, No. 101, 2010.

the Presidency.<sup>1055</sup> While all parties in BiH agree that the constitutional provision in question must be changed, they differ as to how this should be done. RS favours the present arrangement according to which RS elects one and the Federation two Presidency members. Bosniak politicians on the other hand want additional constitutional amendments but their RS opposite numbers do not even want to discuss them. They consider that the BiH Constitution is based on the Dayton Accords and that therefore the latter must be implemented to the letter as 'Republika Srpska's bible'. The Bosniaks and, occasionally, the Croats insist on the 'spirit' of Dayton, not on its 'letter'.<sup>1056</sup> Although several international conferences on altering the Constitution have been held, all of them have come to nothing because Serb politicians consider that the Madrid Declaration is asking too much of RS while their Bosniak counterparts hold that it does not offer enough for strengthening the state.<sup>1057</sup>

The EU is also pressing for altering the BiH Constitution in order to bring its talks with BiH on accession to a close. The EU insists in particular on strengthening the government institutions at all levels and on Sarajevo becoming a central address for talks. In the matter of constitutional revision, Belgrade is backing the RS position.

While RS insists that the Dayton Accords cannot possibly be modified, it invokes them only where they suit it (e.g. the fact that BiH is made up of two entities which must agree on everything, which means that nothing can be undertaken without the agreement of RS). Certain provisions of the Constitution have never been applied adequately, such as Annex VII (refugee return). For its part, RS is pushing hard for changes such as abolishing the High Commissioner and setting up a third, Croat entity.<sup>1058</sup> The third entity idea is based on the belief that it would precipitate the partition of Bosnia. The third entity, as envisaged by the Serbs, would be established solely on the territory covered by the Federation, without in any way af-

1055 *Danas*, 23 April 2010; *Politika*, 30 April 2010.

1056 *Politika*, 6 April 2010; *Politika*, 20 November 2010.

1057 *Politika*, 6 April 2010.

1058 *Politika*, 4 July 2010; *Politika*, 11 October 2010.

fecting the territory of RS. At present, RS is threatening to secede each time there is mention of altering the Dayton Accords.<sup>1059</sup>

## **Economic cooperation between BiH and Serbia**

BiH is Serbia's important trade partner especially as far as exports are concerned, with 10% of Serbia's exports ending up in BiH. Two-thirds of this goes to RS, with which Serbia has more developed relations than with the Federation. Apart from expected ups and downs caused by macroeconomic factors (e.g. the world economic crisis of 2009), the level of trade between the two countries has been rather stable. Whereas Serbia is an important trading partner for the Federation, for RS it is one of its main partners, accounting for 20-25% of its trade.

In early February 2011, Dodik was awarded the 'Gold Dinar of Emperor Dušan' for strengthening economic relations between RS and Serbia. This further indicates that RS is treated by Serbia as a state in its own right because economic ties are usually developed between independent states.

On being presented with the award, Dodik expressed the wish that RS and Serbia should establish an integral economic, cultural and spiritual space. He pointed out that the special relationship between RS and Serbia was not a dead letter in view of the fact that many concrete projects had been realised to date.

The award was presented by Prime Minister Mirko Cvetković. Cvetković stressed that Dodik had accomplished a breakthrough in the establishment of excellent relations between RS and Serbia. 'The very fact that we have good economic relations with Republika Srpska means that we have good relations with Bosnia and Herzegovina, and Serbia is striving to maintain successful economic relations with other countries in the region too,' he said.<sup>1060</sup>

1059 *Pečat*, No. 121, 2010; *Politika*, 27 March 2010.

1060 [www.b92.net](http://www.b92.net) 7 February 2011.

## Conclusions and recommendations

The European Union is exerting pressure on Serbia to improve co-operation with all countries in the region, including Bosnia and Herzegovina. Up till now Serbia has been oriented towards RS. However, there were in 2010 a number of visits and meetings at state level – both between individual countries and groups of countries – with Turkish mediation.

RS leaders reacted sharply to any Belgrade overture towards BiH as a state. After each such incident Serbian politicians went to Banjaluka to calm things down, which constantly called into question their real intentions concerning BiH.

Regardless of occasional setbacks, the relations between Belgrade and Banjaluka remained close. This is in line with Belgrade's strategy defining RS as a permanent sphere of interest.

So far, all the gestures towards BiH made under pressure from the international community have been doubtful. Only a serious change of attitude by Belgrade can establish it as a constructive partner in regional relations.

## Croatia: a perennial rival and a source of frustration

The relationship between Serbia and Croatia in 2010 mirrored the totality of Serb-Croat relations in the last two decades. It appears that good neighbourly relations cannot be built without a clear picture about the events from the recent past. In 2010 too, Serb-Croat relations were overshadowed by 'hard' topics such as the attitude to the war in Croatia, the issue of mutual lawsuits before the International Court of Justice in The Hague (ICJ), etc. In addition to the lawsuits, the relations between the two states are burdened by the open issues of missing persons, succession and the return of Croatia's cultural treasure.

### **Josipović and Tadić: new-generation politicians**

The year began with the filing of Serbia's counter-suit at the ICJ in The Hague,<sup>1061</sup> the failure of Serbian President Boris Tadić to attend the inauguration of Croatian President Ivo Josipović and the exchange of scores of sharp statements between Belgrade and Zagreb, ending with intensive diplomatic meetings of the two presidents, Josipović and Tadić. Since Josipović took the office of president, he and Tadić have met eight times.<sup>1062</sup> Their most important meetings were Josipović's visit to Belgrade in July, Tadić's visit to Zagreb in November and Tadić's visit to Vukovar and Ovčara

1061 The beginning of January was marked by Serbia's attacks on Croatia's outgoing president, Stjepan Mesić. Belgrade namely regarded as a provocation Mesić's decision to pardon/commute the sentence of Siniša Rimac (one of the participants in the murder of the Zec family in 1991) and his visit to Priština on 11 January 2010.

1062 The first meeting took place in Opatija a few weeks after Josipović's inauguration. The two presidents then met at the Brussels summit, at the trilateral meeting with the Hungarian president, at Bački Monoštor, and at the regional summit in Istanbul. Josipović's visit to Belgrade in July was the first official visit, followed by two formal visits to Croatia by Boris Tadić.

farm in November 2010. The meetings have shown that the two presidents wish to distance themselves with the mutual lawsuits and to develop the two countries' relations above all in the context of economic and regional cooperation. Their meetings, in particular Tadić's visit to Ovčara,<sup>1063</sup> were strongly approved by the EU.

During the meetings, the two presidents raised the possibility of simultaneously dropping the suits on several occasions. According to Josipović, Serbia will first have to fulfil a number of conditions, particularly concerning the missing persons, the cultural treasure, trying war criminals before national courts, etc.

A stable relationship between Serbia and Croatia is important for regional stability and cooperation. This holds true especially for Bosnia-Herzegovina (BiH) because its consolidation as a state is conditioned by what Zagreb and Belgrade do. The year 2010 bore out the consistency of Croatia's state policy towards BiH. While Croatia will seek a solution for the Bosnian Croats, it wants them to accept the reality and regard BiH as their own state and will not insist on the creation of a third (Croat) entity in BiH. There is agreement to this effect both within Bosnia and within international circles. Furthermore, Croatia continued its constructive policy regarding the need to redefine the political system in BiH. During an official visit to BiH, Josipović paid a visit to the village of Ahmići and apologised for the 1993 crimes committed by the Croat Defence Council. 'The 1990s policies, which held that a partition was a solution for BiH either

1063 In early November, Tadić visited Ovčara where he made another reconciliatory speech. 'I am here to once again offer words of apology, to express regret and create a possibility for Serbs and Croats, Serbia and Croatia, to turn a new page of history,' he said. The president of the Serb National Council and Croatian MP, Milorad Pupovac, described Tadić's visit to Vukovar and his meeting with Josipović as a 'historic day for Vukovar, as well as for Croatia and Croatian-Serbian relations, and for the whole region.'

'The echo of this event, as well as the words of President Tadić, will resonate far beyond the territory of Croatia and the borders of the former Yugoslavia,' he said. Pupovac said that 'Tadić's gesture and Josipović's hospitality, as well as Kosor's [hospitality], constitute the foundations not only for dealing with the war, suffering, crimes and criminal policies but for new relations between Croats and Serbs.'

out of malevolence, arrogance or lunacy, sowed in BiH as well as in all the countries in the region a seed of evil,' he said.<sup>1064</sup> On the other hand, Serbia, which perceives itself as a 'guarantor of the Dayton Accords', behaves as the sole political patron of the private rule of Milorad Dodik. Other than this, Serbia's policy towards BiH is increasingly assuming the appearance of an attempt at a territorial compensation to make for the loss of Kosovo. Serbia's strategic moves regarding Bosnia betray the existence of active ideas in Serbia about an exchange of territories and other projects similar to those that brought destruction in the recent past.

### **Croatia a step away from entering the EU**

Croatia submitted its candidacy for EU membership in 2003 and started accession negotiations in 2005. Following five years of hard work, Croatia is expected to complete the process of opening and closing the accession chapter in mid-2011. This will be followed by the process of ratification, which is expected to take from six months to a year. Croatia will become a full member of the EU most probably at the beginning of 2012.

On its road to EU membership, Croatia will have to carry out many constitutional amendments and harmonise its legislation with the *acquis*. Because corruption poses a major obstacle on this road, a great many investigations have been launched against the country's most influential politicians. Besides several former ministers and deputy prime ministers, former prime minister Ivo Sanader, who left office only 18 months ago, is one of the suspects. The investigation against Sanader has shown that corruption has affected the highest branch of executive power – the government. The scandal concerning the Croatian branch of the Hypo Bank shows that corruption is a systemic problem not only in Croatia and the region, but in a number of European states. Sanader was succeeded by his deputy Jadranka Kosor. In spite of initial scepticism, she has shown herself to be a skilful politician with enough courage to come to grips with the corruption issue.

If one compares Serbia to Croatia, it appears that Serbia is lagging ten years behind Croatia and that it can learn a lot about the accession process from Croatia's experience. Although Serbian politicians insist that Serbia is the region's leader, indicators pertaining to economic performance,<sup>1065</sup> living standards<sup>1066</sup>, EU integration and other fields show that at the moment this pride of place belongs to Croatia.

As a gesture of goodwill towards neighbours, Croatia has first offered and then made available the translations of documents necessary during the accession period to all the countries in the region including Serbia.

At the end of 2010, the so-called coordinating body for refugee and other associations and homeland clubs of Serbs from Croatia has started a petition in support of members' property, tenancy and other acquired rights. Signatures for the 12-point petition, which requests Croatia to address all the rights of the 400,000 or so Serb refugees and expellees, will continue to be collected until 31 January 2011.

The organisers say that the petition can be signed by refugees and expelled persons, those who trace their origin to Croatia, those who have lived in Serbia since 1918 and all other citizens of Serbia with any property in Croatia. The petition asks the EU not to sign any accession agreement with the Croatian government before it meets all relevant European standards and discharges all its obligations to its Serb citizens.

Miodrag Linta, the president of the Coalition of Non-Governmental Organisations, said, 'We hereby require all relevant institutions to suspend the process of Croatia's accession to the EU until all the issues of Serb expellees and refugees are solved'. In mid-February, he said that the 45,000-signature petition, which aims to prevent Croatia's EU membership until the Serbs' demands are met, would be photocopied in 20 copies and delivered to the Serbian government and parliament, the highest Euro-

1065 In the last 10 years, Croatia has had a constant surplus in its trade with Serbia averaging some USD 70 million. While Croatian companies have invested hundreds of millions of US dollars in Serbia, the presence of Serbian firms in Croatia is negligible.

1066 In December 2009, the average wage in Croatia was EUR 737, compared with less than EUR 370 in Serbia.

pean bodies and the US, Russian and Chinese ambassadors, adding that the first set would go to the Serbian president.

The petition initiators also want to prompt the Serbian parliament to instruct the government to work out a platform for substantial talks with the Croatian government on a permanent and comprehensive solution to the refugee issue. On 15 December 2010, the representatives of Serb refugees from Croatia began collecting signatures for the petition aiming to prevent Croatia from becoming a EU member before the open issues of the Serb refugees are permanently solved. In mid-October, the petition was signed by 100 refugee and homeland associations affiliated to the Coalition of Refugee Associations and the Union of Refugee Associations in Serbia. The petition initiators demand a solution to 12 outstanding issues of Croatian Serbs and will ask the EU not to allow Chapter 23 'Justice and Fundamental Rights' to be closed in its negotiations with Croatia.<sup>1067</sup>

The launching of the petition is an abuse of the refugee population with the object of slowing Croatia down on its road to the EU.

## Crime

The year 2010, like those preceding it, shows that criminal groups alone have reached absolute reconciliation and achieved the highest degree of cooperation in the region. On the day of the inauguration of Ivo Josipović, the notorious Serb criminal Cvetko Simić was murdered in an especially brutal manner in Zagreb. The murder shocked and disturbed Croatia when it was announced that the murderers had cut off Simić's head, hands and both legs near the loins. Croatian and Serbian criminal groups have intensified cooperation in the last 10 years. The sheltering of fugitive members of the Zemun gang in Croatia and the murder of Ivo Pukanić (and the related trial) indicate that criminal groups pay no attention to religious and ethnic differences and that both states are behind-hand with organising and conducting a join fight against the criminals.

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<http://www.h-alter.org/vijesti/europa-regija/izbjegli-srbi-zele-stopirati-pregovore>

The arrest and extradition of Sretko Kalinić,<sup>1068</sup> the Zemun gang member, shows that, unless they step up their cooperation in the fight against organised crime, Croatia and Serbia represent a safe haven for criminals.

## Economy

The development of Serbia's economic relations with Croatia has on the whole been positive since 2000. The positive trend is partly due to intensified political and economic dialogue and the institutional regulation of mutual relations. In the last few years the two states have concluded about 20 agreements and protocols in the most important fields of cooperation including the normalisation of relations and free trade. According to the Agency for Privatization, the National Bank of Croatia and Croatian media, Croatia is among the major participants in Serbian privatisation deals. In the period 1999-2008, direct investment by Croatian companies in Serbia amounted to some EUR 500 million, accounting to over 19% of total Croatian investments abroad.

The last obstacle to Serbian corporate investment in Croatia was removed in 2010. In November, more than 60 Serbian businessmen led by Serbian President Boris Tadić attended the Business Forum in Croatia to explore the possibilities for acquiring Croatian companies and selling Serbian products in Croatia. The Croatian president said that there would be no more political obstacles to the entry of Serbian capital in Croatia.<sup>1069</sup> As to the prospect for bilateral economic cooperation, it was said that it was becoming increasingly successful and could further be promoted. Serbian and Croatian companies are still not widely cooperating at high business

1068 Sretko Kalinić, who was sentenced to 30 years in prison in connection with the assassination of prime minister Zoran Đinđić, was arrested in Zagreb in June following his wounding by another convict, Miloš Simović. In addition to receiving the 30-year sentence, Kalinić was tried in absentia and sentenced to 40 years for taking part in 19 murders, three kidnappings and two terrorist actions. He was on an Interpol wanted notice for seven years. After he was arrested, Kalinić admitted to murdering Milan Jurišić and Ninoslav Konstantinović, two other members of the Zemun gang. Simović was arrested after Kalinić on the Croatian-Serbian border.

1069 *Kurir*, 26 November 2010.

and technical levels, in spite of the fact that such cooperation between them was highly developed during the life of the former joint state. There is also room for the promotion of economic cooperation in the fields of energy, tourism, information technology, construction and metal processing. However, sources at the Serbian Chamber of Commerce say that Serbia's merchandise trade imbalance must be eliminated. The structure of Serbian merchandise exports to Croatia is unfavourable for Serbia, with raw materials, semi-manufactures and low-level processing products predominating. Notwithstanding the significant decline of bilateral merchandise trade during 2010 (owing to the general economic downturn), economic cooperation is clearly one of the main pillars of the two countries' cooperation.

## Culture

In addition to economic cooperation, the two countries have achieved a major breakthrough in cultural cooperation in recent years. Theatre performances, exhibitions and meetings of writers represent the most frequent cooperation models in the field of culture and are much more advanced than political contacts. The success of bilateral cooperation in the field of culture can best be judged by the reception accorded the Zagreb Youth Theatre in the Yugoslav Drama Theatre and by the atmosphere during the premiere of Miroslav Krleža's 'Glembajevi' in the Atelje 212 theatre in Belgrade. Cultural relations have clearly never been severed even in the worst of times. The co-productions of Vinko Brešan's film 'Nije kraj' and Goran Marković's 'Turneja' show that there is major potential in the field of film-making. However, serious cultural cooperation will require both countries to invest substantial sums and efforts in joint 'capital' cultural projects.

## Purda: between the truth and manipulation

Following last year's high-level meetings between Croatian and Serbian officials, the relations between Serbia and Croatia were again briefly destabilised by the case of Tihomir Purda. The case shows that the attitude to 1990s events was and remains a key topic in Belgrade's relations with countries in the region.

Tihomir Purda is a Croat defender who was captured and imprisoned in a camp in Serbia. The Serbian prosecuting authorities have charged him with murdering three wounded soldiers of the former Yugoslav People's Army (JNA). However, there are many legal ambiguities concerning the affair, above all in relation to the circumstances in which Purda made the admission in the Serbian camp. Dušan Janjić, the Coordinator of the Forum for Ethnic Relations, said, 'The Serbian prosecution authorities have at their disposal only the admission, which has meanwhile been withdrawn, whereas all the evidence collected by the Croatian prosecution authorities militates in favour, as it were, of the groundlessness of the charges.'<sup>1070</sup>

However, many commentators in Croatia say that while the affair may inflame passions, it is unlikely to appreciably affect overall relations, which began to improve at an accelerating rate in 2010. The president of the Croatian parliament's Foreign Policy Committee and member of the Social Democratic Party, Tonino Picula, said, 'To begin with, our relations are still not stable enough for a topic of this kind, which concerns the recent past, to be treated by the media and by politicians as a matter of purely judicial concern. I think that here in Croatia this case has exposed above all the hypocritical attitude of the present government to the defender population, that is, to the people who were treated by this same government, and this same prime minister, as the regime's praetorian guard. In other words, for the same political reasons, they have inflated the number of people who defended Croatia out of all proportion. So, according to the

1070 Ibid.

latest information, more than half a million people took an active part in defending Croatia against the greater Serbia aggression.<sup>1071</sup>

The Purda case is but an instance of how the recent past and an inadequate attitude to it can burden a relationship between two countries.

1071 [http://www.slobodnaevropa.org/content/purda\\_izmedju\\_istine\\_i\\_manipulacije/2316321.html](http://www.slobodnaevropa.org/content/purda_izmedju_istine_i_manipulacije/2316321.html)



## Macedonia: Under Constant Pressure from Neighbours

Ever since it became independent, Macedonia has had to deal with continual challenges from neighbours concerning its statehood, nation and church. Without the EU, US and NATO, Macedonia would have not avoided internal conflict and, probably, external aggression as well. In spite of its internal problems, Macedonia has succeeded in surviving, acquiring EU membership candidate status and becoming a full member of NATO. This is a guarantee of its survival and of the consolidation of its divided society.

Serbia recognised Macedonia in 1996 under the name of the Republic of Macedonia, as well as raising a number of minor objections concerning the common border. However, the Serbian Orthodox Church (SPC) has continued to deny the autocephaly of the Macedonian Orthodox Church (MPC) proclaimed back in 1967. The issue of the autocephaly of the MPC is closely linked to Macedonia's statehood, i.e. the recognition of Macedonia as a state.

The issue of Serbia's undefined borders will pose a serious challenge to faster progress towards EU membership. This issue belongs in the corpus of regional cooperation and is expected to deteriorate into a key political problem in the region. Serbia has undefined borders with Croatia, Bosnia-Herzegovina and Macedonia.

Serbia reacted sharply to the signing of the delimitation agreement between Macedonia and Kosovo. Delimitation talks are about to start between Montenegro and Kosovo. Because Serbia does not recognise Kosovo's independence, delimitation of borders between Kosovo and the states which share the administrative line with Kosovo and have recognised its independence threatens to turn into a longstanding uphill battle.

Taking advantage of Macedonia's highly complex international position, Belgrade will try to use the Kosovo issue for further blackmailing. In

view of the complex relations between Macedonians and Albanians inside Macedonia itself, Belgrade had been hoping that the recognition of Kosovo would not be among Macedonia's priorities. However, the international situation and the possibility of accelerating its integration into the EU prevailed in Macedonia's attitude to Kosovo's independence, thus contributing to the stability of that part of the Balkans.

The relations between Macedonians and Albanians in Macedonia have taken precedence over the one-time closeness of positions on the Albanian question. In the aftermath of the Ohrid agreement, Macedonia has gradually recognised the fact that the Albanians are a key factor of its internal stability.

### **Macedonia recognises Kosovo's independence**

Macedonia recognised the independence of Kosovo at the same time as Montenegro did, an act regarded by Serbia as manifesting both countries' hostility. Serbia at once activated its Kosovo Action Plan whose details come to light only in concrete situations. Belgrade's first step was to withdraw its ambassadors.

Belgrade's move immediately prompted serious US diplomatic pressure, with US Secretary of Defence Robert Gates stating that Washington would greatly appreciate Kosovo's early recognition by Macedonia.<sup>1072</sup>

Macedonia and Montenegro offered the following explanation for their recognition of Kosovo's independence: 'Taking into consideration that Kosovo institutions made commitment to fully implement principles and provisions in the plan of UN Special Envoy for the Kosovo Status Settlement, the two countries support the building of democratic institutions in Kosovo with the aim to foster multiethnic society in which the rights of all ethnic communities on cultural, religious and language identity will be guaranteed.'<sup>1073</sup>

The two largest parties of Macedonian Albanians, the Democratic Party of Albanians of Menduh Thaqi and the Democratic Union for Integration

1072 <sup>1</sup>[www.B92.net](http://www.B92.net), 9 October 2008.

1073 Ibid.

of Ali Ahmeti, were the most deserving for Macedonia's early decision to recognise Kosovo. The recognition at the same time contributed to the stabilisation of Macedonia itself. The two Albanian parties issued a document stating, 'The status of Kosovo has long been a key issue creating serious political problems in the region, instability and armed confrontations.... The recognition of the independence of Kosovo is a real solution to the crises in the region'. Regarding the Albanian parties' initiative, Menduh Thaqi said, 'An independent Kosovo is not only an Albanian project, but an initiative of the US, EU and NATO.'<sup>1074</sup>

### **Macedonia and ICJ's opinion on Kosovo**

Owing to pressure from Belgrade, Macedonia decided not to present its opinion on the legality of Kosovo's declaration of independence or to submit any documents thereon. Macedonia made its decision to remain neutral regarding the proceedings before the International Court of Justice (ICJ) after Serbian media criticised the Macedonian Foreign Ministry for failing to respond to and explain Serbia's move before the ICJ.

### **SPC-MPC relations**

The Macedonian Orthodox Church – Ohrid Archbishopric (MPC-OA) or just the MPC is the official Orthodox church in the Republic of Macedonia. It is not canonically recognised. The MPC declared its autocephaly, i.e. independence from the SPC, in Ohrid in 1967. The refusal of the SPC to recognise the MPC ever since also means a non-recognition of Macedonia's statehood. On account of the term 'Macedonian', the MPC is not recognised by the Ecumenical Patriarchate of Constantinople, the Greek Orthodox Church and all other Orthodox churches. The MPC considers itself the heir of the Archbishopric of Ohrid. The SPC recognises only the newly-created Orthodox Ohrid Archbishopric headed by Archbishop Jovan Vraniškovski.

1074 Ibid.

In 2003, the SPC proposed that the MPC should have an autonomous status within the SPC (under the so-called agreement of Niš), which would oblige the believers and the priests of the autonomous Archbishopric of Ohrid, i.e. the Archbishopric of Ohrid-Prilep, to mention of the name of the SPC patriarch in every liturgy. The proposal was accepted only the Bishop Vraniškovski.

On the other hand, the Greeks do not recognise the population of the Republic of Macedonia and the use of the term 'Macedonia' on the grounds that it denotes their historical state (of Alexander of Macedon). Owing to this ongoing controversy, Greece (as well as the EU) only recognises Macedonia under the name Former Yugoslav Republic of Macedonia. The negotiations over the name have been going on for two decades. A solution has been offered recently – Northern Macedonia or Slav Macedonia – which would satisfy both sides.

The new Patriarch, Irinej, referred to this problem in his first statement: 'We share the same history, the same culture, and we understand each other' language. The things that have been happening so far are not normal. We have been doing all we can to overcome the problem, but they did not appreciate that fully. Now they understand.' He said, 'There is now a new problem because there is now the new official church which all peoples recognise (the Archbishopric of Ohrid)' and added that it would take a lot of effort on their part to iron out the problem between themselves. 'Our door is open and my wish is that we should find a solution. We will do everything we can, I as Patriarch and the church as a whole,' he said.<sup>1075</sup>

The two churches held secret talks during 2009. The fact was disclosed to local media in Skopje by SPC Bishop Irinej, who said that 'there were contacts and talks, but nothing concrete was achieved.'<sup>1076</sup> He said that both the SPC and the MPC were in favour of dialogue and for overcoming the present status quo. MPC sources said that the SPC had softened its stance after realising that its plans with Jovan (Vraniškovski) had fallen through.

1075 *Blic*, 27 January 2010.

1076 *Politika*, 31 July 2009.

While the MPC seeks autocephaly, the SPC insists on the term 'autonomy', something the MPC regards as less than independence. The MPC is aware that in its search for a stronger position in the Orthodox world it cannot by-pass the SPC; on the other hand, the SPC, which is on good terms with the Greek Orthodox Church, is unlikely to grant autocephaly to the MPC as long as the dispute between Skopje and Athens over Macedonia's name lasts.

### **Attempt to change the MPC's name**

The MPC has announced that it will change its name by adding to the appellation. The MPC announced that the change was to be adopted at its assembly marking the 50th anniversary of the First Church-Popular Assembly. The Theological College professor, Dimitar Belčovski, who prepared the amendments to the MPC Constitution with the bishops Petar and Timotej and who acts as adviser to Archbishop Stefan, said that the proposal to add to the name had been adopted by the MPC Synod back in 2005. He said that he was confident that the new Constitution, coat-of-arms and name would be voted at the next assembly.

MPC sources say that the new name will be Macedonian Orthodox Church – Ohrid Archbishopric. It is believed that the new name will fully reflect the continuity of the MPC as the successor of the Archbishopric. However, the proposed name change is not approved by two Synod members, particularly the influential Bishop Timotej. He said that he would not let the matter be even discussed. 'There's no need for something like that. We know what the MPC and what the Ohrid Archbishopric is. This is one and the same thing, so we're not going the pander to the whims of Greece or anyone else,' he said.<sup>1077</sup>

Bishop Timotej and his supporters say that the MPC should not modify its name because it runs the risk of being called simply the Ohrid Archbishopric in its future communication with other churches.

1077 Vesti, 30 July 2009.

## Serbia's reaction to the establishment of diplomatic relations with Kosovo

The relations between Serbia and Macedonia have been tense since Macedonia recognised Kosovo. President Tadić said that in principle 'Serbia remains committed to regional cooperation and supports Macedonia in respect of membership in the EU. We are also jointly approaching the decision of European countries on the abolition of visas, which is of enormous importance for our citizens.'<sup>1078</sup> Serbia considers that the countries of the Western Balkans should enter the EU together. Therefore, this statement, as well as Serbia's attitude to its neighbours, bears out its strategy of faster EU integration above all of Macedonia, Montenegro and Bosnia.

Serbia keeps reiterating that the issue of Kosovo's status is a point of divergence of the two countries' policies. However, President Tadić said that the forthcoming advisory opinion of the International Court of Justice concerning the accordence with international law of Kosovo's declaration of independence might bring about a change in this regard. He said, 'Serbia will never recognise the independence of Kosovo and Metohija. Following the decision of the International Court of Justice Serbia will be ready to start a new dialogue with a view to a compromise solution.'<sup>1079</sup>

Serbian Foreign Minister Vuk Jeremić told his Greek opposite number Dimitris Droutsas that Athens could reckon with 'Belgrade's full political, moral and all other support in solving the issue of the name Macedonia'.<sup>1080</sup> He said that 'Greece has proved itself to be an honest friend and a motive force behind the integration of the entire Western Balkans in the EU; within this framework we fully appreciate and will continue to give our full support to the efforts of the Greek government to solve all the issues of relevance to the Western Balkans, including the sensitive issue of the name of the state of which Skopje is the capital'.<sup>1081</sup>

1078 Tanjug, 22 July 2009.

1079 Ibid.

1080 *Blic*, 19. novembar 2009.

1081 Transcript, Greek Ministry of Foreign Affairs website.

By opening an embassy in Priština on 15 March 2010, Macedonia practically confirmed the establishment of diplomatic relations. Macedonian Foreign Minister Antonio Milošoski said at the time, 'Macedonia and Kosovo are committed to peace throughout the region, to friendship and economic cooperation. For us the opening of the embassy is a solemn occasion and a new impetus to our inter-state relations.' Milošoski also said that he supported Kosovo's territorial integrity and would help Kosovo in the visa liberalisation process.<sup>1082</sup>

### Demarcation of borders

The demarcation of borders between the former Yugoslav republics is a condition for their faster EU integration. Defining the borders between these countries is a bilateral issue which must be solved before they enter the EU. The EU Commissioner for Enlargement, Štefan Füle, said that it was 'important for every state seeking EU membership to deal with bilateral issues as it prepares for European integration.'<sup>1083</sup>

The director of the Centre for Regionalism, Aleksandar Popov, said there would be problems on this road. 'Macedonia has already defined its border with Kosovo. When Montenegro does the same, we are going to have a double problem. Delimitation is going to be a contentious issue on Serbia's road to the EU,' he said.<sup>1084</sup> 'If Serbia is forced to recognise Kosovo, it will have to determine its border with it; however, in view of what is written down in the Constitution and of official policy, that is not going to happen for quite some time,' he said.<sup>1085</sup>

The recent ratification by the Macedonian and Kosovo parliaments of the agreement on border delimitation provoked sharp protests from Serbian officials. The Macedonian government spokesman, Martin Martinovski, said that the 'question of delimitation between Macedonia and Serbia was settled back in 2001' and that the agreement with Kosovo was

1082 Tanjug, 15 March 2010.

1083 *Danas*, 25 March 2001.

1084 *Ibid.*

1085 *Ibid.*

not an issue. Montenegro for its part said that the 'alleged problem of borders can be politicised although there is fundamentally no international-law dispute' in that regard.<sup>1086</sup>

Serbia reacted sharply to Macedonia's demarcation decision, with Minister Jeremić saying that the decision had dealt a 'blow to the relations between Belgrade and Skopje', that it was 'bound to have consequences', that the decision was 'deplorable' and that it made no sense to discuss Serbia's borders with anyone other than the Serbian government.<sup>1087</sup>

## Conclusions and recommendations

Serbia must change its attitude to open regional issues in order to accelerate its own journey to the EU. Open border issues leave room for manipulating and blackmailing neighbours whenever Belgrade feels the need for it. There can be no progress in regional relations without recognising the new reality in the region.

Certain conservative circles in Serbia regard open border issues as an opportunity to challenge the new borders and treat them as a historical provisorium. This is particularly important in view of the 1990s wars and their consequences, especially their interpretation and the responsibility for them.

Although Macedonia avoided being sucked into the war, it paid a price in the shape of pressure from neighbours for many years. The only way to place relations in the regions on a new footing is to put a stop to border disputes and territorial claims.

1086 Ibid.

1087 Tanjug, 18 March 2010.

## Montenegro: a Successful Year

During 2010, Montenegro has realized its strategic national goals: it has been granted candidate status for membership in the EU in December 2011, and has been given the NATO Membership Action Plan.

Serbia still hasn't come to terms with Montenegro's independence. Her ambitions are evident: to buy the Bar Harbor, and to slow down Montenegro's integration into the EU and NATO (without success). The Darko Šarić case was utilized in the media war against Montenegro, as a claim was launched that there was no political will in this country for fighting organized crime.

Vesna Pesic, an MP for Serbia's Liberal Democratic Party (LDP) stresses that 'the church and state authorities there are already conducting a campaign for as many citizens as possible to declare themselves as Serbs, with the expectation that this will make obsolete this 'artificial' nationless state, which was allegedly invented by Milovan Djilas to spite the Serbs. If anyone wonders why there is 57 billion RSD for special purposes in Serbia's budget (last year, a bit less was spent, roughly 42 billion) without it being clear what this entails, we now know: this money is also spent on the political-church led campaign preceding Montenegro's census. Serbia is providing financial means to impact Montenegrin self-determination in order to revive Serbdom there'.<sup>1088</sup>

Following the recognition of Kosovo's independence by Montenegro's Government, Montenegro's Ambassador to Belgrade has been expelled, and after Podgorica had established diplomatic relations with Priština, Belgrade has withdrawn its Ambassador from Podgorica. Serbia had warned Montenegro's Government that opening an Embassy in Priština was additionally aggravating relations and had thus openly displayed its pretensions towards Montenegro, by interfering in its internal affairs.

Meddling into Montenegro's affairs is also visible via Belgrade's support for pro-Serbian opposition, especially during local elections on May

1088 <http://www.e-novine.com/stav/44678-Kako-ponititi-Crnogorce.html>.

23. In spite of this, the ruling parties have secured a convincing victory, whereas the opposition has suffered yet another defeat, as it had done during the past years.

Although it is participating in the Parliament of the Republic, the pro-Serbian opposition does not recognize symbols of the Montenegrin state – its flag, coat of arms and national anthem.

With Belgrade's help, pro-Serbian opposition is continuously instrumentalizing Serbs and the Serbian language in Montenegro. Serbian officials are publically arbitrating what status Serbs in Montenegro should have, although Montenegro is a civic, not a nation state. Ever since the Montenegrin language had been declared as official and Montenegrin Orthography had been published, there have been ongoing attacks by the pro-Serb opposition, accompanied by a media campaign from Belgrade, which have been targeting the incumbent government for allegedly 'out-casting' the Serbian language and endangering the Serbian people.

The Serbian Orthodox Church (SPC) does not recognize neither the Montenegrin nation, nor the Montenegrin language and the Montenegrin Orthodox Church (CPC), which has a growing number of believers and followers. The SPC is involved in the creation and the engagement of the pro-Serbian opposition and Serbian Non-Governmental Organizations and associations. It is publically and openly meddling and arbitrating in political and state issues. The leader of the Serbian church in Montenegro is Metropolitan Amfilohije Radović, who has, for the past two decades, been attempting to prove that the Serbian people and the SPC in Montenegro are endangered. He is the backbone of the activities of the pro-Serbian opposition in Montenegro. In late 2010, this activity was additionally intensified during the preparations of the campaign for the census due in April 2011. For the SPC, the pro-Serbian parties, Serbian associations and organizations, the census is more important than the referendum on independence, because it serves to demonstrate that there is a greater number of Serbs than is currently thought.

## Serbia's Diplomatic Pretensions

Relations between Serbia and Montenegro have deteriorated following the Montenegrin Government's decision to recognize Kosovo in October 2008. The relations between the two states have taken a turn for the worse after Montenegro had established diplomatic relations with Kosovo in January 2010. Serbia's Foreign Affairs Minister Vuk Jeremic has sent a demarche to Montenegro stating that, by establishing diplomatic relations with Kosovo, the Montenegrin Government is impeding regional stability and hindering the establishment of the best possible relations with its neighbors.<sup>1089</sup> Jeremic has urged for the immediate withdrawal of the Serbian Ambassador to Podgorica, whereas Belgrade's media have interpreted the establishment of diplomatic relations between Montenegro and Kosovo as yet another Montenegrin 'stabbing in the back'. Serbia had asked Montenegro to put on hold the establishing of diplomatic relations with Kosovo until the International Court of Justice in The Hague has reached its decision.

Serbia's Foreign Affairs Minister attended the St. Sava's Day Academy in Montenegro's Bijelo Polje, which was host to the frontmen of the pro-Serbian opposition and dignitaries of the SPC. On this occasion, Jeremic bespoke that 'we will not yield an inch in the fight for Kosovo'<sup>1090</sup>, which the audience greeted by chanting 'Vuk, the Serb'. Official Montenegro has interpreted Jeremic's visit to Bijelo Polje as a provocation on part of Serbia. Jelena Trivan, the spokesperson of the Democratic Party, has rejected such characterizations, stating that Serbia 'has never destabilized the situation in Montenegro, *nor has it ever interfered in its internal affairs*'.<sup>1091</sup>

Having suffered as a result of the expulsion of the Montenegrin Ambassador following the recognition of Kosovo, diplomatic relations between the two countries have been fully restored as late as September 2009; however, the relations in total are still far from good precisely because of Serbia's diplomatic pretensions towards Montenegro. Serbia has

1089 Pravda, January 16/17, 2010

1090 Press, January 28, 2010

1091 Press, January 28, 2010

even asked for the opening of three consulates in Montenegro in those places where the pro-Serbian opposition has many followers. The Montenegrin Government has replied that one consulate suffices for a small country such as Montenegro.

Serbia's President Boris Tadić has paid an official visit to Montenegro in July 2010. However, this visit has not fully contributed to the improvement of relations between the two countries. All the more so because Boris Tadić had complained about the crime rate in Montenegro to the US Ambassador to Belgrade Mary Warlick. He had pointed out that Montenegro was facing a 'tremendous problem of organized crime and had asked the US for help in addressing this problem. This request of his has been published on the WikiLeaks website'.<sup>1092</sup> Serbia's President has, with his associates, attempted, on at least three occasions, to influence the US to change their stance on Montenegro for reasons of organized crime. Misko Vucković, a high official of the Montenegrin Ruling Democratic Party of Socialists (DPS), considers this a confirmation of Serbia's not coming to terms with Montenegro's independence and its attempt of transposing its own problems to countries in the region.<sup>1093</sup>

The United States' stance towards Montenegro has clearly remained unchanged in spite of Belgrade's attempts. This is illustrated by the outcome of the Montenegrin Prime Minister's visit to Washington, where he has had a meeting with the Secretary of State Hilary Clinton and Vice President Joseph Biden. Hilary Clinton had announced full support for Montenegro in its full-fledged NATO membership and its attempts at establishing the rule of law.

President Boris Tadić has given a public assessment that Montenegro is not cooperating in the fight against organized crime. Montenegro's President Filip Vujanović responded: 'By giving such an assessment, Serbia's President has inappropriately interfered in the relations of the two states.'<sup>1094</sup> Vujanović has added that this was a reaction to the recognition of Kosovo: 'I know that the responses following the recognition were

1092 Blic, December 12, 2010

1093 Politika, March 10, 2010

1094 Politika, March 7, 2010

numerous and difficult. However, Macedonia, which has established diplomatic relations with Kosovo before Montenegro did, was not subjected to the same measures as Montenegro.<sup>1095</sup> In a response to Tadić's statement, Montenegro's Prime Minister Milo Đukanović noted that 'Serbia is trying to discredit Montenegro via statements that Montenegro is not cooperating in the fight against organized crime and [trying] to show that Montenegro doesn't have the legal capacity to be an independent state and that it should be stopped at this'.<sup>1096</sup>

What is also illustrative of the relations between the two states is the fact that the visit of the Chairman of the Montenegrin Assembly Krivokapić scheduled for May 18 and 19, 2010 was cancelled. This is the second time that Krivokapić's visit was cancelled, the first after Montenegro's recognition of Kosovo. It was stated from the Cabinet of the Serbian Assembly Chairwoman Slavica Đukić Dejanović that the visit was deferred because of her obligations. This cancellation should, however, be considered in the context of the local elections in Montenegro. The Serbian high officials' assessment was that a visit on the eve of the elections would not favor the pro-Serbian opposition, because Krivokapić is President of the Social Democratic Party, a member of the ruling coalition.

## Access to the Sea

Aspirations of Serbia's access to the sea have not disappeared. They have merely mutated through the idea of realizing them via economic measures. Namely, Belgrade is now advocating the so called national economic policy which would be carried out throughout the corpus of ethnic Serbs. As far as Montenegro is concerned, this policy is reflected in the intention to purchase the 'Bar' harbor. Serbia's goal is to increase its economic influence in Montenegro, thus increasing its political influence as well. With this in mind, the BB Cargo company was established for the purpose of purchasing the 'Bar' harbor. Owners of large capital were very skeptical towards a deal of this kind. Miodrag Kostic, for example, has

1095 Ibid.

1096 Politika, March 10, 2010

warned that this project is complex because it must first be agreed upon and arranged by the two states.

If the purchase of the 'Bar' Harbor is problematic for Kostic, it isn't for Nebojsa Medojević, President of the Movement for Changes (PZP) and one of favorite Montenegrin oppositionaries in Belgrade. He feels that it can only represent a great project because it provides the 'access to the only 250 kilometers of the Adriatic which are not under NATO control'. 'This is a serious interest which could be supported by the Russians, but also by the Chinese. If Russian or Chinese capital were to inflow into the 'Bar' harbor to make it an off shore zone, this could mean great business for Serbia.'<sup>1097</sup>

## Local elections

The pro-Serbian opposition has also lost in the local elections which were held on May 23, 2010. The ruling Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP) won in 12 out of 14 cities. The opposition remained in power in Pluzine and in Pljevlja, whereas it lost in its traditional strongholds, in Zabljak and in Andrijevica. These elections have shown that the incumbent government does not actually have an alternative, and that the politics of European integrations, and even the recognition of Kosovo and the establishment of relations with Priština, are supported by the majority of citizens.

The election victory of the ruling coalition was achieved in spite of permanent activities of the pro-Serbian opposition and the SPC in proving that the incumbent government is persecuting Serbs and the Serbian language, that it is steeped in crime and authoritarian. The opposition has come out united this time, which was the result not only of the engagement of the SPC, but also that of official Belgrade.

Montenegro's Prime Minister Milo Đukanović had warned that the opposition was 'assembled' in the cabinet of Mladjan Đorđević, advisor to Serbia's President. According to Đukanović, the goal of this bungled opposition was not only to topple the Democratic Party of Socialists, but also to put into question Montenegro's independence. 'This is why, even now,

they are on the same task of undermining Montenegro, based on instructions from Belgrade, and supported by money and a certain marketing agency. We will not stand for this,' Đukanović stated. The cabinet of Serbia's President refuted the claims of Montenegro's President. Srdjan Milic, the leader of the Socialist People's Party of Montenegro (SNP) and Boris Tadić's Democratic Party (DS) both dismissed Đukanović's claims.<sup>1098</sup>

## **The Instrumentalization of Serbs and the Serbian Language**

The persisting claims of the pro-Serbian opposition and the SPC which view the Serbs and the Serbian language in Montenegro as endangered are the result of the desire to bring about the old nationalist thesis that, throughout history, Montenegro had been a Serbian state. This also represents the method of proving that the Serbs in Montenegro are a state-building people, and that they outnumber the 'invented' Montenegrins.

After the Montenegrin language had been declared as the official language, Serbian nationalists have raised tensions in Montenegro. The incumbent Government in Montenegro has been criticized for eliminating the Serbian language from use, which was a prominent topic in Belgrade's media. The daily *Politika* had joined the campaign of reporting that banishment of the Serbian language from Montenegro's educational system is a leading topic among members of the Serbian people in Montenegro. In northern Montenegro, in Pljevlja, a coalition consisting of the Socialist People's Party (SNP), New Serb Democracy (NSD) and the Movement for Changes (PZP) has drawn up a declaration for the protection of the Serbian language. Radojka Vukcević, President of the 'Matica Srpska' in Montenegro, has stated that the Serbian language represents a foundation upon which Montenegro's spiritual being and identity have been built, whereas the attempt of renaming it into Montenegrin is an 'act of coercion and the crudest theft of <sup>1099</sup>Serbian linguistic heritage'.

1098 Blic, May 28, 2010

1099 *Politika*, September 2, 2010

Based on the information that Montenegrin orthography was written by a group of linguists which included two Croats, a part of Belgrade's press (*Vecernje novosti*) has qualified it as Croatian orthography which is out of use. Belgrade's press has also put forth the opinions of Serbian linguists which claim that the decision to publish Montenegrin grammar is solely a political decision, without any scientific grounds.

Minority languages are in official use in those areas where members of these communities make up the majority or the dominant part of the population – Serbian, Croatian, Albanian and Bosnian. Such a stance of the legislator has produced a fierce response by the Serbian National Council. This organization, which considers itself the Constitutional guardian of the Serbian national, linguistic and cultural identity, has dismissed the imposition of teaching in Montenegrin onto teachers and students of Serbian linguistic identity as an anti-Constitutional and violent act. The organization claims that, because of the fact that the Serbian language is represented in such a high percentage in Montenegro's population, it cannot have the status of a minority language or a language of the minority people.<sup>1100</sup>

Upon the publishing of Montenegrin orthography, the National Party of Montenegro has called on Serbs to oppose the regime-led assimilation of Serbs, in order to defend Serbian values.

Slavica Đukić Dejanović, Serbian National Assembly Chairwoman, has also made negative comments on the language issue, favoring the pro-Serbian opposition: 'The Serbian language cannot be eliminated from use because the Serbs are an autochthonous people in Montenegro.'<sup>1101</sup>

Serbia is also interfering with notions of what kind of status Serbs in Montenegro should have. Serbia's President Boris Tadić has repeated on several occasions that it is unacceptable for Serbia that Serbs should have the status of a national minority in Montenegro: 'It is my duty to state that it is unnatural and without any historical grounds that the Serbian people are granted the status of a national minority.'<sup>1102</sup> Tadić also stressed that

1100 *Politika*, July 29, 2010

1101 *Blic*, October 14, 2010

1102 *Novosti*, January 27, 2010

Serbs are autochthonous in Montenegro and that they have participated in its entire history and creation, adding that it is 'very complex to set a clear boundary between the identities of the Serbian and Montenegrin peoples'.<sup>1103</sup>

The law on Serbs in diaspora and the region, adopted by the Serbian Assembly, which has institutionalized the Council for Relations with Serbs in the Region (the President of the Republic is chair and sets the agenda), has created the setting for closer communication with pro-Serbian parties, as well as Serb organizations and associations in Montenegro. The Council's activities surrounding the upcoming census in Montenegro are cautionary because they primarily boil down to claims that Serbs in Montenegro do not have the right to freely express their national identity.

## **The Serbian Orthodox Church**

The Serbian Orthodox Church (SPC) is overtly and aggressively meddling in state and political matters and processes in Montenegro. The actions and campaigns targeted against the ruling coalition are under the direct influence of the SPC. The leader of these activities is the Metropolitan Amfilohije. He has rounded up all pro-Serbian forces in the attempt to demonstrate and to convince Serbs that the Montenegrin nation and language are artificial, non-existent creations. Amfilohije and the SPC are claiming that the Serbian people and its language are persecuted in Montenegro. The Serbian Metropolitan's engagement on this matter has been ongoing for nearly two decades – ever since the 1990s when he has bespoken that Montenegrins are 'communist bastards', until today, when he is claiming that the Montenegrin language is fake, and disparaging the Montenegrin Orthodox Church by calling it 'a dog's faith'.

The focus of such activities of the SPC is the upcoming population census. Its priests are agitating for Serbs to 'express their nationhood freely, regardless of the tremendous pressures of the regime and the anti-church campaign'.

1103 Kurir, January 27, 2010

When the issue of the illegal placement of a metal church in Montenegro's Rumija mountain became current (it was set up by the Serbian church with the assistance of the then Army of Serbia and Montenegro, Montenegro's Assembly Chairman Ranko Krivokapic faced attacks by the SPC and the pro-Serbian opposition. He raised the issue of the church's removal, which is, in his words, targeted at the three religions which are not willing to divide, and is affecting Montenegro's multi-ethnicity. Amfilohije has rejected assessments made by Krivokapic and has warned that 'he who supports the demolition of the church in Rumija is supporting destructive Ottoman violence'<sup>1104</sup>. The opposition has sent Krivokapic the message that the goals of his Social Democratic Party are a harangue on SPC and that they are anti-Serbian.

As a response, in a radio address, Krivokapic stated that: 'The way the Serbian Metropolitan in Montenegro is acting, with provocations and to Montenegro's harm, will not last forever. No evil could endure here. It has been ongoing for a long time, for these two decades, but all evil comes to an end.'<sup>1105</sup>

## The Šarić Case

The launched allegation, made repeatedly by Serbian authorities, that Montenegro lacks the political will for fighting organized crime, is, in fact, masking the attempted politicization of the Šarić case, as well as the attempt to discredit Montenegro's authorities.

For days on end, Belgrade's media have all featured and promoted the claim that Montenegro lacks the political will to fight organized crime, providing 'as evidence' the numerous writings and information about the Šarić case, which are allegedly ignored by Montenegrin authorities. This 'style' of launching information on crime pertinent to Montenegro's authorities has, in fact, turned into a full-fledged media war against Montenegro.

1104 Vijesti, December 28, 2010

1105 Politika, September 17, 2010

The cover stories claimed that Šarić, accused of smuggling cocaine from South America, is hiding in Montenegro, whereas the fact that he was born in Pljevlja, that he has Montenegrin citizenship and that he owns property in Montenegro were stated as 'crucial evidence'. It is only 'between the lines' that it can be read that Šarić, in fact, has Serbian citizenship, that he has laundered money in Serbia and that his property (in Serbia) is worth several billion euros.

In the pro-government daily *Politika*, under the headline 'The highest officials and certain drug cartel media segments', it is claimed by Nebojsa Medojević, the President of the Movement for Changes (PZP), that Montenegro is home to 'a dangerous media campaign aimed at representing narco bosses and organized crime leaders as Montenegrin patriots, respectable investors and warrants of independence'<sup>1106</sup>. Andrija Mandić, President of the New Serbian Democracy (NSD), says that Milo Đukanović's regime symbolizes organized crime in Montenegro. These and other similar claims are being given large publicity in Belgrade's press.

The Šarić case was the motive for the meeting of the two Ministers of Justice, Montenegro's Miras Radović and Serbia's Snežana Malović. On the eve of the talks, Montenegro's Justice Minister stated that he will repeat at the meeting that 'the political structures in Serbia have politicized the Šarić case and that unfounded political accusations were used in the attempt to discredit Montenegro's legal system and its state authorities'<sup>1107</sup>.

In the aforementioned meeting, both sides have agreed that such issues cannot be subject to politicization in the future and have pressed for an enhancement of cooperation. It has also been said that the cooperation on the Šarić case on the level of the two judiciaries, and their respective Prosecution offices, before all else, will continue. This step forward has occurred after the two countries had signed an agreement on extradition in October. Serbia's Justice Minister Snežana Malović has stated on this occasion that 'the agreement confirms Serbia's and Montenegro's resoluteness to deal with organized crime and it represents an expression of mutual trust'<sup>1108</sup>.

1106 *Politika*, February 16, 2010

1107 *Blic*, February 25, 2010

1108 *Vijesti*, October 30, 2010

## Conclusion

The EU candidate status and prospects of NATO membership have significantly contributed to the consolidation of Montenegro as a state. Montenegro has attracted foreign investments and has channeled them wisely, which has largely stabilized the economy.

In the meantime, the infrastructure has been significantly modernized as far as roads and communications are concerned. In addition, the privatization process has been completed and there is a clear consensus among the population with regards to NATO and the EU.

Relations between Serbia and Montenegro can be significantly improved only if Serbia definitely accepts the reality that Montenegro is irrevocably an independent state.

## Slovenia: EU Mediator

Through various initiatives associating the activity of the Visegrad group before its member-states joined EU, Slovenia was trying to act as a regional mediator. In March 2010 at the Brdo summit meeting prime ministers of Slovenia and Croatia, Borut Pahor and Jadranka Kosor, attempted to initiate a group of Western Balkan countries that would cooperate by the Visegrad model. The initiative failed despite some support to it from the international community.

By turning down the idea, Serbia's President Boris dealt a death blow to the initiative. Tadić had insisted on a form of Hallstein Doctrine and hence refused to participate in the meetings attended by Kosovo representatives. Later on Serbia gave up such approach when it acceded to negotiate with Kosovo on bilateral relations. The failure of the Brdo initiative coincided with the startup of Tadić-Josipović dialogue. Some international policy planners were rather surprised when the Croatian President opened the door to regional dialogue for the Serbian President almost immediately after the later turned down the initiative the Croatian government was a part of. For Josipović that was obviously a bilateral step that had to be "unfrozen."

Sarajevo interpreted the startup of Josipovic-Tadić dialogue as a new round of Belgrade-Zagreb discussion on the solutions to Bosnia-Herzegovina's problems behind Bosnia's back. Some analysts in Zagreb – though not influential policy-makers, publicly shared this view.

The year 2010 witnessed several Serbia-Slovenia high-level meetings (for instance, ministers Đelić and Jeremic, and Premier Cvetković paid official visits to Ljubljana). All these meetings emphasized Slovenia's full support to Serbia's movement towards EU and its application for EU candidacy.<sup>1109</sup><sup>1110</sup><sup>1111</sup> EP Rapporteur for Serbia Jelko Kacin was reiterating this support in public.

1109 <http://www.srbija.gov.rs/vesti/vest.php?id=139698> – September 29, 2010

1110 <http://www.srbija.gov.rs/vesti/vest.php?id=141034> – October 20, 2010

1111 <http://www.srbija.gov.rs/vesti/vest.php?id=132503> – May 26, 2010

Relations between the two countries, economic in particular, were on the upward curve. The Agency for Foreign Investment and Export Promotion of the Republic of Serbia reported that Slovenia had been among major investors in Serbia since 2001. Besides, the two countries signed the *Memorandum on Cooperation* to assist Serbian and Slovenian companies' operations in respective markets. Thanks to the newly signed *Agreement on Social Insurance* many problems plaguing citizens of both countries can be solved.<sup>111211131114</sup>

After almost two decade the two countries solved the problem of the so-called erased citizens – actually families of ex-YPA officers and other residents in Slovenia, either federal officials or guest workers. In the spring of 2010 Slovenia's Constitutional Court ruled that all rights should be restituted to "erased" citizens. The ruling has not been enforced yet though Slovenia had amended its law on foreign nationals from ex-Yugoslav republics. Deciding on the issue even the European Court of Human Rights criticized Slovenia for violation of human rights of the "erased."<sup>1115</sup> The court's decision raised a hue and cry among citizens concerned with costs of the restitution (outstanding pensions, salaries, social security, etc. for almost 20,000 residents). The decision quotes that the issue of restitution has not been solved yet and would remain on the agenda as such.

Some 50,000 Serb nationals in Slovenia have no status at all. With the assistance of Serbia's Ministry of Diaspora they now claim the status of a national minority. Such a status, they say, would make it possible for them to efficiently exercise their human rights. In the year of regional consensus (2011) the Ministry for Diaspora's new strategy encourages "all those feeling a bit like Serb to declare themselves as such in the upcoming census."<sup>1116</sup>

1112 <http://www.srbija.gov.rs/vesti/vest.php?id=129574> – April 9, 2010.

1113 <http://www.srbija.gov.rs/vesti/vest.php?id=141034> – October 20, 2010.

1114 <http://www.srbija.gov.rs/vesti/vest.php?id=143059> – November 29, 2010.

1115 Ekonomist.rs, July 13, 2010.

1116 <http://www.mzd.gov.rs/cyr/News/NewsDetail.aspx?id=119&cid=1474> – February 10, 2011

# Kosovo

## Introduction

In 2010, official Belgrade has, for the first time, made a U-turn of sorts regarding the Kosovo issue. In the first place, this is evident in the pronounced insistence on commencing the dialogue with Priština and the change of rhetoric towards Kosovo Albanians. The opinion of the International Court of Justice (ICJ), stating that Kosovo's declaration of independence is not a violation of international law, and the harmonization of the text of the Resolution on Kosovo for the UN General Assembly with European Union (EU) representatives has diverted Belgrade from its old radical conduct towards Kosovo. The insistence on dialogue with Kosovo and the resolution of 'technical issues' on the relation Belgrade-Priština must be interpreted as part of Serbia's new strategy whose final objective is being granted EU candidate status.

On the other hand, the question of the division of Kosovo – a constant in Serbia's policy – as the alternative solution to the policy 'Kosovo within Serbia', which was dominant in the past two decades, has remained open on Serbia's part and there are serious indications that this will be the strategy of official Belgrade in the negotiations. The indications that Belgrade hasn't given up the idea of the division of Kosovo cast a shadow on Belgrade's new policy and put into question the sincerity of Serbia's Government when claiming that it wants to normalize relations in the region, and with Kosovo in the first place. Early elections in Kosovo (December 2010) serve as the best indicator of such policy, given that Belgrade had sent a double-binded message regarding Serb participation in the elections: it

has neither called upon them to vote, nor has it called for them to boycott the elections. In fact, this meant that Belgrade was actively supporting the existing division, that is, it is simultaneously endorsing Serbs in the north in boycotting elections; but it is, also, supporting the Serbs in enclaves to participate in Kosovo's institutions and reintegrate into Kosovo society.

In the upcoming period, Kosovo's north, with its parallel government structures, will pose the biggest challenge to the new Serbian policy. Even though Belgrade was the first to announce the leader of the Serbian negotiation team and has clearly demonstrated that it finds this dialogue important; the public opinion was not informed at the beginning of the negotiations about what the official strategy was going to be. It is unclear whether the new catchphrase of Serbia's political elite 'we want a historic agreement between Serbs and Albanians' is actually concealing an old strategy of Belgrade with regards to the division of Kosovo.

Dick Marty's report about human organ trade, which was published amid preparations for the negotiations, which was supposed to link Kosovo's Prime Minister Hasim Taci with this crime, has transiently weakened Kosovo's initial negotiating position. After the investigation about Marty's report was delegated to EULEX, the atmosphere on the eve of the negotiations began to normalize.

In this case, a certain discrepancy can be discerned between the media and what was being publically said by politicians in Serbia. On the one hand, the media have explicitly pointed to the culpability of Hasim Taci, whereas, on the other, Serbian politicians (including Serbia's President Boris Tadić) have, this time, maintained a moderate tone in their statements that negotiations should, also, be conducted with 'Hasim Taci if he is legitimately elected in Kosovo', in addition to the statement that everyone is innocent until proven otherwise. The daily *Politika*, traditionally under the influence of the ruling party, has particularly stood out with its reporting on Taci's culpability and has published exclusive information on Marty's report. A media consensus was created that Taci is guilty and any statement questioning certain parts of Marty's report or pointing to the lack of evidence was considered tactless.<sup>1117</sup>

1117 The Helsinki Committee has had conversations with several journalists

While the Serbian press was writing about Hasim Taci links to organ trade crime, the Serbian side attempted to present itself at its best. Borislav Stefanović, leader of the negotiations team initiated a series of consultations with civil sector representatives (media, Non-Governmental Organizations). He intended to leave a public impression that Serbia will not enter the negotiation with firm positions.

The key event in 2010 were also the early elections in Kosovo and the formation of a new government, both of which, in part, postponed the beginning of the negotiations. The large turnout of Serbs in enclaves, their independence from official Belgrade in making decisions and the participation of the Independent Liberal Party (SLS) in Kosovo's Government, have demonstrated that within the Serb community in Kosovo a political option is ripening; one which is as autonomous from Belgrade as possible under the circumstances, and which demonstrates a tendency for active participation in institutions and works on the integration and improvement of the quality of life of the Serb community in Kosovo.

According to results of a public opinion survey conducted by the Institute of Social Sciences<sup>1118</sup>, if faced with the question – Kosovo or Europe 47% of respondents would choose Kosovo. 24% of respondents would opt for the European Union, whereas 29% would not know what to choose. However, in the same survey, 62% of citizens approve the idea of Serbia joining the EU. Srećko Mihajlović from the Belgrade Institute of Social Sciences maintains that the question 'either... or...' holds 'one small deception' of the respondent. 'The question is embedded in a virtual and unrealistic situation. No one ever has nor will offer such an alternative – either one or the other. No one has ever offered Kosovo to us. Kosovo was either won or lost, but it is a fact that Serbia never obtained it nor has anyone ever offered that sort of gain. Therefore, again, we cannot speak of such a dilemma as realistic'<sup>1119</sup>, added Mihajlović.

of Belgrade's media, based on which this conclusion was drawn.

1118 The question was posed in the survey 'Citizens' Perception of Transition' conducted on a sample of 1813 respondents. The research was directed by Srećko Mihajlović.

1119 *Politika*, January 8, 2011

The renowned public opinion researcher Srećko Mihajlović stresses that the majority of citizens are realistic, regardless of their statements that they would like for Kosovo to remain part of Serbia. By making a reference to an article by Milos Mojsilović, from a joint publication based on this survey, Mihajlović emphasizes that the attitude towards Kosovo is, in fact, problematized on two levels – on the level of values, where we express our aspirations, and on a realistic level ‘which demonstrates that citizens understand that Kosovo is an independent state; whereas the fact that they do not accept this and would not things to be so is another matter’<sup>1120</sup>.

### **A New Discourse on the Eve of Negotiations**

In the months leading up to the negotiations, Belgrade has attempted to change the radical rhetoric and policy towards Kosovo which has been conducted for decades. After a joint resolution submitted to the UN General Assembly by the EU and Serbia, and after the advisory opinion of the International Court of Justice about Kosovo’s independence, there was a plethora of positive changes in Serbia’s political life. Namely, after Serbia’s President Boris Tadić has defined the ‘new policy’, it has received strong support in Serbia’s public. This includes, firstly – that ‘Serbia must not be a country marked by one issue - the Kosovo issue’, and secondly - that ‘we will not be able to become a member of the EU if we are bringing new conflicts on board’<sup>1121</sup>.

The main indicator of the U-turn in policy is the absence from public view of Serbia’s Minister of Foreign Affairs Vuk Jeremic, who was the leader of the radical policy towards Kosovo. In late 2010, Jeremic has unexpectedly started to insist on dialogue: ‘We are resolving problems in the region through dialogue and this is the biggest contribution we have made to advance democracy in the world’<sup>1122</sup>.

1120 *Ibid.*

1121 *Blic*, October 7, 2010

1122 *Politika*, October 20, 2010

Borislav Stefanović, a less prominent high official of the Ministry of Foreign Affairs, was selected as the negotiations team leader. Stefanović has begun his new mandate, that is, the period from the announcement of his name to the first meeting of negotiating teams, with a wise move: by organizing a series of meetings, not only with political representatives, but also with the civil sector, as well as with messages that rigid attitudes are not welcome in the negotiations.

Official Belgrade generally emphasizes 'constructive cooperation' and 'Serbia's European perspective'. The formulation in the joint resolution adopted by the EU and Serbia, in which the 'dialogue of the two sides' is mentioned, does not exclude nor does it impose topics for discussion; which means that their contents and direction will, for the most part, depend on the willingness of Priština and Belgrade to find a compromise in direct negotiations.

Regardless of the fading rhetoric that the policy 'Kosovo within Serbia's borders' will not discontinue, official Belgrade is increasingly emphasizing the necessity of starting the negotiations with Priština as soon as possible, in addition to technical issues being the subject of negotiations. As the initial topics of negotiations, Belgrade has mentioned transport, telecommunications, cadastre, air-traffic, and missing persons. The agenda, according to Borislav Stefanović, will be harmonized with the European Union as well: 'we will have in our team experts in different areas, unburdened by neither politics nor political party membership, who will propose the best possible solutions from domains of their expertise respectively. The team leaders are political factors and they are the ones who will look for what is acceptable to them based on common points of proposes solutions'<sup>1123</sup>, Stefanović added.

Belgrade hopes for the negotiations to be concluded by the end of 2011, when elections in Serbia are expected to be held. This is in conjunction with Serbia's interest of being granted EU candidacy status. Serbia's insistence on speedy negotiations is received with distrust in Kosovo, in addition to a feeling of injustice that the youngest country in the Balkans will not be granted candidacy. For example, Kosovo is the only country in

1123 *Politika*, January 22, 2011

the region whose citizens require visas for travel throughout EU countries. Kosovo is also the only country which still has not negotiated and implemented the Stabilization and Association Agreement.

Belgrade officials claim that a delay of negotiations is not in their best interest because there are many unresolved issues. 'We have tried resolving certain issues by relying on the European and other international intermediaries and we have not been successful at it', as Oliver Ivanović, State Secretary at the Ministry for Kosovo and Metohija within Serbia's Government stated in RTV B92 show 'Kaziprst', aired on January 11, 2011. Ivanović added that the first topic for negotiations will most likely be the problem of missing persons. According to him, the long-term goal of negotiations with the Albanians is the pacification of the territory and the population, economic perspective and the creation of democratic institutions.

Bozidar Đelić has announced that Belgrade will attempt to resolve 'several open issues regarding regional cooperation, such as custom stamps of Kosovo and representation in regional forums'. It is not our intention nor is it in our interest to exclude Kosovo from trade relations or from regional cooperation. However, solutions which imply the direct or indirect recognition of Kosovo remain unacceptable to Serbia', Đelić added<sup>1124</sup>.

Representatives of the political mainstream acknowledge that, for now, 'difficult subjects' will be put aside and that the easier ones will be dealt with. Thus, the president of the Political Council of the Democratic Party (DS) Dragoljub Mićunović concluded that, at this moment, Belgrade is primarily interested in discussing the 'status of human rights in Kosovo. There, we have our compatriots and we can never be disinterested in and indifferent to their status'. Mićunović added that property issues, regarding both private and state property, are of crucial importance: 'we have our monasteries and cultural monuments, but there are also numerous economic issues, which should not be neglected. Our export to Kosovo is greater than that to the US and we have a positive trade balance with Kosovo. Therefore, we are interested in trade exchange and investment'<sup>1125</sup>. (Annually, the export from Serbia to Kosovo amounts to the value of goods

1124 Statement given to the *Serbian Broadcasting Corporation (RTS)*, January 17, 2011

1125 *Politika*, September 27, 2010

greater than 200 million euros, whereas from Kosovo to Serbia the export amounts to only 3.5 million euros).

The case of the mobile telephony represents the most concrete example of possible topics for discussion between Belgrade and Priština. The dialogue could start with issues of everyday life of citizens, such as the freedom of movement (the fact remains that citizens of Kosovo cannot move freely throughout Serbia with Kosovo documents), the issue of missing persons, culture, education, health care, the status of monasteries. The main issue which will determine the character of negotiations is the status of Northern Mitrovica.

### **First Signs of Cooperation between Belgrade and Priština**

Direct talks of President Tadić and the EU's Foreign Policy High Representative Catherine Ashton about Kosovo, that is about the beginning of the dialogue, have yielded first results in the field. In early October, in Kosovo's north, the first coordinated action by Serbia and EULEX against organized crime was carried out. Namely, the control over Serbia's border and Northern Kosovo has been significantly strengthened, which demonstrated that Serbia has, for the first time in the past 10 years, an interest in standing up to organized crime in Kosovska Mitrovica. During a 10-year period of complete lawlessness, new groups of organized crime have formed among Serbs in Kosovo. For years, Serbian media have been insisting upon the assertion that the Albanian community is the source of crime in the Balkans, whereas results in the field point to the fact that both communities participate in crime. It should be stressed that, in the past year, there was a significant rise of the lucrative business of human trafficking in criminal circles among Serbs in the north.

This primarily refers to the smuggling of excise goods (cigarettes, alcohol and, first of all, oil and oil derivatives), but also to the smuggling of people, drugs and weapons. The joint action carried out by the Serbian police and EULEX has resulted in the arrest of one of the leaders of the Serbian underground in Mitrovica. Thus, on October 5, 2010, a

male suspected of attempted homicide, possession of weapons and causing public disturbance has been arrested. This type of intervention led by EULEX (in cooperation with Serbia) is a demonstration targeted at the most extreme elements in Northern Kosovo. Even though the police-customs action itself does not provide a long-term solution, it demonstrates that, having been agreed upon at the highest political level (Ashton-Tadić), more concrete results in the field can be expected.

After increases control of the border, there was a decrease in smuggling in Kosovo's north in only a few weeks, which is also exemplified by the increased transit of lorries and cargo trucks through legal border crossings, which abided by legal and customs regulations.

During the same period, Kosovo's authorities have continued the process of disconnecting Telecom Serbia cell phone relays, which has, on the one hand, hindered communication of Serbs (especially those in enclaves) with central Serbia; whereas, on the other hand, this move has placed the market of cell phone services within a certain legal framework. Telecom Serbia has not been paying taxes on cell phone services in Kosovo for the past 10 years, which means that the decision of Kosovo's authorities falls within the law.

## **Northern Kosovo – the Main Challenge**

The vast majority of the general public (apart from extreme right-wing associations and parties) has replaced the perennial fraseology about 'red lines' and 'the sovereignty of Serbia' with the advocacy of dialogue and a new beginning. After a whole decade during which the mantra 'Kosovo is Serbia' has been repeated, a new catchphrase – 'reaching a historical agreement between Serbs and Albanians' – has taken root. However, it is unknown what the contents of this phrase might be. The same slogan has also been used by Serbia's President Boris Tadić, but he has never stated his view of this agreement.

An international law professor Radoslav Stojanović, too, underlines that 'talks between Belgrade and Priština cannot be talks on technical issues because the conflict between Serbs and Albanian has been going on

for 150 years'. He maintains that 'things should go in the direction of national reconciliation, which is a much longer and more painful process than that before the court, but that this represents the only solution'<sup>1126</sup>.

The leader of the negotiating team Borislav Stefanović, has stated that 'this is a generic term which encompasses the resolution of a range of accumulated problems which exist in Kosovo and Metohija'. 'By resolving the issues which burden the people in Kosovo and Metohija, and resolving the big and difficult issues which will eventually be on the agenda, we can speak of a historic compromise between Serbs and Albanians, which is a precondition of the normalization of the state of affairs in the western Balkans, a stable development of the region and an unhindered path towards the EU'<sup>1127</sup>, Stefanović said. For the Serbian elite gathered around Dobrica Cosic, the historic agreement between Serbs and Albanians is the division of Kosovo.

Serbia's president Boris Tadić has stated in September 2008 that he is 'prepared to ponder' the division of Kosovo and Metohija as an option for the resolution of the status of the province, but only if no other solution brings results. On the same occasion, in an interview for the Serbian Broadcasting Corporation (RTS) Tadić has stated that the division of Kosovo is 'not on the agenda' at this moment; but that Belgrade continues to search for a solution within the concept of the greatest possible autonomy of Kosovo within Serbia. 'I am prepared to deliberate on this option as well if we exhaust all other options first, and there are many of them, because there is still room for finding a solution as part of the option of essential autonomy'<sup>1128</sup>, Tadić noted.

Official Belgrade has ignored the Resolution of the European Parliament (EP) from January 2011, rather, the paragraph that parallel institutions in Kosovo should be dismissed 'since they are undermining the decentralization process and preventing full integration of the Serb community into Kosovo's institutions'. By commenting on the EP Resolution, the Government's Vice President Bozidar Đelić stated 'of course, it would

1126 *Blic*, October 31, 2010

1127 *Politika*, January 22, 2011

1128 *Politika*, September 30, 2008

have been better if this amendment was not adopted, but the EP does not decide about status. This is not binding for us, and has no legal force'<sup>1129</sup>.

At the time when the international and diplomatic focus was on Priština because of a government crisis, Serbia's radical forces have used this and carried out an 'institutional coup' of sorts by ousting local governments in the north, which were formed at the parallel elections in May 2010.

The Prime Minister of Republika Srpska Milorad Dodik got involved in the 'resolution' of the Kosovo issue, calling upon Serbs and Albanians to make a historic agreement in order to end the respective territorial arguments. In an interview for the Podgorica newspaper *Dan*, Dodik gave his opinion that a division of Kosovo would be the only realistic solution which could be acceptable both to Serbs and Albanians'<sup>1130</sup>. In his opinion, Albanians would have a hard time running the north of Kosovo, so that 'if he were in the shoes of Albanian decision-makers, he would offer the north of Kosovo in exchange for permanent peace and a delineation with Serbia'. At the same time, Dodik's message to Serbian decision-makers was that 'Serbia cannot allow to be trapped for another 50 years because of Kosovo'. In the same manner, Dodik is more and more frequently mentioning the option of greater autonomy of Republika Srpska from the central government in Sarajevo. With that in mind, these are extremely dangerous ideas considering not only that they imply possible attempts of drawing new borders between post-Yugoslav states, but they also put into question the borders with other states in the region. This principle could, then, be used as an argument by all minorities in the region, which could demand changes to the borders and exchanges of territories.

The rise of tensions in Kosovo's north is the result of political ferment within the Serb community. There was an unexpected change of leadership in the municipal assembly in North Mitrovica. Vojislav Koštunica's Democratic Party of Serbia (DSS) and Tomislav Nikolić's Serbian Progressive Party (SNS) have taken over two committee members of Rasim Ljajić's Social-democratic Party (SDPS), which has enabled them to take over the

1129 <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:315698-Ratifikovan-SSP>.

1130 According to *Danas*, March 15, 2010

power in the local self-government. The municipal assembly in North Mitrovica has been 'dominated' by a coalition gathered around the Democratic party (DS).

Serbia's Government maintains that this change lacks legitimacy because, as is being said, the Minister for Kosovo and Metohija in Serbia's Government Goran Bogdanović, has no 'legal stronghold'<sup>1131</sup>.

The most radical reactions come from extremists in Kosovska Mitrovica. They are accompanied by incidents. In September/October, several incidents were recorded. Firstly, on September 27, an explosive device was thrown at the family homes of the families Stojković and Milosavljević from Zvečan (for the second time in three months). In the attack which took place half an hour after midnight, no one was injured by pure chance, but significant material damage was incurred. Those assaulted believe that the motive is their participation in the preparations for elections which are organized by Kosovo's Government in the north of Kosovo (as well). On October 20, a bomb targeted the vehicle of Momcilo Arlov, one of the more prominent members of the civil society in Kosovo.

The attacks on individuals who cooperate with institutions in Kosovo testify to the increased nervousness and political insecurity among the most extreme members of the Serb community in Kosovo. On the other hand, this also points to a consolidation of radical forces against Tadić's policy and indicates the need to dedicate more attention to the dialogue within the Serbian corpus in Kosovo, because their respective interests are in direct opposition of one another – the Northern part is pro division, whereas those south of the river Ibar are explicitly against it.

In essence, the Serbian elite has given up on Kosovo a long time ago. However, it was skillfully instrumentalized in order to present a request for the secession of Republika Srpska. The entire Serbian elite, especially one with a legal profile, took part in this, and it has pushed the Kosovo issue through all international mechanisms in order to obtain legitimacy for opening the issue of the division of Bosnia.

Academics, authors of the Memorandum, have been particularly engaged on this, using every opportunity for public announcements. They

have particularly attacked the US and its crucial role in the Balkans, which has disconcerted Belgrade in accomplishing its 'historic goals with regards to Bosnia'. Thus, Dobrica Cosic stresses that the US has 'evolved from a democratic state to a monstrous police state'<sup>1132</sup>, and Milorad Ekmecic claims that this is 'a form of new fascism, with a democratic tradition and under a different name'<sup>1133</sup>. On the occasion of the Resolution on Kosovo, Ekmecic says: 'It is a success even if the world becomes divided over it, even if to our disadvantage (...) This is one of our great battles for the peoples and states which will be against the United States. (...) The world cannot allow for the US to drown small states and peoples in the dark'. He holds the US responsible because the 'civil war in Yugoslavia 1992-1995 was led within the American axiome that the Serbian people cannot renew the state which it has been creating for the part two centuries and that, in the political sense, it must remain in a fragmented condition, without a higher degree of unity'<sup>1134</sup>.

Vojislav Koštunica has called upon government representatives to stand up to 'blackmails and pressures of western powers, which are asking of Serbia to withdraw or amend the text of the Resolution on Kosovo and Metohija'<sup>1135</sup>. According to him, this is an important moment, when Serbia needs to demonstrate that it is a state which stands by its decisions and that it does not amend its decisions under pressure the way that 'puppet creations'<sup>1136</sup> do. DSS and the remaining parties gathered around the 'national coalition' feel that Serbia has made a mistake by appearing before the UN General Assembly, and that they should have focused exclusively on the Security Council, where Serbia has a majority in support of its stances on Kosovo.<sup>1137</sup>

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1132 *Vecernje novosti*, September 2, 2010

1133 *Vecernje novosti*, August 28, 2010

1134 *Vecernje novosti*, August 28, 2010

1135 <http://www.rts.rs/page/stories/sr/story/9/Srbija/760276/Za+i+protiv+kompromisa>

1136 [www.nin.rs](http://www.nin.rs)

1137 Koštunica assessed that the amendment of the Resolution submitted to the UN, which, in his words, does not suffice in terms of protection of state and national interests as it is, would be an

The Kosovo Serbs from the north interpret the Resolution on Kosovo as capitulation and as ‘blackmail by the European Union’<sup>1138</sup>, and maintain that the upcoming dialogue between Belgrade and Priština means acknowledging Kosovo’s independence and jeopardizing Serbia’s vital interests completely.<sup>1139</sup>

The reactions of Serbs in the enclaves are more realistic and their willingness to find a *modus vivendi* is evident. This was clear as early as local elections in Kosovo were held (in 2009), when a certain number of Serbs participated in them. Presidents of the municipalities of Strpce and Gračanica were particularly constructive in this regard. Rada Trajković, one of the prominent Serb figures in Kosovo stresses that ‘the issue of the status of Kosovo should not be part of the dialogue between Belgrade and Priština, because insistence on this topic would affect further destabilization of the Serb community in Kosovo. (...) For the time being, it is more important to speak of the living standard of citizens than of the status’.

## Elections and the Maturing of the Serb Community

The large turnout of Serbs at the elections held in December 2010 and the political will to participate in the functioning of Kosovo’s institutions<sup>1140</sup> points to an essential change in the Serb electorate which is the result of more mature political attitude within the Serb community in the past 10 years. During the election campaign, representatives of the Serb community have as primary issues of concern turned from security issues to economic issues, employment and the building of infrastructure. The

act of ‘putting up a white flag and an handing over Kosovo’.

1138 Marko Jaksic, vice president of the Kosovo and Metohija Community of Serbian Municipalities.

1139 Milan Ivanović, president of the Serb National Council (SNV), northern Kosovo and Metohia.

1140 In the Kosovo early parliamentary elections, Serb representatives have won 12 seats in Parliament (8 were won by the Independent Liberal Party SLS and 4 by the United Serb List JSL). The SLS president Slobodan Petrović was given the position of Vice President in the Government of Kosovo, whereas the SLS also got two other ministerial seats.

central theme for the citizens of Serbian nationality which were advocating participation in the elections were practical issues which promote working and living conditions; whereas advocates of the boycott in Kosovo's north have gathered around the idea of contesting Kosovo's statehood, as they have been doing throughout the entire past decade.

Even though the stance of official Belgrade towards Kosovo remains ambiguous, primarily with regards to the North, which is practically controlled by Serbs, the decision of the International Court of Justice has led to a certain softening of the stance of official Belgrade towards the integration of Kosovo Serbs into Kosovo's society. The conduct of the Government and Serbia's President in the election campaign and their vague and attitude towards the Serbs' participation in the elections<sup>1141</sup> has had a double impact. On one hand, it proved as support to those Serbs determined to vote; on the other, it served to convince others in northern Kosovo not to. These elections are yet another example of the influence Serbia's Government has on the Serbian community and this community's reliance on official Belgrade regardless of who holds power. What is new, though, and confirms the trend from the last local elections held in November 2009, is the fact that a significant part of the Serbian electorate is becoming more independent from Belgrade.

The only Serbian political factor which has demonstrated greater political independence from Belgrade and which has not mentioned its dependence on Belgrade in the campaign, is the Independent Liberal Party (SLS) which has won a convincing victory within the Serb electorate. The

1141 A day ahead of the deadline for submitting the lists, Serbia's Government has announced its stance regarding Serb participation in the elections stating that the 'conditions have not been created' in order for the Government to call upon Serbs to participate in the elections. The Government's announcement states: 'Serbia's Government considers it necessary to urgently reach through dialogue a sustainable and permanent solution for Kosovo and Metohija that would be acceptable to both sides, one that would lead to a historical reconciliation of the Serbian and Albanian peoples and would secure lasting peace as well as the region's European perspective' (Politika, November 11, 2010). Serbia's President Boris Tadić has not issued any particular statements on Kosovo's elections, stating on several occasions that his stance corresponds with that of the Government's decision.

Liberals are, also, the youngest political party which has rounded up Kosovo Serbs.

With regards to the interpretation of the Government's stance which speaks in favor of Serb participation in the elections, 'it will not use repressive measures towards participants in Kosovo's parliamentary elections'. Oliver Ivanović, state secretary in the Ministry of Kosovo and Metohija, which has, himself, participated in Kosovo's political life in the past years and is well acquainted with Belgrade's influence over Kosovo Serbs, has promised that 'official Belgrade will not exert repression towards those citizens of Serbia who choose to run in the elections in Kosovo'<sup>1142</sup>. The repressive measures refer, above all, to the economic sphere and they refer to the abolishment of additional income coming from Serbia, the loss of jobs in parallel structures and different types of social contributions.

The vague memo issued by Serbia's Government created the possibility for hearing a range of different statements given by the Government's officials and power-holding parties, including those calling upon Serbs to vote and nominate their representatives, all without any conflicts between parties or destabilization of the Government on account of the Kosovo elections. Dragoljub Mićunović, president of the Political Council of the ruling Democratic Party and a Serbian MP was the first to call for participation in the elections (as early as late October).

He assessed that the hitherto policy of boycotting elections in Kosovo hasn't yielded any results because, following each elections, the Serbs would remain ghettoized, without any legal protection and without any influence in the institutions. Mićunović stated: 'I do not believe that this has in any way helped keep Kosovo within Serbia or that it has thwarted those who have recognized its independence. I do not know whether Serbia's Government will adopt a joint stance and what that might be, but I hope that they will be driven by rational and not emotional reasons.'<sup>1143</sup>

1142 *Blic*, November 11, 2010

1143 *Blic*, October 2010 In the same article, Mićunović assessed that it was 'high time' to stop exploiting the Kosovo issue for purposes of daily politics. 'It is a fact that we do not hold power in Kosovo, nor do we control the situation there; thus its final status does not hinge on the term we use, be it: Serbia's

Apart from Mićunović, Slavica Đukić Dejanović, President of the National Assembly and a high official of the Serbian Socialist Party (SPS) has stepped out emphasizing that Kosovo's Serbs need to make their own decisions. She stated that the Serbian Government and the state should 'give suggestions' to citizens in Kosovo, but that 'they need to take responsibility for their own lives and reach the decision themselves, considering that they know best what is good for them'<sup>1144</sup>.

Dejan Radenković, an official of the Serbian Socialist Party (SPS) and deputy of the Committee for Kosovo and Metohija at the National Assembly, also holds that it is best for Kosovo Serbs to have their legitimate political representatives in order to address their interests and thus secure a better life for themselves. 'A call for Kosovo Serbs to participate in the elections does not imply the recognition of Kosovo's self-proclaimed statehood. Diplomatic efforts for maintaining Serbia's territorial integrity should be separated from the issue of the life of Serbs in Kosovo, in the sense that they should not be victims of this struggle and suffer worse living conditions for it'<sup>1145</sup>, Radenković added.

The Serbian Renewal Movement (SPO), which holds one Ministry in the Serbian Government, has called upon Serbs to vote in the elections, and according to Rada Trajković, certain party officials have actively participated in the election campaign<sup>1146</sup>.

southern province, territory temporarily under Priština's auspices, neighbour etc. This is playing with virtual reality, which, actually, serves to call into question the very process of Serbia's accession to the European Union. According to him, the issue of recognizing Kosovo's independence will not be one of the conditions for Serbia to join the EU, however, the normalization of relations with Priština most certainly will be. Mićunović added: 'Among other things, I think that we will not be allowed to block Kosovo's path towards the EU'.

1144 *Danas*, November 2010

1145 *Danas*, November 2, 2010

1146 Rada Trajković: 'Considering that some parts of the Government are very actively involved in the campaign for Serb participation in the elections without the Government falling apart because of it implies that the Government is indeed flexible and will not be punitive towards those supporting Serb participation. I am not only referring to SPO. There are other parts of the Government supporting us, but not publically. (...) there are people holding power who think that our participation in

Living conditions served as motivation for Serbs to participate in Kosovo's political life, which was epitomized in the elections.

Drenko Todorović, vice president of the Peć municipality for the Serbian community and SLS representative, claims that there are no more arguments on a national basis and that everyone's focus is on the economy, infrastructure, roads, jobs. Todorović says: 'once people get jobs, the status will no longer be talked about. Journalists from Belgrade come to a village and ask about the status. In my village, why would I care about the status? They are just poisoning people. Our biggest problems are jobs and infrastructure development.'

On a similar note, Rada Trajković, one of the leaders of the United Serb List, says: 'Serbs could have an impact on laws and bylaws to include elements for the protection of Serbs. (...) If we do not participate at all, these laws will be adopted anyway, and opposing voices will not be heard. The key to the survival of Serbs in Kosovo is in education and healthcare; whereas Ahtisaari's plan guarantees institutional ties with Belgrade.'<sup>1147</sup>

The boycott of elections was openly advocated in Serbia by the Serbian Radical Party (SRS), the Serbian Progressive Party (SNS) and the Democratic Party of Serbia (DSS). In Kosovo, the boycott was actively endorsed by political figures in the Kosovska Mitrovica region, primarily assembled around the Community of Serbian municipalities. The principal message of those boycotting the elections addressed safety issues and 'the lack of freedom of speech, movement and the return of displaced persons'<sup>1148</sup>.

the elections is a smart solution. It is perfectly normal that, due to circumstances, they cannot say this decisively. On the other hand, the Liberal Democratic Party (LDP), in the opposition, has been actively supportive. (*Politika*, November 11, 2011)

1147 Press, November 14, 2010

1148 Vuko Antonijević, member of the executive board of the Democratic Party of Serbia (DSS) refusing participation in the elections, added that 'they will not participate in the destruction of Serbia's territorial integrity and sovereignty by legitimizing secessionists and the 'Siptari state' to which we have no legal obligation'. Stojanka Petković, president of the Provisional Executive Council for Kosovo from G17 plus, another advocate of boycotting the elections, says: 'The way the Serbs live is not worthy of life. We are still a target of Albanian extremists. We do not have the freedom of movement, speech; there is no returning of displaced persons, and those who are here fear for their very lives on a daily basis. After all, the status issue is

## Implications of the Northern Kosovo Elections Boycott

The non-participation of Serbs from the Kosovska Mitrovica region in the elections, or rather, the continuity of boycotting Kosovo's institutions poses the greatest challenge to Kosovo elections with regard to the Serb community, with implications for security, regional integration and development. This part of Kosovo is the main source of instability in the region and is almost entirely outside of Kosovo's legal system. With its vague stance regarding the Kosovo elections, the Government has also supported Serbs in Northern Kosovo who were boycotting the elections. The political elite's attitude towards Northern Kosovo was also evident in the statements of high officials during the campaign.

An illustration of such behavior is also exemplified in the attitude of Dragoljub Mićunović, president of the Political Council of the Democratic Party (DS), whose call for participating in the elections was only addressed to Serbs in enclaves in central Kosovo. Commenting the elections in northern Kosovo, which is practically exempt from the legal system of the state of Kosovo, Mićunović says that Serbs did the right thing by not voting because 'the situation there is different': 'These are complete municipalities. They need to discuss this separately. Regarding the enclaves, I think it is better for them to participate, but with an agreement on a joint list, with more propaganda...'<sup>1149</sup>

The conduct of officials in parallel municipalities in central parts of Kosovo during the campaign also points to politics aimed at the division of Kosovo. However, for the first time, the officials of Serbian parallel municipalities in central Kosovo have expressed their willingness to participate in the elections for Kosovo's institutions, that is, to oppose the stance of Serbian politicians in Northern Mitrovica<sup>1150</sup>. However, we cannot exclude

.....  
 not resolved, and the entire international community claims that Kosovo is a 'black hole' where crime, drugs and prostitution flourish' (Politika, October 20, 2010)

1149 Radio B92, 'Kažiprst', December 10, 2010

1150 This attitude was not publically expressed, but it has been confirmed in conversations of Helsinki Committee's representatives

the possibility that this behavior was prearranged, given that it complies with the policy of incorporating northern Kosovo into Serbia, whereas the Serbs in enclaves are to integrate into Kosovo society.

The United Serb List led by Rada Trajković and Randjel Nojkic also hosted candidates of some of Belgrade's branches, such as the local committee of the Democratic Party of Serbia (DSS), which has directly advocated the boycott of the elections; which speaks in favor of the thesis that official Belgrade is disowning central and southern Kosovo (as well as the Serbs living there) in favor of acquiring the Mitrovica region. Biljana Martinović, a columnist of the daily *Politika*, which is under the influence of the ruling Democratic Party (DS) comments the Serbian list: 'The logic is simple, should the time come when the state is unable to reach further than the river Ibar, at least it will have its representatives in Kosovo's parliament who will remain loyal to their government seated in Nemanjina street'<sup>1151</sup>. In the first half of the past decade, representatives of Serbian parties in Kosovo's institutions have tried on several occasions to block their work and the adoption of legal documents, acting under Belgrade's strong influence.

Voting in the Mitrovica region was secured by roughly one thousand members of the Kosovo police, with EULEX and KFOR standing by. Serbian political leaders and Northern Kosovo's parallel structures (Serbian Community of Municipalities) have actively participated in preventing Serbs from voting. Namely, they did not allow for the opening of polling stations in 'Serbian public institutions and municipalities in Northern Kosovo'. This part of Kosovo has always been home to tensions between Serbian parallel structures and Serbs willing to participate in Kosovo's political life.

The Assembly of the Community of Municipalities in Kosovo has unanimously adopted the decision to 'strongly condemn the submission of the United Serb List for Kosovo's elections'. Radovan Nichic, the Assembly's president, even asked of the authorities in Belgrade to relieve Rada Trajković and Randjel Nojkic, political stakeholders and representatives of .....

with officials of parallel municipalities in central Kosovo.

1151 *Politika*, November 16, 2010

the so called Serbian list, of their duties. The story that participation in the elections will improve the lives of Serbs in Kosovo and Metohija doesn't hold up because the same people have been in institutions of the self-proclaimed state of Kosovo since 1999'<sup>1152</sup>.

Rada Trajković and Randjel Nojkic, leaders of the United Serb List claim that Serbs in the North are pressured, threatened and intimidated by authorities in Northern Kosovo so as not to participate in the Kosovo elections'<sup>1153</sup>.

Political representatives of Serbs engaged in integrating the Serb community into Kosovo's society are subjected to attacks and threats. In a statement for Radio Free Europe, Rada Trajković said that a range of incidents which have taken place during the past several months, and in which Serbs cooperating with Kosovo institutions were targeted, undoubtedly points to the political background of attacks. 'The state of affairs is that a vast number of people from Northern Kosovo have stepped forward and were willing to be on the list, which I found quite encouraging. However, we are, of course, aware that a continuation of political diversions remains the sad reality in Northern Kosovo. This is an understatement for what is happening to people who think differently'<sup>1154</sup>, says Trajković.

Government representatives in Belgrade have denied the existence of pressures discussed by leaders of the United Serb List. For example, Oliver Ivanović, state secretary of the Ministry for Kosovo and Metohija in Serbia's Government, himself once the leader of Serbs in Northern Kosovo, in a statement for Radio Free Europe 'repeated that there aren't any such pressures in Northern Kosovo, stressing that the only decisive reason why Serbs in the North are not participating in the elections on December 12<sup>th</sup> is the Serbian Government's decision'<sup>1155</sup>. 'The atmosphere is, indeed, different than that in other parts, but this cannot be ascribed to threats; there simply isn't an interest in participating in Kosovo's institutions in the north', Ivanović said.

1152 *Radio Free Europe*, November 24, 2010, [www.danas.org/articleprintview/2229322.html](http://www.danas.org/articleprintview/2229322.html)

1153 *Radio Free Europe*, November 24, 2010, [www.danas.org/articleprintview/2229322.html](http://www.danas.org/articleprintview/2229322.html)

1154 *Radio Free Europe*, November 24, 2010, [www.danas.org/articleprintview/2229322.html](http://www.danas.org/articleprintview/2229322.html)

1155 Statement issued on November 24, 2010

Reports on incidents, however, tell a different story. During the past few months before the elections, a range of incidents have been reported, mostly in the northern part of Kosovska Mitrovica and neighboring Zvečan, where Serbs cooperating with Kosovo's institutions were the main target of attacks. The victim of one of the gravest incidents was Petar Miletic, the Independent Liberal Party's (SLS) general secretary and Kosovo Assembly MP. He was shot three times in both legs. Besim Hoti, the regional spokesperson for the Kosovo Police qualified the attack on Miletic as attempted murder.

The reactions of Serbia's elite to the election success of the Independent Liberal Party (SLS) boiled down to either attacks and accusations or to silence.

The lack of support for the SLS suggests that Belgrade does not treat all Serbian political actors in Kosovo equally.

The Minister for Kosovo and Metohija in Serbia's Government stated that not calling upon Kosovo Serbs to participate in the elections turned out to be a good decision. Oliver Ivanović, the state secretary for Kosovo and Metohija, accused Serbs 'south of the river Ibar' to have impeded Belgrade's negotiating position and to have 'have turned a deaf ear to the recommendations given by state institutions'. 'The polarization between the north and south of Kosovo is deepening and it is abetting the Albanians', said Ivanovic<sup>1156</sup> Milivoje Mihajlović, director of the Media Bureau of the Government of Serbia and one of the Government's most vociferous speakers maintains that 'the Kosovo elections have not boosted the political capacity of Serbian parties'. 'First of all, [this is due to] numerous irregularities, and secondly, due to the fact that certain parties have used their hitherto participation as stakeholders in Priština to aid Albanian parties in power rather than to resolve the problems of Serbs'<sup>1157</sup>.

1156 *Večernje novosti*, December 14, 2010 P. Vasiljević: 'Serbs in Kosovo and Metohija: A Polarization between the North and South', Interned edition

1157 *Večernje novosti*, December 14, 2010, P. Vasiljević: 'Serbs in Kosovo and Metohija, the Polarization of the north and south', internet edition

The report written by Dick Marty, the Council of Europe Rapporteur, on crimes in Kosovo and accusations of the involvement of Hašim Tači, the victor of Kosovo elections, has been misused to disqualify the SLS.

Representatives of the defeated United Serb List coalition have accused the Independent Liberal Party (SLS) of bribing voters and getting payments from Hašim Tači for the election campaign. In an interview for 'Kaži prst', aired on Radio B92, Rada Trajković stated that, by joining the Government, the SLS is providing Tači with immunity. 'Is there a Serb willing to join the Government after this [report by Dick Marty]?', Trajković asked.

Responding to pressures not to join the future Kosovo Government (especially if formed by Hasim Tači), Slobodan Petrović, president of the SLS remained cautious and moderate in his statements, leaving room for further cooperation with the new government and other institutions in Kosovo. Petrović has demonstrated his willingness to be a partner in the government which would be formed by Tači, regardless of Dick Marty's report, stating that 'everyone is innocent until proven otherwise'<sup>1158</sup>.

In this context, his statements corresponded with those given by Serbia's President Boris Tadić that he will negotiate with the leader of Kosovo's government whoever it may be. Petrović says: 'our view is identical to that of Boris Tadić, which is to wait for a response to the accusations. Of course, all those responsible should be held accountable (...). If [the accusations] prove to be true, Tači will not have the opportunity to form the government. Elections will be re-held in some places, so the deadline is January 20. This is a good thing, because we will know something by then. I really would not like to disrupt anything by giving a statement of any sort. You know, we do live there and I am not comfortable with stating any conclusions I am uncertain of.'<sup>1159</sup>

Regardless of the new circumstances concerning the Council of Europe's report, the SLS and its leader have not utilized this report to incriminate the entire Kosovo society; rather they have remained consistent in their stance that issues of life of Serbs in Kosovo must be resolved

1158 *FoNet*, December 29, 2010

1159 *Politika*, December 20, 2010

through the institutions of that state<sup>1160</sup>. The good results achieved by the Independent Liberal Party (SLS) were also, in part, the outcome of the engagement of its officials and activists within Kosovo's institutions, as well as of the assistance of the international community on improving the infrastructure in regions inhabited by Serbs<sup>1161</sup>.

## Conclusions and Recommendations

The main challenge in Belgrade-Priština negotiations is the north of Kosovo, which is under the control of Belgrade and Serb parallel structures. In the aim of establishing stability in the Balkans, parallel government structures in the region of Kosovska Mitrovica need to be disbanded, and the region brought back into Kosovo's legal system. Unless an agreement about North Kosovo is reached – the region will remain to be one of the main sources of crime in the Balkans.

The division of Kosovo, which has been discussed in Serbian circles as a future strategy, is an unacceptable solution because it could become the basis of conflicts throughout the region. Such an outcome would represent potential for similar requests in other countries which have large minority groups in border regions, which could lead to a series of new requests for border changes.

It is of particular importance that the international community, primarily the US and the European Union remain unified in its stance that 'there is no division of Kosovo'.

1160 Petrović: 'We do not need to be told that living conditions in Kosovo are far from good, we know that ourselves. However, improving these conditions is a motive for our participation in the institutions which can make a difference' (*Politika*, December 20, 2010). We have participated in the elections in order to improve our people's position. We do not get to decide on Kosovo's status, however, we can make decisions about roads, employment, infrastructure.' (*Večernje novosti*, December 14, 2010)

1161 Petrović: 'What is true is the fact that the US are a great authority in Kosovo (...) What we have asked for for the Serb community over the past 3 years, has been carried out for the most part. If it weren't for us, it is certain that there would not have been neither those antennae nor the workers of the Public Phone Company of Serbia (PTT). It is fortunate that these friends of ours from the international community are here. (*Politika*, December 20, 2010)

Considering that Kosovo is one of Serbia's most significant export markets, it is necessary for the trade-economic relations to settle as soon as possible, which implies that Belgrade needs to accept the adjustment of customs regulations between the two countries.

The civil sector can greatly contribute to the speeding up of negotiations and their successful conclusion. Non-Governmental Organizations which have a continuous cooperation on the relation Belgrade-Priština can be a useful ally in the normalization of relations as well as in the establishing of new relations.

Given that the Serbian public is burdened by exceedingly radical attitudes towards Albanians, the role of the media is of crucial importance for creating a new atmosphere and changing public opinion about its first neighbor.